



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 18 JANUARY 2023 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

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.

Please note the public health requirements for attendees at the bottom of the agenda.

Planning Committee Members:

Councillors Chris Attwell (Chair), George Fielding, Hugh Mason, Robert New, Darren Sanders, Russell Simpson, John Smith, Judith Smyth (Vice-Chair), Linda Symes and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Cal Corkery, Lewis Gosling, Abdul Kadir, George Madgwick, Scott Payter-Harris, Steve Pitt, Asghar Shah, Lynne Stagg, Daniel Wemyss and Ian Holder

(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.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests

3 Minutes of previous meeting held on 21 December 2022 (Pages 5 - 16)

RECOMMENDED that the minutes of the meeting held on 21 December 2022 be approved as a correct record.

4 ~~22/01292/FUL - Land at Tipner East, east of the M275, west of Twyford Avenue, Portsmouth (Pages 17 - 48)~~

PLEASE NOTE THAT THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA FOR THIS MEETING

Detailed planning application for the redevelopment of site to provide 835 residential units of 1, 2, 3 and 4 bed units across a number of buildings of between 2 and 11 storeys, to include some ground floor commercial (use Class E) and community uses (use Class F1 and F2), within blocks, E, F, J and K. With vehicular access from Twyford Avenue, and pedestrian, cycle and emergency access to and from the Park and Ride. To include landscaping, sea wall, improvements to the ecological barge, new coastal path, cycle lane, car parking and servicing, and other associated works. This application constitutes EIA development.

5 21/01774/FUL - 77-79 High Street, Cosham, PO6 3AZ (Pages 49 - 62)

Construction of two separate 2-storey roof extensions above existing building with connecting walkways and communal roof terraces to form 8 dwellings; alterations at ground floor to create new entrance fronting Dorking Crescent and associated refuse storage facilities.

6 22/01368/FUL - 167-169, Highland Road, Southsea, PO4 9EZ (Pages 63 - 72)

Construction of a three-storey building with mansard roof to form 4no. Dwellings with associated parking and refuse/cycle storage, following demolition of the existing building.

7 21/00934/FUL - 12 Beach Road, Southsea, PO5 2JH (Pages 73 - 84)

Conversion to form 3 no. one bedroom self-contained flats including second floor rear extension and remodelling of existing rear dormer.

8 21/00933/FUL - 8 Beach Road, Southsea, PO5 2JH (Pages 85 - 96)

Conversion to form 3 no. one bedroom self-contained flats including second floor rear extension and remodelling of existing rear dormer.

9 22/01260/FUL - Former Mary Rose & Dragon Public House St George's Road, Portsmouth, PO1 2EW (Pages 97 - 114)

Conversion of building to form retail unit at ground floor and 2no. dwellings at first floor; to include single storey rear extension, parking, cycle and refuse storage and associated alterations.

10 22/01102/FUL - 49 St Piran's Avenue, Portsmouth, PO3 6JE (Pages 115 - 124)

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

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February 2022 and the end of universal free testing from 1st April 2022, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April 2022 advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April 2022, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- 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.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue. Whilst every effort is made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

Agenda Item 3

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 21 December 2022 at 10.30 am in the Council Chamber, the Guildhall, Portsmouth

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

Present

Councillors	Chris Attwell (Chair) Judith Smyth (Vice Chair) Hugh Mason Robert New Russell Simpson George Fielding John Smith Linda Symes Dave Ashmore (standing deputy) Ian Holder (standing deputy)
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Welcome

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

Guildhall, Fire Procedure

The Chair explained to all present the procedures for the meeting and the fire evacuation procedures including where to assemble and how to evacuate the building.

182. Apologies (AI 1)

Apologies were received from Councillors Darren Sanders and Gerald Vernon-Jackson. Councillors Dave Ashmore and Ian Holder were present as Standing Deputies.

Councillors Dave Ashmore, Ian Holder and Linda Symes apologised that they would need to leave the meeting by 1.00pm.

183. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

184. Minutes of previous meeting held on 30 November 2022 (AI 3)

RESOLVED: That the minutes of the Planning Committee held on 30-November 2022 be agreed as a correct record.

PLANNING APPLICATIONS

The Supplementary Matters report and deputations can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 21st December, 2022, 10.30 am Portsmouth City Council](#)

185. 20/00204/FUL - St James Hospital, Locksway Road, Southsea PO4 8LD (AI 4)

Redevelopment of former St James' Hospital comprising the conversion of listed buildings and listed Chapel to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, construction of new 2 and 3 storey housing to provide 58 dwellings, retention of cricket pitch, club house and changing rooms, provision of car parking, associated landscaping and other works (phased development).

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report, informing members that this application was previously reported to the Planning Committee in January 2022 with a recommendation for approval subject to conditions and the completion of a Section 106 legal agreement. The Committee resolved to defer the application for four reasons - affordable housing provision, new build housing elements, retention of mature trees and highways implications. Two appeals for non-determination were subsequently submitted and the Planning Inspectorate is now the determining authority in this case.

The Assistant Director explained that as the appeal progressed to a Public Inquiry earlier this year, discussions with ward councillors about whether any reasons for refusal should be defended had settled on two linked reasons. Those being the unsettled mitigation of potential harm to Milton Common and Brent Geese sites which was a concern raised by Natural England on the day of the Committee meeting in January 2022. Work is ongoing with the Parks Department and the Applicant to update the mitigation strategy to resolve the matter but currently it remains an unresolved harm associated with the development, justifying refusal in the opinion of officers and Portsmouth City Council. As there is a substantive cost associated with the mitigation strategy, officers felt there was insufficient evidence at the time to confirm that the zero provision of affordable housing on a viability basis was proven as the cost of mitigation was not known. The linked reasons for refusal currently being defended to the upcoming Inquiry are therefore, the unmitigated impact on Brent Geese and unproven reduction in affordable housing contrary to policy due to the inadequate viability appraisal. Ward councillors and representatives of the Milton Neighbourhood Forum attended the Planning Inspectorate case management conference as interested parties. In addition to these outstanding issues, the Milton Neighbourhood Forum and ward members have other concerns, and these are set out in the officer's report.

The Assistant Director informed the Committee that the Applicant had asked the Planning Inspectorate to request that the Council undertake a further public consultation in the light of the number of amended plans submitted with the appeal. Consultation on some aspects post-referral took place in February, but the application had been updated again with the appeal and the Applicant asked the Planning Inspectorate to ask the Council to undertake further public consultation. This was agreed and the consultation took place earlier this year. There are therefore a series of amended drawings and combined drawings though the changes are not significant but the Committee is being asked,

following review of those updated submissions and the responses received from the community, to consider the matter in full and reach a resolution as to what decision the LPA would have taken in light of this. The Applicant may have a different view and may feel that adding concerns now, should the Committee resolve to do so, amounts to unreasonable behaviour justifying seeking an order of Costs in respect of the appeal. Officers are however satisfied that following the latest consultation process it is reasonable for the Committee to consider the key issues for consideration in the determination of the application/ appeal (as set out in paragraph 1.2 of the officer's report) before the Public Inquiry in April 2023.

The Assistant Director confirmed that the Committee was being asked to make a resolution on what the Council would have determined. This is a long-running matter which has attracted significant local concern and ward members have made clear their opposition to the development as proposed in the past.

The Assistant Director drew attention to the Supplementary Matters report including amendments to the report, further representations from the Milton Neighbourhood Planning Forum and a letter of objection from the Rt Hon Stephen Morgan MP. He then introduced the key matters relating to the application as set out in the officer's report.

Deputations

Rod Bailey for Milton Neighbourhood Forum and Planning Forum
Councillor Kimberly Barrett
Councillor Steve Pitt
Councillor Darren Sanders
Councillor Gerald Vernon Jackson

Members' questions

The following points of clarification were offered in response to members' questions:

- Officers could not pre-judge Natural England's response to the Brent Geese survey work being undertaken but it was not anticipated that there would be a significant change to previous outcomes.
- Although Natural England had raised its concerns late in the day (around the January 2022 Committee meeting), it was their view that the Milton Management Framework was out of date, and it will respond once the work to update the mitigation strategy had been completed.
- In relation to traffic movements, standardised databases are used to predict the amount traffic expected. It was officer's view, that it was not reasonable to compare full hospital use traffic with potential residential use and that reduced hospital use was more appropriate for comparison purposes. Although some minor adjustments are needed, the Highways Authority did not raise concerns with the proposals.
- The national, standardised databases for traffic movements have not been updated to take account of post-COVID changes to working patterns including increased working from home. It has been suggested that public transport use has declined post-COVID and there is an increasing reliance on private cars.

- The drawings of the main hospital building shown during the presentation showed the front and rear elevations, not 'existing and proposed' representations as suggested in the deputation by one of the ward councillors.

Accordingly, Councillor Gerald Vernon-Jackson confirmed that he withdrew his comments made in his deputation about the proposed loss of Victorian features to the main hospital building.

The Assistant Director provided the following further points of clarification:

- PCS13 a greener Portsmouth does not apply to all open space but rather 2 limited categories as it states: *"Refusing planning permission for proposals which would result in the net loss of existing areas of open space, as shown on map 21, and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm."*
- When the site was a hospital more of the site would have been open, but the public had no right to access to the space. A public access agreement will ensure that the remaining open space will be secured for public access and officers are satisfied that overall, access to open space is increased and this is one of the benefits of the scheme.
- This needs to be balanced against the loss of space elsewhere in the site. Extensive pre application discussions had taken place in relation to where to locate dwellings.
- Although an image of the dwellings in the South East corner of the site was not available, it was confirmed that these would be of a similar design to other properties on the site and will comprise a flat roof and will be brick built.

Member's comments and recommendations

Members commented that in addition to the reasons for refusal set out in the report, the loss of mature trees and open space, particularly in relation to Matron's Gardens was a concern. It was also suggested that the cycle way through the site could be improved.

The Assistant Director confirmed his professional advice that the matter of affordable housing was covered by the officer's recommendation. He referred members to paragraph 7.2 of the report which sought the nomination of a Councillor/ Councillors from the Committee to provide proof of evidence of any additional or alternative reasons for refusal and to defend the decision at the Public Inquiry.

A member of the Committee challenged the need to nominate a Councillor to provide proof of evidence and a defence at the Public Inquiry, stating that this had not been his previous experience and that the Chief Executive, as a former planning professional, could perform this function. The Assistant Director confirmed that this was not a new requirement and that members of the Committee must be accountable for their decisions where they diverge from officers' professional advice.

The Legal Advisor commented that he supported the professional advice given by the Assistant Director and he advised that other authorities put councillors forward to defend reasons for refusal when officers, based on their professional opinion, do not support those reasons. He added that the Royal Town Planning Institute's Code of Professional Conduct, specifically Rules 11 and 12, address this directly and confirmed that the scenario with this application is not a usual situation in Portsmouth.

The Assistant Director confirmed that officers would provide assistance to the nominated councillor, but it is not officers' professional opinion to add reasons for refusal in this case. He strongly rejected the view expressed that officers would not be acting professionally in these circumstances adding that it is normal practice for councillors to defend the decisions they make.

A member of the Committee noted that the Public Inquiry would be taking place in April during the politically restricted, pre-election period (known as purdah) and enquired whether councillors would be able to attend the hearings. The Legal Advisor advised that Council resources would not be deployed to support a political view. The Assistant Director clarified that Public Inquiries have taken place during this period in the past and that it had been raised as an issue with the Planning Inspectorate. The Assistant Director advised that planning decisions are not political by law and that there would be no impediment to ward councillors being present at the Inquiry either as an interested person or designated person.

Members reiterated their concern about the loss of protected trees and open space, particularly on the site known as Matron's Garden and noting such loss is in breach of policies ENV1 and ENV2 of the Milton Neighbourhood Plan.

RESOLVED: That the Secretary of State be advised that had Portsmouth City Council Planning Committee been able to determine the application, it would have resolved to refuse planning permission for the following reasons:

- 1) In the absence of sufficient information being provided for the Habitats Regulations Assessment, as requested by Natural England, there is no certainty around the mitigation strategy which is required to address the likely significant effects in respect of recreational disturbance, as is identified in paragraph 4.1.8 of the Draft Habitats Regulations Assessment (ref. 200127 0991 HRA V1B) dated 18 December 2020 submitted. As such, the proposal should be refused due to the uncertainty regarding unmitigated adverse impact on protected habitats in accordance with the Habitats Regulations.**
- 2) Insufficient viability justification has been provided, noting the uncertainty arising from the cost of mitigation under the Habitat Regulations, to demonstrate that the scheme is unable to provide affordable housing contrary to Policy PCS19 of the Portsmouth Plan 2012.**

The Planning Committee added an additional reason for refusal as follows:

- 3) The loss of protected trees is unacceptable and the replacement tree planting proposals does not enhance and protect the historic landscape. In particular, the loss of trees and open space on the site known as Matron's Garden, is wholly unacceptable and is in breach of policies PCS13 of the Portsmouth Plan and ENV1 and ENV2 of the Milton Neighbourhood Plan.**

The Planning Committee nominated Councillor Chris Attwell, Chair of the Planning Committee, to provide appropriate proof of evidence and the defend the decision at the upcoming Public Inquiry.

The Committee adjourned for 10 minutes at 12.08. Councillor Ian Holder left the meeting during the adjournment.

186. 20/00407/OUT - Post Office, Slindon Street, Portsmouth PO1 1AB (AI 5)

Outline application with all matters reserved except access and scale for the construction of a building up to 19-storeys/62m for circa 176 nos. Dwellings (class C3); parking and servicing with access from Lower Church Path; podium level open space and associated works following demolition and removal of existing buildings and structures (amended description and drawings).

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report and drew attention to the Supplementary Matters list which set out a letter of support for the application from Alan Pearce (received on 20 December 2022) on behalf of Fusion Students.

Deputations

Shaun Adam (for the Applicant)
Tom Molyneux-Wright (Agent)

Members' questions

The following points of clarification were offered in response to members' questions:

- The Committee could not impose a condition relating to affordable housing if the result was to make the scheme unviable.
- National policy guidance on this point is clear and officers have seen viability evidence provided by the Applicant which has been independently verified.
- Registered social landlords (RSLs) such as housing associations may have greater access to funding and this scheme does not have an RSL partner.

Member's comments and recommendations

Members noted that paragraph 7.39 in the officer's report addressed the Portsmouth Plan requirements for affordable housing for schemes of more than 15 dwellings. Members commented that notwithstanding the lack of affordable housing, the addition of 176 new dwellings to the City's housing stock was to be

welcomed. It was noted that this is an eye sore site which needs regeneration, and the proposed building matches the height of others in the area.

RESOLVED: That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission within 9 months in order to allow for the completion of legal agreements to secure the following:

- **Provision to secure mitigation in respect of the net increase in Nitrate load (TBCKg/TN/yr) resulting from the proposed development in line with the City Council's Interim Nutrient Neutral Mitigation Strategy. Mitigation to be calculated by the number of new apartments (currently circa 176 beds)**
- **Provision to secure a contribution towards setup/monitoring of Travel Management Plan £5,500.**
- **The Travel Plan itself to be secured by Planning Condition;**
- **Provision to secure the agreement and implementation of an Employment & Skills Plan;**
- **Project Management/Auditing Fee £620 (Employment and Skills Plan). To be controlled by condition.**

187. 20/00152/FUL - Post Office, Slindon Street, Portsmouth PO1 1AB (AI 6)

Change of use of part of building to form hotel (class C1); external alterations to include: construction of two additional storeys, replacement of all facades, formation of roof terraces and demolition of eastern part of the building (amended description and drawings).

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report. He drew attention to the Supplementary Matters list which included two additional letters of representation, both in support of the application, and further clarification to Ecology and Biodiversity considerations set out in paragraph 6.58 of the officer's report.

Deputations

Shaun Adam (for the Applicant)

Tom Molyneux-Wright (Agent)

Members' questions

The following points of clarification were offered in response to members' questions:

- The application includes a drop off area including for taxis and coaches. The site is highly accessible, including to the station, and the lack of parking is not considered to be an issue. The Highway Engineer has stated that some modification to the existing junctions with Station Street to resolve highway safety concerns and this would be subject to a separate statutory process.
- The application site sits within the Portsmouth Clean Air Zone where the Council is actively trying to reduce vehicle traffic.
- Regarding nitrates mitigation, the Applicant has advised that it is their intention to enter into a S106 using the Hampshire and Isle of Wight Wildlife Trust credits to offset this.

- There is a move towards utilising land-based credits whereby farmland is managed to ensure less nitrate washing into Solent waters.

Member's comments and recommendations

Members welcomed the development of the site and looked forward to seeing the detailed drawings.

RESOLVED: That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission within 9 months in order to allow for the completion of legal agreements to secure the following:

- **Provision to secure mitigation in respect of the net increase in Nitrate load (TBCkg/TN/yr) resulting from the proposed development in line with the City Council's Interim Nutrient Neutral Mitigation Strategy. Mitigation to be calculated by the number of hotel bedrooms (currently 218-beds) x £903.82) - Total £197,032.76;**
- **Provision to secure a contribution towards setup/monitoring of Travel Management Plan £5,500. The Travel Plan itself to be secured by Planning Condition;**
- **Provision to secure the agreement and implementation of an Employment & Skills Plan;**
- **Project Management/Auditing Fee £620 (Employment and Skills Plan). To be controlled by condition.**

Councillor Linda Symes left the meeting at 12.47pm.

188. 22/00427/HOU - 43 Military Road, Hilsea, Portsmouth PO3 5LS (AI 7)

Construction of mansard roof to form additional storey.

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report. He drew attention to the Supplementary Matters list which included a letter of objection from a neighbour and four additional letters of objection. The concerns raised have been addressed within the officer's report.

Councillor Russell Simpson informed the Committee that he had not asked to make a deputation on this matter.

Deputations

Pete Keniston, objecting
Councillor Scott Payter-Harris

Moe Horswell had been due to make a deputation (objecting) but she was not present and it was read out by Councillor Russell Simpson on her behalf.

Members' questions

The following points of clarification were offered in response to members' questions:

- The property was granted conditional permission for the construction of a new second floor with mansard roof in 2008 having been previously refused permission in 2006. The 2008 permission has expired.
- The property is unusual, comprising a flat roof and red-brick, render and timber-cladding.
- The surrounding area is made up of detached, semi-detached and terraced building which differ substantially in design.
- The officer was unable to confirm how many properties in the area had a flat roof or when it was originally built.
- Members were reminded that every application must be determined on its own merits and that the application in 2008 was deemed to be acceptable on that site.
- The development may interrupt the views and sunlight to neighbouring properties, but officers were satisfied that this would not comprise an unreasonable impact. The right to a view is not material.

Member's comments and recommendations

Members expressed concern that the development would be uncharacteristic of the area which had a village feel. Concerns about the additional storey being deleterious to the neighbouring properties and resulting in the loss of light and quiet enjoyment of their property were expressed.

Some members felt that the proposal would result in a building which was too tall and out of character for the area and suggested that a light study should have been undertaken. Other members were less concerned about the height of the proposal but did not feel that the design was suitable, fit in with the existing building or was of sufficient quality for the site.

RESOLVED that the application be refused for the following reasons:

The proposed construction of an additional floor at roof level would, by virtue of its excessive bulk and design, represent an overbearing and unneighbourly development, detrimental to the amenities of adjoining occupiers notably in terms of their outlook and is contrary to policy 23 of the Portsmouth Plan 2012.

189. 22/01490/VOC - 1-40 Lombard Court, Lombard Street, Portsmouth (AI 8)

Application to vary condition 3 of planning permission 22/00502/FUL in relation to paint colour of roof terrace balustrade.

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report.

There were no questions or comments.

RESOLVED to grant Conditional Permission as set out in the officer's report.

190. 22/01451/FUL - 55 Bedhampton Road, Portsmouth PO2 7JX (AI 9)

Change of use from dwelling house (class C3) to purposes falling within classes C3 (dwelling house) or C4 (house in multiple occupancy).

The Assistant Director for Planning and Economic Growth, Ian Maguire, presented the report.

Deputations

Simon Hill, for the Applicant, was due to make a deputation but he was not present.

Members' questions

The following points of clarification were offered in response to members' questions:

- The bathroom, though slightly under-sized is considered acceptable as it was for the use of two residents as the other bedrooms have the use of an en-suite.
- The additional living room makes up for the inadequacies of the kitchen dining room and it is considered that the living room is required for communal living to ensure a reasonable living environment for the six residents.
- The retention of the living room is therefore protected by condition.

Member's comments and recommendations

Members accepted that the bath in the shared bathroom on the first floor was an acceptable compromise which offset it being under-size.

Members welcomed the additional condition to prevent the conversion of the living room into an additional bedroom, while noting that the Applicant could apply to have the condition removed before making an sui generis application in the future.

RESOLVED to grant Conditional Permission as set out in the officer's report.

191. Planning Committee meeting dates (AI 10)

RESOLVED: To agree the meeting dates for the municipal year 2023/24 as follows:

31 May 2023

21 June 2023

12 July 2022

2 August 2023

23 August 2023

13 September 2023

4 October 2023

25 October 2023

15 November 2023

6 December 2023
10 January 2024
31 January 2024
21 February 2024
13 March 2024
3 April 2024
24 April 2024

The meeting concluded at 13.27 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

22/01292/FUL

WARD: NELSON

LAND AT TIPNER EAST, EAST OF THE M275, WEST OF TWYFORD AVENUE
PORTSMOUTH

DETAILED PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 835 RESIDENTIAL UNITS OF 1, 2, 3 AND 4 BED UNITS ACROSS A NUMBER OF BUILDINGS OF BETWEEN 2 AND 11 STOREYS, TO INCLUDE SOME GROUND FLOOR COMMERCIAL (USE CLASS E) AND COMMUNITY USES (USE CLASS F1 AND F2), WITHIN BLOCKS, E, F, J AND K . WITH VEHICULAR ACCESS FROM TWYFORD AVENUE, AND PEDESTRIAN, CYCLE AND EMERGENCY ACCESS TO AND FROM THE PARK AND RIDE. TO INCLUDE LANDSCAPING, SEA WALL, IMPROVEMENTS TO THE ECOLOGICAL BARGE, NEW COASTAL PATH, CYCLE LANE, CAR PARKING AND SERVICING, AND OTHER ASSOCIATED WORKS. THIS APPLICATION CONSTITUTES EIA DEVELOPMENT

LINK TO ONLINE DOCUMENTS [HERE](#)

Application Submitted By:

Mr Alex King
Mission Town Planning

On behalf of:

J Waterfield
Vivid Housing

RDD: 6th September 2022

LDD: 19th January 2023

SUMMARY OF MAIN ISSUES

- 1.1 This application is being presented to Planning Committee as it is a significant Major development involving Environmental Impact Assessment.
- 1.2 The main considerations are:
 - whether the proposals comprising the construction of new housing on this site would contribute to the achievement of sustainable development in accordance with national and local planning policy
 - Environmental Impact Assessment: summary of conclusions and mitigation;
 - the acceptability of the design (layout, scale and access);
 - Open space, recreation and living conditions;
 - traffic/transportation implications;
 - Appropriate Assessment and Biodiversity;
 - flood risk/drainage;
 - retail and commercial uses and sequential test
 - sustainable design and construction;
 - site contamination;
 - residential amenities and micro-climate; and
 - development phasing;

SITE DESCRIPTION

- 2.1 The Site covers an area of approximately 5.95 hectares (14.7 acres). It is located at the northwest part of Portsea Island, in Nelson Ward. The Site is bound by the Tipner Lake to the north, Park and Ride Portsmouth and the M275 to the west, recreational uses, and public space to the east of the Site, and south by residential uses and the Stamshaw Junior School.

- 2.2 The site is approximately 2 miles to the north of the City Centre and is a prominent feature on the main entrance to Portsmouth when viewed from the M275 southbound. The Site is directly adjacent to the M275 motorway to the west and south of Tipner Lake (an embayment of Portsmouth Harbour) and to the park and ride car park to the south west.
- 2.3 The Site itself is flat and low-lying, being generally between 2.9 m and 4.1 m above ordnance datum and includes areas of made ground. Apart from a small area of the intertidal, Tipner Lake, which adjoins the Site to the north, is included within national and international nature conservation designations (Site of Special Scientific Interest (SSSI), Special Protection Areas (SPA) and Ramsar Site).

PLANNING CONSTRAINTS

- 3.4 The site is subject to the following key constraints
- Contaminated land
 - Flood Zone 2/3 (part of the site only)
 - Adjacent to Portsmouth Harbour RAMSAR, Portsmouth Harbour SSSI, Portsmouth Harbour SPA, Dorset and Solent Coast SPA and containing areas of ecological interest

POLICY CONTEXT

- 4.1 The planning policy framework for Portsmouth is currently provided by:
- 4.2 The Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).
- 4.3 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 4.4 Having regard to the location of this site within the Tipner area of the city, the relevant policies within the Portsmouth Plan would include:
- PCS1 - Tipner
 - PCS10 - Housing Delivery
 - PCS12 - Flood Risk
 - PCS13 - A Greener Portsmouth
 - PCS14 - A Healthy City
 - PCS15 - Sustainable Design and Construction
 - PCS16 - Infrastructure and Community Benefit
 - PCS17 - Transport
 - PCS19 - Housing Mix, Size and the Provision of Affordable Homes
 - PCS21 - Housing Density
 - PCS23 - Design and Conservation
- 4.5 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).
- Policy DC21 - Contaminated Land
- 4.6 Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).
- 4.7 Regard also has to be had to the following SPDs:
- Air quality and pollution

- Developing Contaminated Land
- Housing Standards
- Nitrate mitigation strategy
- Planning Obligations
- Parking Standards and Transport Assessments
- Reducing Crime Through Design
- Solent Special Protection Area
- Sustainable Design and Construction

STATUTORY DUTIES

- 5.1 The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:
- Section 70 of The Town and Country Planning Act 1990
 - Section 38(6) of The Planning and Compulsory Purchase Act 2004
 - The Equality Act 2010

RELEVANT PLANNING HISTORY

- 6.1 Of direct relevance to the determination of this application are the following:
- i. 22/00003/EIASCO - Environmental Impact Assessment Scoping Opinion for residential development comprising 850 dwellings with associated access, parking and landscaping
 - ii. 10/00849/OUT - Detailed application for land remediation and raising including thermal desorption. Outline application for up to 518 dwellings, CHP plant, sea wall, coastal path. Main access from Twyford Ave. (Access, layout & scale to be considered)

It should be noted that the detailed element of this application has been implemented and has remained on going for the last 10 years. This has been noted as implemented by the discharge of conditions and numerous site visits undertaken by the Council's Environmental Health Officers.

Remediation works are currently being carried out on the site under this permission: Soilfix took possession of the site on Monday 31st October 2022 with works expected to continue for a duration of 56 weeks, i.e. until the end of November 2023.

- 6.2 In addition , consideration will also need to be given to the site to the south (Ref. 21/01357/FUL) where planning permission is being sought by Bellway/Homes England for the "Construction of 221 dwellings, new accesses onto Tipner Lane and Twyford Avenue, internal access roads & cycleways, open space, parking and associated infrastructure, including potential linkages to the proposed residential development to the north, existing residential development to the south and to the existing and proposed enhanced Park & Ride facilities to the west. The proposal constitutes EIA Development. (Revised scheme)." at Tipner East Land Off Twyford Avenue And Tipner Lane Portsmouth. As set out within the site description above the site is directly to the south of the site and shares and unusual ill-defined boundary. The applicants have worked together collaboratively to seek to address any issues.
- 6.2 Further to this, there is an extant outline planning permission (Ref. 20/00457/OUT) on adjacent land for the construction of a multi-storey Transport Interchange (up to 34.8 m AOD) incorporating a park and ride facility for up to 2,650 cars and 50 bicycles; taxi rank; car and bicycle rental facility; public conveniences; landscaping; ancillary offices and units within use classes A1, A2, A3, D1 and D2, with access from Junction 1 on the M275 (principles of access to be considered). The proposal constitutes EIA

development” at Tipner Interchange M275 Junction 1 Off Slip from Junction 12 M27 Portsmouth PO2 8AN.

PROPOSAL

7.1 As set out in the Planning Statement, the proposed development would comprise 835 new residential homes set out across 16 blocks (comprising apartments, maisonettes and townhouses) along with a number of commercial and community areas which are proposed to be provided within the ground flood of Blocks E, F, J and K. The final use is yet to be determined however, it is likely to be within Use Classes E, F1 and F2 (E - Commercial, Business and Service; F1 - Learning and Non-residential institutions; F2 - Local community uses). It is envisaged that; block F at the entrance to the site and on the ground floor would be a convenience store, block E would provide some form of restaurant/café; block J would offer some form of community space; block K would be a link between the park and ride/transport hub, and would be flexible in their use but with a focus on more commercial space.

Figure 1.2 Proposed Masterplan

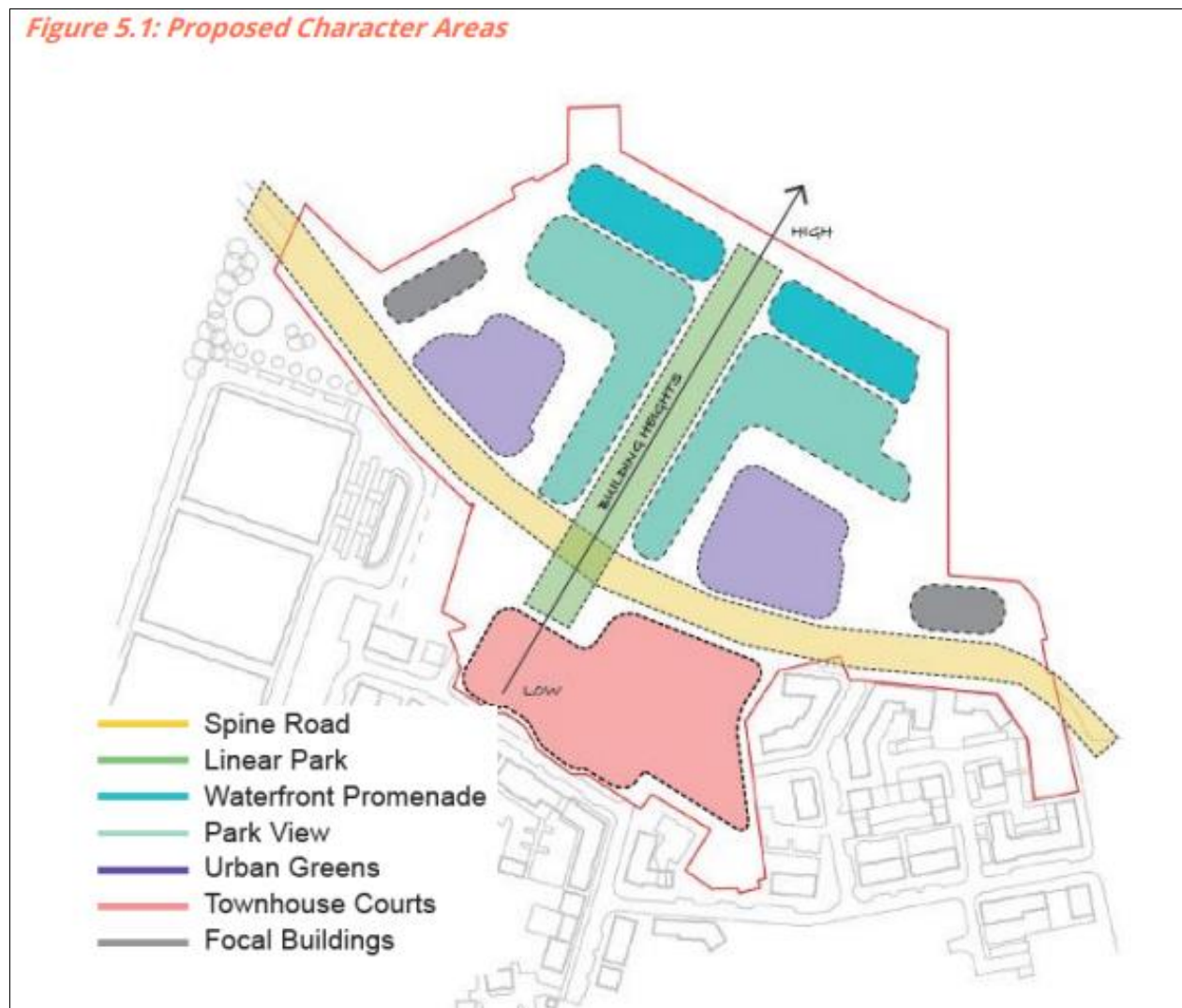


7.2 835 new residential homes across 16 blocks (comprising apartments, maisonettes and townhouses) as follows:

Market	Number of Units	Beds	Type of Unit
	146	1	
	365	2	
	39	3	Flats
	33	3	Houses
	2	4	Houses
Total	585 (70%)		
Shared Ownership			
	18	1	Flats

	47	2	Flats
	5	3	Flats
	5	3	Houses
Total	75 (9%)		
Affordable Rent			
	44	1	
	109	2	
	11	3	Flat
	10	3	House
	1	4	House
Total	175 (21%)		
Overall TOTAL Units	835 (100%)		

- 7.3 The scale of the development ranges from 2 to 11 storeys (7.5 to 41 metres in height).
- 7.4 The Proposed Development would consist of 835 residential dwellings. The Proposed Development would involve the construction of 11 apartment blocks (Blocks A, B, C, D, E, F, G, H, J, K and L), four blocks of Maisonettes (Block M1 – M4) and 55 town houses and flats above garages (FOGs). Commercial and community area will be provided in Blocks E, F, J and K.
- 7.5 The site has been zoned by the applicant into seven different character areas which are to have their own unique landscaping and building typologies as shown below:



- 7.6 Vehicular access to the site would be via Twyford Avenue but also wishes to facilitate with pedestrian and cycle connections into the adjacent Transport Hub (Park and Ride) and pedestrian, cycle and vehicular connection with the adjacent Bellway / Homes England scheme to the south (Ref. [21/01357/FUL](#)). As these sites are outside of the applicant's control, and maybe dependent on a future grants of planning permission, these additional accesses represent a future opportunity rather than part of the current proposal.
- 7.7 Car parking provision would be split between the site and the potential for off-site additional parking, most notably within the multi-storey car park proposed as part of the PCC Transport Hub which has outline planning permission. It has been agreed in principle with the Transport Hub developer (PCC) that 0.5 spaces per dwelling will be located within the Transport Hub (396 spaces). In addition, short stay visitors spaces are to be provided on-site (40 spaces), with those located on the spine road (20) to have EV charging. In addition, 1 disabled parking bay will be provided within 50 m of each M4 (3) adaptable dwelling each with EV charging (24 spaces) and 1 on road disabled bay per block will also be provided within 50 m of the entrance (15 spaces). This area also includes additional (29) managed short stay spaces which could potentially include a car club scheme, substation service bays and commercial bay (including 24 EV charging). Each townhouse has two parking spaces. The first with EV charging in a garage within its curtilage and a second which is either an additional garage space or an allocated additional parking bay nearby (86).
- 7.8 The Scheme must therefore be considered a significantly reduced car scheme. If the full provision of off-site parking is secured in the adjacent Transport Hub site this will provide a total of 590 spaces, a parking ratio of 0.70 spaces per dwelling. The guaranteed on-site parking provision of 194 spaces makes up 0.123 spaces per dwelling of this provision. To support this low car approach secure cycle stores are provided (totalling 1,612 cycle spaces), and the applicant intends to deliver other measures such as delivery drop off bays and parcel drops off points in every building. Overall the design strategy for the site is one that has focussed on being pedestrian and cycle friendly and creating and reinforcing strong links to public transport, to take advantage and support the PCC intention to create a Transport Hub on an adjoining site.
- 7.9 In terms of construction, the draft programme indicates a phased construction programme comprising 7 phases over 8 years:
- Phase 1: Enabling works and sea defence wall: December 2023 -March 2024
Phase 2: Blocks E and D and Maisonettes 3 and 4 (210 units): February 2024 - July 2027
Phase 3: Blocks C and G (174 units): October 2024 - June 2028
Phase 4: Blocks B and H (174 units): August 2025 - April 2029
Phase 5: Blocks A and J and Maisonettes 1 and 2 (187 units): July 2026 - September 2030
Phase 6: 46 houses: November 2028 - November 2030
Phase 7: Blocks F and K (44 units): July 2029 - June 2031

Figure 5.2 Indicative Construction Phases of the Proposed Development



7.10 Construction traffic routing is to be via the Pounds Waste site to J1 of the M275:

Figure 5.3: Construction Traffic Routing to the Site



CONSULTATIONS

Landscape Architect	Following receipt of further information from the applicant in response to concerns raised regarding the waterfront promenade and eastern path section, Ecological area on NW side, Community Hides, Park and Ride boundary, Pumping Station area and the Shared public realm between townhouses, NO OBJECTION is raised subject to conditions requiring the applicant to submit further details for approval prior to the commencement of each phase of the development.
Highways Development Control	The Highway Authority has objected to the scheme based on currently available information. An updated Highways Response Note was received from the applicant in January 2023 but concerns remain from the Local Highway Authority. In particular further details of the site access arrangements at Twyford Avenue need to be developed further and technical drawings provided demonstrating its relation to the access to Mountbatten Leisure centre and the existing and proposed cycle and pedestrian routes in this area. Update are also required to the Car Park Management Plan (including measures to manage overspill car parking especially if the Transport Hub is not brought forward) and Travel Plan. Appropriate contributions to off site works are also sought. The LHA notes that the scheme provides significantly fewer parking spaces than the SPD and express concern regarding unknown implications of alternative off site parking.
Archaeological Adviser	Concerns re mitigation but NO OBJECTION subject to appropriate mitigation being sought through a condition requiring a Written Scheme of Investigation.
Ecology Adviser Minerals and Waste	Additional comments will be reported at the Committee NO OBJECTION subject to the applicant liaising with an operator who utilises brick clay to ascertain any demand for the resource underlying the site
Tree Officer	NO OBJECTION, subject to conditions
Drainage Team	NO OBJECTION subject to a suitably worded condition
Designing Out Crime Officer	NO OBJECTION subject to a condition requiring details of a lighting scheme
Highways (COLAS)	NO OBJECTION, subject to the developer contacting COLAS
National Highways	NO OBJECTION, subject to a condition requiring a Construction Traffic Management Plan
Fire and Rescue Service	Highlights the relevant building regulations approvals that will be required.
Natural England	No objection, subject to appropriate mitigation being secured
Southern Water	No objection, subject to a condition requiring details of the means of foul sewerage and surface water disposal have been submitted to and approved by the LPA in consultation with Southern Water
Housing Enabling Officer	No objection
Health and Safety Executive	No objection
Environment Agency	Views awaited (to be reported verbally via SMAT)

REPRESENTATIONS

- 8.1 Objections have been received from 10 addresses in the vicinity of the site. These are concerned with:
- Development should have a dedicated access from J1 of the M275 or the Park and Ride site or via the Pounds site to the west of the motorway
 - Object to proposed 11-storey buildings - overlooking and loss of privacy of neighbouring properties, also out of character with the area.
 - Should make provision for improved infrastructure - schools / health centre etc
 - Increase in traffic / congestion
 - Impact on ecology
 - Development on contaminated land should not be allowed
 - Development will exacerbate flooding in the area
 - Object to use of Twyford Avenue as proposed access road unless widened as promised by PCC
 - Existing cycle network needs to be upgraded to LTN1/20 standards and that S106 monies should be used for that purpose

POSITIVE AND PROACTIVE ENGAGEMENT

- 9.1 The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met in Portsmouth through the availability of pre-application advice.
- 9.2 As set out in the Design and Access Statement submitted with the application, the applicant carried out extensive pre-application consultation and engagement both with the council and with local residents and businesses. In addition, the scheme was reviewed by a Design Review Panel set up by Design South East. The application is also subject to a Planning Performance Agreement.
- 9.3 The Design Panel Report has been submitted with the application. The key recommendations were as follows:
1. Establish an overarching vision for this site, and make sure that design proposals are tested against this.
 2. Carry out the detailed testing of the movement strategy as suggested in the first design review, paying particular attention to walking and cycling and how these modes interact across the site boundaries.
 3. Be bolder with the parking strategy. The aims presented are supported, but the solutions need to be stronger.
 4. Rethink the approach to the boulevard, especially in terms of its placemaking function and the buildings at its edges.
 5. Ensure that perimeter blocks are created and avoid leftover or ambiguous spaces.
 6. Use building typologies to support the structure of the site and rethink the use of mews houses.

PLANNING CONSIDERATIONS / COMMENT

Principle of the development

- 10.1 As set out in the NPPF (paragraph 2), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless

material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

- 10.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 10.3 In accordance with the Portsmouth Plan, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.
- 10.4 Paragraph 11 of the NPPF requires that decision should apply a presumption in favour of sustainable development. For planning decisions this means:
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.5 Footnote 8 states that 'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 1.6 Footnote 7 states - 'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.
- 10.7 With regard to the principle of the development, the site is on land that is part of a wider area identified in the Portsmouth Plan (PP) as a strategic site allocation under PCS1 - Tipner. More specifically, the site falls within the northern portion of the part of the site allocation known as 'Tipner East'.
- 10.8 Policy PCS1 stipulates that Tipner East is allocated in the Portsmouth Plan for at least 480 dwellings. Draft Policy S2 (Tipner) of the draft Portsmouth Local Plan 2038 (PLP regulation 18) allocates, 700 dwellings at Tipner East. Therefore, the uses proposed are in line with the existing and emerging planning policy position for the site
- 10.9 With regard to the principle of this development, the National Planning Policy Framework makes it clear that in order to support the Government's objective of significantly

boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (NPPF July 2021, paragraph 60).

- 10.10 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the recently published Annual Monitoring Report the council can only demonstrate 2.9 years supply (Table 4.5, page 28. As the development plan in Portsmouth is more than 5 years old, paragraph 74 of the National Planning Policy Framework (NPPF) states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.
- 10.11 Consequently, there is a presumption in favour for developing this site as long as the project does not have a significant effect on a habitat site (either alone or in combination with other projects, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 182).
- 10.12 Acknowledging that the development would have an increased burden on local infrastructure, *the development would be liable for CIL (Community Infrastructure Levy). This is a charge which PCC levy on new development in the area. The revenue collected will be to help deliver the infrastructure needed to support development in the area.*

Environmental Impact Assessment: Summary of Assessment Conclusions and Mitigation

- 10.13 The application is considered to be 'EIA Development' pursuant to Schedule 2 Part 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and an Environmental Statement (ES) is accordingly submitted. A Scoping Opinion for the ES was sought by the applicants in April 2022 and issued in July 2022. The findings of the ES are very briefly summarised here but are further addressed as required later in this report as key topics are considered in more detail. As required by the Regulations, a Non-Technical Summary of the EIA has also been submitted <https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RHQS4RMOLV400>
- 10.14 The EIA is based upon the scheme as submitted including the proposed site phasing strategy (7 phases), on the basis of enabling works commencing in late 2023 and completion of the development by June 2031.

Topic Chapter	Identified Effects	Mitigation Measures (where required)	Residual Impacts (where applicable)
Socio Economics	<p>Significant beneficial - commercial floorspace and 38 net operational jobs and public open space;</p> <p>Minor beneficial - increased construction and operational employment, community/leisure facilities, expenditure by workers and residents.</p> <p>Negligible effects - childcare, primary education, healthcare</p> <p>Minor adverse - play space and secondary education</p>	<p>CIL and s106 to address education and play space provision</p>	<p>Negligible</p>

Traffic and Transport	<p>Moderate to Major Adverse - (construction/HGVs) effect of increased vehicles on pedestrian amenity and delay, fear and intimidation on Twyford Avenue and Tipner Lane;</p> <p>Negligible/minor - (operational vehicle flows) - road safety and accidents on Tipner Lane and Twyford Avenue</p>	<p>Construction vehicle routing and banksman</p> <p>None</p>	<p>Negligible</p> <p>Negligible/minor adverse</p>
Air Quality	<p>High risk - dust soiling during construction</p> <p>Low risk - dust risk to human health</p> <p>Negligible - existing ecological receptors</p> <p>Negligible - road traffic emissions</p>	CEMP	Negligible
Ground Conditions and Contamination	<p>Negligible - due to historic and recent site remedial works</p> <p>Minor Adverse - Re-use of site won material and working below capping layers</p>	<p>CEMP and Materials Management Plan</p> <p>Vapour Protection Measures</p> <p>Measures to prevent Japanese Knotweed</p>	Negligible
Hydrology, Geomorphology, Water Quality and Flood Risk	Minor adverse - temporary surface and groundwater flows during construction	Construction best practice	Negligible
Noise and Vibration	<p>Negligible - construction phase noise and vibration relative to closest existing noise sensitive receptor</p> <p>Moderate short term adverse effect - occupiers of phases 2, 3 and 4 during construction</p> <p>Minor adverse - occupiers of phases 5 and 6 during construction</p> <p>Negligible - operational road traffic</p>	<p>Best practice measures in accordance with BS5228 and BS4142</p> <p>Double glazing and sound insulation measures, including where necessary vents/louvres or alternative mechanical ventilation</p>	Negligible
Ecology	Minor Adverse - foraging and commuting bats from habitat loss and light pollution; Reptile from habitat loss; nesting and	CEMP Embedded scheme mitigation including Bird Conservation Area	Minor Adverse (local level)

	breeding birds from habitat loss; invertebrates from habitat loss.	Wintering bird mitigation strategy; Reptile mitigation strategy Lighting strategy Nutrient mitigation Bird Aware	
Climate Change Mitigation and Adaptation	Minor Adverse (construction) - global climate Negligible (operation) - development resilience (overheating, sea wall, FRA, drought, landscape strategy)	Embedded mitigation inc. energy strategy	Minor Adverse against Carbon Budget Negligible
Townscape and Visual Impact Assessment	Temporary Adverse Effects - demolition and construction phase impact on key townscape receptors, including Tipner and Portchester Lakes, Tipner Interchange, Alexandra Park, Hilsea Shore Path, M275 (east) and Portchester Castle	None	Beneficial Effect (Operational Phase) - Tipner and Portchester Lakes, Tipner Interchange, Alexandra Park, Hilsea Shore Path, M275 (east), Neutral effect - Portchester Castle

10.15 No alternative sites have been considered as the application site is allocated for mixed use development in the adopted Portsmouth Plan 2012 (policy PCS1). However, consideration of alternatives has been applied to site layout options and to a 'do nothing' scenario. The 'do nothing' scenario notes that the regeneration of the Tipner peninsula as sought by the development plan, including the draft Local Plan, would be compromised should the development not proceed. Details of design evolution have been set out in the Design and Access Statement and in Vol.2, Chapter 4 of the ES. A number of design and layout options have been considered by way of iterative pre-application engagement with Officers.

Housing: Numbers, Mix, density, affordable housing provision

10.16 As housing delivery within the City has fallen below 75% of the housing requirement over the previous three years the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with para. 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

10.17 However, as Portsmouth has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.

10.18 The Government's Standard Method has identified a need for the city of 16,161 homes for the plan period to 2038. However, the assessed need for the draft Portsmouth Local Plan (PLP) going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development. Nevertheless, the

draft PLP has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. The proposal is for 835 dwellings within a site area of approximately 5.95 ha (equivalent to 140 dph) The proposals is therefore in line with the policy requirements under Portsmouth Plan Policy PCS21 for a minimum of 100 dph for Tipner. For information, the draft PLP stipulates that development at Tipner should be at least 120 dph.

- 10.19 With regard to mix, current Policy PCS19 requires that 'developments should achieve a target of 40% family housing where appropriate'. The proposed total number of 3-bed units (private and affordable flats and houses) account for 103 units (17.6%). This is below the aspiration of policy PCS19. Officers have consideration whether the applicant has done all that is possible to provide for family housing in line with the policy aspirations for the site given the known geographical constraints, and the need to balance overall supply of both market and affordable housing. It is considered that the failure to meet the aspiration of policy PCS19 in this case is a product of the applicant's intention, with the encouragement of Portsmouth City Council, to increase the density of development on the site and overall it is a reasonable response to the development constraints and opportunities of the site.
- 10.20 It is noted that the proposed affordable housing provision would meet the adopted policy requirement of 30%, which is supported.
- 10.21 The small-scale community and food offering capable of being provided within the commercial floorspace of the site and to be secured by appropriate obligations in the s106 agreement is also welcome and is in line with the position set out in Policy PCS1 which looks to for schemes to include 'community facilities'.

Design Considerations

- 10.22 The National Planning Policy Framework (NPPF), Chapter 12, 'Achieving Well Designed Places', states that 'the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. The NPPF is also supplemented by the National Design Guide (NDG) and the NMDC.
- 10.23 Policy PCS23 (Design & Conservation) echoes the principles of good design set out within the NPPF requiring, all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development. The proposed development benefits from its focus on the adjoining harbourside and makes good use of the space to increase height and density along the harbourside, the layout also has two main axis one running from the harbour into the site and linking into the adjoining Bellway Homes site and a second running in an arc through the site from west to east linking to the Tipner West site and Mountbatten centre. These two axes create the central focal routes through the site and allow for the creation of a wider street pattern based broadly on a grid. This has allowed for the creation of a perimeter block pattern of development for much of the site which has had the added benefit of allowing for clear differentiation between public and private space. The axis that runs from the harbourside into the site is proposed to be free of vehicular traffic and landscaped.
- 10.24 Overall, the proposed development makes a positive contribution in terms of design in the area.

Open Space, Recreation and Living Conditions for Future Occupiers

- 10.25 Policy PCS13 states that the city council will work collaboratively to protect, enhance and develop the green infrastructure network, inter alia, requiring improved accessibility to green space by foot, cycle and public transport corridors, play value for the whole community including pocket parks of 1.5ha per 1000 population (sites above 50 dwellings). There is no bespoke open space standard set out in existing Local Plan policy or SPD; however, the NPPF makes it clear that resident access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Furthermore, guidance is contained in the Fields in Trust benchmark guidelines "*Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard (2015)*"¹ and in the Council's *Parks and Open Spaces Strategy (2012 to 2022)*.
- 10.26 Policy PCS23 of the Portsmouth Plan requires 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. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD, emerging Policy H6 of the PLP, and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

Open Space and Recreation

- 10.27 The application open space strategy comprises a range of site-wide, neighbourhood open spaces, stepping down in scale and form to apartment block courtyard spaces, verge landscaping/planting and private gardens for maisonettes/FOGs/houses. The strategy is framed around a central north-south linear park, bisecting the central east-west spine road, itself an open space in its own right. The submitted Design and Access Statement refers to a landscape that "... *will seek to form a series of cohesive character spaces creating a backbone for the whole development. A tree lined central Spine Road comprised of cycleways, footpaths and potential service route for buses, deliveries and refuse, is one of the elements which links a large linear park with lawned open spaces for recreation and leisure.*" These areas of open space are integral to the seven character areas set out for the site, as detailed in the development description section above.
- 10.28 From data provided by the scheme architects, the amount of public open space amounts to 12,436 sq.m. (1.24 Ha) and includes the sea wall path and adjacent open space. The spine road and associated car free movement spaces and sitting areas totals some 21,711 sq.m. (2.17 Ha) And private courtyards and incidental open spaces add a further 5,007 sq.m(0.5 Ha). Formal play space amounts to 278 sq.m which just satisfies the Fields in Trust recommendations of 0.25ha per 1000 population.
- 10.29 Fields In Trust recommended guidelines for a development of this size are as follows:
- Outdoor sports (including playing pitches) - 1.2ha per 1000 population within 1200 m (15 minutes walk)
 - Equipped play areas - 0.25ha per 1000 population
 - Other (MUGAs, Skateboard parks etc) - 0.3ha within 700m (9 minutes' walk)
- 10.30 The EIA notes that there are two open spaces / local parks within 800 m and one district park within 1.2 km from the Proposed Development. These include Stamshaw Park (large park with children play area (600 m / 7 minutes' walk)); Alexandra Park and

¹ <https://www.fieldsintrust.org/guidance>

Mountbatten Centre (Major park (700 m / 9 minutes' walk)); and Midway Road Park/Open space (Neighbourhood play area and ball court (1 km / 12 minutes' walk)). It also notes from the Council's Open Spaces assessment (2022)² that overall there is an undersupply of children's play space and public parks, compared against the Fields in Trust guidance. Overall, the [EIA concludes a medium adverse] impact recognising that there is generous public open space in close proximity to the development, notwithstanding city-wide deficiencies. The proposed on-site provision is therefore, in this context, considered to be acceptable, providing occupiers with opportunity for informal recreation, walking, community engagement as well as private amenity space.

10.31 The HIA submitted with the application assessed the proposed development against the following criteria:

Assessment criteria	Potential health impact
Housing Design and Affordability	Moderate beneficial
Access to Health and Social Care Services and Other Social Infrastructure	Moderate beneficial
Access to Open Space and Nature	Moderate beneficial
Air Quality, Noise and Neighbourhood Amenity	Minor negative
Accessibility and Active Travel	Moderate beneficial
Crime Reduction and Community Safety	Minor beneficial
Access to Healthy Food	Neutral
Access to Work and Training	Minor beneficial
Social Cohesion and Inclusive Design	Minor beneficial
Minimising the Use of Resources	Minor beneficial
Climate Change	Moderate beneficial

10.32 And made the following recommendations:

- Complying with the Lifetime Homes Standard to ensure homes function for residents at every stage of life;
 - Following relevant design guidelines including the Lifetime Homes standard, National Design Guide, Building for a Healthy Life 2020 and the Secured by Design and Safer Places frameworks;
 - Continuing to work with PCC to provide infrastructure payments to relevant healthcare, educational and community bodies;
 - Continuing to consult with the local community to ensure changing needs and priorities are met;
 - Providing an Employment Strategy to optimise potential training and employment Opportunities
 - Establishing local procurement strategies prior to commencing construction;
 - Providing a Landscape Management Plan to maintain natural facilities and promote biodiversity; and
 - Providing a Waste Management Plan to ensure sustainable practices are promoted at the construction and operational phases.
- These matters, where relevant to planning, will be secured through planning conditions and obligations

10.33 The applicant has also indicated a willingness to make a financial contribution towards the maintenance of the community open spaces and to install a piece of public art. These will be secured in the S106 agreement.

Living Conditions

² <https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/development-and-planning-open-spaces-assessment.pdf>

- 10.34 As described in the 'Accommodation Schedule' submitted with the application, the proposed units meet the minimum gross internal floor areas as set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard³
- 10.35 In terms of the physical layout of the site, there is adequate separation between blocks albeit in some instances these distances fall to 13-14 metres; this is only applicable in a few locations and in rear to flank elevation scenarios. However, in order to achieve the density proposed and the benefits in terms of housing delivery and wider planning objectives this is considered to be acceptable.



Micro Climate - Wind

- 10.36 The Microclimate analysis carried out by SRE for the applicant found that if the site were developed on its own without any mitigation, wind conditions are ranging from strolling to business walking use with areas of uncomfortable and unsafe wind conditions expected for a coastal area. However, if the site was developed, without mitigation, and the adjacent sites (Transport Hub and the Bellway / HE site to the south) then the level and area of uncomfortable and unsafe wind conditions has significantly reduced with only a number of local areas have been identified with remaining uncomfortable and unsafe wind conditions.
- 10.37 With mitigation, in the form of trees, vegetation, balustrades and railings, a few localised areas have been identified with uncomfortable wind conditions and a couple of 'spots' with unsafe conditions. As a result, additional timber screens and shrubs will be included in the overall design resulting in negligible effects (not significant) in the context of this being a coastal location. All areas inside the site boundaries, with all the proposed mitigation measures and in the context of being a coastal location, are expected to have safe wind conditions throughout the year.

Micro climate - Day / sunlight

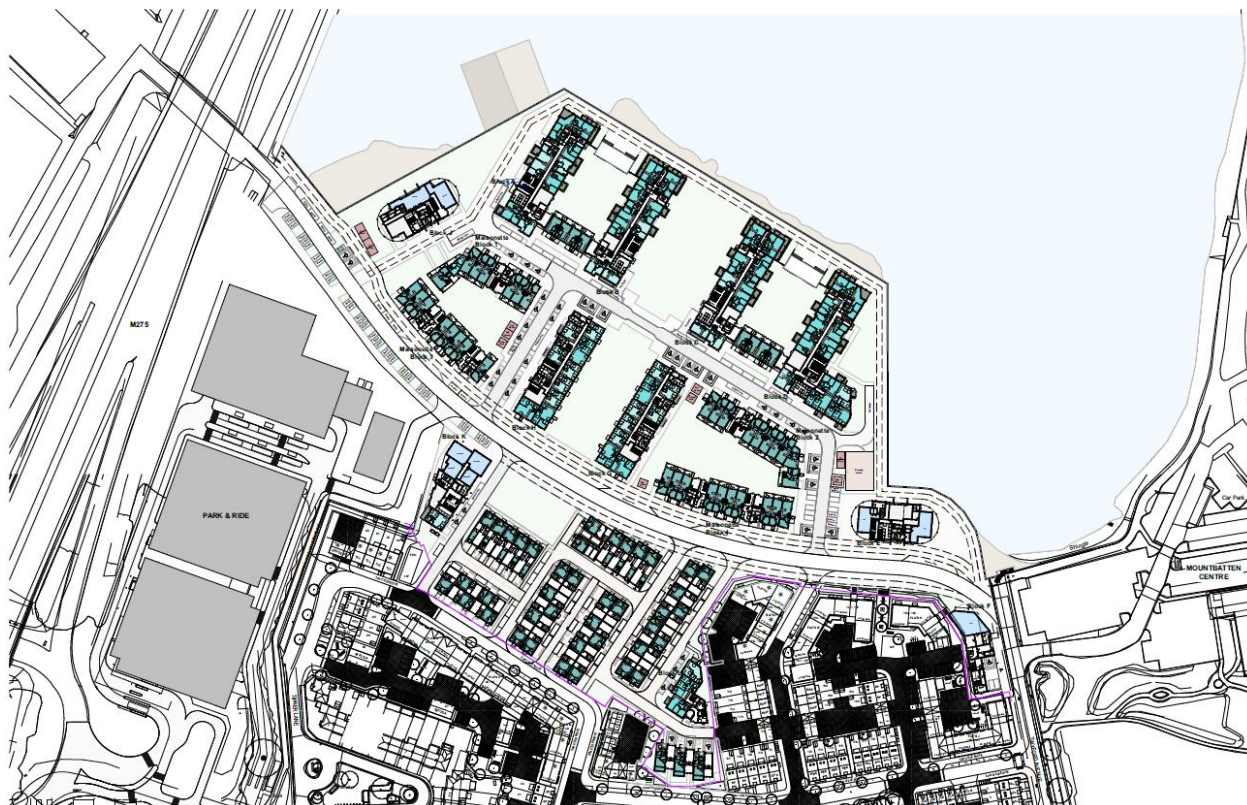
- 10.38 An 'Internal Daylight Report' was submitted with the application. This examined predicted internal daylight levels and comprised assessing 47 habitable rooms across 19

³ [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](https://www.gov.uk/technical-housing-standards-nationally-described-space-standard)

flats and maisonettes on the ground and first floors to represent 'worst case scenarios'. The study found that all the assessed rooms exceed the BRE guidelines and as such found that habitable rooms within the development would receive adequate internal daylight levels.

Impact on amenities of adjoining properties

10.39 With regard to the impact of the proposed development on the land to the south, currently the subject of a planning application submitted by Bellway / Homes England (Ref. 21.01357/FUL), the extract below shows the interrelationship of the two sites:



10.40 VIVID Housing Limited and Bellway have had extensive discussions and the result is proposed site layouts that interact with each other and represent comprehensive redevelopment of both sites.

10.41 Concerns were raised by officers regarding the change in levels across the sites and how this would affect the juxtaposition of the Bellway Scheme 'Flats Block H and the proposed VIVID Block F at the eastern end of the site adjacent to Twyford Avenue. However following receipt of cross sections and an amended internal layout to the Bellway block, officers are satisfied that the interrelationship of these two buildings is acceptable.

10.42 A further concern, given the intricate land ownership boundary, was the relationship between the south west facing elevations of the townhouses in Phase 6, in the southwestern part of the application site. A situation could hypothetically arise whereby this development is granted planning permission and the adjacent development being proposed by Bellway and Homes England could either be refused planning permission or not proceed in which case access to these units would have been compromised and also estate roads and landscaping left in an unfinished state resulting in a poor quality development. However, it is understood that, without prejudice to the outcome of either or both applications, a 'collaboration agreement' is being worked on which would, as shown on the plan extract above, result in a clean boundary between the sites allowing

for the houses proposed in this scheme to be built out. Notwithstanding this, if permission is granted it is recommended, in the interests of good planning, that suitably worded conditions be attached to ensure that these houses are not constructed unless and until the development proposed by Bellway is under construction or has been completed.

Highways and Parking

- 10.43 Section 9 of the NPPF sets out that transport issues for development should be considered from the earliest stages, so that: opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Para 110 states it should be ensured that: appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the NDG and the National Model Design Code. The NDG states that 'compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car', and that 'a well-designed movement network defines a clear pattern of streets that... limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality'.
- 10.44 Furthermore, para 112 states that applications for development should: give priority to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; and create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 10.45 The layout of the scheme with strong pedestrian and cycle connections including a strong east to west route, including a 3m wide footway and cycle way on either side of the main throughfare, harbourside route and good connections to the proposed Bellway scheme to the south as well as to the surrounding built up area and proposed development at Tipner West is welcomed. The proposed prevention of vehicular through traffic will also have a positive impact reducing movements and improving safety for pedestrians and cycles. In accordance with the NPPF the scheme is considered to have been designed from the outset to take account of the opportunity provided by the proposed transport infrastructure of the park and ride site (see below). The scheme is considered to be well served by secure cycle parking (meeting the Councils standards), further facilitating the encouragement of active travel. Overall, the site makes a positive sustainable transport impact.
- 10.46 The on-site parking provision for cars is lower than the standards described in Portsmouth's 2014 SPD, but this has been a deliberate design choice to encourage and prioritise more sustainable transport options compared to the private car. It should also be noted that the Councils parking standards and strategy are likely to be considered out of date, and from review of recently published data from the 2021 Census the output areas covering and adjacent to the site suggests that between 20% and 34% of current households own no cars. While less than 200 parking spaces, primarily focussed on disabled parking and those homes with higher accessibility standards, are provided Officers have given considerable weight to the significant opportunity of utilising the proposed Transport Hub to meet movement, and parking, needs of future residents. Significant weight is also given to the opportunity to provide new homes and an

increased on-site parking would result in fewer homes being provided, as it would take up greater space. An increased on-site parking provision would also result in more movements on the surrounding network as more vehicles would habitually access and leave the site. While noting the benefits of a reduced car scheme, Officers have worked to ensure a balance can be made for those that choose to own a car, best facilitated by the utilisation of the park and ride/Transport Hub site. To this end a car parking management scheme will be secured by condition.

- 10.47 Officers have identified an opportunity to enhance bus services in this area, through increased east/west routing, accessing retail and employment sites on the eastern side of Portsea Island, to compliment the north/south routing greater permeability into the park and ride/Transport Hub site could provide. A route through to the park and ride/Transport Hub site has therefore been included in the application scheme. A condition can be imposed to ensure the details of this connection are approved, at an appropriate phase of development, to facilitate buses, cycles/pedestrians and emergency access as is appropriate. To support the delivery of enhanced bus provision a route suitable for buses linking to the park and ride/Transport Hub site has also been provided and can be safeguarded and an appropriate contribution to bus services is being sought through the s106 agreement.
- 10.48 While only a small number of adverse comments have been received regarding this strategic scale scheme those comments do raise concerns regarding congestion, the use of Twyford Road for access and suggest that direct access to the Motorway should be provided.
- 10.49 Direct access to the motorway has been considered by the applicant and discussed with Officers. It can be noted that the previous, extant permission, was granted with access from the local road network rather than the Motorway Junction, and Officers would be concerned about opening up the junction to a connection with the local network as it would increase the risk of 'rat-running' and more people diverting to come through local roads to access the Motorway, an option current prevented by a bus gate at Tipner Lane. A residential development with vehicular access limited to only the Strategic Road Network would be inappropriate as it would prohibit some road users and prevent integration of the new homes with the existing community.
- 10.50 Concerns about additional congestion and traffic, even from the reduced number of car users within the scheme, have been noted and the capacity of the nearby junction of the A3 has been identified as requiring enhancement. A preliminary scheme has been designed for this junction in light of the draft Local Plan allocation and a financial contribution for the proportionate impact of the proposal towards that scheme would be secured under the s106 legal agreement.
- 10.51 Representations have made comments about the use of Twyford Avenue for access. Officers have carefully reviewed the submissions made about the use of this road the proposed junction on to it. That junction has the potential to conflict with non-motorised traffic using the existing cycle route and other vehicles accessing the Mountbatten Centre. It is considered appropriate therefore to request additional details of the proposal in this area, with relevant Road Safety Audit work through a condition. A further opportunity to enhance and connect the proposed cycle route has also be identified in the applicants' Highway Response Note (6th January 2023), and a condition can be imposed to secure this.
- 10.52 Officers have considered whether the risk of future residents owning additional cars and parking them on existing unrestricted residential streets would result in a material adverse effect on local amenity. While such a risk can of course not be dismissed it is considered to be outweighed by the opportunity to promote modal shift to more sustainable modes of transport, linked to the unique opportunity of proximity to the proposed Transport Hub, and mitigated by the work of the applicant to encourage and

facilitate active travel and promote a Travel Plan, secured through the s106 legal agreement.

- 10.53 Overall Officers are satisfied that, subject to conditions and the proposed obligations within the s106 agreement, the scheme appropriately promotes active and sustainable transport and does not result in a significant harm to the operation of the highway network or highway safety risk. While parking provision is low, the unique opportunity associated with access to and proximity to the proposed Transport Hub, and existing Park and Ride outweighs any adverse implications of this. The Council's Highway team have confirmed that they are working with the developer to support improvements through connection with the sustainable and active transport opportunities at the Transport Hub and opportunities for parking provision. The development is considered therefore to be in accordance with national and local policies regarding transport and movement.

Appropriate Assessment and Biodiversity

Appropriate Assessment

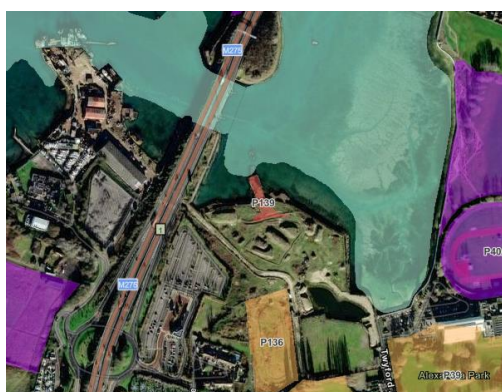
- 10.54 Pursuant to the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.
- 10.55 Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 10.56 The LPA is the competent authority in this case and the applicants have submitted a Shadow Habitat Regulations Assessment ('Shadow HRA') to assist the LPA in assessing the project.
- 10.57 The relevant protected sites for the purposes of AA, forming part of the National Site Network (formerly 'European sites') are those within a 10km Zone of Influence, taking a precautionary approach. These are:
- Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site - directly north, east and west of the site. Qualifying features: non-breeding Annex 1 waterbirds and intertidal mudflats and saltmarshes;
 - Solent and Dorset Coast SPA - directly north and west of the site. Qualifying features: breeding populations of sandwich tern, common tern and little tern.
 - Chichester and Langstone Harbours SPA and Ramsar - 3.2km east of the site. Qualifying features: breeding and nonbreeding annex 1 species, including dark-bellied Brent gees and waterbird assemblage;
 - Solent and Isle of Wight Lagoons Special Area of Conservation (SAC) - 3.2km east of the site. Qualifying Features: Coastal Lagoons

- Solent and Southampton Water SPA and Ramsar - 9.6km south. Qualifying features breeding and non breeding waterbirds and wetland habitat;
- Solent Maritime SAC - 7.8km due east of the site. Coastal features: major estuary hosting *Spartina* swards and salt meadows.

10.58 However, preliminary screening excluded the Solent and Southampton Water and Solent Maritime sites being 7.8km to 9.6km from the site on the basis that no conceivable impact pathways could be identified from the proposed project and the LPA agrees with this decision. The submitted Shadow HRA report originally failed to identify and consider possible effects upon the Solent and Dorset Coast SPA. However, a separate shadow HRA report has been subsequently submitted and has been considered in the LPA's AA as now summarised.

10.59 The submitted shadow HRA confirms that the development project would give rise to likely significant effects and has identified several impact pathways deriving from the development which would be impacts upon supporting habitats (on-site), associated disturbance of qualifying features, atmospheric pollution, changes in soil chemistry, pollution of ground and surface water and in-combination impacts from human disturbance. This of course includes nutrient impacts by reason of nitrate and phosphate pollution to the harbour. An AA is therefore required by the LPA as competent authority and a consideration of mitigation measures proposed by the applicants and whether these would result in no significant effects upon the integrity of these sites, whether alone or in combination with other plans and/or projects in the area.

10.60 The development would give rise to the direct loss of, or negative impacts to, areas of supporting SPA habitat or 'functionally linked land' used by the qualifying species as alternative areas for roosting and foraging. These are the Solent Wader and Brent Goose sites P139 and P136 (secondary support sites - see image below). The shadow HRA however notes that recent data (Hampshire Biodiversity Information Centre, HBIC) identified a maximum count of 11 Brent Geese and maximum of 200 Redshank within P139 (in the survey periods 2020-21 and 2021-22), with no Brent Geese on P136 in either period. No waders were identified in the area of P139 to be lost due to temporary hoardings. Survey findings for the period 2022-23 are awaited imminently and if possible will be reported in time for the Committee meeting. The total amount of P139 to be lost as part of the development would be 0.14ha, with P136 losing 0.78ha.



Credit: The Solent Waders and Brent Goose Network

10.61 It is noted that Natural England, having regard to the submitted shadow HRA and mitigation measures outlined therein, have raised no objection to the project, subject to these measures being secured. The key mitigation measures being proposed for the project are principally in relation to the main impacts being upon wading birds, forming qualifying features for both the SPA and Ramsar designations. These are as follows:

- (i) Enhancement and extension of the retained barge in P139 to double its size, to boost already established high tide loafing use. This would measure 0.093ha, of which 0.54ha would be new habitat.
- (ii) Creation of new coastal pasture (0.17ha) within the intertidal area between the sea wall and the mudflats, supporting Brent Geese foraging.

These areas are shown in the figures below:



10.62 These areas are provided to deliver clear site and flight lines, minimal if any human or dog disturbance, short grassland for grazing, roosting and feeding and raised platforms for loafing. Together these areas are described as a Bird Conservation Area associated with the project and overall this mitigation is concluded to provide a net increase in suitable SPA habitat during the operational phase, having regard to many years of derelict and unmanaged status, and result in improved functioning to the SPA/Ramsar supporting habitat. A management company would be appointed to manage the habitat in accordance with details set out in submitted Ecological Impact Assessment and chapter 12 of the ES.

- (iii) Window design at 8-storey (23m) and above to have bird collision markers (dots) - a measure successfully trialled in New York;
- (iv) Construction and Environment Management Plan (CEMP) - this will be secured by planning condition (and considered in consultation with Natural England), to control construction activities, for example through minimisation of percussive noise in bird wintering periods.
- (v) Bird Aware financial contribution in line with the Solent Recreation Mitigation Strategy; and
- (vi) Nutrient neutrality to be provided by way of the purchase of off-site credits from the Hampshire and Isle of Wight Wildlife Trust scheme.

10.63 It is noted that the County ecologists have objected to the submitted shadow HRA on a number of points. The applicants have responded directly to these concerns, clarifying some technical points and confirming the following:

- that survey data for the winter of 2020/21 and 2021/22 are already in Appendix H3 of the ES;
- that additional surveys for the winter of 2022/23 have been undertaken but results are awaited;
- that wintering bird surveys 2020-2022 indicate Brent Geese flights typically heading due south-west, away from the proposed Park and Ride development and M275 flyover, and at a height of approximately 40m;

- Publicly available information suggests that where Brent Geese do fly over the M275, this is typically at least 10m above the bridge level. This data informed the recent decision of PCC to grant permission for the park and ride re-development;
- The applicants are committed to working further with HCC and on-going with Natural England, Solent Steering Group, Hampshire Countryside Service and HiWWT in confirming the details of the BCA for the site (to be secured by planning condition/s106);
- With regard to concerns raised about potential overshadowing and functional links for birds moving around the SPAs, it is noted that the ES has undertaken an overshadowing analysis and concludes that impacts during the overwintering periods would be minimal and that the initial designs for the BCA have been prepared in consultation with the consultees above, including Natural England. It is noted that black fencing around the site has already served to block viewlines for SPA birds but this has not precluded continued use of the barge. Evidence suggests that relevant bird species continue to adapt to changing site conditions and that this would continue to apply. The LPA agrees with this assessment.

10.64 Both Natural England and the LPA as competent authority flagged the failure of the submitted Shadow HRA to address the possible impacts of the development upon the Solent and Dorset Coast SPA and to map this accordingly. A supplementary assessment to the Shadow HRA was subsequently submitted. This has identified likely significant adverse effects in terms of habitats utilised by wintering Terns, deterioration of the structure and function of habitat. It also noted significant adverse in-combination effects specifically with regard to potential Tipner West development. These effects are cited in the supplementary assessment as 'screening' conclusions only and it is for the AA to consider these against the mitigation and compensatory measures being proposed. The assessment set out above in this regard is considered to continue to apply to the effects identified to the Solent and Dorset Coast SPA. It is also noted that Tern surveys were carried out Jan 2021 - Aug 2022, as set out in the ES Ecology chapter. No terns were identified in or adjacent to the site or anywhere in Tipner Lake, gull species dominating. The suggested in-combination effects with Tipner West development are noted but in view of the very early stages in scheme development and the draft Local Plan, plus the incorrect reference to circa 4,000 homes coming forward at that site, it is considered that in-combination weight attached to Tipner West development is inappropriate at this stage.

10.65 Subject to the necessary mitigation and compensatory measures being secured by conditions and/or s106 planning obligations as recommended below, the LPA is able to conclude that the development would not harm the integrity of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the Appropriate Assessment to consider alternatives to the project as currently proposed.

Biodiversity

- 10.66 The NPPF (paragraph 180) states that when determining planning applications LPAs should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

10.67 The application site adjoins Portsmouth Harbour SPA and Ramsar site (discussed in the Appropriate Assessment above), but in addition Portsmouth Site of Special Scientific Interest (SSSI - mudflats, brackish lagoons supporting waders). There are two Sites of Importance for Nature Conservation (SINCs) at Tipner Ranges and Horsea Island to the west/north-west.

10.68 The application has been accompanied by an Environmental Statement, including a dedicated Ecology Chapter incorporating an Ecological Impact Assessment (EclA). A summary of all the EIA topic chapter conclusions is set out above. Extensive site surveys were undertaken 2020-2022 in accordance with methodologies agreed through EIA Scoping (see section 12.11.2 of Vol.2 of the ES). The zone of influence for the EIA included all land within the site boundary plus a 100m buffer. The assessment process has identified the following (noting that SPA/overwintering bird habitat is addressed in the AA section above) prevalent habitats and species:

Ecology feature	Impact Magnitude	Mitigation Measures	Residual Effects (construction and operation phases)
Low usage of the site by foraging and commuting bats	Minor Adverse - due to habitat loss and light pollution	CEMP	Minor negative at local level (habitat loss and lighting)
Suitable habitat for breeding and nesting birds	Minor adverse - due to habitat loss (scrub)	CEMP Bird Conservation Area (protected by sea wall)	Minor negative (habitat loss)
Confirmed low populations of Slow Worms and Common Lizards	Minor adverse - due to habitat loss	CEMP Reptile Mitigation Strategy including capture and translocation to Farlington Triangle Nature Reserve	Minor negative at local level (habitat loss)
Invertebrates (several rare species including <i>hygrotylus nigrolineatus</i> , ground beetle and local rove beetle, picture winged fly and Cixid hopper	Minor adverse	CEMP	Minor negative at national level
Confirmed presence of 2 UK priority habitats and one immediately adjacent	Minor adverse	CEMP Embedded mitigation including: 0.015ha	Neutral

UK priority habitat (reedbeds 0.014ha loss; open mosaic habitat (OMH) (3.041ha loss; intertidal mudflat 0.102ha loss)		reedbed rear of Block J; Circa 3.73 converted arable land to OMH on loW (s.106). Mudflat being lost by reason of barge extension SPA/Ramsar mitigation. The latter is considered to take priority.	
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- 10.69 The proposed CEMP will provide mitigation during the construction phase, to include measures such as:
- Heavy machinery use of >70dB and percussive noise to be used only between April-September, to protect overwintering birds
 - Means of escape left in excavations for mammals at night
 - No works between dusk and dawn with lighting also limited in daylight hours where necessary.
- 10.70 The full details of the CEMP will be secured by planning condition for approval prior to commencement of development on the site (notwithstanding a proposed CEMP included within the ES). Similarly, additional mitigation strategies cited above will need to be secured by way of planning condition and/or section 106 Agreement. In view of the identified residual impact upon invertebrates being 'minor negative at national level' it is considered necessary to ensure that a "Reptile and Invertebrates Mitigation Strategy" is secured by condition/s106 Agreement to allow for consultation with stakeholders.
- 10.71 It is noted that HCC Ecology has raised concern that the EIA does not reference the approved development of the Park and Ride or the proposed Bellway Homes development immediately south of the site. However, this is expressly set out in section 12.10 of Vol.2 of the ES. It notes that the ES for the Park and Ride development concluded negligible effects following mitigation measures, including a CEMP and bespoke Landscape Strategy and recognition of reduced air pollution through reduction in car movement within the city centre. There are not considered to be cumulative effects pertinent to the current project EIA. The Bellway Homes scheme to the immediate south does not yet benefit from planning permission although its application is currently under determination and includes an ES. Similar proposals by way of CEMP, reptile translocation, lighting controls and commitments in principle to fund Bird Aware mitigation are set out.
- 10.72 Overall, it is concluded in the Vivid Homes project ES, that, should the Bellway Homes development also receive planning permission, the cumulative effects of each of the schemes together would be limited where the mitigation measures (embedded and supplementary) are taken into account. It is considered that this conclusion is reasonable.
- 10.73 On-site ecology measures include extensive planting on a native:non-native ratio of 70:30 in line with CIEEM guidance (2012). The proposed landscaping scheme include Hawthorn, Alder Buckthorn, Wild Cherry, Crab apple, Elder plus Dogwood, Privat and Dog Rose shrubs. A mix of flowering plants (including wildflower), trees (including fruit trees) and shrubs will support biodiversity. In addition, at least 90 bat boxes would be incorporated into new buildings and 40 Swift nest features in flatted blocks, including 1:1 in each dwellinghouse.

Biodiversity Net Gain (BNG)

- 10.74 It is noted that the proposed development is calculated to result in a net loss of 23.35 biodiversity units (57.96% site loss). Pursuant to the Environment Act 2020, a statutory requirement for new development to deliver 10% BNG is established but this is not yet been brought into force by secondary legislation (expected winter 2023). However, the LPA expects developments of such scale and longevity of construction to make such provision. The applicants have utilised the DEFRA Metric 3.1 (April 2022) which is agreed. The applicants have stated that they would aim to purchase off-site compensation credit from the Hampshire and Isle of Wight Wildlife Trust to the equivalent of 23.35 habitat units.
- 10.75 It is noted that HCC Ecology have expressed concern at the absence of detail supporting these calculations. However, additional detail is set out in the EclA in Appendix H1 of Vol.4 of the ES. The detailed BNG calculations have now been received and have been forwarded to HCC Ecology and any comment received prior to the Committee will be reported in SMAT papers. Having considered the report, the metric calculations are considered to be acceptable. However, the quantum of off-site compensation proposed is considered to potentially fall short, by appearing to replicate what is lost without securing a 10% gain. Whilst a net gain of 3.84% is indicated, this needs to be clarified in consultation with HCC Ecology as some of the figures provided in the EclA and BNG report do not tally. Furthermore the compensation credit must be secured and consequently a condition is recommended to ensure that an updated BNG report is provided for subsequent approval and an acceptable quantum of compensatory mitigation is secured.
- 10.76 In summary, it is recognised that the development would give rise to some permanent loss of habitat. A robust EIA informed by appropriate surveys, agreed pursuant to EIA scoping submission, has been provided. Impacts are considered to have been fully adequately assessed and a suite of mitigation measures identified, notably by way of the BCA but in through on-site landscaping and bespoke habitat measures, addition off-setting contributions towards off-site compensation and translocation where required. These measures can be secured through planning condition and/or legal agreement as outlined in the recommendation. The mitigation measures would result in either minor negative or neutral impacts and this is considered to be acceptable having regard to the wider planning balance.

Flooding

- 10.77 When determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. In this case a significant part of the site is within Flood Zone 2 and 3. As such the applicant has submitted a flood risk assessment with the application that identifies that the dominant risk of flooding to the site is from the residual tidal flood risk and surface water flooding. The remaining sources of flood risk (fluvial, groundwater, sewers, and artificial sources) pose a low risk to the site.
- 10.78 The recommendations suggested by the applicant, namely that:
- All residents and Site users register for the Flood Warning service, provided by the Environment Agency. (<https://www.gov.uk/sign-up-for-flood-warnings>).
 - the coastal walkway should be closed during periods when high tides and strong winds combine
 - A Flood Risk Emergency Plan should be produced to identify clear milestones and actions to be implemented upon receipt of a warning to limit the risk to users of the coastal walkway
- can be secured by suitably worded planning conditions
- 10.79 Both the Environment Agency and Coastal Partners originally objected to the application on the grounds that the submitted Flood Risk Assessment did not take account of the

impacts of climate change nor provide detailed information for the proposed sea wall or consider the requirement for flood emergency planning including flood warning and evacuation of people. An updated response from both consultees is awaited and will be reported verbally at the planning committee meeting and via SMAT.

Commercial uses and sequential test

- 10.80 As well as the proposed 835 residential units, the application proposes 715.7 sq.m of floorspace falling within Use Classes E, F1 and F2. Following the change to the Use Classes Order in 2020, these comprise commercial business and service uses (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2).
- 10.81 As set out in the Planning Statement submitted with the application, there will also be a number of commercial and community areas which are proposed to be provided within the ground flood of Blocks E, F, J and K. The final uses are yet to be determined however, the applicant has proposed uses within the E, F1 and F2 use classes. It is envisaged that; block F at the entrance to the site and on the ground floor would be a convenience store, block E would provide some form of restaurant/café; block J would offer some form of community space; block K would be a link between the park and ride/transport hub, and would be flexible in their use but with a focus on more commercial space.
- 10.82 Whilst no sequential test has been undertaken in this case, national guidance makes it clear that the application of such a test would need to be proportionate and appropriate. In this case as the quantum of non residential floorspace amounts to just over 1% of the total and given that the development is effectively creating a new/extended neighbourhood within Portsmouth, it is considered that the element of non residential floorspace is to be encouraged and will add to the character and vitality of the area.

Archaeology

- 10.83 The Council's archaeological adviser has expressed concerns regarding the remediation works currently taking place on the site. However these are lawful operations being lawfully carried out under an extant planning permission.
- 10.84 The council's adviser is also recommending that an appropriately worded planning condition requiring a written scheme of investigation is necessary to secure any remaining archaeological mitigation. Such a condition can be imposed on the grant of permission.

Ground Conditions and Pollution (Contaminated Land)

- 10.85 The NPPF, paragraph 188 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land. In this respect as set out in Paragraph 183, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in Paragraph 184, the responsibility for securing a safe development rests with the developer and or landowner.
- 10.86 The site has a long history of polluting land uses dating back to the 1860s. Under the terms of the previous planning application on the site (Ref. 10/00849/OUT) remediation works have commenced. The key recommendations for the detailed remedial strategy are set out in the Environmental Statement (Paragraphs 9.5.9 and 9.5.10).
- 10.87 Significant parts of the necessary remediation will be secured under the commenced previous application (10/00849/OUT) and appropriate conditions can be imposed to

secure the completion of that work and any ongoing and further monitoring or remediation activity.

CIL and S106

- 10.87 Part 11 of the Planning Act 2008 provides for the introduction of the Community Infrastructure Levy (CIL). The detail of how CIL works is set out in the Community Infrastructure Regulations CIL is intended to be used for general infrastructure contributions whilst S106 obligations are for site specific mitigation. The regulations have three important repercussions for S106 obligations:
- Making the test for the use of S106 obligations statutory (S122)
 - Ensuring that there is no overlap in the use of CIL and S106 (S123)
 - Limiting the use of 'pooled' S106 obligations post April 2014 (S123)

CIL

- 10.89 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 10.90 Based on figures provided by the applicant, the indicative CIL liability is £9,595,676.15 (gross) less £2,845,138.76 social housing relief (assumed 30% of the gross residential floorspace figure) resulting in an indicative CIL liability of £6,750,537.39.
- 10.91 This could be pooled and put towards funding improvements in primary care provision, policing, and education.

S106 - Heads of Terms

- 10.92 The applicant has indicated its willingness to enter into a legal agreement under S106. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 10.93 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.
- 10.94 As such the applicant has indicated a willingness to make contributions and those that are considered to meet the statutory tests are.

Contribution	Requested by	Trigger
SANG/SAMM Solent Protection Area contribution, inc. 'Bird Aware' (TBC)	PCC	Prior to 1st occupation
Highways contribution to off-site works (TBC)	PCC	Prior to 1st occupation
Sea Wall / Cycle path (TBC) Flood defence work	PCC	Delivery phasing TBC
Affordable housing	PCC	Delivery phasing TBC

Ecology Management and enhancement (TBC)	PCC	Delivery phasing TBC
Bus Routing (TBC)	PCC	Prior to 1st occupation
Linkage to P+R (TBC)	PCC	Prior to 1st occupation
Use of P+R (TBC)	PCC	Prior to 1st occupation
Linkage to Bellway (TBC)	PCC	Prior to 1st occupation
Travel Plan (TBC)	PCC	Prior to 1st occupation
Community Space / Culture / Community Art (TBC)	PCC	Prior to 1st occupation
On site harbour side Cycle Path delivery (TBC)	PCC	Prior to 1st occupation
Linkage to Tipner W and Portsea Island Cycle Route (TBC)	PCC	Prior to 1st occupation/ Commencement
Nutrient Mitigation Delivery (TBC)	PCC	Prior to 1st occupation

Human Rights and the Public Sector Equality Duty (PSED)

10.95 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

10.96 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

CONCLUSION AND PLANNING BALANCE

11.1 As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision on a planning application should be made in accordance with the development plan unless material consideration(s) indicate otherwise. In considering Section 38(6) the proposal does not materially conflict with the development plan and the material considerations do not indicate otherwise.

11.2 This is a complex application that if implemented would take a significant period of time to complete. However, there are significant planning benefit in redeveloping this vacant site. These are:

1. the creation of a gateway development at the entrance to Portsmouth
2. the delivery of much needed housing at a high density that makes efficient and effective use of land (a limited resource in Portsmouth) and at a time when PCC cannot deliver a five year land supply
3. the provision of at least 30% affordable housing
4. inclusion of an element of commercial and community use floorspace to help create a neighbourhood
5. provision of car parking below standard to encourage a shift away from reliance on the private car

6. environmental improvements and enhancements compared with the existing site situation
7. job creation
8. improved infrastructure benefits such as the improved sea defence and the cycle way.

11.3 The officer recommendation is therefore to grant planning permission

RECOMMENDATIONS

Grant planning permission subject to conditions and a s106 Agreement.

Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the conditions (listed below) and finalise the s106 agreement in line with the Heads of Terms listed above.

Conditions

1. Time Limit
2. Approved Plans
3. Phasing
The development shall only be carried out in accordance with a plan submitted to show phasing or such other alternative phasing programme as may be submitted to and agreed in writing with the Local Planning Authority.
4. Construction Environmental Management Plan
5. Hours of work (construction)
6. Hours of use (commercial premises)
7. Use of uncontaminated soils and fill
8. Unsuspected Contamination
9. Archaeology and Archaeological work programme
10. Piling methodology
11. External materials
12. Building heights
13. External ventilation and extraction details (for non resi units)
14. Glazing - soundproofing
15. Car parking - provision and retention
16. Cycle parking - provision and retention
17. Car Parking Management Scheme
18. Refuse and Recycling - provision and retention
19. Landscaping - details
20. Landscaping - implementation

21. Open Space - provision, community access, and retention
22. Lighting scheme
23. Removal of PD rights (no outbuildings, no conversion of garages, no erection of boundary treatments, no change of use of commercial premises)
24. Ecological mitigation, including Bird Conservation Area, Reedbeds, Reptiles, Japanese knotweed, wintering bird mitigation strategy and Biodiversity Net Gain
25. BREEAM standards & certification
26. Energy strategy
27. Water efficiency requirement
28. Zero or Low Carbon Energy Sources - Provision
29. SUDS
30. Foul and Surface Water drainage
31. Limitation to delivery of town houses in southwestern part of the site without collaboration with adjacent development
32. Approval of a flood warning/emergency plan
33. Employment & Skills Plan
34. Pre-commencement condition for approval of design of junction with Twyford Avenue including details of cycle routing both at Tipner Lake and along Twyford Avenue

Agenda Item 5

21/01774/FUL

WARD: COSHAM

77-79 HIGH STREET COSHAM PORTSMOUTH PO6 3AZ

CONSTRUCTION OF TWO SEPARATE 2-STOREY ROOF EXTENSIONS ABOVE EXISTING BUILDING WITH CONNECTING WALKWAYS AND COMMUNAL ROOF TERRACES TO FORM 8 DWELLINGS; ALTERATIONS AT GROUND FLOOR TO CREATE NEW ENTRANCE FRONTING DORKING CRESCENT AND ASSOCIATED REFUSE STORAGE FACILITIES.

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R3PDI-TMOGFV00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R3PDI-TMOGFV00)

Application Submitted By:

PDP Architecture LLP
FAO Miss Ida Rorvik

On behalf of:

Mr Mark Smith
Kestrel Court Ltd

RDD: 6th December 2021

LDD: 1st February 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination at the request of Councillor Lee Mason and due to the number of objections (7) received.

1.2 The main issues for consideration are:

- The principle of the development;
- Design;
- Impact on residential amenity;
- Standard of Accommodation;
- Highway Impacts;
- Waste;
- SPA Mitigations;
- Sustainable design and construction;
- Other Issues

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and Surroundings

2.2 The application site comprises a single storey mixed use commercial and residential building. The building, which is orientated west to east, includes three commercial units that front onto the High Street. It is noted the rear half of the building, which fronts onto Dorking Crescent, has an extant Prior-Approval for conversion from a rear store into two flats (1 one bedroom and 1 two bedroom) under 21/00017/PACOU. The three commercial units all fall within Class E. The existing building is a simple flat roofed structure, primarily constructed of red brick with shop fronts along the High Street (west elevation).

2.3 The application site is located within the Cosham District Centre as defined by Policy PCS8 of the Portsmouth Plan. There is a mixture of single storey, two storey, two and a half storey and three storey buildings within the area. Primarily those along the High Street, feature commercial uses at ground floor level with residential units and first floor

and above. Those properties along Dorking Crescent are residential and include flatted blocks and houses, of two, three and four storeys. A short terrace of four houses lie opposite the site, as does a recently constructed part two-part three storey care home.

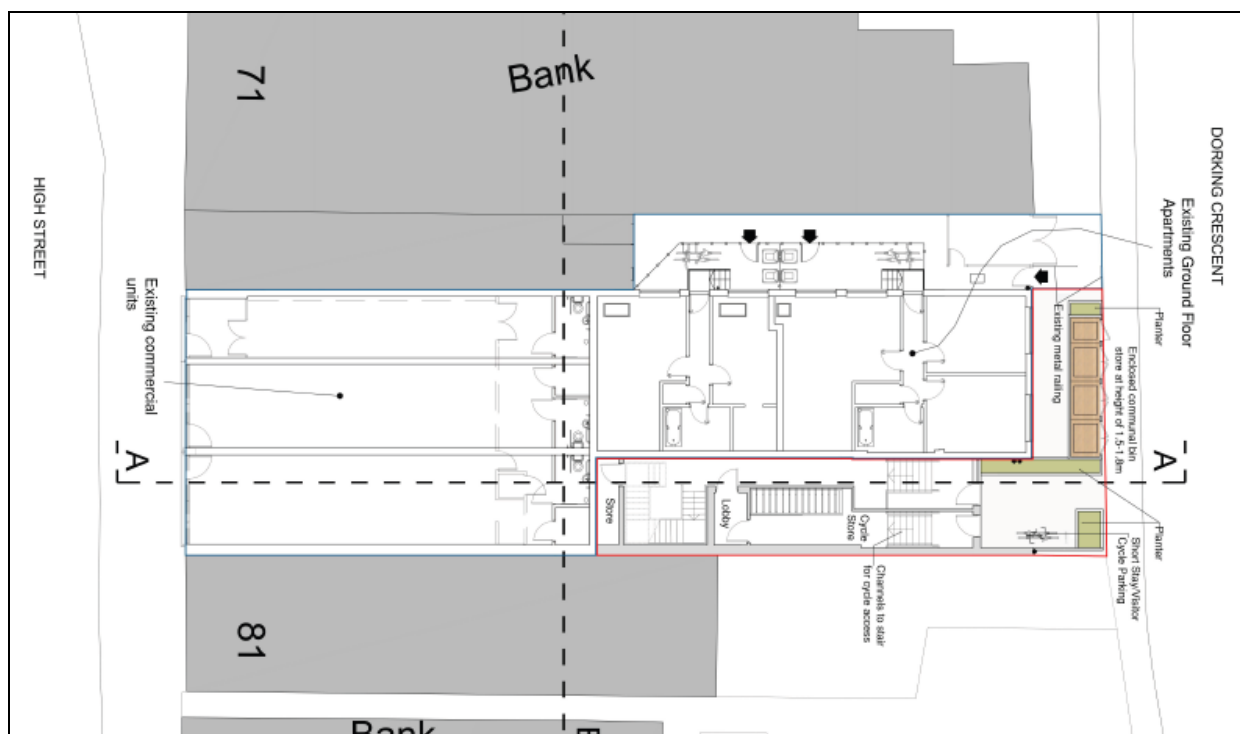
2.4 Proposal

2.5 Planning permission is sought for the construction of two separate 2-storey roof extensions above existing building with connecting walkways and communal roof terraces to form 8 dwellings; alterations at ground floor to create new entrance fronting Dorking Crescent and associated refuse storage facilities.

2.6 The units proposed would comprise 4 one-bedroom flats and 4 two-bedroom flats.

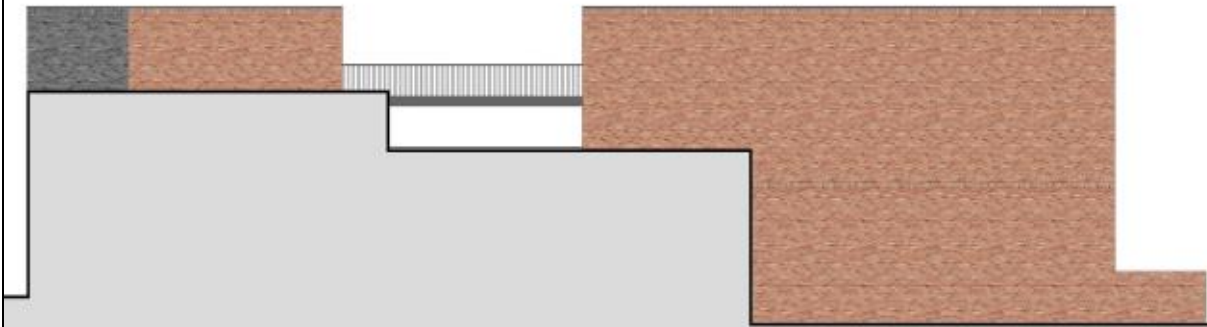
2.7 The additional built form would result in a three-storey building, with two main elements set to either end (west and east) of the building, connected by communal and private roof terraces and walkway at first floor. The proposal would be flat roofed and finished in red brick for the majority of the extension, with grey brick work to the western elevation fronting the High Street. The extension would follow the existing footprint of the building and include a new entrance along Dorking Crescent. The proposal would include internal cycle storage within the ground floor of the main building and bin storage along the eastern boundary of the site, as well as metal fencing along Dorking Crescent. The ground floor retail units would remain as per existing, and the Applicant intends to implement the two flats approved under 21/00017/PACOU as well as the development now proposed.

2.8 The images below show the Proposed Site and Ground Floor Plan and the north, east and west elevations/street scenes:





Proposed West Elevation



Proposed South Elevation



Proposed East Elevation



Proposed North Elevation

2.9 Planning History

2.10 The site's most relevant planning history is listed below:

- 21/00017/PACOU - Application for prior approval relating to the change of use of part conversion to rear of existing retail unit (Class A1) into 2 dwellings (Class C3) 1no. 1 bed 2 person dwelling and 1no. 2 bed 4 person with associated works to include alterations to windows, access steps to new entrance door and 1.6m high fencing boundary treatments with provision of refuse, recycling and cycle storage. Prior approval required and granted. June 2021.
- 20/01518/FUL - Proposed shopfront alterations to facilitate subdivision of retail unit. Conditional Permission May 2021
- 21/00003/PACOU - Application for prior approval (Class M) for the change of use of part of ground floor from retail to 1 one bedroom flat and 1 two bedroom flat. Associated external works to include new access steps, doors, windows, boundary fence and cycle and refuse storage. Prior approval required and refused. March 2021
- A*25673 - The rebuilding of an existing retail shop with ancillary storage accommodation. Conditional Permission March 1965
- A*25673/A - The erection of a new shopfront. Permission November 1965

3.0 **POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS8 - District centres
- PCS10 - Housing Delivery
- PCS13 - Greener Portsmouth
- PCS15 - Sustainable Design & Construction
- PCS17 - Transport
- PCS21 - Housing Density
- PCS23 - Design & Conservation

3.2 In addition to the above development plan policies the Solent Recreation Mitigation Strategy (2017) and Interim Nutrient Neutral Mitigation Strategy (June 2022), Housing Standards SPD (January 2013), the Parking Standards & transportation SPD (July 2014) are also material to the determination of the application.

4.0 **CONSULTATIONS**

4.1 Environmental Health

4.2 No objection subject to a condition for details of the sound insulation of the proposed units.

4.3 Contaminated Land Team

4.4 No objection subject to an informative

4.5 Ecology

4.6 No objection subject to a condition requiring that a minimum of 8no. integrated swift boxes are installed and a suggested informative relating to birds' nests is included. If you

deem appropriate, I request that a low maintenance green roof (sedum roof) is installed on the proposed bin stores.

4.7 Highways

4.8 The Highway Authority have identified deficiencies in the submitted Parking Survey however notwithstanding those deficiencies, they believe that the application would not cause an unacceptable impact to highway safety or a severe cumulative impact and therefore an objection could not be sustained at appeal. However you may wish to consider the residential amenity impact.

5.0 REPRESENTATIONS

5.1 Twelve representations have been received towards the proposed scheme, 6 of which offer comments of objection, 6 of which offer support. The reason for objections were:

- a) Loss of light and overshadowing towards Magdala Road;
- b) Loss of privacy towards Magdala Road and Dorking Crescent;
- c) Loss of property value;
- d) Inadequate parking and increase in traffic - concerns about developers parking availability claim within Traffic Statement;
- e) Increase noise and disturbance;
- f) Overdevelopment of the site;
- g) Impact of local services;
- h) Out of keeping with the character of the High Street;
- i) Amount of building work within the area;
- j) Waste caused by construction;
- k) Increase in height is unacceptable;
- l) Increase sense of enclosure to Dorking Crescent;
- m) Oppressive building design;
- n) Lack of Housing mix in opposition to PCS19;
- o) Internal cycle parking access;
- p) Courtyard would achieve no sun;
- q) Fails to meet PCS15 - Sustainable Design & Construction; and
- r) The support comments are not from the local area.

5.2 The support comments received are be summarised below:

- a) Bring more people to the High Street;
- b) Good use of existing building;
- c) Good convenient location for local transport;
- d) Units appear to be of a good standard of accommodation;
- e) Design appears to fit in well with surrounding area; and
- f) Provide needed accommodation.

6.0 COMMENT

6.1 The main issues for consideration are:

- The principle of the development;
- Design;
- Impact on residential amenity;
- Standard of Accommodation;
- Highway Impacts;
- Waste;
- SPA Mitigations;
- Sustainable design and construction;
- Other Issues

6.2 Principle of the development

6.3 Policy PCS10 of the Local Plan states that the City Council will plan for an additional 7,117 - 8,387 homes between 2010 - 2027 that will be provided in designated areas and through conversions and redevelopment of previously developed land. Furthermore, paragraphs 5.31 and 5.34 of the Local Plan highlight the need to make the most effective use of land which is consistent with the objectives of Section 11 of the NPPF that highlights the importance of using land effectively to provide the homes and other identified needs that communities need. On this basis the proposal is entirely acceptable in principle

6.4 Another consideration for the determination of this application is the fact that Authority does not have a 5-year housing land supply (it has 3.8 years), and the proposed development would contribute towards meeting market. The proposed development has been assessed on this basis and is deemed to be acceptable in principle. The scheme would retain the existing commercial units and frontage along the High Street in accordance with Policy PCS8. The site is located within a sustainable location with a very good access to jobs, shops, services and public transport. However, the specific impacts of the proposal must still be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

6.5 Design

6.6 Section 12 of the National Planning Policy Framework (NPPF) places an emphasis on achieving high quality sustainable development. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Paragraph 130 sets out that developments should ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

6.7 In addition, Policy PCS23 of the Portsmouth Core Strategy (2012) states, inter alia, that new development must be well designed and, in particular, respect the character of the city. A range of guiding principles include the need for excellent architecture, public and private spaces, the need to relate well to the city's heritage and to be of an appropriate scale, density, layout, appearance, and materials in relation to the particular context.

6.8 The overall height of the building is considered to be acceptable within the overall urban grain of the High Street. While the prevailing character is two-storey buildings there are example of three storey buildings within the area. The additional height is not considered to be obtrusive given the size of the plot and the heights of the neighbouring properties. The proposal would maintain a simple, contemporary flat roofed design, which in the commercial context of the High Street is considered to be appropriate. The rear of the site would include a main entrance and landscaping, which would improve the general appearance of the street. While it does serve the back of commercial units, it is an established road with existing residential properties on it. As such improving the rear aspect would help the eastern end of the site, feel less like the back of shops and more like a traditional road.

6.9 The use of red and grey brick is considered to be acceptable given the existing building and surrounding material palette. It is considered as this is an extension to the existing building (middle and rear of site), the new brickwork will need to be a good match for the existing building and in order to ensure this a condition will be attached for brick samples to be submitted and approved.

- 6.10 Details of the windows have been provided which show an appropriate recess in order to avoid the building appearing overly flat and brick detailing is proposed in order to break up the overall massing of the structure.
- 6.11 Subject to the conditions set out below regarding materials it is considered that the scheme will ensure the development represents a high-quality sustainable form of development that accords with the objectives of Policy PCS23 of the 2012 Local Plan and the NPPF.
- 6.12 Impact on residential amenity
- 6.13 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.
- 6.14 The properties to the immediate north and south of the site (Nos.71-75 High Street and No.81 High Street) are within commercial use and therefore the proposal would have no impact on residential amenity. There are residential properties further to the north of the site within residential use along Magdala Road (Nos.2-12). The closest of these dwellings is located 20m away from the site. These properties already face onto the side of No.71 High Street which stands at 8.5m in height. It is therefore considered that given the existing built form that the proposed development would not have any significant impact upon the amenity of these residential occupiers.
- 6.15 The properties to the east of the site (Nos 1-5 Dorking Crescent) are two-storey residential properties. They are set away from the existing building by 18m. The proposal would result in additional first and second floor windows overlooking the front of these properties as well as the additional height (two extra storeys constructed). This is considered to be a standard relationship between residential windows within the urban area. It is therefore not considered that the proposal would result in any unreasonable effect.
- 6.16 The properties to the west of the site (No.48a-g High Street) are a mixture of two and three storey buildings, with commercial uses at ground floor and residential above. They are set away from the existing building by 21m. As stated above, this a standard relationship for the area and it is not considered that the increase in height of the building or additional windows would unduly impact their amenity.
- 6.17 The applicants have provided a sun study of both the existing and proposed site, which shows that difference in shadowing caused by the development to the nearby residential neighbours would be negligible and certainly not result in a harm towards their amenity.
- 6.18 Standard of Accommodation
- 6.19 Policy PCS19 of the Portsmouth Plan states that all new development and housing conversions should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate. This policy, along with the Nationally Described Space Standards (NDSS), seeks to ensure that each new dwelling meets these requirements.
- 6.20 Each of the apartment would exceed the Space Standards. Each of the occupants would have a good standard of amenity and benefit from an acceptable level of light and outlook.
- 6.21 Regarding outdoor space, the scheme proposes some individual balconies for three of the first-floor flats. The rest of the units rely on the shared terrace at first floor level. While the level of sun to this area would be limited at times, especially in the winter, it would still benefit from daylight year-round. Knowsley Road Park is just 180m away to the east, while King George Playing Field and Cosham Park are nearby also. Given the town

centre location of the site, the standard of accommodation for the flats is on balance considered to be acceptable and accord with Policy PCS23 of the Portsmouth Plan.

6.22 Highway Impacts

6.23 Policy PCS17 ensures, inter alia, that the City Council and partners will reduce the need to travel and provide sustainable modes and promote walking and cycling.

6.24 The Local Highways Authority (LHA) has noted deficiencies in the Applicant's parking survey. First, the survey appears to consider areas more than 200m walking distance from the site, while the LHA notes that 200m is the expected maximum walking distance. Secondly, the survey counts parking spaces that are subject to limited waiting restrictions, which are not practical options for overnight residential parking.

With regard to the 200m distance, the 'Lambeth Methodology' states: "*People searching for a parking space are unlikely to stop halfway along a road at an imaginary 200m line so the survey should be extended to the next junction or shortened to the previous one, or taken to a suitable location along a road*". The Lambeth Methodology notes that common sense should be applied in all cases and the extent of the survey area and justification for any amendments should be included in the survey. It is considered reasonable to include the eastern end of Dorking Crescent as potential areas for residential parking derived from this development proposal.

6.25 The spaces identified originally by the Applicant do include some pay and display spaces, and others that are time-restricted. However, truly unrestricted and free on-street parking spaces were surveyed, with 26 found on Dorking Crescent. These would accommodate parking demand generated by this development proposal.

6.26 The LHA considers that the application would not cause an unacceptable impact to highway safety or a severe cumulative impact and therefore an objection could not in their view be sustained at appeal.

6.27 The site is in a sustainable location in close proximity to shops, services, employment and public transport. Therefore, it is the case that a future occupier of the development could live at the locality without the need for a private car. While there are issues with the submitted parking survey, it is considered that the provision of additional residential accommodation within such a sustainable location is acceptable.

6.28 The proposal would provide a suitable level of cycle parking located within the main body of the building. This provision meets the Policy requirement and is therefore acceptable and will be conditioned to ensure its retention.

6.29 Waste

6.30 The application proposes the provision of communal bin storage to the front of the site along Dorking Crescent. Bin storage provision is considered acceptable and would be secured by condition.

6.31 The Ecologist did suggest a condition for a Sedum roof atop the bin storage, it was not considered to be suitable in this instance, however additional planting has been proposed to the frontage to meet the requirement for biodiversity.

6.32 SPA Mitigations

6.33 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy

(PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

- 6.34 There are two potential impacts resulting from the accommodation proposed as part of this development. The first being potential recreational disturbance around the shorelines of the harbours, and the second being from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 6.35 Officers have submitted an Appropriate Assessment, dated 13th December 2022, to Natural England who have yet to respond at the time of publication, if a response is received prior to the meeting, Members will be updated, and any legal agreement will not be completed until confirmation has been received. It is assumed that no objection will be raised to the proposal subject to the necessary mitigation being secured. The mitigation contribution for the recreation disturbance is £2,252 whilst a total of £18,525 is required to ensure nitrate neutrality based on 7.41kg TN/yr.
- 6.36 The recommendation is for the Committee to recommend the granting of permission subject to the completion of a legal Agreement to secure the mitigation payment for both the recreational bird disturbance and nitrate neutrality.
- 6.37 In terms of the biodiversity value of the site itself, the City Council's Ecology Officer has requested that 8 swift bricks are incorporated into the building. The plans have been amended since the original consultation to include this and this will be conditioned to ensure sufficient biodiversity is achieved on site.
- 6.38 Sustainable design and construction
- 6.39 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes.
- 6.40 The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:
- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
 - Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).
- 6.41 Although the applicant would have been expected to submit a pre-assessment estimator, this shortcoming could be resolved by the imposition of a suitably worded condition.
- 6.42 CIL
- 6.43 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.

6.44 The proposal would result in the creation of 8 new dwellings totalling 620sqm of GIA floorspace. If existing building discount can be applied to the 44sqm of existing GIA floorspace, the likely CIL chargeable amount will be £96,279.82. A CIL Form 1 was submitted with the application and the estimate is based on the figures provided which have been checked by measuring the latest proposed floor plans.

6.45 Human Rights

6.46 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

6.47 Equality Act

6.48 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

6.49 Other raised issues

6.50 Loss or changes to property value is not a material planning consideration

6.51 The provision of 8 additional flats would not be considered to result in any undue stress on local services.

6.52 Given the sites location and the availability of external space, it is considered appropriate under its specific circumstance to attach a condition requiring a Construction Management Plan in order to assure that there will not be an unduly significant impact from construction through noise, disruption, or waste.

6.53 The mix of flats is that of one- and two-bedroom units. It is considered that given the context of the scheme, within a town centre, that larger units would not be appropriate as larger families would require increased outdoor amenity space provision and would be more likely to require cars.

6.54 An objection comment has raised concerns that some of the support comments are not from the local area. While some of the comments are from slightly further from the application site, they are still within Portsmouth. It does not necessarily diminish their value or validity, especially as they are not about detailed local matters like sunlight or privacy but about encouraging additional accommodation and overall design.

6.55 Conclusion

6.56 The site is appropriate in principle for residential development and would contribute towards the City's housing land supply. The location is very well served by shops, services, employment and public transport, and an appropriate level of amenity would be afforded to the development's residents. The effect on surrounding residents' amenities

would be limited and acceptable, and the other matters addressed above are also deemed acceptable. The proposals constitute sustainable development and should be granted planning permission.

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

- i. To secure mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.
- ii. To secure mitigation of the development with respect to the nitrate neutrality mitigation for the Special protection Areas

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 to secure the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

RECOMMENDATION Conditional Permission

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.

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:

- 28129-PD099 - SITE LOCATION PLAN;
- 28129-PD100 - PROPOSED BLOCK PLAN;
- 28129-PD101E - PROPOSED SITE PLAN;
- 28129-PD107 - PROPOSED BAY WINDOWS;
- 28129-PD102C - PROPOSED FLOOR PLANS;
- 28129-PD103C - PROPOSED WEST AND SOUTH ELEVATION; and
- 28129-PD104D - PROPOSED EAST, WEST AND NORTH ELEVATION.

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

Materials

3) (a) Notwithstanding the submitted details, no development works other than those of ground works, and construction of the building's foundations shall take place until: a full and detailed schedule of all materials and finishes (including a brick samples) to be used in the construction

of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this Condition

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012), and the aims and objectives of the National Planning Policy Framework (2021).

Ecology

4) The swift bricks as shown on plan 28129-PD104D shall be installed prior to occupation and shall thereafter be retained for the life of the development.

Reason: To secure sustainable biodiversity enhancements in accordance with Policy PCS13.

Landscaping

5) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high-quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Sustainable construction

6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, demonstrating that the development has achieved:

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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

Sound insulation

7) Prior to the commencement of the development:

a) A scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor between the ground floor commercial use and the proposed first 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 55dB.

b) Prior to the commencement of construction works a scheme for insulating those habitable rooms facing the High Street against road traffic noise emanating from said street shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB,
Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45db.

c) Upon approval these measures shall be implemented in full prior to the first occupation of any residential unit and thereafter maintained.

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

Bicycle Storage

8) No part of the development hereby permitted shall be occupied/brought into use until the cycle storage facilities as shown on plan 28129-PD101E have been provided and thereafter these facilities shall be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

Refuse Storage

9) No part of the development hereby permitted shall be occupied/brought into use until the facilities for the storage of refuse, recyclable materials and food waste as shown on plan 28129-PD101E have been provided and thereafter these facilities shall be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

CEMP

10) Prior to the commencement of any building operation associated with the building's conversion or enlargement, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Crane siting; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work. The development shall be carried out in accordance with the CEMP approved pursuant to this condition and shall continue for as long as building operations are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of neighbouring occupiers having regard to the close proximity of the site in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

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Agenda Item 6

22/01368/FUL

WARD: MILTON

167-169 HIGHLAND ROAD, SOUTHSEA, PO4 9EZ

CONSTRUCTION OF A THREE STOREY BUILDING WITH MANSARD ROOF TO FORM 4NO. DWELLINGS WITH ASSOCIATED PARKING AND REFUSE/CYCLE STORAGE, FOLLOWING DEMOLITION OF THE EXISTING BUILDING.

LINK TO ONLINE DOCUMENTS:

[22/01368/FUL | CONSTRUCTION OF A THREE STOREY BUILDING WITH MANSARD ROOF TO FORM 4NO. DWELLINGS WITH ASSOCIATED PARKING AND REFUSE/CYCLE STORAGE, FOLLOWING DEMOLITION OF THE EXISTING BUILDING. | 167-169 HIGHLAND ROAD SOUTHSEA PO4 9EZ \(PORTSMOUTH.GOV.UK\)](#)

Application Submitted By:

Mr Tristan Holt
PLC Architects

On behalf of:
Richard Harding

RDD: 26th September 2022

LDD: 22nd November 2022

EOT: 3rd February 2023

This application is brought to Planning Committee due to the number of objections received (16).

1 SUMMARY OF MAIN ISSUES

1.1 The main issues for consideration in the determination of the application are as follows:

- Principle of Development
- Design and character
- Impact on amenity
- Highways Impacts
- Ecology & Impact on the Solent Special Protection Areas

1.2 Site and Surroundings

1.3 This application site relates to a single storey building which was last in use as a guitar shop. The building has a glazed shop frontage with a pitched roof. The building is situated on the northern side of Highland Road, on a corner at the junction with Hellyer Road to the west, which is a one-way street heading north. A zebra crossing is situated to the west of the site along Highland Road.

1.4 The property is lower than the attached three-storey building to the east, which comprises a block of flats with under-croft parking to the rear. The front of the site has a hard surface area with vehicle restricting bollards. The site frontage also has a number of pieces of street furniture restricting access to and from the site from both Highland Road and Hellyer Road.

Highland Road is a classified road (B2154) and has an extended run of mostly various types of commercial properties along its northern side, with Highland Road Cemetery diagonally opposite to the south-west side. Otherwise, two-storey Victorian terraced

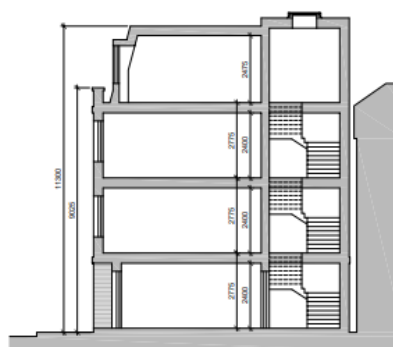
housing forms the predominant land use in the area. Off street parking is not a common feature within the site's immediate vicinity.

2 Development Proposal

- 2.1 The development proposal would involve the demolition of the existing building and the erection of a three storey building incorporating a mansard style roof. The building is to provide four self-contained apartments, one on each of the four floors. The building would incorporate full height windows while the mansard roof would be recessed from the buildings outer walls and set behind a parapet. The building would be clad in red bricks, with a standing seam roof.
- 2.2 The apartments would all contain 2 bedrooms, an open plan kitchen and dining area, and a bathroom, accessed via an internal stairwell. The individual units would range in internal floor space from 62m² to 93m².
- 2.3 The ground floor apartment would have a smaller internal habitable floorspace than the others, as part of the rear of the building is to form a bin and cycle store for 8 bicycles and stairway access to the upper floor units. All four flats are to be accessed via Hellyer Road.
- 2.4 Amended plans were received 06/01/2023, reconfiguring the internal refuse storage provisions as well as the removal of the off-street parking provisions which would allow for the inclusion of meaningful landscaping, the final details of which will be controlled by condition.



Proposed South Elevation
(Highland Road)

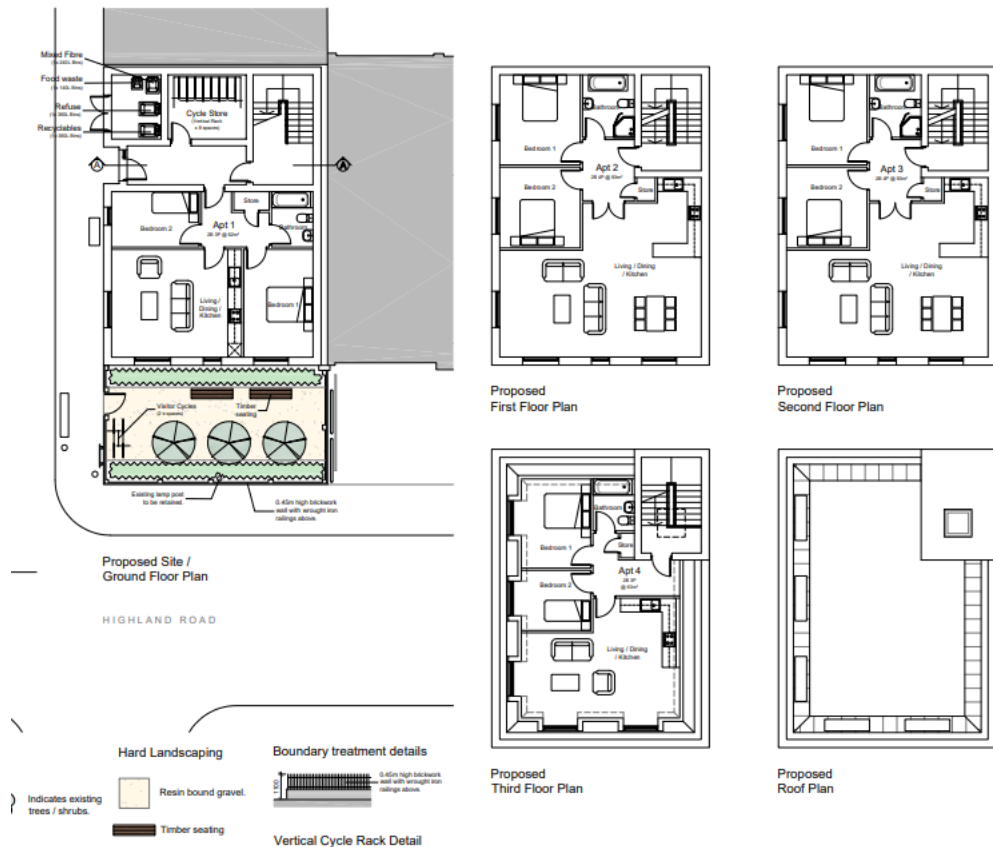


Proposed Section A-A'



Proposed West Elevation
(Hellyer Road)

- External Materials**
- ① Red facing brickwork.
 - ② Decorative red brickwork banding.
 - ③ Grey upvc framed double glazed windows.
 - ④ Grey upvc framed doors.
 - ⑤ Grey upvc framed entrance door with sidelight.
 - ⑥ Grey standing seam single ply roof.
 - ⑦ Grey single ply downpipes.
 - ⑧ Reconstituted stone parapet coping.
 - ⑨ Black upvc rainwater pipes and hoppers.



3 POLICY CONTEXT

3.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are

- PCS15 (Sustainable Design and Construction)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS23 (Design and Conservation)

3.4 Other guidance:

- The Parking Standards SPD
- National Planning Practice Guidance
- National Design Guide (2019);
- The Housing standards SPD and the Technical Housing Standards - Nationally described space standards
- Sustainable Design & Construction SPD (January 2013)
- Reducing Crime Through Design SPD (March 2006);
- The Solent Recreation Mitigation Strategy (December 2017)
- Nitrates

4 Representations:

4.1 Following the display of the site notice and public notification. 15 letters of objection were received. The issues raised were as follows:

- Disruption during construction stage
- Parking congestion
- Proposed parking arrangement would be dangerous

- The ground floor commercial element should be retained for the amenity of the area
- The height is unacceptable for the site's context
- Loss of light to Hellyer Road
- Impact on sewers

4.2 Cllr Gerald Vernon-Jackson also objected on the following grounds:

- The ground floor flat's living room and kitchen are just too small for a two bed flat.
- The building is one story too tall and is out of keeping with surrounding structures.
- Three off street car parking spaces could be created at the front of the building, but only two are shown. One for each flat would be better.

5 CONSULTATIONS

5.1 **Highways Engineer:** Object on highway safety grounds to proposed forecourt parking.

Local highway network:

No traffic assessment has been provided however given the small scale of the development, satisfied would not have a material impact upon the function of local highway network.

Parking amount:

Requirement of 6 vehicles spaces and 8 cycle spaces. Few properties in the area have off street parking facilities with most parking accommodated through restricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends. No parking survey information has been submitted to demonstrate on street capacity could accommodate the likely additional demand resulting from the development within a 200m walking distance of the application site. The proposal would increase the local parking demand making it more inconvenient for local residents to find a place to park. This is likely to result in increased instances of residents driving around the area hunting for a parking space, although this is an issue of residential amenity. This could justify a reason for refusal and consequently you should give this due weight in your determination of the planning application

Parking forecourt: the crossover proposed would result in a unacceptable highway safety impact. Given the high flow of vehicles along Highland Road, proximity to the neighbouring junctions and limited visibility splays due to parked vehicles on the adjacent site at Hurley Court, it is considered that vehicles reversing out of the site would put other road users at risk particularly cyclists and therefore would conflict with paragraph 111 of the NPPF 2021. Object on these grounds.

5.2 **Refuse collection** - Advised on the requirements of the refuse collections.

5.3 **Natural England** - Respond awaited.

6 Planning Assessment

6.1 The main issues for consideration in the determination of the application are as follows:

- Principle of Development;
- Design and character
- Impact amenity;
- Highways Impacts;
- Sustainable Design & Construction
- Ecology & Impact on the Solent Special Protection Areas

6.2 Principle of Development

- 6.3 The National Planning Policy Framework (NPPF) states that decisions on planning applications should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 182). The NPPF also states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.4 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply (it has 3.8 years), and the proposed development would contribute towards meeting housing needs through a net gain of 4 dwellings. The proposed development would be assessed on this basis.
- 6.5 Policy PCS10 of the Portsmouth Plan (2012) states that "new housing will be promoted through conversions". This windfall scheme which will deliver 4 new housing units which would help the Council meet its housing target, albeit the proposal would result in the demolition and rebuild of the existing building.
- 6.6 There is no objection in principle to either the loss of the retail use, nor to the provision of residential units.

6.7 Design and character

- 6.8 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 6.9 The 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".
- 6.10 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.11 Policies PCS23 (Design & Conservation) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being

safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations.

- 6.12 The development proposal would see the existing single storey building replaced with a 3 storey building, with the incorporation of a mansard style roof form. The mansard roof would be recessed from the outer walls, set behind a parapet wall. The recess of the roof form would minimise the overall height of the building, minimising its perception within the streetscene's wider vistas. It is considered that a corner location such as this can readily accept a well-designed three storey building plus roof such as the proposal. The site's frontage along Highland Road, has changed somewhat during the life of the application, an opportunity has been taken to provide landscaping and planting which would see the removal of the expanse of hard surfacing. Although this would see the removal of the parking provisions, the landscaping and planting which should be controlled by condition, will make the site more inviting and soften the appearance of the development within this prominent location.
- 6.13 Subject to conditions, the resultant appearance of the development proposal as a whole is considered by Officers to be of an appropriate design, scale and height. The large windows and detailing large window openings, and deep window reveals, provide interesting and distinctive architectural features and provide a greater vertical emphasis. Overall, the proposed development is considered to be of an acceptable architectural standard in line with aims set out in the updated NPPF.
- 6.14 Impact amenity
- Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect 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. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 6.15 The increase in height of the building would not result in overbearing presence or overshadowing to the occupants of neighbouring properties. The windows within the building are also considered to be positioned so as to not result in undue degrees of overlooking or privacy loss to the occupants of neighbouring properties.
- 6.16 Each of the four proposed apartments would have good access to natural daylight. The units would all meet the minimum size requirements. For these reasons, it is considered that the development would provide an acceptable standard of living environment for the future occupiers and would provide a good standard of accommodation.
- 6.17 Highways Impacts
- 6.18 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for both a 2 bedroom dwelling is 1.5 vehicle space with 2 cycle spaces. The proposed application creates a parking requirement of 6 vehicles spaces and 8 cycle spaces.
- 6.19 Given the high flow of vehicles along Highland Road, its proximity to the neighbouring junctions and limited visibility splays due to parked vehicles on the adjacent site at Hurley Court, the Local Highways Authority considers that vehicles reversing out of the site would put other road users at risk, particularly cyclists, and therefore would conflict with paragraph 111 of the NPPF 2021. Due to the highway safety implications which would result from using the site frontage, amended plans were provided removing the off-street parking provisions, with the area being positively used instead as a landscaped amenity area. The Highways objection point has therefore been resolved.

- 6.20 The revised plans now propose a car-free development, which would be below the policy requirement. The Local Highways Authority raised concern (but not objection) to the originally-submitted parking level of two spaces. A relaxation in the parking standards is normally only considered appropriate for highly accessible locations and the onus is on the applicant to justify any reduction. It is considered that the site is sited in a very sustainable location - bus services on Highland Road, 1 mile to Fratton Station, shops, services, employment and leisure easily available and accessible across the southern half of the city
- 6.21 Very few in the area have off street parking facilities with most of the parking accommodated through restricted on street parking - much of the surrounding area lies within different permit zones. It is understood that the demand for parking on street regularly exceeds the space available, particularly in the evenings and weekends.
- 6.22 The proposed amended floorplans now indicate that secure storage would be provided for up to 8 bikes, which would now make the proposal compliant from a cycle provision perspective. The site's location together with the provision of a good standard of bicycle storage facilities and good pedestrian and cycle routes to a wide range of shops, services, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle. It is not considered that the lack of on-site car parking for this development at this location could warrant planning consent being withheld or refused.
- 6.23 Ecology & Impact on the Solent Special Protection Areas
- 6.24 Recreational Disturbance - Wading birds
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.
- 6.25 The proposed development is within 5.6km of the Solent SPAs. In accordance with advice from Natural England and as detailed in the *Solent Recreation Mitigation Strategy (2017)* and *Portsmouth Local Plan Core Strategy (2012) Policy PCS13: A Greener Portsmouth*, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.
- 6.26 Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of these designated habitat sites.
- 6.27 Natural England has also provided further guidance advising that it is likely that increased residential development may be 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 nationally and internationally designated sites.

- 6.28 The project being assessed would result in the net gain of 4 dwellings within 5.6km of the Solent SPAs. In line with *Solent Recreation Mitigation Strategy (2017)* and *Portsmouth Local Plan Core Strategy (2012) Policy PCS13: A Greener Portsmouth*, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 6.29 Portsmouth City Council formally approved and agreed the *Solent Recreation Mitigation Strategy* for implementation from 1 April 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
- 6.30 The Solent Recreation Mitigation Strategy charges effective from 1 April 2022 require £563 per 2 bedroom properties. The development comprises of 4 X 2 bedroom units, so the total contribution towards recreation disturbance is £2,252.
- 6.31 Paragraph 180 of the NPPF states that: "When determining planning applications, local planning authorities should apply the following principles a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- 6.32 The applicant has shown a willingness to enter into a S111 agreement to secure the mitigation, as the development will have a likely significant effect on the SPAs, subject to the completion of a satisfactory S106 agreement, the proposal would comply with policy PCS13, The Solent Recreation Mitigation Strategy (2017) and Paragraph 182 of the NPPF.
- 6.33 Refuse and collection
- 6.34 Following advice received from the Council's Waster Reduction Officer, the applicant has provided amended plans. Theses show the provisions of 1x240L mixed fibre bin, 1 x 140L food waste bin, 1 x 360L refuse bin and 1 x 360L recycling bin. The refuse store will be required to provide lighting, ventilation and no step or lip on the entrance door way to the bin store, which should also include a combination code.
- 6.35 The site is considered to provide an appropriate level of waste storage provisions and therefore is generally considered acceptable from a waste perspective.

Other matters raised in objection not yet addressed in this report

Disruption during construction stage - this matter can be controlled by condition.

Impact on sewers - site drainage would be addressed by the Building Regulations.

- 6.36 Community Infrastructure Levy
- 6.37 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 6.38 The proposal would result in the creation of 4 new dwellings totalling 398sqm of GIA floorspace. If existing building discount can be applied to the 114sqm of existing GIA floorspace, the likely CIL chargeable amount will be £44,395.70.

6.39 Human Rights and the Public Sector Equality Duty ("PSED")

6.40 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

6.41 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

7. Conclusion

7.1 The site is well-located within the urban area for a range of shops, services, employment and public transport and is acceptable in principle for residential development. The development would provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5 year requirement. Nearby residents' amenities would not be unduly affected. It is considered that scale and design is appropriate. The lack of on-site parking is considered acceptable. As such, the proposals constitute sustainable development, and complies with the NPPF and therefore should be approved.

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

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment.
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

Conditions

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

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

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

22-3331-101 P4
22-3331-102 P4
22-3331-103 P4

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

- 3) Prior to first occupation, the internal refuse store must include lighting, ventilation and a no step or lip on the entrance door way to the bin store. The bin store must also include a combination entrance code.

Reason: In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.

- 4) No development above foundation level shall commence on site until a schedule and samples of all hard landscaping and floorspace treatments around the site, including a detailed landscaping scheme for the external areas, which shall specify species, planting sizes, spacing and density/numbers of trees/shrubs to be planted, the phasing and timing of planting; a detailed scheme of ground preparation and maintenance for planting areas, and provision for its future maintenance has been submitted to and approved in writing by the local planning authority.

The works shall be carried out in the first planting and seeding season following the occupation of the development; and any trees or plants which, within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved

Reason: In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.

- 5) Prior to above ground construction works, details of the external materials and finishes within the development hereby approved shall be provided in writing (including the submission of a sample board to include brick bonding and mortar) and approved by the local planning authority. The development shall be implemented thereafter in accordance with such details as may be approved.

Reason: In the interests of the visual amenity of the area and objectives of the National Planning Policy Framework (2021) and Policy PCS23 of the Portsmouth Plan (2012).

- 6) The development works hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP), is provided to the Council and approved in writing. The development shall accord with the CEMP and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers having regard to the absence of any site curtilage and proximity to sensitive uses in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

INFORMATIVES

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.

Agenda Item 7

21/00934/FUL

WARD: ST JUDE

12 BEACH ROAD SOUTHSEA PO5 2JH

CONVERSION TO FORM 3 NO. ONE BEDROOM SELF CONTAINED FLATS INCLUDING SECOND FLOOR REAR EXTENSION AND REAR DORMER

LINK TO ONLINE DOCUMENTS;

[21/00934/FUL | Conversion to form 3 no. one bedroom self-contained flats, including second floor rear extension and rear dormer | 12 Beach Road Southsea PO5 2JH \(portsmouth.gov.uk\)](#)

Application Submitted By:

Mr John Pike of Pike Planning

On behalf of:

Mr Aleksander Hapunik of AC Properties Limited

RDD: 21st June 2021

LDD: 17th August 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to Planning Committee due to a call-in request from Councillor Smyth.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Design and Impact on the character and appearance of the conservation area;
 - Standard of accommodation
 - Impact on residential amenity;
 - Highway Implications;
 - Waste;
 - Flooding, and;
 - Impact on the Solent Special Protection Area (SPA) and Nitrates.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a three storey terraced dwellinghouse located on the northern side of Beach Road, as shown in **Figure 1** below. The applicant alleges that the lawful use of the property is as a Class C4 House of Multiple Occupation (HMO) albeit there is no planning history to confirm this. The property is neither statutory or locally listed and falls within the East Southsea Conservation Area. There are no listed buildings within the vicinity of the site.
- 2.2 The property forms part of a stucco faced originally uniform designed terrace of mid nineteenth century dwellings (Nos 2-44), originally built as Beach Terrace, which have been much altered externally since originally built. The terrace is largely two-storey with three-storey end and centre pavilions and originally had small, pitched roof dormers on each two-storey property. These dormers have survived on most properties maintaining the visual rhythm of the terrace, albeit a number of bigger front dormers have been installed. The terrace is set back behind short front gardens and several gardens have been made into hardstanding to accommodate car parking with the loss of front boundary walls, gate pillars and gates.

- 2.3 The surrounding area is residential in character with two and three-storey dwellings. The southern side of Beach Road comprises two-storey red brick terrace dwellings with two-storey bays; but with some 1930s housing with some original details at the eastern end.

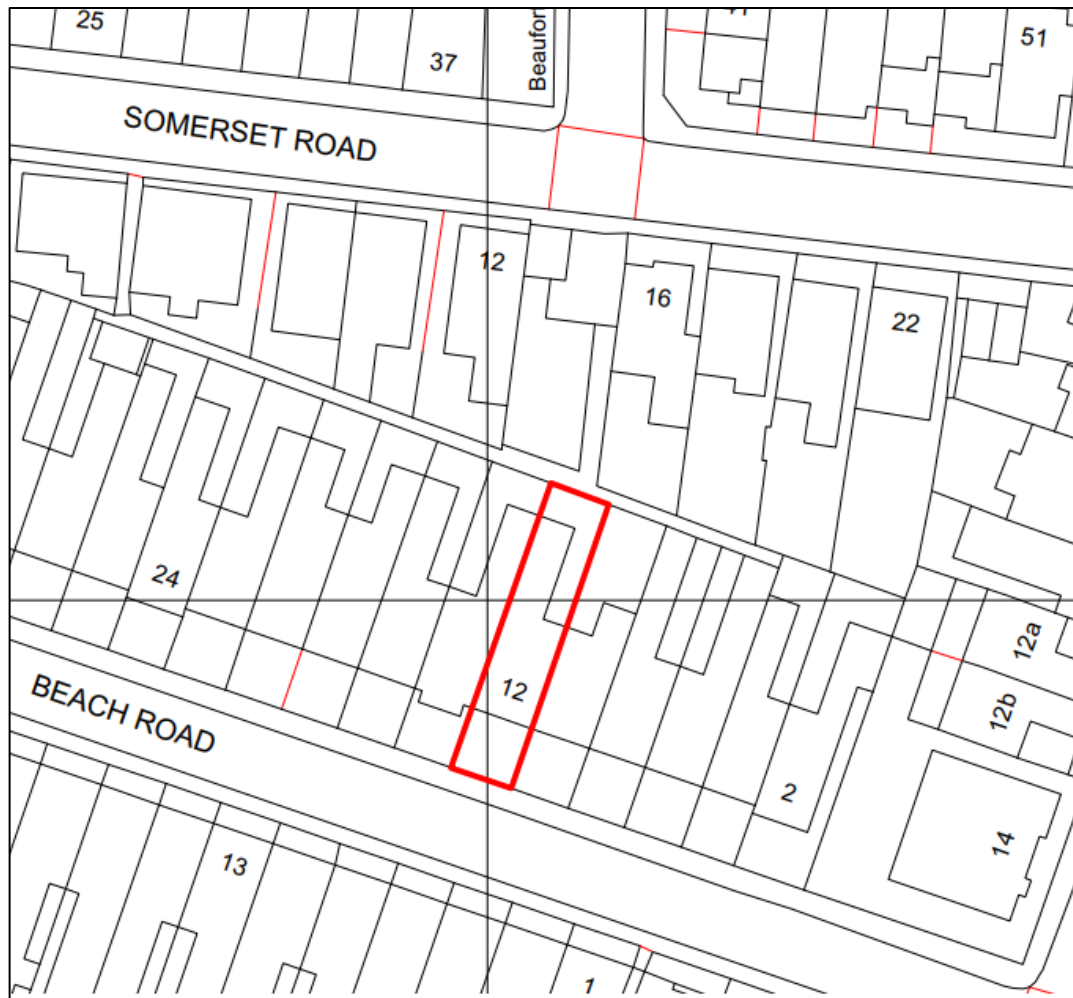


Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the conversion of the existing 4 bedroom dwellinghouse into 3 x one bedroom self-contained flats (Class C3) as shown in **Figure 2** below.
- 3.2 The proposed flats would be accessed via the existing entrance onto Beach Road and would be arranged with one flat occupying each floor of the building. The ground floor flat (Unit 1) would provide a 1 bedroom, 2 person flat with 52 square metres of internal floorspace and private amenity garden space to the rear. There would be a living room/dining/ kitchen to the front and an ensuite bathroom and one double bedroom to the rear.
- 3.3 The first floor flat (Unit 2) would provide a 1 bedroom, 1 person flat with 40 square metres of floorspace. There would be a living room/dining/kitchen to the front and a double bedroom and a bathroom to the rear.
- 3.4 The second floor flat (Unit 3) would provide a 1 bedroom, 1 person flat with 37.5 square metres of floorspace. The flat would provide a living room/dining/ kitchen to the front and an ensuite bathroom and one double bedroom to the rear.

- 3.5 External alterations to the property would include the erection of a hipped roof extension at second floor level on the roof of the back addition, an enlarged replacement rear dormer and a replacement ground floor rear window as shown in **Figure 3** below.
- 3.6 Two car parking spaces are proposed to be retained within the front garden hardstanding area accessed from Beach Road.

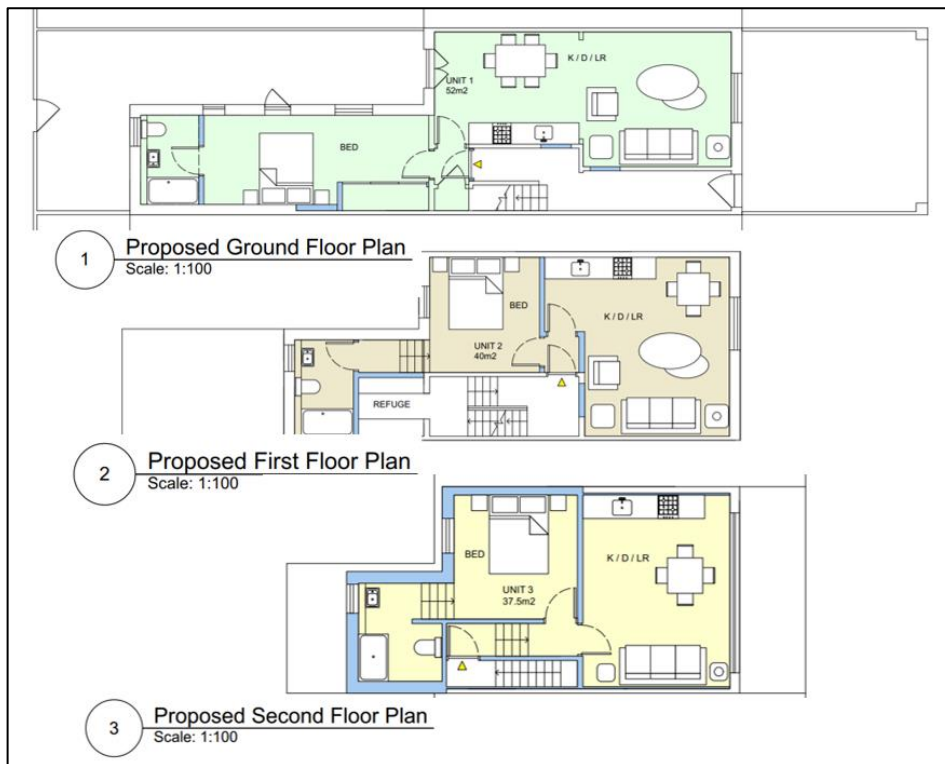


Figure 2 - Proposed Plans



Figure 3 - Proposed Elevations

4.0 PLANNING HISTORY

4.1 There is no planning history directly relevant to the application site.

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS10 (Housing Delivery)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS17 (Transport)
- PCS19 (Housing mix, size and the provision of affordable homes)
- PCS23 (Design and Conservation)

Other Guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Framework (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)

6.0 CONSULTEE RESPONSES

6.1 Environment Agency - no objection subject to a condition requiring the development to be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment.

6.2 Highways Engineer - no response received.

6.3 Waste Management Service - no objection subject to a condition securing storage for refuse and recyclable materials for the occupiers of the development.

6.4 Natural England - no response received.

7.0 REPRESENTATIONS

7.1 3 objections received from nearby residents raising the following concerns:

- Lack of family housing;
- Flats would be out of keeping with the character of the Conservation Area;
- Impact on listed building;
- Poor standard of accommodation;
- Noise and disturbance;
- Increase in crime and anti-social behaviour;
- Increase in traffic;
- Loss of trees and wildlife;
- Exacerbation of existing parking problems;
- Increase in flooding; and
- Access concerns.

8.0 COMMENT

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

- The principle of development;
- Design and impact on the character and appearance of the conservation area;
- Standard of accommodation;
- Impact on neighbouring residential amenity;
- Highways and parking;
- Waste;
- Flooding; and
- Impact on the Solent Special Protection Area (SPA) and Nitrates.

The principle of development

8.2 The application site is not subject to any land use policy restrictions which restrict new dwellings on this site.

8.3 Furthermore, there is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 60 of the NPPF (July 2021) states: *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

8.4 In addition, 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'*.

8.5 National policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

8.6 The starting point for the determination of this application is the fact that Authority does not have a 5 year housing land supply (it has 3.8 years), and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development with reasonable access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

Design and Impact on the character and appearance of the conservation area

8.7 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and of an appropriate scale, layout, appearance and materials in relation to the particular context in which it is set.

8.8 There are a number of front and rear dormers on the northern side of Beach Road, the nearest rear dormers being at Nos. 6, 8, 20 and 44 Beach Road. The proposal would include the replacement of the existing rear dormer extension constructed in the 1990's

with a wider dormer extension together with the erection of a hipped roof extension at second floor level on the roof of the back addition constructed in the 1990's.

- 8.9 The replacement roof extensions would not be visible from Beach Road. Although sizeable relative to the existing roofscape, it is not considered they are too large in that respect and the character of the area would not be unduly affected.
- 8.10 As such, the proposal is considered to be in keeping with the appearance of the host building and surrounding properties on Beach Road and would preserve the character and appearance of the East Southsea Conservation Area.

Standard of accommodation

- 8.11 The NPPF states at paragraph 9 that "*pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes*". Paragraph 17 states that one of the core planning principles is to "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".
- 8.12 Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the Nationally Described Space Standard (NDSS 2015) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 8.13 The existing building lends itself well to conversion to three one bedroom residential units. The ground floor flat (Unit 1) would have a gross internal floor area of 52m², the first floor flat (Unit 2) would have a gross internal floor area of 40m² and the second floor flat (Unit 3) would have a gross internal floor area of 37m². All three flats would meet the minimum size standards set out in the Nationally Described Space Standards. The floor layouts and configurations of the proposed units are well laid out with adequate natural lighting, room sizes, living spaces, access and circulation space to provide satisfactory living accommodation for future occupiers.
- 8.14 Given the constraints of the site, it is not possible to provide either practical useable communal or private amenity space for the units (Units 2 and 3) on the upper floors of the building as part of the proposed conversion. The proposed layout would, however, provide the largest of the one bedroom units (Unit 1) on the ground floor with sole access to the existing rear garden area, which is considered to be acceptable.

Impact on neighbouring residential amenity

- 8.15 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.
- 8.16 Having regard to the neighbouring residential properties surrounding the site, the footprint of the building would remain unaltered. The positioning of the proposed rear roof extensions would be similar as the existing arrangement and would not lead to any undue loss of outlook, privacy or light occurring to neighbouring residential properties. Neighbouring properties to the north, east, west and south of the site are considered to be sufficiently distant and appropriately sited so as not to be significantly affected by the proposal.
- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the

Council does not have any evidence to suggest that flats result in higher levels of crime or security concerns than a dwellinghouse.

- 8.18 In terms of the conversion of this terraced property into three flats, given the likely occupancy of the flats would not represent an increase in the number of occupants or activity within the vicinity of the site, there would be no undue impact on the amenity of neighbouring residential occupiers in terms of noise and disturbance.
- 8.19 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

Highways and parking

- 8.20 Beach Road is an unclassified residential road with few of the terraced dwellings along its entirety having off street parking provision. As a consequence, the demand for parking by local residents exceeds the capacity to accommodate this on street particularly overnight and at weekends. Beach Road and those roads in the immediate vicinity of the site are included in the local controlled parking zone. The parking zone, however, is currently over sub-scribed with 1904 permits issued, compared with 1543 available spaces.
- 8.21 Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 1 bedroom dwelling is 1 vehicle space and 1 cycle space, creating a total parking requirement of 3 parking spaces and 3 cycle parking spaces for the proposed development.
- 8.22 The existing 4 bedroom house is currently entitled to apply for residential permits within the controlled parking zone equal to the number of existing bedrooms. As such, the proposal would in effect slightly decrease the overall parking demand on the site from 4 to 3 car parking spaces.
- 8.23 The application has detailed that 2 car parking spaces are to be provided within the existing forecourt, however, no details regarding this arrangement has been provided. Although the ground floor flat could have a rear garden cycle store, the other two flats would need theirs on the front forecourt. Along with waste bins, there is not enough room for both of the two parking bays proposed. However, given the highly sustainable location with Southsea town centre, Albert Road and even more local shops and leisure, the excellent seafront amenity, buses, and the shortfall in the five year housing supply, there is no reason to withhold planning permission on the matter of parking.

Waste

- 8.24 The storage of refuse and recyclable materials would remain unchanged, being located in the front garden area, and an objection on waste grounds would not form a sustainable reason for refusal. A condition is proposed that will secure full details of waste storage for the proposed residential units.

Flooding

- 8.25 The property is located within Flood Zone 3 and is therefore at some risk of flooding. The current design tide level is 3.2mAOD (the 0.5% probability tidal event), rising to 4.3m AOD for the same event in 2115 when considering the effects of climate change and sea level rise. The site could therefore be subject to significant depths of flooding over its lifetime, assumed to be 100 years for residential development. Finished floor levels of the ground floor are to be set at 1.50mAOD. Worst case flood depths could therefore reach 2.8 metres deep, leading to significant and dangerous inundation of the proposed self-contained ground floor dwelling.

- 8.26 Policy PCS 12 in the Portsmouth Plan relates to flood risk. This policy seeks to reduce flood risk by assessing the level of risk when making site allocations and considering planning applications. In respect of major planning applications, priority will be given to sites at a lower risk of flooding by using the sequential test. The application proposals are defined as “minor development” where the sequential test does not apply. Mitigation through design and layout of development in respect of risk to people and damage to property in the event of flooding should be considered. Furthermore, effective emergency response plans should be put in place.
- 8.27 A Flood Risk Assessment (FRA) has been submitted with the application which considers flooding risk. The proposed mitigation measures outlined include the provision of safe refuge within the building on the first floor for the ground floor occupant(s). This is considered to be acceptable given the current residential use of the building and the lack of scope to raise the finished floor levels to an appropriate level above the design flood level. It is, however, critically important that the future occupiers of the property are aware of the need to prepare for a flood, and that there is a flood warning and evacuation plan in place prior to occupation.
- 8.28 The FRA indicates that road levels are identical to the finished floor levels (1.50mAOD). Therefore, flood depths to the access routes are likely to reach depths similar to those (~2m) indicated above. Technical Report FD2320/TR2 ‘Flood Risk Assessment Guidance for New Development’ classifies such flood depths as posing a danger for all people, including children, the elderly, the general public and the emergency services. In considering the above however, consideration should be taken to the impacts of the Southsea Coastal Scheme (due for completion in 2026) on the flood risk of the local area which will provide a 1 in 200 year standard of protection and will therefore significantly reduce the risk of flooding over the assumed 100 year lifetime of the development. There will remain a significant risk in the intervening years for a ground floor residential unit, and from the risk of breach or overtopping of the defences once complete.
- 8.29 No objection has been raised by the Environment Agency to the proposal subject to a condition being attached to any permission granted requiring the development to be carried out in accordance with the FRA submitted and the following mitigation measures to be fully implemented prior to occupation:
- Refuge to be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat; and
 - Prior to occupation, a Flood Evacuation Plan being produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.
- 8.30 Subject to the above condition, the proposals would comply with Policy PCS12 of the Portsmouth Plan (2012) and Paragraph 160 of the NPPF.

Impact on the Solent Special Protection Area (SPA) and Nitrates

- 8.31 The application site is within 5.6 km of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.
- 8.32 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.

- 8.33 There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Wading birds

- 8.34 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is likely to have an impact on the management of the SPA which would require mitigation.
- 8.35 Based on the methodology set out within the Strategy and taking into consideration the existing maisonette on the site an appropriate scale of mitigation for this development is £780 (net gain of two dwellings), which will be secured through a S111 legal agreement. With this mitigation, the Council has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.
- 8.36 The Council's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale.

Nitrates

- 8.37 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.
- 8.38 In the meantime, the 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.
- 8.39 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. The Applicant indeed wishes to purchase credits from the Council.
- 8.40 In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of an agreement. It is also considered necessary to restrict the time

implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits' in the chosen Credit Bank.

- 8.41 Natural England have been consulted on the application although have not yet responded. Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement. Subject to these matters and Natural England confirming no objection to this approach, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Matters in the Representations

- 8.42 Concerns have been raised in the representations that the proposal will create access problems; will result in a loss of trees; and will impact on wildlife. The site is not within a designated wildlife area and given the modest external changes proposed, will not cause any concern to local wildlife or result in the loss of any protected trees. Similarly, given there are no external changes proposed to the existing access arrangements to the building, the proposal raises no access concerns.

Community Infrastructure Levy (CIL)

- 8.43 The development would not be CIL liable as there would only be a small increase in the Gross Internal Area of the application property.

Human Rights and the Public Sector Equality Duty ("PSED")

- 8.44 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.45 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

- 9.1 The proposal would contribute to the Council's five year housing supply providing a good standard of living accommodation for future occupiers and being of an appropriate design within the local context and having no significant adverse effect on local amenity.
- 9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development 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 I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment; and
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA nitrates mitigation Bank 1.

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: Site Location Plans 001 A; and Proposed Plans Elevations 003 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 rear hipped and dormer roof extensions hereby permitted shall match, in type, colour and texture those on the existing roof of the building.

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

Cycle Storage

- 4) Prior to first occupation of the development, secure and weatherproof bicycle storage facilities for 3 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 (2012).

Car Parking

- 5) Prior to first occupation of the development, details of a functional car parking space within the front garden area of the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter.

Reason: To ensure the development accords with the aims of policy PCS17 of the Portsmouth Plan (2012).

Refuse Storage

- 6) Prior to first occupation of the development, details for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The facilities approved shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2012).

Flooding

- 7) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref June 2021/ Flood Risk Assessment, 12 Beach Road, Southsea, Portsmouth, PO5 2JH and compiled by John Pike) and the following mitigation measures it details:

- Refuge will be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat.
- Prior to occupation, a Flood Evacuation Plan shall be produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy PCS12 of the Portsmouth Plan (2012) and the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Water use

- 8) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

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

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

Agenda Item 8

21/00933/FUL

WARD: ST JUDE

8 BEACH ROAD SOUTHSEA PO5 2JH

CONVERSION TO FORM 3 NO. ONE BEDROOM SELF CONTAINED FLATS INCLUDING SECOND FLOOR REAR EXTENSION AND REMODELLING OF EXISTING REAR DORMER

LINK TO ONLINE DOCUMENTS;

[21/00933/FUL | Conversion to form 3 no. one bedroom self-contained flats including second floor rear extension and remodelling of existing rear dormer. | 8 Beach Road Southsea PO5 2JH \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/21/00933/FUL)

Application Submitted By:

Mr John Pike of Pike Planning

On behalf of:

Mr Aleksander Hapunik of AC Properties Limited

RDD: 21st June 2021

LDD: 17th August 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to Planning Committee due to a call-in request from Councillor Smyth.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Design and Impact on the character and appearance of the conservation area;
 - Standard of accommodation
 - Impact on residential amenity;
 - Highway Implications;
 - Waste;
 - Flooding, and;
 - Impact on the Solent Special Protection Area (SPA) and Nitrates.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a three storey terraced dwelling (Class C3) located on the northern side of Beach Road, as shown in **Figure 1** below. The property is neither statutory or locally listed and falls within the East Southsea Conservation Area. There are no listed buildings within the vicinity of the site.
- 2.2 The property forms part of a stucco faced originally uniform designed terrace of mid nineteenth century dwellings (Nos 2-44), originally built as Beach Terrace, which have been much altered externally since originally built. The terrace is largely two-storey with three-storey end and centre pavilions and originally had small, pitched roof dormers on each two-storey property. These dormers have survived on most properties maintaining the visual rhythm of the terrace, albeit a number of bigger front dormers have been installed. The terrace is set back behind short front gardens and several gardens have been made into hardstanding to accommodate car parking with the loss of front boundary walls, gate pillars and gates.
- 2.3 The surrounding area is residential in character with two and three-storey dwellings. The southern side of Beach Road comprises two-storey red brick terrace dwellings with two-storey bays; but with some 1930s housing with some original details at the eastern end.

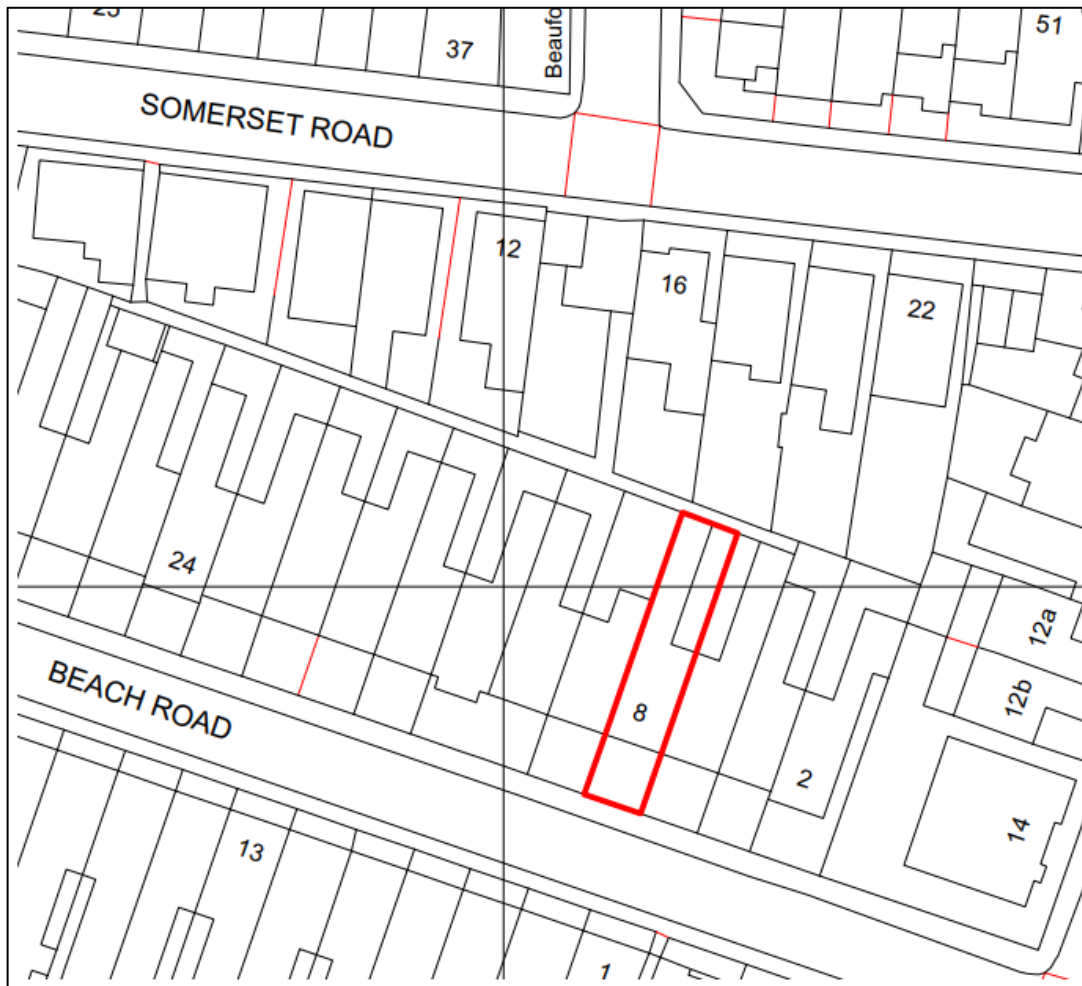


Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the conversion of the existing 4 bedroom house (Class C3) into 3 x one bedroom self-contained flats (Class C3) as shown in **Figure 2** below.
- 3.2 The proposed flats would be accessed via the existing entrance onto Beach Road and would be arranged with one flat occupying each floor of the building. The ground floor flat (Unit 1) would provide a 1 bedroom, 2 person flat with 52 square metres of internal floorspace and private amenity garden space to the rear. There would be a living room/dining/ kitchen to the front and an ensuite bathroom and one double bedroom to the rear.
- 3.3 The first floor flat (Unit 2) would provide a 1 bedroom, 1 person flat with 42 square metres of floorspace. There would be a living room/dining/kitchen to the front and a double bedroom and a bathroom to the rear.
- 3.4 The second floor flat (Unit 3) would provide a 1 bedroom, 1 person flat with 37 square metres of floorspace. The flat would provide a living room/dining/ kitchen to the front and an ensuite bathroom and one double bedroom to the rear.
- 3.5 External alterations to the property would include the erection of a hipped roof extension at second floor level on the roof of the back addition and an enlarged rear dormer as shown in **Figure 3** below.
- 3.6 The low level front boundary wall would also be removed, and the kerb dropped to facilitate the provision of two car parking spaces within the front garden hardstanding area accessed from Beach Road.

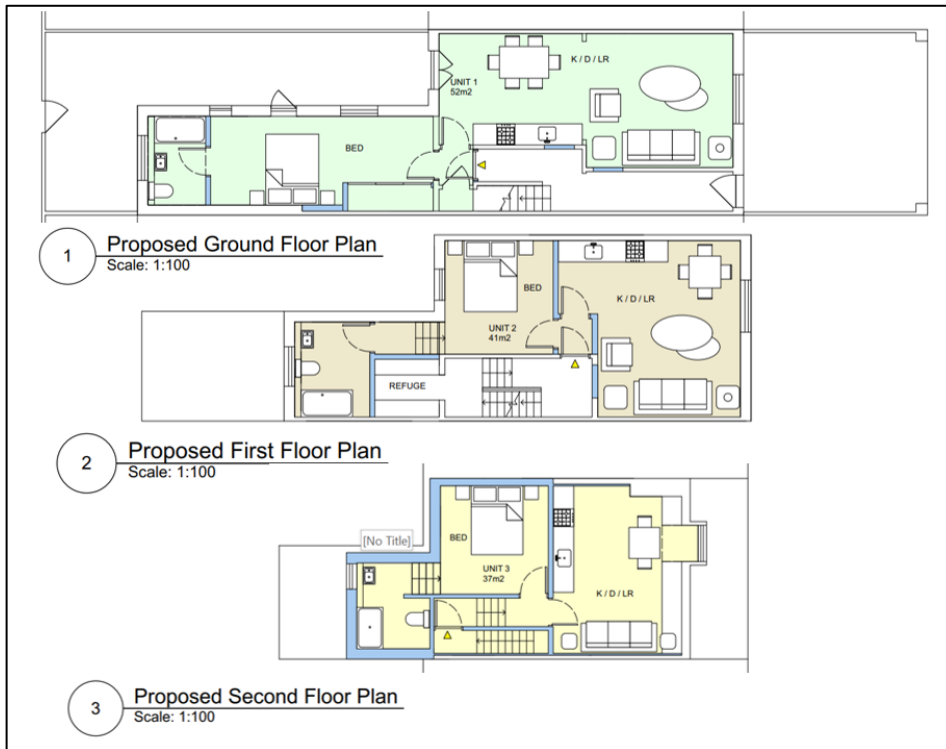


Figure 2 - Proposed Plans



Figure 3 - Proposed Elevations

4.0 PLANNING HISTORY

4.1 The following planning history is directly relevant to the applicant site:

- **A*35180/AB** - conservation area consent for demolition of part single/two-storey projection and conservatory to rear approved on 27 August 1992.

- **A*35180/AA** - planning permission for construction of part single/two-storey rear extension (after demolition of existing) approved on 27 August 1992.

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS10 (Housing Delivery)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS17 (Transport)
- PCS19 (Housing mix, size and the provision of affordable homes)
- PCS23 (Design and Conservation)

Other Guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Framework (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)

6.0 CONSULTEE RESPONSES

6.1 Environment Agency - no objection subject to a condition requiring the development to be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment.

6.2 Highways Engineer - no response received.

6.3 Waste Management Service - no objection subject to a condition securing storage for refuse and recyclable materials for the occupiers of the development.

6.4 Natural England - no response received.

7.0 REPRESENTATIONS

7.1 3 objections received from nearby residents raising the following concerns:

- Lack of family housing;
- Flats would be out of keeping with the character of the Conservation Area;
- Impact on listed building;
- Poor standard of accommodation;
- Noise and disturbance;
- Increase in crime and anti-social behaviour;
- Increase in traffic;
- Loss of trees and wildlife;
- Exacerbation of existing parking problems;
- Increase in flooding; and
- Access concerns.

8.0 COMMENT

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

- The principle of development;
- Design and impact on the character and appearance of the conservation area;
- Standard of accommodation;
- Impact on neighbouring residential amenity;
- Highways and parking;
- Waste;
- Flooding; and
- Impact on the Solent Special Protection Area (SPA) and Nitrates.

The principle of development

8.2 The application site is not subject to any land use policy restrictions which restrict new dwellings on this site.

8.3 Furthermore, there is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 60 of the NPPF (July 2021) states: *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.*

8.4 In addition, 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'.*

8.5 National policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

8.6 The starting point for the determination of this application is the fact that Authority does not have a 5 year housing land supply (it has 3.8 years), and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development with reasonable access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

Design and Impact on the character and appearance of the conservation area

8.7 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and of an appropriate scale, layout, appearance and materials in relation to the particular context in which it is set.

8.8 There are a number of front and rear dormers on the northern side of Beach Road, the nearest rear dormers being at Nos. 6, 8, 20 and 44 Beach Road. The proposal would include the replacement of the existing rear dormer extension constructed in the 1990's with a wider dormer extension together with the erection of a hipped roof extension at second floor level on the roof of the back addition constructed in the 1990's.

- 8.9 The replacement roof extensions would not be visible from Beach Road. Although sizeable relative to the existing roofscape, it is not considered they are too large in that respect and the character of the area would not be unduly affected.
- 8.10 As such, the proposal is considered to be in keeping with the appearance of the host building and surrounding properties on Beach Road and would preserve the character and appearance of the East Southsea Conservation Area.

Standard of accommodation

- 8.11 The NPPF states at paragraph 9 that "*pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes*". Paragraph 17 states that one of the core planning principles is to "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".
- 8.12 Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the Nationally Described Space Standard (NDSS 2015) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 8.13 The existing building lends itself well to conversion to three one bedroom residential units. The ground floor flat (Unit 1) would have a gross internal floor area of 55m², the first floor flat (Unit 2) would have a gross internal floor area of 42m² and the second floor flat (Unit 3) would have a gross internal floor area of 37m². All three flats would meet the minimum size standards set out in the Nationally Described Space Standards. The floor layouts and configurations of the proposed units are well laid out with adequate natural lighting, room sizes, living spaces, access and circulation space to provide satisfactory living accommodation for future occupiers.
- 8.14 Given the constraints of the site, it is not possible to provide either practical useable communal or private amenity space for the units (Units 2 and 3) on the upper floors of the building as part of the proposed conversion. The proposed layout would, however, provide the largest of the one bedroom units (Unit 1) on the ground floor with sole access to the existing rear garden area, which is considered to be acceptable.

Impact on neighbouring residential amenity

- 8.15 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.
- 8.16 Having regard to the neighbouring residential properties surrounding the site, the footprint of the building would remain unaltered. The positioning of the proposed rear roof extensions would be similar as the existing arrangement and would not lead to any undue loss of outlook, privacy or light occurring to neighbouring residential properties. Neighbouring properties to the north, east, west and south of the site are considered to be sufficiently distant and appropriately sited so as not to be significantly affected by the proposal.
- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that flats result in higher levels of crime or security concerns than a house (Class C3).

- 8.18 In terms of the conversion of this terraced property into three flats, given the likely occupancy of the flats would not represent an increase in the number of occupants or activity within the vicinity of the site, there would be no undue impact on the amenity of neighbouring residential occupiers in terms of noise and disturbance.
- 8.19 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

Highways and parking

- 8.20 Beach Road is an unclassified residential road with few of the terraced dwellings along its entirety having off street parking provision. As a consequence, the demand for parking by local residents exceeds the capacity to accommodate this on street particularly overnight and at weekends. Beach Road and those roads in the immediate vicinity of the site are included in the local controlled parking zone. The parking zone, however, is currently over sub-scribed with 1904 permits issued, compared with 1543 available spaces.
- 8.21 Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 1 bedroom dwelling is 1 vehicle space and 1 cycle space, creating a total parking requirement of 3 parking spaces and 3 cycle parking spaces for the proposed development.
- 8.22 The existing 4 bedroom house is currently entitled to apply for residential permits within the controlled parking zone equal to the number of existing bedrooms. As such, the proposal would in effect slightly decrease the overall parking demand on the site from 4 to 3 car parking spaces.
- 8.23 The application has detailed that 2 car parking spaces are to be provided within the existing forecourt, however, no details regarding this arrangement has been provided. Although the ground floor flat could have a rear garden cycle store, the other two flats would need theirs on the front forecourt. Along with waste bins, there is not enough room for both of the two parking bays proposed. However, given the highly sustainable location with Southsea town centre, Albert Road and even more local shops and leisure, the excellent seafront amenity, buses, and the shortfall in the five year housing supply, there is no reason to withhold planning permission on the matter of parking.

Waste

- 8.24 The storage of refuse and recyclable materials would remain unchanged, being located in the front garden area, and an objection on waste grounds would not form a sustainable reason for refusal. A condition is proposed that will secure full details of waste storage for the proposed residential units.

Flooding

- 8.25 The property is located within Flood Zone 3 and is therefore at some risk of flooding. The current design tide level is 3.2mAOD (the 0.5% probability tidal event), rising to 4.3m AOD for the same event in 2115 when considering the effects of climate change and sea level rise. The site could therefore be subject to significant depths of flooding over its lifetime, assumed to be 100 years for residential development. Finished floor levels of the ground floor are to be set at 1.50mAOD. Worst case flood depths could therefore reach 2.8 metres deep, leading to significant and dangerous inundation of the proposed self-contained ground floor dwelling.
- 8.26 Policy PCS 12 in the Portsmouth Plan relates to flood risk. This policy seeks to reduce flood risk by assessing the level of risk when making site allocations and considering

planning applications. In respect of major planning applications, priority will be given to sites at a lower risk of flooding by using the sequential test. The application proposals are defined as “minor development” where the sequential test does not apply. Mitigation through design and layout of development in respect of risk to people and damage to property in the event of flooding should be considered. Furthermore, effective emergency response plans should be put in place.

- 8.27 A Flood Risk Assessment (FRA) has been submitted with the application which considers flooding risk. The proposed mitigation measures outlined include the provision of safe refuge within the building on the first floor for the ground floor occupant(s). This is considered to be acceptable given the current residential use of the building and the lack of scope to raise the finished floor levels to an appropriate level above the design flood level. It is, however, critically important that the future occupiers of the property are aware of the need to prepare for a flood, and that there is a flood warning and evacuation plan in place prior to occupation.
- 8.28 The FRA indicates that road levels are identical to the finished floor levels (1.50mAOD). Therefore, flood depths to the access routes are likely to reach depths similar to those (~2m) indicated above. Technical Report FD2320/TR2 ‘Flood Risk Assessment Guidance for New Development’ classifies such flood depths as posing a danger for all people, including children, the elderly, the general public and the emergency services. In considering the above however, consideration should be taken to the impacts of the Southsea Coastal Scheme (due for completion in 2026) on the flood risk of the local area which will provide a 1 in 200 year standard of protection and will therefore significantly reduce the risk of flooding over the assumed 100 year lifetime of the development. There will remain a significant risk in the intervening years for a ground floor residential unit, and from the risk of breach or overtopping of the defences once complete.
- 8.29 No objection has been raised by the Environment Agency to the proposal subject to a condition being attached to any permission granted requiring the development to be carried out in accordance with the FRA submitted and the following mitigation measures to be fully implemented prior to occupation:
- Refuge to be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat; and
 - Prior to occupation, a Flood Evacuation Plan being produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.
- 8.30 Subject to the above condition, the proposals would comply with Policy PCS12 of the Portsmouth Plan (2012) and Paragraph 160 of the NPPF.

Impact on the Solent Special Protection Area (SPA) and Nitrates

- 8.31 The application site is within 5.6 km of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.
- 8.32 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.

- 8.33 There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Wading birds

- 8.34 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is likely to have an impact on the management of the SPA which would require mitigation.
- 8.35 Based on the methodology set out within the Strategy and taking into consideration the existing maisonette on the site an appropriate scale of mitigation for this development is £780 (net gain of two dwellings), which will be secured through a S111 legal agreement. With this mitigation, the Council has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.
- 8.36 The Council's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale.

Nitrates

- 8.37 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.
- 8.38 In the meantime, the 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.
- 8.39 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. The Applicant indeed wishes to purchase credits from the Council.
- 8.40 In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of an agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits' in the chosen Credit Bank.

- 8.41 Natural England have been consulted on the application although have not yet responded. Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement. Subject to these matters and Natural England confirming no objection to this approach, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Additional Matters in the Representations

- 8.42 Concerns have been raised in the representations that the proposal will create access problems; will result in a loss of trees; and will impact on wildlife. The site is not within a designated wildlife area and given the modest external changes proposed, will not cause any concern to local wildlife or result in the loss of any protected trees. Similarly, given there are no external changes proposed to the existing access arrangements to the building, the proposal raises no access concerns.

Community Infrastructure Levy (CIL)

- 8.43 The development would not be CIL liable as there would only be a small increase in the Gross Internal Area of the application property.

Human Rights and the Public Sector Equality Duty ("PSED")

- 8.44 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.45 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

- 9.1 The proposal would contribute to the Council's five year housing supply providing a good standard of living accommodation for future occupiers and being of an appropriate design within the local context and having no significant adverse effect on local amenity.
- 9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development 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 I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment; and
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA nitrates mitigation Bank 1.

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: Site Location Plans 001 A; and Proposed Plans Elevations 003 B.

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 rear hipped and dormer roof extensions hereby permitted shall match, in type, colour and texture those on the existing roof of the building.

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

Cycle Storage

- 4) Prior to first occupation of the development, secure and weatherproof bicycle storage facilities for 3 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 (2012).

Car Parking

- 5) Prior to first occupation of the development, details of a functional car parking space within the front garden area of the site shall be submitted to and approved in writing by the local

planning authority. The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter.

Reason: To ensure the development accords with the aims of policy PCS17 of the Portsmouth Plan (2012).

Refuse Storage

- 6) Prior to first occupation of the development, details for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The facilities approved shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2012).

Flooding

- 7) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref June 2021/ Flood Risk Assessment, 8 Beach Road, Southsea, Portsmouth, PO5 2JH and compiled by John Pike]) and the following mitigation measures it details:

- Refuge will be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat.
- Prior to occupation, a Flood Evacuation Plan shall be produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy PCS12 of the Portsmouth Plan (2012) and the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Water use

- 8) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

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

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

Agenda Item 9

22/01260/FUL

WARD: ST THOMAS

**THE FORMER MARY ROSE & DRAGON PUBLIC HOUSE ST GEORGES ROAD
PORTSMOUTH PO1 2EW**

**CONVERSION OF BUILDING TO FORM RETAIL UNIT AT GROUND FLOOR AND 2NO.
DWELLINGS AT FIRST FLOOR; TO INCLUDE SINGLE STOREY REAR EXTENSION,
PARKING, CYCLE AND REFUSE STORAGE AND ASSOCIATED ALTERATIONS**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RHFNTMMOLQR00>

Application Submitted By:

Laura O'Brien - Future Planning and Development

On behalf of:

Warblington Street Limited

RDD: 31st August 2022.

LDD: 27th October 2022.

1. SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee as it has been called in by Cllr. Holder primarily on the grounds of potential highway and parking impacts associated with the proposed retail and residential use and the limited space for parking on site and in the surrounding area.

1.2 The key issues for consideration in the determination of the application are considered to be as follows:

- Principle of development;
- Design and layout;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Landscaping
- Biodiversity and Appropriate Assessment;
- Contaminated land; and
- Any other matters.

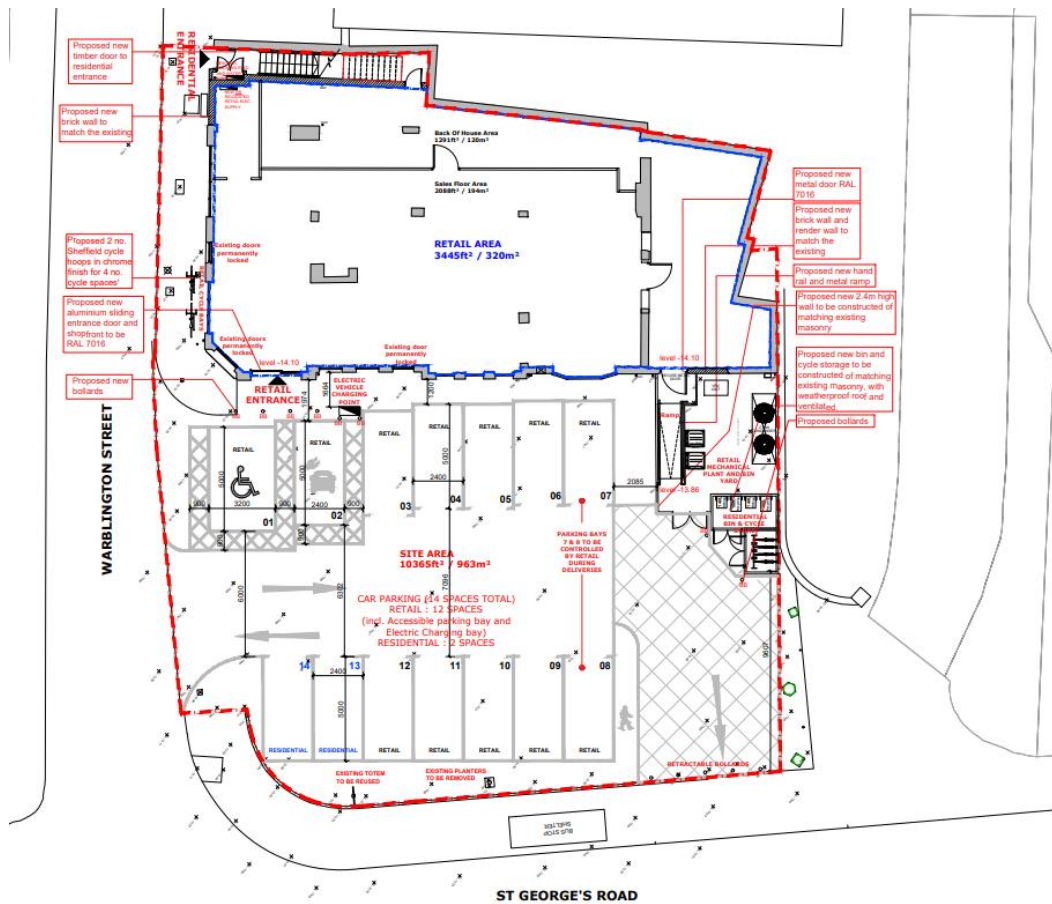
1.3 The site comprises the former Mary Rose & Dragon Chinese restaurant and bar area which is located at the junction of Warblington Street and St Georges Road. The building has been vacant since March 2022. The building is a two storey red brick and render structure of Edwardian appearance with a single storey element to the north

west. It was originally built as a public house c. 1883, of two storeys and attractive design.

- 1.4 The surrounding area is predominantly residential in nature albeit with the HMS Temeraire sports ground to the north and a large sub-station structure immediately to the north west and south west of the site. Beyond to the north west lies part of Portsmouth City Centre and Gunwharf Quays. Three storey houses lie opposite the site on St Georges Road and Warblington Street. The site lies within the Old Portsmouth Conservation Area. The site's frontages are double-yellow lined, and there is a bus-stop on St Georges Road.

2. THE PROPOSAL

- 2.1 The proposal seeks permission for the conversion of the former restaurant and bar (Sui Generis Use Class) to retail (Use Class E(a)) at ground floor and for the formation of two residential two-bedroom flats (Use Class C3) on the first floor with associated plant enclosure, bin and bicycle store within a single storey enclosure to the front/side of the building. The proposal also involves a small rear extension to allow for the access to the flats along with the re-modelling of the interior to allow for the two proposed uses. There would be a new front door for the retail store on the front elevation.
- 2.2 To the front the former restaurant and bar has a twin access arrangement off Warblington Street and St Georges Road with a singular parking area for customers and deliveries. The associated works proposed would entail a revised parking area with the existing access of St Georges Road used solely for deliveries and controlled with retractable bollards while the existing Warblington Street access would be retained for the retail and residential parking spaces.
- 2.3 The scheme would provide for a total of 14 parking spaces. Of the 14, 12 would be for the retail use including 1 accessible space and one Electric Vehicle (EV) charging space with 2 residential spaces.
- 2.4 The applicant anticipates up to 10 jobs would be created as a result of the proposed retail unit. The hours proposed are 07.00 to 23.00 Monday to Sunday. The proposed Site Plan is shown over the page:



3. POLICY CONTEXT

- 3.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport) and PCS23 (Design and Conservation).
- 3.2 The above policies, and another relevant national guidance have been fully considered as part of this report.

4. CONSULTATIONS

PCC Conservation Officer

- 4.1 The City Council's Heritage advisor has stated that the building is, stylistically, of late Victorian/Edwardian in character with notable yet restrained medieval/Tudor influence and that the building is of sufficient significance to be considered a non-designated heritage asset and is located within the Old Portsmouth Conservation Area both of which represent material considerations.
- 4.2 No objection is raised to the scheme as certain elements such as the rear extension would have no material impact on the building while other aspects, in particular the plant enclosure and aluminium door would need to be amended. Such changes can be secured by way of a condition.

Natural England

- 4.3 We are likely to be satisfied that your appropriate assessments will be able to ascertain there will be no effect on the integrity of the European Site (from recreational pressure) and we are likely to have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Highways Engineer (Local Highway Authority - LHA)

- 4.4 No objection to the proposal subject to conditions regarding secure cycle parking, EV charging and a delivery management plan to be agreed prior to the use commencing of the retail unit.

Environmental Health

- 4.5 No objections subject to conditions regarding noise, mechanical plant and the hours of use and the hours of deliveries.

Contaminated Land Team

- 4.6 No objection subject to a condition ensuring a desk study, site investigation and remedial method statement, if necessary being undertaken and submitted to the LPA prior to development commencing. A further condition ensuring a verification report is submitted if necessary.

Hampshire Constabulary (Crime Prevention Design Advisor)

- 4.7 Need to address the security of the access to the residential units and the security measures for the bicycle store. Such security measures can be secured by way of an appropriate condition.

5. REPRESENTATIONS

- 5.1 Public consultation on this application has comprised 10 letters that were sent out on 7th September 2022 to residents on Warblington Street and Lombard Terrace and a site notice displayed on 16th September 2022.

- 5.2 In response to the consultation a total of four objections letters of objection have been received raising a number of points which are listed below:

- Increased traffic/parking all day long including HGV lorries and the short term nature of such trips;
- Such highway impacts will generate increased levels of noise, disturbance and air pollution;
- The chance for anti-social behaviour with the sale of alcohol and the late closing hours adding to existing increases in such anti-social behaviour.

- There is no need for any additional retail with existing convenience retail being present in 5 minute walk of the site.

5.3 In addition to the above, neutral comments had, in writing, been received by Friends Of Old Portsmouth (FOOP). They state that the existing building looks very tired and that a convenience store would be a local asset whilst ensuring the building itself is cared for and managed. FOOP further note the history of the building including the initial name of The Gloucester Hotel and the subsequent re-naming to Mary Rose in the 1980's and that the public house was one of many designed/refurbished by A. E. Cogswell, a significant local architect. They are disappointed the building is not included in the Local Listing documentation. Lastly, FOOP state they are pleased to see that the applicant will retain the mock Tudor facade as such features are fast disappearing as areas are redeveloped.

5.4 FOOP have however, since their initial comments, verbally raised concerns with the local Councillor regarding potential highway and noise impacts.

6. COMMENT

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

- Principle of development;
- Design and layout;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Landscaping;
- Biodiversity and Appropriate Assessment;
- Contaminated land; and
- Other matters.

Principle of development

6.2 The building has historically been used as a public house since 1883 and underwent a major refurbishment in 1983 and was then largely converted to the Mary Rose and Dragon restaurant in 2005.

6.3 The building had principally been in use as a restaurant from around 2007, possibly earlier. At the time converting the pub (Use Class A4) to a restaurant (Use Class A3) would not have required planning permission.

6.4 The applicant has confirmed that since the change to restaurant there was a small bar retained which was primarily used by customers waiting for tables or while waiting for takeaways although this was open to the public. The restaurant took up the significant majority of the ground floor with photos provided by the applicant showing an open plan ground floor with the bar area comprising a small area adjacent to the single central bar.

- 6.5 Notwithstanding the reference to a mixed or dual use, the information submitted by the applicant including photographs show an open plan ground floor with a single bar with a small number of tables located in a small corner of the restaurant. With the bar taking up such a small part of the ground floor and with the confirmation that the majority of its turnover being from restaurant and takeaway customers, Officers are of the opinion that the bar would have represented an ancillary element to the primary use of the building as a restaurant and therefore the use of the ground floor would have been that of a restaurant (Use Class E(b))
- 6.6 On this basis it is the view of Officers that the change of use of the ground floor alone from restaurant (Use Class E(b) to retail (Use Class E(a)) would represent a lawful changes within Use Class E and would not therefore require the benefit of planning permission. However, as the application has been made and the Applicant seeks certainty on the matter, there is an assessment of the matters raised and the Officer recommendation is for approval, and the issuing of a planning consent would provide the certainty the Applicant seeks.
- 6.7 Class E of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) would also allow for the installation of an EV charging point either as a standalone upstand or as a wall-mounted charge point on the site, without the need for planning consent. The other elements of the wider proposal including the rear extension, conversion of former ancillary accommodation to residential and the external works and the external works including plant enclosure and changes to the front elevation for plant access door and the new store entrance would require the benefit of planning permission.
- 6.8 The site is located close to but outside the defined city centre with Gunwharf Quays approximately 400 to the north west and in an area where there is relatively limited convenience retail. There is a small Tesco Express at Gunwharf Quays and a Co-Op approximately 500m to the south west on High Street. The provision of an additional convenience retail within a central location between the two shops will increase the convenience retail offer closer to residential properties around Warblington Street, Armory Lane and Grays Court and offer opportunities for more residents to walk to such shops, as well as being convenient for passing trade on St Georges Road.
- 6.9 In addition to the above, the applicant has provided some marketing information. The information submitted states that the property has been marketed since February 2022. The property has been advertised on a leisure basis on a range of websites including Savills and RightMove as well as being sent out in an e-mail list to in excess of 7,000 leisure operators/applicants which included pub operators, commercial users and community users as well as developers.
- 6.10 The information states that there were no offers/enquiries from leisure or community based operators and that the only offers received were from developers who all sought to repurpose the building. Notwithstanding the need for permission, Policies PCS4 and PCS18 of the 2012 Portsmouth Plan seek, inter alia, to ensure retail development outside of the city centre of local centres that measure in excess of 280 sq.m to meet the sequential test. The proposed retail unit, while it would exceed 280 sq.m, would be unlikely to impact the viability of the City Centre, specifically Commercial Road as it

proposes convenience retail which would not compete with the more comparison-based retail uses in Commercial Road and Gunwharf Quays and as such, in the event permission was required, it is unlikely to impact the viability of other retail uses in the city centre.

- 6.11 Furthermore, the proposed use would bring about the long term use of and maintenance of the vacant building which is welcome. In summary, it is considered that the proposed change of use of the former restaurant and bar to retail is acceptable in principle.
- 6.12 There is no objection in principle to the introduction of two flats, in a building that probably had residential use above the pub, and is next to a large area of housing in Old Portsmouth. The two dwellings would contribute to the City's housing land supply, which at 3.8 years is below the required 5 year supply.

Design and Character

- 6.13 Policy PCS23 of the 2012 Portsmouth Plan seeks, inter alia, to ensure new development is of an appropriate appearance and materials to the particular context.
- 6.14 The building is a two storey structure of decorative Victorian appearance and comprises red brick with render and tiled roof. The surrounding area comprises a large electricity substation and three storey red brick houses together with a Grade I Listed Landport Gate opposite the site.
- 6.15 As a result of the various uses and structures the surrounding area has a marked variety in its scale, appearance and materials. The proposal would entail the construction of a plant, bin and bicycle enclosure to the front of the building adjacent to the large electricity sub-station wall, minor variations to the façade to provide double sliding glazed entrance doors to the retail unit and a small rear extension that will provide for an external staircase to the two flats and a slightly larger ground floor
- 6.16 The proposed plant, bin and bicycle enclosure, as submitted, comprised a 2.4m 'hit and miss' timber enclosure. At the request of officers the applicant has agreed to construct this of brickwork to match the existing building. Such a change would ensure the enclosure would appear as a more integral structure that would reflect the appearance of the building and is therefore considered a more appropriate approach to the necessary enclosure. Behind the enclosure the existing windows and patio doors will be closed with brickwork and render to match the existing with a revised doorway to allow access the plant.
- 6.17 The double glazed sliding doors would be installed adjacent to the former main entrance in place of existing windows which minimises the amount of works to the façade. Since application submission, the applicant has replaced the glazed element between the door and signage area with brickwork to match the existing. Whilst the revision is minor it further ensures the alterations to the buildings frontage further respect the historical sensitivities of the site and surrounds.

Heritage Issues

- 6.18 Policy PCS23 of the 2012 Portsmouth Plan ensures, inter alia, that development relates well to the geography and history of Portsmouth, particularly the conservation areas with the application site being sited within the Old Portsmouth Conservation Area which is described as being home to the city's original settlement around the mouth of Portsmouth Harbour and is its most historical quarter.
- 6.19 In addition to having to assess potential changes to the special character of the conservation area the building itself is also of importance. The building was purpose built in the early 1880's as a public house and is late Victorian/Edwardian in character with numerous period features including the projecting oriel windows, modulated chimneys, glazed bricks, clay tiles and timber doors and windows. Whilst the building lacks some of the exuberance of other buildings in the City it is of sufficient significance to be considered as a Non-Designated Heritage Asset and as such any change to or impact on it is of importance and must be considered as part of the application pursuant to paragraph 203 of the NPPF.
- 6.20 The overall changes to the existing building are relatively limited in scale. The small extension to the rear would be largely obscured by virtue of the proximity of the sub-station building immediately adjacent to the site and would not have a material impact on the special qualities of the conservation area. Furthermore, the proposed shared first floor terrace area outside the flats' front doors would also not have a material impact on the building itself or the conservation area.
- 6.21 The front plant, bin and bicycle store enclosure, as submitted, would have been formed of a 'hit and miss' style wooden fencing. The Conservation comments state that the timber enclosure would not harmonise well with the existing building and would therefore represent an unacceptable element of the scheme. A degree of concern is raised about the proposed new main entrance as the Conservation comments set out a preference for the retention of the existing entrance. As noted above these elements have been revised which address the concerns raised in this regard. Subject to the revised materials for this element, that can be secured by way of Condition 8, the proposed enclosure would appear more respectful of the building, site and surrounds.
- 6.22 The Conservation comments also state that the proposed retail and residential use would secure an economically viable long term use of the building which is a benefit in itself that weighs in favour of the application. Lastly, new landscaping to the site frontage would improve the character of the area. There would be no adverse impact on the Grade I Listed Landport Gate opposite, nor on the application building or Conservation area.

Residential Amenity

- 6.23 Policy PCS23 ensures new development maintains a good standard of amenity for existing and future residents.
- 6.24 Regarding the potential amenity impacts on existing residents to the south and south east. The proposed residential use would be provided by way of a conversion of the first floor and as such there would be no daylight and sunlight impacts. Regarding overlooking, Unit 1 would use the existing windows on the flank elevation approximately 11/12m from the windows on the town houses opposite the site. Such a distance is considered acceptable so as to ensure no harmful loss of privacy.
- 6.25 Regarding the amenities of future residents, the MHCLG (now Department for Levelling Up and Housing) 2015 Internal Space Standards requires that 2 bedroom 3 person flats measure at least 61 sq.m. The two units proposed would exceed the space standard at 63.5 and 65.5 sq.m. In addition, the scheme proposes a 20sq.m first floor shared outdoor terrace. Whilst not substantial the terrace would provide future residents with sufficient outdoor space to provide for a small table and chairs. As such, with the size of the units proposed together with the outdoor terrace will ensure future residents have a good standard of residential amenity.
- 6.26 The retail use and the adjacent electricity substation have the potential to give rise to a degree of noise and disturbance to both existing and future residents
- 6.27 The applicants noise assessment has reviewed the background noise levels which is primarily traffic noise from St Georges Road and the electricity substation. The assessment concludes that mitigation measures comprising acoustic glazing and acoustic in-wall trickle vents will be required to ensure internal noise levels in Units 1 and 2 proposed are acceptable. The assessment further states that the use of such glazing would also comply with solar gain building regulations.
- 6.28 The Noise Assessment has also assessed the potential for noise from the plant proposed to the front of the retail unit. The assessment concludes that the plant proposed would operate at 10db below the background noise levels and as such there would be no harmful impact on the amenities of either existing or future residents.
- 6.29 Environmental Health Officers have reviewed the assessment and have raised no objection to the scheme on noise grounds subject to a number of conditions relating to the proposed mitigation measures, the noise level emitted by the plant and hours of use and deliveries.
- 6.30 In addition to the above, the previous use was as a restaurant and bar which would have given rise to a greater degree of noise and disturbance from customers, particularly in the evenings and weekends. The proposed retail use would operate all day. However, the nature of such a retail use is such that it is likely to be a fairly benign use and unlikely to give rise to any undue levels of noise and disturbance. It is considered that with the conditions recommended by Environmental Health and when considered against the former use the proposal would be unlikely to have an adverse impact on the amenities of existing and future residents.

Highways and Transport issues

- 6.31 The Highways Authority has reviewed the application and have raised no objection. Regarding the proposed access, the existing crossover off Warblington Street will be used for the retail customer and residential vehicular movements. The St Georges Road crossover would be used for retail deliveries and will be controlled by retractable bollards.
- 6.32 Regarding the parking, the existing site frontage is laid to hardstanding to provide for 15 spaces. The proposal would amend this to provide for a total of 14 parking spaces. 12 of these would be designated for the retail unit with one accessible space and one EV charging space. 2 would be allocated to the residential units. The submitted Transport Statement, which has been reviewed by the Highways Authority states that, following a Peak Hour Parking Accumulation Study, there should be sufficient capacity to accommodate the likely level of demand for the proposed retail use.
- 6.33 Highways Officers however further acknowledge and agree that such convenience shops with relatively small areas have a very local catchment and that should there be any overspill this can be accommodated within the existing on street parking provision without a severe impact to highway function or safety.
- 6.34 The Highways Authority conclude that, due to the above they raise no objection to the proposal subject to conditions regarding the provision of secure cycle facilities, electric charging point and for a delivery service management plan. Such conditions are set out below at Conditions 11, 12 and 13 below.

Landscaping

- 6.35 Policy PCS13 of the 2012 Portsmouth Plan ensures, inter alia, that development to secure a biodiversity enhancement wherever possible. Furthermore, and while the emerging plan is of limited weight Policy D1 requires that new development should "be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure".
- 6.36 The site is dominated by hardstanding with negligible landscaping which results in a very bleak and hard appearance which does little to enhance the appearance of the site nor is it likely that the site is of any material ecological value and as such the scheme should seek to enhance the quantum and quality of both the hard and soft landscaping on site.
- 6.37 The plans submitted with the site show an area to the frontage between the public footpath and the parking spaces that measures up to approximately 2.3m in depth across the site frontage. Such space should be used to provide a landscaped defensible

space that would bring about an enhancement to the site frontage as well as a likely biodiversity enhancement.

- 6.38 There is also the potential to bring about other biodiversity enhancements as part of the proposal which can be secured through the imposition of Condition 16.

Contaminated Land

- 6.39 The Contaminated Land Team have reviewed the application and have requested a contamination condition. They note the proximity to the sub-station and a historical fuel tank associated with the sub-station. Further, the area was historically owned by the MoD as part of the wider Old Portsmouth Fort. As a result there is the potential that such uses and ownership have lead to the presence of contaminants.
- 6.40 As a result the Contaminated Land Team have requested a pre-commencement condition ensuring a desk study is undertaken along with site investigation and the necessary remediation measures submitted and agreed with a follow up report being prepared and submitted prior to the use commencing as set out in Conditions 3 and 4 below.

Biodiversity and Appropriate Assessment (Habitat Regulations - impact upon the Solent Special Protection Area)

- 6.41 The Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that developments do not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species.
- 6.42 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regs) states:
1. *"a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
 - a. *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
 - b. *is not directly connected with or necessary to the management of that site,*

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives."
- 6.43 The application site is located within proximity to the Solent Special Protection Area (SPA), Special Areas of Conservation (SAC) and Ramsar Sites, which includes the Portsmouth Harbour SPA and Chichester and Langstone Harbour SPA.
- 6.44 Natural England have reviewed the application and raise no objection subject to the City Council securing the necessary mitigation against the protected habitat sites.

- 6.45 The applicant has been liaising with Officers to secure the necessary Nitrate Neutrality and Bird Aware recreational mitigation which will be secured by way of a Section 111 Agreement.

Flood risk, drainage and utilities

- 6.46 The site is located within Flood Zone 1 (areas of least risk) and there is no increase in the extent of hardstanding on site and as such the scheme is unlikely to give rise to any flood risk and drainage issues.

Other Issues

- 6.47 The Designing Out Crime response refers to potential security issues associated with the access to the residential flats on the first floor and of the bicycle store to the front. It is considered that the imposition of Condition X below that appropriate security measures such as electronically operated gates and doors would ensure there is sufficient security for future residents as well as their bicycle store.
- 6.48 Lastly, an objection point raised concerned air pollution. The levels of traffic generated by the proposed land uses would not be sufficient to materially affect local levels of air pollution.

Summary and planning balance

- 6.49 The scheme proposes to convert the former restaurant and ancillary bar (Use Class E(b)) to a retail unit (Use Class E(a)) on the ground floor and two 2-bedroom flats (C3 Use Class) on the first floor together with a rear extension and a plant, bin and bicycle store to the front along with minor alterations to the front elevation to provide for a revised entrance together with an amended parking area. The site is of sufficient local significance to be designated as a non-designated heritage asset sited within The Old Portsmouth Conservation Area.
- 6.50 The front enclosure has been revised and would be constructed of masonry to match the existing building and masonry has been added above the revised front entrance to the retail unit. Subject to these changes, and proposed landscaping, the scheme is considered to represent an acceptable form of development with regard to the potential heritage impacts and would retain the special qualities of the Conservation Area.
- 6.51 Further, the change of use would, in itself, not require planning permission and would secure a long term viable use of the site and would represent an acceptable form of development. There are, subject to the conditions set out below, no other issues including residential amenity, noise and highways that would amount to a reason to withhold permission.
- 6.52 Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determination of an application. Securing the long term use and maintenance of the building is a benefit

in its own right as it the provision of housing and the provision of a retail unit that will offer employment opportunities.

6.53 On the basis of the foregoing, and subject to the conditions listed below it is considered that the development proposed represents a sustainable form of development and permission should therefore be granted subject to the completion of a Section 111 Agreement to secure the necessary habitats mitigation.

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

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment.
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if the 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 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:

100
101
102 Rev. D
103
104
105 Rev. A
106
107 Rev. C
108 Rev. E
109

110
111 Rev. B
112 Rev. C
113 Rev. A
114 Rev A
115

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

Contaminated Land

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

a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice) documenting all the previous and current land uses of the site and potential contaminants associated with those uses. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for a site investigation scheme, with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas – Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end use or can be made so by remediation. The report shall include a detailed assessment of the risk to all receptors that may be affected, including those off-site (Phase 2 report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, detailing proposals for future maintenance, monitoring and arrangements for contingency action as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality – Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion (Phase 3 report).

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

4) Prior to Occupation The development shall not be occupied until a stand-alone verification report has been submitted by the competent person approved pursuant to Condition 3(c) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement and demonstrate that site remediation criteria have been met. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under Condition 3(c).

Operational Hours

5) The premises shall be closed and vacated by customers between 23:00 and 07:00hrs.
Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

6) Collections of waste and deliveries to the premises shall only take place between 07:00hrs and 22:00hrs.
Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

Materials & Landscaping

7) The units hereby approved shall not be occupied until architectural details of the new elevation openings including doors and windows have been submitted to and approved in writing by the Local Planning Authority and installed as approved.

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), and objectives of the National Planning Policy Framework (2021).

8) The materials to be used in the front plant/refuse/bicycle enclosure shall match those on the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), and objectives of the National Planning Policy Framework (2021).

9) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high-quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Highways

11) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric changing points, security measures to protect cycles and users; and

(b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

12) Details of the EV charging facility shall be submitted to and approved in writing by the Local Planning Authority and installed as approved prior to the units being occupied/use commenced.

Reason: In the interests of creating a healthy city and reducing carbon emissions pursuant to Policy PCS14 of the Portsmouth Plan (2012).

13) The retail use hereby permitted shall not be brought into use until a Delivery Service Management Plan prior to occupation of retail unit and implemented as approved. The Management Plan shall include, but not limited to, the expected frequency of deliveries, management of the car park prior to and during the course of deliveries and the expected type of delivery vehicle.

Reason: in the interest of highway function and safety pursuant to Policy PCS17 of the Portsmouth Plan (2012).

Env. Health/Noise

14) Prior to the first occupation of the proposed residential units all noise mitigation measures specified within Noise Impact Assessment KR07145 v1.2 drafted by KR Associates, shall be implemented in full and thereafter retained.

Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

15) The rating level of noise, from the operation of any mechanical plant, as defined within British Standard BS4142, shall not exceed LAeq(1hr) 30dB between 07:00 and 23:00hrs and LAeq(15 min) 20dB between 23:00 and 07:00hrs, as measured 1.5m from the façade of the nearest noise sensitive property.

Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

Biodiversity and landscaping

16) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority; and

(b) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall be carried out as an integral part of the construction process and verified through photographic evidence submitted to the Local Planning Authority within 6 months of first occupation; and

(c) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall thereafter be permanently retained.

Reason: To enhance biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan (2012), the aims and objectives of the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Security Measures

Security details for the flats access and bicycle store shall be agreed in writing with the Local Planning Authority prior to the units hereby approved being occupied. Then measures shall be installed as agreed and retained as such unless otherwise agreed in writing.

Reason: In the interests of residential safety and amenity pursuant to Policy PCS23 of the Portsmouth Plan (2012).

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Agenda Item 10

22/01102/FUL

WARD: BAFFINS

49 ST PIRANS AVENUE, PORTSMOUTH, PO3 6JE.

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

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RFQ10GMOL7M00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RFQ10GMOL7M00)

Application Submitted By:

Mrs Carianne Wells of Applecore PDM Ltd.

On behalf of:

Brooklands Property Investment Ltd

RDD: 28th July 2022

LDD: 30th September 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (forty from 33 households) including an objection (and Call-in) from Councillor Sanders. One petition with 145 signatures has also been received.

1.2 The main issues for consideration in the determination of the application/appeal are considered to be as follows:

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

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the eastern side of St. Pirans Avenue as shown in **Figure 1** below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a lounge, kitchen, dining and conservatory at ground floor level; three bedrooms and a bathroom at first floor level.

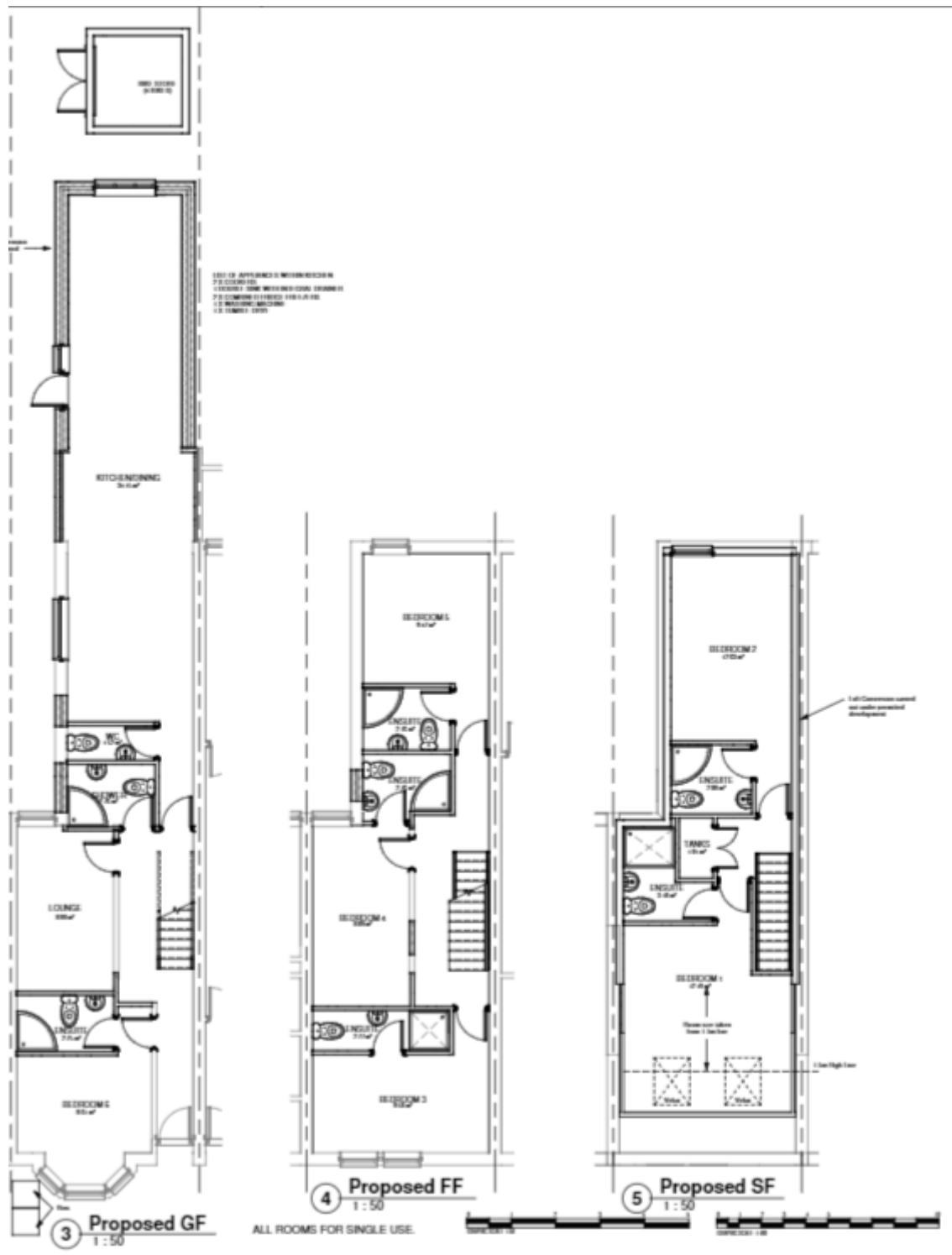
2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.



Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Lounge, Kitchen/Dining, Shower with W/C and handbasin and a separate WC with handbasin;
 - First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant has prior approval to construct a single storey rear extension following removal of an existing conservatory. The applicants are also seeking to construct a rear dormer extension within the main roof and insert three rooflights within the front roofslope under permitted development, as shown in the drawing below, to facilitate the enlargement of the property. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.
- 3.4 Given that the roof alterations are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer as part of this application. There would be no external operational development forming part of this application with the exception of the siting of a cycle store within the rear garden, details of which could be secured by planning condition.



Figures 2 and 3 - Proposed Plans

4.0 PLANNING HISTORY

4.1 (21/00159/GPDC) A prior-approval application for the construction of single-storey rear extension that comes out a maximum of 6m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves. Prior approval was not required in January 2022.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

5.3 Other Guidance

5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 **CONSULTATIONS**

6.1 Private Sector Housing - Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

6.2 Highways Engineer - no objection.

6.3 St. Pirans Avenue is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.

6.4 No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

6.5 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2. A cycle store is provided to the rear of the property for 4 cycles, however no parking is proposed as part of this application.

6.6 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.

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

7.0 **REPRESENTATIONS**

- 7.1 40 representations have been received from 33 neighbouring properties, objecting to the proposed development, including one from Councillor Sanders. One petition with 145 signatures has also been received.
- 7.2 The above representations in objection have raised the following concerns:
- a) Loss of family home from the existing housing stock;
 - b) Increase in noise and disturbance;
 - c) Increase in crime and anti-social behaviour;
 - d) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
 - e) Undue strain on local services and infrastructure, including the sewage, drainage and water pressure;
 - f) Loss of sunlight.
 - g) Concerns about impact on community
 - h) Waste and litter concerns.
 - i) Noise and pollution from building work;
 - j) Unsightly bins
 - k) Loss of privacy caused by the rear dormer;
 - l) Neighbour amenity impact from permitted development proposals
 - m) Concern over publicity
 - n) Concern over construction logistics management

8.0 COMMENT

8.1 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

8.2 Principle of development

8.3 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 share basic amenities such as a kitchen or bathroom*'.

8.4 Policy PCS20 of the Portsmouth Plan states that applications for 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.

8.5 Based on the information held by the City Council, of the 71 properties within a 50-metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 72 Chasewater

Avenue as shown in **Figure 4** below. Whilst this 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.

- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property and the HMO at No. 72 Chasewater Avenue, the proposal would bring the percentage of HMOs within the area up to 2.82% This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 4 - Existing HMOs within 50m of the application site

- 8.7 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.

8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

8.9 Standard of accommodation

8.10 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. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (Second floor)	12.19m ²	6.51m ²
Bedroom 2 (Second floor)	12.63m ²	6.51m ²
Bedroom 3 (first floor)	9.58m ²	6.51m ²
Bedroom 4 (first floor)	8.89m ²	6.51m ²
Bedroom 5 (first floor)	9.47m ²	6.51m ²
Bedroom 6 (ground floor)	8.61m ²	6.51m ²
Lounge room (ground floor)	8m ²	Unrequired/additional
Communal Kitchen/Dining area (ground floor)	34.15m ²	34m ²
Ensuite bathroom 1 (second floor)	3.18m ²	2.74m ²
Ensuite bathroom 2 (second floor)	2.80m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.77m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.76m ²	2.74m ²
Ensuite bathroom 5 (first floor)	2.76m ²	2.74m ²
Ensuite bathroom 6 (ground floor)	2.75m ²	2.74m ²
Shower/WC (ground floor)	2.76m ²	3.74m ²
W/C (ground floor)	1.52m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

8.11 The groundfloor shower room falls short of the Council's required standard. It is however considered that given that each of the bedrooms would be served by its own ensuite, the groundfloor shower room (and groundfloor W/C) are additional to the requirements. The sanitary arrangements are considered to be acceptable.

8.12 All of the bedrooms and communal 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.

8.14 Impact on neighbouring living conditions

8.15 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 from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.

- 8.16 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.
- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour 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 or anti-social behaviour than a Class C3 dwellinghouse.
- 8.18 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 as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.19 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.20 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.21 Highways/Parking
- 8.22 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, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.23 The C4 element of the proposal compared to the existing property only attracts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As 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 either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.
- 8.24 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.

- 8.25 Waste
- 8.26 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.
- 8.27 Impact on Special Protection Areas
- 8.28 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.
- 8.29 Community Infrastructure Levy (CIL)
- 8.30 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.31 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.32 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.33 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.34 Other Matters raised in the representations
- 8.35 Concerns have been raised by neighbouring residents regarding the pressure additional occupants would put on local services, and waste and litter and unsightly bins. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, 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 a similar number of occupants.
- 8.36 Concern has been raised over publicity of the application. In this instance, in addition to letters which were sent to adjoining occupiers, a site notice was also erected.

- 8.37 While noise from construction work may have an impact on the amenity of neighbours, this is an unavoidable consequence of building work and is not a sufficient reason to withhold Planning Permission. Further work commencing prior to a Permission being granted is not uncommon and is done at the Applicant's own risk.
- 8.38 Concerns have been raised relating to the single storey rear extension and the roof dormer extension. Both extensions have not being considered as part of this application. The single storey rear extension already has prior approval. The roof extension falls within permitted development tolerances.

9.0 CONCLUSION

- 9.1 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: Proposed Floor Plans PG.6216.21.1 B (existing and proposed floor plans), Block plan and Location plan.

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.