



---

# NOTICE OF MEETING

---

## PLANNING COMMITTEE

**WEDNESDAY, 22 MARCH 2023 AT 10.30 AM**

**COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH**

Telephone enquiries to Democratic Services

Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

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

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, 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](http://www.portsmouth.gov.uk)

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

## **AGENDA**

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

- 3 Minutes of the previous meeting held on 1 March 2023** (Pages 5 - 14)
- RECOMMENDED that the minutes of the meeting held on 1 March 2023 be agreed as a correct record.
- 4 22/01720/VOC - Sea Defences, Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east.** (Pages 15 - 38)
- Application to vary condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (Pyramids centre to Speakers Corner).
- 5 22/01721/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner** (Pages 39 - 46)
- Removal, repair and relocation of 7no. Grade II listed lamp columns along the seafront.
- 6 22/01722/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner** (Pages 47 - 54)
- Removal, refurbishment and relocation of 3no. Grade II listed seafront shelters.
- 7 22/00226/FUL - Former Royal British Legion, Sixth Avenue, Portsmouth PO6 3PD** (Pages 55 - 70)
- Construction of 4 storey building, comprising 23 No. flats with on site car parking and bicycle storage (following demolition of existing building).
- 8 22/01749/FUL - 163 Station Road, Portsmouth PO6 1PU** (Pages 71 - 78)
- Change of use from dwellinghouse (Class C3) to purposes falling within dwellinghouse (Class C3) or house in multiple occupation (Class C4).
- 9 23/00021/FUL - 108 Milton Road, Portsmouth PO3 6AR** (Pages 79 - 88)
- Change of use from dwellinghouse (Class C3) to house in multiple occupation for eight people (Sui Generis)
- 10 20/01092/FUL - 37 Toronto Road, Portsmouth PO2 7QD** (Pages 89 - 100)
- First floor side extension to form an additional two bedroom dwelling.
- 11 22/01765/HOU - 92 Havant Road, Drayton and Farlington, Portsmouth PO6 2RA** (Pages 101 - 106)
- Construction of 1.5 storey side extension, infill extension at rear, external alterations, and construction of raised terrace platform at rear (including

swimming pool) (resubmission of 22/0071/HOU).

**12      22/01761/CPL - 119 Bath Road, Southsea PO4 0HX (Pages 107 - 110)**

Application for certificate of lawful development for the proposed construction of rear dormer and installation of rooflights to front roofslope.

**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 and the end of universal free testing from 1<sup>st</sup> April, 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 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, 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

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 1 March 2023 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)  
Hugh Mason  
Darren Sanders  
Russell Simpson  
John Smith  
Judith Smyth (Vice-Chair)  
Linda Symes  
Gerald Vernon-Jackson CBE  
Asghar Shar (Standing Deputy)

### Also in attendance

Councillor Payter-Harris.

### Welcome

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

### Guildhall, Fire Procedure

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

### 25. Apologies (AI 1)

Apologies for absence were received from Councillors George Fielding and Robert New. Councillor Asghar Shar was present as a Standing Deputy for Councillor Fielding.

Councillor Gerald Vernon-Jackson apologised that he would need to leave the meeting before 1:00pm to get to another meeting and Councillor Hugh Mason apologised that he would need to leave the meeting at 1:30 to get to another commitment.

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

Item 4, 22/01292/FUL - Land at Tipner East, East of the M275, West of Twyford Avenue

Councillor Darren Sanders declared that he knew Mark Perry, the agent for the application, in his capacity as Cabinet Member for Housing and Preventing Homelessness, however he had not discussed the Tipner application with him. This was not a disclosable pecuniary interest.

Item 5 - 22/01102/FUL - 49 St Pirans Avenue, Portsmouth, PO3 6JE Councillor Darren Sanders advised that he had called in this application and would be making a deputation on this item as Ward Councillor so he would leave the meeting for the discussion of this item.

Item 8 -22/01528/FUL - Shed 9, The Camber, White Hart Road, Portsmouth, PO1 2JX

Councillors Darren Sanders and Chris Attwell made voluntary declarations. They advised that they knew and had spoken to Ms Riches, one of the deputies, but had not discussed the application with her and they had kept an open mind therefore this was not a disclosable pecuniary interest.

Councillor Attwell had received correspondence from residents, but had not expressed an opinion on the application.

Item 9 - 23/00004/PLANREG - 8 Highbury Way, Portsmouth, PO6 2RH Councillor Judith Smyth made a voluntary declaration. She advised that herself and Councillor Asghar Shar were both members of the Labour party, and had worked closely with Councillor Shah, but she did not have a close personal relationship with Councillor Shah. She has not discussed the application with him. After seeking legal advice Councillor Smyth did not consider that she has any personal or prejudicial interests.

Councillor Asghar Shar declared a disclosable pecuniary interest as he was the landowner and applicant for this application and would therefore leave the meeting for the discussion of this item.

## **27. Minutes of the previous meeting held on 8 February 2023 (AI 3)**

Members noted that for minute numbers 15,17 and 18 there was a typing error under deputations - Cerrienne Wells should be amended to Carianne Wells.

**RESOLVED: That the minutes of the Planning Committee held on 8 February 2023 be agreed as a correct record subject to the above amendment.**

### **PLANNING APPLICATIONS**

The Supplementary Matters report and the deputations (which are not minuted) can be viewed on the Council's website at:

[Agenda for Planning Committee on Wednesday, 1st March, 2023, 10.30 am Portsmouth City Council](#)

The Chair advised that he would be amending the order of the agenda slightly. The applications were considered in the following order but for ease of reference the minutes will be kept in the original order:

22/01292/FUL Land at Tipner East, East of the M275, West of Twyford Avenue, Portsmouth

22/01102/FUL 49 St Piran's Avenue, Portsmouth, PO3 6JE  
 22/01528/FUL Shed 9, The Camber, White Hart Road, Portsmouth, PO1 2JX -  
 22/01603/FUL 36 Hartley Rd, Portsmouth, PO2 9HU  
 22.01707/FUL 51 Shadwell Road, Portsmouth, PO2 9EH  
 22.01707/FUL 51 Shadwell Road, Portsmouth, PO2 9EH  
 23/00004/PLAREG 8 Highbury Way, Cosham PO6 2RH

**28. 22/01292/FUL - Land at Tipner East, East of the M275, West of Twyford Avenue, Portsmouth (AI 4)**

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 services and other associated works. This application constitutes EIA development.

The Assistant Director of Planning and Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report. He advised that there is an area of undeveloped land to the south of the application site which is in the ownership of Homes England and under the control of Bellway Homes, that have a complimentary application coming forward in due course.

Deputations

Mark Perry, Chief Executive VIVID Homes.

Members' questions

In response to members' questions, officers clarified that:

- Car parking management is proposed as part of the conditions. Conversations are ongoing regarding the use of the proposed transport hub which is why the letter from the Chief Executive, David Williams was included as part of the supplementary matters list. The scheme is very low in parking provision and there is no assumption that 396 parking spaces will be provided in a future the transport hub. The maximum benefit for connecting to sustainable and active transport is in the mind of all parties.
- The car parking management plan would be a binding condition with any developer and the authority would hope that they would want to continue those conversations to maximise that opportunity.
- This application was deferred in January 2023 to allow for further discussions with coastal partners and the Environment Agency. There are a number of elements to the flood defence; the flood wall which is in the control of the application site which connects through to the rest of the Tipner Lake flood wall. There is a gap where there will need a managed solution and on the west side the land peters out to the M275 embankment. Grampian conditions will be required for both the eastern and western gap to require that the flood defence is put in with the appropriate management in place, prior to the occupation of the development.

- There are lots of conditions regarding surface water and flood management on site discussed in depth with the Environment Agency. There were several challenges with surface water drainage which would drain the site directly into the Tipner Lake. These would be finalised through the planning conditions.
- There would be plenty of opportunities for kerb side planting which would include drainage opportunities and enhance biodiversity.
- The scheme would be capable of taking equipped play and this would be part of the ongoing discussions.
- With regard to a cycle way dedicated to children, officers said they would make a note of this for the ongoing discussions. It is a low car scheme so it would be well suited for cycling for children.
- Mr Maguire said that if you wish for a lower car future for the city, parking provision must be reduced. This was a challenge however unless parking provision is reduced, it will be more convenient for people to have a car. There is a risk that more people will own cars living on this site than there are spaces. In terms of where excess cars would park there is the existing park and ride and surrounding streets which would be inconvenient to existing residents. This disadvantage of the scheme needs to be weighed against the advantages of providing new homes; until development happens there will be no infrastructure.
- The policy compliant level is a floor so it would be not less than 30% affordable homes.
- One of the Heads of Terms required in the planning obligation is in respect of community space, culture and community arts which entails a detailed understanding of what and how the commercial community spaces will be offered up to market. A second element is community access to determine if some buildings will only be for community use and this will be secured through planning obligation. The rest of the commercial and community space is to be looked at as onsite employment space to include a convenience shop or some enterprise and co-working spaces. There is a collaboration agreement between VIVID Homes and Bellway to maximise those shared opportunities. If the transport hub comes forward this will have an amount of non-parking structures which forms the opportunity of an urban village centre.
- One of the planning obligations is around bus opportunities. The design from VIVID Homes to enable exit bus gate on the north side of the park and ride to allow buses to move east to west from the park and ride and discussions are ongoing with bus providers.
- The objection from the Highways Authority has largely been resolved. The original submission did not involve a junction redesign at Twyford Avenue. Since the deferral a design has been provided and has gone through a stage one road safety audit which demonstrated there are two or three options to deliver that junction safely. The Highways Authority wants more information which will be required by planning condition and then it will need to go through stage two of the road safety audit.
- A planning obligation would be more appropriate than a condition to ensure a route through to the park and ride/transport hub is achieved. A bus services contribution would need to be a contribution through the s 106 agreement, not a condition.
- The authority has signed a contract through Enterprise for a car club in the city. Car hire provision is part of the conversation around the transport hub.



The car parking access and management plan will cover this and paragraph 7.7 of the report gives a breakdown of the number of spaces at the proposed transport hub including EV charging spaces and disabled bays.

- The obligation of water companies is to accept foul water and they have a power under the Water Management Act to acquire contribution from developers who are increasing the impact on the sewer system. This is outside the planning function.

#### Member's comments

Member had serious concerns about the lack of parking in the scheme however welcomed the development and said it was long overdue.

#### **RESOLVED:**

- (1) Permission was granted subject to a s106 agreement and conditions, including the obligation to provide an Employment and Skills Plan as part of the finalised s106 agreement;**
- (2) Authority was delegated to the Assistant Director of Planning and Economic Growth to finalise the wording of the draft conditions and to finalise the s106 agreement in line with the Heads of Terms listed in the report.**

#### **29. 22/01102/FUL - 49 St Piran's Avenue. Portsmouth PO3 6JE (AI 5)**

(Councillor Sanders withdrew from the meeting and moved to the public gallery to make a deputation on this item)

Change of use from dwellinghouse (Class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (House in Multiple Occupation)

The Assistant Director Planning and Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

#### Deputations

Mr Gary Tobitt, objecting

Mr Terry Leonard, objecting

Councillor Darren Sanders, Ward Councillor

Mrs Carianne Wells, Agent for the applicant

#### Members' questions

In response to members' questions, officers clarified that:

- With regard to the query raised by one of the deputees over the depth of the rear extension, officers explained that when the rear extension was approved under the prior notification process, the Planning Authority was satisfied that the conservatory rear wall was at the same place as the original rear wall. Therefore, it is 6m beyond that and the 2m conservatory which gives an 8m reconstruction.
- The authority is able to grant planning permission to build above the sewer network, however this would need to building regulation approval.
- The Planning Authority would not have any powers to ensure that the lounge on the ground floor would not become bedroom 7. The Council can impose

conditions on the grant of planning permission if there are planning reasons to do so. Whether or not the lounge is provided makes no difference to the Council's adopted standards because the full provision of communal space is provided in the combined living/dining space. The communal living space requirements are the same for 6 people as it would be for 7. There would be no planning reason to be concerned with a potential future conversion into a seventh bedroom as it meets the required standards.

- It would be a matter for planning judgement on whether this would need to come back to committee to become a Sui Generis HMO and would be dependent on whether there was an enforcement case, how that seventh occupant is provided and whether a planning application is submitted.

#### Member's comments

Members were disappointed with this application as when this previously came to committee members' raised concerns that the lounge has an ensuite and felt that the lounge would likely become a seventh bedroom. Concern was also raised that the building works would be over the sewer network and would disadvantage being able to access the sewer network. It was also suggested that a condition be added that only 6 people can live in the property. Officers advised that building over the sewer network would be a building regulations issue and would not be a material planning consideration. It would be in the committee's gift to impose a condition to limit the number of occupants to 6 however this would need a planning reason; space standards would not be a sufficient reason.

A proposal for refusal was put forward but this motion fell.

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

The committee had a 15 minute adjournment at 12:15.

#### **30. 22/01603/FUL - 36 Hartley Rd, Portsmouth, PO2 9HU (AI 6)**

Change of use from dwellinghouse (Class C3) to house in multiple occupation for seven people (Sui Generis).

The Assistant Director of Planning and Economic Growth presented the report.

#### Deputations

Mr Henry Thorpe, objecting (read out by Councillor Russell Simpson)

Mrs Carianne Wells, Agent for the applicant

Councillor Payter-Harris, Ward Councillor

#### Members' questions

In response to members' questions, officers clarified that:

An earlier application was considered by the Committee on 9 November 2022 when it was under appeal for non-determination, and it was resolved that planning permission would have been refused due to inadequate safe amenity space for the occupier of bedroom six contrary to building regulations. This has now been clarified and there are double doors out into the rear garden, so this issue is now resolved.

Member's comments

Members' felt that when the application came forward previously it was to move from C3 to C4 use. It was felt that adding another bedroom would cause the property to be overcrowded. It was noted however that the application does provide adequate communal living. It was also noted that the policy issues raised would be considered as part of the HMO SPD which is being considered as part of the Local Plan review.

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

**31. 22.01707.FUL - 51 Shadwell Road, Portsmouth PO2 9EH (AI 7)**

Change of use from dwellinghouse (Class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (House in Multiple Occupation).

The Assistant Director of Planning and Economic Growth presented the report. He pointed out that the annotation of the drawings on room sizes was incorrect and do not match those figures put into the table in the report; the figures in the table were the accurate measurements.

Deputations

Mr Henry Thorpe, objecting (read out by Councillor Russell Simpson)

Mr Simon Hill, on behalf of the applicant.

Councillor Payter-Harris, Ward Councillor

-  
There were no questions.

Member's comments

Members' felt that flats should be included when reviewing how many HMOs are within a 50m radius.

-

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

**32. 22/01528/FUL - Shed 9, The Camber, White Hart Road, Portsmouth PO1 2JX (AI 8)**

Refurbishment of existing fish market to include wheelchair accessible main entrance; electric sliding door, alterations to fenestration, fixed awnings; installation of external freezer room and secure pant area for new condenser units.

The Assistant Director of Planning and Economic Growth presented the report.

Deputations

Mr Chris Barker, Agent

Ms Paula Riches, Supporting the application.

Members' questions

In response to members' questions, officers clarified that:

- The opening hours of the fish market are 7am to 3pm and there is no intention to amend these hours.
- The installation of the external freezer room would be approximately 50cm above the existing wall.
- When there are no other storage containers or fishing equipment there is space for a vehicle to turn. It is not public land. The broader implications for the area are however nil as it is a piece of land that is some distance away from the public highway.
- There would be no change to the coastal path, the changes are to the south and to the northern frontage.

Member's comments

Members felt that this was a good scheme which would improve the appearance of the area.

-

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

(Councillor Vernon-Jackson left the meeting at the end of this application)

**33. 23/00004/PLAREG 8 Highbury Way Portsmouth PO6 2RH (AI 9)**

(Councillor Shah left the meeting due to his previously declared disclosable pecuniary interest)

Retrospective application for the construction of 2 no. rear outbuildings.

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

Members' questions

In response to members' questions, officers clarified that:

- The applicant had undertaken development without planning permission which is a breach of planning control, therefore a retrospective application was required to resolve this. The General Permitted Development Order (GDPO) is a confusing document and it was not uncommon for householders to undertake development without realising that planning permission is required. If this happens applicants are invited to make a retrospective planning application.

- Officers have delegated authority to determine householder applications with no objections. This application had come to committee due to the applicant being a member of the Council.

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

**34. 22/01565/HOU - 107 Portchester Road, Portsmouth PO2 7JA (AI 10)**

(Councillor Hugh Mason left the meeting prior to the commencement of this item)

Construction of single storey rear and side extension.

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

There were no questions or comments.

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

The meeting concluded at 1.39 pm.

---

Signed by the Chair of the meeting  
Councillor Chris Attwell

This page is intentionally left blank

# Agenda Item 4

22/01720/VOC

WARD: ST JUDE

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

**APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION 21/00820/VOC TO SEEK APPROVAL OF AMENDED PLANS RELATING TO SUB-FRONTAGE 5 (PYRAMIDS CENTRE TO SPEAKERS CORNER)**

**DOCUMENT LINK:** [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/SIMPLESEARCHRESULTS.DO?ACTION=FIRSTPAGE](https://publicaccess.portsmouth.gov.uk/online-applications/simplesearchresults.do?action=firstpage)

**Application Submitted By:**  
Portsmouth City Council

**On behalf of:**  
Portsmouth City Council  
Coastal Partners On behalf of Portsmouth City Council

**RDD:** 14th December 2022  
**LDD:** 6th April 2023

The Southsea Coastal Scheme is a Flood and Coastal Erosion Management Scheme (FCERM) that stretches 4.5 km along the southern edge of Portsea Island and is split into seven sub-frontages. It is a major infrastructure project to reduce the risk of coastal flooding. Planning consent was granted for the full scheme in December 2019 (19/01097/FUL) along with a Marine Licence (L/2020/00121/2).

Flood inundation modelling shows a present-day major flood event (1 in 200 year) would directly or indirectly affect 8,077 residential and 704 non-residential properties; a potential depth of water around the Great Morass of over 4m highlights a significant risk to life. The fragility of the seafront defence structures has been realised over recent years. There was a breach in Long Curtain Moat counterscarp wall in February 2014, a critical failure of a 30m length of seawall in front of the Pyramids in December 2015 and the collapse of a 40m length of seawall and promenade in April 2018.

The Outline Business Case to the Environment Agency as part of ESCP's funding application shows that recovering from a major flood event in Southsea could cost up to £950 million. The scheme therefore is of incredibly high public significance and benefit.

## **SUMMARY OF MAIN ISSUES**

1. The key issues in this application are whether the principle of the development is acceptable in the location proposed and whether the submitted ES adequately assesses the significant environmental impacts of the proposed scheme having regard to the international and national nature conservation designations and heritage assets in and around the area. Other important issues include the design/impact on heritage assets, ecological impacts, highways implications, impact on amenity of residents and any other material matters raised in representations.

## **SITE DESCRIPTION**

2. The Southsea Seafront stretches for 4.5 km from Long Curtain Moat in the west to Eastney Esplanade in the East. This application relates to Sub Frontage 5 (SF5) which is the section between The Pyramids Centre and South Parade Pier as shown, highlighted, below. :



## PLANNING CONSTRAINTS

3. The site contains, or is adjacent to, several ecologically designated sites:
  - Portsmouth harbour: SPA and Ramsar, SSSI
  - Chichester and Langstone Harbours: SPA and Ramsar, SSSI
  - Solent Maritime SAC
  - Solent and Dorset Coast pSPA

## POLICY CONTEXT

4. The relevant policies within the Portsmouth Plan (2012) would include:
  - PCS9 (The seafront),
  - PCS12 (Flood Risk),
  - PCS13 (A Greener Portsmouth),
  - PCS14 (A Healthy City),
  - PCS16 (Infrastructure and community benefit),
  - PCS17 (Transport),
  - PCS23 (Design and Conservation),
 and saved policy DC21 (site contamination) of the Portsmouth City Local Plan.
5. The application site also falls within the area covered by the Seafront Masterplan SPD (2021).

## RELEVANT PLANNING HISTORY (MOST RECENT FIRST)

Application Ref.	Proposal	Decision & Date
22/01722/LBC	Removal, refurbishment and relocation of 3no. Grade II Listed seafront shelters	Pending consideration
22/01721/LBC	Removal, repair and relocation of 7no. Grade II Listed lamp columns along the seafront	Pending consideration
21/01788/DOC	Application to seek approval of details reserved by conditions 3 (Contaminated Land), 15 (BMEP), 19 (Drainage), 20 (CEMP), 21 (CTMP),	Approve, 10/02/22



	36 (Rock), and 37 (Primary defences) of planning permission 21/00820/VOC	
21/01077/DOC	Application to seek approval of details reserved by conditions 2 (revised phasing plan), 5 (revised archaeology), 36 (additional rock scales) and 37 (additional primary defence scales) of planning permission 21/00820/VOC	Approve, 03/11/22
22/01236/NMA	Non-Material Amendment to planning permission 21/00820/VOC, to allow slight realignment of the vertical sea defences at sub-frontage 1: Long Curtain Moat	Approve, 20/09/22
21/00820/VOC	Application to vary condition 2 [approved plans] of planning permission 19/01097/FUL: Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed naval memorial [the proposal constituted an EIA development]. This application, under section 73 of the Town and Country Planning Act 1990, seeks approval of amended plans relating to <u>sub-frontage 4 (Southsea Castle)</u> and is accompanied by the original Environmental Statement [July 2019] with an Addendum [May 2021]	Grant, 19/08/21
19/01097/FUL	Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development.	Grant, 05/12/19

## PROPOSAL

- This application proposes some minor amendments to elements of the scheme within sub-frontage 5 west (Pyramids to Speakers Corner) only and is an application submitted in accordance with S.73 of the Town and Country Planning Act (1990), hereafter referred to as a S73 application.

7. This application seeks to vary Condition 1 (Approved Plans) of the planning consent, with amended plans to supersede the previously approved plans relating to sub-frontage 5 west.
8. The alterations are considered to be within the scope and intent of a S73 which seeks to amend an existing planning consent. Whilst there is no statutory definition of 'minor material amendment', the amended proposal is considered to fall within the NPPG's description of something "*where its scale and/or nature results in a development which is not substantially different from the one which has been approved*". The proposed Scheme still sits squarely in accordance with the approved description of development as well as the details regarding landscaping and other design features set out within the original Design and Access Statement.
9. The proposal as approved allowed for the provision of a managed beach, a stepped revetment with sheet pile and a rock armour toe as the primary defence and a combination of reinforced concrete wall and stepped upstand as the secondary defence.
10. Due to the scale of this FCERM scheme the Flood Grant in Aid funding was split in two parts. The first allowed what is referred to as the 'Principal Design' to be completed. This is the level of detail that secured the full planning permission and marine licence. Following these consents, the final proportion of funding was received, which allowed the 'Detailed Design', which is a design to a detailed engineering specification, to commence. This latter design phase is being undertaken in phases, generally following the order of construction for the sub-frontages.
11. This additional funding has allowed more survey work and technical calculations to be undertaken which has allowed refinements and improvements to sub-frontage 5 west. Most of these improvements fall within the scope of the existing planning consent, with the finer details to be approved via planning conditions but some of these amendments, whilst considered to be minor in the context of the Scheme, require the existing consent to be formally amended.
12. The amendments for which formal approval is sought, see Section 3 of [Addendum 2](#) dated December 2022 to the Environmental Statement (ES), for a full description, can be summarised as follows:
  - Removal of the rock toe
  - Improved public realm;
  - Soft landscaping;
  - Reduced interaction with the adjacent Scheduled Ancient Monument (Southsea Castle).
13. The proposal for sub-frontage 5 (The Pyramids Centre to Speakers Corner) is the provision of a managed beach and a stepped revetment with sheet pile as the primary defence, and a combination of reinforced concrete wall and stepped upstand as the secondary defence.

#### **Beach and beach control structures**

14. A managed beach is proposed at sub-frontage 5 (The Pyramids Centre to Speakers Corner) to reduce overtopping discharges on the primary defence during storm events, reduction in the required height of the primary and secondary defences, protect the stepped revetment from exposure to the intertidal zone, protect the toe of the revetment and enable an efficient structure design, provide for safe access and egress where currently available, and maintain seaside amenity and visual landscape where this currently exists
15. The existing beach is proposed to be replenished to a design profile which will work in conjunction with the primary and secondary defences to provide the required 0.5% AEP SoP. A large capital import of beach material will bring the beach up to the following recommended design profile with set beach crest widths and heights:
  - Minimum beach crest width: 12m

- Design beach crest widths\*: 22m (chainage +1970m to 2220m), and 19m (chainage +2220m to +2940m).
- Design beach crest level: 4.7mOD.
- Beach slope: 1 in 8.

\*\* Beach crest widths are measured from the toe of the stepped revetment.

16. A beach management cycle of 10 years is proposed at sub-frontage 5 (The Pyramids Centre to Speakers Corner), with a planned beach management campaign at the end of the cycle to restore the beach to its design profile. Routine surveys and monitoring of the beach will take place, and if beach crest recession occurs at a faster rate than predicted and there is a risk the minimum beach crest width will be reached sooner than the anticipated management period, a beach management campaign will be triggered prior to the planned management cycle.

### Primary Defence

17. The primary defence proposed at sub-frontage 5 (The Pyramids Centre to Speakers Corner) is formed from a combined system of a concrete stepped revetment with a sheet pile toe and reinforced concrete capping beam. The step dimensions of the revetment are proposed to be 300mm (going) x 150mm (riser).
18. The beach and primary defence are designed to work together to achieve an average overtopping rate that is within the safe allowable limit for pedestrians in a 100% AEP event in the year 2120.

### Secondary Defence

19. The secondary defence proposed at sub-frontage 5 (The Pyramids Centre to Speakers Corner) is a vertical reinforced concrete wall at the landward side of the promenade. Table 3.1 shows existing and proposed promenade and secondary defence levels.
20. The beach, primary defence and secondary defence are designed to work together to provide a 0.5% AEP SoP in the year 2120.

**Table 3.1: Existing and proposed promenade and secondary defence levels for sub-frontage 5 west (Pyramids Centre to Speakers Corner)**

Location (approx. chainage)	Typical existing promenade level (mAOD)	Proposed promenade level (mAOD)	Proposed secondary defence level (mAOD)	Notes
The Pyramids Centre to Speaker's Corner (+2000m to +2480m)	+4.20	+5.00	+5.60	Promenade raised approx. 0.8m

### Promenade and Landscape Proposals

21. The proposed promenade widths vary along sub-frontage 5 (The Pyramids Centre to Speakers Corner). A summary of typical existing and proposed widths is provided in Table 3.12 below. The variance in the promenade widths proposed is to accommodate features such as ramps on the landward side from existing paths and road level to the new promenade.

Location (approx. chainage)	Typical existing promenade width	Proposed promenade width	Notes
The Pyramids Centre (+2000m to +2050m)	8.5m	7.5-8.0m	Promenade width reduced by 0.5-1.0m.
The Pyramids Centre to Speaker's Corner (+2050m to +2350m)	15m	8.2m, widened to 14.8m in the area adjacent to Victorian shelters and Rock Gardens entrance steps	Promenade width reduced by approx. 7m in places but kept wider by the Victorian shelters.
Speakers Corner to The Dell (+2350m to +2480m)	8m	8m	Promenade width maintained.

22. The promenade construction material along sub-frontage 5 (The Pyramids Centre to Speakers Corner) is proposed to be concrete with an exposed aggregate surface finish.
23. Pedestrian access steps and ramps from existing footpath or road level to the new promenade level are proposed at a number of locations along sub-frontage 5 (The Pyramids Centre to Speakers Corner), summarised in Table 3.13 below. Ramps are proposed with a maximum 1 in 21 gradient to accommodate wheelchair users.
24. Access steps and ramps have been proposed to replicate or better existing provisions where possible.

Location (approx. chainage)	Notes
Adjacent to Pyramids (+2050m to +2075m)	Pedestrian access ramp at 1 in 21 gradient
Adjacent to the East Battery (+2015m to +2020m)	Pedestrian access steps

Location (approx. chainage)	Notes
Adjacent to Pyramids (+2070m to +2075m)	Pedestrian access steps
Entrance to Rock Gardens opposite listed shelter (+2170m)	Access steps
West of the Portsmouth and Southsea Voluntary Lifeguards station (+2180m to +2220m)	Pedestrian access ramp at 1 in 21 gradient
Adjacent to The Briny (+2240m to +2045m)	Pedestrian access steps
Adjacent to Speakers Corner (+2300m to +2310m)	Pedestrian access steps
Speaker's Corner (+2320m to +2360m)	Vehicle and pedestrian access ramp at 1 in 21 gradient
Seaward access alternating every 50m	Steps will consist of a handrail Ramps consist of a short 1:6 gradient

25. A sloped landscape bank, planted with wildflower planting, is proposed on the landward side of the secondary defence adjacent to the Pyramids Centre and the Rock Gardens (chainage +2000m to +2220m). Terraced planted areas have been included from chainage +2150m to +2330m, in particular around Speakers Corner and The Briny, to soften the levels difference to the promenade. Small Pinus Nigra trees will be planted within the Speakers Corner interface. All plants have been chosen especially for a marine environment.
26. Four historic shelters, three of which are listed, are proposed to be dismantled, repaired and reconstructed to approximately their existing locations. The long unlisted shelter with black and white canopy adjacent to Speaker's Corner (approx. chainage +2265m to +2325m) is proposed to be demolished and removed.

### Construction Compounds and Access

27. The compound arrangements remain as per the approved scheme (see Figure 3.1 at the end of this chapter). The compounds that will be used during the construction of

subfrontage 5 west are those labelled 'permanent main site compound', 'materials storage compound' and 'secondary compound – sub-frontage 5' at Speakers Corner.

28. An additional compound within the MoD field was approved under permitted development and also approved by regulators via the Construction Environmental Management Plan [CEMP] for sub-frontage 1. This compound is being used as a 'materials storage compound'.
29. The materials storage compound is located within a site classified as 'low use' in the Solent Wader and Brent Goose Strategy [SWBGS] – site P36 (illustrated on Figure 3.2). As discussed with Natural England, appropriate mitigation is required to offset the temporary loss of this 1.0 ha site during the over-wintering periods of the construction works.
30. During the 2020/21 overwintering season, Castle Field (site P34) was fenced off and used as a dedicated refuge area to offset the loss of the materials processing compound (site P36). Following discussions with Portsmouth City Council and Natural England, it was agreed to relocate the refuge site to the MoD, adjacent to the materials storage compound (site P36).
31. The site is securely fenced, and the use of visual/audio equipment will be used to provide greater coverage for monitoring purposes. Visual/acoustic screening will be placed along the edge of the materials storage compound to limit potential disturbance from the materials storage compound. Concrete crushing and stockpiling of rock will not be permitted within the materials storage compound during the overwintering season (1st October to 31st March inclusive). Figure 3.3 illustrates the location of the refuge area. Castle Field (site P34) will still be monitored for bird usage during the overwintering period, to better understand bird usage of this site.
32. A suitably qualified and experienced ecologist will undertake 3-hour observations 3 days per week from November to March inclusive. A report will be produced monthly and circulated to Natural England for review.

#### **Delivery of Plant and Materials**

33. As per the existing ES, materials will be transported by both land and marine based transport modes. Sections 17 (Traffic and Transport) and 21 (Navigation and Commercial Fisheries) of this addendum detail the number of expected traffic and marine vessel movements for sub-frontage 5 west. Due to the removal of the rock toe for sub-frontage 5 west, the number of vessel movements required has reduced.

#### **Programme update**

34. Sub-frontage 5 west is the third phase of construction works of the overall Southsea Coastal Scheme. Phase 1 of construction at sub-frontage 1 (Long Curtain Moat) commenced in October 2020 and Phase 2 at sub-frontage 4 (Southsea Castle) commenced January 2022. Phase 1 of construction is now complete.
35. The applicant has stated that on the assumption that all the necessary approvals are in place, enabling works for sub-frontage 5 west will commence summer 2023.

#### **Working Hours**

36. Normal working hours for construction are anticipated to be Monday to Friday from 07:00 to 19:00, except for marine works, e.g., import of beach material, which will be undertaken 24hr/day, 7 days/week when required due to the time sensitive nature of working in a tidal setting. Deliveries will be limited to within the planned construction hours and will be scheduled outside of peak highway hours whenever practicable. Weekend working and/or night working may be required due to the complexity of the works and tidal setting, however this would be agreed with the Local Planning Authority [LPA] in advance.

#### **CONSULTATIONS**

**Historic England**

37. No comment - seek the views of your specialist conservation and archaeological advisers, as relevant

**PCC Conservation Officer**

38. No objection. The proposal is considered capable of conservation / heritage support.

**Environment Agency**

39. No objection, subject to conditions requesting a CEMP and a condition restricting piling between certain dates (see condition wording for detail).

**Natural England**

40. No objection.

**PCC Archaeological Adviser**

41. No objection. Noted that in omitting the embedded wall the physical impact on the Scheduled monument is reduced and the approach to the monument will be as existing.

**PCC Ecology Adviser**

42. No objection

**Landscape Group**

43. No objection, subject to a concern regarding the lack of planting near to The Pyramids and a reduction in the variety of surface treatments.

**Highways Engineer**

44. No objection

**Regulatory Services**

45. No objection, subject to conditions requiring a CEMP (Construction Environmental Management Plan) and adherence to BS5228-1 2009, "Code of practice for noise and vibration control on construction and open sites".

**Coastal And Drainage**

46. No objection in relation to proposals for SF5 West

47. No responses have been received from:

- Queen's Harbour Master
- RSPB
- Hants & IOW Wildlife Trust
- Seafront Manager
- Contaminated Land Team
- Road/Footpath Closure
- The Portsmouth Society
- Marine Management Organisation

**REPRESENTATIONS**

48. A total of thirty-three objections have been received from local residents and organisations to this application and the two related listed building consent applications (Refs 22/01721/LBC and 22/01722/LBC).

49. The issues raised are as follows:

- The loss of the long shelter at Speakers Corner
- Yellow shelters
- Skate Park
- Public consultation
- Noise

- Extensions to existing business premises
- Changes to the public realm
- Public art
- Rocks at Eastney
- High walls and prom width
- Access

50. These are covered in full in the 'Matters Raised in Representation' section below.

### **POSITIVE AND PROACTIVE ENGAGEMENT**

51. 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.
52. In this case the applicant has kept the LPA abreast of progress with the development and the need for the various changes to the approved scheme that form this application.

### **PLANNING CONSIDERATIONS / COMMENT**

53. This is an application under S73 which, if granted, would take effect as a new independent permission that would sit alongside the original permission, which remains intact and unamended, to carry out the same development as previously permitted subject to new or amended conditions. As such this application falls to be considered against development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. In making a decision on this application, the focus should be on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
54. Planning permission has already been granted for the project to upgrade the existing coastal defences at Southsea. The key issues for these design amendments - the removal of the rock toe, improved public realm, soft landscaping and educed interaction with the adjacent Scheduled Ancient Monument - are whether they represent a comparable (or better) solution given that the principle of the development has already been found acceptable in the location proposed and whether the updated ES adequately assesses any change to environmental impacts having regard to relevant international and national nature conservation designations and heritage assets.
55. In the assessment of the original scheme ref 19/01097/FUL, it was identified that there will be disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site deliveries and closure / diversions of roads and footpaths etc., and views and access will be impacted temporarily. Whilst there will be short term, localised impacts on the environment, a full recovery is expected. The differences upon construction disturbance and disruption between the approved scheme, and the now-proposed amendments, are minimal.
56. Chapter 23 of the ES addendum identifies and summarises the mitigation measures (Tables 23.1 - during construction and 23.2 - during operational phase) to ensure the delivery of an environmentally acceptable solution along the 'flood cell 1' scheme frontage.
57. It was previously considered that the likely environmental impacts of the development have been adequately assessed in the original ES (July 2019) and subject to the imposition of appropriate conditions, to secure the mitigation measures, are considered acceptable. An ES addendum (December 2022) explains the minor amendments to the scheme and the effects of these in relation to the ecological features assessed. Based on this addendum, there are few changes to the impacts previously concluded, and any minor changes to these impacts are considered beneficial.

## **Impact on Designated Sites**

58. There are a number of ecological designations within and close to the application site including sites and species of local, national and international importance.
59. Officers agree with the findings in the ES Addendum (Addendum 2), namely that the previous assessment of terrestrial ecology remains valid as the proposed amendments are minor in nature. This is confirmed by both Natural England and the Council's Ecological Advisor who have both raised no objection to the proposal.
60. With regard to the coastal environment as this proposal involves the removal of the rock revetment, the number of rock carrying vessel movements has been reduced and Coastal Partners comment that all aspects of the scheme have been fully assessed from design, through to construction and long-term operations. Significant mitigation measures are proposed to ensure that biodiversity is protected and enhanced (as detailed within the ES). These measures are specific to the type of ecology and include consideration for a phased construction process, additional surveys, appropriate construction methods and timings, specific protection measures and ongoing monitoring. These measures should be secured through the submission and approval of a Construction Environmental Management Plan.
61. The ES recognises the importance of all habitats and species, e.g. feeding sites for Brent Geese. The scheme has been designed to minimise the impact on terrestrial and marine ecology including fish, shellfish and birds, with mitigation proposed to avoid significant harm. It has also been designed to protect and enhance biodiversity where possible, seeking to achieve a net gain overall.
62. The design also takes opportunities to improve Southsea seafront for wildlife. Information for Habitats Regulations Assessment (HRA) is set out in Appendix F of the ES and was submitted to enable the city council as the Competent Authority to determine the implications of the project on the relevant European nature conservation sites and their interest features. Where potentially significant adverse effects were identified, appropriate mitigation measures are proposed to ensure the protection of the European site features. The mitigation measures would prevent significant disturbance of nonbreeding birds during the construction works and protect the availability of high tide roosting and feeding habitat. As such, there are not likely to be any significant long-term adverse population level effects on SPA / Ramsar birds. Furthermore, there is no realistic pathway for effects from the proposed scheme on the Solent Maritime SAC as any impacts on hydrodynamic or sedimentary processes will be very minor, localised, of short duration and they will not extend beyond the Southsea frontage.

## **Heritage Impact**

63. With regard to the impact of the proposals on heritage assets, the need for the scheme has been established. Both the principal and detailed design processes have been carried out in close consultation with the stakeholders and, as a result, the application presents a scheme which seeks to avoid harm but identifies and justifies the significant unavoidable harm where it occurs, setting out in turn how each aspect of that harm has been minimised and will be mitigated. The application also identifies opportunities to sustain and enhance the significance of affected heritage assets.
64. The Heritage Impact Assessment (HIA) submitted with this application identifies three key assets:
- Southsea Castle - a scheduled ancient monument. High heritage value
  - Ornamental Lamp Columns. Medium heritage value
  - Seafront shelters. Low to medium heritage value.
65. With regard to Southsea Castle, the ES addendum identifies that the updated design proposal presents a slight improvement in the overall impact as the increase in ground levels removes the requirement for an embedded wall into the structure, as was



assessed in the original HIA submitted with the 2019 application. The impacts on the lighting columns and shelters is unchanged compared to the assessment in the 2019 HIA.

66. In terms of its impact on the Southsea Seafront Conservation Area (No.10) the scale and nature of the proposed amendments to the original application are such that the overall nature (or 'essence') of the originally consented scheme would not be substantively altered. The proposed changes, whilst noticeable, still relate to the approved description of development as well as the details regarding landscaping and other design features set out within the original Design and Access Statement.
67. Notwithstanding the changes that are proposed, it is considered that the works would not be substantially different in terms of their Impact on the character and appearance of the Conservation Area or other relevant assets from the works that were discussed, negotiated and subsequently approved as part of the original application (19/01097/FUL). It is considered that that the Conservation Area would retain its defining characteristics namely its openness, and (from the top of the new defences) the views it affords out across the Solent.
68. In terms of its impact on the Southsea Seafront Conservation Area (No.10) The scale and nature of the proposed amendments to the original application are such that the overall nature (or 'essence') of the originally consented scheme would not be substantively altered. The proposed change whilst noticeable still relate to the approved description of development as well as the details regarding landscaping and other design features set out within the original Design and Access Statement.
69. Notwithstanding the changes that are proposed It is considered that the works would not be substantially different in terms of their Impact on the character and appearance of the Conservation area or other relevant assets from the works that were discussed, negotiated and subsequently approved as part of the original application (19/01097/FUL). The CA would retain the defining characteristics discussed above ....openness, and (from the top of the new defences) the views it affords out across the Solent. As before, the impacts generated whilst high are, when balanced against the public and other heritage benefits associated with the proposal, considered acceptable.
70. As other statutory consultees have also noted, the proposal would retain the existing approach to the monument, and as such would also reduce the scheme's physical impact on the structure. The absence of comment from Historic England (HE) are also noted and are considered to also imply their endorsement of the scheme.
71. For the reasons outlined/ discussed above it is confirmed that the proposal is considered capable of conservation/heritage support.

### **Landscape Impact**

72. The landscape proposals are well considered and developed from earlier presentations/discussions with Council stakeholders in terms of access to the promenade and beach. It is a positive development that the rock revetment can be removed to enable easier access to the beach.
73. However, there is a lack of planting in this revision near to the Pyramids where previously there were many trees proposed and we would like to see these returned to the project as it leaves the area quite devoid. Due to the removal of two Monterey Pines and other trees further east, it would be preferable to see any additional planting where possible. This can be secured by condition along with planting plans and provision for replacements over the next five years of any species that does not do well as this area has much exposure. Plants should be replaced with the hardiest species if failures occur.
74. The stepping down to the east of the section into Speaker's Corner appears to offer good room for planting and access in principle, but the proposal is lacking in example sections

that would demonstrate how the steps/ramp would integrate here and in front of the rock gardens / cafes. There also seems to be a lessening in variety of surface treatment at this end of the sea defences which is disappointing. This can be addressed through the submission of details required by Condition 25, Hard Surfacing Materials.

### **Matters Raised in Representations**

75. The key issues raised by third parties comprise the following:

#### The Loss of The Long Shelter At Speakers Corner

76. This shelter was proposed to be removed under the original planning application, approved in 2019. At that time, following a significant amount of public consultation, there were no objections to its removal. The design at this stage is proposed to be amended but with the introduction of planted terraces in place of a wall. Whilst the long shelter is still not proposed to be replaced as part of the Southsea Coastal Scheme (SCS), it is understood that PCC as Local Authority have publicly stated that they intend to erect a similar shelter along this section of the promenade.

#### Are The Yellow Shelters To Be Replaced?

77. There are a few comments on these including concerns that they are not being replaced or that not all three will be replaced. All the listed shelters (1no. black and white shelter and 2no yellow shelters), will be reinstated back on the promenade in similar positions to where they currently sit, following refurbishment. These shelters are Grade II listed and so are the subject of the separate listed building consent (LBC) application (22/01722/LBC). A third yellow shelter is proposed to be treated the same as if it were listed (same recording and methods etc) and will be removed, refurbished, and reinstated elsewhere along the seafront. The refurbishment and reinstatement of the third shelter will be undertaken as part of a future construction phase.

#### Is a Skate Park proposed?

78. The proposal does not include any form of skate park. The proposal will, however, not worsen the current situation for skateboarders. The seating facing landward at Speakers Corner will be skateboard resilient. Details for all seating and street furniture will be submitted for approval as part of the Discharge of Conditions phase.

#### Public consultation

79. A very significant level of public consultation was undertaken prior to the submission of the original planning application. By its nature, this application for a minor material amendment shows proposed changes that are not substantially different to the approved scheme. The level of consultation has therefore been proportionate, with social media updates, updates on the Coastal Partners webpages and e-bulletins to around 5500 subscribers. All relevant notification procedures under planning and EIA legislation have been followed.

#### Noise

80. The noise assessments undertaken for the scheme are contained within Appendix R of the Environmental Statement, with Chapter 16 providing a summary and overall assessment of likely significance. Prior to the commencement of each phase of construction a bespoke Construction and Environmental Management Plan will be submitted for approval. This will propose mitigation for all environmental impacts based on the construction methods and context of that particular phase.

#### Extensions to existing business premises

81. The proposal does not include any extensions to any existing business premises

#### Changes to the public realm

82. These details, as per previous phases of the scheme, will be submitted to the Local Planning Authority under the conditions approval process. All conditions imposed on previous planning decisions for the SCS will be stated on a new planning decision (with amendments/additions as deemed appropriate or required by the LPA). Phase 1 of construction (at Long Curtain Moat) is now open to the public and so the design and

appearance of street furniture is likely to be proposed to match, in order provide a coherent seafront.

#### Public art

83. Conditions are imposed on the previous planning consents which require public art and interpretation details to be submitted to the LPA for approval within 12 months of the completion of each phase. Phase 1 (Long Curtain Moat) has very recently been completed and we will be submitting the relevant details for the heritage interpretation in due course, having worked with Historic England. Public Art along the scheme is now under PCC's Culture and Leisure Team, with a public art strategy for the whole seafront to be brought forward. Some of these public art installations may be constructed at the same time as the scheme but is now a separate element. The appropriate condition attached to the original consent will be attached to this new application.

#### Rocks at Eastney

84. The rock revetment submitted in the objector's photo is not a PCC/CP project. When designing rock structures there are two key parameters, the size of the rock, to ensure the structure is stable in the waves conditions and the rocks don't move around too much, secondly the durability of the rock, to ensure the attrition rate through constant wave action and erosion by moving shingle provides the required design life of the structure. The CP rock structure has been designed to last the 100-year design life of the project. The rock being used is a very dense granite that is far more resilient to abrasion and will take a lot longer to wear down.

#### High walls and prom width

85. It is unknown why the comments regarding a high wall blocking views and blocking the Southsea Beach café have been made. This application only seeks to make minor amendments to the section of the scheme between The Pyramids Centre and Speakers Corner. There is no high wall being proposed in this section at all.

#### Access

86. There are four ramped access points from the promenade onto the beach between The Pyramids Centre and Speakers Corner. Options for access from the beach to the sea will be looked at separately by PCC. The beach level changes quite dramatically at times and therefore any option would need to be able to move with the beach rather than be a fixed ramp. Any fixed ramp on the beach itself would either become buried with shingle or lead to a drop from height depending on what the beach has done during the recent tides.

### **CONCLUSION / PLANNING BALANCE**

87. Being an application under S73, if permission is granted this permission takes effect as a new independent permission that sits alongside the original permission, which remains intact and unamended, to carry out the same development as previously permitted subject to new or amended conditions.
88. The proposed changes by this application would still deliver a key and essential piece of infrastructure for the city for new flood and coastal erosion defences and contribute to the city's wider economic growth and regeneration.
89. It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted ES/Addendum, and subject to reimposition of the same conditions to secure the mitigation measures, are considered acceptable and overall would not result in significant harm or have any significant adverse impacts.
90. In light of the above, this application for proposed amendments to the approved scheme is considered acceptable.

## Conditions

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.

### Approved Plans

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

Location Plan - 0001Rev.P03;  
Elevation - 1 - 0151Rev.P05;  
Elevation - 1&2 - 0152Rev.P05;  
Elevation - 3,4&5 - 0153Rev.P05;  
Elevation - 6&7 - 0154Rev.P05;  
Elevation - 8 - 0155Rev.P05;  
Elevation - 9 - 4920 C01;  
Elevation - 9.5 - 4921 C01;  
Elevation - 10 - 0157Rev.P05;  
Elevation - 11 - 0158Rev.P05;  
Elevation - 13 - 0160Rev.P05;  
Elevation - 14 - 0161Rev.P05;  
Elevation - 15 - 0162Rev.P05;  
Elevation - 16 - 0163Rev.P04;  
Elevation - 17 - 0164Rev.P04;  
Elevation - 18 - 0165Rev.P04;  
Elevation - 19 - 0166Rev.P04;  
Key plan & elevations - 0099Rev. P04;  
Key plan & cross sections - 0100Rev.P04;  
General layout - sheet01 - Long Curtain - 0101Rev.P04;  
General layout - sheet02 - Clarence Pier - 0102Rev.P04;  
General layout - sheet03 - Clarence Esp - 0103Rev.P04;  
General layout - sheet05 – Southsea Castle - 4901Rev.C01;  
General layout - sheet06 – Southsea Castle - 4902Rev.C01;  
General layout – sheet07 – Rock Gardens – 0107Rev.P06  
General layout - sheet08 - Speakers Corner - 0108Rev.P06;  
General layout - sheet09 - South Parade Pier - 0109Rev.P04;  
General layout - sheet10 - Canoe Lake- 0110Rev.P04;  
General layout - sheet11 - Lumps Fort - 0111Rev.P04;  
General layout - sheet12 - Pitch and Putt - 0112Rev.P04;  
General layout - sheet13 - St Georges Road -0113Rev.P04;  
General layout - sheet02a - Pier Road - 0121Rev.P04;  
Heritage constraints plan - 0400Rev.P03;  
Cross section - A&A1 - 0201Rev.P04;  
Cross section - A2&B - 0202Rev.P04;  
Cross section - B1&C - 0203Rev.P04;  
Cross section - C1 - 0204Rev.P03;  
Cross section - C2 - 0205Rev.P03;  
Cross section - C3&C4 - 0206Rev.P03;  
Cross section - D&D1 - 0207Rev.P04;  
Cross section - E&F - 0208Rev.P04;  
Cross section - F1&G - 0209Rev.P04;  
Cross section - G1&H -4910.C01;  
Cross section - I0.5&I -4911.C01;  
Cross section - I1&J - 0212Rev.P05;  
Cross section - K&K1 - 0213Rev.P05;  
Cross section - K2&K3 - 0214Rev.P05;  
Cross section - L&M - 0215Rev.P04;  
Cross section - N&N1 - 0216Rev.P03;

Cross section - N2&O - 0217Rev.P03; Cross section - P&P1 - 0218Rev.P04;  
 Cross section - Q - 0219Rev.P04;  
 Monuments - Trafalgar & Chesapeake - 0231Rev.P01;  
 Monuments - Peel Shannon & Trident - 0232Rev.P0  
 Monuments - Aboukir & Crimean - 0233Rev.P01;  
 Interface - Caponier - 1969 - Rev.C01;  
 Interface - Spur Redoubt - 1970 - Rev.P02;  
 Interface - North LCM - 0454REV.P03;  
 Interface - Sally Port - 0455Rev.P02;  
 Interface - Pier Road -0456Rev.P02;  
 Interface - Castle West 08A - 0459Rev.P04;  
 Interface - Southsea - 08 4950Rev.C01;  
 Interface - Southsea - 09 4951Rev.C01;  
 Interface - Southsea - 010 4953Rev.C01;  
 Interface - Castle East - Sheet 10A  
 Interface - South Parade Pier - 0462Rev.P04;  
 Interface - Lumps Fort West - 0463Rev.P02;  
 Interface - Eastern end - 0464Rev.P03;  
 Interface - Naval Memorial - 0465Rev.P05;  
 Existing wall details, Naval War Memorial - A1045 610Rev.P1;  
 Proposed wall detail showing seating, Naval War Memorial - A1045 620Rev.P1;  
 Proposed wall details, Naval War Memorial - A1045 622Rev.P1;  
 Proposed site plan seating, Naval War Memorial - A1045 220Rev.P1;  
 Buried Services Plans - (Drainage Strategy - ES Appendix I);  
 Tree Protection and Removal Plans (ES Appendix L) - Site Wide Layout 257135-0500- P03 and  
 Layout sheets 01-13 inclusive & 02A numbered 257135-0501-P03 to 257135- 0513-P03 &  
 257135-0521-P03; and,  
 Tree Protection Fence Detail 257135-0551-P02.

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

### Phasing

2) The development hereby permitted shall be carried out in accordance with the proposed phasing at Table 3.2 of Appendix F of the Environmental Statement or any variation as may be submitted to approved in writing by the local planning authority, by phasing plan to show the sequence of development and division by area for each sub- frontage (or part thereof) at the site. Further details for approval pursuant to any conditions imposed on this permission may be submitted for consideration for the development as a whole or individually for each approved phase.

Reason: In the interests of the amenity of local residents, to minimise highways impacts, flood risk and adverse environmental effects but maintain potential flexibility to respond to any changes of circumstances and priority during the phased construction programme presently scheduled between March 2020 and May 2026, to accord with policies PCS12, PCS13, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

### Potential for soil contamination

3) i) No works shall take place in each approved phase of the site until a Method Statement detailing a scheme for monitoring and assessing the soil for contamination as relevant to that phase, shall have been submitted to and approved by the local planning authority in writing. The Method Statement should detail where the soils will be stored, tested, and transferred, and the approach used when soils excavated do not meet re-use criteria. The development shall be carried out fully in accordance with the approved Method Statement, unless any variation shall have been submitted to and approved in writing by the local planning authority.

ii) In the event that any signs of pollution (visual, olfactory or textural), odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, drums or other materials having been used in the construction of the built structure or remains of a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the local planning authority (LPA) and if the LPA considers it necessary an environmental

consultant assess the site in accordance with BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. Where remediation is deemed necessary a Remediation Scheme must be submitted to and approved by the LPA in writing and then fully implemented in accordance with the approved details.

#### Remediation verification

- 4) On completion of development (or works in each approved phase), a report shall be submitted to and approved by the local planning authority in writing to evidence either (i) that there were no indications of pollution during works or (ii) verification records from the monitoring agreed by condition 3(i) and summarise any remedial works undertaken in accordance with condition 3(ii); and unless otherwise agreed in writing by the local planning authority, such verification shall comprise:
- (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress; and
  - (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained fully in accordance with the approved report.

Reason: To minimise adverse environmental impacts on designated habitats sites and to ensure the site is free from prescribed contaminants, to accord with policies PCS13 and PCS23 of the Portsmouth Plan (2012), saved policy DC21 of the Portsmouth City Local Plan 2001-2011 and the aims and objectives of the NPPF (2019).

#### Archaeology

- 5) a) No development shall take place at the site (with the exception of any works at sub-frontage 1 - Long Curtain Moat) until an Archaeological Mitigation Strategy (AMS) outlining the provision for archaeological investigation and the types of archaeological works to be undertaken, across the site as a whole has been submitted to and approved by the local planning authority in writing. The strategy will also include details of all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority, and nomination of a competent person(s)/organisation to undertake the works set out in the AMS. Generic written Schemes of Investigation for any mitigation will also be included in the AMS.

- b) No works shall take place in each phase until a Written Scheme of Investigation (WSI) has been submitted and approved by the Local Planning Authority in accordance with the AMS. The works shall thereafter be carried out in strict accordance with the approved AMS and relevant WSI.

Reason: In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential across the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Beach Management Strategy

- 6) a) The development shall be carried out fully in accordance with the Beach Management Strategy at Appendix H of the Environmental Statement, including the implementation of the capital works at sub-frontages 3, 5 and 6 and the proposed design standard and monitoring of the effects of beach management operations; and,

- b) Within 12 months of the completion of the final approved phase of the scheme, a Beach Management Plan shall be submitted to and approved in writing by the local planning authority, which will implement the recommendations of the Beach Management Strategy and provide ongoing guidance for the management of the beach material.

Reason: For maintenance, monitoring and intervention in order to maintain the beach and structures, to ensure it continues to provide an adequate standard of protection along the Southsea frontage, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Rock Revetment Materials - Sub-frontages 1, 3 and 4

7) The proposed variety of rock revetment materials (above Mean High Water Springs) for sub-frontages 1, 3 and 4 shall be carried out in accordance with details of their source selection for texture and surface complexity, typical colour finishes and size variation (including any samples as may be necessary) to be submitted to and approved in writing by the local planning authority before the rock armour is installed.

Reason: To preserve the character and appearance of the listed park/conservation areas and preserve the setting of other designated heritage assets especially Southsea Castle and importantly when viewed from the sea and adjacent beaches, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

#### Piling Methodology

8) Installation of piles will be undertaken using vibro piling techniques as standard. Percussive piling will only be used when necessary to achieve the required design depth. If percussive piling is required, a soft start procedure will be implemented for a minimum of 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Piling Methodology - Sub-frontages 3 and 6

9) In sub-frontages 3 and 6, due to the close proximity to the Core and Secondary SWBGS sites, no percussive piling or works with heavy machinery (ie plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the overwintering period between 1st October and 31st March (inclusive).

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Timing of works - Sub-frontages 3 and 6

10) At no time shall any construction be undertaken concurrently within sub-frontage 3 and sub-frontage 6.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Timing of works - Sub-frontage 1

11) At sub-frontage 1, no percussive piling shall be undertaken between 15th March and 15th May (inclusive) to avoid the important fish smolt downstream migration period. Between 16th May to 31st May and 1st December to 14th March (inclusive) at sub-frontage 1, percussive piling can only be carried out within the full 12-hour period of 0700-1900 hours. Between 1st June to 30th November (inclusive) at sub-frontage 1, percussive piling can only be carried out within the full 12-hour period of 0700-1900 hours, subject to the following limitations to allow adult fish to enter the harbour on their upstream migration:

- Piling can occur for the full 12-hour period only where breaks between piling episodes are a minimum of 60 minutes each; with a minimum of one 60-minute break in the 12-hour period.

Reason: To protect nature conservation interests and to minimise any impact during fish migration, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Protection of birds - Sub-frontage 3

12) No development shall take place at sub-frontage 3 (adjacent to the SWBGS Core site - P35) until safeguarding measures of Ready hoard/Heras fencing, or similar, with debris netting to full height is erected along the landward edge of the construction works area, to an alignment that shall have been submitted to and approved in writing by the local planning authority beforehand; and the temporary hoarding with full height debris netting shall be retained for as long as works continue at sub-frontage 3.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Protection of birds - Sub-frontage 6

13) No development shall take place at sub-frontage 6 (adjacent to the SWBGS Core site and Secondary support area - P32A & P32B) until safeguarding measures of Ready hoard/Heras fencing, or similar, with debris netting to full height is erected along the landward edge of the construction works area, to an alignment that shall have been submitted to and approved in writing by the local planning authority beforehand; and the temporary hoarding with full height debris netting shall be retained for as long as works continue at sub-frontage 6.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Protection of birds - Sub-frontage 3, 4 and 6

14) No development shall take place within sub-frontages 3, 4 and 6 until a detailed scheme and implementation plan for a bird refuge area has been submitted to and approved in writing by the local planning authority. For the duration of construction being undertaken at any time within sub-frontages 3 or 4 or 6, in each year when any works are being carried out during the overwintering period between 1st October and 31st March (inclusive), an area shall be secured within SWBGS Core site P35 to provide a bird refuge area with reduced recreational disturbance. A detailed scheme for its design, management and monitoring shall include details of: the bird refuge area central within the site; to contain a low-lying area with potential to hold surface water in winter; be a minimum of 2 ha in a single approximately square block (to reduce edge effects); make provision for dog resistant fencing; details of an ornithological watching brief and trial use of decoys and acoustic lures (to encourage use of the area by Brent Geese). The approved scheme shall be fully implemented and success of the bird refuge area monitored during its use via the approved ornithological watching brief, for as long as works continue within sub-frontages 3, 4 and 6.

Reason: To protect nature conservation interests and to monitor the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Biodiversity and Mitigation Enhancement Plan

15) No works shall take place in each approved phase of the site until a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to and approved in writing by the Local Planning Authority, for all biodiversity enhancements and ecological mitigation and monitoring for the relevant part of the site, including mitigation specifically in relation to the vegetated shingle habitat and the Purple Sandpiper (when appropriate). The works shall be thereafter carried out and retained in accordance with the approved BMEP.

Reason: To protect nature conservation interests and to enhance the biodiversity across the site, and to monitor temporary loss/damage to the vegetated shingle from construction works and further impacts from implementing the beach management strategy, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Tree Protection Plan

16) No works shall take place at each approved phase of the site until all trees effected by works in that phase, not scheduled for removal are safeguarded during the course of any site works and building operations (in accordance with the relevant British Standard relating to tree protection) by protective fencing along the fence lines shown on the approved Tree Protection



Plans (Site Wide Layout 257135-0500-P03 and Layout sheets 01-13 inclusive & 02A numbered -/0501-P03 to -/0513-P03 & -/0521-P03) or such other alternative fence-line(s) as may be agreed in writing with the Local Planning Authority beforehand, with 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact shown on Tree Protection Fence Detail -/0551-P02. The approved tree protection measures shall be maintained during the course of the works at the relevant approved phase of the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced areas.

Reason: To ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Soft Landscaping Scheme

17) No development shall take place within each approved phase until there has been submitted to and approved by the Local Planning Authority a scheme of tree and any other relevant soft landscaping works; the scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted in the area of that phase. The approved tree works (and other planting where relevant) shall be carried out in the first planting season following the completion of the development within each approved phase. Any trees or plants which, within a period of 5 years from the date of planting in each approved phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, to protect the biodiversity of the site and preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Earth Bund Design

18) No works shall take place in each approved phase of the site until details of earth bunds proposed within any relevant sub-frontage have been submitted to and approved in writing by the local planning authority. The details shall provide:

- The proposed grading and mounding of land areas including the levels and footprint to be formed;
- The relationship of the mounding to existing surrounding landform;

The works at each site shall be carried out in accordance with the approved details for the earth bunds.

Reason: As only illustrative cross sections have been provided and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Drainage Scheme

19) No works shall take place at each approved phase until a detailed drainage scheme for the relevant area has been submitted to and approved in writing by the Local Planning Authority of:

- (a) the layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

20) (a) No development shall take place at each approved phase of the site until a Construction Environmental Management Plan (CEMP) (to include the detailed mitigation measures set out in the submitted Environment Statement) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out the strategy and detailed method statements for work in the relevant area in respect of the following:

- Management of flood risk during construction, to ensure the existing standard of protection is not reduced;
- The timing of the works (including piling);
- Construction methods (including piling) and any specific methodology in the areas of the scheduled ancient monuments;
- The steps and measures to be implemented during the development in order to avoid, minimise or mitigate environmental impacts upon designated sites and protected species (including potential disturbance, water quality risks and pollution);
- Pollution protection measures;
- The storage of construction materials and equipment;
- The storage and disposal of construction waste;
- The storage and dispensing of any chemicals/fuels/oils/other hazardous materials;
- Site office/welfare facilities;
- The proposed method of working (that shall include details to monitor and prevent adverse impacts to surface water, groundwater and adverse impacts caused by noise, vibration, odours, dust and any airborne contaminants during development);
- Visual screening for SPA birds;
- Measures to minimise INNS introduction / spread;
- Mitigation measures in relation to trees and potential impacts to birds during the nesting period; and,
- Details of compounds, including location, fencing and reinstatement

(b) The approved CEMP shall be fully implemented and maintained until development of the relevant approved phase is completed, unless any variation is first agreed in writing by the local planning authority.

Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of designated habitats sites, and to protect and minimise any significant impact on the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

#### Construction Traffic Management Plan

21) No development shall take place at each approved phase of the site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority to update, in respect of the relevant phase of works, the Framework Construction Traffic Management Plan at Appendix W of the Environmental Statement and its monitoring throughout the subsequent phases of the project; all works carried out during the relevant approved phase at the site shall be undertaken strictly in accordance with the approved CTMP, unless any variation is otherwise first agreed in writing with the local planning authority.

Reason: To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of construction on the occupiers of adjoining and nearby properties, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

#### External lighting

22) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed external lighting (including any proposed decorative/festoon feature lighting) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site addressing an existing uneven distribution along the promenade and enhancing the sense of safety for all users by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

### Street Furniture and walls

23) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed street furniture and secondary defence walls (including refuse bins, signage, seating, bollards, railings and other means of enclosure) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

### Flood Gates and Boards

24) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed flood gates and boards in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To reduce the risk of flooding, to preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site, in accordance with policies PCS9, PCS12 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

### Hard Surfacing Materials

25) No works shall take place at each approved phase which involves the provision of promenade or other hard surfacing materials until details of the materials to be used in the relevant area have been submitted for the prior written approval of the local planning authority. Thereafter the works shall be fully implemented in accordance with the approved details. The details for approval shall include a detailed scheme of (a) type/texture/colour finishes (including any samples as may be necessary) including natural stone blocks at key public realm and historic areas; and (b) the proposed pattern treatments to add local distinctiveness within the floorspace at key public realm areas.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site and deliver attractive textural interest to the public realm by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

### Feature Walls

26) Prior to the installation of the Feature Walls as shown in the approved drawings details of the final surface treatment including details of the pattern, text or picture treatment including type/texture/colour finishes, and any samples as may be necessary, for the wall's surface shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To ensure the feature walls are delivered with differing finishes to soften their appearance and add local distinctiveness to enhance the character and appearance of the listed park and conservation areas, to preserve the setting of other designated heritage assets across the whole of the site and deliver attractive textural interest by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

### Roads and Footpaths

27) No development shall take place on each approved phase at the site until the following details, relevant to the area within that phase, have been submitted to and approved in writing by the Local Planning Authority:-

- (i) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels, together with details of materials, sightlines and kerbs, street lighting and the method of disposing surface water;
- (ii) a programme for constructing the roads and footpaths; and,
- (iii) details and specifications for the proposed works to car parks, including final finished levels and layout of spaces.

Reason: To ensure that the roads/footpaths are constructed to an appropriate standard in the interests of highway safety, to create a safe and attractive environment and to preserve the character and appearance/setting of the array of designated heritage assets across the site, to accord with policies PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

#### Method of Construction - Long Curtain Moat

28) No works shall take place at Long Curtain Moat (in sub-frontage 1) until detailed construction/method statements have been submitted to and approved in writing by the local planning authority; and the development shall be carried out fully in accordance with the approved construction/method statements, unless any variation shall have been submitted to and approved in writing by the local planning authority.

Reason: To achieve the highest quality appearance and finish (after demonstrating the only feasible engineering solution) of a new vertical wall clad in natural stone blocks replicating the character of the existing historic wall, for the substantial harm of development effecting a nationally important scheduled monument to be outweighed by the substantial public benefit of protecting homes and other properties from a considerable and immediate flood risk to the Southsea area, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Cladding Materials - Long Curtain Moat

29) No works shall take place at Long Curtain Moat (in sub-frontage 1) until details of: (a) the source(s), type and size variation of natural stone block materials proposed to be used in the cladding, including a sample panel, on the section west and including the Spur Redoubt; (b) and natural stone berm on the section west and including the Spur Redoubt; and, (c) all other materials for the section east of Spur Redoubt, have been submitted to and approved in writing by the local planning authority; and the development shall be carried out fully in accordance with the approved natural stone and other materials.

Reason: To achieve the highest quality appearance to minimise harm to nationally important scheduled monuments and in the interests of protecting and/or conserving evidence of the City's early heritage and development by protecting any archaeological potential in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Re-instatement of Listed Shelters

30) (a) No works associated with the removal of the three Grade II Listed shelters shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re- instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6) has been submitted to and approved in writing by the Local Planning Authority; and

(b) The three shelters shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part (a) of this condition.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2019).

#### Re-instatement of Listed Lampposts

31) No works associated with the removal of the Grade II Listed historic lamp columns shall take place at the site until a method statement for the removal, storage, repair and re-

instatement of the historic (Grade II listed) lampposts shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic lampposts shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Re-instatement of Listed Monuments

32) No works associated with the removal of the listed monuments/plinths shall take place at the site until a method statement for the removal, storage, repair and re- instatement of the historic (Grade II listed) monuments shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic monuments shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Works of Royal Navy War Memorial

33) a) No alterations to the Grade I listed R N War Memorial shall take place at the site until manufacturer's details and samples of all materials associated with the proposed works have been submitted to and approved in writing by the Local Planning Authority, to include natural stone finishes to match existing ashlar blocks of Portland Stone (as specified on Proposed wall detail showing seating A1045 623\_RevP1 & GA Elevations Sheet08 no.257135\_0158-P05). The works shall thereafter be implemented fully in accordance with the approved details/samples.

b) No works shall take place at the R N War Memorial until a detailed method statement for the proposed alterations of the historic (Grade I listed) Memorial shall have been submitted to and approved in writing by the local planning authority; and the alterations shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade I listed) Memorial in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Works at Southsea Castle

34) No works shall take place within the designated boundary of Southsea Castle until construction/method statements/specifications detailing all works, monitoring, methods and materials, including for the removal/repair/reinstatement of the existing railings, have been submitted to and approved in writing by the Local Planning Authority. The development shall fully accord with the approved details.

Reason: To preserve the character and appearance of the listed park/conservation areas and preserve the setting of other designated heritage assets especially Southsea Castle and importantly when viewed from the sea and adjacent beaches, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

#### Scale of secondary defences

35) Notwithstanding that shown on the approved drawings (as described in condition 2) the height of the secondary defence walls and bunds shall be submitted to and approved in writing by the Local Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the height shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Scale of rock revetments

36) Notwithstanding that shown on the approved drawings (as described in condition 2) the design and footprint of the rock revetment (below and above MHWS) in sub- frontages 1, 3, 4, 5 and 6 shall be submitted to and approved in writing by the Local Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the height and footprint shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Scale of primary defences

37) Notwithstanding that shown on the approved drawings (as described in condition 2) the final finished levels of the new promenade submitted to and approved in writing by the Local Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the levels shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

#### Public Art and/or Interpretation boards

38) Within 12 months of the completion of each approved phase details of the proposed measures for public art and/or interpretation of heritage assets and the timetable for the design/delivery of the measures by approved phase shall be submitted to and approved in writing by the local planning authority; and the approved public art and interpretation measures shall be carried out in full accordance with those approved details and thereafter retained (unless otherwise agreed in writing by the local planning authority).

Reason: To ensure proposed public heritage benefits make a positive contribution to outweighing the substantial harm of development effecting a nationally important scheduled monument and less than substantial harm to other heritage assets, to enhance or better reveal their significance, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

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

# Agenda Item 5

22/01721/LBC

WARD:EASTNEY & CRANESWATER

**SOUTHSEA SEAFRONT: EASTNEY ESPLANADE BETWEEN THE PYRAMIDS AND SPEAKERS CORNER**

**REMOVAL, REPAIR AND RELOCATION OF 7NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT**

**DOCUMENT LINK:** [22/01721/LBC | Removal, repair and relocation of 7no. Grade II Listed lamp columns along the seafront | Southsea Seafront: Eastney Esplanade Between The Pyramids And Speakers Corner \(portsmouth.gov.uk\)](#)

**Application Submitted By:**  
Portsmouth City Council

**On behalf of:**  
Portsmouth City Council  
Coastal Partners on behalf of Portsmouth City Council

**RDD:** 14th December 2022  
**LDD:** 9th February 2023

## **SUMMARY OF MAIN ISSUES**

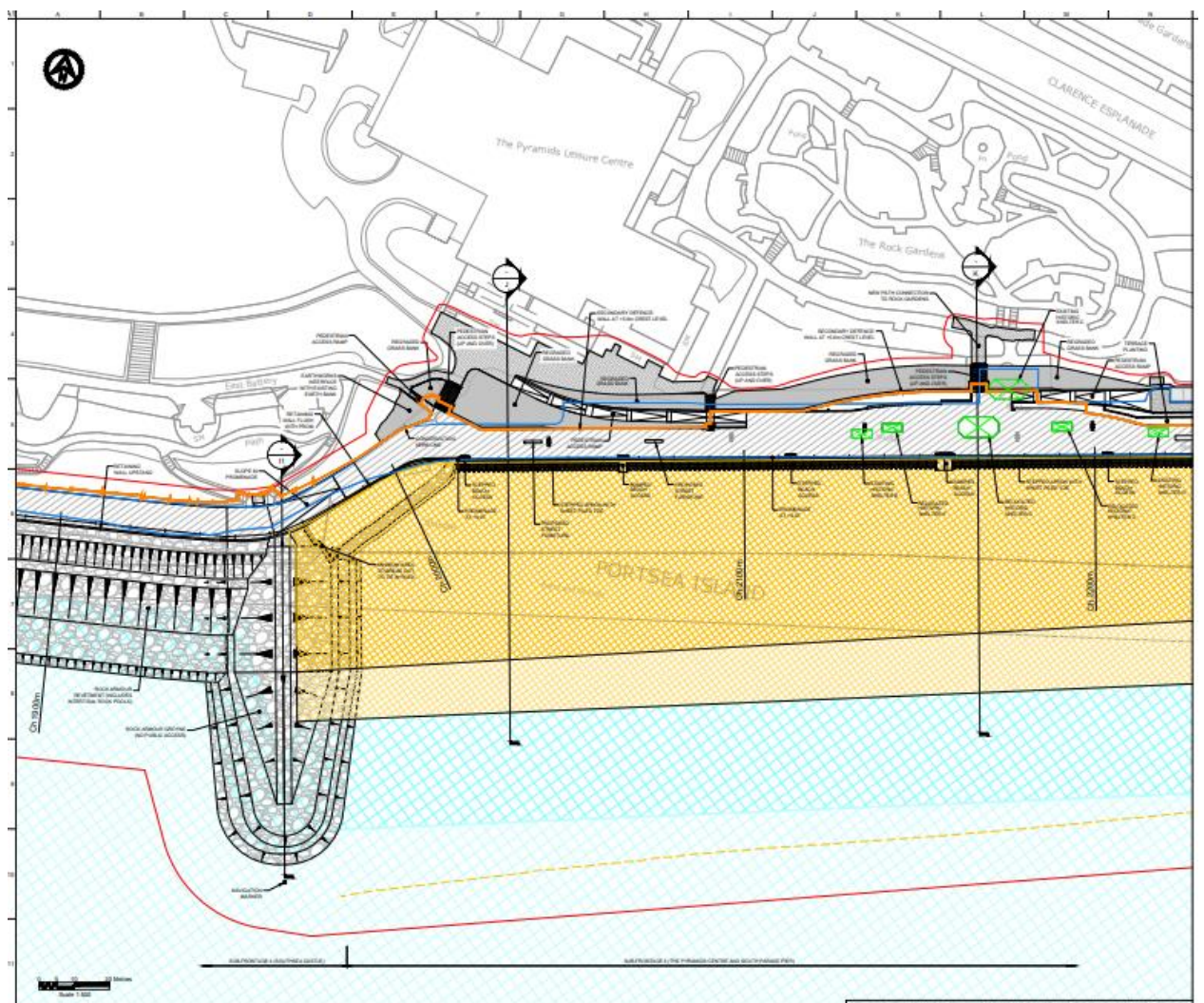
This application is brought to the Planning Committee as it is one of two Listed Building Consent applications accompanying the application to vary Condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (Pyramids Centre to Speakers Corner) (Ref. 22/01720/VOC) elsewhere on this agenda.

The determining issue is whether the proposed works of removal, repair and relocation of the listed structures would preserve their special architectural or historic interest.

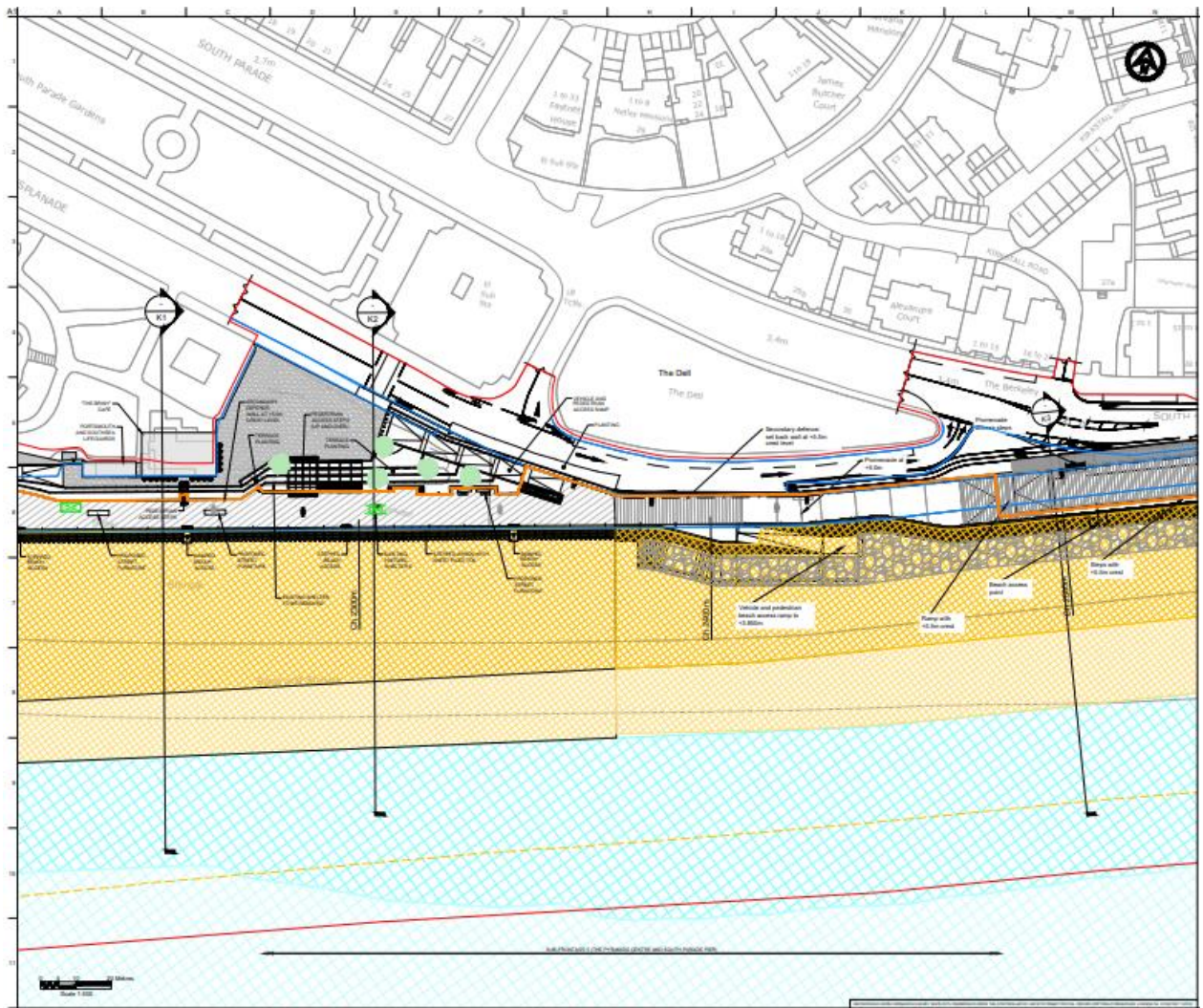
## **SITE DESCRIPTION**

1. The Southsea Seafront stretches for 4.5 km from Long Curtain Moat in the west to Eastney Esplanade in the East. This application relates to Sub Frontage 5 (SF5) which is the section between The Pyramids Centre and South Parade Pier as shown, highlighted, below:









## POLICY CONTEXT

2. The relevant policies within the Portsmouth Plan (2012) would include:  
PCS23 (Design and Conservation)
3. In addition to the above policy, the aims and objectives of the National Planning Policy Framework (NPPF, 2021) are relevant.

## RELEVANT PLANNING HISTORY (MOST RECENT FIRST)

Application Ref.	Proposal	4. Decision & Date
22/01720/VOC	Application to vary condition 1 of planning permission 21/00820/voc to seek approval of amended plans relating to sub-frontage 5 (Pyramids centre to Speakers Corner)	5. Pending consideration
22/01722/LBC	Removal, refurbishment and relocation of 3no. Grade II Listed seafront shelters	6. Pending consideration
21/01788/DOC	Application to seek approval of details reserved by conditions 3 (Contaminated Land), 15 (BMEP), 19 (Drainage), 20 (CEMP), 21 (CTMP), 36 (Rock),	7. Approve, 10/02/22

	and 37 (Primary defences) of planning permission 21/00820/VOC	
21/01077/DOC	Application to seek approval of details reserved by conditions 2 (revised phasing plan), 5 (revised archaeology), 36 (additional rock scales) and 37 (additional primary defence scales) of planning permission 21/00820/VOC	8. Approve, 03/11/22
22/01236/NMA	Non-Material Amendment to planning permission 21/00820/VOC, to allow slight realignment of the vertical sea defences at sub-frontage 1: Long Curtain Moat	9. Approve, 20/09/22
21/00820/VOC	Application to vary condition 2 [approved plans] of planning permission 19/01097/FUL: Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed naval memorial [the proposal constituted an EIA development]. This application, under section 73 of the Town and Country Planning Act 1990, seeks approval of amended plans relating to <u>sub-frontage 4 (Southsea Castle)</u> and is accompanied by the original Environmental Statement [July 2019] with an Addendum [May 2021]	10. Grant, 19/08/21
19/01097/FUL	Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development.	11. Grant, 05/12/19

## PROPOSAL

12. This application seeks listed building consent for the removal and repositioning of 7no. Grade II Listed Lamp Columns along the promenade within sub-frontage 5 West. The proposal is very similar to the expired LBC (ref. 19/01089/LBC) except that it only relates to those lamp columns within this section of the scheme.

## CONSULTATIONS

13. Historic England No objection

14. Conservation Officer No objection

## **REPRESENTATIONS**

15. Six objections received. The issues raised are covered in full in the accompanying VOC report (Ref. 22/01720/VOC) elsewhere on the agenda.

## **COMMENT**

16. The determining issue is whether the proposal to removal, repair and relocate the seven grade II listed lamp columns along the seafront would preserve their special architectural or historic interest. The Council must give particular attention to the desirability of preserving the Lamp columns, their setting and those features which make them special. This is set out in S66 of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
17. In this regard Historic England have commented that they understand the rationale for relocating the lamp columns in order to improve the flood defences. They also understand that it is clear that these lamp standards must be relocated if the new defences are to be built. All the standards can be moved without damaging their fabric and while their locations would change slightly their relationship with each other, the promenade and the sea would remain the same. Therefore, Historic England are content that moving the monuments would only have a minor impact on their significance.
18. The Council's Conservation Officer has noted that the significance of the relevant assets, impact and acceptability of the proposed works were considered at the time of the original application (19/01089/LBC). In this instance though, (as has already been noted), the extent of the works is now limited exclusively to columns within frontage 5.
19. The columns are rare, unusual, beautiful and ornate pieces of Victorian street furniture that were bespoke designed and manufactured for their location. They are a notable historic feature, and make an important and positive contribution to the overall character and setting of the Seafront and its related Conservation Area (CA) (No.10) that was first designated in 1971.
20. For these reasons, the columns are considered to have a 'high' degree of significance.
21. The proposed improvement works to sub frontage 5 of the sea defences would directly affect the columns. Altering the height of and (re)aligning the promenade without first removing the columns could result in damage to the assets and would leave them at least partially 'buried' within a repositioned/ reprofiled promenade. For this reason their removal/dismantling is essentially unavoidable.
22. The re-siting of listed structures is not generally considered to be good conservation practice. The process of removing/dismantling the lamps unless handled with great care could for example result in damage to their fabric. Notwithstanding this the requirements of the wider scheme are such that their relocation is essential to the successful implementation of the wider works.

23. The columns will be re-sited largely in accordance with their existing alignment and locations. securing a similar relationship with one another, the promenade and the sea to that which currently exists. There is no change to the scheme approved in 2019 (Ref. 19/01089/LBC). For this reason, the contribution which they make to the character, appearance and setting of the conservation area will also be retained, with relatively minor alteration.
24. In light of these factors, the overall impact of the proposal is considered 'intermediate'.
25. Notwithstanding the details and nature of the proposed works it is considered that they would not be substantially different in terms of their impact on the lamp columns, (or the character and appearance of the Conservation Area), than was previously discussed, negotiated and subsequently agreed at the time of the original application to re-site the columns.
26. It is also notable that other relevant statutory consultees, in particular Historic England (HE) raise no objection to the proposal. (They do however note that if consent is granted, it would be necessary to apply for them to be re-listed on completion of the works).
27. Having regard to these points, and also to information provided in the supporting Heritage Impact Assessment (HIA) - in particular outline details offered around the methodology associated with the dismantling and reconstruction of the columns, their removal, reconstruction and re-siting is considered acceptable, and therefore capable of heritage/conservation support.

### **Conclusion**

28. On the basis that neither Historic England nor the Council's Conservation Officer have objected to the proposal, this application is recommended for conditional approval given the limited harm to heritage assets and the over-whelming public benefit of the associated Sea Defence works, making it in accordance with the Local Plan and provisions contained within the NPPF.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -  
Drawing numbers:  
Location Plan – Lamps Rev.1.0  
Elevation - 13 - 0160Rev.P05;  
Elevation - 14 - 0161Rev.P05;  
Elevation - 15 - 0162Rev.P05;  
Key plan GA & elevations - 0099Rev. P04;  
General layout - sheet07 - Rock Gardens - 0107Rev.P06;  
General layout - sheet08 - Speakers Corner - 0108Rev.P06;

- 3) a) Notwithstanding the submitted details, no works associated with the removal of the seven Grade II Listed lamp columns shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re-instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6, including all subsequent addendums) has been submitted to and approved in writing by the Local Planning Authority; and
- b) The seven lamp columns shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part a) of this condition.

**The reasons for the conditions are:**

The reasons for the conditions are:-

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2021)

This page is intentionally left blank

# Agenda Item 6

22/01722/LBC

WARD:EASTNEY & CRANESWATER

**SOUTHSEA SEAFRONT: EASTNEY ESPLANADE BETWEEN THE PYRAMIDS AND SPEAKERS CORNER**

**REMOVAL, REFURBISHMENT AND RELOCATION OF 3NO. GRADE II LISTED SEAFRONT SHELTERS**

**[22/01722/LBC | REMOVAL, REFURBISHMENT AND RELOCATION OF 3NO. GRADE II LISTED SEAFRONT SHELTERS | SOUTHSEA SEAFRONT: EASTNEY ESPLANADE BETWEEN THE PYRAMIDS AND SPEAKERS CORNER \(PORTSMOUTH.GOV.UK\)](#)**

**Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Coastal Partners on behalf of Portsmouth City Council

**RDD:** 14th December 2022

**LDD:** 9th February 2023

## **SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of two Listed Building Consent applications accompanying the application to vary Condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (Pyramids Centre to Speakers Corner) (Ref. 22/01720/VOC) elsewhere on this agenda.

The determining issue is whether the proposed works of removal, repair and relocation of the listed structures would preserve their special architectural or historic interest.

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

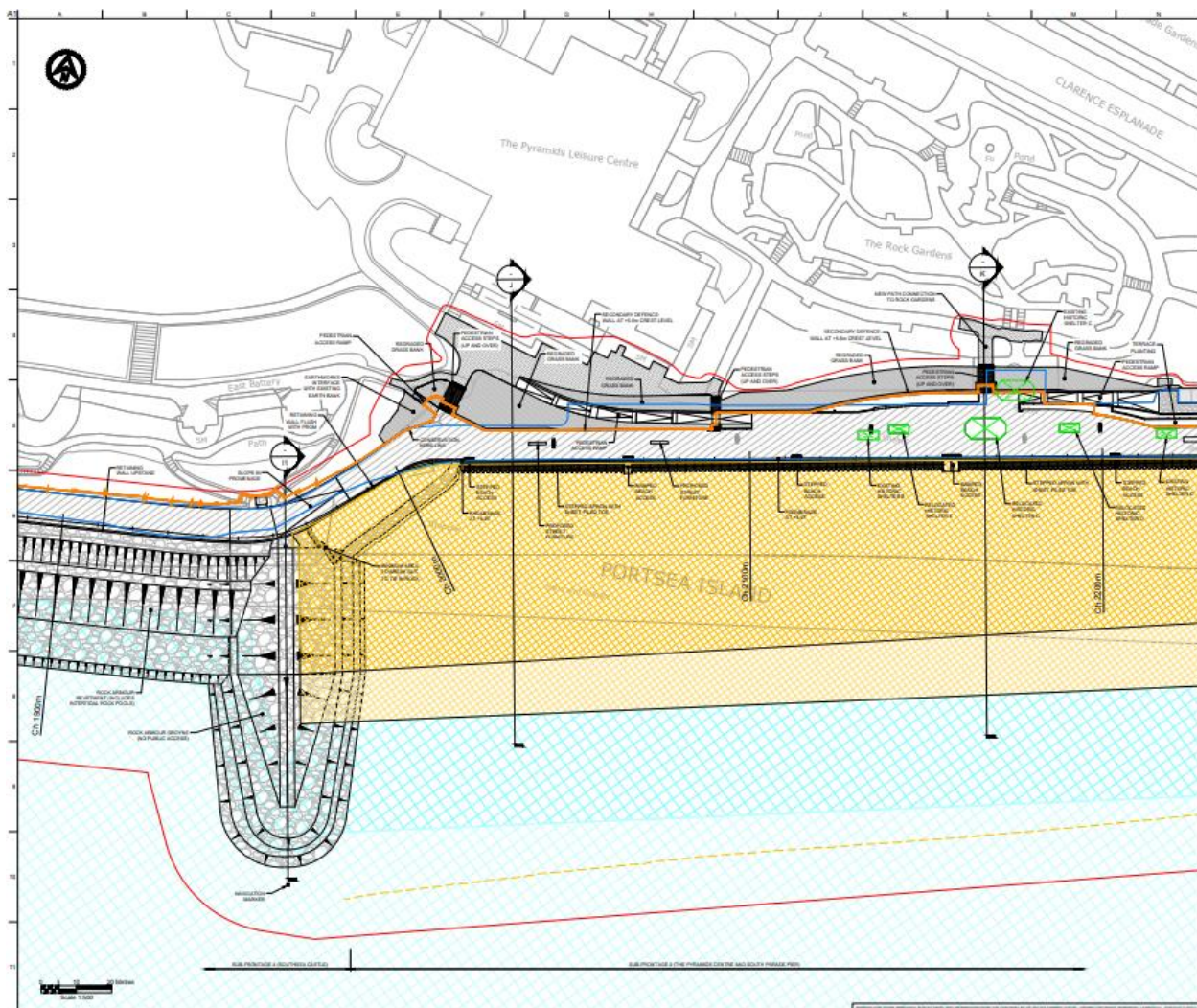
1. The Southsea Seafront stretches for 4.5 km from Long Curtain Moat in the west to Eastney Esplanade in the East. This application relates to Sub Frontage 5 (SF5) which is the section between The Pyramids Centre and South Parade Pier as shown, highlighted, below:





2. The three shelters the subject of this application are all sited within a section of the seafront that will be the subject of engineering operations to improve sea defences including the raising of levels along this section of promenade.





## PROPOSAL

3. Listed Building Consent is sought for the dismantling, repair/refurbishment and re-instatement of three Grade II Listed shelters following completion of the Southsea Sea Defence works. Whilst they would be re-instated in their existing and enhanced form (following repair and refurbishment), they would be re-positioned to account for the changes to the design of the new promenade as follows:
  - Shelter C - re-positioned approximately 12 metres to the south-west located centrally within the new promenade;
  - Shelter D - re-positioned approximately 29 metres to the west;
  - Shelter E - re-positioned approximately 24 metres to the east towards the northern edge of the promenade.
4. The application is supported by a Design and Access Statement, a Baseline Heritage Assessment; a Heritage Impact Assessment and a Statement of Community Involvement.

## RELEVANT PLANNING HISTORY

Application Ref.	Proposal	Decision & Date
22/01720/VOC	Application to vary condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (Pyramids Centre to Speakers Corner	Pending consideration
22/01721/LBC	Removal, repair and relocation of 7no. Grade II listed lamp columns along the seafront	Pending
21/01788/DOC	Application to seek approval of details reserved by conditions 3 (Contaminated Land), 15 (BMEP), 19 (Drainage), 20 (CEMP), 21 (CTMP), 36 (Rock), and 37 (Primary defences) of planning permission 21/00820/VOC	Approve, 10/02/22
21/01077/DOC	Application to seek approval of details reserved by conditions 2 (revised phasing plan), 5 (revised archaeology), 36 (additional rock scales) and 37 (additional primary defence scales) of planning permission 21/00820/VOC	Approve, 03/11/22
22/01236/NMA	Non-Material Amendment to planning permission 21/00820/VOC, to allow slight realignment of the vertical sea defences at sub-frontage 1: Long Curtain Moat	Approve, 20/09/22
21/00820/VOC	Application to vary condition 2 [approved plans] of planning permission 19/01097/FUL: Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed naval memorial [the proposal constituted an EIA development]. This application, under section 73 of the Town and Country Planning Act 1990, seeks approval of amended plans relating to <u>sub-frontage 4 (Southsea Castle)</u> and is accompanied by the original Environmental Statement [July 2019] with an Addendum [May 2021]	Grant, 19/08/21
19/01097/FUL	Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development.	Grant, 05/12/19

## **POLICY CONTEXT**

5. In addition to the aims and objectives of the NPPF (2019), the relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation).

## **CONSULTATIONS**

6. Historic England No objection
7. Conservation Officer No objection

## **REPRESENTATIONS**

8. Six objections and one letter of support received. These are covered in the accompanying report on the Variation of Condition Application (Ref 22/01720/VOC) elsewhere on the agenda.

## **COMMENT**

9. In December 2019 a full planning application (19/01097/FUL), and a related Marine Licence Application were submitted for 'The Southsea Coastal Scheme', a Flood and Coastal Risk Management scheme along the length of Southsea seafront - the largest and most significant scheme of civil engineering seen in the city for several decades.
10. The planning application was accompanied by several other related Listed Building Consent (LBC) applications including for Lamp Columns (19/01089/LBC), and as here for historic shelters (19/01090/LBC), both of which were also approved in December 2019. These applications have now 'time expired' - without being implemented. As such, a 'renewal' of these proposals is currently being sought to coincide with construction phasing on the wider scheme.
11. This application seeks LBC for the removal and repositioning of 3no. Grade II Listed seafront shelters along the seafront promenade specifically within sub-frontage 5 (West). (The proposal is very similar to the expired LBC).
12. The significance of the relevant assets, impact and acceptability of the proposed works were considered at the time of the original application (19/01090/LBC).
13. The shelters are rare, unusual, attractive and ornate Victorian seafront structures. They are a notable historic feature along the promenade and make an important and positive contribution to the overall character and setting of the Seafront and its related Conservation Area (CA) (No.10) - first designated in 1971.
14. For these reasons, the shelters are considered to have a 'high' degree of significance.
15. The proposed improvement works to sub frontage 5 of the sea defences would directly affect the shelters. Altering the height of and (re)aligning the promenade without first

removing the shelters could result in damage to the assets and would leave them at least partially 'buried' within a repositioned/ reprofiled promenade. For this reason their removal/dismantling is essentially unavoidable.

16. The re-siting of listed structures is not generally considered to be good conservation practice. The process of removing/dismantling the shelters unless handled with great care could for example result in damage to their fabric. Notwithstanding this the requirements of the wider scheme are such that their relocation is essential to the successful implementation of the wider works.
17. It is also believed that the shelters were not originally sited in this location and have previously been repositioned. In addition, the proposal would also provide for the conservative repair of the assets and their general enhancement through cleaning, reinstatement of lost features, and repainting, all of which are considered positives.
18. The shelters will also be re-sited largely in accordance with their existing alignment and locations securing a similar relationship with one another, the promenade and the sea to that which currently exists. For this reason, the contribution which they make to the character, appearance and setting of the conservation area will also be retained, with relatively minor alteration.
19. In light of these factors, the overall impact of this aspect of the scheme on the shelters and the CA is considered 'intermediate'.
20. Notwithstanding the details and nature of the proposed works it is considered that they would not be substantially different in terms of their impact on the shelter, (or the character and appearance of the Conservation Area), than was previously discussed, negotiated and subsequently agreed at the time of the original application to re-site the shelters.
21. Having regard to these points, and also to information provided in the supporting HIA - in particular outline details offered around the methodology associated with the dismantling and reconstruction of the shelters, their removal, reconstruction and re-siting is considered acceptable, and therefore capable of heritage/conservation support. This is subject to the re-imposition of original condition imposed on the original application relating to the relocation of the shelters. This required that:
  - 3) a) Notwithstanding the submitted details, no works associated with the removal of the three Grade II Listed shelters shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re-instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6) has been submitted to and approved in writing by the Local Planning Authority; and
  - b) The three shelters shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part a) of this condition.
22. In order to secure the provision of these details - and assurance as to the appropriate (sympathetic) treatment of the shelters, this condition must be re-imposed on the new application.

## RECOMMENDATION

### Conditions:

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -  
Drawing numbers:  
Location Plan\_shelters Rev.1.0  
Elevation - 13 - 0160Rev.P05;  
Elevation - 14 - 0161Rev.P05;  
Elevation - 15 - 0162Rev.P05;  
Key plan GA & elevations - 0099Rev. P04;  
General layout - sheet07 - Rock Gardens - 0107Rev.P06;  
General layout - sheet08 - Speakers Corner - 0108Rev.P06;  
Heritage constraints plan - 0400Rev.P03.
- 3) a) Notwithstanding the submitted details, no works associated with the removal of the three Grade II Listed shelters shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re-instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6) has been submitted to and approved in writing by the Local Planning Authority; and  
  
b) The three shelters shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part a) of this condition.

### The reasons for the conditions are:

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2) To ensure the development is implemented in accordance with the consent granted.
- 3) To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2021)

This page is intentionally left blank

# Agenda Item 7

22/00226/FUL

WARD: COSHAM

FORMER ROYAL BRITISH LEGION, SIXTH AVENUE, PORTSMOUTH, PO6 3PD.

**CONSTRUCTION OF 4 STOREY BUILDING, COMPRISING 23 NO. FLATS WITH ON SITE CAR PARKING AND BICYCLE STORAGE (FOLLOWING DEMOLITION OF EXISTING BUILDING)**

**LINK TO ONLINE DOCUMENTS:**

[22/00226/FUL | Construction of 4 storey building, comprising 27no. flats with on site car parking and bicycle storage \(following demolition of existing building\) | Cosham Royal British Legion Sixth Avenue Portsmouth City Of Portsmouth PO6 3PD](#)

**Application Submitted By:**

Darryl Howells  
Darryl Howells Planning Consultancy

**On behalf of:**

Lawish One Ltd

**RDD:** 21<sup>st</sup> February 2022.

**LDD:** 23<sup>rd</sup> May 2022.

## **SUMMARY OF MAIN ISSUES**

- 1.1 This application is being presented to Planning Committee due to the number of objections received (from 18 addresses).
- 1.2 The main considerations are:
  - The principle of a residential development;
  - Housing Mix & Affordable Housing;
  - Design Consideration;
  - Living Conditions for Future Occupants;
  - Impact on Amenity of Adjoining
  - Highways & Parking;
  - Appropriate Assessment & Biodiversity
  - Trees
  - Flooding
  - Ground Conditions & Pollution (Contaminated Land)

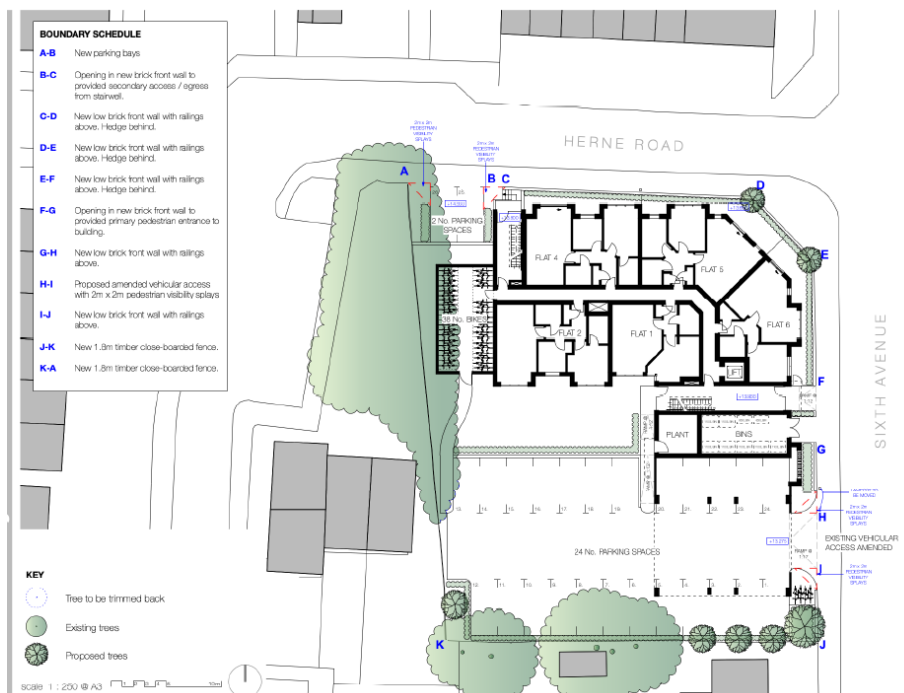
## **SITE AND SURROUNDINGS**

- 2.1 The Site is located at the junction of Sixth Avenue and Herne Road in Cosham. The site is roughly rectangular and is located in a predominantly residential area with Wymering Methodist Church opposite the site to the north east.
- 2.2 The site comprises the former Cosham branch of the Royal British Legion Social Club. The building is a single storey brick structure, rectangular in shape that measures approximately 531 sq.m. It has been disused for a number of years.
- 2.3 The surrounding residential development varies considerably from two storey terrace and semi-detached properties to 3 storey apartments which vary in their appearance and materials which gives the surrounding area a very mixed character. The land slopes up from south to north. Trees are located to the site's south and western boundaries, just outside the site on other parties' land. The site measures 0.05 hectare and is located

700m west of Cosham Town Centre, with Southampton Road and the Queen Alexandra Hospital nearby to the north.

## PROPOSAL

- 3.1 The development proposes the demolition of the existing building and the subsequent erection of a part 2, part 3 and part 4 storey building to provide for a total of 23 residential apartments together with associated courtyard parking accessed via an undercroft off Sixth Avenue, open space and landscaping.
- 3.2 The development would comprise a total of 8 one bedroom units and 15 two bedroom units together with 26 car parking spaces. There would be 38 secure bicycle parking spaces (and four visitor spaces).
- 3.3 The main parking area would be located off Sixth Avenue and would comprise a total of 24 parking spaces. To the north a further two parking spaces are proposed off Herne Road.
- 3.4 In addition, the apartments would be served by two areas of communal space, one to the rear of the block and one above the bicycle store. In addition, the top floor (3<sup>rd</sup> floor) flats would have their own private roof terraces.
- 3.5 The building would be constructed using lighter brick work with slate style render on the upper floor with a mixture of hedging and low wall with railings to the front of the site. The sloping topography of the site would entail a degree of regrading of the land which is set out below.
- 3.6 The images below show the Proposed Site Plan and East/Front elevation:







East Elevation  
Scale 1: 200 @ A3

## PLANNING CONSTRAINTS

4.1 The site is subject to the following key constraints

- Tree Preservation Order (TPO 156)
- Flood Zone 1 (Lowest Risk)

## POLICY CONTEXT

5.1 The planning policy framework for Portsmouth is currently provided by:

5.2 The Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012.

5.3 Having regard to the location of this site and the nature of the proposal, the relevant policies within the Portsmouth Plan would include:

- PCS10 - Housing Delivery
- PCS12 - Flood Risk
- PCS13 - A Greener Portsmouth
- PCS15 - Sustainable Design and Construction
- PCS17 - Transport
- PCS19 - Housing Mix, Size and the Provision of Affordable Homes
- PCS21 - Housing Density
- PCS23 - Design and Conservation

5.4 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).

Policy DC21 - Contaminated Land

5.5 Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).

5.6 Regard also has to be had to the following SPDs:

- Housing Standards.
- Updated Interim Nitrate mitigation strategy
- Planning Obligations
- Parking Standards and Transport Assessments
- Reducing Crime Through Design
- Solent Recreational Special Protection Area
- Sustainable Design and Construction

## STATUTORY DUTIES

- 6.1 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

- 7.1 The site has a short planning history dating back to the 1970's which relates to former use of the site as a social club. There is no history of apparent relevance to the current proposal.

## CONSULTATIONS

- 8.1 The consultee comments are summarised in the table below:

Highways Development Control	The Highway Authority had previously objected to the scheme, following the submission of additional information relating to pedestrian visibility splays they raise NO OBJECTION to the proposal subject to conditions regarding visibility splays.
Landscape Officer	The Officer has stated they would like to see more details on landscaping. Such details can reasonably be conditioned.
Contaminated Land Team	NO OBJECTION subject to conditions.
Ecology Adviser	Following the receipt of additional information NO OBJECTION is raised to the scheme subject to conditions to secure biodiversity enhancements.
Tree Officer	Following the receipt of an Arboricultural Impact Assessment the Officer has NO OBJECTION.
Drainage Team	NO OBJECTION subject to suitably worded conditions including existing drainage detail, porous paving and a proposed drainage scheme.
Designing Out Crime Officer	Guidance issued regarding access, boundary treatments and the provision of a 'defensible space'.
Highways (COLAS)	NO OBJECTION, subject to the developer contacting COLAS
Waste Reduction Officer	The officer has advised more space may be required for refuse and recycling storage.
Natural England	Further information required. Discussed below
Housing Enabling Officer	Affordable Housing matters are discussed below.
Hampshire Swifts	Hampshire Swifts recommend the installation of 8 swift boxes. Such biodiversity measures would be the subject of the Biodiversity Enhancement measures condition.

## REPRESENTATIONS

9.1 Objections have been received from 18 addresses in the vicinity of the site. These are concerned with:

- The height of the building proposed will overlook surrounding homes and gardens;
- The block of flats is out of keeping in terms of height and appearance and surrounding character
- The scheme represents an overdevelopment of the site;
- The scheme will impact the amount of light received by and outlook from surrounding properties;
- The development does not provide enough parking; this will exacerbate an already congested area;
- The areas parking is made worse with people, and staff, when using the surrounding roads to park when visiting the Queen Alexandra Hospital and Tesco superstore.
- The scheme would be contrary to former Cllr. Hockaday's road/pedestrian safety campaign, increased parking will further impact pedestrian safety.

## 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 The site comprises the former club house building of the Cosham Branch of the British Legion that closed several years ago and therefore the site constitutes previously developed land. Policy PCS10 of the 2012 Portsmouth Plan states that the provision of additional housing in the city will be through, inter alia, the redevelopment of previously developed land.
- 10.4 Such an approach is consistent with the objectives of Section 11 of the NPPF, and in particular, paragraph 120(c) that states substantial weight should be given to the value of

using suitable brownfield land for the provision of homes and other needs of a community.

- 10.5 While the former British Legion social club use ceased a number of years ago, the proposed residential development is, in principle, fully in accordance with the objectives of Policy PCS10 of the 2012 Portsmouth Plan.
- 10.6 Furthermore, and 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).
- 10.7 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:
- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.8 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide 23 new dwellings to make a good contribution towards the City's housing needs, at a highly sustainable location in Cosham, with very good public transport (bus routes and train stations nearby), retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

### **Housing: Mix, density, affordable housing provision**

- 10.9 With regard to mix, current Policy PCS19 requires that '*developments should achieve a target of 40% family housing where appropriate*'. The development proposed only provides for 1 and 2 bedroom units and as such does not provide any 3 bedroom units suitable for families and therefore the scheme would be contrary to this aspect of Policy PCS19. Officers consider the proposal, given the limited size of the site and nature of the surrounding area which includes several blocks of flats, the scheme represents an appropriate form of development in this case.
- 10.10 The NPPF requires sites of ten dwellings or larger should make provision for Affordable Housing, at 30% of the number of units. For this scheme that equates to 7 units (rounded up from 6.9).
- 10.11 The Housing Enabling Officer has stated that 30% of the units provided would need to be affordable units and that of that 30%, 70% would need to be social/affordable rent and 30% intermediate. The officer also stated that housing provided are often reluctant to take on mixed blocks and as such an off-site contribution would be acceptable in this case.

- 10.12 The Applicant has submitted a financial assessment that states the proposals cannot make the provision of affordable housing *and* remain viable for development, that is, taking into account reasonable profit. The NPPF sets out that a developer's expected profit may be 15-20% of GDV (Gross Development Value). The Applicant's position has been tested by the Council's independent financial consultant who, broadly, concurs that the scheme may struggle to provide Affordable Housing and make a reasonable profit.
- 10.13 The LPA's further analysis suggests that both a scheme with Affordable Housing, and a scheme without Affordable Housing, may not reach the reasonable profit level. While it is considered the application as a whole can be progressed positively to decision to the Committee meeting, Officers would respectfully request that further discussion, and if necessary, any negotiation, may take place with the Applicant, after the Committee resolution. That is because some reduction in Affordable Housing provision below policy-expected level may be appropriate. The discussions would be in order to finalise the *exact* level of Affordable Housing provided, if any, and the corresponding legal agreement contents.
- 10.14 **Design Considerations**
- 10.15 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).
- 10.16 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.
- 10.17 The surrounding area is mixed in character and comprises two storey houses and 3 storey apartment blocks as well as the Wymering Methodist Church which is a red brick building of a simple yet attractive traditionally designed pitched roof building. The area's buildings vary considerably in terms of their roof form with flat roof, pitched and gable roofs and their materials comprising red brick, render and pebble dash. The variety of the surrounding built form is what contributes to the character of the surrounding area.
- 10.18 The proposed apartment block comprises an L shaped building that is part 2, part 3 and part 4 stories and would be of a contemporary appearance with rendered construction with slate-clad recessed fourth floor.
- 10.19 The applicant had previously proposed the contemporary rendered appearance with additional contrasting window surrounds. The contrasting elements have been removed at the advice of Officers to ensure a more subtle appearance of the building. The revised rendered appearance with contrasting and recessed roof is considered to be more respectful of the surrounding built form that comprises a more traditional materials palette.
- 10.20 In terms of the size and scale of the proposal, Sixth Avenue comprises 2 storey dwellings that are approximately 7m in height to 3 storey apartment blocks that are approximately 11m in height. The increase in the height highlights the rising levels that increase from south to north with an approximate 6m increase in height from the southern end of Sixth Avenue to the north adjacent to the Southampton Road.

- 10.21 The building proposed rises from south to north to follow the existing topography. To the south the 2 storey element measures approximately 8m in height, marginally taller than the 7m high 2 storey property, no. 23 which together with the approximate 5.5m gap between the two structures would ensure an appropriate relationship. To the north the building measures approximately 11m that is similar to the apartment block to the north.
- 10.22 Regarding the building line, properties facing Sixth Avenue have a more defined building line which the proposal would continue further ensuring for an appropriate form of development. To the north where the scheme fronts Herne Road, there is a more varied building line with buildings having a varied set back of between 1.5 and 4m. The set back to the Herne Road frontage would measure between 1 and 3m which is considered appropriate.
- 10.23 In summary, the scheme proposes a part 2,3 and 4 storey apartment block that would use a simple materials palette that respects the surrounding varied character, would respect the established building lines to both Sixth Avenue and Herne Road and the scale would respect the height of the buildings to the south and north of the site. Together with conditions regarding materials and landscaping (discussed below) it is considered that the scheme represents a well designed proposal that accords with the overarching objectives of Policy PCS23 of the 2012 Portsmouth Plan.

### **Living Conditions for Future Occupiers**

- 10.24 As annotated on the submitted plans with the application, the proposed units meet or exceed the minimum gross internal floor areas as set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard<sup>1</sup>
- 10.25 In terms of the physical layout of the scheme, it is considered that the layout would ensure adequate light to each of the units proposed. In addition, the scheme proposes an area of outdoor space to the rear and a communal terrace above the cycle store. These two areas would provide for approximately 110 sq.m of communal outdoor space. This is in addition to the 3 units that have their own private terraces. It is considered that with the units themselves meeting or exceeding the minimum space standards, the appropriate layout and provision of outdoor space it is considered that future residents would have a good standard of residential amenity.

### **Impact on amenities of adjoining properties**

- 10.26 With regard to the impact of the proposed development on the amenities of existing residents, owing to the siting and relationship with surrounding residents there are two main areas that need to be assessed, these are the properties to the south, in particular no. 23 Sixth Avenue and no's 24 and 25 Glebefield Gardens to the west.
- 10.27 Regarding no. 23 to the south, no. 23 has a row of mature trees that extend along the length of the shared boundary that are outside of the applicant's control. Notwithstanding the trees, the southern wing of the proposed would only protrude beyond the rear elevation of no. 23 by approximately 2/3 metres would be approximately 5.5m from the flank elevation of no. 23. Such separation distances are appropriate and would ensure there is no material loss of light to the rear windows or dominance of the neighbour's rear garden. There is a side facing window to no. 23, observations on site would suggest this serves a stairwell, a non-habitable area. Any impact would not warrant a refusal on such grounds.
- 10.28 Regarding overlooking, then applicant has revised the first floor layout following advice from officers. The revision has relocated a bedroom window to the front elevation. Following the revision there are only two windows on the southern elevation which are

---

<sup>1</sup> [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Technical_housing_standards_-_nationally_described_space_standard.pdf)

both secondary sources of light. One of which serves bedroom 1 of Flat 12 while the other serves the living room. With both being secondary sources of light it is considered that they can both be of obscured glass there would be no loss of privacy.

- 10.29 Regarding the windows to the rear of the northern wing, these would be approximately 23m from the shared boundary with no. 23 and would not therefore result in a materially harmful impact to the privacy of no. 23.
- 10.30 With regard to the potential impact on the occupants of the terrace off Glebefield Gardens to the west of the site, there is only one side facing window, at first floor to no. 25. Observations on site show this to be a small obscure glazed window that would appear to serve a bathroom/en-suite. In conjunction with the 10m separation distance from the block proposed there would be no loss of light to these properties, or unreasonable dominating effect.
- 10.31 Regarding overlooking, the rear facing windows off the north wing would have a very, oblique angle of view towards the front windows on the Glebefield terrace that there would be no harmful loss of privacy. The development's rear, west-facing windows would be approximately 20m from the shared boundary with the Glebefield Garden properties.
- 10.32 The properties to the north and east off Herne Road and Sixth Avenue would have a front-to-front relationship with the development proposed. This would be across the public realm and would entail separation distances of between 17/18m to the east and approximately 16 m to the north. With such separation distances and the relationship between the buildings across the public realm it is considered that there is no unreasonable impact upon the amenities of these residents.
- 10.33 To conclude on this point, it is considered by virtue of the that the separation distances to surrounding properties, the positioning of windows and the oblique angles involved that the proposal would not have an undue impact on the amenities of the surrounding properties thereby according with the objectives of Policy PCS23 of the 2012 Portsmouth Plan

## **Highways and Parking**

- 10.34 Section 9 of the NPPF sets out an overarching objective of increasing sustainable modes of transport by ensuring development is located in the right place.
- 10.35 The site is located approximately 700m from the Cosham designated Retail Area that contains a range of everyday retail and other such needs. Furthermore, there are bus stops within 150m of the site on the A3 Southampton Road and Cosham Railway station is approximately 1.1km walk from the site. With such services and public transport links being within an acceptable walking distance of the site it is considered that it is within a sustainable and accessible location that will encourage sustainable non-car modes of travel.
- 10.36 With regard to bicycle parking, the scheme proposes a total of 38 long stay spaces for residents which accords with the City Council's Parking & Transport SPD as does the provision of 4 short stay visitor bicycle space which also accords with the Parking SPD. The provision of an appropriate level of bicycle parking will encourage sustainable modes of transport thereby according with the broad objectives of Policy PCS17 of the 2012 Portsmouth Plan.
- 10.37 Regarding the level of car parking, the scheme would provide for a total of 26 spaces, 24 would be within the main car park accessed off Sixth Avenue via the undercroft access with two in a parking bay off Herne Road.

- 10.38 The Highways Authority have said this represents a shortfall of 8 parking spaces and that the site is not within an area of the City where lower parking standards would be accepted. Notwithstanding the comments in the applicants Transport Statement that claims car ownership levels have fallen, the Highways Authority notes the site is outside of an area where a reduction in parking provision would be supported and that the shortfall would be contrary to the Parking SPD. From the Local planning Authority's perspective, however, the is, as noted above, considered to be in a sustainable and accessible location.
- 10.39 The Highways Authority have concluded that subject to the imposition of a condition regarding pedestrian visibility for a distance of 2m on either side of the access they would have no objection to the scheme on highways grounds.
- 10.40 Subject to the above visibility splay condition and a further condition ensuring the parking areas are laid out prior to first occupation the scheme is considered acceptable on highway grounds.

### **Appropriate Assessment and Biodiversity**

#### *Appropriate Assessment*

- 10.41 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.
- 10.42 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.
- 10.43 The LPA, as the competent authority in this case, upon successful recommendation by Committee, will require the necessary nitrate and bird aware mitigation in consultation with Natural England. The Applicant has agreed to make such mitigation, secured by way of Section 106 Legal Agreement in conjunction with the Hampshire & Isle of Wight Wildlife Trust and there would be a further linking agreement with the LPA.

#### *Biodiversity*

- 10.44 The overarching objective of Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF is to ensure planning preserves and enhances a sites biodiversity.
- 10.45 Regarding ecology, the County Council's Ecologist had initially requested a protected species survey prior to the grant of any permission. Following the submission of both an initial protected species survey and follow up emergence survey the Ecologist has raised no objection regarding protected species subject to an informative.
- 10.46 The site is of low ecological value and the County Council's Ecologist has stated that a biodiversity enhancement condition should be imposed on any permission requiring biodiversity enhancement measures be approved and implemented as approved.



- 10.47 Subject to such a biodiversity enhancement condition and the bat informative, and the Section 106 for nitrate and bird aware mitigation, the proposal is considered acceptable in ecological terms and accords with Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF.

### **Trees**

- 10.48 The surrounding trees are the subject of a Tree Preservation Order (TPO 156). The Tree officer had initially requested a comprehensive arboriculture impact assessment to be submitted. Following the receipt of the Arboricultural Report the Tree Officer raises no objections to the proposal.
- 10.49 it is considered necessary however, in the interests of tree preservation, to impose a condition ensuring the tree protection measures set out in the tree report are implemented prior to construction work commencing and retained until all construction works have been completed.

### **Flooding**

- 10.50 When determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. The site is located in Flood Zone 1, areas at least risk of flooding. While no drainage information has been submitted with the application the Drainage Officer has stated that the information they would require regarding a Drainage Strategy, infiltration investigation, porous paving details and existing suite drainage assessment can be secured by way of an appropriate condition(s).
- 10.51 Subject to the imposition of such a condition it is considered that the proposal would accord with the objectives of Policy PCS12 of the 2012 Portsmouth Plan.

### **Ground Conditions and Pollution (Contaminated Land)**

- 10.52 The Contaminated land team have requested a two part condition that will ensure the necessary contamination surveys are compiled and submitted to the LPA and that a further remediation survey, if necessary, is submitted and that any works are undertaken in accordance with the reports submitted.
- 10.53 Due to the extensive groundworks that would be associated with such a development such conditions are considered appropriate.

### **CIL**

- 10.54 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. 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 per sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy.
- 10.55 The applicant has stated in their application form that the use as a social club ceased several years ago the CIL charge would be on the complete apartment block proposed.

### **Human Rights and the Public Sector Equality Duty (PSED)**

- 10.56 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.

- 10.57 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 There is no objection to the replacement of the discussed social club land use with a flatted development in a residential area, with good access to a town centre, public transport, hospital, shops, services and employment.
- 11.2 The development is of an appropriate scale, form and design, and would make a good townscape addition to the local area without unreasonable impact on neighbouring residents' amenities or nearby trees. Good living conditions for occupiers would be provided. The provision of 23 new dwellings is particularly welcomed.
- 11.3 As such, the proposals constitute Sustainable Development, they accord with the Local Plan and the NPPF, and planning permission should be granted subject to various conditions and legal agreement.

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

- (a) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, and;
- (b) satisfactory completion of Legal Agreements necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates), and the provision of any Affordable Housing deemed achievable by the LPA (with the possible inclusion of a Review Mechanism in the event that no Affordable Housing can be provided).

**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 six months of the date of this resolution.

## Conditions

### 1. Time Limit

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. Approved Plans

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: 2125 01B; 2125 02B; 2125 03B; 2125 04C; 2125 05B; 2125 06B; 2125 07C; 2125 08C; 2125 09C & 2125 10C.

Reason: In the interest of good planning.

### 3. Contamination Surveys

Prior to Demolition

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

a) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

b) 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 building(s), land, and wider area. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

Prior to Groundworks

(ii) No works (referring to ground works and/or amendment to the substructure) pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A 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 (Phase 2 report).

b) 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, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). 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.

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

#### **4. Contamination Remediation (if necessary)**

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

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 3(ii)b.

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

#### **5. External Materials and architectural details**

No development shall commence on site until details of the types and colours of external materials (including window and door recesses and the provision of a rear door canopy) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: in the interests of good design and visual amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan

#### **6. Hard and Soft Landscaping/Materials**

Prior to the occupation of the building hereby approved details of the hard and soft landscaping details shall be submitted to and approved in writing by the Local planning Authority. The details shall then be implemented as approved. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: in the interests of good design and visual amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan

#### **7. Highways - visibility plays**

Prior to first occupation a plan showing the pedestrian visibility plays shall be submitted to and approved in writing by the Local planning Authority showing the pedestrian visibility plays to/from the Herne Road car parking spaces. The visibility plays shall then be kept clear of all obstructions over 1m in height.

Reason: In the interests of highway safety pursuant to policy PCS17 of the 2012 Portsmouth Plan

## **8. Highways - parking**

The parking areas shown on the approved plans shall be laid out and permanently retained as such in accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety pursuant to policy PCS17 of the 2012 Portsmouth Plan

## **9. Drainage**

Prior to above ground works commencing a comprehensive Flood Risk & Surface Water Drainage Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include, but not limited to existing infiltration rates, areas of porous paving proposed and existing and proposed drainage methods. The details shall then be implemented as approved.

Reason: In the interests of flood risk and surface water drainage pursuant to Policy PCS12 of the 2012 Portsmouth Plan

## **10. Finished floor level plan/survey.**

Prior to any above ground works commencing a detailed topographical survey shall be submitted detailing existing and proposed ground floor levels for the approval in writing by the Local Planning Authority. The floor and ground levels of the building and site hereby approved shall then be laid out in accordance with the approved details.

Reason: in the interests of good design and residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

## **11. Ecology**

The construction and demolition phase shall be undertaken in accordance with the Ecological Appraisal (25 Sixth Avenue Ecology Appraisal, Cherry tree Ecology Ltd, 19<sup>th</sup> July 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and biodiversity pursuant to Policy PCS13 of the 2012 Portsmouth Plan.

## **12. Ecology**

Details of the biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The details and measures shall be implemented prior to the first occupation of the building hereby approved and permanently retained thereafter.

Reason: In the interests of ecology and biodiversity pursuant to Policy PCS13 of the 2012 Portsmouth Plan.

## **13. Glazing**

The Flat 12 windows in the south elevation shall be installed with obscure glass prior to first occupation and retained thereafter in accordance with details submitted to and approved by the Local Planning Authority in writing and shall be permanently maintained in that condition.

Reason: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy PCS23 of the 2012 Portsmouth Plan

#### **14. Refuse and Recycling**

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

To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the 2012 Portsmouth Plan

#### **15. Tree protection measures**

The tree protection measures set out in the Arboricultural Report (Arboricultural Impact Assessment and Tree Protection Scheme, Hearne Arboriculture, 23<sup>rd</sup> June 2022 [JH/AIA/22/068]) shall be implemented prior to the commencement of development and permanently retained until the construction phase of the development is complete.

Reason: In the interests of tree protection and ecology pursuant to Policy PCS13 of the 2012 Portsmouth Plan.

#### **16. Sustainable Construction**

Prior to the above ground works commencing a Sustainable Construction Plan (which shall include sustainable building and water efficiency measures) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall then be implemented as approved.

Reason: In the interests of sustainability and environmental protection pursuant to Policy PCS15 of the 2012 Portsmouth Plan.

#### **17. Boundary treatments**

Prior to first occupation of the building hereby approved all boundary treatment details shall be submitted to and approved in writing by the Local planning Authority. Such treatments shall include security and access gates to the undercroft car park access. The treatments shall be implemented as approved.

Reason: In the interests of good design and reducing crime and antisocial behaviour pursuant to Policy PCVS23 of the 2012 Portsmouth Plan.

**Bat Informative:** Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

# Agenda Item 8

22/01749/FUL

WARD: DRAYTON AND FARLINGTON

163 STATION ROAD PORTSMOUTH PO6 1PU

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

**LINK TO DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RN7HG4MOG3900](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rn7hg4mog3900)

**Application Submitted By:**

Mr Steve Walker  
Parkers Design

**On behalf of:**

Alex Cooper

**RDD:** 21st December 2022

**LDD:** 6th March 2023

## 1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to eight letters of objection.

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

- The principle of Development including compliance with policy;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

### 1.1 Site and surroundings

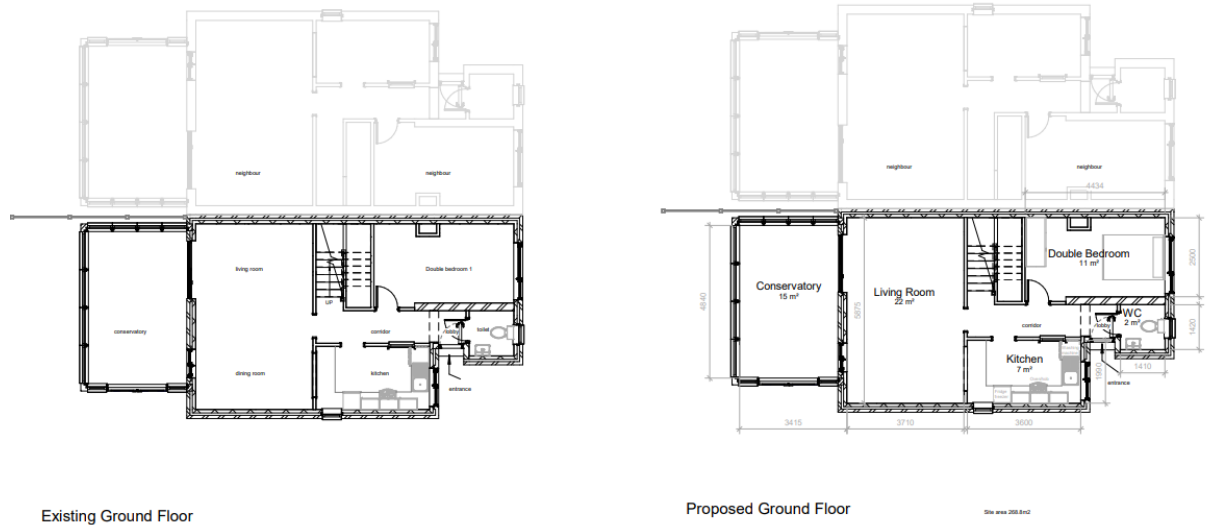
- 1.2 This application relates to a two-storey end of terrace property situated on the western side of Station Road. The accommodation comprises of; a living/ dining room, kitchen, conservatory, one double bedroom and separate WC at ground floor level, and three bedrooms and a bathroom at first floor level.

## 2 The Proposal

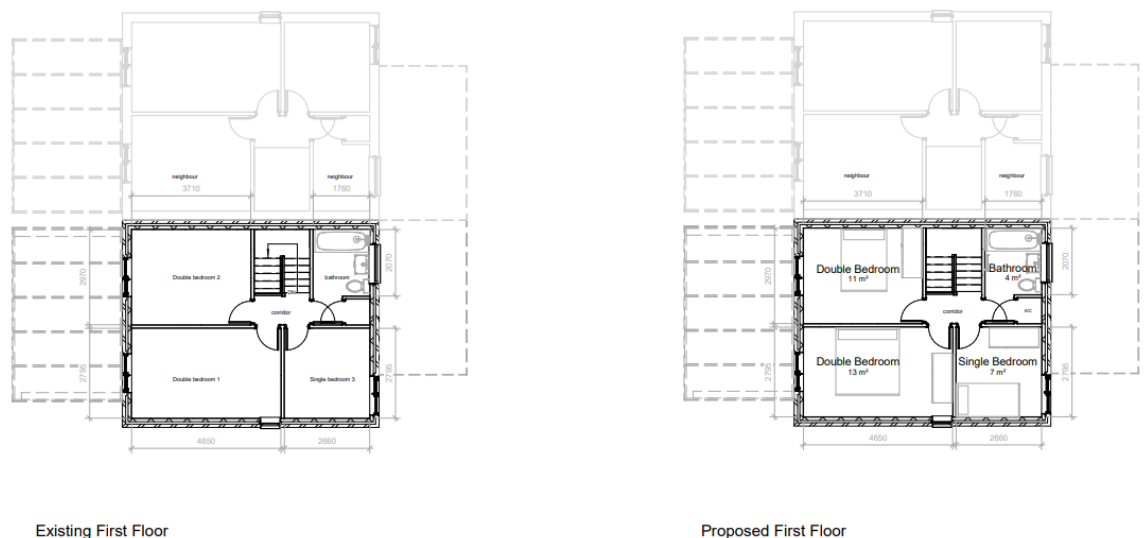
- 2.1 This application seeks planning permission for the flexible use of the property for purposes falling within Class C3 (dwellinghouse) to purposes falling within dwellinghouse (Class C3) or house in multiple occupation (Class C4).
- 2.2 The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

2.3 This change in occupancy will not involve any physical alterations to the property nor repurposing of any rooms.

2.4 Plans:



**Figure 1: Existing and proposed ground floor plans**



**Figure 2: Existing and proposed first floor plans**

2.4 Planning History

2.5 A\*11990/R- Erection of 148 dwellings and construction of roads footpaths garaging and parking. Approved 03.05.1985

2.6 A\*21800/N - Residential development, single and/or two storey dwellings with garages (density not to exceed 46 units per hectare). Approved 30.10.1984



### **3 POLICY CONTEXT**

- 3.4 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation).
- 3.5 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Interim Nutrient Neutral Mitigation Strategy (2019), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

### **4 CONSULTATIONS**

#### **4.4 Private Sector Housing**

- 4.5 No objection or adverse, comments raised.
- 4.6 They commented that based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 4.7 Based on the layout and sizes, single bedrooms must have a minimum gross internal floor area (GIA) of 7.5m<sup>2</sup> (10m<sup>2</sup> is required where no separate living space is provided). Double bedrooms or twin bedrooms must have a minimum GIA of at least 11.5m<sup>2</sup> (14m<sup>2</sup> is required where no separate living space is provided).

#### **4.8 REPRESENTATIONS**

Eight letters of representation received objecting on the following summarised grounds:

- Overconcentration of HMO's in the area
- Parking issues
- On-street parking would worsen the narrow road for emergency vehicle access
- Anti-social behaviour
- Inadequate living space for four people
- Retrospective application
- Fire risk

#### **4.9 COMMENT**

- 4.10 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;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

### **5 Principle**

- 5.4 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of

minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

- 5.5 In this case the application site is in lawful use as a C3 dwellinghouse. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as maximum proportion of HMO dwellings to C3, single household, dwellings. It is noted that the relevant 50m radius area currently has 1no. HMO out of 46 properties as shown in figure 2 below. This proposal would change the current figure of 2.17%, to 4.35% and therefore remains below the 10% threshold. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a 3 adjacent HMOs next to each other. As this proposal would not result any of these scenarios, these considerations are not brought into effect.

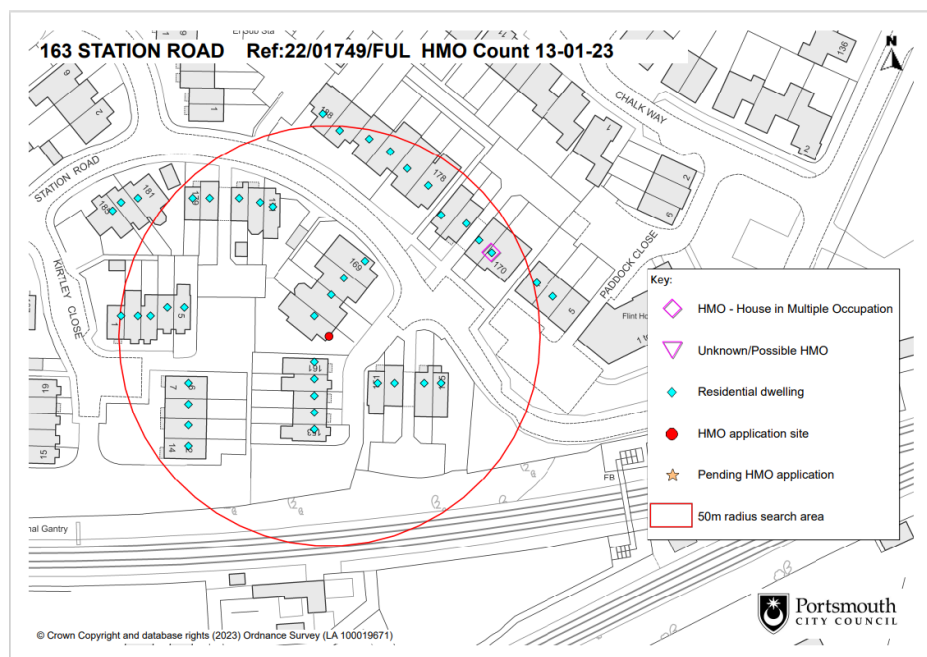


Figure 3: HMO data count map (50m radius)

## 5.6 Standard of accommodation

- 5.7 If the property is operated as a Class C4 small HMO this would have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

5.8

Room	Area Provided:	Required Standard:
Bedroom 1	11m2	6.51m2
Bedroom 2	11m2	6.51m2
Bedroom 3	11m2	6.51m2
Bedroom 4	7m2	6.51m2
Shared bathroom	4m2	3.74m2
Ground Floor WC	2m2	1.17m2
Living Room	22m2	14m2 (6 persons)
Conservatory	15m2	14m2 (6 persons)

Kitchen	7m2	11m2 (6 persons)
---------	-----	------------------

5.9 As is shown in the table above, all of the bedrooms 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. Three of the four bedrooms significantly exceed the minimum size. At 7m2, the kitchen is below the standard of 11m2. It is, however, of a simple, usable layout. The conservatory exceeds the living space standard by 1m2. The living room exceeds the living space standard by 8m2. In combination, the three ground floor communal rooms exceed the total expectation of 39m2, by providing 44m2. This exceedance, combined with the three larger bedrooms, and good-sized, south-facing garden would, it is considered, provide a good standard of living accommodation. All habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.

5.10 As such, it is considered the proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing and the proposals would accord with the SPD.

#### 5.11 **Impact on neighbour amenity**

5.12 The property would remain a 4-bedroom property and if operated as Class C4, this *could* have a proportionate increase in activity within and coming and going from the property, compared to a Class C3 use (were that to allow-level C3 use). However, the level of activity that could be associated with the use of any individual property either as a dwellinghouse(C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a HMO. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance/disturbance.

5.13 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

5.14 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and 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 this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of the proposed C3/C4 HMO would not be significantly.

5.15 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

#### 5.16 **Amenity and Parking**

5.17 The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, and as such it is not considered to represent an increase in overnight stays. The proposal is thus not considered to have a demonstrable impact on the parking need over and beyond the existing. As existing, there is 2no on-site parking being provided and this would be retained.

5.18 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. A 4+ bedrooms has an expected demand for 4 cycle parking spaces. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

## **5.19 Waste**

- 5.20 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.

## **5.21 Impact on Special Protection Areas**

- 5.22 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 to flexible C3/C4 use. The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, 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 overnight stays nor therefore on the Solent Protection Areas or result in an increased level of nitrate discharge.

## **6 CONCLUSION**

- 6.1 As detailed above the application is considered to comply with the relevant policies of the Local Plan. Having regard to all material planning consideration 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 (2021).

## **7 RECOMMENDATION**

### **7.1 Approve subject to the following conditions:**

#### Time limit

- 1) The development hereby permitted shall be begun before 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 (as amended).

#### 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:

- P 0 - Location Plan and Block Plan
- P 1 - Ground Floor
- P 2 - First floor
- P 3 - Elevations Front/Rear
- P 4 - Elevations Right/Left side
- P 5 - P 8 - Proposed 3D

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

### Cycle storage

- 3) Prior to first occupation, details and plans of a covered, enclosed, secure and weatherproof bicycle parking facilities (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 4 bicycles 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).

This page is intentionally left blank

# Agenda Item 9

23/00021/FUL

WARD:BAFFINS

108 MILTON ROAD PORTSMOUTH PO3 6AR

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR EIGHT PEOPLE (SUI GENERIS).

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RO2ACNMOGCB00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RO2ACNMOGCB00)

**Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM Ltd

**On behalf of:**

Mr C Reynolds

**RDD:** 9th January 2023

**LDD:** 14th March 2023

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a call-in request from Councillor Sanders.
- 1.2 The main issues for consideration in the determination of the application 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 raised matters.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, semi-detached dwellinghouse (Class C3) located on the western side of Milton Road. It should be noted that planning permission was granted for mixed C3/C4 use in 2022 but the property has been vacant for some time and therefore this permission is not considered to have been implemented. However, the permission is still within the 3 year time limit for implementation and thus provides a fallback position. The dwellinghouse is served by bay windows to the front and has a side access leading to the rear yard. The existing layout comprises a lounge, kitchen/dining, WC and study at ground floor level; and 6 ensuite bedrooms across the first and second floors.
- 2.2 The application site falls within a predominantly residential area characterised by rows of two-storey terraced properties and the Rose in June Public House to the north. The commercial unit which adjoins the application site to the north (nos. 104-106 Milton Rd) is currently vacant, but permission is sought to convert it to 4 flats which has been agreed subject to a s111 Legal Agreement being completed (ref. 22/00383/FUL). There is a yard

to the rear (west), also in the applicant's ownership, with its vehicular access running along the south side of application property. That site is currently used for the storage of building waste and materials associated with the works ongoing at the two properties. The new Kingston Prison development is a close neighbour of the site to the south.

### 3.0 THE PROPOSAL

3.1 Planning permission is sought for the Change of use from dwellinghouse (Class C3) to House in Multiple Occupation for eight people (Sui Generis).

3.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:

- Ground Floor - 2 bedrooms with ensuites, Communal area a WC with handbasin;
- First Floor - 3 bedrooms with ensuites; and
- Second Floor - 3 bedrooms with ensuites.



3.3 The Applicant has constructed dormers under permitted development and works to change the floors levels are internal and not considered to be development. Therefore, these works are not considered as part of this application. The installation of fencing to accommodate the rear yard can be undertaken under permitted development and cycle storage is shown on the plans.



## **4.0 PLANNING HISTORY**

- 4.1 **21/01660/FUL** - *Change of use from dwelling house (Class C3) to dwelling house (Class C3) or House in Multiple Occupation (Class C4)*. The applicant has stated that this planning permission has not been implemented and as such, this application should be considered as a change of use from C3 rather than C3/C4. Upon a site visit, it is clear that the site is vacant, and Council Tax records indicate that the property has been empty since before permission was granted. It should be noted that the permission is still implementable and as such presents a fallback position of use as a C4 HMO with a broadly similar layout and 2 fewer bedrooms.

## **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 Guidance (revised 2021)
  - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
  - The Solent Recreation Mitigation Strategy (2017)
  - The Updated 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 with this application this property would require to be licenced under Part 2, Housing Act 2004. The property will need to be inspected by private sector housing to ensure it meets their licensing requirements.
- 6.2 Highways Engineer - no objection. The proposal would not have a material impact upon the function of local highway network. Local demand for parking on street regularly exceeds the space available particularly in the evenings and weekends. The Parking Standards SPD requires 2 off-road spaces for Sui Generis, HMOs with four or more bedrooms, the same as for a Class C3 dwellinghouse with four or more bedrooms. No parking survey information has been submitted to demonstrate on-street capacity if additional demand resulting from the development can be accommodated within a 200m walking distance. Therefore, there is potential for increased instances of residents driving around the area hunting for a parking

space, although is an issue of residential amenity, which should be given due weight. Request condition for secure cycle storage.

It was noted on the previously referred to application at 104-106 Milton Road (the property next door, which also has access to the rear yard) that the side access is not wide enough to safely accommodate vehicular access and the Highways Engineer would object to any formalised off-street parking due to this on highways safety grounds. As such, it is not considered that off street parking for this scheme is achievable. As explained above, there is no increased parking requirement from a C3 dwelling with over 4 bedrooms (the properties current use) or a C4 use with over 4 bedrooms (the fallback position) and as such, a lack of parking provision is not considered to be a defensible reason for refusal.

## **7.0 REPRESENTATIONS**

7.1 4 representations have been received objecting to the proposed development, including one from Councillor Sanders.

7.2 The above representations of objection have raised the following concerns:

- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- b) Undue strain on local doctors surgeries and schools.
- c) The proposal goes against "regulations of the council itself, but also jeopardises the very rule of law we all strive by."

## **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

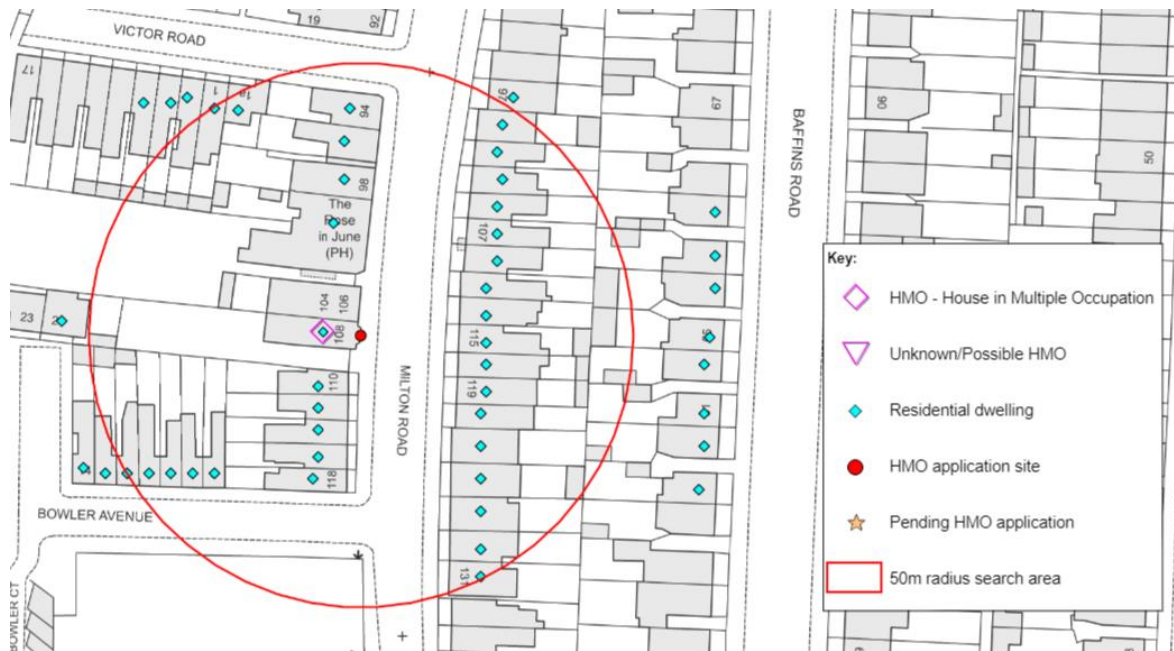
8.2 Principle of development

8.3 Permission is sought for the use of the property as a Sui Generis HMO for 8 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3), however, an extant permission for flexible C3/C4 use has already established the acceptability of a HMO in the area and presents a fallback position which should be given significant weight in the consideration.

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 52 properties within a 50-metre radius of the application site, there are no other confirmed HMOs, which is the same as when HMO use was first considered under the previous application.
- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. The proposal would provide a percentage of HMOs within the area at 1.92%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



- 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).

#### Five year Housing Land supply.

- 8.9 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.10 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot upation demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.
- 8.11 Standard of accommodation
- 8.12 The application seeks Sui Generis HMO use for 8 persons and proposes the following room sizes, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1	16.24m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2	18.50m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3	18.75m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4	16.86m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5	18.64m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 6	19.47m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 7	15.31m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 8	12.68m <sup>2</sup>	6.51m <sup>2</sup>
Communal Kitchen/Dining area (ground floor)	31.42m <sup>2</sup>	22.5m <sup>2</sup> (as all bedrooms exceed 10m <sup>2</sup> )
Ensuite bathroom 1	3.42m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 2	2.82m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 3	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 4	3.24m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 5	2.94m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 6	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 7	3.26m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 8	2.92m <sup>2</sup>	2.74m <sup>2</sup>
WC (ground floor)	1.53m <sup>2</sup>	1.17m <sup>2</sup>

**Table 1** - HMO SPD (Oct 2019) compliance

- 8.13 All rooms comfortably exceed the required space standards. While the two parts of each of bedrooms 2 and 5 are separated by narrower spaces, they exceed the space standards greatly and provide a good standard of accommodation.
- 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 as a dwellinghouse in Class C3, would be unlikely to be significantly different from the

occupation of the as a house in multiple occupation, and would not be discernible from the fallback position of 6 unrelated individuals.

- 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 HMO would not be significantly harmful. The principle of a HMO use at this dwellinghouse has already been established as acceptable.
- 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 Sui Generis 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 would be achieved by permitted development without any planning control on parking. The proposal has no off-street parking, which is considered to be reasonable due to the previously discussed comments with regards to the side access way on a separate application.
- 8.23 As explained above, The Highways Officer nor Planning Officer raises an objection to the scheme on the grounds of a lack of off street parking. As the SPD requirement for parking is no greater for the proposal than a similarly sized Class C3 dwellinghouse or C4 HMO, it is considered that an objection on a lack of parking is 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 8 person 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 can be accommodated in the rear garden due to the side access. It is not considered necessary to require details of formalised waste storage.
- 8.27 Impact on Special Protection Areas
- 8.28 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 8 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111 agreement, which the applicant has agreed to, and Natural England also.
- 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 the use would put on local services. However, having regard again 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. Concerns around impact on local schools is not considered to carry weight being that the occupiers of HMOs do not generally have children in their care and therefore there is likely to be less of an issue than if the property was a large family dwelling. There would not be a measurable difference on a strain on doctors' surgeries than if the property was occupied by a multi-person family.

## **9.0 CONCLUSION**

- 9.1 Having regard to all material planning considerations, and giving significant weight to the fallback position available to applicant of implementing the previous permission for a 6 person HMO, and representations received, 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 I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed 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 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: PG5184.20.19 rev C, Section PG.5184.20

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, 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.

This page is intentionally left blank



# Agenda Item 10

20/01092/FUL

WARD: FRATTON

37 TORONTO ROAD, PORTSMOUTH, PO2 7QD

FIRST FLOOR SIDE EXTENSION TO FORM AN ADDITIONAL TWO BEDROOM DWELLING

LINK TO ONLINE DOCUMENTS;

[20/01092/FUL | first floor side extension to form an additional two bedroom dwelling | 37 Toronto road, Portsmouth PO2 7QD \(portsmouth.gov.uk\)](#)

**Application Submitted By:**

Mr Derek Treagus of Derek Treagus Associates

**On behalf of:**

Mr K Smith

**RDD:** 28th September 2020

**LDD:** 1st March 2021

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to Planning Committee due to an objection to the proposal received from the Local Highways Authority
- 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 area;
  - Impact on residential amenity;
  - Highway Implications;
  - Waste;
  - Impact on the Solent Special Protection Area (SPA) and Nitrates.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The application site contains a two storey end terraced dwelling (Class C3) with a set back from the road, located on the northern side of Toronto Road on the corner with Balliol Road, as shown in **Figure 1** below.
- 2.2 The property is constructed from facing brick with tile hanging on the first-floor front elevation and has a tiled roof. The property has previously extended to the rear by way of a single storey family room, and to the side by way of a single storey garage. The property benefits from on site parking by way of access from Balliol Road to a hardstanding in front of the garage and dwelling.
- 2.3 The surrounding area is predominately residential in nature characterised by two storey terraced dwellings. There is a sub-station to the rear (northern) boundary.



**Figure 1 - Site Location Plan**

### 3.0 THE PROPOSAL

- 3.1 Planning permission is sought to erect a first floor side extension to form an additional two bedroom dwelling (Class C3). The existing garage would be converted into living accommodation and a kitchen with the erection of a full width extension above at first floor level, with an eaves and roof ridge height matching the host dwelling. The side extension at first floor level would project beyond the rear wall of the host dwelling by 850mm and finished with a gabled roof set down from the main roof ridge height as shown in **Figure 2** below. The proposed dwelling would achieve 1x double bedroom and 1x single bedroom with a floor area of 70m<sup>2</sup> as shown in **Figure 3** below.

The proposed materials as stated in the accompanying application form, indicate that the first floor level will be cladded and roof materials to match the host dwelling. For reasons to maintaining acceptable visual amenity, should the proposal be approved it is recommended that a condition is included that external materials used shall match, in type, colour and texture those on the building, and to include tile-hanging at the front first floor level, to match the host property.

- 3.2 The submitted application forms states that the proposal would provide 3 off street parking spaces.



Figure 2 Proposed Elevations

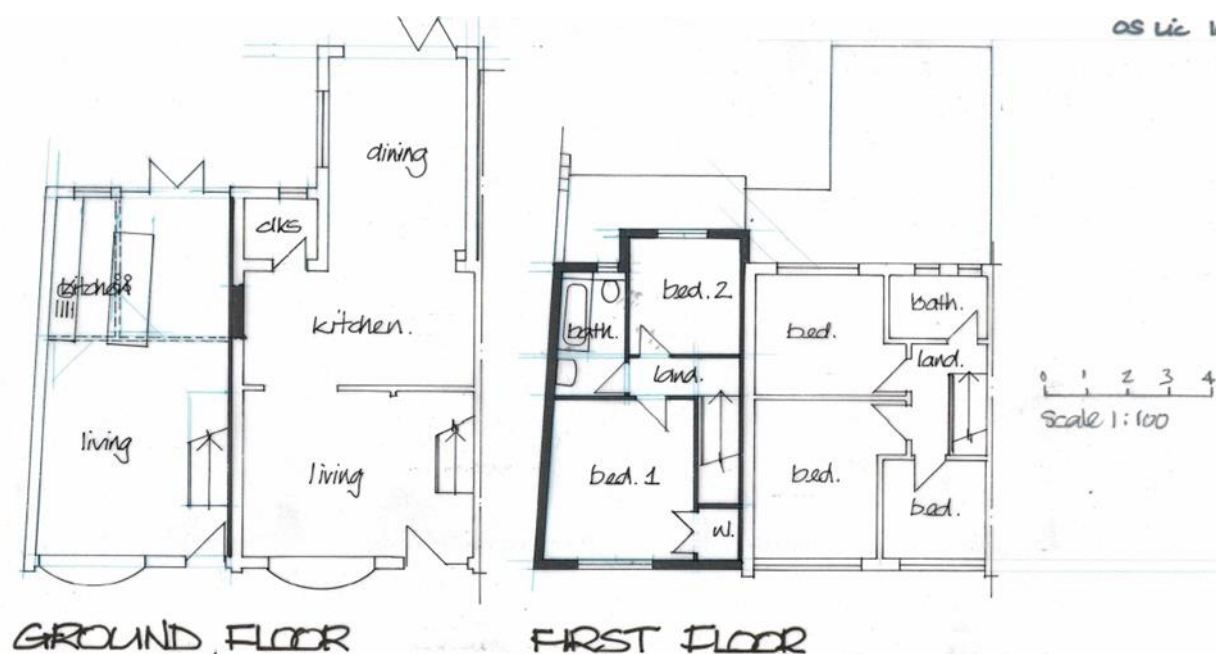


Figure 3 Proposed Floor Plans

#### 4.0 PLANNING HISTORY

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

- **09/00736/FUL**- Construction of two storey side extension approved on 13 July 2009.
- **15/01640/HOU**- Construction of single storey side extension to include formation of new garage and further living accommodation approved on 09 November 2015.
- **18/00640/HOU** - Construction of single storey rear extension approved on 07 June 2018

## 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)
- PCS13 (A Greener Portsmouth specifically SPA mitigation)
- PCS14 (A Healthy City)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS21 (Housing Density)
- 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 Updated Interim Nutrient Neutral Mitigation Strategy (2022)

## 6.0 CONSULTEE RESPONSES

6.1 Portsmouth Water  
no objection. Advice given.

6.2 SGN (Scotia Gas Networks)  
no objection. Advice given.

6.3 SSE (Scottish and Southern Electricity Networks)  
no objection. Advice given.

6.4 Highways  
Object. The Parking SPD requires 1.5 vehicle spaces and 2 cycle spaces for 2 and 3 bedroom dwellings, thus creating a total parking requirement of 3 parking spaces and 4 secure cycle spaces. Whilst the application form states that 3 parking spaces a 2 cycle spaces will be provided, this is not shown within the proposed plans. The proposal is not compliant with the SPD and will increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity. This is likely to result in increased instances of residents driving around the area hunting for a parking space and choosing to park where parking is restricted at junctions obstructing visibility/pedestrian routes and increasing the risks of

accidents. Furthermore, the absence of secure cycle parking will limited opportunities for future occupants to use sustainable travel modes, this is similarly contrary to the SPD.

## **7.0 REPRESENTATIONS**

- 7.1 1 letter of objection has been raised by the occupant of a neighbouring property raising concerns that the proposal does meet the Council's parking standards. The objection also raises the point that planning permission was previously granted for a new dwelling at 55 Balliol Road without on street parking provision which exacerbates the parking arrangements in the area.

## **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 area;
- Standard of accommodation;
- Impact on neighbouring residential amenity;
- Highways and parking;
- Waste; 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. 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'.*

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'.*

- 8.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot

demonstrate a five year supply of housing. This development would provide one new dwelling to make a contribution towards the City's housing needs, at a highly sustainable location in Fratton, with very good public transport (bus routes and train stations nearby), retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

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

- 8.3 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development; appropriate scale, density, layout, appearance and materials in relation to the particular context. It is noted that planning permission has been previously granted for a two-storey extension to this property which was not implemented. A subsequent single storey side extension was granted and implemented.
- 8.4 The design and appearance of the building is considered to be appropriate for its setting and values the adjacent existing development in terms of its form and architectural features and detailing. The design of the proposed building draws on the style and character of the host dwelling and surrounding properties and would appear comparable in its eaves height to the host property. The design of the roof and height is not obtrusive and will not create a dwelling disproportionate to the existing mix of dwellings within the surrounding area and the positioning of the proposed dwelling within the plot maintains and acceptable vertical and horizontal rhythm. I note that two-storey flank walls built to the edge of the side-street pavement is normal in the densely-developed terraced streets of much of central Portsmouth, albeit that they are usually enlivened with a door and windows. The lack of these features however in this instance would not amount to a harm that should lead to a refusal of the application.
- 8.5 The dwellinghouse is appropriate in size and scale and would not result in the overdevelopment of the site and would be an infill development within a plot size that would not be too dissimilar to those within the existing street scene.
- 8.6 As such, the proposal is considered to be in keeping with the appearance of the host building and surrounding properties on Toronto Road, and the scale and appearance of the proposed extension and resulting dwelling would be acceptable in design terms. Consequently, the proposal would comply with the design requirements of Policy PCS23 of the Portsmouth Plan (2012).

#### Standard of accommodation

- 8.7 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.
- 8.8 The proposed 2-bedroom dwelling would have a floor area of approximately 70m<sup>2</sup>, an appropriate size to conform to the nationally described space standards and the internal layout of the habitable rooms are of an appropriate size and would provide a reasonable outlook and an appropriate source of natural light and ventilation, delivering an acceptable living environment for future occupiers and compliant with national space standards.
- 8.9 Policy PCS19 of the Portsmouth Plan states private amenity space should be provided for as part of all new build residential units. An important component of good quality

residential design is the provision of useable outside private space where residents can take advantage of fresh air and direct access to the natural environment, and that external private space is usually provided by back or side gardens, where a certain measure of privacy (e.g. Not directly overlooked by neighbouring outdoor sitting areas or living rooms) should be provided. It is noted that both the host and new proposed dwellings would benefit from access to a private amenity area, to the rear the properties. The position of the amenity area and the required level of privacy would be created by the allocated garden amenity space where significant degree of overlooking from neighbouring living rooms would not incur.

- 8.10 Plans show overall, it is considered that the proposed new dwelling and existing host dwelling would provide a reasonable quality of living environment for the proposed occupiers

Impact on neighbouring residential amenity

- 8.11 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.
- 8.12 Having regard to the neighbouring residential properties surrounding the site, The proposed extension would increase the built form on this corner plot. The principle of the additional massing has been previously considered acceptable by the Council (albeit to form an extension as opposed to a new dwelling ). However, the use as a separate dwelling would not introduce any significant concerns in terms of light, outlook or privacy. Given the proposed scale, position and appearance of the extensions, and the local development form, they would not materially harm outlook or result in a loss of light to nearby properties, including the houses directly opposite on Balliol and Toronto Roads.
- 8.13 Accordingly, the proposal would be consistent with Policy PCS23 of the Portsmouth Plan (2012), in that it is considered the proposed extension and resulting additional dwelling would not result in any unacceptable loss of privacy, light or outlook to neighbouring properties.
- 8.14 Highways and parking
- 8.15 Toronto 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 is likely to exceed the capacity to accommodate this on street particularly overnight and at weekends. Toronto Road and those roads in the immediate vicinity of the site are unrestricted and not in a local controlled parking zone.
- 8.16 As per the consultation comments above, the site cannot accommodate 3 parking spaces to meet the Parking SPD. Although the existing hardstanding could accommodate two cars parked end-to-end, it is assumed they would be for the two properties, so the host dwelling's space would be blocked by the occupier of the proposed dwelling - that arrangement would not work. Alternatively, it is not appropriate to have one of the dwellings having both spaces, as it would mean one neighbour's outlook from their front window being blocked by their neighbour's car. That means practically, there can only be one parking bay for the new dwelling, and none for the existing.
- 8.17 Notwithstanding this the site is however within an area of good accessibility it and located within an acceptable walking distance of the various amenities, services, employment, facilities, train station and bus routes that exist in and around Fratton.



- 8.18 There is space for cycle store provision either at the front or rear of the site, this would be secured by condition.
- 8.19 The Council must balance the positive aspects of the scheme against elements which could be considered negative and acknowledge that the proposal would represent windfall housing development. The Portsmouth Plan Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets.
- 8.20 When assessing the scheme weight shall be attributed to the close proximity of the site to the city centre and associated public transport network. It should also be recognised that vehicular ownership cannot be pre-determined, and it cannot be accurately predicted how many of the occupants, at any one time, will be car owners.
- 8.21 When considering the shortfall in the five-year housing supply and given the site's close proximity to the defined district centre and public transport links, this development proposal is not deemed to have a significant harmful impact on the surrounding highway network sufficient to warrant withholding permission.

#### Waste

- 8.22 A condition is proposed that will secure full details of waste storage for the proposed residential unit.

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

- 8.23 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.
- 8.24 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 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.
- 8.25 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

- 8.26 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.
- 8.27 Based on the methodology set out within the Strategy and taking into consideration the existing house on the site an appropriate scale of mitigation for this development is £563 (net gain of one dwelling), 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. The above rate will increase on 1<sup>st</sup> April.

- 8.28 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

- 8.29 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.
- 8.30 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.
- 8.31 The Council's Updated 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 one of the Council's Mitigation Credit Banks, which the Applicant has done.
- 8.32 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.
- 8.33 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.

#### Community Infrastructure Levy (CIL)

- 8.34 If the above planning permission is granted, it will be CIL liable development and a formal CIL notice will be issued. An estimate based on 32sqm addition first floor GIA area is £5017.40

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

- 8.35 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.

- 8.36 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. It is not considered that the effects of the limited off-street parking provision would outweigh the otherwise positive merits of the application.
- 9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development is acceptable and would, aside from the parking, 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) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, 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 planning consents against a limited supply of Nitrate credits.

### 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 20/900/01; and Proposed Plans Elevations 20/900/02

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

#### Materials:

- 3) The external materials to be used in the construction of the first-floor side extension to form an additional two bedroom dwelling hereby permitted, shall match, in type, colour and texture those on the building, and to include Tile-hanging at the front first floor level, to match the host property

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 2 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).

#### Refuse Storage

- 5) 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).

#### Water use

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the dwelling 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).

#### Withdrawal of PD Rights

- 7) Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, and E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To satisfactorily protect the neighbouring occupiers' amenity in accordance with policy PCS23 and Policy PCS15 of the Portsmouth Plan (2012) and the NPPF 2021



# Agenda Item 11

22/01765/HOU

WARD:

COSHAM

92 HAVANT ROAD DRAYTON AND FARLINGTON PORTSMOUTH PO6 2RA

**CONSTRUCTION OF 1.5 STOREY SIDE EXTENSION, INFILL EXTENSION AT REAR, EXTERNAL ALTERATIONS, AND CONSTRUCTION OF RAISED TERRACE PLATFORM AT REAR (INCLUDING SWIMMING POOL) (RESUBMISSION OF 22/00771/HOU)**

**Application Submitted By:**

Sarah Roberts

Critchley Architecture And Design (CAAD) Ltd

**On behalf of:**

Mr Daniel Byrne

**RDD:** 23rd December 2022

**LDD:** 22nd February 2023

**WEBLINK:**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNAKNJMOG5700>

## 1.0 SUMMARY OF MAIN ISSUES

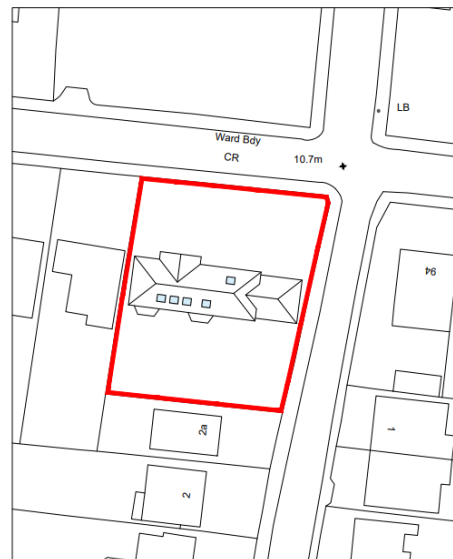
1.1 The application is presented to the Planning Committee at the request of Cllr Shah.

1.2 The main considerations within this application are:

- Design and Local character
- Impact on residential amenity

### 1.3 Site and Surroundings

1.4 The application site sits on the south-western side of Havant Road, adjacent to its junction with Mulberry Lane, which runs north/south with levels falling away in a southerly direction.



**Figure 1 - Location and Proposed Block Plan**

## 1.5 Proposal

- 1.6 The application seeks planning permission for the construction of a 1.5 storey side extension, 2 storey infill extension at the rear, extensive external alterations (to include rendered elevations, a black slate roof, tile hanging to the front and revisions to existing fenestration) and the construction of a raised terrace platform at the rear to include a swimming pool. This is a re-submission following refusal of an earlier application that sought a 2 storey side extension instead of the 1.5 storey addition currently applied for.
- 1.7 The applicant was offered advice prior to re-submission. This was to further reduce the height and width of the revised side extension adjacent to Mulberry Lane, by dropping the eaves height to the height of the proposed brick soldier course shown on the main dwelling. That in turn would reduce the overall height of the garage roof by a further 1m. It was also advised to reduce the width of the extension by at least a metre to pull the extension meaningfully away from the eastern boundary (which in turn would allow the re-instatement of planting to act in time as a natural screen). The combination of these revisions would have reduced the bulk and prominence of the proposed addition at the sensitive and attractive Mulberry Lane. Neither of these revisions have been incorporated.



**Figure 2 - Existing Elevations**



**Figure 3 - Proposed Elevations**

## 1.8 Relevant Planning History

- 1.9 22/00771/HOU - Construction of two-storey side extension, infill extension at rear, extensive external alterations, and construction of raised terrace platform at rear (including swimming pool) - refused 22/9/22 for the following reason:

*The proposed two storey side extension by reason of its height and width, and proximity to Mulberry Lane, would be considered to result in a cramped and incongruous development detrimentally affecting the sense of space and openness at the junction of Mulberry Lane and Havant Road when approaching from both the north and south. As such the development is considered contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).*

A\*26384/A - Construction of a maisonette over the existing garage - conditional permission dated 16.07.70

## 2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)
- 2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

## 3.0 **CONSULTATIONS**

- 3.1 None

## 4.0 **REPRESENTATIONS**

- 4.1 One - from occupiers of property to the south (2A Mulberry Lane), on the grounds of:
- a) Revised application offers little improvement to that previously refused - still oppressive, crowded and incongruent in appearance due to size, scale and prominent location, contrary to PCS23.
  - b) Current proposal is described at 1.5 storey - in reality would be equivalent to 2.5 storeys including the roof.
  - c) Width and footprint remain unmodified and extends almost to eastern boundary.
  - d) Extension would be prominent given incline in levels from south to north.
  - e) Negative impact on streetscene, and visual amenity of 2a Mulberry Lane.
  - f) Quoted examples, especially no.154 Havant Road, not comparable situation with regard to streetscape - no.154 is less substantial in size and Tregaron Avenue is wider than Mulberry Lane and the associated junction with Havant Road more substantial.
  - g) No visual interest in east elevation.
  - h) Concerned about cumulative negative impact on streetscene if side extension at no.94 Havant Road on opposite side of the same junction is permitted (22/00968/HOU).
  - i) Potential risk to no.2a Mulberry Lane if proposed raised pool structure were to fail given its elevated level.

## 5.0 **COMMENT**

### 5.1 Design and Local Character

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

- 5.3 The existing property is already a sizeable building, linear in character as seen from both the front and rear having been extended at first floor level on its eastern side by virtue of the A\*26384/A planning permission in 1970. The proposed side extension would further increase the width of the building (to 27m) making it unduly linear especially when compared to surrounding development.
- 5.4 Given its proximity to the eastern boundary of the site (0.7m at its narrowest point) and its proposed height, the proposed side extension would be a readily visible and imposing feature as seen from the public domain, accentuated by the elevated levels of the site compared with the rest of the road to the south.
- 5.5 The extension would result in development across almost the entire width of the plot, resulting in a cramped and incongruous addition in the street scene given its proximity to the eastern boundary. The reduced sense of space by building so close to the boundary would be to the detriment of the open character of the junction whether approaching from Havant Road or Mulberry Lane, contrary to Policy PCS23 of the Portsmouth Plan and paragraph no.126 of July 2021 NPPF (*'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*) and paragraph no.130, specifically (b), (c) and (d).
- 5.6 Also material to the consideration of this application is the pending application at no.94 to the east of the same junction - if both were permitted, the visual gap particularly at first floor/roof level would be significantly decreased. Both footprints would also project forward of the predominant building line in Mulberry Lane. The proposed side extension at no.92 (in isolation or combined with that proposed at no.94 if permitted) is considered of significant harm to the visual amenities and spatial characteristic at this junction and the entrance to Mulberry Lane so as to justify refusal on this ground.
- 5.7 The planting along both the northern and eastern boundaries of the site has been removed in recent months as a result on on-going work at the site. The site does not lie within a conservation area and there are no protected trees within the site and therefore whilst the loss of existing vegetation is regrettable it is not under the control of the local planning authority. However, the removal of the previous natural screening would serve to make the proposed side extension even more readily visible from Havant and Mulberry Roads. The proximity of the footprint of the extension (the foundations and floor plate of which have already been constructed) allow no reasonable room for any meaningful planting along much of the eastern boundary. The attractive, suburban character of this part of Mulberry Lane would be significantly eroded.
- 5.8 The applicant has drawn comparisons with a development at 154 Havant Road. However, whilst the extension at no.154 sits forward of the building line of development to the south in Tregaron Avenue, the distance to the nearest neighbouring properties to the south (2 Tregaron Avenue) and east (Nightingale Court) are greater than those at no.92 and the width of Tregaron Avenue is over 3.5m wider than that of Mulberry Lane thereby presenting a very different street scene context. It is not the same narrow, characterful lane as Mulberry Lane.
- 5.9 The infill extension at the rear, extended terrace with pool and external alterations to materials and fenestration are considered acceptable in principle. The property would be very significantly altered in appearance, but on balance, it is not considered that a refusal would certainly be upheld at appeal.
- 5.10 Residential Amenity
- 5.11 The main properties likely to be affected by the proposals are 90 Havant Road to west and 2a Mulberry Lane to south. There is unlikely to be any significant impact on other surrounding properties.



- 5.12 No.90 is in close proximity and has a single storey glazed projection at the rear with a balcony over. There is already a level of mutual overlooking from the existing raised terrace and whilst the proposal increases the depth of the terrace this does not significantly impinge on neighbouring amenity.
- 5.13 No.2A is at a lower ground level than the application site given the gradient in Mulberry Lane which increases in a northerly direction. The north facing dining room window of no.2A is the only clear glazed opening in the facing elevation. This allows an open aspect to the north-east as viewed from the dining table which will be lost as a result of the proposed side extension, however given the oblique view and intervening distances it is not considered of such harm to refuse.
- 5.14 No significant increase in loss of light, outlook or privacy to surrounding properties is considered to result from the proposed side extension, infill rear extension, or increased depth of the terrace, including raised swimming pool, by reason of the orientation of the buildings and the fact that the property already benefitted from a raised terrace, albeit smaller.

5.15 CIL

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy.

5.16 Human Rights

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.

5.17 Equality Act

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.

## **RECOMMENDATION**

## **REFUSE**

The reason for refusal is:

The proposed side extension by reason of its height and width, and proximity to Mulberry Lane, would be considered to result in a cramped and incongruous development detrimentally affecting the sense of space, openness and character at the junction of Mulberry Lane and Havant Road when approaching from both the north and south. As such the development is considered contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).

This page is intentionally left blank

# Agenda Item 12

22/01761/CPL

WARD: CENTRAL SOUTHSEA

119 BATH ROAD, SOUTHSEA, PO4 0HX

**APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT FOR THE PROPOSED CONSTRUCTION OF REAR DORMER AND INSTALLATION OF ROOFLIGHTS TO FRONT ROOFSLOPE**

**LINK TO ONLINE DOCUMENTS:**

[22/01761/CPL | Application for certificate of lawful development for the proposed construction of rear dormer and installation of rooflights to front roofslope | 119 Bath Road Southsea PO4 0HX](#)

**Application Submitted By:**

Carl Architect Ltd

FAO Mr Carl Leroy-Smith

**On behalf of:**

Janet Andrews

**RDD:** 23<sup>rd</sup> December 2022.

**LDD:** 28<sup>th</sup> February 2023.

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee for determination as the employee is a current employee of the Council.

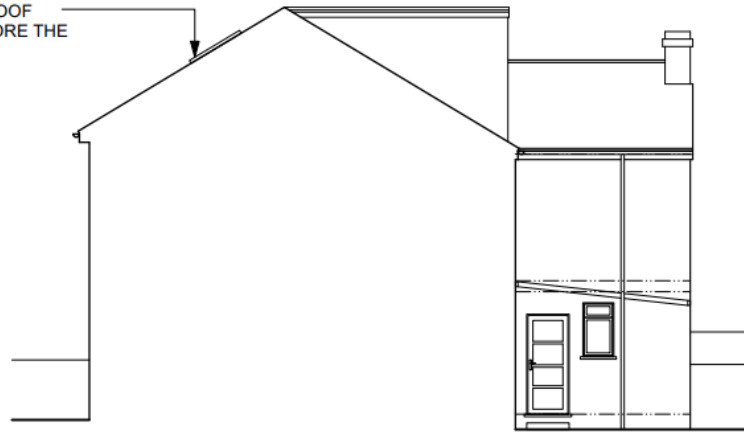
## **2.0 SITE AND SURROUNDINGS**

2.1 The application site relates to a two-storey mid-terrace dwelling situated on the west side of Bath Road close to the junction of Devonshire Avenue. The surrounding area is predominantly residential and characterised by rows of terraced properties of a similar size and design.

## **3.0 PROPOSAL**

3.1 A Certificate of Lawful Development is sought for the construction of a rear dormer to enable the use of the roof space as two bedrooms, and for an installation of two rooflights in the front roof slope.

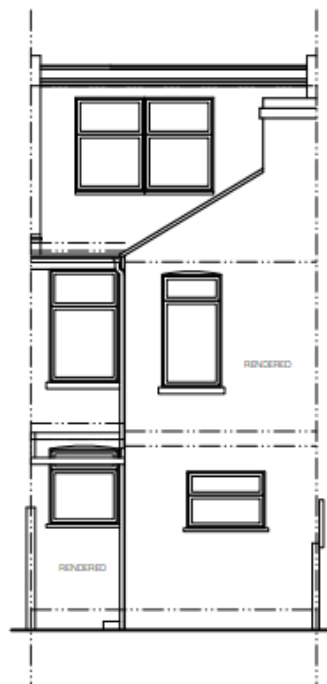
ROOF WINDOWS TO FRONT ROOF  
SLOPE NOT TO PROTRUDE MORE THE  
150MM



4 Proposed South Elevation  
Scale: 1:100

3.2

TO BE SIMILAR  
STING



2 Proposed West Elevation  
Scale: 1:100

3.3

#### DORMER VOLUME CHECK

$$3.64 \times 2.54 \times 0.5 = 4.63\text{m}^2$$

$$4.63\text{m}^2 \times 5.86\text{m} = 27\text{m}^3$$

## 4.0 PLANNING HISTORY

4.1 No relevant planning history

## 5.0 POLICY CONTEXT

5.1 The General Permitted Development Order 2015 (GPDO) (as amended).

## **6.0 CONSULTATIONS**

6.1 None.

## **7.0 REPRESENTATIONS**

7.1 N/A.

## **8.0 COMMENT**

8.1 The only consideration within this application is: whether or not the proposals comply with the GPDO, Schedule 2, Part 1, Classes B and C (dormers to be considered under class B, rooflights are considered under class C).

### **8.2 Dormer, Class B**

The stated dormer dimensions are:

$$3.64 \times 2.54 \times 0.5 = 4.63\text{m}^2$$

$$4.63\text{m}^2 \times 5.86\text{m} = 27\text{m}^3$$

I calculate the former to be c.  $27\text{m}^3$ , this results in a dormer with a volume less than the limit of  $40\text{m}^3$  (in the case of a terraced house) as there are no prior extensions to the roof space. Other key criteria of the GPDO are that the dormer shall not front the highway, nor extend above the roof ridge, and be finished in materials similar to the existing roof. The proposal complies in these regards, and the more minor ones, also.

### **8.3 Rooflights, Class C**

The key criteria of Class C is that a rooflight shall not protrude more than 0.15 metres beyond the plane of the roof slope, the proposal complies. The proposed development meets all requirements under the GPDO classes B and C.

The development should therefore receive a Certificate of Lawful Development.

## **9.0 RECOMMENDATION - Grant CLUD**

This page is intentionally left blank