



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 4 OCTOBER 2023 AT 10.30AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services
Email: Democratic@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors Chris Attwell (Chair), Lee Hunt (Vice-Chair), Hannah Brent, Peter Candlish, Raymond Dent, Asghar Shah, John Smith, Judith Smyth, Mary Vallely and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Matthew Atkins, George Fielding, Lewis Gosling, Ian Holder, Mark Jeffery, Steve Pitt, Darren Sanders, Russell Simpson and Daniel Wemyss

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

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

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

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the previous meeting held on 13 September 2023 (Pages 5 - 14)**

- 4** **23/00855/FUL 85 Chichester Road, Portsmouth PO2 0AG** (Pages 15 - 24)
Change of use from a class C3 dwellinghouse to a 8-bed/ 8 person house in multiple occupation.
- 5** **23/00706/FUL 281 Chichester Road, Portsmouth PO2 0AW** (Pages 25 - 34)
Change of use from dwellinghouse (class C3) to purposes falling within class C3 (dwellinghouse) or class C4 (house in multiple occupation).
- 6** **23/00320/FUL 275 Laburnum Grove, Portsmouth PO2 0EY.** (Pages 35 - 46)
23/00320/FUL Change of use from dwellinghouse (class C3) to purposes falling within class C3 (dwellinghouse) or class C4 (house in multiple occupation)
- 7** **23/ 00963FUL Almondsbury Road, Portsmouth PO6 4LZ** (Pages 47 - 52)
Construction of 3no. access ramps to the verge of Almondsbury Road.
- 8** **23/00896/VOC Southsea Seafront from Long Curtain Moat in the West to Eastney Marine Barracks in the East** (Pages 53 - 74)
Application to vary condition 1 (approved plans) of planning permission 22/01720/VOC: 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 5no. grade 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. This application under section 73 of the town and country planning act 1990, seeks approval of amended plans relating to sub-frontage 3 (Southsea Common) and is accompanied by the original environmental statement (July 2019) with the first addendum (May 2021), second addendum (December 2022) and new addendum (July 2023) and updated appendices.
- 9** **23/00895/LBC Removal and Repositioning of 9no. grade II listed lamp columns along the seafront** (Pages 75 - 88)
Southsea West Beach, Clarence Esplanade, Southsea.

Note: the attached report is for this and the next two applications.
- 10** **23/00897/LBC Removal and Repositioning of 5no. grade II listed monuments, to include new plinths, along the seafront at Clarence Esplanade.**
- 11** **23/00898/LBC Works to the Grade I Listed Portsmouth Naval War**

Memorial to include raising of existing planters and seating (to south of memorial), provision of new level access from the new raised promenade, installation of recessed flood board fixing channels and associated re-grading of Southsea Common.

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.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 13 September 2023 at 10.30am 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)
Lee Hunt (Vice-Chair)
Peter Candlish
Raymond Dent
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
Gerald Vernon-Jackson CBE

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.

120. Declaration of Members' Interests (AI 1)

23/00196/FUL 253 Powerscourt Road, Portsmouth PO2 7JJ

Councillor Raymond Dent declared a personal interest; the applicant is an acquaintance. In response to a question from the Legal Advisor, he confirmed that he would remain for that item to vote.

121. Apologies (AI 2)

Councillor Hannah Brent sent her apologies for absence and Councillor Vernon-Jackson sent his for being late.

122. Minutes of the Previous Meeting held on 23 August 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 23 August 2023 be agreed as a correct record.

The supplementary matters report and deputations (which are not minuted) can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 13th September, 2023, 10.30 am Portsmouth City Council](#)

123. 22 Montgomerie Road, Southsea PO5 1ED - 22/01658/FUL (AI 4)

The Assistant Director, Planning and Economic Development presented the report and drew Members' attention to the Supplementary Matters report which included clarification regarding room sizes and notice that an appeal for non-determination had been made. There was no change to the officer's recommendation.

Deputations.

Ms C Wells, agent.

RESOLVED that the proposal is considered to be development requiring planning permission due to the intensity of use of the accommodation, the impact on parking, waste, amenity, neighbouring residents and the living conditions of occupants.

Members' Questions.

In response to members' questions, officers clarified that:

- The committee is required to determine whether one additional resident would have a detrimental impact on amenities.
- Bicycles would be taken through the house to the storage area in the garden.
- The lounge would be converted into the additional bedroom.
- The room sizes would not change.
- Members and officers can disagree on the definition of an ensuite facility.
- The only reason that the Planning Inspector rejected the application was the failure to mitigate against the increased impact on the Special Protection Area.

Members' Comments

Members raised concerns regarding:

- Bedrooms six and seven being smaller than the council's minimum size standards.
- The area is oversubscribed with HMOs.
- Access to the rear of the property for occupants with their bicycles.

Councillor Lee Hunt stated that there is no question that this is a government-driven policy to increase accommodation within areas that are already intensely residential. For thousands of people, this is a huge concern.

He said that he had been accused on social media of taking bribes to allow HMOs to be granted planning permission, an accusation that he refuted. He explained that the council is shackled by government policy and that the council is unfairly already in disrepute for just considering HMOs in the eyes of some residents.

The Legal Advisor stated that he was sorry to hear that Councillor Hunt had endured such comments and asked him to bring any concerns to the City Solicitor & Monitoring Officer. The Legal Advisor reminded the Committee that only the development plan and material planning considerations could lawfully influence planning committee decision-making.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.**
- **Cycle storage be provided.**

124. 253 Powerscourt Road, Portsmouth PO2 7JJ - 23/00196/FUL (AI 5)

The Assistant Director, Planning and Economic Development presented the report.

There were no deputations.

Members' Questions.

In response to members' questions, officers clarified that:

- Bicycles would be taken through the house to access the storage area at the rear.
- There are no deputations for this application.
- The representations are detailed in paragraph 4.1 of the report.
- The HMOs in the vicinity are shown in the presentation.

Members' Comments

There were no comments.

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

125. 32 Margate Road, Southsea PO5 1EZ 21/00489/FUL (AI 6)

The Assistant Director, Planning and Economic Development presented the report.

There were no deputations.

RESOLVED that the proposal is considered to be development requiring planning permission due to the intensity of use of the accommodation in a very built-up area with a mix of HMOs over 50% and the adverse impact on residential amenity and the environment.

Members' Questions.

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

- The provision of bathrooms and toilets is considered sufficient.
- There are some inaccuracies in the plans regarding the first-floor bathroom and the second-floor shower rooms.

Members' Comments

Members raised significant concerns regarding the cumulative detrimental impact on residents' amenities from so many HMOs each adding one occupant.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.**
- **Cycle storage be provided.**

126. 33 Darlington Road, Southsea PO4 0ND - 23/00207/FUL (AI 7)

Councillor Vernon-Jackson arrived at 11:34 partly through this item. He had no interests to declare and took no part in the discussion nor vote for the application.

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which contained a letter from Councillor Gerada.

Deputations.

Councillor Mary Vallely read out the letter from Councillor Gerada.

Ms C Wells, agent.

RESOLVED that the proposal is considered to be development requiring planning permission due to the increase from a change from C4 to multiple occupation which has an adverse impact on residential amenities in a highly built-up area already oversubscribed with 25% of properties in multiple occupation which has an impact on residents by virtue of parking, noise, waste, sewerage and impacts on the SPA.

Members' Questions.

In response to members' questions, the following points were clarified:

- The lounge on the ground floor would be bedroom 7.
- Every room except the lounge and bathrooms is a bedroom.
- Sufficient bins are provided; two 240l bins, one for recycling and one waste. This is the same for a 6 bed or family home.
- Cycle storage has not yet been constructed. It would seem that taking bicycles through the house would be the standard approach.

Members' Comments

Members raised significant concerns regarding:

- The cumulative detrimental impact on residents' amenities from so many HMOs each adding one occupant. This area is already oversubscribed with 25% of properties being shared accommodation.
- It is an insidious attack on neighbourhoods. In her deputation, Councillor Gerada had described the detrimental impact that is felt in areas that are already oversubscribed with HMOs.
- Sometimes it is argued that a shared house people living almost as a family living together but it is not normal to have all rooms bar one as a bedroom.
- It is important not to give people false hope that we are able to defend refusals at appeal and then burden Portsmouth taxpayers with the cost.
- It is important to ensure that cycle storage is provided.
- There is inadequate communal living space. The kitchen cannot be considered communal space as there is no room for sitting with friends. However, it was noted that at least it there was no door at the end of the extension.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**

- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.**
- **Cycle storage be provided.**

127. 49 Cleveland Road, Southsea PO5 1SF - 20/00748/FUL (AI 8)

The Assistant Director, Planning and Economic Development presented the report.

Deputations.

Ms C Wells, agent.

RESOLVED that this application does require planning permission on the grounds that the change of use from C4 to 7 person with the lounge changing into a bedroom with impact on residential amenity and intense use of the building within this highly built-up area with 43.8% of properties being HMOs and the cumulative impact on parking, noise, waste, sewerage and impacts on the SPA.

Members' Questions.

In response to members' questions, the following points were clarified:

- The sizes shown are correct.
- The minimal size for a single bedroom is 6.51m² and the communal space must be 34m². However, if the bedroom is larger than 10m², only 22.5m² communal space is required.
- The plans are illustrative; the actual kitchen size will depend on advice from the developer's kitchen fitters. There are minimal sizes for kitchens under the separate HMO licensing regime. It is the same for both 6 and a 7-bed houses. A minimum work surface of 2.5m x 0.5m must be provided. However, the layout is not a consideration for this committee.
- Even though the council's adopted standards state that six people can live in the same space as seven, the developers have tried to improve the living space. The occupant of bedroom six would now share a shower room rather than have an ensuite. All the occupants have use of a kitchen/ diner and a utility room. 29.21m² total living space.
- It is understood that the cycle store would be in the narrow outdoor space. The cycle storage requirement is the same for six and seven people, so they should have already provided storage.
- The plans show one bin behind the other.
- The layout of the bathroom is not an unusual configuration.

Members' Comments

Members raised concerns regarding:

- Insufficient combined living space for seven people. Although it does just about meet the standards, it is unreasonable to assume that people would socialise in the utility room and if they did it would be noisy for the occupants of the adjoining bedrooms. This is exacerbated by the fact that the only place to sit outside is opposite the bike shed.
- The net effect of effectively creating a new HMO in these three roads.

- The residential amenities are poor and this change would be an over-development of this property.
- It is not normal to have bedrooms in the front rooms.
- The area is oversubscribed with HMOs area.
- The configuration of the bathroom is poor.

Members felt that plans on future applications should include the location of cycle stores.

RESOLVED to refuse planning permission as the communal living space is considered to be inadequate in size to provide an adequate living environment for future occupiers contrary to Policy PCS23 of the Portsmouth Plan.

128. 49 St Pirans' Avenue, Portsmouth PO3 6JE - 23/00736/FUL (AI 9)

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which contained a correction to paragraph 4.1. The application has eight objections as noted in paragraph 1.1, and was called-in by Councillor Sanders not Councillor Swann. Cllr Smith left the meeting for a period of this item so did not participate in it once he returned to the room.

Deputations.

Ms C Wells, agent.

The Chair noted that this application requires planning permission.

Members' Questions.

In response to members' questions, the following points were clarified:

- The Assistant Director did not know whether members had visited this property.
- The additional room is marked on the plans as bedroom no. 7 on the ground floor. It was previously a lounge.
- The bicycle store is not shown in the plans but would be in the garden. There is adequate space for this.
- The bicycles would have to be taken through the house.
- There is a pinch point in the kitchen between the projecting peninsulas for the breakfast bar. This is an adequate space to get a bicycle through. This is an illustrative drawing. There would need to be a clear space underneath the rising staircase to access the kitchen door. The dotted line on the plan shows where the staircase goes above head height.
- The developers used the prior notification process to build a substantial extension, 34m².

Members' Comments

Members raised concerns regarding:

- When the application was submitted for a six-bedroom property, the developer had been indignant at the suggestion that they would be returning shortly with an application for an additional occupant.
- There is nothing wrong with the layout.
- Only 2.1% of the properties in the area are HMOs.

RESOLVED to grant planning permission in accordance with the officer recommendation.

129. 55 Bedhampton Road, Portsmouth PO2 7JX (AI 10)

The Assistant Director, Planning and Economic Development presented the report.

Deputations.

Simon Hill, for the applicant and gave an information pack to the committee.

The Chair noted that this application requires planning permission.

Councillor Hunt challenged the reading of a note by Councillor Smith on behalf of Councillor Swann and sought a legal opinion. The legal officer was concerned that the deputation request had been made too late to be included even in the Supplementary Matters report. An adjournment was taken for the legal officer to advise the Chair. Following the adjournment, the Chair did not invite Councillor Smith to read the note.

Members' Questions.

In response to members' questions, officers clarified that:

- Different standards are applied for shower rooms and bathrooms as more floor space is required for a bathroom.
- In the deputation, the agent had mentioned the possibility of enlarging bedroom 7 and reducing the size of bedroom 6. Making a normalisation between them would be considered perfectly reasonable.
- Bedroom 6 is a full height room. Rather than allow the eaves in bedroom 7 run to the floor, the developer is proposing putting in a wall at the sides. Even though it will be slightly truncated, it will exceed the minimum room size and have adequate head height.
- In the new licensing conditions that were agreed two weeks previously, there is a requirement that landlords must share contact details with neighbours. These type of management issues are being well dealt with in the new licensing regulations.
- The provision of cycle storage is included in the conditions proposed in the officers' report.

Members' Comments

Members raised concerns regarding:

- The committee is aware that some HMOs are being sold for family homes.
- The committee has been driving up the standards for HMOs.
- The rules are clear, if applications are not compliant, they should not be approved. The room sizes have been made as small as possible. If the bathroom was converted into a shower room the application would be complaint.
- There was a discussion regarding the benefits of having showers rather than baths.

RESOLVED to grant planning permission in accordance with the officer recommendation.

130. 78 Stubbington Avenue, Portsmouth PO2 0JG - 23/00363/FUL (AI 11)

Councillor Lee Hunt left the meeting at 1pm.

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which stated that there is a typographic error in paragraph 5.5; the last line should read ensuite B7.

Deputations.

Daryn Brewer, agent.

RESOLVED that this application does require planning permission as it is highly developed area with lots of pressure and this will add to it with rubbish, noise, anti-social behaviour, water and pressure on parking.

Members' Questions.

In response to members' questions, the officer clarified that:

Cycle storage is not shown on the plans therefore a condition would be a possible precautionary measure.

Members' Comments

There were no comments.

RESOLVED to grant planning permission with conditions on time limit, approved plans, cycle storage and steps to mitigate the impact on the SPA.

131. 27 Down End Road, Portsmouth PO6 1HU - 23/00788/HOU (AI 12)

The Assistant Director, Planning and Economic Development.

Deputations.

There were no deputations.

Members' Questions.

There were no questions.

Members' Comments

There were no comments.

RESOLVED to grant planning permission in accordance with the officer's recommendation.

132. 114 Queens Road, Portsmouth, Fratton, Portsmouth PO2 7NE - 23/00278/FUL (AI 13)

The Assistant Director, Planning & Economic Development presented the report and drew members' attention to the SMAT which stated the following change of description:

Change of use from purposes falling within dwelling house (Class 3) to 7 person house in multiple occupation sui generis. The explanation is attached to the SMAT.

He stated that this application requires planning permission.

Deputations.

There were no deputations.

Members' Questions.

In response to members' questions, the officer explained that:

- The council's standards state that 11m² is the adopted size for double occupancy.
- The private sector housing team is responsible for enforcement and monitoring the management of the property.
- The landlord may choose to let both rooms on the top floor to a couple with exclusive rights of access. The narrow non-habitable room could be used as a study or sitting room. Another option is that the room be used as a cinema.
- If the room were to be used as a bedroom, a smaller bed could be put in or a larger one could be re-orientated.
- As stated in the SMAT, it expected that the window would be changed to match that of permitted development; any development below 1.7m internal floor level must be obscurely glazed and fixed shut. Therefore, the fan light at the top which is above that level can be clearly glazed and open to allow ventilation.
- A simple fan would provide sufficient ventilation. Building regulations is responsible for ventilation.
- A condition could be imposed limiting the number of occupants.

Members' Comments

- Members raised asked that their concerns be passed on to the Private Sector Housing Team.
- They do not want to create a precedent allowing every room over 11m to have two occupiers.
- There is a significant risk that this property would end up with eight occupants.
- It is not possible to have a bedroom that is airless.
- It would be better to have the top rooms for a couple.

RESOLVED to grant planning permission in accordance with the officer recommendation and a condition to limit occupation to 7 persons.

The meeting concluded at 1.15pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

23/00855/FUL

WARD: NELSON

85 CHICHESTER ROAD PORTSMOUTH PO2 0AG

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8- BED/8 PERSON HOUSE IN MULTIPLE OCCUPATION

[23/00855/FUL | CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION | 85 CHICHESTER ROAD PORTSMOUTH PO2 0AG](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM

On behalf of:

McKay

RDD: 07 July 2023

LDD: 10 October 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (7) including an objection and call-in request of Councillor Fazackarley

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

- The principle of development;
- The standard of accommodation;
- Impacts on amenity of neighbouring residents;
- Parking;
- Waste;
- Impact on the Solent Protection Area; and
- Any other material considerations.

1.3 Site and surroundings

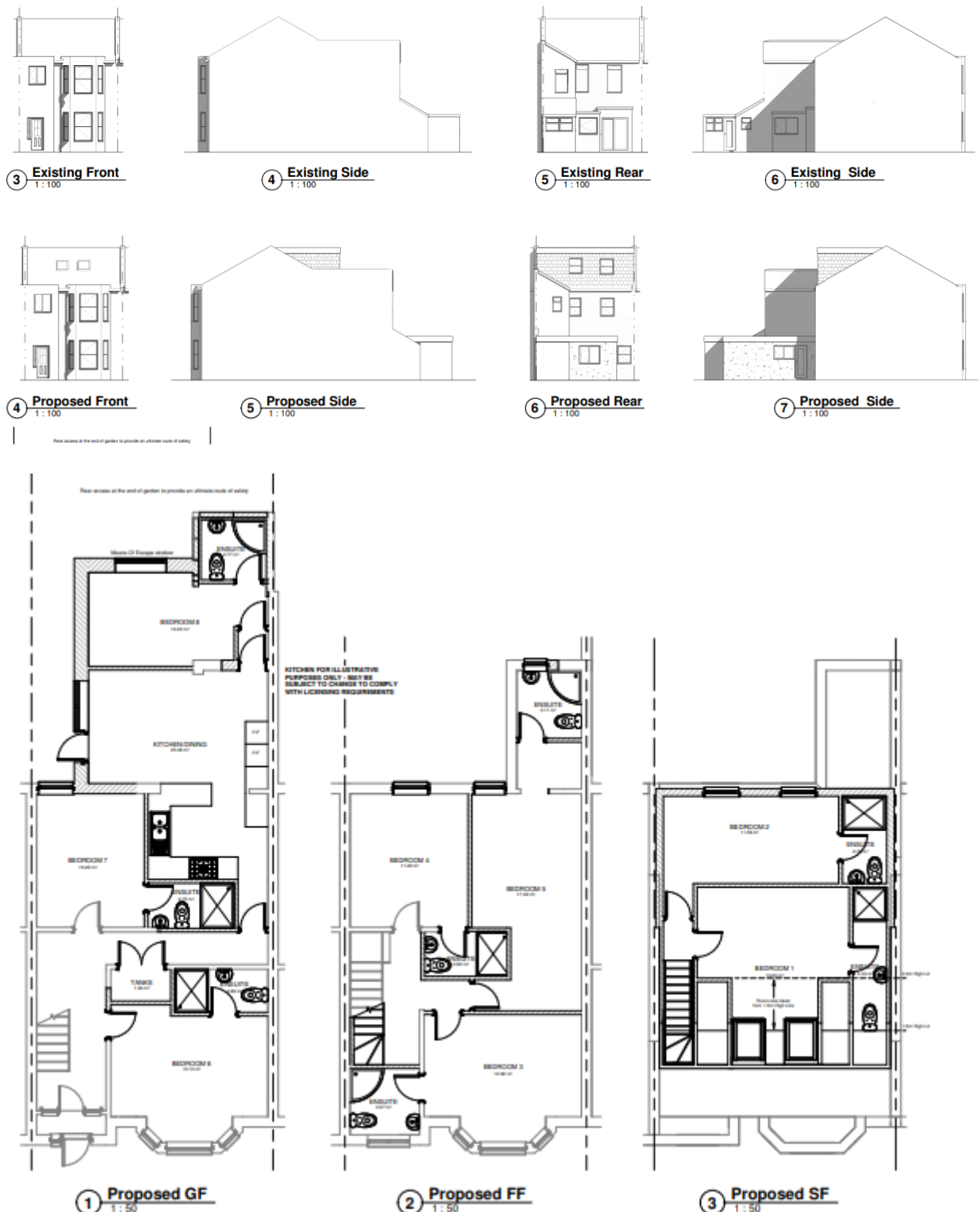
1.3 The application relates to a two-storey (to eaves height), mid terrace dwellinghouse (Class C3) located on the north side of Chichester Road close to the junction with Beresford Road. The building as existing has a double bay at the front. There is a two storey element at the rear with a single storey element with a pitched roof to which has been added a flat roof conservatory. The property features a rear garden. The existing layout features a lounge, dining room, kitchen and utility room as well as the conservatory on the ground floor, and 3 bedrooms and a box room and a bathroom on the first floor.

2.2 The application site falls within a residential area characterised by rows of two-storey terraced properties. To the east of the site is Copnor Road, which features a number of shops, services and public transport routes, and closer to the west is North End local centre.

1.4 The Proposal

1.5 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful use of as a C3 dwelling to a 8 bedroom/8 person house in multiple occupation.

- 1.6 To accommodate the 8 rooms to the required space standard a flat roof single storey extension is proposed to replace the conservatory and a dormer is proposed at the rear. These physical alterations fall within the limits of 'permitted development'. These would be supplemented by a 'Prior Approval' extension, as set out below in 1.7.



1.7 Planning History

- 1.8 23/00033/GPDC, Construction of a single storey rear extension extending 6 metres from rear wall with a maximum height of 3m and measuring 2.8 metre to the eaves. Prior Approval not required. 21/06/2023.

2.0 POLICY CONTEXT

- 2.1 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).
- 2.2 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 Updated Nutrient Neutral Mitigation Strategy (2022), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD')

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: would require to be licensed under Part 2 of the Housing Act 2004. No adverse comments in relation to the proposed size and layout. It will be inspected by the Private Sector Housing Team to ensure it meets licensing requirements.
- 3.2 Highway Authority: Chichester Road is a residential road, with bus stops and limited amenities in the close vicinity. No traffic assessment has been provided however given the small scale of the development, satisfied that the proposal would not have a material impact on the local highway network. The proposed application seeks to convert an existing 3 bedroom residential dwelling to a 8 bedroom HMO. Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 8 bedroom HMO is 2 spaces and 4 cycle spaces. 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 of the application site. Therefore, there is the potential for increased instances of residents driving around the area hunting for a parking space, although this is an issue of residential amenity, which requires due weight in determination of the planning application. Cycle store is outlined within the rear garden and considered sufficient to meet the demand.

4.0 REPRESENTATIONS

- 4.1 7 objections received, including one from Councillor Fazackarley, summarised as:
- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems particularly in the evenings;
 - b) Noise and disturbance and antisocial behaviour;
 - c) Increase in water use
 - d) Too many HMOs in the area
 - e) Congestion
 - f) Loss of a family home;
 - g) Building vans and delivery vehicles parked dangerously;
 - h) Increase in fire risk;
 - i) Increase in crime
 - j) Waste and building rubbish being dumped
 - k) Overcrowding - too many rooms for the size of property
 - l) Mixture of people from different countries and cultures leads to problems
 - m) Structural changes have already take place with no Party Wall Agreements or input from Building Control
- 4.2 1 letter of support:
- 1. Provides more housing
 - 2. Easier to mover individuals for anti social behaviour

3. No need for a car as there are good public transport links
4. Parking issues cannot all be blamed on HMOs as single families have multiple cars

5.0 COMMENT

5.1 The main issues to consider in the determination of this application are, whether the proposal is acceptable in principle, the standard of accommodation, the impact on the amenity of neighbouring residents, parking, provision to be made for the disposal of waste, impact on the Solent Protection Area and any other material considerations. The potential behaviours, character and cultures of future occupants and the building works taking place are not material in this case.

5.2 Principle

5.3 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.

5.4 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 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.

5.5 HMO Policy

5.6 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).

5.7 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.

5.8 Based on the information held by the City Council, of the 69 properties within a 50-metre radius of the application site, there is currently one other HMOs as shown in **Figure 4** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or

omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

- 5.9 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 2.8% This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

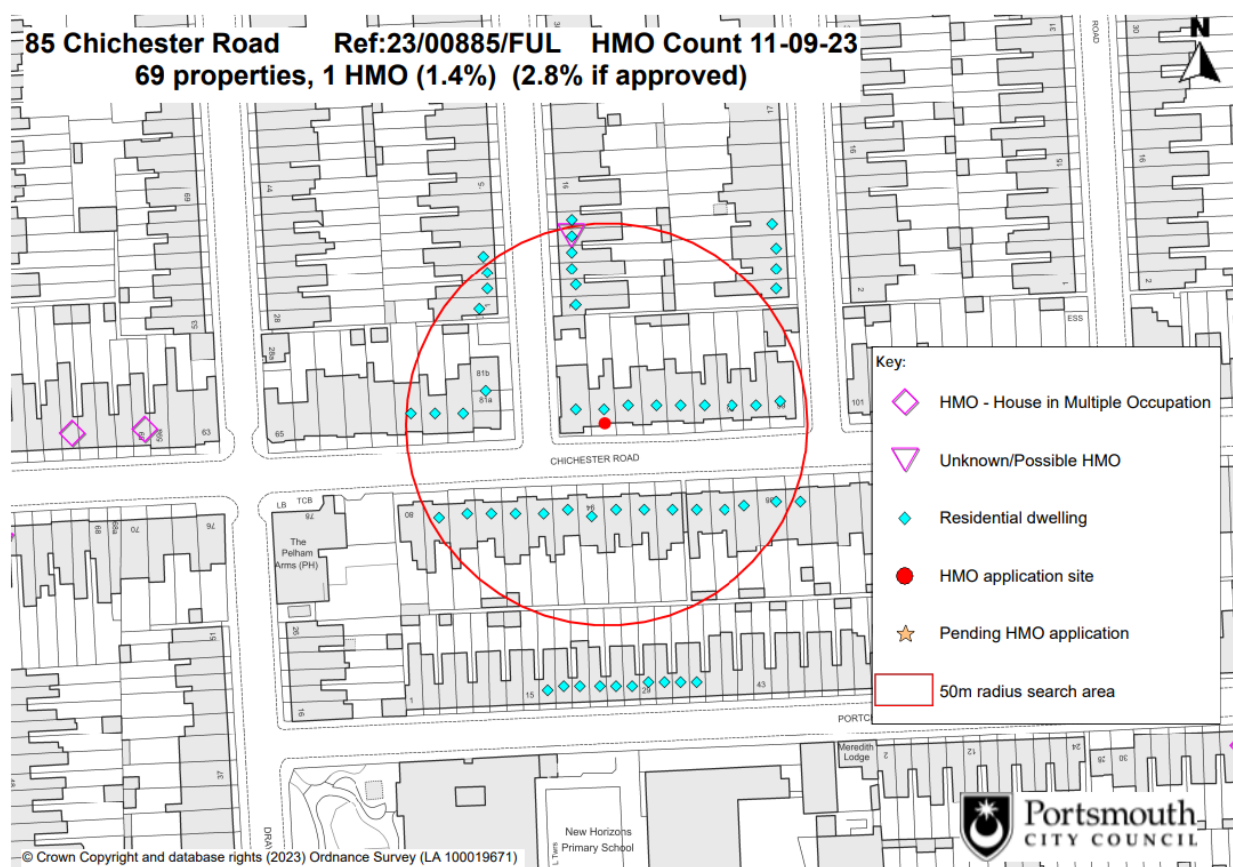


Figure 4 HMO's within 50m radius tbc

- 5.10 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

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

5.12 Standard of accommodation

- 5.13 The repurposing of internal rooms to accommodate the additional occupants within this proposal will 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:

Room	Area Provided	Required Standard
Bedroom 1	13.04m ²	6.51m ²
Bedroom 2	11.59m ²	6.51m ²
Bedroom 3	12.82m ²	6.51m ²
Bedroom 4	11.20m ²	6.51m ²
Bedroom 5	17.64m ²	6.51m ²
Bedroom 6	13.13m ²	6.51m ²
Bedroom 7	10.22m ²	6.51m ²
Bedroom 8	10.23m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	23.46m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ground floor tanks room	1.36m ²	n/a
Ensuite bathroom 1	3.44m ²	2.74m ²
Ensuite bathroom 2	2.75m ²	2.74m ²
Ensuite bathroom 3	3.27m ²	2.74m ²
Ensuite bathroom 4	2.60m ²	2.74m ²
Ensuite bathroom 5	3.11m ²	2.74m ²
Ensuite bathroom 6	2.86m ²	2.74m ²
Ensuite bathroom 7	2.75m ²	2.74m ²
Ensuite bathroom 8	2.77m ²	2.74m ²

Table 1 - HMO SPD (Oct 2019) compliance

Figure 5 Proposed Floorplans

- 5.14 All rooms meet the required space standards and the proposal is considered to provide a good standard of living for future occupiers, with a good standard of light and outlook.
- 5.15 There is no requirement for outdoor amenity space within the HMO SPD. However the property benefits from a small rear garden, part of which would be taken up by bike storage, however the space is still considered to be useable and provide opportunity for sitting out. There is space for 2 bins in the front forecourt.
- 5.16 Impact on neighbouring living conditions
- 5.17 In terms of the impact on the living conditions of the adjoining occupiers whilst there would be an increase in activity within and coming and going from the property the increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area.
- 5.18 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.

- 5.19 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.20 Highways/Parking
- 5.21 Chichester Road is a residential road, with bus stops and limited amenities in the close vicinity. No traffic assessment has been provided however given the small scale of the development, the proposal would not have a material impact on the local highway network. Whilst there would be a shortfall of 0.5 vehicle spaces despite the lack of a parking survey to demonstrate there is street capacity or if additional demand resulting from the development can be accommodated within a 200m walking distance of the application site, the potential for increased instances of residents driving around the area hunting for a parking space is not considered to result in some loss of residential amenity it is not to such a degree as to warrant refusal. A cycle store for 4 cycles is proposed within the rear garden additional demand.
- 5.29 Waste
- 5.30 The storage of refuse and recyclable materials can be accommodated in the front forecourt. It is not considered necessary to require details of formalised waste storage.
- 5.31 Impact on Special Protection Areas
- 5.32 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. An appropriate Assessment has been undertaken and agreed by Natural England. This mitigation can be secured through a s111 agreement.
- 5.33 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.34 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.
- 5.35 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.
- 5.36 Other Matters raised in the representations
- 5.37 Concerns have been raised over character and potential criminal activities of future occupants. This is not a valid planning issue.

- 5.38 The loss of the use as a family home is not considered to be defensible in policy, the change of use is considered to be acceptable in policy as established above.
- 5.39 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.
- 5.40 The impact on property values is not a material planning consideration.
- 5.41 The other matters raised by residents have been covered within the report.

6.0 CONCLUSION

- 6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan

RECOMMENDATION

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 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 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 drawing - Drawing number: PG.8054.234 rev A.

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.

PD Works

- 4) Prior to the occupation of the property as a House in Multiple Occupation for 8 persons, the single storey rear extension and rear dormer proposed to be constructed within permitted development allowances, and Prior Approval 23/00033/GPDC, shall be completed.

Reason: to ensure that an adequate standard of accommodation is provided to comply with Policy PCS23 of the Portsmouth Plan.

Water Efficiency

- 5) Prior to first occupation of the property as a House in Multiple Occupation, written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the property has achieved a maximum water use of 110 litres per person per day.

Reason: To reduce water usage in the interests of sustainable development and to comply with Policy PCS15 of the Portsmouth Plan.

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Agenda Item 5

23/00706/FUL

WARD: COPNOR

281 CHICHESTER ROAD PORTSMOUTH PO2 0AW

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

23/00706/FUL | CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) | 281 CHICHESTER ROAD PORTSMOUTH PO2 0AW

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr West

RDD: 9th June 2023

LDD: 4th August 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application is brought before Planning Committee due to a call-in request from Councillor Daniel Wemyss due to parking concerns.

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, mid-terrace dwellinghouse (Class C3) located on the northern side of Chichester Road as shown in Figure 1 below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a lounge, dining room, utility room, and kitchen, at ground floor level; three bedrooms, and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area, there are a variety of styles of properties in the area which are predominantly two-storey. One of the properties within the 50m radius has been subdivided into flats, which is 286 Chichester Road.



Figure 1 Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), WC; tanks room, Kitchen/Dining room;
 - First Floor - Three bedrooms (one with a shower, toilet and handbasin ensuite) and a shared shower room (with a toilet and handbasin ensuite);
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant intends to construct a single storey rear extension, a rear/side extension, a rear dormer extension within the main roof and insert two rooflights within the front roof slope under permitted development, as shown in the drawing below, to facilitate the enlargement of the property before undertaking the proposed change of use. The

extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.

- 3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or the ground floor extensions as part of this application. There would be no external operational development forming part of this application with the exception of the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

4.0 PLANNING HISTORY

- 4.1 None relevant.

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.

- 6.2 Highways Engineer -Chichester Road is a classified residential road, with bus stops and limited amenities in the close vicinity. No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

- 6.3 The proposed application seeks to convert an existing 3 bedroom residential dwelling to a 6 bedroom HMO.

- 6.4 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, the parking and cycle requirement remains materially unchanged.

- 6.5 Cycle store is outlined within the rear garden and considered sufficient.

6.6 In light of the above, this proposal does not materially increase the parking demand associated with the site and consequently I would not wish to raise a highway objection to this proposal.

7.0 REPRESENTATIONS

7.1 Five representations have been received objecting to the proposed development, including one from Councillor Swann and one from Councillor Wemyss.

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

- a) Loss of privacy and overlooking;
- b) Parking impacts;
- c) Loss of family housing;
- d) Strain on public services;
- e) Concerns over accuracy of HMO register;
- f) Noise concerns;
- g) Fire safety concerns; and
- h) Impact on family character of the area;
- i) Anti-social behaviour;
- j) Works begun prior to permission;
- k) Lack of party wall agreement;
- l) Increase in pollution; and
- m) Number of HMOs within the area.

8.0 COMMENT

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

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

8.2 Principle of development

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

8.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

8.5 Based on the information held by the City Council, of the 66 properties within a 50-metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 276 Chichester Road as shown in Figure 4 below. Whilst this is the best available data to the

Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.03%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 2 Existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 Standard of accommodation

- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (second floor)	10m ²	10m ²
Bedroom 2 (second floor)	10.12m ²	10m ²
Bedroom 3 (first floor)	10m ²	10m ²
Bedroom 4 (first floor)	10m ²	10m ²
Bedroom 5 (first floor)	10m ²	10m ²
Bedroom 6 (ground floor)	10.11m ²	10m ²
Ground floor shared wc	1.22m ²	1.17m ²
Tank room	0.60m ²	n/a
Communal Kitchen/Dining area (ground floor)	31.28	22.5m ² , as all bedrooms meet or exceed 10m ²
Ensuite bathroom 1 (second floor)	3.63m ²	2.74m ²
Ensuite bathroom 2 (second floor)	2.74m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (ground floor)	2.75m ²	2.74m ²
Shared shower room (first floor)	2.74m ²	2.74m ²

Figure 3 Proposed Floorplans

- 8.11 All of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 8.14 Impact on neighbouring living conditions
- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 8.17 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.18 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO

(bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.

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

8.20 Highways/Parking

8.21 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces, a minor difference. The property has no off-street parking.

8.22 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.

8.23 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.

8.24 Waste

8.25 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

8.26 Impact on Special Protection Areas

8.27 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

8.28 Community Infrastructure Levy (CIL)

8.29 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

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

8.31 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.

8.32 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.

8.33 Other Matters raised in the representations

8.34 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.

8.35 As mentioned the external works would be Permitted Development and therefore considerations against any loss of light or privacy would not be relevant.

8.36 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.

8.37 As stated above, the HMO Database has been reviewed and this initial results checked by the Planning Officer, no further HMOs have been highlighted by local residents or Councillors.

8.38 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.

8.39 Works can begin prior to permission at the applicant's risk, further as mentioned Permitted Development alterations and internal works do not require formal Planning Permission.

8.40 Party wall matters are not material planning considerations.

8.41 All other objections are addressed within the report above or conditions below.

9.0 CONCLUSION

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

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

Approved Plans:

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - TQRQM23086095521851; Dual Use Plan - PG.8041.23.4; and 4 Cycle Storage Shed - 1.

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

Cycle Storage:

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

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

External works:

4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Dual Use Plan - PG.8041.23.4, namely the construction of the rear dormer and single storey extensions, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

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Agenda Item 6

23/00320/FUL

WARD:COPNOR

275 LABURNUM GROVE PORTSMOUTH PO2 0EY

[23/00320/FUL | CHANGE OF USE FROM DWELLINGHOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN CLASS C3 \(DWELLINGHOUSE\) OR CLASS C4 \(HOUSE IN MULTIPLE OCCUPATION\) | 275 LABURNUM GROVE PORTSMOUTH PO2 0EY](#)

Application Submitted By:

Mr Kercher
incollective.works

On behalf of:

Mr Walker

RDD: 14th March 2023

LDD: 9th May 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (19) including an objection from Cllr Benedict Swann.

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

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

2.0 SITE AND SURROUNDINGS

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

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



Figure 1 - Site Location Plan

3.0 THE PROPOSAL

3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.

3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Kitchen-Dining room, Living room, and a WC with handbasin.
- First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite).

- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

3.3 The Applicant intends to construct two small rear extensions, a dormer extension within the main roof and roof alterations as permitted development, as shown below in the drawing below, to facilitate the enlargement of the property before undertaking the proposed development. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.



Figure 2 - Proposed plans

- 3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or side/rear ground floor extension as part of this application. There would be no external operational development forming part of this application with the exception of the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

4.0 PLANNING HISTORY

- 4.1 None.

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 Highways Engineer - no comment

- 6.3 Waste Management - there is suitable space for a 360 litre refuse and a 360 litre recycling bin which is what is required for a 6 bed HMO. The applicant will need to purchase these bins directly from the Council's Waste Management prior to the tenants moving in.

7.0 REPRESENTATIONS

- 7.1 Nineteen representations have been received objecting to the proposed development, including one from Cllr Benedict Swan.

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

- a) Loss of family home from the existing housing stock;
- b) Increase in noise and disturbance, stated number of residents not reliable;
- c) Increase in crime and anti-social behaviour;
- d) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- e) Undue strain on local services and infrastructure, including sewage, drainage and Doctors/Dentists
- f) Too many HMOs within the area, will take the concentration above 10%, this threshold is too high in any event. No faith that HMOs numbers are accurately known.
- g) Concerns about impact on community, natural light reduced, private property encroached, mental health affected.
- h) Noise and pollution from building work;
- i) Work has already started on site;
- j) Negative affect on property prices
- k) Works do not comply with permitted development.
- l) Poor quality of life for occupiers of the proposed HMO
- m) Littering
- n) Not in line with character of area
- o) Concern about Members' declarations and their property ownerships across the city (i.e. types of properties owned), is there a conflict of interest

8.0 COMMENT

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

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

8.2 Principle of development

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

8.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

8.5 Based on the information held by the City Council, of the 67 properties within a 50-metre radius of the application site, there are 2 confirmed HMO (Class C4), Nos. 260 & 285

Laburnum Grove, as shown in **Figure 3** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the confirmed HMOs within a 50-metre radius of the application property the proposal would bring the percentage of HMOs within the area up to 4.4%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

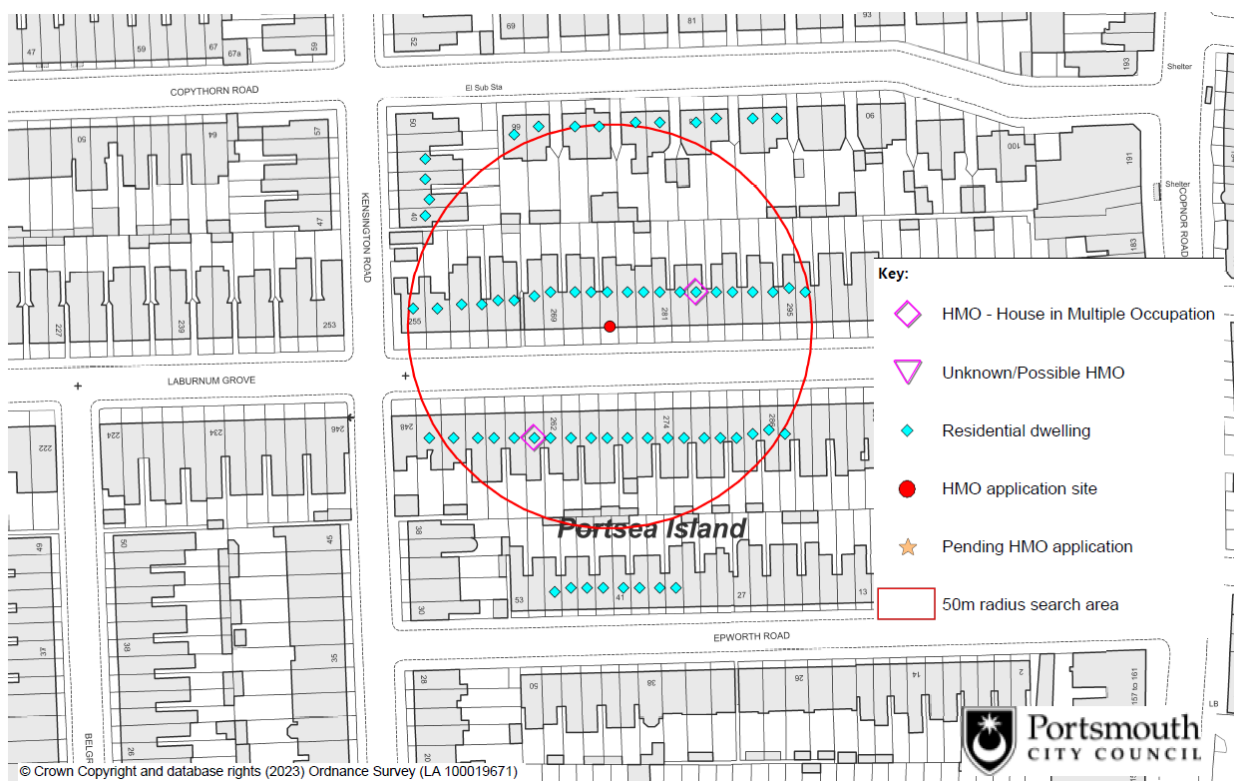


Figure 3 - Existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 Standard of accommodation
- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six

individuals. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	10.00m ²	6.51m ²
Bedroom 2 (first floor)	10.00m ²	6.51m ²
Bedroom 3 (first floor)	10.00m ²	6.51m ²
Bedroom 4 (first floor)	16.14m ²	6.51m ²
Bedroom 5 (loft floor)	12.06m ²	6.51m ²
Bedroom 6 (loft floor)	10.00m ²	6.51m ²
Living room (ground floor)	12.57m ²	Unrequired/additional
Communal Kitchen/Dining area (ground floor)	33.15m ²	22.5m ² , as all bedrooms are or exceed 10m ²
Ensuite bathroom 1 (ground floor)	2.74m ²	2.74m ²
Ensuite bathroom 2 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 5 (loft floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (loft floor)	2.74m ²	2.74m ²
WC (ground floor)	2.74m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.11 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space standards except for combined living/dining room. However the HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements (of 22.5m²) for combined living accommodation in circumstances where all bedrooms are at least 10m² and the accommodation is otherwise acceptable as communal space. On the basis of the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment..
- 8.14 Impact on neighbouring living conditions
- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime or anti-social behaviour than a Class C3 dwellinghouse.
- 8.18 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.19 Through the occupants possibly not acting as a collective and therefore cooking meals and carrying out other activities on an individual basis, it could be regarded that general activity could increase with more coming and goings to the site and within the site. However, the proposal would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to three within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.20 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.21 Highways/Parking
- 8.22 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.23 The C4 element of the proposal compared to the existing property only expects an extra half a parking space. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.
- 8.24 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.25 Waste
- 8.26 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.27 Impact on Special Protection Areas

- 8.28 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 8.29 Community Infrastructure Levy (CIL)
- 8.30 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.31 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.32 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.33 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.34 Other Matters raised in the representations.
- 8.35 Concerns have been raised by neighbouring residents regarding the pressure 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.
- 8.36 While noise from construction work may have an impact on the amenity of neighbours, this is an unavoidable consequence of building work and is not a sufficient reason to withhold Planning Permission. Further work commencing prior to a Permission being granted is not uncommon and is done at the Applicant's own risk.
- 8.67 As mentioned above the rear dormer and rear extensions accord with Permitted Development and therefore the Local Planning Authority cannot give consideration towards the impact of the built form on the neighbour amenity.

9.0 CONCLUSION

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

RECOMMENDATION Conditional Permission

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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:
- PROPOSED FLOOR PLANS - PL 04 REV A
 - PROPOSED ELEVATIONS & SECTION PLAN - PL 05 REV A
 - PROPOSED ELEVATIONS - PL 06 REV A

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

Cycle Storage:

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

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

External works as shown:

- 4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing numbers: namely the construction of the single storey rear extensions, and dormer roof extension, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

Informative

- a) 2 x 360 litre bins are required for a 6 bed HMO. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.
- b) The dual Use Classes C3/C4 (dwellinghouses/3-6 person HMO) hereby permitted allows the property to be used for either use interchangeably, overcoming the need for a new planning permission each time a material change of use from Class C3 to C4 occurs. It should be noted that 10 years from the date of this permission, the flexibility currently afforded by Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ceases and the use of the property at that time becomes the singular lawful use.

Should you wish the property to continue to be used as a dual Class C3/C4 use after the 10-year period, you would need to make a further planning application.

Please inform the local planning authority of the use of the property applicable at the expiry of the 10-year period.

- c) Please be aware that an HMO license may be required. HMO licenses are assessed against new standards that may differ to those used in the Planning process and you are therefore advised to check the licensing requirements and standards prior to occupation. For more information, and to find out about our landlord accreditation scheme please contact the City Council's Private Sector Housing Team using the details below:

Email: housing.privatesector@portsmouthcc.gov.uk

Postal address: Private Sector Housing, Portsmouth City Council, Civic offices, Guildhall Square, Portsmouth, PO1 2AZ.

Phone Number: 023 9284 1659

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Agenda Item 7

23/00963/FUL

WARD:PAULSGROVE

ALMONDSBURY ROAD PORTSMOUTH PO6 4LZ

CONSTRUCTION OF 3NO. ACCESS RAMPS TO THE VERGE OF ALMONDSBURY ROAD

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RYIIMPMOK8G00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RYIIMPMOK8G00)

Application Submitted By:

Mr Louis Clinch
Portsmouth City Council

On behalf of:

Mr James Hill
Portsmouth City Council

RDD: 31st July 2023

LDD: 25th September 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to 41no. letters of objection, and a call-in request from Councillor George Madgwick.

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

- Design;
- Highway matters;
- Amenity impacts upon neighbouring residents;
- Any other raised matters

1.3 Site and surroundings

1.4 This application relates to Council-owned 5no. three storey purpose-built residential blocks of flats sited to the north of Almondsbury Road.

1.5 All blocks have communal gardens to the rear. To the front of the blocks is a grass verge between the pavement and Almondsbury Road. The grass verge is moderately steep and has existing cast concrete steps.

1.6 Each of the 5 blocks has a bin store to the rear that requires the waste collection team to transport the large 1,100L bins from the stores, down the verges or steps to the collection vehicle on the road.

2.0 The Proposal

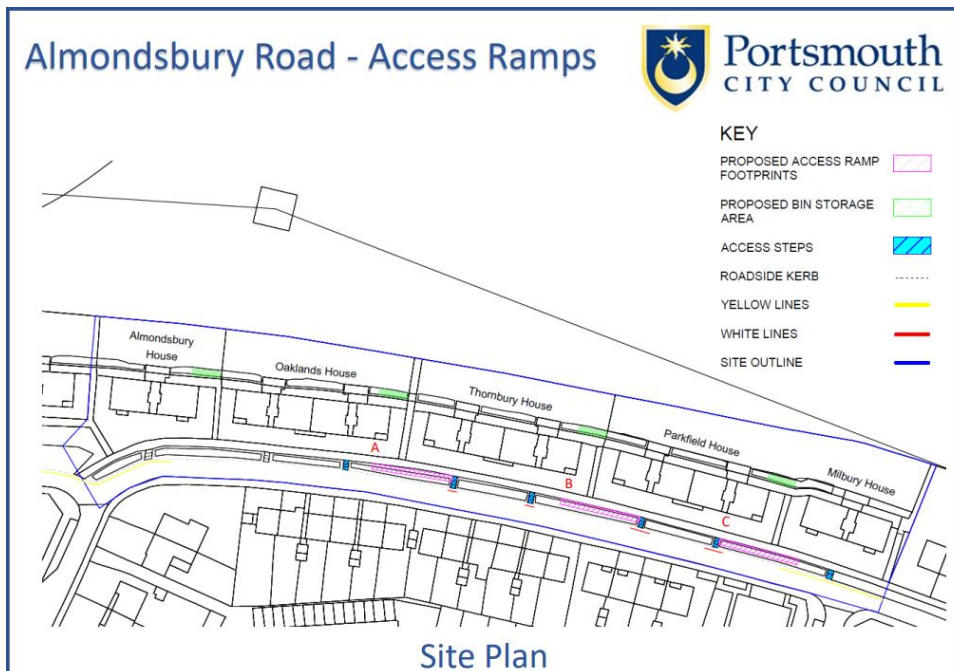
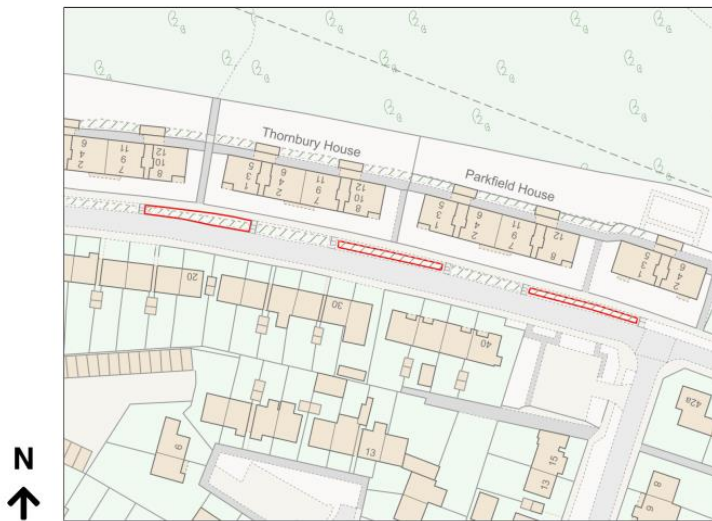
2.1 This application seeks planning permission for the construction of 3no. access ramps to the verge of Almondsbury Road. This would be on the grass verge between Oaklands House and Milbury House and is aimed at creating a safe route of travel for the waste collection team to transport the bins down the verge at Almondsbury Road, whilst also improving wheelchair accessibility to each of the blocks from the road to the pavement.

2.2 The construction would consist of three no. cast in-situ concrete ramps with red engineering facing bricks to the road-side of the new ramps, and a concrete block retaining wall to the verges, with steel hand rails.

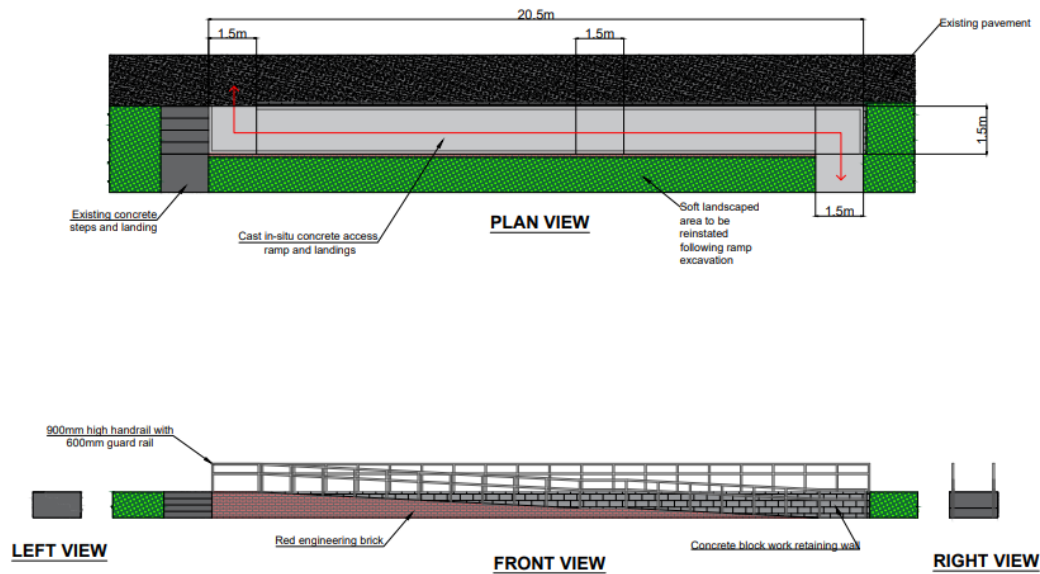
2.3 Due to the restricted width of the verge, a switch back ramp was deemed not to be feasible, therefore the ramps will be of a single directional design, with a top, bottom, and single intermediate landing. Whilst it is not possible to achieve (Approved document H) the guidance travel distances of 25m from the bin stores to the waste collection point, the ramp design proposed significantly reduces the safe travel distance from over 100m to approximately 45m. The provision of the three ramps would also mitigate the risks associated with council staff pushing the bins down the grass verge or steps, and instead allow for the bins to be safely transported.

2.4 In addition, the disabled access to the blocks on Almondsbury Road is poor, with no existing access that allows wheelchair users to access the block from the roadside parking available. The ramps will therefore be fully wheelchair accessible, meeting the standards for wheelchair accessible ramp designs set out within Approved Document M, Approved Document K and BS: 8300.

2.5 Plans:



Access ramp gradient 1:20



BUILDING PROJECTS - ENVIRONMENTAL - ALMONDSBURY ROAD BINS PHASE 1

2.6 Planning History

2.7 None

3.0 POLICY CONTEXT

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport) and PCS23 (Design and Conservation).

3.2 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014).

4.0 CONSULTATIONS

4.1 Highways Engineer

4.2 The proposal would reduce the provision of on street parking, however the reduction would be limited (due to implementation of keep clear linage) and is not considered to result in an unacceptable impact to highway safety or severe impact to the function of the highway.

4.3 Whilst this proposal could increase parking pressure, this is a matter of residential amenity, which you should give due weight when you determine the application.

4.4 Contaminated Land Team

4.5 No condition required.

5.0 REPRESENTATIONS

- 5.1 Forty-one letters of representation received, including from Councillor George Madgwick and Councillor Chris Dike, objecting on the following summarised grounds:
- Loss of on-street parking spaces;
 - Already concerns about parking and safety with the grass verges;
 - Healthy and safety issues due to illegal parking as ramps would restrict safe parking;
 - Have secured a large figure in the recent budget, to harden grass verges to aid in additional parking and the location of those verges is still ongoing. What are the costs?
 - Why the need for the access ramps now after decades of use of wheelie bins by binmen?
 - Disruptions to the bus service & delivery/postal service as well as any emergency vehicles access needed;
 - Waste of funds as this is not needed;
 - Lack of clarity if it is intended to replace the steps with slopes;
 - Lack of proper consultation and impact assessments ;
 - Councillors not consulted on this project prior to a planning application being submitted (*Officer comment: This is not a planning consideration*)

6.0 COMMENT

- 6.1 The main issues for consideration in the determination of the application are as follows:
- Design;
 - Highway matters;
 - Amenity impacts upon neighbouring residents;
 - Any other raised matters

6.2 Design

6.3 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, in particular, respect the character of the streetscene.

6.4 The proposed development (access ramps, retaining walls and galvanised steel hand rails) would be a relatively small scale development that would be viewed against the background of existing residential properties and not result in any significant adverse implications for the streetscene. The materials proposed are acceptable.

6.5 Highway matters

6.6 The Local Highway Authority has commented that the proposal would reduce the provision of on street parking, however the reduction would be limited (due to implementation of keep clear linage) and is not considered to result in an unacceptable impact to highway safety or severe impact to the function of the highway.

6.7 The proposed ramp apart from the landing would be created on part of the existing grass verge between the road and the pavement.

6.8 Based on the submitted Parking Impact Assessment, the landing for the proposed access ramp between Oaklands House and Thornbury House would be by the existing white line at the bottom of access steps to Thornbury House which currently measures 2350mm in width and could potentially be extended by approximately 1m to cover the bottom landing of the access ramp. The extension to the white line could lead to loss of less than 0.5 parking space.

6.9 The landing for the Parkfield House Access ramp would utilise the existing 5m wide white line at the bottom of access steps whilst that to Milbury House would utilise the double

yellow lines that run along the road outside of Milbury House. It is therefore not considered that the proposal would result in detrimental reduction of on-street parking.

6.10 Amenity impacts upon neighbouring residents

6.11 The proposed ramps given the scale would not result in detrimental impacts on residential amenities. Indeed, for those with limited mobility, the ramps would greatly improve their access and so amenity.

7.0 Any other raised matters

7.1 Matters of whether pre-application local consultation (with neighbours and/or councillors) took place are not planning reasons to withhold or defer consent. The same for finances, and whether the change in levels has been accessed up and down by binmen for years.

7.0 RECOMMENDATION

7.1 Approve subject to the following conditions:

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

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

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

- Location Plan
- 001 - Location Plan
- 002 - Site Plan
- 003 - Access Ramp Plans

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

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Agenda Item 8

23/00896/VOC

WARD:ST THOMAS

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

23/00896/VOC | APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF PLANNING PERMISSION 22/01720/VOC: 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. THIS APPLICATION, UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990, SEEKS APPROVAL OF AMENDED PLANS RELATING TO SUB-FRONTAGE 3 (SOUTHSEA COMMON) AND IS ACCOMPANIED BY THE ORIGINAL ENVIRONMENTAL STATEMENT [JULY 2019] WITH THE FIRST ADDENDUM [MAY 2021], SECOND ADDENDUM [DECEMBER 2022] AND NEW ADDENDUM [JULY 2023] AND UPDATED APPENDICES. | SOUTHSEA SEAFRONT FROM LONG CURTAIN MOAT IN THE WEST TO EASTNEY MARINE BARRACKS IN THE EAST (PORTSMOUTH.GOV.UK)

Application Submitted By:

Portsmouth City Council

On behalf of:

Portsmouth City Council

Coastal Partners On behalf of Portsmouth City Council

RDD: 17th July 2023

LDD: 17th October 2023

The Southsea Coastal Scheme is a Flood and Coastal Erosion Management Scheme that stretches approximately 4.7 km along the southern edge of Portsea Island and is split into six sub-frontages. Planning consent was granted for the full scheme in December 2019 (19/01097/FUL) along with a Marine Licence (L/2020/00121/2) and Environmental Impact Assessment consent.

1.0 SUMMARY OF MAIN ISSUES

1.1 Whether the proposed amendments to the approved scheme are appropriate.

2.0 SITE DESCRIPTION

2.1 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 3 (SF3) which is a 453 metre stretch adjacent to Southsea Common from just east of Clarence Pier to east of the Portsmouth Naval Memorial (Sheets 03 and 04). highlighted, below. :



Southsea Coastal Scheme sub-frontages

Figure 1 - Southsea Coastal Scheme Sub Frontages (SF3 Highlighted)

3.0 PLANNING CONSTRAINTS

- 3.1 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 SPA

4.0 POLICY CONTEXT

- 4.1 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.
- 4.2 The application site also falls within the area covered by the Seafront Masterplan SPD (2021).

5.0 RELEVANT PLANNING HISTORY (MOST RECENT FIRST)

- 5.1 The full planning history is set out in Appendix B of the [Design and Access Statement](#) submitted with this application. Of relevance to this application are:

Application Ref.	Proposal	Decision & Date
19/01088/LBC	Removal and relocation of 6no. Grade II Listed monuments - Trafalgar, Chesapeake, Peel Shannon, Aboukir, Trident and Crimean - to include construction of replacement plinths	Grant consent
19/01091/LBC	Raising of existing planters and seating (to south of memorial), provision of new access steps from the promenade and new seating, replacement lighting blocks and associated re-grading of Southsea Common	Grant consent

19/01090/LBC	Removal, refurbishment and relocation of 3 seafront shelters	Grant consent
19/01089/LBC	Removal, repair and relocation of 34no. Grade II Listed lamp columns along the seafront	Grant consent
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

6.0 PROPOSAL

- 6.1 This Section 73 planning application seeks minor amendments to elements of the Scheme that fall within sub frontages 3 (Southsea Common) and 4 (Southsea Castle) through a third application submitted in accordance with S.73 of the Town and Country Planning Act (1990), hereafter referred to as the S73 application. This application seeks to vary Condition 1 (Approved Plans) of the planning consent, with amended plans to supersede specific previously approved plans.
- 6.2 This application is submitted alongside 3no. Listed Building Consent applications, considered elsewhere on this same Committee agenda, relating to the listed structures within sub-frontage 3 of the main scheme: Naval War Memorial, ornamental lamp columns and listed monuments:
- i. 23/00895/LBC - Removal and repositioning of 9no. Grade II Listed lamp columns along the seafront
 - ii. 23/00897/LBC - Removal and re positioning of 5no. Grade II Listed monuments, to include new plinths, along the seafront at Clarence Esplanade
 - iii. 23/00898/LBC - Works to the Grade I Listed Portsmouth Naval War Memorial to include raising of existing planters and seating (to south of memorial), provision of new level access from the new raised promenade, installation of recessed flood board fixing channels and associated re-grading of Southsea Common.
- 6.3 As set out in 'Addendum 3 to the Environmental Statement' dated July 2023, the proposal for sub-frontage 3 (Southsea Common) comprises of the provision of a managed beach, a stepped revetment with sheet pile toe (west of The Beach Club) and a rock revetment with a low wall (east of The Beach Club) as the primary defence. There is a combination of an earth bund and reinforced concrete wall as the secondary defence. The highway layout consists of a one-way westbound carriageway on Clarence Esplanade with echelon and parallel parking on seaward side, a widened promenade and a two-way cycle lane.
- 6.4 It should be noted that in assessing the environment effects of the amended design at sub-frontage 3, the outcome either remains as per the original Environmental Statement, or results in a minor improvement.
- 6.5 The amendments for which formal approval is sought can be summarised as follows:
- Improved public realm
 - Extension of the rock revetment further west towards The Beach Club (formerly Mozzarella Joes) and further seaward
 - The removal of the rock toe previously approved
 - Improved interaction with the Portsmouth Naval War Memorial
 - Improvements to the highway layout

- Improved setting for the listed monuments
 - The alignment of the defences has moved further seaward by 3 to 7m in places.
- 6.6 Most of the amendments are within sub-frontage 3, with some falling within the western end of sub-frontage 4 that were not included in the 2021 S73 planning application.
- 6.7 As set out in the Design and Access Statement submitted with the application, The proposal for sub-frontage 3 (Southsea Common) is the provision of a managed beach west of The Beach Club and a rock berm to the east, with a stepped revetment and raised promenade as the primary defence. A combination of earth bund and reinforced concrete wall provides the secondary defence, with a change of road layout proposed on Clarence Esplanade to include a one-way westbound carriageway on the northern side, a two-way cycle lane adjacent to the promenade, and echelon and parallel parking between these two sections with associated pedestrian area for exiting vehicles and crossing the carriageway. It is proposed to reduce the speed limit here to 20mph.
- 6.8 As part of the proposals, the promenade will be resurfaced with an exposed aggregate finish similar to that being used in Sub Frontage 1 and 2. A managed beach is proposed at the western end of sub-frontage 3 (Southsea Common) to reduce overtopping discharges on the primary and secondary defences during storm events, 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 and maintain seaside amenity and visual landscape where this currently exists. The beach east of The Beach Club has a very different character and has, in recent years, been eroded significantly. This has allowed further erosion of the promenade during storm events. For this reason, and also to allow the promenade to be brought seaward to accommodate the proposed highway layout, a rock berm is proposed here, which continues eastward to the proposed rock around Southsea Castle.
- 6.9 A groyne is proposed at the boundary of Hovertravel landing pad to retain beach material in the western end of Southsea Common beach.
- 6.10 A rock armour 'stub' groyne is proposed in front of The Beach Club restaurant and the Rowing Club to reduce risk of wave reflections from the existing vertical seawall, protecting the beach by helping prevent drawdown of the beach material. The secondary defences proposed comprise a mixture of earth bunds and a stone clad, reinforced concrete retaining wall locally adjacent to the Naval War Memorial. The secondary defence is aligned along the landward side of Clarence Esplanade.
- 6.11 The secondary defence earth bund is proposed with a 1 in 4 slope on the seaward side, a 1 in 8 slope on the landward side (into the Common) 50m either side of the Naval War Memorial and 1 in 4 slope on the landward side (into the Common) everywhere else. This reduces the visual impact when viewed from the Common and retains the maximum amount of useable open space.
- 6.12 The design around the Naval War Memorial has evolved through discussions with the Commonwealth War Graves Commission (CWGC), Local Planning Authority - Portsmouth City Council and Historic England (HE). This is discussed in more detail within the Heritage Impact Assessment and summarised in section 6.13 of the D&A Statement. It comprises the raising of the existing seating and planters on the southern side, to replicate their existing relationship when the promenade is raised. The topography around the Memorial will then need to be regraded to reduce the height difference between the new planters and the land behind. Incorporating the Memorial into the defences allows it to retain its visual connection with the sea and its prominence.
- 6.13 In front of the Naval War Memorial, a pedestrian priority zone is proposed, to give a more respectful and uncluttered setting. Parking will be removed, and all street furniture minimised.

- 6.14 Three sets of flood boards, set within vertical rails to prevent water ingress, are proposed where gaps exist in the secondary defence at the Naval War Memorial. These boards will only be in place when there is a storm event likely to lead to flooding and so will not be present for the vast majority of the time. Sub-frontage 3 contains some of the ornamental lamps and monuments that are the subject of the listed building consent applications. The lamps are proposed to be repositioned as close to their original locations as possible within the new promenade. The monuments are also proposed to be repositioned close to their existing locations, but the opportunity to enhance their settings has been taken. They are proposed to sit centrally within the promenade to enhance their prominence.
- 6.15 With regard to programme update, Sub-frontage 3 is the fourth phase of construction works of the overall Southsea Coastal Scheme. Phase 1 of construction at sub-frontage 1 (Long Curtain Moat) was completed in February 2023 and Phase 2 at sub-frontage 4 (Southsea Castle) is currently in construction. Phase 3 at sub-frontage 5 west is due to commence Autumn 2023. The applicant states that, without prejudice, assuming all the necessary approvals are in place, enabling works for sub-frontage 3 will commence in the spring of 2024

7.0 CONSULTATIONS

- 7.1 Historic England. HE have stated that they are not commenting on this application.
- 7.3 PCC Conservation Officer. No objection
- 7.4 Environment Agency. No objection
- 7.5 Archaeology Advisor No objection. The impacts of the proposed variation, taking into account the archaeological and paleoenvironmental potential, depth of impact and scale of works are such that they can be addressed through the Archaeological/Historic Environment Management Strategy (AMS/HEMS) as required by condition 5 of the existing planning permission. This in turn secures bespoke written schemes of investigation to describe the mitigation of the various phases and tasks. I would agree that the provisions of condition 5 can continue to address archaeological matters in the light of the current variation and I am happy to review and comment on WSIs submitted in due course that will reflect the proposed development impacts including those arising out of these variations
- 7.6 Highways Engineer: No objection, subject to the changes to the layout being implemented in full.
- 7.7 Environmental Health: Upon reviewing the Environmental Statement - Chapter 16 - Noise and Vibration it has been identified that the sea defence works are unlikely to have any significant impact upon residential dwellings during the daytime apart from activities involving the use of percussive piling and, in some areas, the breaking out of concrete. During evening and night time hours, potential impacts have been identified where evening and night time working are unavoidable due to tidal restrictions. It is therefore recommended that Regulatory Services are notified of any evening and night time works for percussive piling and the breaking out of concrete prior to their commencement and noise mitigation measures are agreed in advance of any works taking place.
- 7.8 Landscape Group - No objection.
- 7.9 Ecology (advice provided by Hampshire County Council) - No objection.
- 7.10 No views have been received from:
- Natural England
 - King's Harbour Master
 - The Portsmouth Society

- RSPB
- Hants & IOW Wildlife Trust
- Marine Management Organisation
- Contaminated Land Team
- Road/Footpath Closure
- Coastal And Drainage
- Seafront Manager

8.0 REPRESENTATIONS

8.1 None.

9.0 COMMENT

- 9.1 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.
- 9.2 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, extension of the rock revetment, improvements to the public realm, improved additional soft landscaping and enhanced connectivity between the Grade 1 listed Portsmouth Naval Memorial¹ and the sea by removing parking from that area - 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.
- 9.3 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.
- 9.4 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.
- 9.5 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

¹ <https://www.cwgc.org/visit-us/find-cemeteries-memorials/cemetery-details/144703/portsmouth-naval-memorial/>

- 9.6 There are a number of ecological designations within and close to the application site including sites and species of local, national and international importance.
- 9.7 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.
- 9.8 With regard to the coastal environment as this proposal involves the removal of the rock toe, the number of 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.
- 9.9 The ES recognises the importance of all habitats and species. The scheme has been designed to minimise the impact on marine and terrestrial ecology. With respect to marine ecology, Table 10.1 in the ES addendum sets out that the marine ecology assessment remains unchanged from the previous assessment. With regard to terrestrial ecology, the previous assessment also remains valid.
- 9.10 Regarding birds there will be no material effect on SWBGS site P35 (Southsea Common) and replacement Brent Geese land will be provided within site P36, currently a low use site, to offset part of P35 being used as a construction compound.



Figure 13.1: Solent Wader and Brent Goose Strategy network in Southsea. Site P36 = materials storage compound location.

- 9.11 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 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 proposed mitigation measures comprising the use of vibro piling rather than percussive piling only to be undertaken between April and September (i.e., not over winter), the provision of an area within Core Site P35 as a bird refuge area from 1 October to 31 March each year that construction is underway, and the use of Hears type fencing with debris netting along the landward edge of the construction works area adjacent to P35 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

- 9.12 The area under consideration in this application to further vary some elements of the original proposal is extensive, and incorporates a variety of designated heritage assets across a range of scales and grades. In aggregate, the overall significance of this range of assets is considered to be 'high'
- 9.13 This proposal relates specifically to 'Sub-Frontage 3' of the scheme which extends along Clarence Esplanade (Between Pier Road and the Crimean memorial/ Serpentine Road). It encompasses the seafront, current promenade and the south-western edge of Southsea Common across this area.
- 9.14 In terms of the impact of the proposed variation on specific assets/asset groupings. Impacts/ affected assets include:
- The repositioning of 34no. Grade II Listed lamp columns,
 - The repositioning of 3no. Grade II listed shelters
 - The repositioning of 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.
- 9.15 Addendum IV (of July 2023) of the original Heritage Impact Assessment (HIA) submitted for the scheme identifies and discusses the impact(s) of this particular iteration/ evolution of the scheme.
- 9.16 Officers have viewed this document, and for reasons of brevity its content/ findings are not discussed in detail here. (The document is available for any interested party / stakeholder to view via the City Council's online public access System).
- 9.17 The entire range of assets affected here, and the detailed nature of all aspects of the proposal under consideration, have been the subject both of lengthy and ongoing detailed discussion at both the pre application and application stages. Individual assets that lie within the boundary of this application have also been the subject of current and previously submitted 'targeted' applications which address the impact of this proposal on individual asset (groupings).
- 9.18 In this context, the Council's Conservation Officer is largely in agreement both with the assessments of significance that have been previously provided (and are re-provided) here, and also more importantly with the assessments of impact and related conclusions that have been drawn in respect of each asset.
- 9.19 In overview/ summary, the changes which this variation seeks would alter the profile of the sea defences by increasing the beach crest width to at least 8 metres with an average width of 14 metres and a slope of 1 in 8 (7.12 degrees) through an appreciable

extension to their seaward depth, and with a related realignment to the position/ depth of the promenade

- 9.20 Of particular note in heritage terms are the boundary/ footprint of the Listed Common - which appears to remain the same, and the impact of the scheme on the listed Marine Memorial which it is considered would be significantly improved - in terms of ruling-out/ removing unsightly walls/ berms that have previously formed part of the proposal.
- 9.21 The variation is considered to represent an essentially marginal evolution in the nature and details of the proposal scheme, towards an overall heritage impact which, given the scale and scope of works would inevitably remain intermediate/ high, but which would, on balance represent a modest but noticeable overall improvement to the heritage impacts of the scheme.
- 9.22 In light of the points discussed, the proposal is considered acceptable, capable of heritage/conservation support, and could therefore be positively determined without any further delay.

Landscape Impact

- 9.23 The landscape proposals have been developed in a consistent manner to marry in well with the neighbouring proposals for Phase 2 (Sub-frontage for the Castle) as well as what has been built at Long Curtain Moat already. This gives confidence in anticipating what to expect with the general quality and character, as well as what to expect in terms of the details of surface treatments, walls and seats, lighting etc.
- 9.24 The proposed changes appear positive:
- Improving the setting for the Portsmouth Naval Memorial, creating a nice amount of space around it, quality materials, easy access for public avoiding steps.
 - Allowing one-way traffic along the road from east to west, enabling echelon parking for sustained views from parked cars over the Solent.
 - Realigning and widening the prom where possible, east of the Hovercraft area, to give plentiful space for cyclists and pedestrians.
 - Enhancing access down from the promenade to the Beach Club and to the Rowing Club.
 - Redistributing the monuments along the widened prom gives enhanced settings for appreciation.
 - Creating a raised viewing area called Serpentine Square, with planting and seating terraces down to the current path/road level where the Crimean monument is retained, and towards the entrance of the Blue Reef Aquarium.
- 9.25 The rock revetment will be extended further west toward the Beach Club (formally Mozarella Joes) and further seaward to prevent overtopping. Whilst this reduces access to the beach, given the existing damage caused by storms within this area this is acceptable
- 9.26 Subject to conditions requiring the submission of materials and plant schedules there is no objection to the landscape proposals for this area.

Highways Impact

- 9.27 The Highways Authority have noted that no updated Traffic Assessment has accompanied the changes to demonstrate whether the above would have a material impact to highway function. As a result of the proposal, the proposal would see vehicles having to reroute via adjacent roads which could consequently add additional pressure at certain junctions, however it is considered that it is unlikely to result in a severe or unacceptable impact to highway safety that would be sufficient to warrant refusal of the

application, particularly given the benefits created by the improved cycle way and suitable alternative routes for vehicles to use.

10.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development would not be CIL liable as there is no floorspace being created.

11.0 HUMAN RIGHTS AND THE PUBLIC SECTOR EQUALITY DUTY ("PSED")

11.1 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.

11.2 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.

12.0 CONCLUSION / PLANNING BALANCE

12.1 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.

12.2 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.

12.3 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.

12.4 In light of the above, this application for proposed amendments to the approved scheme is considered acceptable.

RECOMMENDATION

RECOMMENDATION I - That planning consent be granted.

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

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:	Location Plan - 0001Rev.P03
Elevations:	- Elevation - 1 – 1967 – Rev.P02
	- Elevation - 2 – 1968 – Rev.P02
	- Elevation - 3,4&5 - 0153Rev.P05
	- Elevation - 6&7 - 0154Rev.P06
	- Elevation - 8 - 0155Rev.P06
	- Elevation - 10 - 0157Rev.P06
	- Elevation - 11 - 0158Rev.P06
	- Elevation – 9 – 4920 C01
	- Elevation – 9.5 – 4921 C01
	- 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
General Arrangements:	- KEY PLAN + ELEVATIONS – 0099 – Rev.P05
	- KEY PLAN + CROSS SECTIONS – 0100 – Rev.P05
	- General layout - Sheet01 – Long Curtain - 1960 – Rev.C01
	- General layout - Sheet02 – Clarence Pier – 0102 - Rev.P05
	- General layout - sheet03 - Clarence Esp - 0103Rev.P05
	- General layout - sheet04 – Naval Memorial - 0104Rev.P05
	- General layout - sheet05 – Blue Reef - 0105Rev.P05
	- General layout - sheet06 – Southsea Castle - 4902Rev.C01
	- General layout - sheet07 – Southsea Castle - 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:	- Heritage constraints plan - 0400Rev.P03
Cross Sections:	- Cross section - A+A1 – 1963 – Rev.C01
	- Cross section - A2+B – 1964 – Rev.C01
	- Cross section - B1+C – 1965 – Rev.C01

	- Cross section - C1 - 0204Rev.P03
	- Cross section - C2 - 0205Rev.P03
	- Cross section - C3&C4 - 0206Rev.P03
	- Cross section - D&D1 - 0207Rev.P05
	- Cross section - E&F - 0208Rev.P05
	- Cross section - F1&G - 0209Rev.P05
	- Cross section – G1&G2 0210 Rev.P05
	- Cross section – H 4910a Rev.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.P02
	- Monuments - Peel Shannon & Trident - 0232Rev.P02
	- Monuments - Aboukir & Crimean - 0233Rev.P02
Interface & Details:	- 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 - Naval Memorial - 0457Rev.P05
	- Interface – Castle West 08A - 0459Rev.P04
	- Interface – Southsea Castle – 08 4950Rev.C01
	- Interface – Southsea Castle – 09 4951Rev.C01
	- Interface – Southsea Castle – 010 4953Rev.C01
	- Interface - South Parade Pier - 0462Rev.P04
	- Interface - Lumps Fort West - 0463Rev.P02
	- Interface - Eastern end - 0464Rev.P03
	- Naval War Memorial – sections, elevations & details – 3352 Rev. C01 (Sheet 1 of 2)
	- Naval War Memorial – sections, elevations & details – 3353 Rev. C01 (Sheet 2 of 2)
	- A1045-PRA-ZZ-00-DR-A-20000 NWM Existing Site Plan Rev. P2
	- A1045-PRA-ZZ-00-DR-A-21000 NWM Proposed Site Plan Rev. P2
	- A1045-PRA-ZZ-EL-DR-A-30001 NWM Elevation of Embankment Rev. P2
	- 60000 A1045-PRA-ZZ-00-DR-A-60000 NWM Existing Details Rev. P2
	- 60100 A1045-PRA-ZZ-00-DR-A-60100 NWM Proposed Details (Sheet 1 of 2) P2
	- 60101 A1045-PRA-ZZ-00-DR-A-60101 NWM Proposed Details (Sheet 2 of 2) P2
	- 60102 A1045-PRA-ZZ-00-DR-A-60102 NWM Proposed Detailed Plan of Planter and Bench P2
Flood Gate plans:	- FC21603- FCI - XX - XX - DR- X – 0101
	- FC21603- FCI - XX - XX - DR- X – 0102
	- FC21603- FCI - XX - XX - DR- X - 0103

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, Indicative Phasing for the Construction of the Southsea Coastal Scheme 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 (2021).

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 (2021).

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 (2021).

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 (2021).

Rock Revetment Materials - Sub-frontages 3 and 4

7) The proposed variety of rock revetment materials (above Mean High Water Springs) for sub-frontages 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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

Construction Environmental Management Plan

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 (2021).

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 (2021).

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 (2021).

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 include 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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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 (2021).

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.

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Agenda Item 9

LISTED BUILDING CONSENT APPLICATIONS

WARD: ST JUDE

SOUTHSEA WEST BEACH CLARENCE ESPLANADE SOUTHSEA

1. 23/00895/LBC REMOVAL AND REPOSITIONING OF 9 NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT
2. 23/00897/LBC REMOVAL AND RE POSITIONING OF 5NO. GRADE II LISTED MONUMENTS, TO INCLUDE NEW PLINTHS, ALONG THE SEAFRONT AT CLARENCE ESPLANADE
3. 23/00898/LBC WORKS TO THE GRADE I LISTED PORTSMOUTH NAVAL WAR MEMORIAL TO INCLUDE RAISING OF EXISTING PLANTERS AND SEATING (TO SOUTH OF MEMORIAL), PROVISION OF NEW LEVEL ACCESS FROM THE NEW RAISED PROMENADE, INSTALLATION OF RECESSED FLOOD BOARD FIXING CHANNELS AND ASSOCIATED RE-GRADING OF SOUTHSEA COMMON.

DOCUMENT LINKS:

- 1 [23/00895/LBC | REMOVAL AND REPOSITIONING OF 9NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT | SOUTHSEA WEST BEACH CLARENCE ESPLANADE SOUTHSEA \(PORTSMOUTH.GOV.UK\)](#)
- 2 [23/00897/LBC | REMOVAL AND RE POSITIONING OF 5NO. GRADE II LISTED MONUMENTS, TO INCLUDE NEW PLINTHS, ALONG THE SEAFRONT AT CLARENCE ESPLANADE | SOUTHSEA WEST BEACH CLARENCE ESPLANADE SOUTHSEA \(PORTSMOUTH.GOV.UK\)](#)
- 3 [23/00898/LBC | WORKS TO THE GRADE I LISTED PORTSMOUTH NAVAL WAR MEMORIAL TO INCLUDE RAISING OF EXISTING PLANTERS AND SEATING \(TO SOUTH OF MEMORIAL\), PROVISION OF NEW LEVEL ACCESS FROM THE NEW RAISED PROMENADE, INSTALLATION OF RECESSED FLOOD BOARD FIXING CHANNELS AND ASSOCIATED RE-GRADING OF SOUTHSEA COMMON. | R N WAR MEMORIAL CLARENCE ESPLANADE SOUTHSEA](#)

Applications Submitted By:

Portsmouth City Council

On behalf of:

Portsmouth City Council

Coastal Partners, on behalf of Portsmouth City Council

RDD: 17th July 2023

LDD: 12th September 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 These applications are brought to the Planning Committee as they are three Listed Building Consent applications accompanying the application to condition 1 (approved plans) of planning permission 22/01720/VOC to seek approval of amended plans relating to sub-frontage 3 (Southsea Common) (Ref. 23/00896/VOC) elsewhere on this agenda.

1.2 The determining issues are whether the proposed works of alteration, removal, repair and relocation of the listed structures would preserve their special architectural or historic interest.

2.0 SITE DESCRIPTION

2.1 The Southsea Coastal Scheme is a proposed Flood and Coastal Erosion Risk Management (FCERM) scheme to upgrade the existing coastal defences along a 4.5km length of frontage at Southsea, Portsmouth. The Scheme will extend from Long Curtain Moat in the west (grid reference SZ 63126 99156) to the Eastney Barracks in the east (grid reference SZ 67077 98784).

2.2 The Scheme frontage has been divided into seven sub-frontages to reflect the varied character and constraints along its length, as illustrated by the figure opposite. The sub-frontages are described as follows:

2.3

- Sub-frontage 1 - Long Curtain Moat
- Sub-frontage 2 - Clarence Pier
- Sub-frontage 3 - Southsea Common
- Sub-frontage 4 - Southsea Castle
- Sub-frontage 5 - Pyramids & South Parade Pier
- Sub -frontage 6 - Canoe Lake Park
- Sub -frontage 7 - Eastney Esplanade

2.4 The seafront stretches along the southern edge of Portsea Island from Point Battery in the west to Fort Cumberland in the east. This 6.5km of coastline encompasses 13.5ha of open spaces and leisure uses and includes heritage assets of national significance including Southsea Castle, South Parade Pier and Eastney Barracks.

2.5 The seafront is characterised by long stretches of pebble beach split to the west and east of Southsea Castle. A continuous promenade runs along the beach edge which features a range of Victorian era street furniture including cast-iron lamp columns and shelters. The promenade also hosts seven memorial monuments, including the Portsmouth Naval Memorial, and two pleasure piers. The eastern beach is characterized by significant shoreline vegetation, with a quieter more natural feel.

2.6 Parkland, including Southsea Common, extends along most of the seafront, providing critical green infrastructure for the city. Southsea Common falls within the Grade II Listed Parks & Gardens designation, and is widely used for sports, recreation and events. Canoe Lake Park, a Victorian/Edwardian pleasure gardens, is characterised by ornamental landscaping and broad footpaths centred around a boating lake. Further parkland includes three ornamental gardens; including The Rock Gardens and The Rose Gardens.

2.7 Distinctive military defensive landscapes characterise Southsea seafront, including Kings Bastion, the east and west batteries of Southsea Castle, Lumps Fort, Eastney Forts and Fort Cumberland. These features play a vital role in defining the local landscape, telling the story of Portsmouth's naval and military past, as well as providing key vantage points for sea and city views.

2.8 Portsmouth and Southsea have played a significant role throughout British history as a naval port. Significant defensive structures, such as Southsea Castle, were built during the Tudor period, while the docks played a key role in the British Empire's era

of Naval Supremacy. It remains a strategic location for the UK's naval fleet today. During the C19th, Portsmouth expanded rapidly, and Southsea became an attractive Victorian suburb, seaside resort and leisure destination. As such, historic assets and landscapes are defining features of Southsea's physical environment and character. The Scheme boundary is covered by three Conservation Area designations and hosts 3no. Scheduled Monuments, many structures that are listed or locally listed and a Registered Park and Garden (Southsea Common).

3.0 POLICY CONTEXT

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

4.0 RELEVANT PLANNING HISTORY (MOST RECENT FIRST)

Application Ref.	Proposal	Decision
23/00896/VOC	Application to vary condition 1 (approved plans) of planning permission 22/01720/VOC: 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. This application, under section 73 of the Town and Country Planning Act 1990, seeks approval of amended plans relating to sub-frontage 3 (Southsea Common) and is accompanied by the original environmental statement [July 2019] with the first addendum [May 2021], second addendum [December 2022] and new addendum [July 2023] and updated appendices.	Elsewhere on this agenda
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)	Approve
23/01046/NMA	Non-material amendment to planning permission 22/01720/VOC - to seek approval of a protruding element at sub-frontage 4 (Southsea Castle)	Approve
23/00609/DOC	Application to seek approval of details reserved by conditions 15 and 31 of planning permission 22/01720/VOC (BMEP, Reinstatement of lamp-posts)	Approve
23/00556/DOC	Conditions submission for various matters.	Approve
22/01271/LBC	Removal, repair and relocation of 7no. Grade ii listed lamp columns along the seafront	Grant LBC

22/01722/LBC	Removal, refurbishment and relocation of 3no. Grade II Listed seafront shelters	Grant LBC
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

5.0 PROPOSALS

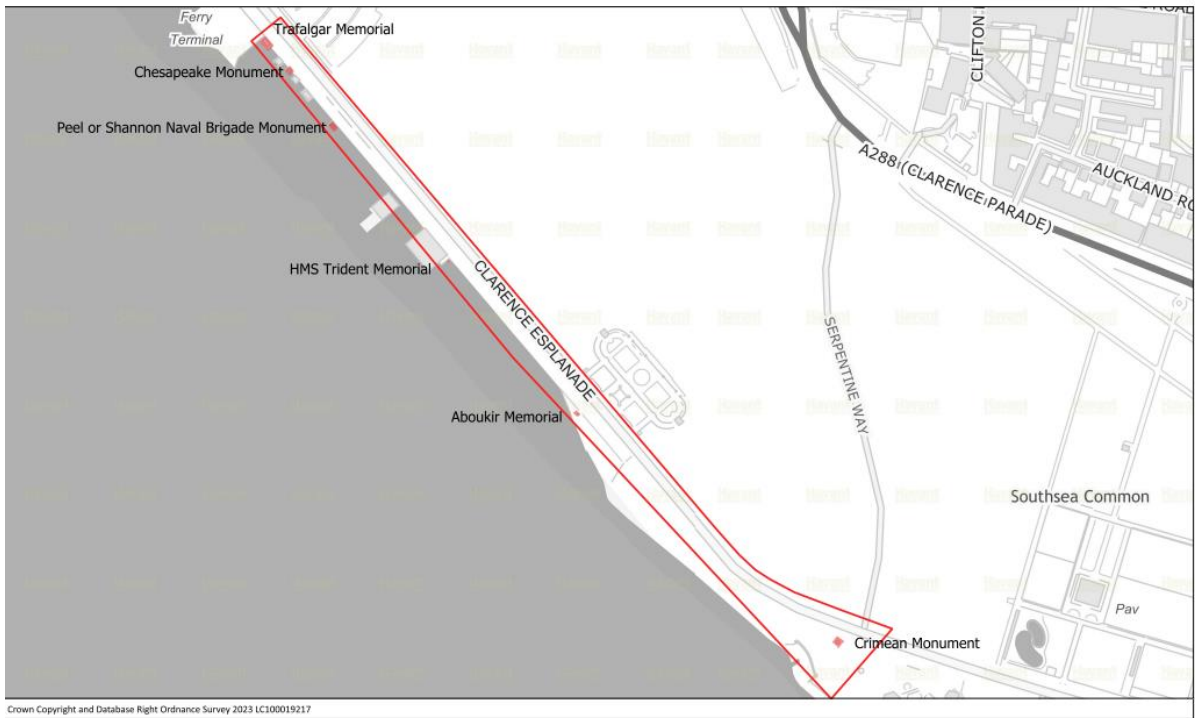
The proposals were originally part of/associated with application 19/01097/FUL. Changes proposed to the sea defences, now considered under application 23/00896/VOC elsewhere on this agenda, require in-turn new applications for the listed lamp columns, monuments and Naval memorial, considered in this report.

23/00895/LBC: REMOVAL AND REPOSITIONING OF 9 NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT

- 5.1 The lamp columns will be temporarily displaced to make way for the construction of the scheme which will involve raising of the promenade. This will prevent them from becoming irreparably damaged and partially obscured.
- 5.2 They will be dismantled following careful recording and inspection by archaeological and iron works specialists which will inform the appropriate methodology for their removal. This methodology will be agreed with the conservation officer. The lamp columns will undergo conservation and repair works which will include rewiring of the internal electrics to upgrade/ replace the light source/optics. The conservation and repair works will ensure their survival as a cohesive group and extend their lifespan by a significant margin.
- 5.3 The lamp columns will be relocated on the promenade in approximately the same locations as they are currently to minimise any change to their setting. They will be positioned to suit the new horizontal alignment of the promenade.

23/00897/LBC: REMOVAL AND RE POSITIONING OF 5NO. GRADE II LISTED MONUMENTS, TO INCLUDE NEW PLINTHS, ALONG THE SEAFRONT AT CLARENCE ESPLANADE

- 5.4 There are 6 grade II listed structures within the sub-frontage. However only five of these are affect by these works, namely the Trafalgar Memorial, the Chesapeake Monument, the Peel / . Shannon Naval Brigade Monument, the HMS Trident Memorial, and the Aboukir Memorial. The Crimean Monument can remain in situ during the construction works.
- 5.5 With regard to their existing and proposed locations:
 - The Trafalgar Memorial, marking the spot nearby where Admiral Lord Nelson embarked for the last time on 14 September 1805, will be relocated adjacent to the Hovercraft Terminal in the centre of the promenade.
 - The Chesapeake Monument (1862) will be relocated in the centre of the promenade.
 - The Peel or Shannon Naval Brigade Monument 1860 will be relocated in the centre of the promenade.
 - The HMS Trident Memorial 1860 re-erected in 1877 will be relocated to the centre of the promenade east of its current position.
 - The Aboukir Memorial will be relocated in the centre of the promenade to the east of the Portsmouth Naval memorial.



- 5.6 As each monument is located along the promenade, they will need to be temporarily displaced while construction takes place. Each monument, with the exception of the Crimean Monument, will be dismantled following a methodology that will effectively mitigate any potential risk or damage to the fabric of the structure. Each monument will be returned near their current location centred upon the new promenade, as shown in the plan above. The Crimean Monument will remain in its existing position. There will be public circulation space around the monuments on the promenade.

23/00898/LBC: WORKS TO THE GRADE I LISTED PORTSMOUTH NAVAL WAR MEMORIAL TO INCLUDE RAISING OF EXISTING PLANTERS AND SEATING (TO SOUTH OF MEMORIAL), PROVISION OF NEW LEVEL ACCESS FROM THE NEW RAISED PROMENADE, INSTALLATION OF RECESSED FLOOD BOARD FIXING CHANNELS AND ASSOCIATED RE-GRADING OF SOUTHSEA COMMON.

- 5.7 As set out in the submitted design and access statement, the proposed works to the Naval Memorial will reconfigure the hard landscaping, furniture and steps around the First World War memorial to accommodate a change of level to the road to meet the required defence heights.
- 5.8 The interface between the sea defences and the First World War memorial will be where the raised road surface and secondary defence wall meet the monument along its southern, seaward edge. The proposal removes the steps up to the monument as the raising of the road will bring the promenade flush with the monument level. The flanking walls and planters to the seaward side of the monument will be raised from the existing level and reconstructed to match existing to form larger walls that will frame the expanses of grass behind. This will form the secondary defence wall. There will be the facility to deploy flood boards across the front (south) of the monument when necessary between these planters because the raising of the road to the monument's platform removes the change in level currently presented by the four steps.

- 5.9 The physical changes facilitated by the works will alter the way the memorial is approached and perceived. The vertical hierarchy of the memorial and its surroundings will be lessened; instead of stepping up to the base of the obelisk from the road, visitors will traverse to the base from a pedestrian zone at the same level. Currently, the southern half of the monument lies above the street level. The proposals raise the road by c. 0.75m which brings street level flush with the southern half of the monument.
- 5.10 The seaward wall will frame the grass area and provide a sheltered area for quiet contemplation of the memorial. Designed like for like and in keeping with the rest of the memorial fabric, these elements will perform the dual purpose of keeping the benches on the seaward side and defining the lawns on the landward side.
- 5.11 Long, oblique views of the memorial will remain largely the same with the obelisk predominant. Views from the asset towards the sea will be largely the same. Any change is mitigated chiefly by the wider public benefit of the long-term survival of the memorial in its current location.
- 5.12 The proposals call for the reduction of traffic in the area of the monument (from existing two-way, to single-file, one-way traffic), a decluttering of street furniture and relocation of a bus stop to the west of the memorial, rather than directly opposite. To ensure the best solution around the War Memorial is implemented, a pedestrian priority zone has been introduced to keep the new raised esplanade close to the memorial but to move the vehicle traffic away as much as possible. The parallel parking will be discontinued through this zone to maximise the available space and improve the monument's setting.
- 5.13 The monumental form and perception of the memorial as a sentinel looking out to sea will not be affected. The key views contributing to this aspect of the setting of the memorial are towards the monument from the seafront promenade. They will, in fact, be enhanced by the virtue of raising the promenade, reduction of parking and traffic, decluttering of street furniture and introduction of a pedestrian priority zone. The views from the Common and between the asset will not be affected by the proposals.
- 5.14 The other monuments present on the promenade will be re-sited close to their existing positions. This will have beneficial impact where current sites are poor. Their physical and visual connection with the sea will be maintained and their position in the centre of the promenade will provide a more prominent and contemplative setting decluttered from commercial outlets and street furniture. This will facilitate better public appreciation of their value as assets which demonstrate the historic naval association of Portsmouth. Therefore, the group value the Naval War Memorial contributes to will not be affected by the proposal.
- 5.15 In conclusion, the proposal will have a beneficial impact on the memorial and its appreciation as a heritage asset and contemplative space.

6.0 CONSULTATIONS (on each of the three applications)

- 6.1 Historic England - no comment
- 6.2 Conservation Officer - No objection
- 6.3 The Portsmouth Society - no views received

6.4 National Amenities Society - no views received

7.0 REPRESENTATIONS (on each of the three applications)

7.1 None

8.0 COMMENT

8.1 In recommending these applications for consent, regard has been had to the NPPF (Paragraphs 199 - 208).

23/00895/LBC: REMOVAL AND REPOSITIONING OF 9 NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT

Significance - intermediate / high

8.2 These are striking and ornate examples of historic columns, they were bespoke manufactured for the Corporation. In addition to being listed in their own right, they have made a positive and attractive contribution to the setting of both the listed Common, and the Surrounding Seafront Conservation Area (No.10) for over a century. Their significance is therefore considered to be intermediate / high.

Impact

8.3 The lamps are to be carefully removed from their current locations, held in storage, and renovated - all in accordance with methods and techniques agreed through the discharge of relevant conditions. They would then be re-sited on the promenade in locations which correspond broadly with their current/ existing distribution. Once completed the columns would be supplemented by the presence of addition new contemporary columns set further back from the promenade.

Acceptability

8.4 This aspect of the Sea Defences proposal has been the subject of significant ongoing pre-application discussion and ultimately, agreement regarding the handing and re-siting of these important and much valued historic columns. The details submitted correspond with the outcome previously agreed. In light of this I can advise that the proposal is considered acceptable, capable of heritage/conservation support, and could therefore be positively determined.

23/00897/LBC: REMOVAL AND RE POSITIONING OF 5NO. GRADE II LISTED MONUMENTS, TO INCLUDE NEW PLINTHS, ALONG THE SEAFRONT AT CLARENCE ESPLANADE

Significance - High

8.5 Each monument is a notable and striking historic element within the local townscape. Purposefully sited on the seafront.

8.6 All are of a unique bespoke design. In addition to being listed in their own right, they individually and collectively also make a positive and attractive contribution to the setting of both the listed Common, and the Surrounding Seafront Conservation Area (No.10). Perhaps the most significant among them in terms of scale and historic importance is the Crimean Memorial - and I note and welcome that this particular memorial will not be moved/ resited as part of the proposal. Overall, the significance of the monument both individually and collectively is considered high.

Impact

- 8.7 The Monuments would be carefully disassembled and would be relocated and rebuilt (on an exact like for like basis) in new locations (very close to their existing). They would however be fully (re)aligned both with one another, and more centrally within the new promenade, and distributed more evenly across its length.
- 8.8 Whilst they would not be resited in their exact current (and original) locations, the proposal is nevertheless welcome. It would draw them back slightly from the seaward edge of the promenade - modestly (but positively) reducing their direct proximity/ exposure to the water's edge and therefore affording them a modicum of enhanced protection.
- 8.9 Placing them in the centre of the promenade will also make them an even more prominent feature of the seafront - a welcome development in terms of their enjoyment and interpretation.

Acceptability

- 8.11 In the context of the scheme overall, it is notable that, that what would normally (and still is) considered a very significant application in heritage terms, is nevertheless of relatively modest significance in the scale of the scheme overall.
- 8.12 Whilst the proposed relocation of all of the monuments (with the exception of the Crimean Memorial) would of course result in their no longer being positioned in locations that may originally have selected for them, on balance, it is considered that the benefit to them of securing a slightly enhanced and a more prominent and coherent presence on the promenade outweighs this consideration.
- 8.13 In light of this the Conservation officer can advise that the proposal is considered acceptable, capable of heritage/conservation support, and could therefore be positively determined without any further delay, subject to the conditions requiring method statements detailing how each monument will be disassembled / reassembled including how the monument will be stored.
- 8.14 It should be drawn to the applicant's attention that such a statement is only likely to be capable of support and therefore discharge of the relevant condition agreed to where it outlines the use of appropriate conservation, methods, techniques and tools associated with each step of the task. It must also clarify the use of any replacement materials whose colour texture and appearance matches the existing on an exact like for like basis.

23/00898/LBC: WORKS TO THE GRADE I LISTED PORTSMOUTH NAVAL WAR MEMORIAL TO INCLUDE RAISING OF EXISTING PLANTERS AND SEATING (TO SOUTH OF MEMORIAL), PROVISION OF NEW LEVEL ACCESS FROM THE NEW RAISED PROMENADE, INSTALLATION OF RECESSED FLOOD BOARD FIXING CHANNELS AND ASSOCIATED RE-GRADING OF SOUTHSEA COMMON.

Significance - Very High

- 8.15 The Grade I Listed Portsmouth Naval War Memorial is a large and very prominent feature of both Southsea Common and Seafront. Purposefully sited and of a bespoke design - partially shared by similar memorials of national significance sited in Plymouth and Chatham - in addition to being listed in its own right, it also makes a positive and very important contribution to the setting of both the listed Common, and the Surrounding Seafront Conservation Area (No.10). It clearly also enjoys a very high degree of communal significance, which contributes to a very high degree of significance for the memorial overall.

Impact - Intermediate/High

- 8.16 The treatment of the memorial and the area surrounding it has been the subject of very lengthy and detailed engagement and consideration throughout the life of the scheme. It is notable that an experienced conservation architect has also been brought on board to assess the existing fabric and engage with the detailed design of the scheme - ensuring a more sympathetic and appropriate conservation centric final outcome for the memorial.
- 8.17 The proposal, which is presented for consideration here, represents a significant enhancement in terms of impact on both the fabric and setting of the memorial as against any previous iterations - which included for example high stone walls and substantial grade changes directly in front of the memorial.
- 8.18 It would retain and reuse the existing Portland and York stone walling/seating and paving respectively from which the memorial is constructed - with where necessary the limited addition of new materials - to match. It would also secure a reprofiling of elements of the Common adjacent to the site, and level access to the site from a new promenade paved in 'natural stone'. In general it would also provide for a layout/ arrangement of walling, seating and access arrangements which matches the existing. It is also considered that it would secure a presentation and setting for the asset which under the circumstances would be open and sympathetic to the significance of the asset.
- 8.19 Notwithstanding the improvement which the current proposal represents over previous iterations, the scale and impact of the Works on the fabric and setting of the memorial are nevertheless still considered to represent works which would have intermediate/ high impact on the memorial

Acceptability

- 8.20 In the context of the Sea Defence scheme overall, it is notable that, that what would normally be (and still is) considered a very significant application in heritage terms, is nevertheless of relatively modest significance in the scale of the scheme *overall*.
- 8.21 Whilst the proposal would represent a significant change to the fabric and setting of the asset, in light of this, and the points discussed under 'impact' above, the council's conservation officer can advise that the proposal is considered acceptable, capable of heritage/conservation support, and could therefore be positively determined without any further delay, subject to conditions requiring method statements detailing how each monument will be disassembled / reassembled including how the monument will be stored and details of materials to be used for the surfacing of the proposed footway / carriageway.
- 8.22 It should be drawn to the applicant's attention that any proposed natural stone treatment is only likely to be capable of support and therefore discharge of the relevant condition agreed to, where the stone proposed is genuinely natural - ie not a reconstituted or other alternative product, and is of a type which historically would have been deployed within the setting of an important asset such as this. (To be clear, this would typically mean a UK sourced product such as York, or Purbeck stone).

9.0 CONCLUSION

- 9.1 On the basis that neither Historic England nor the Council's Conservation Officer have objected to the proposal, these three applications are recommended for

conditional approval given the limited harm to heritage assets and the over-whelming public benefit of the associated Sea Defence works, making them in accordance with the Local Plan and provisions contained with the NPPF.

RECOMMENDATIONS

1 23/00895/LBC 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:
Lamps - Location Plan
0400Rev.P03 Heritage Constraints Plan
0099Rev.P05 Key Plan - Elevation Markers
0100Rev.P05 Key Plan - Section Markers
257135-ARP-XX-FA-DR-CX-0104.P05 - General Arrangement - Sheet 04
257135-ARP-XX-FA-DR-CX-0105.P05 - General Arrangement - Sheet 05
257135-ARP-XX-FA-DR-CX-0154.P06 - Elevations - Sheet 04
257135-ARP-XX-FA-DR-CX-0158.P06 - Elevations - Sheet 08
- 3) a) Notwithstanding the submitted details, no works associated with the removal of the nine 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 nine 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)

2 23/00897/LBC 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:
Monuments _ Location Plan.pdf
0099Rev.P05 - Key Plan - Elevation Markers.pdf
0100Rev.P05 - Key Plan - Section Markers.pdf
0102 - General Arrangement - Sheet 02.pdf
0103Rev.P05 General Arrangement Sheet 3
0104Rev.P05 General Arrangement Sheet 4
0231Rev.P02 Sections at Monuments - Trafalgar & Chesapeake
0231 - Sections at Monuments - Sheet 01.pdf
0232Rev.P02 - Sections at Monuments - Peel and Shannon Sheet 2
0233Rev.P02 Sections at Monuments - Aboukir and Crimean Sheet 3
Heritage constraints plan - 0400RevRev.P03
0154.P06 - Elevations - Sheet 04
- 3) No works for the disassembly and re-erection of the memorials/ monuments hereby consented shall be commenced until such time as a written 'method statement' detailing how each memorial would be disassembled, where and how its elements would be stored and how it would be - re-erected, has been provided to and approved by the Local Planning Authority in writing.

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)

3 23/00898/LBC 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 - Naval War Memorial _ Location Plan
257135-ARP-XX-FA-DR-CX-0099.P05 - Key Plan - Elevation Markers
257135-ARP-XX-FA-DR-CX-0100.P05 - Key Plan - Section Markers
257135-ARP-XX-FA-DR-CX-0104.P05 - General Arrangement - Sheet 04
257135-ARP-XX-FA-DR-CX-0155.P06 - Elevations - Sheet 05
257135-ARP-XX-FA-DR-CX-0157.P06 - Elevations - Sheet 07
257135-ARP-XX-FA-DR-CX-0158.P06 - Elevations - Sheet 08
257135-ARP-XX-FA-DR-CX-0208.P05 - Sections - Sheet 08

Heritage constraints plan - 0400RevRev.P03
NWM interface and details
SF3_S73_floodgate_plans

- 3) No works for the disassembly and re-erection of the relevant elements of the memorial hereby consented shall be commenced until such time as a written 'method statement' detailing how memorial would be disassembled, where and how its elements would be stored and protected and how it would be - re-erected, has been provided to and approved by the Local Planning Authority in writing.
- 4) No works for the final resurfacing of the area of footway/ carriageway in front (to the immediate south) of the memorial hereby consented shall take place until such time as a sample of the proposed natural stone to be used to cover the area is provided to the Local Planning authority for its consideration and agreement and its use/ subsequent permanent retention has been approved by the Local Planning Authority in writing.

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, 4) 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)

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