

PLANNING COMMITTEE 19TH FEBRUARY 2020

**1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

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

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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FONTENOY HOUSE, GRAND PARADE, PORTSMOUTH, PO1 2NF

CONSTRUCTION OF SINGLE-STOREY EXTENSION TO ROOF TO FORM 2 FLATS, TO INCLUDE RAISING OF EXISTING PARAPET WALL, INSTALLMENT OF BALUSTRADING AND EXTENSION TO EXISTING EXTERNAL FIRE ESCAPE.

Application Submitted By:

John Pike
Pike Planning

On behalf of:

Mr and Mrs Jason and Kate Phillips
Starfall Limited

RDD: 1st November 2019

LDD: 30th December 2019

SUMMARY OF MAIN ISSUES

This application is being presented to the Planning Committee due to the sensitive nature of the site and the degree of public objection.

The main issues for consideration are:

- Principle of Development
- Design and Conservation of Heritage Assets
- Residential Amenity
- Transport and Parking
- Impacts on the Special Protection Areas

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and Surroundings

The application site comprises the residential apartment block of Fontenoy House, a three storey block of eight flats located in a prominent position on the south-western side of the junction of High Street and Grand Parade. The site is located within the Old Portsmouth Conservation Area and within Flood Zone 3 (high risk).

The site is adjacent to a number of designated heritage assets, the most significant of which are the Grade II listed buildings of 63 High Street (to the west), 60 High Street (to the north-east on the opposite side of Grand Parade) and the grade II listed telephone box located adjacent to 60 High Street. The site due to its siting also forms part of the wider setting of the Square Tower, the hot walls, and the Cathedral Church of St Thomas, all of which are Grade I listed structures.

Proposal

Planning permission is sought for the construction of a single storey roof extension to form two x 2-bed flats, and associated alterations, including the raising of the existing parapet wall, the installation of balustrade around the edges of the roof and the extension of an existing external fire escape.

This proposed scheme is identical to that which was approved by the planning inspectorate under application 13/00989/FUL, and again by the Local Planning Authority (LPA) under application 17/00566/FUL. This later consent remains extant and does not expire until May 2020.

The application is supported by a Design and Access Statement, a Design and Heritage Statement and a Flood Risk Assessment.

Planning History

The most relevant planning history is as follows:

13/00989/FUL - Construction of single storey extension to roof to form 2 flats, to include raising of existing parapet wall, installation of balustrading and extension to existing external fire escape (Re-submission of 13/00536/FUL) - This application was refused by the LPA for reasons relating to design and parking. The decision was appealed and the proposal was allowed by the planning inspector.

17/00566/FUL - Construction of single storey extension to roof to form 2 flats to include raising of existing parapet wall, installation of balustrading and extension to existing external fire escape - This application sought to effectively renew the permission granted under 13/00989/FUL and was approved by the LPA on 26 May 2017.

18/01634/FUL - Construction of additional two storeys to form one dwellinghouse (Class C3); extension to existing external fire escape, and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising of parapet walls. Refused - bulk/mass/height/design and impact on heritage assets, odour or noise impacts, impact on Special Protection Areas.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan include: PCS10 (Housing Delivery), PCS17 (Transport), PCS23 (Design and Conservation), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth and PCS21 (Housing Density),

The Council's published Conservation Area guidelines of Old Portsmouth are also relevant to this proposal. The Parking standards and transport assessments, Sustainable Design & Construction and Housing Standards SPDs are also of relevance to the proposed development.

The Council's published Conservation Area guidelines describe Grand Parade as "a formal-looking three-sided city square whose hard landscaping is now primarily used for car parking. Grand Parade was, in the 18th and 19th Centuries, the most fashionable address in Old Portsmouth. The eastern side is lined by listed 19th Century 3-4-storey buildings, while the western side consists entirely of post war rebuild". The guidelines recognise that "as a result of damage incurred during the Second World War, much of Old Portsmouth consists of architecturally indifferent buildings built during post war decades, but due to the deference displayed to the scale, vernacular, historic street pattern and grain of development incumbent in the area, the overall visual appearance remains pleasing, and even weaker parts are still markedly superior to other urban areas characterised by post-war building".

CONSULTATIONS

Highways Engineer

No objection

Environment Agency

No objection

Drainage

No objection

Contaminated Land

No objection

Regulatory Services

My comments for 13/00536/FUL raised concerns with regard to the impact from the neighbouring Wellington PH with regard to noise and odour on the amenity of the proposed residential use. In particular I drew attention to the potential impact from noise and odour associated with the kitchen extraction system. Plans were altered to help design out these potential issues and subsequently we feel that this somewhat addresses the issues and allays our previous concerns. The changes previously made to the south-western façade have been maintained in the new application. As such, no further comment to make.

REPRESENTATIONS

8 representations have been received raising objections to the proposed development. These are based on the following reasons:

- Amenity concerns, particularly in relation to loss of light, privacy and outlook to neighbouring properties.
- Inappropriate scale, design and use of materials
- Unsympathetic to the Old Town Conservation Area, and the historic character of the area
- Harmful to nearby listed buildings
- Contrary to the Councils Conservation Area Guidance
- no reference to re-instating the wall
- The scheme would exacerbate an existing shortage of parking in the area
- The Council's original decision to refuse the proposal was right and therefore should be reinstated.

1 general representation has been received raising no concerns providing the scheme is the same as originally approved.

COMMENT

The merits of the proposals are considered here in full for completeness, but a fundamental point in determining the application is that it is an identical submission to a still extant consent, which can still be implemented. The officer comments provided here build on the decision of the Planning Inspector in allowing the same previous proposal in 2014 - the Inspector's decision has very significant material weight in the determination of this new application.

Principle

The proposed development is identical to that approved by an appeal inspector on 9th June 2014, and to the extant planning permission granted under planning reference: 17/00566/FUL by the Local Planning Authority on 26th May 2017. This new application is not seeking more development than is already approved and which has been judged to be acceptable, and therefore previous decisions should be afforded significant weight in the consideration of this application. Given the sustainable location of the site, similarities to the previous application, a lack of significant change at local or national policy level, and a lack of change in local circumstances to the site, it is considered that the principle of the proposed development is acceptable.

The Council's published Conservation Area guidelines state that the "City Council will encourage an ideal building height of 3-4 storeys throughout the Conservation Area". Having regard to this advice and the prevailing mix of three and four storey developments in the locality it is considered that the principle of adding an additional floor to the building is acceptable subject to it being of an appropriate design and it having an acceptable relationship with neighbouring properties.

The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11), and that where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the adopted policies should be taken to be out of date and permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 4.7 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 and this development would contribute towards meeting housing needs through a net gain of 2 dwellings.

The above presumption however 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 177). The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177.

Design and Conservation

Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As a conservation area is a designated heritage asset the provisions of paragraph 196 of the NPPF also apply in consideration of an application which has the potential to affect the character and appearance of a conservation area.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PCS23 of the Portsmouth Plan requires excellent architectural quality in new buildings and changes to new buildings, development that relates well to Portsmouth's history and protection and enhancement of important views and settings of key buildings.

The Conservation Area guidelines state that "extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape" and where "extensions are permitted they should match the existing original property in respect of design, materials and detail. The size of an extension should not overpower the original building size". The guidelines also recognize that "where large extensions are permitted, they might be better designed to complement the original, so that both can be recognised and appreciated". Furthermore the guidelines advise that "the City Council will aim to prioritise the attention paid to window design in new developments so that their appropriateness for both building and wider setting can be ensured and so that they enhance, rather than detract from both".

The proposed roof extension is described as a 'rooftop pavilion' within the submitted design and access statement, and it takes the form of a lightweight addition to the existing building. Having regard to the somewhat bland appearance of the existing building, and taking account of previous decisions, it is considered that the contemporary design approach is acceptable and broadly sympathetic to the appearance of the recipient building and the character and appearance of the conservation area.

Previously it has been considered that the proposal represents a lightweight contemporary design, and that this coupled with its setting back from the existing elevations would ensure that the addition would appear subordinate and not dominating to the host building. In terms of height the previous appeal inspector commented *that "the additional height would be seen in the context of the variety of height and styles of the surrounding buildings"* and that it was not felt that it would *"appear overly prominent, particularly as its overall height would still be less than that of No. 60"*. The inspector went on to conclude that *"the proposed roof extension would not be harmful to the Old Portsmouth Conservation Area, which would be preserved"*, and therefore it would *"comply with Policy PCS23, which requires new development to be of an excellent architectural quality and to respect the character of the city"* whilst *"preserving the heritage assets in a manner that is appropriate to their significance."*

Having regard to the foregoing, and mindful of the fact that the proposal has not changed from previous application, it is deemed that these assessments are still relevant. The overall, scale and massing is deemed to be acceptable, particularly in view of the fact that the addition will be set in from the perimeter of the host building. In addition, the proposed use of off-white/cream panelling for the elevations represents an acceptable degree of contrast from the existing brickwork, and responds to other material palates found on surrounding properties. The floor to ceiling height of the window bays creates definition in the proposed elevations and adds articulation and interest to the proposed roofscape.

Overall, it is therefore considered that the proposed development is sympathetic in terms of design and scale to the host building and surrounding buildings, and would not result in detrimental harm to the character and appearance of the Old Portsmouth Conservation Area, or that of the setting of the hot walls, the Square Tower, the Cathedral Church of St Thomas or any other listed buildings.

In considering there is a lack of harm to designated heritage assets resulting from the proposed development, the starting point for the determination of this application in accordance with paragraph 11 (i and ii) of the NPPF is that it should be considered sustainable development as the LPA cannot demonstrate a five year supply of housing, and it would contribute towards meeting housing needs through a net gain of 2 dwellings.

Residential Amenity

The application site forms part of tight knit 'island' of development that has a perimeter block layout with some properties having rear courtyards of varying sizes. Furthermore due to the tight knit pattern of development the rear elevations of most of the properties are the subject of a relatively high degree of overlooking and benefit from restricted levels of light and outlook. Having regard to the scale and siting of the proposal it is considered that it would not result in such a significant increase in overlooking, loss of light or increased sense of enclosure that could justify a refusal on amenity grounds. Whilst a development of the type proposed would undoubtedly give rise to some short-term noise and disturbance, this could not be used as a reason to refuse planning permission.

All habitable rooms within the proposed flats benefit from an appropriate level of light and outlook, and each flat has a gross internal floor area in excess of the nationally described space standard for 2-bed, 4 person flats, which is 70m². It is therefore considered that the proposal would provide an appropriate standard of amenity for future occupiers.

The relationship with existing neighbouring properties is considered to be acceptable. The proposed addition would not increase the sense of enclosure to of the communal courtyard, nor is it felt that the proposed flats would introduce a significant amount of noise or nuisance to the area over and above existing levels.

As previously noted by the appeal inspector, the need to provide additional areas for bins and secure cycle storage would result in a loss of space within the internal courtyard. The proposal would reduce its usefulness as a private amenity space for the residents however, it was previously considered that a suitable scheme to provide adequate bin and cycle storage, whilst retaining more of the amenity space could be secured by condition. It remains the Local Planning Authorities consideration that this could be achieved with more consideration so a condition is attached to this recommendation requiring further bin and cycle storage details.

The proposed flats would lie within close proximity to the Wellington Public House, and a kitchen extraction system located at the rear of the pub has been noted as a potential concern. The Council's Regulatory Services Officer has commented that as the scheme retains measures to afford better protection from potential noise and odour from this extraction system, the previous concerns they had are allayed, and they have no further comments to add. The design measures secured within the previous application included: a fixed-shut window on the south-west façade serving the central lounge/diner; replacement of previously proposed double sliding doors on the other lounge-diner with a single door; restriction of openable windows on the south-west facing façade serving habitable rooms; and the incorporation of intermediate doors to the kitchens to prevent ingress to habitable rooms of any noise/odour associated with the Wellington PH.

Overall, it is therefore concluded that the proposal would not result in unacceptable harm to the living conditions of the existing residents of Fontenoy House and neighbouring properties arising from visual intrusion, nuisance or loss of light and amenity space. The proposal would therefore comply with Policy PCS23 of the Portsmouth Plan, which requires the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of development.

Transport and Parking

The application site is located in a part of the City with a substantial demand for on-street parking from both residents and visitors. Fontenoy House benefits from limited off-street parking in the form of two garages at ground floor level of the existing building, however there is no scope for any additional parking to be provided as part of this application. The applicant has carried out a parking survey within which it is suggested there is existing availability of on-street parking in the local area. It is clear from the objections that there is a perception amongst local residents that there is a greater demand for on street parking than at the time of the appeal decision such that any increase in demand would be likely to cause inconvenience to both visitors and residents alike.

On-street parking in the area is restricted, being 'pay and display' during the day (8am to 6pm) and residents only permit in evening (with non-permit holders being limited to two hours in the evening). It is accepted that the applicants parking survey represents a snapshot in time over a limited period and that demand for, and therefore the availability of parking will be different, especially in the summer and when events are being held in the area (e.g. at the Square Tower). It is also acknowledged that parking availability in this area may be in slightly more demand following limited nearby development since the previous application; however it is considered, in the absence of any robust evidence demonstrating the unavailability of parking, that the effects of this proposal would not be of such significance to justify refusal of the proposal. The Highway Authority, in the light of the extant permission, does not consider that a highway objection could be sustained subject to the imposition of the same conditions as imposed by the previous application relating to bin storage and cycle provision.

Previously, the Inspector concluded 'that the proposed development would not give rise to unacceptable additional demand for on-street parking. The proposal would accord with Policy PCS17, which seeks to reduce the need to travel and provide a sustainable and integrated transport network ". It is also noted the NPPF advises that applications for development should only be refused on transport grounds where the residual cumulative impacts of development are severe. This part of the NPPF is unchanged since the original permission was granted at appeal, and whilst the Inspector's comments were provided in excess of 5 years ago, there is still insufficient evidence in my opinion to demonstrate that this application would have such an effect that it should be refused.

Energy and water efficiency

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards can be secured by condition.

Special Protection Area (SPA) mitigation

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

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the

development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £1,000; however, the applicant has already made a contribution of £362 through their previous consent. An uplift payment of £638 has therefore been sought by the LPA, which the applicant has paid through a Section 111 agreement rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal would be wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that subject to receipt of contributions the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200; however, in this instance, the applicant already has a still-extant consent for the proposed scheme, which pre-dates Natural England's more recent nitrates guidance. Given that the proposal would not increase the number of dwellings than approved under the current consent, it is considered that the proposal would not increase the nitrates load beyond what would be created were the applicant to implement their current permission. As such, it is not deemed appropriate to require the applicant to pay contributions towards nitrate mitigation.

This is the LPA's current position, but it is awaiting Natural England's opinion on this specific matter. There is the possibility that Natural England may insist that the development cannot rely on the previous consent, and so would not be nitrate neutral. In that instance, the LPA and the applicant may wish to secure Nitrate neutrality by way of the Council's credit bank. I will allow for this eventuality in the Resolutions below. It would also be considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Conclusion

The site is well-located within the urban area for a range of shops, services and public transport and is acceptable in principle for residential development. The development would provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5

year requirement. Nearby residents' amenities would not be unduly affected and it is considered that scale and design is appropriate, including with respect to heritage assets. In addition, appropriate mitigation has been made to safeguard the Special Protection Areas. As such, the proposal constitutes sustainable development, and complies with the NPPF and the Local Planning Framework, and therefore should be approved.

RECOMMENDATION

Conditional Permission

RECOMMENDATION I - That in the event of the need for nitrate neutrality, which is not achieved by the existence of the extant permission 17/00566/FUL, delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA Nitrate mitigation

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend/substitute conditions where necessary, including for the possibility that extra standard conditions are required to prevent the occupation of the development until achieving nitrate neutrality, and to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

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, if such a legal agreement is required (see Recommendation I).

Conditions

Time limit

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

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

Approved plans

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 22/12/P/01; 22/12/P/02; 22/12/P/10A; 22/12/P/07; 22/12/P/09A; 22/12/P/08A.

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

Materials

- 3) No development shall commence on site until details of the types and colours of the external materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, designated as the Old Portsmouth Conservation Area, in accordance with policy PCS23 of the Portsmouth Plan.

Bin and Cycle storage

- 4) Details of an alternative scheme to that shown on Drawing No: 22/12/P/12A to provide bin storage and secure, weatherproof cycle parking shall be submitted to and approved in writing by the local planning authority. The scheme will be implemented in accordance

with the approved details prior to the first occupation of either of the flats hereby permitted. It shall be retained thereafter for the continued use by the residents of the flats for those purposes at all times.

Reason: To ensure adequate provision is made for waste and cycle storage, in the interests of the amenities of future occupiers of the development and to accord with Policy PCS23 of the Portsmouth Plan.

Energy and Water Efficiency

- 5) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:
- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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

PRO-ACTIVITY STATEMENT

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

42 FESTING GROVE SOUTHSEA PO4 9QD**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS).****Application Submitted By:**

Mr Colin Sarling

On behalf of:Mr Colin Sarling
CBS Property Ltd**RDD:** 17th May 2019**LDD:** 24th July 2019**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as the combined living space is below the size set out within the Houses in Multiple Occupation - Supplementary Planning Document (October 2019), and due to neighbour objections.

The main issues for consideration relate to:

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and surrounding

This application relates to a two-storey terraced dwelling with rooms within the roofspace located to the south of Festing Grove. The property features a two-storey bay window and is set back from the roadway by a front forecourt. The property also has a rear access.

The surrounding area is characterised by a rows of similar terrace properties and is in close proximity to a range of shops, services and bus routes located on Albert Road.



Occupancy within 50m

Total properties - 61

HMOs - 3

HMOs - ★

Application site - ●

Proposal

Planning permission is sought for a change of use from Class C4 (house in multiple occupation) to a 7 bedroom, Sui Generis (Large house in multiple occupation).

The description of development states that the dwelling is already an existing HMO (Class C4). There is no planning history to indicate this however the applicant has submitted evidence in the form of Council Tax Records to demonstrate the property's existing use as a C4 HMO. For practicality purposes it is considered that there is sufficient evidence that dwelling has a lawful use as a Class C4 (HMO).

The internal accommodation would comprise the following:

Ground floor - Two bedrooms (one featuring an ensuite), a kitchen, a dining room and an outside WC;

First floor - Three bedrooms (each with their own ensuites) and a shower room;

Second floor - Two bedrooms (each with their own ensuite) and one with a built-in closet.

Planning history

There is no relevant planning history associated with the application site.

POLICY CONTEXT

Portsmouth Plan (2012)

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

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance

- Parking Standards & Transport Assessments Supplementary Planning Document (2014)
- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

Four representations have been received objecting to the proposed development on the following grounds;

- (a) Work already being undertaken at the site;
- (b) Noise and disturbance (increased comings and goings);
- (c) Parking - car fumes;
- (d) Noise and highways safety issues from building works;
- (e) Odour - increased waste and rubbish;
- (f) Poor upkeep of properties;
- (g) Increased demand for doctors' appointments.

One neighbouring resident has requested the opportunity to make a deputation at Planning Committee.

COMMENT

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

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

Principle of the use

Planning permission is sought for the use of the property to a 7 bedroom/ 7 person (Sui Generis) House in Multiple Occupation. Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) as amended in 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 amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity and housing mix of certain communities.

At paragraph 2.3, the HMO SPD document states that in situations such as this *"where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentration of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community."*

The 10% threshold contained within the HMO SPD applies to an areas within a 50m radius of an application site. In this instance a total 61 properties fall within this area, 3 of which are in HMO use (including the application site). This accounts for 4.9% of properties within a 50m radius.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 person, 7 bedrooms HMO (Sui Generis) is considered acceptable in principle.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (October 2019 sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

In terms of internal living conditions, the property proposes the following accommodation:

(HMO SPD-October 2019)	Area to be provided:	Guideline standard:
Bedroom 1 (Ground Floor)	18m ²	6.51m ²
Ensuite B1	2.8m ²	undefined
Bedroom 2 (Ground Floor)	10.4m ²	6.51m ²
Kitchen and Dining Rooms	29.1m ²	34m ²
Bedroom 3 (First Floor)	10.7m ²	6.51m ²
Ensuite B3	2.8m ²	undefined
Bedroom 4 (First Floor)	9.9m ²	6.51m ²
Ensuite B4	2.8m ²	undefined
Bedroom 5 (First Floor)	17.7m ²	6.51m ²
Ensuite B5	2.8m ²	undefined
Shower room (First Floor)	3.8m ²	3.74m ²
Bedroom 6 (Second Floor)	14.1m ²	6.51m ²
Ensuite B6	2.9m ²	undefined
Bedroom 7 (Second Floor)	18.4m ²	6.51m ²
Ensuite B7	3.4m ²	undefined
Total:	149.6m²	83.31m²

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's 'Standards for Houses in Multiple Occupation' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.

The '*Standards for Houses in Multiple Occupation*' guidance document goes on to state that in cases where bedrooms achieve a size of 10m² or larger, the communal living area expectations can be lowered to 22.5m². In this instance all of the bedrooms bar one (which is under by 0.1m²) meet a minimum area of 10m², it is considered that at 29.1m² (6.6m² over the 22.5m² threshold), the proposed communal living area is acceptable for the proposed number of occupiers. As a consequence of the large bedrooms and ensuites, the total property size far exceeds the standard the SPD seeks.

It is therefore considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and therefore is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Impact on residential amenity

Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.

In this instance, it has been established that there is not an imbalance between C3 dwellings and HMOs within a 50m radius of the property. Having regards to the layout of the surrounding HMOs, it is noted that of the limited number of HMOs within the area, only one is located within a short distance of the application site (No.48 Festing Grove). Examining the planning history of no. 48, it is noted that it has a lawful use to be occupied as a 9 bedroom HMO (15/01422/FUL). While this application at No.42 would therefore create two Larger HMOs in close proximity, given the low concentration of HMOs within the area as a whole and mindful of the fact that this property is already being used as a 6 person HMO, it is not considered that the proposal would be likely to result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.

In terms of potential impacts on immediate adjoining properties, whilst the accommodation of a single additional resident would lead to a more intensive occupation of the property, regard must be made to the lawful use of the property that allows occupation by six unrelated individuals or a family of an unrestricted size. In light of the existing situation and the fact that the proposal would create an additional bedroom at roof level, a change to the internal layout of the property which is not considered to be likely to generate unacceptable internal noise or disturbance, it is concluded that the proposal will not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

Therefore the proposal is deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan (2012).

Highways (Parking)

There is no parking associated with the property and no proposal to provide on-site parking.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could be secured by condition.

Waste matters

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored within the front or rear garden, and could be secured by condition.

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

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

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development. This overcomes reason for refusal No.3 attached to the previous application.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2:

mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

The applicant has provided a statement which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on community balance, amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. It is therefore deemed to be subject to conditions and legal agreement, in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral.

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

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

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 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

Approved plans

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Floor Plans; and Location Plan - 1:1250.

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

Number of occupants

- 3) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason: To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

Cycle storage

- 4) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) 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 unless otherwise agreed in writing by the LPA.

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

Waste storage

- 5) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

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

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 6) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels and potential Recreational Disturbance - Wading birds resulting from the development has been (a) submitted to and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme.

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

PRO-ACTIVITY STATEMENT

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

NORTH PORTSEA ISLAND PHASE 4B COASTLINE BETWEEN MILTON COMMON AND KENDALLS WHARF EASTERN ROAD PORTSMOUTH

FLOOD AND COASTAL EROSION MANAGEMENT SCHEME COMPRISING A COMBINATION OF ENCASING SECTIONS OF THE EXISTING SEA WALL WITH ENHANCED STEPPED REVETMENT, CONSTRUCTION OF A NEW VERTICAL SEA WALL WITH STEPPED REVETMENT, IMPROVEMENTS TO 2NO. EXISTING SLIPWAYS, REMOVAL OF 1NO. EXISTING SLIPWAY, RECONSTRUCTION AND RAISING OF THE EXISTING COASTAL FOOTPATH, PROVISION OF ADDITIONAL SEATING AND VIEWING AREAS, CREATION OF AN OFFSHORE BIRD ISLAND, AND ALL ASSOCIATED WORKS, COMPOUNDS, REMOVAL OF TREES AND LANDSCAPING. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT.

Application Submitted By:
Portsmouth City Council

On behalf of:
Eastern Solent Coastal Partnership for PCC

RDD: 5th September 2019
LDD: 27th December 2019

This application represents a major infrastructure project to reduce the risk of coastal flooding, accompanied by an Environmental Statement (ES). There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it. The local planning authority must take into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application.

Eastern Solent Coastal Partnership (ESCP) is applicant on behalf of the city council. ESCP was formed in 2012 to provide a comprehensive coastal management service acting for and directly employed by the four partner authorities: Portsmouth City Council, Havant Borough Council, Fareham Borough Council and Gosport Borough.

SUMMARY OF MAIN ISSUES

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

Site and surroundings

The site covers an area of 11.44 ha. Linear in shape, it extends along 2.05km of Langstone Harbour coastline from the southern end of Kendall's Wharf to Milton Common. Phase 4B would utilise the same principal site access arrangements for Phase 4A (Kendall's Wharf); that part of the phase 4 frontage is largely industrial in character and dominated by the operational aggregates wharf itself (privately owned and operated by Aggregate Industries).

The site access to the aggregates wharf also provides routes to watersports and land-based recreational uses including the Andrew Simpson Outdoor Activity Centre, Tudor Sailing Club, Baffins Milton Rovers football club and playing fields. Further south is a caravan park and a heritage asset, Great Salterns Mansion (used as a restaurant/bar). At Tangier Road junction is Portsmouth College set back behind its playing fields and the six-a-side football centre. To the west and south-west of Portsmouth College are residential properties.

The harbour front is characterised by long stretches of pebble and cobble upper beach with transition to mudflat on the middle to lower beach. A continuous route runs along and just inland of the current seawall providing an informal coastal footpath and foreshore access.

The narrow strip of land east of the seawall is bounded tightly by Eastern Road itself. The widest area is at the northern end where the sports facilities and playing fields are located. South of this, the land between Eastern Road and the seawall is rarely wider than 20m, except around the caravan park/Great Salterns Mansion and where it widens out at Milton Common.

The wider North Portsea Island Coastal Flood and Erosion Risk Management (FCERM) scheme extends around 8.4km of the Portsea Island coastline from the Mountbatten Centre in the west, along Ports Creek in the north, and as far as Milton Common in the east. Due to its extent, the wider North Portsea Island FCERM scheme has been designed into phases. This application relates to the second part of the fourth phase of construction works.

During construction, there would be a need to occupy various areas around the main construction site as haul roads, materials storage compounds and site facilities/offices.

The site is located within the Indicative Floodplain (Flood Zone 3) and is adjacent to Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), Solent Maritime Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

The existing defences around North Portsea Island consist of a mix of structures, including concrete and earth revetments, mass concrete walls and rock armour revetments. Most of the structures were constructed between the 1930s and 1980s. The predominant structure type along the Phase 4B frontage is a steel sheet pile and reinforced concrete wall. This frontage is currently assessed as having a residual life of less than 10 years. Kendall's Wharf to Milton Common creates a break in continuity of flood protection; to not provide adequate coastal defences would be placing the surrounding residential and recreational areas at an unacceptable risk.

The works are proposed to be commenced in April 2020, continuing until September 2022 with landscaping completing in May 2023.

Proposal

Permission is sought to replace existing flood defences. 'Phase 4B' consists of construction of:

- a renewed and elevated sea wall;
- adaptation of two slipways;
- facilities for flood wall at the head of two slipways;
- removal of one redundant slipway; and,
- landward realignment of a section of sea wall.

The proposed sea defences would include the reinstatement of a raised coastal footpath 2.2m wide in a new alignment, providing pedestrian access as well as for occasional maintenance vehicles although (para 6.5.1 of the DAS) "It is anticipated that the track will only be used by cyclists infrequently as the main north-south cycle route runs adjacent to Eastern Road".

The proposed replacement structures would be built with a crest height of +4.8m AOD. The new coastal defences are designed to reduce the risk of coastal flooding from a 1 in 500 year [0.2% AEP] flood event over the next 100 years.

One aspect of the project design has been updated since submission, following confirmation from ESCP of the following:

"As identified in the submitted LVIA (Table 3 - Assessment of Visual Impacts, Additional Mitigation Measures and Residual Impacts & p.26 of Chapter 7 - Conclusion) and the Planning, Design and Access Statement (Section 1.8 – Stakeholder Engagement, Section 5.5 - Design), opportunities to further mitigate the visual impact on the residents of the Harbourside Caravan Park have been explored, in the form of fortified glazed panels being used in lieu of concrete for the new sea wall.

These glazed panels would allow a transparent defence wall that retains an open view over the harbour but require additional funding and investigations. PCC has now confirmed that glazed panels are proposed in front of three locations: caravan park, Andrew Simpson Watersports Centre and the Sailing Club. Further investigations are required to understand the suitability and structural integrity of various designs of glass wall as well as details of construction and maintenance. In light of this additional work, a condition requiring the final details, including the design, extent and construction methods, of the glazed panels could be imposed. Whilst a concrete wall fulfils the function of the flood defence scheme, significant public engagement has shown that local residents and businesses are very keen for glazed panels to be used, to retain the open views of the harbour. The alignment, height and depth of the sea wall will remain unchanged."

A marine licence application (MLA/2019/00392) has been made to the Marine Management Organisation affecting the area below mean high water springs.

Relevant planning history

Planning and other applications have been permitted for the previous phases as follows:

- Phase 1 Anchorage Park (October 2014) with planning permission ref 14/01387/FUL and marine licence ref MLA/2014/00506;
- Phase 2 Milton Common and removal of Great Salterns Quay (October 2015) with planning permission ref 15/01769/FUL and marine licence ref MLA/2015/00436;
- Phase 3 Tipner Lake (September 2016) with planning permission ref 16/01820/FUL and marine licence ref MLA/2016/00436; and,
- Phase 4A Kendall's Wharf (July 2019) with planning permission ref 19/00706/FUL (no marine licence necessary for Phase 4A).

POLICY CONTEXT

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

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

and saved policies DC21 (site contamination), LH1 (Langstone Harbour Open Coastal Area) and LH2 (Langstone Harbour Coastal Zone) of the Portsmouth City Local Plan (2006). Those saved policies LH1 and LH2 support only development that specifically requires a coastal location and must have regard to: coastal setting and landscape; public access to the waterfront; navigation within the harbour; and, nature conservation interests.

The National Planning Policy Framework (NPPF, 2019) sets out the presumption in favour of sustainable development, which means approving development proposals that accords with development plan policies without delay (para 11). However, as set out in para 177, the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (unless an appropriate assessment concludes it will not adversely affect the integrity of the habitats site).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 8 Overarching objectives of sustainable development - economic, social & environmental
- 38 Core planning principles for decision making
- 54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations
- 80 Significant weight on the need to support economic growth through the planning system
- 81 Policies should positively and proactively encourage sustainable economic growth
- 95 Promote public safety, reduce vulnerability, increase resilience
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 110 Give priority to pedestrian and cycle movements; address needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive etc
- 130 Refuse poor design that fails to improve the character and quality of an area
- 149 Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change etc
- 174-176* Protect and enhance biodiversity and ecological networks, including the hierarchy of international, national and locally designated sites (SPA/SAC/Ramsar, SSSI etc)
- 177 Presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (unless an appropriate assessment concludes it will not adversely affect the integrity of the habitats site)
- 178 Ensure a site suitable for its proposed use takes account of ground conditions and any risks (contamination)
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets
- 190 LPAs to identify and assess significance of any heritage asset
- 193 Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)
- 194 Any harm/loss of a designated heritage asset requires clear and convincing justification; substantial harm to assets of highest significance (such as scheduled monuments and grade I listed buildings) should be wholly exceptional
- 195 Where leads to substantial harm, should be refused (unless substantial public benefits)
- 196 Where leads to less than substantial harm, to be weighed against public benefits
- 197 Weight to non-designated heritage assets (where significant)
- 199 Developers to record/advance understanding of significance, made publicly available

*When determining planning applications, LPAs should apply the following principles (para 175):

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats... should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy 26 of the Hampshire Minerals and Waste Plan (adopted in 2013) is also relevant to the determination of this planning application. This policy seeks to protect waste management infrastructure that provides strategic capacity against redevelopment and inappropriate encroachment. In this case, as the proposal would be located in close proximity to a 'safeguarded site' it is important that the potential impacts of the proposal on the operation of the safeguarded site are considered.

This application is also supported by an ES as the proposals fall within the definition set out in Schedule 2, Infrastructure Project, 10 (m) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011: 'Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works', which would be likely to have significant effects on the environment.

As set out in the relevant regulations (as amended) and the 'Planning Practice Guidance' by MHCLG, there are specific arrangements for considering and determining planning applications that have been subject to an EIA. This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the ES, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted ES will be made in the comments section of this report.

In this case, the HRA process requires a 'competent authority' to decide whether or not the coastal defence works can proceed having considered the following 'appropriate assessment requirements' to (1) determine whether a plan or project may have a significant effect on a European site, and (2) if required, undertake an appropriate assessment of the proposal and decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment undertaken. This issue is addressed further in the comments section of this report.

CONSULTATIONS

Marine Management Organisation

*The MMO will be awaiting an update on the city council's position on adopting the HRA. Any views of the MMO will be reported at the meeting.

Hants & IOW Wildlife Trust

No comments received.

RSPB

No comments received.

Environment Agency

No objection raised, subject to conditions. These relate to approval of a Construction Environmental Management Plan, a verification report of works completed in accordance with the approved remediation strategy, a strategy for dealing with any previously unidentified contamination, any piling and investigative boreholes using penetrative methods to be agreed and a scheme for managing any borehole and decommission of investigative boreholes.

In addition, the EA offer advice in relation to piling activity, Flood risk activity environmental permits and a monitoring site in shellfish waters close to Salterns Quay.

National Planning Casework Unit

Required to be notified on EIA development.

Langstone Harbour Board

No objection raised. Furthermore, LHB wish to offer support for the proposed ecological enhancement of the defences including the textured cladding and artificial rock pools. However, concern is expressed that the proposed bird roosting island (which is a much needed environmental enhancement in Langstone Harbour with the potential to bring great benefits to wildlife) is too close to the path and so will be subject to disturbance making it unfit for birds. LHB suggest it is moved further seaward of the wall to improve its chances of success.

Ecology

Bats: Further clarification has been provided that all trees on-site have been surveyed from ground level and that the post-approval surveys referred to represent additional diligence to ensure that bats are not harmed. Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Local Planning Authorities are required to engage with the Regulations - planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law. In view of the survey findings it is considered that the development is unlikely to result in a breach of the law protecting bats and no concerns are raised. It is, however, suggested the following informative note is added to the decision notice:

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

Invertebrates: Detailed consideration has been confirmed of likely impacts to invertebrates via an analysis of HBIC invertebrate records in the context of the habitats present on-site. Vegetated shingle is known to be of high value to terrestrial invertebrate species, and obviously a lack of local records could well be a result of under-recording of this species group in the area, rather than an absence of notable species. However, given the robust mitigation, compensation and enhancement measures proposed on the scheme, and the findings of the detailed desktop assessment carried out, it is not considered that the results of a terrestrial invertebrate survey would lead to any changes in the high-quality mitigation and enhancement provided. A full survey is not, therefore, considered necessary on this occasion.

Roost Island: The ecologist has made a reasoned, and reasonable, request for an amendment to a suggested condition wording on the timing of submission for approval of details of the high tide wader roost. Accordingly, the updated wording below is offered if minded to grant approval.

"Prior to commencement, details of the biodiversity enhancements to be incorporated into the proposals shall be submitted to and approved in writing by the Local Planning Authority, with full details of the high tide wader roost island submitted for approval prior to works commencing in Zone 3 of the scheme. Development shall subsequently proceed in accordance with any such approved details."

Reason: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and Policy PCS13 of the Portsmouth Plan.

Natural England

No objection, subject to securing appropriate mitigation.

NE consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Chichester and Langstone Harbours SPA and Ramsar site, the Solent and Dorset Coast pSPA and the Solent Maritime Special Area of Conservation
- damage or destroy the interest features for which the Langstone Harbour Site of Special Scientific Interest has been notified.

In order to make the development acceptable, detailed mitigation measures have been included in the application. NE advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

Habitats Regulations Assessment (HRA): NE notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. NE provides the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, NE advises that it concurs with the assessment conclusions, providing that all mitigation measures outlined in the shadow HRA are appropriately secured in any permission given.

Section 6.5 of the ES sets out suggested conditions and NE advise these should be secured by planning permission. Furthermore, a Construction Environmental Management Plan (CEMP) should be submitted/approved in writing following consultation with the authority's ecologist, identifying the steps and procedures that will be implemented to avoid or mitigate constructional impacts on designated sites, species and habitats and wider biodiversity.

NE welcomes the environmental enhancement measures set out in Appendix W of the Environmental Statement and the detailed mitigation and enhancement measures included within the Environmental Statement. NE recommend that a Biodiversity Mitigation and Enhancement Plan (BMEP) is appropriately secured in any permission given to include the biodiversity mitigation and enhancement measures outlined in the ecology chapter (Chapter 9) of the submitted Environmental Statement. It is noted that the BMEP will also include a biodiversity metric calculation and this approach is welcomed.

NE especially welcomes the proposal for the high tide wader roost island. NE would be happy to provide further input into the detailed design/location and also welcome the proposed measures included within the design of the new coastal defence structure, such as the ecoformliner and rock pools and other enhancements, such as wildflower meadows.

Portsmouth Water

The site is located outside a Source Protection Zone for our groundwater sources used for public water supply source. Therefore, from a groundwater quality protection perspective there are no adverse comments.

Southern Water

A sewer records plan is provided. It shows the approximate position of a public combined rising main and trade effluent trunk sewer within the site. SW comment that the exact position should be checked and the impact of any works within highway/access road on public apparatus shall be assessed and approved, in consultation with them, under NRSWA enquiry in order to protect public apparatus.

Marine & Coastguard Agency

No comments received.

Archaeology Advisor

Both chapter 13 of the ES 'Archaeology and Heritage' and the Heritage Statement (Appendix O) are endorsed to you. These documents acknowledge the coastal zone has an archaeological potential but recognises it is likely to be 'intermittent, dispersed and small scale' and survival is likely to be severely compromised by the existing sea defence infrastructure. Furthermore, it indicates that the impact of construction is limited due to the nature of the construction which follows the existing alignment of the sea defences, and that the opportunity for archaeological observations is restricted by the narrow nature of the excavation.

The Archaeological Mitigation Strategy indicates that an archaeologist will be retained during the life of the works. The archaeologist will provide an on-site tool box talk and will attend site, and subsequently record and prepare a report, if archaeological evidence is reported during works as a result of the tool box talk. The retained archaeologist will carry out a watching brief if needed thereafter.

This approach is endorsed, particularly in light of the results of the archaeological watching brief on the preceding phase that offered only very limited opportunity and in final analysis recorded no substantive archaeological evidence.

An archaeological condition is recommended to be imposed on any planning permission, to secure the implementation of the Archaeological Mitigation Strategy described in the ES.

Highways Engineer

Following review of the design and access statement and drawings submitted in support of this proposal the following observations are made:

These works are essentially similar in nature to those approved to the north of Kendall's Wharf and in part utilise the same access arrangements with additional compounds at Salterns Quay and Milton Common. There are a very limited number of traffic movements associated with the construction works which are only intended to be operational during the summer months (18 truck movements will occur per day on average with deliveries being made to compounds 1, 3, 4 and 5 between 1st April and 30th September of 2020, 2021 and 2022) and it would not be anticipated that the additional trip generation would have a material impact on the operation of the local highway network.

Compounds 1 and 3 will be accessed via the A2030 southbound and the un-adopted Road at Kendall's Wharf. This is essentially the same access arrangement adopted for the works to the north of Kendall's Wharf which have not had a material impact on the operation of the local highway network.

Compound 4 will be accessed via the A2030 southbound via a new junction to be constructed specifically for the scheme. The maximum visibility splay which can be achieved from this point of access is only 90m (one step below that desirable for a 40mph traffic speed). As part of the establishment of this delivery area, a temporary Traffic Regulation Order (TRO) is proposed to be in place during the works periods to reduce the speed limit from the Burrfields Road traffic signal junction to 40mph. The LHA has undertaken a speed survey at this location and established the 85 percentile traffic speed to be in the order of 43mph which is appropriate for such a temporary speed restriction. The entrance will be manned and marshalled at all times when in use and will be padlocked 15-11 shut when not in use. Traffic will exit via the A2030 southbound and turning right onto Tangier Road. The vehicles will then complete a turn in the road using the informal parking on the north side of Tangier Road which leads to the rear access road of the Stanley Avenue properties. A temporary TRO will be in place during the duration of the works to restrict use of the area for parking in addition to signage to inform road users of turning HGV traffic in the area. Traffic will then return to the Tangier traffic signal junction for a left turn to join the northbound carriageway of the A2030.

Compound 5 (and subsequently Compound 6) will be accessed via the A2030 southbound. This site entrance will use the existing slip road and pedestrian crossover point on the Eastern Road foot and cycle paths. The submitted details do not include the swept path of vehicles entering / emerging from this access. I am concerned that the approach angle is such that this may require HGVs to occupy the full width of both southbound lanes when exiting the site. As a consequence the routing arrangement within the compound should be revisited in the CEMP to ensure that this issue does not arise. The entrance will be manned and marshalled at all times while the site is operating and will be padlocked shut when not in use. Traffic will exit via the A2030 southbound and turning right onto Tangier Road. The vehicles will then complete a turn in the road using the informal parking on the north side of Tangier Road which leads to the rear access road of the Stanley Avenue properties. A temporary TRO will be in place for the duration of the works to restrict use of the area for parking in addition to signage to inform road users of turning HGV traffic in the area. Traffic will then return to the Tangier traffic signal junction for a left turn to join the northbound carriageway of the A2030.

On balance given the temporary nature of the works and subject to the TROs only being in effect during the summer periods and access restrictions being secured during the morning and evening peak periods the proposed access arrangements can be appropriately managed through a CEMP and which will need to be reinstated upon completion of the project.

Whilst no objection is raised in principle to the proposal, the nature of the work is such that a CEMP will also be required ensuring safe and appropriate provision for pedestrians and cyclists diverted from the existing route and access to retained operations at the wharf / Portsmouth Water Sports Centre / Tudor Sailing Club whilst the works are undertaken. Such provision is not detailed in the application beyond a reference in section 8.4 of the design and access statement explaining that: 'The existing footpath and planned diversion along the Eastern Road is shown in Figure 8.1. The diversion will require an increase in pedestrian traffic to a currently shared pedestrian and cycle path alongside Eastern Road. The design and implementation of the cycle path diversion is being progressed by Portsmouth City Council's Transport, Environment and Business Support Team and will involve clear signage at both extents of the diversion.'

As a consequence any consent should only be granted conditional on the provision and approval of a construction management plan prior to the commencement of works.

Environmental Health

The accompanying ES includes an acoustic report at Appendix T, with a baseline acoustic survey, an assessment of the various activities involved in the construction and their likely impact and recommended mitigation. In general the reports are satisfactory although it should be pointed out that the baseline noise monitoring results in Table 14.2 have been misrepresented and should be 61dB for Daytime, 59 dB for Evening and 53 dB for Night Time. In addition, the impact thresholds in Table 9 of the report for Sub Frontage 4 in Appendix T are incorrect. Neither error appears to materially affect the noise assessments.

The assessments have been split into Sub-Frontages 2, 3 and 4; table 14.4 of the ES summarises the potential impacts.

Sub Frontage 2 - The Tudor sailing club and the Andrew Simpson Activity Centre are directly adjacent to the works and are likely to be affected by noise from the site at some point, however there does not appear to be any residential accommodation associated with either facility. The only residential area likely to be affected by works in Sub Frontage 2. Evening impacts may occur if percussive piling is conducted at these times. Works at night that are likely to impact on residential use are percussive and vibro piling and the placing of concrete.

Sub Frontage 3 - The Harbourside Caravan Club is likely to be significantly affected by any of the construction activities that occur whether that is during the day, evening or night. In addition, the 'Harvester' licensed premises is directly adjacent to the works and likely to be affected by

noise from the works at some point, impact is limited as there does not appear to be any residential accommodation associated with the business.

Sub Frontage 4 - Dwellings located along Eastern Road are the only ones likely to be impacted by construction noise. That impact is not likely to occur during the day or evening, however, percussive piling at night is likely to have an impact.

Water Bird Impact - For all of the Sub Frontages the impact on water birds can be summarised as follows:

- Owing to the proximity of the feeding grounds, any activity could potentially have an impact upon the adjacent feeding grounds across all areas;
- The predicted impacts for all activities, apart from percussive piling, are mostly indicative of a behavioural response up to 30 metres from the site and a low-level behavioural response, which is defined as 'raising of the head', up to 100 metres from the site;
- However, any use of percussive piling is likely to initiate a behavioural response up to 50 metres and a low-level behavioural response up to 160 metres from the site; and
- In general, the noise levels generated by most of the activities are predicted to initiate a flight response to any birds located within 10 metres of the activity.

Mitigation - Within the construction noise reports it is stated that sufficient detail was not available to enable the specification of appropriate mitigation measures and so the report has concentrated on those particular areas / activities where specific mitigation is likely to be required. Attention is drawn to the guidance in BS 5228-1 2009 "Code of practice for noise and vibration control on construction and open sites" and it is advised that best practicable means should be employed at all times to reduce noise emissions to a minimum.

Further information is contained within Chapter 14 of the ES and it is stated that noise associated with static equipment (such as compressors, lighting sets, concrete pokers etc) will be mitigated using enclosures and barriers should night works be required. Restrictions (for example, operational hours) will be applied and summarised in the Construction Environmental Management Plan (CEMP). With regard to water birds, where possible, high energy impact noise will be avoided to prevent startling birds.

Given the significant noise levels that are predicted for the caravan park (Sub-Frontage 3) it is recommended that a condition for noise be applied. Given the short propagation distances, effective mitigation may be difficult but the applicant may be able to devise a scheme that will protect occupants from excessive noise. Alternatively, it may prove necessary to decant occupants during the noisiest operations. Imposition of the following condition is recommended:

"Prior to the commencement of demolition or construction works at Sub Frontage 3, a scheme shall be submitted to ensure that the following noise levels are not breached 1 metre from the façade of any occupied dwelling:

Day (07:00-19:00) - LAeq(12 hour) 65 dB

Evenings (19:00-23:00) - LAeq(4 hours) 55 dB

Saturdays (07:00-13:00) - LAeq(6 hours) 65 dB

Saturdays (13:00-23:00) - LAeq(10 hours) 55 dB

Sundays (07:00-23:00) - LAeq(16 hours) 55 dB

Nights (23:00-07:00) - LAeq(8 hour) 50 dB

No work, processes or other activities shall take place Bank Holidays or Public Holidays."

With regard to air quality, Chapter 17 that covers "health and air quality" of the project has been reviewed and it appears that this development will generate an increase in road traffic in/out of site by 18 vehicle per day most of which are likely to be HGVs. This increase remains not significant enough to have any impact on local receptors as identified in the chapter compared to the Annual Average Daily Traffic (AADT) of the eastern road that is reported to be in excess of 50,000v/d. Therefore, AQ is deemed not to be a material consideration in the planning process.

With regard to dust, activities are identified that may produce dust and reference is made to the IAQM document 'Guidance on the assessment of dust from demolition and construction'. Potential impacts are identified, particularly associated with dry or windy conditions and it is stated that the potential will be reduced through best practice which would be detailed in the CEMP.

It is also recommended that a condition be applied requiring a CEMP containing information on the mitigation measures across both noise and dust referred to in the ES be submitted for approval and subsequent implementation.

Contaminated Land Team

Chapter 16 of the ES has been reviewed, where relevant to Phase 4B. The report has highlighted areas where concentrations of pollutants exceed the adopted very precautionary screening values for lead, arsenic, PAHs and hydrocarbons within the made ground and occasionally present in the natural soils. The extent of these areas along the length of the development is unknown. The Contaminated Land Strategy contained in section 8 of Appendix K contains a watching brief, but a Method Statement is needed to explain how and where soils will be stockpiled, stored, and tested for reuse in order to identify of further polluted soils, and the delineation of soil around the known areas of pollution.

The CLT would support the application but request planning condition(s) be imposed on any permission for approval of a Method Statement/watching brief and in the event of contamination being found a remediation scheme for approval/verification of the such remedial strategy being implemented in full.

Mineral And Waste Consultation

The proposal covers an elongated, linear site area due to the coastal nature of the defences. It intersects with the southerly portion of a minerals infrastructure safeguarding area at its northern limit (Kendall's Wharf, which is a protected minerals processing, aggregates wharf site). The proposal also bi-sects a minerals safeguarding area which has been designated for brick clay resources.

The purpose of policies 16 and 19 of the HWMP is to maintain and maximise infrastructure to ensure that there is sufficient capacity for the import of marine-won sand and gravel and other aggregates in the area. Any development that could negatively impact upon the day-to-day usage of the safeguarded wharf or impede its future functioning would be in conflict with the objectives of these policies. Under policy 16 the Kendall's Wharf area to the north of the site is safeguarded.

Due to the peripheral location of the proposed development in respect to the safeguarded wharf, and the nature of the development, it is considered that the proposal will not have a significant impact upon the safeguarded site in the Hampshire Minerals and Waste Plan.

As minerals can only be worked where they are found, the purpose of policy 15 is to safeguard existing minerals resources from needless sterilisation by new development, and part of the central area of the site is designated for brick clay resources under this policy. Development may progress without prior extraction for various reasons including if it can be demonstrated that sterilisation would not occur, if it would be inappropriate to extract mineral resources at that location, and the merits of the development outweigh the safeguarding of the mineral.

The northern section of development proposed, which passes through the safeguarded brick clay resource, appears to be located along the existing line of defences with the intention of encasing and improving their protection with some new landscaping accompanying this work. As such it is considered that the works will have minimal impact on safeguarded resources that have not already been impacted by the existing defences. It is also unlikely to be appropriate for the extraction of these resources due to their proximity to the protected SPA/Ramsar site.

For the reasons highlighted above, the minerals and waste authority raises no objection to this proposal.

Coastal And Drainage

Detailed comments and potential amendments have been provided. In response, ESCP acknowledge these requested amendments and additional requirements, some of which will require further investigations to be done at a later stage before finalisation. A full drainage strategy secured by planning condition, for approval taking into account all the drainage comments, has been suggested by ESCP and the drainage team consider this approach acceptable.

Asset Management Service

No comments received.

Sport England

Initially a holding objection was raised, for submission of further information.

The consultation with Sport England (SE) is a statutory requirement for consideration whether the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

SE has considered the application in light of the NPPF (particularly para 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The additional information submitted has been assessed and it is all in order. Because the works are so close to the playing fields, SE would require a condition to protect the playing fields, should some of the works temporary encroach on the fields.

Having assessed the application, SE is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, SE raises no objection, subject to the following condition:

"Should the proposed development affect the cricket outfield and/or the football pitch (including the run-off areas), the affected area(s) shall be restored in accordance with scheme submitted for approval to the local planning authority in conjunction with Sport England, and made available for use within 6 months of practical completion of the completed works in the affected area(s)."

(Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy PCS13."

Informative also requested by SE - in summary, on the quality of pitch restoration.

Arboricultural Officer

This proposal, in arboricultural terms, would result in a net increase in tree planting and quality within the development area; consequently, there are no arboricultural objections.

REPRESENTATIONS

Four representations have been received, as follows:-

- Milton Neighbourhood Planning Forum

The principle of improving the sea-defences is welcomed. However, there is an opportunity to use the Kendall's Wharf to Milton Common works to improve cycling provision to allow an alternative to the Eastern Road section of the Sustrans NCR 222, which is non-compliant with national safety standards. It would also allow cyclists to be separated from toxic exhaust fumes so harmful to human health, especially important where vehicular traffic forms the biggest single polluter.

The physical constraints of the shoreline path verging the Holiday Home Park are understood. It seems to allow a shared cycle/footpath on a levelled non-tarmacaded but narrow track next to a raised sea-wall passing the 'Harvester'. Unfortunately the NCR 222 route, on the Eastern Road, on the landward side of the Holiday Home Park is where the cycling safety standards are compromised the most. This scheme should divert all pedestrians from using that section of the NCR as well as some cyclists, possibly improving safety if not public health.

Where there is an easy opportunity to make the greatest difference for cyclists though is from the Tangier Road/Eastern Road junction to Furze Lane. This is an aspiration of the Milton Neighbourhood Plan so that over time, and when funds become available, a proper cycle link from Furze Lane to the Tangier Road/Eastern Road junction can be made using the raised but levelled track across Milton Common. Currently, Furze Lane is one of the city's safest dedicated tarmacaded cycle routes away from traffic pollution and it is also on the Sustrans National Network 22/222 linking London to the South Coast at Portsmouth.

The linking of a safe cycle route from the Eastern Road directly along the shoreline offers a great opportunity to improve cycling away from the congested, polluted and noisy Eastern Road and would have a real benefit to families with children to get out on their bikes and enjoy some wonderful views of what is a real treasure of a coastline in Milton. It would also extend the opportunity to understand and appreciate the visiting and resident wading birds on the Harbour tidal mudflats.

- Portsmouth Cycle Forum

PCF support the proposal and observe the defences will enhance the experience of walking alongside Langstone Harbour. Undoubtedly it will also attract more people to cycle along the shoreline. Indeed, PCF has previously been reassured there are plans to make the whole shore path suitable for walking and cycling.

Chapter 15 of the ES notes there are no public rights of way alongside the harbour. Currently there is no clear exemption to cycling along the shoreline path, apart from the narrowness making it difficult in places. This plan shows a minimum of 1.4m width path, only getting wider south of the sports ground. The schematic drawings are unclear on the material used for sloping surfaces used for run-off, described as 'Tarmac' in places, and verge - implies grass - in others. Given that this new path will attract leisure cyclists, probably in groups/families, clarification is

needed on the type of material used. Anything other than a stable material like concrete, 'tarmac' or 'hoggin' will quickly deteriorate when walked or ridden over. A minimum width of this sort of path should be 2.5-3.0m to allow large groups to pass and others who wish to stop/admire the view without getting in the way. As a precedent, initial designs for the path by Milton Common were for a 2.0m wide path. After comments on the planning application, this was widened to 3.0m. If it is not possible for the current scheme to provide a wider path PCF request provision is made in this scheme to improve it in the future.

- Objection

The scheme does not provide a practical cycle route along the shoreline despite being an ideal opportunity to give a more valuable asset to the city. The views of the Milton Neighbourhood Planning Forum are endorsed, to improve by widening the pathway throughout the scheme to accommodate cyclists beside the sea. The benefit will be to replace the area of the last fatality on the cycle path alongside the Eastern Road alongside Harbour Caravan Park. It will also make a contribution to the Council's stated objective to encourage more cycling and help reduce pollution. Cycling beside the shore is far cleaner for residents than cycling along the path by the Eastern Road. The new proposals by the Council to meet reductions in air pollution are bound to divert more traffic to the eastern side of the city, making access to the shoreline route even more essential.

- Comment from caravan park residents

It is appreciated there may be cause for upgrading the sea defences but the height of the proposed sea wall appears excessive and these works will affect residents greatly.

COMMENT

The main issues to be considered in the determination of this application are whether:

- the principle of the development is acceptable in the location proposed;
- the Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme and, where appropriate, sets out the measures to avoid, reduce and, if possible, offset any major adverse effects of the development;
- the design/heritage impact of the scheme is acceptable;
- the proposal would have a significant impact on Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), Solent Maritime Special Area of Conservation (SAC) and SSSI;
- the proposal would have a significant impact on the safeguarded site in the Hampshire Minerals and Waste Plan (site PT027 - Kendall's Wharf);
- the proposal is acceptable in highway terms, including during the construction period,
- the proposal would have any significant impacts on the amenity on nearby residents, and
- any impact in relation to other matters raised in representations.

Principle of the development

Construction of a new flood and coastal erosion scheme is supported by both national and local planning policies. The NPPF (2019) highlights the importance of minimising vulnerability, considering the long-term implications of flood risk, and mitigating and adapting to climate change. It supports increasing the future resilience of communities and infrastructure, including ensuring provision is made for space for physical protection measures.

The Portsmouth Plan acknowledges that current flood defences are not sufficient to protect the city into the future and will need to be enhanced in order to reduce the risk of tidal flooding. It also acknowledges that Portsmouth, as an island city, is vulnerable to the effects of climate change with sea level rise increasing the risk of flooding. The flood and coastal defences for North Portsea Island have formed part of local planning policy and the 'Vision for Portsmouth' in

the Local Plan states that flood defences will be improved so that the whole city is protected against tidal flooding and sea level rise.

Objective 4 of the Local Plan is 'To make Portsmouth a city in which everyone feels and is safe', by reducing flood risk and improving the defences. The scheme itself, as well as protecting homes and businesses from the risk of flooding and erosion now and in the future, is considered to constitute sustainable development in other ways. In addition, the Council's own coastal defence strategy for the city (as set out in its Shoreline Management Plan) is to 'hold the line' in terms of protection from flooding and thus prevent parts of the city becoming permanently lost to flood waters.

This application represents part of Phase 4 of the larger 'North of Portsea Island CFERM' project to deliver those new coastal defences. It supports healthy communities by improving access along the harbour edge to the foreshore and sea; it will retain and protect the existing open spaces along the eastern seaboard. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Portsmouth Plan, in particular Policies PCS12 (Flood risk), PCS14 (A healthy city) and PCS16 (Infrastructure and community benefit), and be of significant benefit to the city as a whole.

Environmental Statement (ES)

The application is accompanied by an ES, in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. Potential impacts have been considered in Chapters 7 - 20 of the ES, which detail the environmental assessment of the impacts, proposed mitigation and residual effects for the following receptors:

7. Coastal Processes;
8. Environmental Designations;
9. Ecology;
10. Fish and Shellfish Ecology;
11. Landscape and Visual Environment;
12. Water Environment;
13. Archaeology and Heritage;
14. Noise and Vibration;
15. Traffic and Transport;
16. Ground Conditions;
17. Health and Air Quality;
18. Amenity, Recreation and Socio-economics;
19. Navigation and Commercial Fisheries; and,
20. Cumulative impacts.

The Statement concludes that: "During the Phase 4B works, there will be local and temporary disturbance and disruption caused by plant machinery, foreshore access, site deliveries and the unavoidable need to remove vegetation within the scheme footprint. During construction, views and access will also be slightly impacted temporarily. However, upon completion, the site environment will be reinstated and re-planted, with significant improvements to the landscaping and amenity value of the area. Whilst there will be short-term, localised impacts on the environment, a full recovery is expected. In addition, the scheme will provide wider environmental benefits, such as:

- protecting the harbours from uncontrolled pollution incidents resulting from the flooding or erosion of potentially contaminated land;
- helping to reduce disturbance to birds through improved screening; and
- the new defences will require limited on-going maintenance, therefore future disturbance to the environment will be avoided."

The full scheme has been assessed to the latest level of detail within the ES and the future works (in Phase 5) are expected to have additional environmental impacts. The most significant impact of the delivery of the full scheme is direct loss of European designated intertidal habitat where encasement of sea walls extends the structures seaward. This unavoidable encroachment is considered minimal and compensation for these losses has been identified through the removal of obsolete structures (including Lower Wade Way and Great Salterns Quay) along the North Portsea Island frontage and via the Regional Habitat Compensation Programme [RHCP], following discussion with environmental regulators and statutory advisers. Overall delivery of the scheme will create more intertidal habitat than will be permanently lost. Therefore, prior to the inclusion of the wader roost island footprint, ESCP expect to present a positive intertidal habitat balance to the RHCP upon completion of the scheme.

It is considered that the likely environmental impacts of the development have been adequately assessed in the Environmental Statement (ES) and subject to the imposition of appropriate conditions to secure the mitigation measures are considered acceptable.

Design

In summary, the proposed Phase 4B works would follow the same alignment of existing defences and mainly involves the construction of a reinforced concrete wall. The proposed new sea wall would be sloping, have a crest height of +4.8m AOD, a stepped revetment and a steel sheet piled toe. Along $\frac{3}{4}$ of the frontage, the existing sea wall would be encased. The remaining $\frac{1}{4}$ of the frontage would involve the construction of a new sea wall and localised realignment landward. New steps would be constructed in place of the existing ones. A new gravel coastal path would be constructed, 2.2m wide along its length.

In more detail, the design of the sea defences as new walls or encasements of the existing structures comprise of features 1) to 5) below:

1) Encasement seawall - For approximately 1500m of the frontage, the existing wall would be encased and the flood defence level raised to +4.8m AOD. The seawall would consist of new toe piling offset seaward from the existing toe and a reinforced concrete infill foundation, on top of which a new reinforced concrete stem would be cast against the existing seawall. The wall height would extend approximately 1.2m above the new promenade level. The seawall would be constructed as a series of straight bays (typically 5m long), to match as closely as possible the alignment of the existing seawall.

There are variations of encasement designs, to match the different existing wall types; all are similar and include a step at +2.6mODN to regulate differences in the existing sea walls. The seawall would be vertical below the step where the height varies and sloped above the step. These walls are all L-shaped gravity structures with a sheet-piled toe. The encasement would result in an overall widening of the existing seawall structure. Drainage pipes would be installed to run through the existing wall and encasement above typical foreshore levels and have a flap valve on the seaward end.

2) New seawall - for approximately 600 metres at the southern end of the frontage. The new seawall would be constructed directly seaward of the existing defences. There are two variations of the new seawall design. As for the encasement, the new sea wall would be formed of a series of 5m long straight bays, to match the alignment of the existing seawall. The new seawalls are designed as independent reinforced concrete L-shaped structures, with a stepped apron and sheet pile toe. The short 35m section of new seawall would be ground bearing and of the same dimensions as the encasement sections immediately either side of it. The main 600m length of new seawall would be sat on a row of steel sheet piling to transfer the loads deeper into ground. As with the encasement design, the height of the new seawalls would be 1.2m above the promenade level (with drainage pipe running through the existing wall and new works above typical foreshore levels with a flap valve on the seaward end).

To achieve a consistent appearance between the encasement seawall and the new seawall sections they would have the same seaward slope and concrete infill of varying thickness would be used to achieve to the alignment of the new seawall relative to the alignment of the existing seawall. The bases of the new seawalls and lower steps would be buried, to ensure minimal encroachment into the intertidal habitat.

3) Environmental enhancements - an ecological formliner would be applied to the seaward face of both the encasement and new sea wall. This would be in vertical 'panels' with a gap in between the panels and at joints. A number of bays would also have a sand-blasted finish on the landward side of the upstand wall to improve the aesthetic quality of the new structure.

In the new seawall sections, tidal pools would provide habitat as an environmental enhancement incorporated on the stepped apron. The concrete pools would be placed alternatively on a widened top step and bottom step in alternate bays. The pools would be formed using a mould/formwork that can be placed into the concrete pre-pour. A shallow drainage channel would avoid these pools filling to the brim. Many of these tidal pools would be buried but may become exposed in the future depending on the fluctuation of foreshore levels.

To the south of Great Salterns Quay, the new defences would be realigned landward. At this location, an island would be created offshore to provide a high tide roost for wading bird species. The proposed bird island would be designed in detail after the planning and marine licence applications have been submitted. It would be constructed in the third summer of the works (in 2022) and detailed designs would be developed prior to that in discussion with interested parties (that would include Natural England, the RSPB, Langstone Harbour Board and the Marine Management Organisation).

4) Slipways - the slipway at Tudor Sailing Club [TSC] and the northern slipway at the Andrew Simpson Watersports Centre [ASWC] would be retained and improved as part of the works. The upper parts of the slipways would be raised, and a floodgate installed at the crest of each slipway, to provide the required flood defence level. Slipway rings and chains will be re-used where possible or replaced at the current locations. A handrail will also be added at the top of the slipways. There will be no change to the footprint of the existing slipways within the intertidal area.

The shorter, southern slipway at the ASWC is intended to be removed as part of the works and replaced by a continuation of the encasement seawall either side or by a short section of new seawall (depending on the condition of the existing seawall). The existing smaller slipway, or 'Hard', at Tangier Road would also be removed as part of the scheme.

5) Egress points - egress steps would remain in the current locations and constructed using reinforced concrete wingwalls, granular fill and lightly reinforced concrete step blocks and landings. The reinforced concrete structures would be of similar dimensions to the seawall bays. The level of the top of the access steps would be the same level of the rest of the defences. The steps would be constructed along straight sections of the frontage and within the footprint of the new seawall, to encroach as little as possible into the environmentally designated foreshore area.

The application includes a detailed description, drawings and other images (included in the submitted Environmental Statement) of the design options that were explored for the new defences and reasons why the preferred option was chosen (this design selection process also included consultation with local residents and other stakeholders). In addition, and as discussed further in this report, the location and design of the new defences is constrained by the international and national nature conservation designations protecting Chichester & Langstone Harbours as well as the nature of the site as a narrow strip between the Eastern Road and foreshore for this phase of the flood defence scheme.

Due to the increased standard of protection, the wider scheme for new coastal defence structures would, once completed, be higher than the existing defences. This would naturally have an impact upon the views of the harbour. This would be mitigated by the new structures incorporating raised sections or paths to allow continued enjoyment of the coastal environment. This has a significant environmental benefit by screening European protected bird species from disturbance.

The inclusion of a footpath alongside the raised seawall as part of the design of the new defences is also considered to be a benefit of the scheme. To prevent an unacceptable degree of encroachment within international and national nature conservation designations protecting Chichester & Langstone Harbours the new compacted gravel coastal path in Phase 4B would be constructed 2.2m wide along its length.

In light of the above, it is considered that the proposed design of the defences would be acceptable when considered against the NPPF, local planning policies and other material considerations.

Impact on nature conservation and water environment

The site for the new defences is adjacent to the Chichester & Langstone Harbour's Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). These designations highlight the significance of the flora, fauna (including rare and vulnerable birds) and wetland habitat in the area. For example, research has shown that Langstone Harbour forms part of the overwintering site for over 5% of world's population of Dark-bellied Brent Geese, as well as being a site of international importance for the Black-tailed godwit, Dunlin and Redshank.

As previously stated, the proposal includes work adjacent to Chichester & Langstone Harbours SPAs, SAC and Ramsar Site, which are also known as 'European designated' sites. Where a project is likely to have a significant effect on the conservation objectives of an 'European designated' site (either alone or in combination of other plans or projects) and it is not directly with or necessary to the management of the site, Section 61 of the Conservation of Habitats and Species Regulations 2010, as amended, (the Habitats Regulations) requires that the applicant provides information to enable the competent authority to carry out an 'Appropriate Assessment' of the implications for that site in view of that site's nature conservation objective.

Information for Habitats Regulations Assessment has been prepared to support the application for Phase 4B of the North Portsea Island Flood and Coastal Erosion Risk Management [FCERM] scheme. This report provides the information required to enable the LPA to determine the implications of this phase of the NPI FCERM scheme on the relevant designated European nature conservation interests. A full scheme level HRA was first prepared at the outline design stage of the North Portsea Island FCERM scheme development, to identify any likely significant effects from its overall delivery on the European sites. The full scheme HRA was prepared to demonstrate that the scheme is deliverable in its entirety, following assessment of the environmental impacts and the mitigation that is required.

Information for HRA (at Appendix C1 of the ES) relevant specifically to the Phase 4B frontage confirms that the detailed design and construction proposals will not have a significant adverse effect on the integrity of the relevant European sites. It provides an overview of the HRA process and methodology followed, a summary of the proposed works for this frontage, information on the relevant European sites and their interest features, screening of the activities and potential effect pathways and assessment of whether the proposed works could have a significant adverse effect on the integrity of the relevant European sites, either alone or in-combination with other plans and projects.

The HRA has been produced by ESCP. It is adopted to fulfil PCC's duty as competent authority.

Natural England (NE) has a statutory purpose to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Based on the assumption that PCC adopts the HRA, NE concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question and "Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures outlined in the shadow HRA are appropriately secured in any permission given."

The consultation response from the County Ecologist raises no objection, subject to securing the intended biodiversity enhancements including the wader roost island.

The full scheme has been assessed to the latest level of detail within the ES and the future works (Phase 5 of the scheme) are expected to have additional environmental impacts. The most significant impact of the delivery of the full scheme is direct loss of European designated intertidal habitat where encasement of sea walls will extend the structures seaward. This unavoidable encroachment will be minimal and compensation for these losses has been identified through the removal of obsolete structures (including Lower Wade Way and Great Salterns Quay) along the North Portsea Island frontage and via the Regional Habitat Compensation Programme [RHCP], following discussion with our environmental regulators and statutory advisers. Overall delivery of the scheme will create more intertidal habitat than will be permanently lost. Therefore, prior to the inclusion of the bird island footprint, we are expecting to present a positive intertidal habitat balance to the RHCP upon completion of the scheme.

Due to the increased Standard of Protection, the new coastal defence structures would, once completed, be higher than the existing defences. This would naturally have an impact upon the views of the harbour. However, this would be mitigated by the new structures incorporating raised sections or paths to allow continued enjoyment of the coastal environment. This would have a significant environmental benefit by screening internationally protected bird species from disturbance.

In conclusion, it is considered necessary and appropriate for the Local Planning Authority to secure the mitigation measures set out in the submitted Environmental Statement (in the form of appropriately worded conditions) to reduce the environmental impacts the proposed scheme could have on this significantly important coastline and water environment.

Subject to the proposed mitigation secured by planning conditions, it is considered that the construction of Phase 4B of the coastal defence works will not have an adverse effect on the features of the Chichester & Langstone Harbours SPAs, SAC and Ramsar Site. The biodiversity measures will exceed a 10% net gain to comply with the 'Habitats and biodiversity' section of the NPPF Para.s 174-177), Policy PCS13 of the Portsmouth Plan in terms of impacts on the natural environment.

Impact on designated/non-designated heritage assets

Particular obligations fall upon the council in determining any application which affects a listed building or its setting. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Within Phase 4B, the ES identifies 'Great Salterns House', which is a grade II listed building, as the only designated heritage asset requiring consideration of its setting. The proposal would not directly affect the listed building. The sea defence works would have an impact on setting though, given the close proximity. The Heritage Statement (Appendix O of the ES) assesses

the impact, commenting: "The new sea wall would appear as a more engineered and thought out structure than the existing sea wall due to the continuous design and smooth edges. The raised footpath bank will soften over time and re-growth of vegetation and provide a greener, welcoming corridor into the city... the new defences will have a minor impact on the building, in that the raised height of the sea wall will be more visible from the building. However, as the landscaping and replanting matures, the impact of the works will soften... With a more visually appealing design and raised earth works behind, the wall will have a minimal impact on the overall setting of the Great Salterns House and will likely have a positive visual impact." In the longer term, the heritage asset will directly benefit from the FCERM scheme, with the flood risk reduced.

Having regard to the benefit of reduced flood risk and balancing some impact of the raised level of the sea wall proximate to the listed building against a continuous design of the new defences are considered overall to have a neutral impact on and thereby preserve the setting of the listed building.

With respect to buried archaeology (non-designated heritage asset), works undertaken to date at adjacent sites at Phase 1 (Anchorage Park), Phase 2 (Milton Common and Great Salterns Quay) and Phase 3 (Tipner Lake) beyond has yielded no finds of any archaeological or paleontological significance. The ES concludes the Phase 4B works are therefore likely to have little or no archaeological impact. However, if there was an encounter with buried archaeology there is a potential for physical impact or loss. Therefore a staged mitigation strategy has been proposed.

In the consultation response from the city's archaeology adviser the conclusions of Chapter 13 of the ES are accepted and an archaeological condition imposed on any planning permission, to secure the implementation of the Archaeological Mitigation Strategy described in the ES.

As such, this proposal is considered to be acceptable in heritage terms in accordance with para's 194-197 of the NPPF (2019) and policy PCS23 of the Portsmouth Plan (2012).

Impact on safeguarded 'Minerals and Waste' site

The new coastal defences would be close to a safeguarded site (PT027 - Kendall's Wharf - Aggregates) and other safeguarded brick clay resource therefore consideration must be given to the potential impacts such a proposal would have on the safeguarded areas.

The works are considered to have minimal impact on safeguarded resources that have not already been impacted by the existing defences. It is also unlikely to be appropriate for the extraction of these resources due to their proximity to the adjacent Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), Solent Maritime Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

Highways issues

The highway issues associated with this application relate to the construction of the new defences and most of the construction compounds are essentially similar to earlier phases and it is not anticipated that the additional trip generation would have a material impact on the operation of the local highway network.

Another compound would access the A2030 (Eastern Road) southbound via a new junction constructed specifically for Phase 4B. The entrance would achieve a maximum visibility splay of 90m, which will necessitate a temporary speed restriction by Traffic Regulation Order.

Whilst no objection is raised in principle to the proposal, the Highways Authority considers a construction management plan necessary prior to the commencement of development to ensure

safe and appropriate provision for pedestrians and cyclists diverted from the existing route and access to retained operations at the wharf / Portsmouth Water Sports Centre / Tudor Sailing Club whilst the works are undertaken.

The sea defence scheme includes provision of a 2.2m wide coastal footpath, which would be an improvement on current accessibility to the existing informal route that is narrow in places particularly around the water sports centre and caravan park/'Harvester'. Cyclists would be able to share the new footpath with pedestrians but it is anticipated it will only be used by cyclists infrequently as the main north-south cycle (NCR 222) route runs adjacent to Eastern Road.

Impact on amenity

Recreational users of Portsmouth Water Sports Centre / Tudor Sailing Club / Baffins Rovers FC and the coastal path would be inconvenienced by any temporary footpath closures / diversions.

The nearest residents on Eastern Road are some distance from the proposed Phase 4B works and separated by the edge of Milton Common (including the completed Phase 2 works) between their properties and the coastal footpath, across Eastern Road. They are likely to be affected by the construction of the new defences and in particular the construction traffic / delivery of materials to site. Similarly, the residents of the caravan park are likely to be significantly affected by any of the construction activities and in their consultation response Public Protection recommend imposition of a noise related condition. However, Public Protection comment that "Given the short propagation distances, effective mitigation may be difficult but the applicant may be able to devise a scheme that will protect occupants from excessive noise. Alternatively, it may prove necessary to decant occupants during the noisiest operations."

The raised height of the sea wall adjacent to the caravan park would inevitably change the view across Langstone Harbour. In one of the representations from caravan park residents, whilst acknowledging a need for the works, comments that the height of the proposed sea wall appears excessive and will affect residents greatly. The crest height of +4.8m AOD is designed to reduce the risk of coastal flooding from a 1 in 500 year flood event over the next 100 years. The loss of a view, in the circumstances of this proposal, would not be a material planning consideration. Any impact of an increased sense of enclosure by of the raised sea wall would be outweighed by the protection offered from potential tidal inundation. However, as outlined in the 'Proposal' section of this report, ESCP has since confirmed that a project enhancement by inclusion of fortified glazed panels. These are intended to be utilised at the caravan park, watersports centre and sailing club, to maintain visual links to the harbour as far as practicable in response to their public engagement with harbourside residents and businesses. The design, extent and construction method of these glazed panels are proposed to be controlled by planning condition.

In conclusion, any impact of temporary noise and general disturbance during the construction period would be considered to be outweighed by the significant benefit created by the new coastal defences as a substantial number of homes and businesses would have greater protection from a flood event.

Other matters raised in representations

In the representations from Milton Neighbourhood Planning Forum, Portsmouth Cycle Forum and another objection, the opportunity to improve cycling provision is raised on safety, health and aesthetic grounds.

The broad principle of improving the sea-defences is recognised in these representations but an alternative to the Sustrans NCR 222 "... away from the congested, polluted and noisy Eastern Road..." is advocated and a "...minimum width of this sort of path should be 2.5-3.0m to allow large groups to pass and others who wish to stop/admire the view without getting in the way."

The proposed sea defences in Phase 4B includes the reinstatement of a raised coastal footpath 2.2m wide along its length suitable for walking and cycling, in a new alignment. The physical constraints of the shoreline path around the caravan park/'Harvester' are also acknowledged in the representations. It is the narrow characteristics of the site on the landward side and designations limiting encroachment into the harbour on the seaward side that constrain the coastal footpath in Phase 4B.

Conclusion

This application would deliver a key and essential piece of infrastructure for the city in the form of new coastal defences and contribute to the city's wider economic growth and regeneration.

It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted ES, and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable and overall the scheme would not be likely to give rise to significant harm or have any significant adverse impacts.

During the construction period there is some potential for disruption and inconvenience. There would be local and temporary disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site access points and construction compounds and the unavoidable need to remove vegetation within the scheme footprint. Upon completion, the site environment would be reinstated and re-planted, with improvements where achievable. It is considered that any impact is outweighed by the significant benefit the final completed scheme would provide in protecting local residents/businesses from risk of tidal flooding. In addition, it is considered that the completed development would not lead to any adverse effects on the amenity of local residents or highways impacts sufficient to justify a reason for refusal.

In light of the above, this application is considered acceptable.

The introduction to this report explains there are specific arrangements for considering planning applications that have been subject to an Environmental Impact Assessment, taking into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application as well as requirements to inform relevant parties (by notifying the Secretary of State and Natural England of the committee's decision and recommended conditions).

RECOMMENDATION

That the Committee confirm in their decision that they have taken into account the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), all matters in the Officer's report including comments received by statutory consultees and other interested parties and all other material considerations; and then, grant

Conditional Permission

Conditions/reasons

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 with the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Location Plan

Chainage Plan - 0005Rev.T02

General Arrangement 1 - 0011Rev.T02

General Arrangement 2 - 0012Rev.T02

General Arrangement 3 - 0013Rev.T02

General Arrangement 4 - 0014Rev.T02

General Arrangement 5 - 0015Rev.T02

General Arrangement 6 - 0016Rev.T02

General Arrangement 7 - 0017Rev.T02

General Arrangement 8 - 0018Rev.T02

Cross sections 1 - 0071Rev.T02

Cross sections 2 - 0072Rev.T02

Cross sections 3 - 0073Rev.T02

Cross sections 4 - 0074Rev.T02

Cross sections 5 - 0075Rev.T02

Cross sections 6 - 0076Rev.T02

Cross sections 7 - 0077Rev.T02

Access & compound plan 1 - 0002Rev.T01

Access & compound plan 2 - 0003Rev.T02

Site boundary plan 1 - 0021Rev.T02

Site boundary plan 2- 0022Rev.T02

Site boundary plan 3 - 0023Rev.T02

Site boundary plan 4 - 0024Rev.T02

Site boundary plan 5 - 0025Rev.T02

Site boundary plan 6 - 0026Rev.T02

Site boundary plan 7 - 0027Rev.T02

Site boundary plan 8 - 0028Rev.T02

Site clearance plan 1 - 0031Rev.T02

Site clearance plan 2- 0032Rev.T02

Site clearance plan 3 - 0033Rev.T02

Site clearance plan 4 - 0034Rev.T02

Site clearance plan 5 - 0035Rev.T02

Site clearance plan 6 - 0036Rev.T02

Site clearance plan 7 - 0037Rev.T02

Site clearance plan 8 - 0037Rev.T02

Sea wall typical section - 0101Rev.T02

Sea wall encasement types 1-4 - 0102.Rev.T02

Sea wall encasement types 5-6 - 0103.Rev.T02

Sea wall details misc. - 0104Rev.T02

Tie-in details - North - 0105Rev.T02

Tie-in details - sea wall encasement - 0122Rev.T02

Tie-in details - Great Salterns Quay - 0128Rev.T02

Tie-in details - South - 0134Rev.T02

Tudor Sailing Club - Slipway plan - 0107Rev.T02

Tudor Sailing Club - slipway sections - 0108Rev.T02

Activity Centre - slipway plan - 0109Rev.T02

Activity Centre - slipway sections - 0110Rev.T02

Outfall details - 0116Rev.T02

Seawall encasement egress steps - 0124Rev.T02

Seawall encasement egress steps - 0125Rev.T02

Seawall encasement egress steps - 0126Rev.T02

Seawall encasement egress steps - 0127Rev.T02

Seawall encasement egress steps - 0130Rev.T02

Seawall encasement egress steps - 0131Rev.T02
 Seawall encasement egress steps - 0132Rev.T02
 Seawall encasement egress steps - 0133Rev.T02
 Social spot 01 - Plan - 0145.Rev.T02
 Social spot 01 - Sections - 0146Rev.T02
 Social spot 02 - Plans - 0150Rev.T02
 Social spot 02 - Sections - 0151Rev.T02
 Social spot 03 - Plan - 0155Rev.T02
 Social Spot 03 - Sections - 0156Rev.T02
 Social spot 04 - Plan - 0160Rev.T02
 Social spot 04 - Sections - 0161Rev.T02
 Social spot 05 - Plan - 0165Rev.T02
 Social spot 05 - Sections - 0166Rev.T02
 Social spot 06 - Plan - 0170Rev.T02
 Social spot 06 - Sections - 0171Rev.T02
 Social spot 07 - Plan - 0175Rev.T02
 Social spot 07 - Sections - 0176Rev.T02
 Social spot 08 - Plan - 0180Rev.T02
 Social spot 08 - Sections - 0181Rev.T02
 Social spot 09 - Plan - 0185Rev.T02
 Social spot 09 - Sections - 0186Rev.T02
 Social spot 10 - Plan - 0190Rev.T02
 Social spot 10 - Sections - 0191Rev.T02
 Social spot 11 - Plan - 0195Rev.T02
 Social spot 11 - Sections - 0196Rev.T02
 Access Road - Drainage - 0132Rev.T02
 Misc. landward details - 0140Rev.T02
 Access road details - 0141Rev.T02
 Timber cladding detail - 0142Rev.T02
 Concrete kerb details - SD/1100/03
 Typical pedestrian crossing - SD/1100/05
 AWSC Sports Field - footpath realignment Dec 2019 (002) - 628060-LA-6000
 Landscape plan 1 - 0081Rev.T02
 Landscape plan 2 - 0082Rev.T02
 Landscape plan 3 - 0083Rev.T02
 Landscape plan 4 - 0084Rev.T02
 Landscape plan 5 - 0085Rev.T02
 Landscape plan 6 - 0086Rev.T02
 Landscape plan 7 - 0087Rev.T02
 Landscape plan 8 - 0088Rev.T02
 Existing seawall/apron details 1 - 0006Rev.T02
 Existing seawall/apron details 2 - 0007Rev.T02
 Existing seawall/apron details 3 - 0008Rev.T02
 Services plan 1 - 0041Rev.T02
 Services plan 2 - 0042Rev.T02
 Services plan 3 - 0043Rev.T02
 Services plan 4 - 0044Rev.T02
 Services plan 5 - 0045Rev.T02
 Services plan 6 - 0046Rev.T02
 Services plan 7 - 0047Rev.T02
 Services plan 8 - 0048Rev.T02
 ASWC Tower plan - 628060-LA-5420

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

Contamination/verification

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.

iii) 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 4(i) and summarise any remedial works undertaken in accordance with condition 4(ii); and unless otherwise agreed in writing by the local planning authority, such verification shall comprise:

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

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

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

Protect water environment

4) A silt curtain shall be installed prior to the commencement of any work on the intertidal foreshore, to fully contain the working area. The silt curtain shall be maintained for the duration of all construction works on the foreshore, and any failures in the silt curtain shall be repaired as soon as feasible.

Reason: To protect the nature conservation interests of the site and adjoining aquatic environment and minimise any significant effect on the special feature interests of Chichester and Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

Limit intertidal works

5) The intertidal works area shall be restricted to a maximum of 20 metres seawards of the existing defences and a maximum of 10 metres at the sensitive saltmarsh area (adjacent to the Airport Service Road junction) and shall be marked by the silt curtain to limit the extent of foreshore disturbance. Temporary haul routes on the foreshore shall be designed and

constructed to be removable (eg geotextile and aggregate core) to ensure the least possible damage to the foreshore. All haul routes on the foreshore shall be removed by 30th September and shall not reinstated until 1st April in each year.

Reason: To protect the nature conservation interests of the site and adjoining aquatic environment and minimise any significant effect on the special feature interests of Chichester and Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

Reinstate intertidal habitat

6) No development shall take place at the site until a method statement detailing how the intertidal habitat disturbed during the construction works will be reinstated over the toe/stepped apron of the new defences shall be submitted to, and agreed in writing by, the Local Planning Authority. The method statement must demonstrate how the sediment layers will be replaced to match as closely as possible the order of the layers and topography prior to the works. The development must then fully accord with the approved method statement.

Reason: To protect the nature conservation interests of the site and adjoining aquatic environment and minimise any significant effect on the special feature interests of Chichester and Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

Piling in dry only

7) Piling and excavation of the foreshore shall only be undertaken in the dry (when the surface of substrate is above the current tide level).

Reason: To protect the nature conservation interests of the site and adjoining aquatic environment and minimise any significant effect on the special feature interests of Chichester and Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

Biodiversity mitigation

8) (a) No development shall take place at the site until a Biodiversity Mitigation and Enhancement Plan (BMEP) shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the measures set out within the submitted Environmental Statement and include clear demonstration of biodiversity habitat net gain through the use of an approved suitable biodiversity metric calculation and details of the proposed methods for saltmarsh habitat restoration on the foreshore adjacent to the Airport Service Road junction once the new sea defences have been constructed; (b) The measures in any approved BMEP shall be fully implemented and a verification report shall be submitted to and approved in writing by the local planning authority that the approved BMEP measures shall have been carried fully in accordance with the approved scheme; and (c) the approved BMEP measures shall thereafter be retained.

Reason: To maintain, protect and produce a net gain in biodiversity and minimise adverse environmental impacts on the Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar

Convention (Ramsar Site). In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012), the aims and objectives of the NPPF (2019) and the Natural Environment and Rural Communities Act 2006.

Bird island

9) The final scheme for the proposed high tide wader roost island shall be submitted to and approved in writing by the local planning authority prior to any works commencing in relation to the island; this scheme shall include a post-construction monitoring plan, with appropriate survey methods to assess any changes in water flows and scour/accretion patterns associated with the island as well as ornithological surveys to monitor the use of the roost island by birds. The high tide wader roost island shall be undertaken fully in accordance with the approved scheme as an integral part of the Phase 4B sea defence works.

Reason: To maintain, protect and produce a net gain in biodiversity and minimise adverse environmental impacts on the Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012), the aims and objectives of the NPPF (2019) and the Natural Environment and Rural Communities Act 2006.

Bird overwintering

10) No construction works (with the exception of soft landscaping / planting) shall be carried out between 1st October and 31st March inclusive. Site compound areas 1, 3, 4 and 5 shall be mobilised no earlier than the 15th March in each year. Site compound area 2 shall be mobilised no earlier than 1st April in each year.

Reason: To protect overwintering birds from noise/general disturbance and minimise any significant effect on the special feature interests of Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site) and supporting high tide sites, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

Compound 6 - primary habitat

11) Prior to any works or preparation of land commencing in relation to Compound 6 (to be sited on P23R core habitat), a detailed management plan, which includes appropriate mitigation measures and the interpretation for the offsetting sites, shall be submitted to and approved by the Local Planning Authority. The measures shall include:

- (i) details of the timing within which Compound 6 will operate
- (ii) detailed methods for habitat reinstatement including the turf composition and management measures
- (iii) a plan showing the extent of Compound 6 and the extent of habitat reinstatement; and,
- (iv) the party(s) responsible for these measures.

The compound and reinstatement shall be fully undertaken in accordance with such approved management plan.

Reason: To protect P23R and ensure its function is maintained for wintering birds as far as possible, in accordance with the Conservation of Habitats and Species Regulations 2017 and Policy PCS13 of the Portsmouth Plan (2012).

Piling

12) Installation of piles shall be undertaken using vibro piling techniques as standard. Percussive piling shall only be used when necessary to achieve the required design depth. If

percussive piling is required, a soft start procedure shall be implemented for a minimum of 20 minutes; should the percussive piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

CEMP

13) (a) Notwithstanding the information already submitted, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the construction mitigation measure set out within the submitted Environmental Statement and the following:

- Storage of construction materials/chemicals and equipment;
- Dust suppression;
- Chemical and/or fuel run-off from construction into nearby waterbodies;
- Waste disposal;
- Noise/visual/vibrational impacts;
- Drainage strategy, as necessary during the construction works;
- Measures to minimise INNS introduction / spread; and,
- Details of the management of flood risk during construction
- Detailed piling methodology with either mitigation (or justification if not required) regarding potential contamination of groundwater.

(b) The approved plan shall be fully implemented and maintained until the development is completed.

Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).

CTMP

14) (a) No works pursuant to this permission shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- construction vehicle routing,
- the provision of loading / offloading areas,
- wheel wash facilities,
- site office and contractors parking area, and
- provision for temporary reopening of public footpaths outside of construction hours; and,

(b) The approved plan shall be implemented and maintained until the development is complete.

Reason: To minimise the potential for conflict with or hazard to existing users of the surrounding highway network, in accordance with Policy PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

Landscape implementation

15) All planting, seeding or turfing comprised in the approved details of landscaping shown on AWSC Sports Field - footpath realignment Dec 2019 (002) - 628060-LA-6000 and Landscape Plans 1-8 (inclusive) references 0081Rev.T02, 0082Rev.T02, 0083Rev.T02, 0084Rev.T02,

0085Rev.T02, 0086Rev.T02, 0087Rev.T02 & 0088Rev.T02 and agreed planting schedule (included in Appendix U of the ES) shall be carried out no later than the first planting and seeding season following the completion of the development; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To conserve and enhance biodiversity and minimise adverse environmental impacts on the Chichester & Langstone Harbours Special Protection Areas (SPAs), Langstone Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

Drainage scheme

16) No development shall take place within each scheme frontage until a detailed drainage scheme 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 measures to protect existing public sewer/drainage infrastructure drainage and the approved drainage scheme shall be implemented in full.

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 and the aims and objectives of the NPPF.

Archaeology

17) The development must be undertaken fully in accordance with the approved Archaeological Management Strategy.

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

Noise mitigation

18) Prior to the commencement of demolition or construction works at Sub Frontage 3, a noise mitigation scheme shall be submitted to and approved in writing by the local planning authority to ensure that the following noise levels are not breached 1 metre from the façade of any occupied dwelling:

Day (07:00-19:00) - LAeq(12 hour) 65 dB

Evenings (19:00-23:00) - LAeq(4 hours) 55 dB

Saturdays (07:00-13:00) - LAeq(6 hours) 65 dB

Saturdays (13:00-23:00) - LAeq(10 hours) 55 dB

Sundays (07:00-23:00) - LAeq(16 hours) 55 dB

Nights (23:00-07:00) - LAeq(8 hour) 50 dB

No work, processes or other activities shall take place on Bank Holidays or any other Public Holidays.

Reason: To protect the amenity of occupiers of the nearest noise sensitive premises from excessive noise and disturbance during construction, to accord with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

Restore sports pitch

19) Should the proposed development affect the cricket outfield and/or the football pitch (including the run-off areas), the affected area(s) shall be restored in accordance with a scheme to be submitted and approved in writing by the local planning authority, and made available for use within 6 months of practical completion of the completed works in the affected area(s).

Reason: To ensure the site is restored to a condition fit for purpose and to accord with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

Materials, street furniture etc

20) No works shall take place within each sub-frontage until details have been submitted to and approved in writing by the local planning authority (either for the site as a whole or for each sub-frontage) of: (a) all external materials/finishes to be used for the sea defence structures including floorscape (to the coastal path and car park) and the design, extent and construction methods of the proposed glazed panels; and (b) any street furniture and treatments to the 'social spots' proposed to be installed; and the development shall be carried out fully in accordance with the approved materials under (a) and any other approved details under (b).

Reason: To achieve the highest quality appearance appropriate to the protection of the natural and cultural heritage of the harbour and to preserve the setting of the (Grade II listed) Great Salterns Mansion, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

Public art

21) Prior to installation of the proposed public art the details shall be submitted to and approved in writing by the local planning authority; and such approved public art shall be fully implemented as an integral part of the sea defence works before completion of the development.

Reason: To achieve the highest quality appearance appropriate to the protection of the natural and cultural heritage of the harbour, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

PRO-ACTIVITY STATEMENT

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

186 NORTHERN PARADE PORTSMOUTH PO2 9LU

CONSTRUCTION OF 4 NO. SINGLE STOREY DWELLINGS TO INCLUDE THE PROVISION OF PARKING FOR ST FRANCIS CHURCH (FOLLOWING DEMOLITION OF EXISTING VICARAGE BUILDING AND GARAGE)

Application Submitted By:

Bespoke Architects
FAO Mrs Tracey Parker

On behalf of:

Coronation Homes
The Lord Mayor of Portsmouth's Coronation Homes

RDD: 19th August 2019

LDD: 15th October 2019

SUMMARY OF MAIN ISSUES

This application is being heard at committee due to an objection being received from the Local Highway Authority.

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

- Principle of the proposal and housing provision
- Layout, design and appearance
- Standard of living accommodation
- Impact on residential amenity
- Flood risk
- Impact on trees
- Access and parking
- Impact on the Solent Special Protection Areas

Site and surroundings

The application site is located to the south of St Francis Church on the east side of Northern Parade. The site is currently occupied by a post-war two-storey dwelling (former St Francis Church Vicarage), with associated front and rear gardens and detached garage. Along with the garage, there is also an area of hardstanding at the front of the site, which has been used for parking for St Francis Church. The dwelling is separated from St Francis Church by the access road to St Francis Court, which is a development of 7 dwellings to the rear (east) of the church and vicarage occupied by persons over the age of 60.

The site lies within an area at risk of flooding, with the western part of the site located in Flood Zone 3 and the eastern part within Flood Zone 2 (Zone 3 being the most severe). There are two trees on the eastern side of the site, and there are a number of trees adjacent to the site on the southern boundary of St Francis Church, one of which is protected by a Tree Preservation Order (Ash Tree, TPO.97).

The area surrounding the site is predominantly residential in character, comprising a mix of single and two-storey residential houses and flats. St Francis Church is a low level brick building with a pitched roof, which is set back from Northern Parade by a landscaped garden area.

Proposal

Planning permission is sought for the demolition of the existing dwelling and garage and construction of 4 new single-storey dwellings. The new dwellings would be laid out as two pairs of semi-detached properties, one on the west side of the site and one on the east side, with a pedestrian access path through the middle. There would be amenity space to the south and east of the dwellings. An area of hardstanding for the parking of 3 cars on the west (front) side of the site would be provided, with access off St Francis Court. These bays are proposed for use by users of the adjacent St Francis Church rather than by occupants of the new dwellings. The development would be set back from the Northern Parade frontage by approximately 6.5m.

The new dwellings would be single-storey in height with brick walls and clay tiled pitched roofs. The entrance doors to the dwellings would be located on the side and rear elevations. The layout of the dwellings is similar to that of the existing dwellings located in St Francis Court to the east.

The application has been submitted by Coronation Homes, who own and manage housing for persons over the age of 60, including St Francis Court and a larger development of dwellings and flats located on Phoenix Square to the south.

The site measures approximately 0.06ha and the development would represent a density of 66 dwellings per hectare.

The application is supported by a Flood Risk Assessment, Arboricultural Impact Assessment and Parking Statement.

Planning history

19/00077/TPO - Within Tree Preservation Order 97- to fell and clear remaining stump to Ash Tree (T1) (*Fraxinus Excelsior*) - conditional consent 14 March 2019. The tree currently still remains on site.

11/00261/OUT - outline application for the construction of 2 single-storey residential units for the elderly with all matters reserved - application Withdrawn, 13 July 2011

A*32973/A - erection of 8 dwellings for the elderly in part single/part two storey block and garage for vicarage - conditional permission 11 May 1987. Condition 2 of this planning permission stipulated that the dwellings could only be occupied by persons over the age of 60.

B*20231/B - the erection of a two storey dwellinghouse and garages - conditional permission 14 July 1960.

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS10 (Housing Delivery)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport),
- PCS19 (Housing mix, size and affordable homes)
- PCS21 (Housing Density)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved policy DC21 (Contaminated Land)

Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessment Supplementary Planning Document (2014)

CONSULTATIONS

Highways Engineer

Summary: highway safety concerns due to likely increase in local parking demand.

Fuller comments:

Further comments received in relation to additional information submitted:

The additional information does not include a parking survey to establish the scope to accommodate increased parking elsewhere. The statement does not confirm that there is any restriction on tenancy related to car ownership or age restriction.

The operator, Coronation Homes, has confirmed that broadly half of their tenants own and use cars and that no additional parking is proposed for the four new homes.

On the basis of the submitted information, highway safety concerns remain due to the likely increase in local parking demand leading to increased indiscriminate parking and increased pollution from residents driving around hunting for a space.

Recommend refusal of the application.

Original comments:

Northern Parade is a classified road (A3) and operates as a primary route within the local highway network. It has a wide single carriageway with pedestrian footways on either side and operates as a bus route. Parking is restricted on street at the site frontage by double yellow lines.

It is not anticipated that the additional traffic generated from the development would have a material impact on the operation of the local highway network.

The parking SPD requires 4 parking spaces to be provided for 4 x 1-bedroom units, along with 4 cycle spaces. The site is not in a location where a reduction in parking provision would normally be considered. The demand for residential parking in the area regularly exceeds the space available, particularly overnight and at weekends.

The existing site has 3 parking spaces on the frontage plus a further 2 to the rear. The proposal would provide 3 parking spaces for the church but none for the new dwellings.

No information has been provided to justify the shortfall in provision. The proposal therefore conflicts with the Adopted Parking SPD.

Highways Contractor - COLAS

Applicant advised to contact COLAS before any works take place.

Environment Agency

Further comments following receipt of Flood Risk Assessment:

Satisfied that previous objection can be removed, provided that the development is carried out in accordance with the submitted Flood Risk Assessment.

Original comments:

Objection due to absence of acceptable Flood Risk Assessment. The submitted FRA fails to consider the effect of flooding events on people and property, particularly with respect to safe refuge, and fails to consider the requirements for flood emergency planning, warning and evacuation.

Coastal and Drainage

Further comments following receipt of Flood Risk Assessment:

The Flood Risk Assessment is well considered. The following further information should be requested by condition:

- Drainage Strategy including layout with pipe sizes, attenuation details etc;
- Confirmation of infiltration testing;
- Confirmation of Southern Water approval to connect to foul and surface water network;
- Confirmation of finished floor levels.

Original comments:

Lack of drainage information submitted with the application. Further details needed in relation to impermeable area, attenuation requirements, drainage layout and drainage connections.

Tree Officer

Further comments following receipt of Arboricultural Report:

The report meets the requirements and is acceptable.

Original comments:

There are two large Ash trees within the curtilage of St Francis Church, one of which is protected (T1 of TPO97). A tree survey, impact assessment, method statement and protection plan is required in relation to these trees.

Contaminated Land Team

Having regard to the sensitive nature of the proposed development together with its proximity to former potentially contaminative uses, conditions are requested to require a Desk Study, Site Investigation and Remediation Strategy to be submitted and approved.

Environmental Health

No objection. Standard thermal glazing would protect occupants from road traffic noise.

Planning Officer note - this would have to be provided through compliance with the Building Regulations.

REPRESENTATIONS

One representation received, commenting that the address on the application form is incorrect, which is misleading.

Planning Officer note: following confirmation from the applicant, the address was corrected.

COMMENT

Principle of the proposed development

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 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 4.7 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 and this development would contribute towards meeting housing needs through a net gain of 3 dwellings. More specifically, the dwellings have been designed for occupation by the elderly, and a need for additional accommodation for the elderly is recognised within Policy PCS19 of the Portsmouth Plan.

The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.

Layout, design and appearance

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

The dwellings would be of a traditional design, comprising brick walls with quoin detailing and clay tiled pitched roofs. The dwellings would also incorporate projecting bay windows, entrance canopies and a variation in roof heights, adding visual interest to the elevations. The surrounding area is characterised by a mix of single and two-storey properties with pitched roofs and brickwork is the predominant material. The proposed materials are therefore considered acceptable in principle, but as the application does not provide specific details of the colour and type of brick and tiles, this would be requested by condition. In terms of scale, given the mix of single and two-storey properties in the area, the proposal for new single-storey dwellings is considered acceptable in this context.

When viewed from Northern Parade, the new dwellings would be set back from the street frontage on a similar building line to the adjacent properties to the south. The area in front of the dwellings would provide hard standing for parking, behind an existing low level brick wall. Whilst the site and surrounding area is urban in nature, there is a good level of planting, trees and soft landscaping to the frontages and boundaries of surrounding properties, which give the area a verdant feel. The plans indicate that there would be some space for planting around the parking area and it is considered that this would be important to retain the character of the area and soften the appearance of the hard surfacing when viewed within the streetscene. It is therefore considered reasonable to request details of landscaping and boundary treatment by condition.

In terms of layout, the larger, habitable room windows to the living areas of the dwellings would be on the most prominent elevations facing north, with smaller windows and entrance doors on the south, east and west elevations. The proposal to position of some of the entrance doors on the rear (south) elevation was questioned and the architect explained that this layout is consistent with that of the existing properties in St Francis Court and allows for the main

habitable rooms to be located on the elevations with the best outlook. They have confirmed that there would be external lighting within the landscaped entrance areas and porch lights for residents' safety and security.

The plans do not show facilities for refuse storage, but it is considered that there would be sufficient space within the shared amenity areas for this provision. Details of refuse storage would be requested by condition.

In conclusion on this matter, the design of the proposed dwellings is considered to be appropriate and in keeping with the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Energy and water efficiency

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards can be secured by condition.

Standard of living accommodation

Policy PCS23 of the Portsmouth Plan requires new development to provide a good standard of living environment for future occupiers and Policy PCS19 states that dwellings should be of a reasonable size appropriate to the number of people that they are designed to accommodate.

The Nationally Described Space Standards (NDSS) provides guidance on acceptable sizes for dwellings depending on the number of proposed occupants. The application is for 4 x 1-bedroom dwellings. The plans indicate that two of the dwellings have been designed for 1 person occupation and would be 39sqm in size, and the other two have been designed for 2 persons at 50sqm. These sizes are in line with the NDSS and are considered acceptable.

The north facing living room windows to the larger dwellings have been designed as bay windows to maximise light, and on the smaller units, the living rooms would be open plan to the kitchen with additional windows facing either east or west to ensure a good level of natural light and outlook. Whilst the north facing windows would look out onto the access drive to St Francis Court, this is a private road with a low level of vehicle activity and it is not considered that the amenity of future residents would be significantly harmed by vehicle movements. Overall, it is considered that the layout would provide an appropriate standard of light and outlook for future residents in accordance with Policy PCS23 of the Portsmouth Plan.

Impact on residential amenity

Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

The proposed dwellings would be single-storey with a maximum ridge height of 5.6m and an eaves height of 2.3m. The nearest neighbouring properties are located the south of the site (No. 184c Northern Parade and Dame Elizabeth Kelly Court). No.184c Northern Parade is a two-storey building with a blank elevation facing the application site. This neighbouring property has a garden extending to the east, the northern boundary of which forms part of the southern boundary of the application site and is formed by a closed board fence. The proposed dwellings would be set back approximately 2m from this adjacent garden boundary and the roof pitches would slope away to the north. Having regard to the orientation to the north of the adjacent garden, and the low eaves height and pitched roofs of the proposed dwellings, it is not considered that the development would have a significant impact on the amenities of these neighbouring residents in terms of loss of outlook or light. There would be some south facing windows on the new dwelling, but these would be ground floor windows only and views into the neighbouring garden would be restricted by the boundary fence. It is therefore not considered that the development would significantly impact on the privacy of the neighbouring residents at 184c Northern Parade.

Dame Elizabeth Kelly Court is a two-storey block of flats, which is located to the south of the east side of the application site. This adjacent building is located approximately 7m from the application site boundary and has a number of windows facing north, although these windows are set further back from the rear elevation behind a shared walkway/balcony area. Given the orientation and low height of the proposed dwellings, it is not considered that the proposed development would significantly impact on the residents of these adjacent flats in terms of loss of outlook, light or privacy. There would, however, be a degree of overlooking into the development site from the windows of the Court flats, although this would mainly be towards the shared garden area and is similar to the existing situation where the windows overlook the rear garden of the former Vicarage. Views into the site from these neighbouring windows would also be partially obscured by the boundary fencing and shrubs, and it is not considered the impact of overlooking would be so harmful to future residents of the proposed development to warrant a refusal of the application.

Flood risk

Policy PCS12 of the Portsmouth Plan accords with the guidance set out within the NPPF, which seeks to steer development away from areas most at risk of flooding. Where development is proposed within a flood zone, there is firstly a requirement for a sequential test to be carried out in accordance with the NPPF, to determine if there are any other suitable sites in areas at less risk of flooding. In Portsmouth, Policy PCS12 states that the sequential test will be considered met on non-allocated brownfield sites in those parts of Flood Zones 2 and 3 that the Strategic Flood Risk Assessment (SFRA) shows as low or medium hazard areas. In this case, the application site lies within both Flood Zones 2 and 3, but the SFRA confirms that it is within a low hazard area. The sequential test is therefore deemed to be met.

Following the sequential test, the NPPF requires application of the exception test in certain circumstances. This includes circumstances where dwellings (classified as 'more vulnerable' development), are proposed within Flood Zone 3, as in this case. The Exception Test is considered passed if it can be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall.

The applicants have submitted a Flood Risk Assessment (FRA), which concludes that the level, extent and depth of potential flooding on the site can be managed using modern resilience measures for the lifetime of the development, and that the development would not increase flood risk elsewhere. The FRA identifies a number of resilience measures including installation of waterproofing above ground level, raised wall sockets, raised airbricks and installation of damp proof membrane above main floor slab. The FRA has been reviewed by the Environment Agency and the Council's Drainage Engineer, who have raised no objection subject to adherence to the FRA and the provision of some specific details of the drainage strategy, which can be requested by condition.

Impact on trees

There are two trees on the application site, within the rear garden of the former Vicarage. The smaller of these trees (Cherry Tree) is proposed to be removed but the larger Ash tree would be retained as part of the development. The Cherry Tree is not considered to have any particular amenity value and its removal is considered acceptable. The Ash Tree is, however, considered to be an attractive feature of the site and this tree is proposed to be retained and incorporated into the shared amenity space for the new dwellings.

There are also a number of trees on the southern boundary of St Francis Church, which have the potential to be impacted by the development. One of these trees (an Ash Tree on the corner of the Church boundary with Northern Parade), is protected by a Tree Preservation Order (TPO.97). It is noted that an application to fell the Ash tree was submitted and consented in March 2019 due to the tree suffering from disease. However, the tree has not yet been removed and therefore the potential impact of the development on this tree needs to be addressed.

The applicants have submitted an Arboricultural Impact Assessment Report and this has been reviewed and agreed by the Council's Arboricultural Officer. The Report sets out recommendations for tree protection measures to be implemented during construction works and subject to this, it is determined that the trees to be retained would not be harmed by the development. A condition would be imposed to ensure that the recommendations of the Arboricultural Impact Assessment are adhered to.

Access and parking

There is existing vehicle access to the site from St Francis Court, which is a narrow private road leading to a development of 7 age-restricted dwellings to the east of the application site. The development proposes the provision of three car parking spaces on the west side of the site, but these are intended for use by users of the adjacent St Francis Church rather than by occupants of the new dwellings. No parking provision is proposed specifically for the dwellings.

The applicants have explained that the dwellings would be owned and managed by Coronation Homes and would be let to elderly residents. Due to the size of the dwellings, they would only be capable of being occupied by either single persons or a couple. They have noted that out of the 7 existing properties within St Francis Court, only 2 residents use cars, and they have not had any problems or complaints associated with visitor parking. There are no formally laid out parking bays within St Francis Court but there is space for some cars to park on the street within this cul-de-sac. The applicants have also noted that the site is located close to a main bus route on Northern Parade, providing an alternative means of transport for future occupants, and there is also a convenience store near to the site.

The Council's Highways Engineer has objected to the application on the grounds that insufficient parking space for the new dwellings has been provided, contrary to the Adopted Parking Standards. However, taking account of the points raised by the applicants, and given the size and type of dwellings proposed and proximity to a bus route, it is not considered that the development would have a high level of car ownership or result in a significant increase in

parking demand in the area. It is therefore not considered that an objection on lack of parking would be justified in this case. The Highways Engineer requested a parking survey, but given the above and the small-scale of the development, this was not considered to be a justifiable request.

Consideration has been given as to whether it is necessary to impose an age restriction on the proposed development by way of a condition (as per the existing properties in St Francis Court). The National Planning Policy Framework (paragraph 55) makes it clear that conditions on applications should be kept to a minimum and only be applied where they are necessary to make the development acceptable, relevant, and reasonable in all other respects. In this case the dwellings are all of a small size and designed specifically for occupation by elderly residents. Even if the dwellings were not operated and managed by Coronation Homes and were not restricted to a specific age group, it is considered that this type of dwelling is only likely to be occupied by single persons or couples and would not result in a significant increase in vehicle movements or parking demand in the area. It is therefore not considered that a condition restricting the age of the occupants would be reasonable or necessary to make the development acceptable.

The Council's Adopted Parking Standards would also require the dwellings to provide at least 1 cycle space per property. This could be provided within the shared amenity areas and can be secured by condition.

Impact on the Solent Special Protection Areas

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.

Recreational pressure:

In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

The mitigation contribution depends on the size of the proposed dwellings and takes account of any existing dwellings on the site. In this case, the amount is calculated as follows:

Contribution requirement for 1-bed dwelling = £346 per dwelling: $346 \times 4 = £1,384$
Existing 3-bed dwelling - mitigation contribution for 3-bed dwelling = £653
 $£1,384 - £653 = £731$
Total mitigation contribution required = **£731**

Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

In this instance, the applicant has provided a Nitrate Statement, which seeks to demonstrate that the development would result in a 'neutral' nitrate impact when considering the occupancy level of the former vicarage against the likely occupancy level of the new dwellings. At the time of writing this report, this matter remains under consideration. Should it be necessary for the applicants to rely on the Council's Strategy, the relevant contribution would be £600, based on a net increase in 3 dwellings at £200 each.

This mitigation, if determined necessary, would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Subject to the legal agreement to secure mitigation (if deemed necessary), it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

The proposed development would make a positive contribution towards the housing needs of the city and is considered to be acceptable in terms of its layout, design and standard of living accommodation. Matters relating to impact on trees, drainage and parking have been assessed and determined to be acceptable and it is not considered that the development would have an adverse impact on the amenities of neighbouring residents. In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas. In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

RECOMMENDATION

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

- SPA Nitrate mitigation (if required)
- SPA recreational impact mitigation

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

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

Conditions

Time Limit

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

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

Approved Plans

- 2) Unless 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 and Site Plan 18.103 PL01; Site Layout 18.103 PL02; Layout and Elevations 18.103 PL03; Unit Plans 18.103 PL04A; and Unit Elevations 18.103 PL05A.

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

Potential for Contamination

- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
 - a) A desk study (undertaken in accordance CLR11* following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, with network diagram) showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth. and once this 'Phase 1' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; if so the remedial options appraisal shall include consideration of sustainability, and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
 - c) A Phase 3 remediation method statement report detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new

buildings, and shall include nomination of a competent person[‡] to oversee the implementation and completion of the works.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DC21 of the Portsmouth City Local Plan 2001 - 2011.

Contamination Verification

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 3b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DC21 of the Portsmouth City Local Plan 2001 - 2011.

Materials Details

5) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed buildings shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: To ensure that the materials used are of a high quality appropriate to the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Tree Protection

6) The development shall be carried out in accordance with the tree protection recommendations set out within the Arboricultural Impact Assessment & Tree Survey prepared by Sapling Arboriculture Ltd (dated January 2020), unless any alternative tree protection measures are first agreed in writing with the Local Planning Authority.

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

Drainage Strategy

7) No development shall take place at the site until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority, to include:

- Drainage layout including pipe sizes, man hole locations, and attenuation details;
- Confirmation of infiltration testing;
- Details of foul and surface water connections;

- Details of finished floor levels.

The drainage strategy shall thereafter be implemented in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To reduce the risk of flooding by the proposed development, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

Landscaping Details

8) (a) No construction works above the foundation / slab level shall take place until a detailed scheme for soft landscaping has been submitted to and approved in writing by the Local Planning Authority

(b) The soft landscaping scheme shall be carried out in accordance with the approved details in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner;

(b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, 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: To maintain the verdant character of the area in the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Energy and Water Efficiency

9) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

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

Bicycle Storage

10) Prior to occupation of the dwellings hereby permitted, provision shall be made for the secure storage of 1 bicycle per dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

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

Refuse Storage

11) Prior to occupation of the dwellings hereby permitted, provision shall be made for the storage of refuse and recyclables in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

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

Nitrate Mitigation

12) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in

accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Flood Risk

The development hereby permitted shall be carried out in accordance with the mitigation measures set out within the Flood Risk Assessment prepared by ARK Ltd, dated January 2020, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

PRO-ACTIVITY STATEMENT

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

LAND REAR OF 233 GOLDSMITH AVENUE SOUTHSEA PO4 0BS**CONSTRUCTION OF TWO STOREY BUILDING TO FORM TWO FLATS****Application Submitted By:**

HGP Architects

On behalf of:

Vivid Housing Ltd

RDD: 14th October 2019**LDD:** 10th December 2019**SUMMARY OF MAIN ISSUES**

This application is being heard at committee due to an objection being received from the Local Highway Authority.

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

- Principle of the proposal and housing provision
- Layout, design and appearance
- Standard of living accommodation including noise impact
- Impact on residential amenity
- Access and parking
- Ecology
- Impact on the Solent Special Protection Areas

Site and surroundings

The application site lies on the south side of Goldsmith Avenue, in the section between the junctions of Fawcett Road and Talbot Road. The site is currently vacant but was formally occupied by two commercial buildings that were demolished in the latter part of 2019. To the west of the site is a development of 70 flats that is nearing completion (235-249 Goldsmith Avenue, planning permission ref. 15/02081/FUL), and to the east there are a number of business uses fronting Goldsmith Avenue, including a takeaway and a fence manufacturing business immediately adjacent to the site boundary. To the south of the site are the rear gardens of residential properties in Orchard Road.

There is a pedestrian crossing on Goldsmith Avenue immediately opposite the site, which links to a pedestrian footbridge to Fratton railway station. There is no existing vehicle access to the application site.

The application site forms part of a larger site that was allocated as an Urban Priority Area under saved Policy CS2 of the Portsmouth City Local Plan 2001-2011.

Proposal

Planning permission is sought for the construction of a detached building to provide 2 x 2-bedroom flats. The scheme has been designed as an addition to the adjacent development to the west, with no formal boundary being proposed between the two sites.

The proposed building would be 6.2m in height with a flat roof. The elevations would be constructed of brickwork, with grey framed UPVC windows to respect the appearance of the adjacent development. The flats have been laid out to have their habitable room windows facing west and north into shared amenity areas. There would be no windows on the south or east facing elevations.

There would be pedestrian access into the site from Goldsmith Avenue, and there would also be pedestrian access through the adjacent development. No vehicle access or vehicle parking is proposed. To the west of the flats would be an area of shared amenity space, which would tie in with the amenity space of the adjacent development. Refuse and cycle storage facilities for the 2 flats would be located on the north side of the site, adjacent to the eastern boundary.

Planning history

19/01230/DEM - application for prior notification for the demolition of one single-storey and one two-storey building - prior approval not required, 16 September 2019

There are a number of historic applications relating to alterations, extensions and changes of use to the former commercial buildings on the site, dating back to 1949. These applications are not considered to be relevant to the current proposal.

Other relevant planning history:

15/02081/FUL - 235-249 Goldsmith Avenue - Construction of part 6 / part 4-storey blocks to form 70 apartments with associated parking and landscaping after demolition of existing buildings - conditional permission 2 March 2016

POLICY CONTEXT

Portsmouth plan (2012)

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS21 (Housing Density)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved policy DC21 (Contaminated Land)
- Saved policy DC26 (Access onto Primary and Distributor Roads)
- Saved policy CS2 (Goldsmith Ave/Fawcett Road Urban Priority Area)

Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

CONSULTATIONS

Ecology

The application is supported by an Ecological Report, dated November 2019. This outlines bat protection measures undertaken during demolition of the buildings. There is some concern about the methods that were used, but as the buildings have now been demolished, no further comments can be made on this matter.

The Ecology Report details a range of enhancement suggestions. The new building provides an excellent opportunity to replace lost bat roost features and additional bat roosting and bird nesting features. Such enhancements should be secured through condition.

Highways Engineer

The site fronts Goldsmith Avenue which is a road of strategic importance within the local highway network. There is a signal controlled pedestrian crossing at the site frontage and parking is restricted by traffic regulation order at the site frontage on both sides of the road.

Satisfied that the scale of development would not result in a traffic generation that would have a material impact on the operation of the highway network.

The demand for parking in the area frequently exceeds the space available for parking, particularly at night and weekends. Although the site is within a highly accessible part of the city, it is not within the defined city centre where the SPD allows the consideration of a reduction in parking standard. For a reduced level of parking to be acceptable, we need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home.

The parking expectation for the proposed development is 3 vehicle spaces and 4 secure cycle spaces. Whilst adequate cycle parking is proposed, no provision for car parking is made.

No parking survey has been completed to determine if there is on street parking available in surrounding streets. As a consequence the development would lead to increased parking demand on local roads, resulting in increased indiscriminate parking, highway safety and air quality issues.

Recommend refusal of the application for the above reasons.

Environmental Health

No objection. Agree with the view of the acoustic consultant that the predominant noise source is road traffic and that the adjacent fencing business would be closed of an evening so would not cause loss of amenity during this period to the proposed ground and first floor bedrooms. The plans indicate that the noise sensitive rooms will be on the west and north elevations, providing further separation from the commercial uses.

It is unlikely that the existing commercial uses will give rise to a loss of amenity if the proposed development is constructed as per the submitted plans, and a good standard of glazing and mechanical ventilation is installed. Due to the development being set back from the main road, a standard thermal glazing as required by the Building Regulations would be sufficient to protect the occupants from road traffic noise.

Contaminated Land Team

There is the potential for contamination to exist on the site. The application is supported by a Desk Top Study but there is a need for further work to include proposals for site investigation. No objection subject to conditions.

Highways Contractor (Colas)

Developer advised to contact COLAS before any works commence.

REPRESENTATIONS

Three representations received, raising objection on the following grounds:

- a) location of development next to existing businesses likely to lead to noise complaints from future residents;
- b) absence of parking would lead to increased parking pressure on local roads; and,
- c) inappropriate location of bin store next to neighbouring food outlet.

COMMENT

Principle of the proposed development

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 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 4.7 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 and this development would contribute towards meeting housing needs through a net gain of 2 dwellings.

The site forms part of a larger site that was allocated under saved Policy CS2 of the Portsmouth City Local Plan (2001-2011) as an Urban Priority Area (UPA). The UPA incorporated all buildings between the Fawcett Road junction and the Orchard Road play area (Nos. 227 to 249 Goldsmith Avenue), and the policy states that the land is allocated for a comprehensive redevelopment comprising housing and employment uses. The development of 70 flats at 235-249 Goldsmith Avenue is the only part of the allocation site that has been developed so far. Being a purely residential scheme, this proposal did not strictly accord with Policy CS2, but was determined to be acceptable having regard to the number of years that the site had been allocated without any mixed use scheme coming forward, and the benefits that would be gained from the provision of affordable housing. The application site is currently vacant following the demolition of two former business buildings. Prior to their demolition, these business buildings stood vacant for a number of years and no other comprehensive development proposals relating to this site or to the rest of the UPA have been forthcoming. Given the restricted size and constrained shape of the application site and its lack of vehicle access, the proposal to redevelop it to provide 2 additional flats related to the adjacent residential development is considered to be an appropriate solution. It is not considered that this development would prejudice any potential future mixed use redevelopment of the rest of the UPA as envisaged by Policy CS2.

The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.

Layout, design and appearance

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

The scheme has been designed to integrate with the existing flatted development at 235-249 Goldsmith Avenue and this has informed the proposed design. The new building would have a flat roof and would be constructed with red brick walls, grey metal cladding and grey framed UPVC windows to match the adjacent flats. The proposal to use matching materials to the adjacent development is considered to be appropriate and acceptable. The use of red brick also respects the predominant form of material used on buildings in the wider surrounding area.

Prior to demolition of the former commercial buildings, the site had a somewhat unattractive and neglected appearance when viewed within the Goldsmith Avenue streetscene. The proposed plans indicate that the frontage of the site would be landscaped, with the new planting forming an extension to the existing landscaped area in front of the new flats. Subject to the use of appropriate plant species, details of which can be requested by condition, it is considered that the landscaping would create an enhanced appearance to the site frontage. On the west side of the site, a landscaped communal amenity area is proposed, which would integrate with the communal space of the adjacent flats. This would ensure an attractive outlook for future residents.

The proposed development is considered to be of an acceptable design, respecting the appearance of the adjacent development and character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Energy and water efficiency

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards can be secured by condition.

Standard of living accommodation and noise

Policy PCS23 of the Portsmouth Plan requires new development to provide a good standard of living environment for future occupiers and Policy PCS19 states that dwellings should be of a reasonable size appropriate to the number of people that they are designed to accommodate.

The Nationally Described Space Standards (NDSS) provides guidance on acceptable sizes for dwellings depending on the number of proposed occupants. For 2-bedroom flats, the minimum size set out in the NDSS is 61m² for occupation by 3 persons, or 70m² for occupation by 4 persons. The two proposed flats have been designed for 4 person occupation and would have a gross internal floor area of 76m², which exceeds the minimum standard set out in the NDSS.

The flats have been designed with their main habitable rooms and windows located on the west side of the building, with additional bedroom windows facing north. The windows would provide a good level of natural light and outlook onto landscaped amenity areas. Each of the flats would also have a small private external amenity area accessed from the living room (comprising a balcony for the first floor flat). It is considered that the proposed layout would achieve a good standard of living accommodation for future occupants in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.

The site is located adjacent to a business which manufactures fencing and other timber products. The rear yard of this business is located adjacent to the eastern boundary of the application site behind a high brick wall. Concerns have been raised by the owner of the business about the potential impact of noise on future residents of the development, and therefore the potential for complaints. To address this matter, the applicants carried out noise surveys at the site between 2nd and 3rd January 2020 and submitted a Noise Report for review. This report concluded that the predominant noise source at the site was road traffic noise and that the presence of the existing brick wall, along with the absence of windows on the east elevation of the new building, would ensure that there would not be a significant noise impact from the adjacent business on future occupants. Following submission of this report, the neighbouring business owner raised a further concern about the timing of the surveys, which were carried out while limited operations were taking place at the timber business. However, the report and findings have been reviewed by the Council's Environmental Health Officer, who concurs with the Acoustic Consultants conclusions that the presence of the wall and design of the building would ensure no significant noise impact on future occupants.

In relation to road traffic noise, the Environmental Health Officer has commented that due to the set back of the building from the main road, a standard thermal glazing as required by the Building Regulations would be sufficient to protect the occupants from road traffic noise.

In conclusion it is considered that future occupants of the development would not be harmed by adverse levels of noise from either the adjacent road or business.

The plans include provision for refuse storage to be located on the north side of the site, adjacent to the eastern boundary. A concern is raised within the representations about the location of these refuse stores due to their position adjacent to the wall of a food outlet / takeaway. The Council's Waste Management Officer has been consulted on the proposal and has raised no specific concern about the location of the bin stores, noting that the waste would be contained within the stores and that there is no external seating associated with the food outlet. The submitted plans do not provide detailed elevation drawings of the bin stores and therefore this will be requested by condition to ensure that they are of a suitable, secure design.

Impact on residential amenity

Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

The nearest neighbouring residents to this site would be the residents of Nos 33 and 35 Orchard Road to the south, and the future occupants of the flats at 235-249 Goldsmith Avenue.

In relation to the residents of Orchard Road, there is an existing boundary wall between the application site and the rear garden of these properties, which is approximately 2.8m in height.

The proposed building would be set back from the southern boundary by 1m and would be 6.2m in height, extending approximately 3.4m above the boundary wall. The distance between the southern elevation of the proposed building and the nearest rear elevation of the neighbouring dwellings would be approximately 14m.

There are no windows proposed for the southern elevation of the new building therefore the development would not result in any overlooking of the residents to the south. Whilst the building would be visible above the boundary wall, it is noted that the commercial building formally on the site was also taller than the wall and abutted right up to the southern boundary. Given the orientation to the north and the distance between buildings, it is not considered that the development would result in a significant impact on the neighbouring residents to the south in terms of loss of light or outlook.

In relation to the occupants of the new flats to the north-west, it is noted that the living room windows of two of the flats would face towards the north facing bedroom windows of the proposed flats at a distance of approximately 7m, with landscaping and a footpath in between. Whilst a larger separation distance would be more desirable, it is not considered that the impact on the privacy of the existing and future occupants would be so substantial as to warrant refusal of the application on these grounds.

The proposed new building would also result in some degree of shadowing to the ground and first floor windows on the adjacent flats to the north-west (mainly in the morning). However, it is unlikely that the level of overshadowing would be much greater than it would have been from the former commercial buildings.

In summary, it is not considered that the proposed development would have a significant impact on the amenities of neighbouring residents.

Access and parking

The site would have pedestrian access only from Goldsmith Avenue, as the provision of a new vehicle access would not be acceptable from a highway safety point of view due to the busy nature of the road and the presence of an adjacent pedestrian crossing. The creation of a new vehicle access in this location would also be contrary to Saved Policy DC26 of the Portsmouth City Local Plan, which states that proposals resulting in a net increase in the number of access points onto primary and distributor roads will not normally be permitted. The development would therefore not provide any on-site parking and for this reason, the Council's Highway Engineer has recommended that the application be refused.

The development is for the construction of 2 x 2-bedroom flats, which would require 3 parking spaces in accordance with the Adopted Parking Standards. Where a reduced level of parking is proposed, or no parking as in this case, the onus is on the applicant to make a case to justify the level of provision. In this case, the applicant has noted that the site lies immediately opposite Fratton Station and close to bus routes and a range of shops and services within Fratton District Centre, as well as lying approximately 1 mile from the city centre. The site is therefore in an accessible location. It is also noted that the level of parking provided on the adjacent flatted development, which was permitted in 2016, was lower than the amount required by the parking standards, and the planning officer for this previous application commented as follows:

'Whilst the proposed level of parking would fall short of the requirements of the Parking Standards SPD, regard must be had to the location of the site to public transport and the amenities and services of Fratton District Centre.... In light of this it is considered that the proposed level of parking is considered appropriate and not likely to increase demand for off-site parking in a manner that would adversely affect the safety or convenience of users of the surrounding highway network'.

Given the small scale of the development currently proposed, and having regard to the accessible location of the site, it is not considered that it would result in a significant increase in

off-site parking demand or any significant impact on the operation of the local highway network. It is therefore considered acceptable to allow this development without any on-site parking provision.

Whilst the development itself would have no vehicle access, there would be a need for temporary vehicle access from Goldsmith Avenue during the construction phase. Due to the proximity of an existing pedestrian crossing, there would be a need for construction access arrangements to be carefully considered and agreed with the Local Authority prior to works commencing. A condition would therefore be imposed requiring a Construction Environmental Management Plan to be submitted and approved.

Ecology

A report submitted with the application noted that the former buildings on the site had the potential to accommodate bats. However, these buildings have since been demolished and the procedures for bat protection would have been carried out during the demolition. The site now comprises cleared ground and has no ecological value. The Ecology Report sets out a number of recommendations for improving biodiversity as part of the new development and the County Ecologist has recommended that the biodiversity enhancement measures are secured by condition.

Land contamination

There is the potential for contamination to be present on the site and this will need to be assessed through detailed analysis and site investigation. The Council's Contaminated Land Officer has recommended specific conditions that would need to be adhered to should permission be granted.

Impact on the Solent Special Protection Areas

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.

- Recreational pressure:

In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

The mitigation contribution depends on the size of the proposed dwellings and takes account of any existing dwellings on the site. In this case, the amount is calculated as £1000 (£500 x 2).

Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

- Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

In this instance, the applicant has provided a Statement, which confirms that it is not possible to make the development nitrate neutral using either Option 1 or Option 2. They have noted that due to the small size and constrained nature of the site, it would not be pragmatic to use strategies such as SUDS or wetland creation, and there is no other land controlled by the applicant that could be used for off-setting off site.

In accordance with the Strategy, for minor schemes, credits can be purchased at £200 per net additional dwelling. The required contribution for this scheme would therefore be £400 (net increase in 2 dwellings).

This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Subject to the legal agreement to secure mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

The proposed development would make a positive contribution towards the housing needs of the city and is considered to be acceptable in terms of layout, design and standard of living accommodation. Matters relating to noise impact and parking have been assessed and determined to be acceptable and it is not considered that the development would have an adverse impact on the amenities of neighbouring residents. In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas. In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

RECOMMENDATIONS

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

- SPA Nitrate mitigation
- SPA recreational impact mitigation

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

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

Conditions

Time Limit

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

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

Approved Plans

- 2) Unless 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 19.021-100 A; Proposed Site Plan 19.021-201 A; Proposed Elevations 19.021-203 A; and Proposed Ground Floor, and First Floor and Roof Plans 19.021-202 A.

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

Potential for Contamination

- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
 - a) A *Phase 1 desk study* (undertaken following best practice including *BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'*) documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
 - b) A *Phase 2 Site Investigation* report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with *BS10175:2011+A2:2017* and *BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'*). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
 - c) A *Phase 3 remediation method statement* report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the *design report, installation brief, and validation plan* as detailed in *BS8485:2015+A1:2019 Code of*

practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 *Good practice on the testing and verification of protection systems for buildings against hazardous ground gases*. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

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

Contamination Verification

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the *remediation method statement*. For the verification of gas protection schemes the applicant should follow the agreed *validation plan*. Thereafter the remedial scheme shall be maintained in accordance with the details approved under condition 3c.

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

Materials Details

5) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed buildings shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: To ensure that the materials used are of a high quality appropriate to the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Landscaping Details

- 6) (a) No construction works above the foundation / slab level shall take place until a detailed scheme for soft landscaping has been submitted to and approved in writing by the Local Planning Authority
- (b) The soft landscaping scheme shall be carried out in accordance with the approved details in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner;
- (b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, 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: To enhance the appearance of the site in the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Biodiversity Enhancements

- 7) a) No development shall take place above the foundation / slab level until a scheme for proposed biodiversity enhancements (in line with the recommendations set out in part 5.6 of the Ecological Report prepared by Hampshire Ecological Services Ltd, dated November 2019), has been submitted to and approved in writing by the Local Planning Authority.
- b) The scheme for biodiversity enhancement shall be fully implemented in accordance with the details approved under part (a) and thereafter retained.

Reason: To achieve a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

Construction Environmental Management Plan

8) No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority to include details of the arrangements for the temporary closure and relocation of the pedestrian crossing on Goldsmith Avenue. The development shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction/demolition is taking place at the site.

Reason: To ensure that the construction works are properly managed to minimise impacts on users of the local highway network during the construction period, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

Cycle and Refuse Storage

9) No development shall commence above ground floor / slab level until full details, including elevations, of secure, lockable cycle and refuse storage facilities in the location shown on the Proposed Site Plan ref. 19.021-201 A have been submitted to and approved in writing by the Local Planning Authority. The refuse and cycle storage facilities shall thereafter be provided in accordance with the approved details.

Reason: To ensure that suitable secure storage facilities are provided to encourage alternative means of transport to the private car and to protect the amenity of residents, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

Energy and Water Efficiency

10) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:

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

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

Nitrate Mitigation

11) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

PRO-ACTIVITY STATEMENT

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

99 VICTORIA ROAD SOUTH SOUTHSEA PO5 2BU

FORMATION OF DROPPED KERB, PARTIAL DEMOLITION OF FRONT BRICK WALL TO FACILITATE PARKING SPACE WITH ASSOCIATED LANDSCAPING. (AMENDED DESCRIPTION)

Application Submitted By:

Mrs Judith Smyth

On behalf of:

Mrs Judith Smyth

RDD: 6th March 2019

LDD: 23rd September 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to Councillor Smyth being the applicant.

The main issues for consideration are:

- Principle of Development;
- Design and Impact upon Conservation Area;
- Trees;
- Impact upon Amenities;
- Highways.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surrounding Area

The application site is a two-storey semi-detached property located to the east of Victoria Road South. It is constructed of brick work, which is reflected in the low level boundary wall to the frontage of the site. There is a front garden area bound by this brick wall and mature vegetation, including a large bay tree. It is not considered that the brick wall to the frontage of the site is an original.

The streetscene has a variety of characteristics with properties of different forms/ types and styles, some including parking provisions to the frontage and others retaining their brick walls.

It is noted that the application site is located within the Owens Southsea Conservation Area (No.2), which also has an Article 4 Direction.

The Article 4 Direction relates to specific properties identified as "Victoria Road South 22, 30, 32, 34, 36 " which removes permitted development rights for "The alteration or demolition of front boundary walls/gates/railings. (Class A of Part 2 of Schedule 2 of the Order and Class B of Part 31 of Schedule 2 of the Order). It is worth noting that the application site solely falls within the Owens Southsea Conservation Area but is not subject to the Article 4 Direction.

Proposal

Formation of dropped kerb, partial demolition of front brick wall to facilitate parking space with associated landscaping.

During the course of this application the proposals have been amended. Originally the application proposed the removal of the majority of the brick wall to the frontage. Given this sensitive location within the Conservation Area, the proposals have been amended to ensure that a larger proportion of the wall can be retained, whilst also ensuring that the Local Highways Authority are satisfied with the parking provisions, in terms of width/depth and visibility.

The application proposes a 3m wide gap in the middle of the frontage of the wall. Where the current pedestrian access is located, this would be filled with wall and piers to reflect a similar design to the existing arrangement and surrounding examples. There would be piers either side of the entrance, measuring approx. 1.2m in height with the wall measuring approx. 1m high. The application also proposes an electric charging point, some planting borders, new hard standing (gravel with sustainable urban drainage system) and a footpath. The parking space would measure 4.8m in depth and would retain the original tiled footpath in front of the bay window.

Relevant Planning History

None

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (Greener Portsmouth), PCS17 (Transport), and PCS23 (Design and Conservation).

CONSULTATIONS

Highways Engineer

In summary: no objection following amendments. In more detail:

Prior to amendments

The road is covered by a 30mph speed restriction, with unrestricted on street parking to the site frontage. 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.

Given the speed limit and reaction times, satisfied that adequate vehicular visibility is achievable from the site access.

Similarly visibility for pedestrians should be secured for a distance of 2m on either side of the access within which there should be no obstructions above a height of 1m. This would be achieved by reducing the height of the boundary walls and pillars to a maximum of 1m on either side of the access.

Due to the proposed landscaping of the site frontage, there is insufficient depth between the building and the edge of the footway to allow a vehicle to park perpendicular to the highway without overhanging the footway. This would obstruct the use of the footway particularly for partially sighted / those with mobility impairments, and would not be an acceptable arrangement. Sufficient depth can be achieved by the removal of the original footpath/ existing planting to the front of the bay window in order to obtain a depth of 5m.

Subject to such an arrangement I would not wish to raise an objection to this proposal, although as the application stands I must recommend refusal on the basis that the creation of such an access would impede the safe passage of pedestrians and introduce unnecessary safety risks.

Following Amendments

The amended plan identifies the removal of the new footpath within the driveway and the vehicular access width reduced to 3 metres. Additionally the applicant has demonstrated that a standard vehicle bay dimensions of 2.4 x 4.8m are comfortably accommodated on site. As such, no highway objection.

Contaminated Land Team

Attach an informative, addressing potential for contamination and ground gases due to proximity to Great Morass.

REPRESENTATIONS

1 no. Comment -

Support, however concern that the gap between the 2 drives (Nos 97 and 99) is not spaced such that drivers think that they can park there when there is in fact not space, and end up blocking one or both drives.

COMMENT

The main issues for consideration are:

- Principle of Development
- Design and Impact upon Conservation Area
- Impact upon Amenities
- Highways
- Trees

Principle of Development

The application site is an existing dwellinghouse where alterations and extensions to such are considered acceptable in principle.

Design and Impact upon Conservation Area

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

The application site falls within the "Owens Southsea Conservation Area (No.2)", as such, when determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The application proposes the alteration of the existing boundary wall. At present the brick wall to the frontage of the site only provides pedestrian access, which is off centre. There is also mature vegetation behind the brick wall. Given the sensitive location within the Conservation

Area, the proposals have been amended to reduce the amount of wall loss. The amended proposals would create a 3m wide vehicle entrance which would be located centrally within the wall. Cumulatively there would be approx. 3.5m length of wall, 1.5m to the left and 2m to the right of the entrance. This would also include piers measuring approx. 1.2m in height.

To the north of the site, properties have limited front boundary treatment with parking to the frontage. Opposite the application site properties generally have retained their boundary treatments, with some including off-street parking provisions. The boundaries generally comprise brick walls with some being finished in render/ painted.

The proposals are considered to reflect the design of existing examples of boundary treatment along Victoria Road South. The proposal would therefore blend in with the existing arrangements and appear characteristic of the area, when viewed within the streetscene.

Following the amendments, the proposals, due to their modest scale and design, are seen to preserve the character of the conservation area, the requirements of paragraphs 193-202 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance. Therefore and to conclude, the overall design of the proposal is considered to be acceptable and in accordance with national and local policies.

Trees

The application site falls within the Owen's Southsea Conservation Area, and so the proposed tree removal requires the consent of the LPA.

In this instance the removal of the tree would be required in order to facilitate vehicle access onto the frontage of the site. The application proposes to remove the existing tree and replace it with two. Following discussions with the tree officer, no objection was raised to the removal of the existing tree as it is not considered to warrant a tree preservation order (TPO), due to species, form, and position next to boundary wall and surface treatment. It was however recommended that a replacement tree be planted. On the proposed plans, the applicant wishes to plant two, either side of the drive. The Tree Officer has suggested a Rowan to be an appropriate species.

Impact upon Amenities

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

The proposed dropping of the kerb and alteration of existing boundary wall is not considered to have an adverse impact upon the neighbouring amenities. The neighbouring property to the north has an existing dropped kerb and parking provision to the frontage, whereas the neighbouring property to the south has retained its boundary wall containing parking provisions.

The proposal would result in the displacement of on-street parking to off-street and therefore is not considered to have a harmful impact upon the neighbouring amenities.

Highways

Due to the nature of the application, forming a dropped kerb onto a classified 'B' road, the Local Highways Authority (LHA) has been consulted.

Their initial comments concluded that the arrangement would result in an adverse impact upon highways safety, on the basis that the creation of such an access would impede the safe passage of pedestrians and introduce unnecessary safety risks.

The receipt of amended plans have ensured that there is a 3m width gap for vehicle access, as well as providing a parking provision of 2.5m x 4.8m (as shown on plan 300-02 Rev A), also including a new footpath. Following a re-consultation the LHA are satisfied that the proposal would be acceptable in terms of highways safety and as such would not raise an objection.

One representation has been received, whereby it states that the application would be supported however there is concern regarding the gap between the 2 no. drives (nos. 97 & 99) and whether the driveways could be blocked by someone trying to park in this limited space. It is considered that this matter would be the responsibility of highways users in the normal way to ensure that they park correctly and not in a manner so as to cause obstruction.

To summarise, the proposals are considered to be in accordance with Policy PCS17 of the Portsmouth Plan, as well as section 9 of the NPPF which specifically relates to "Promoting sustainable transport".

Conclusion

To conclude, the application is considered to accord with local and national policies and is recommended for approval subject to conditions.

RECOMMENDATION

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.**
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Block Plan, 300/01 Existing Elevations and 300-02 REV A Proposed Elevations.**
- 3) The tree subject to removal shall be replaced by two no. Rowans or similar. The species and size shall be submitted to the Local Planning Authority for its written approval. The approved trees shall then be planted within the next planting season and retained.**
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing boundary wall.**

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.**
- 2) To ensure the development is implemented in accordance with the permission granted.**
- 3) In the interests of the visual amenities of the area in accordance with Policy PCS13 and PCS23 of the Portsmouth Plan.**

4) In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

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

PRO-ACTIVITY STATEMENT

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

Informative

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from 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 a competent Environmental consultant notified immediately. An approval from the Local authority must be sought prior to implementing any proposed mitigation action.

20 PRETORIA ROAD SOUTHSEA PO4 9BB

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED LOFT CONVERSION INCORPORATING A DORMER WINDOW WITHIN THE REAR ROOFSLOPE, TWO ROOFLIGHTS TO THE FRONT ROOFSLOPE AND A NEW SECOND FLOOR WINDOW WITHIN THE EAST FACING GABLE END.

Application Submitted By:

Architectural Designs
FAO Mr C Rutter

On behalf of:

Mr L Hunt

RDD: 29th October 2019

LDD: 25th December 2019

SUMMARY OF MAIN ISSUES

This application is being presented to the Planning Committee as the applicant is Councillor Lee Hunt.

This application for a Lawful Development Certificate seeks to establish whether the proposed development would be lawful. A certificate is not a planning permission. The planning merits of the proposed works are not relevant. The issue of a certificate depends entirely on factual evidence, that is, conformity with the General Permitted Development Order (GPDO). The responsibility is on the applicant to provide evidence to support the application.

The Site and its Surroundings

The application site comprises the easternmost of a pair of semi-detached properties on the southern side of Pretoria Road, with a roof ridge running east/west and a gable side elevation. The property is externally clad in face brickwork with red hanging tiles to the first floor of the front of the property and a profiled tiled roof. The property is occupied as a dwellinghouse.

Proposal

The application seeks the grant of a Lawful Development Certificate for a proposed loft conversion of the property incorporating a dormer window within the rear roofslope, two rooflights to the front roofslope and a new second floor window within the east facing gable end. Amended drawings have been received during the course of the application clarifying certain aspects of the development in the light of the permitted development criteria.

Planning History

A*13711/A - Construction of two semi-detached houses and a detached house and 3 garages (now known as nos.18-22) - Land on the south side of and between nos 16-30 Pretoria Road - Conditional permission dated 28.07.1960. No permitted development rights removed with respect to roof alterations/extensions.

POLICY CONTEXT

Schedule 2, Part 1, Classes B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are relevant to consideration of this application.

CONSULTATIONS

None.

REPRESENTATIONS

None received.

COMMENT

The site was inspected by the Planning Officer on the 15 January 2020. No work had commenced on site in relation to this application.

Submitted Evidence:

The application is supported by:

- * A location plan outlining the application site in red;
- * Drawing no.1910-1590 dated October 2019 showing elevations and floor plans as existing; and
- * Amended drawing no. 1910-1588 Revision A-B dated October 2019 showing elevations, a section and floor plans as proposed.

The only issue for consideration under this application is:

Does the proposed development comprising the construction of a box dormer to the rear roofslope, the insertion of two rooflights to the front roofslope and a second floor window within the east gable elevation of the property fall within the provisions of the GPDO.

Proposed Rear Dormer and Second Floor Window

Provisions of the GPDO

With reference to the proposed construction of a dormer window to rear roof slope and a new second floor side window, Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(GPDO) permits 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' subject to certain limitations.

Development is not permitted by Class B if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

* This property is occupied as a Class C3 dwellinghouse. There are no planning records or evidence to suggest the property has been used for any other purpose other than as a dwellinghouse since first built. No 'permitted development' rights with respect to alterations/extensions to the roof were removed. As such it benefits from those permitted development rights afforded to Class C3 dwellinghouses.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

* No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

* No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. The principal elevation is considered to be the north facing elevation fronting Pretoria Road which contains the front door. (The proposed rooflights are provided for under Class C of the householder allowances within the GPDO, discussed below).

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -

- (i) 40 cubic metres in the case of a terraced house, or**
- (ii) 50 cubic metres in any other case;**

* The property is a semi-detached dwelling so is afforded a total of a 50m³ allowance for roof alterations. There are no existing roof alterations to the dwellinghouse. The volume of the proposed rear dormer is 29.23m³ and as such the 50m³ permitted development tolerance would not be exceeded.

(e) it would consist of or include -

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

* No verandah, balcony or raised platform is proposed in relation to the rear dormer. The proposal does not include any installation, alteration or replacement of a chimney, flue or soil and vent pipe.

(f) the dwellinghouse is on article 2(3) land (which includes conservation areas)

* The application site is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

Class B Conditions

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

* The main existing roof is clad in tiles. The dormer elevations are shown clad in vertical tile hanging.

(b) the enlargement must be constructed so that -

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -**
- (aa) the eaves of the original roof are maintained or re-instated; and**
- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as is practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**

(iii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;

* The eaves at the rear are maintained by the insertion of the dormer. The dormer is shown on the drawings to be set back 1.8m from the eaves thereby well in excess of the minimum 0.2m required. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be -

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

* The proposed side (east facing) second floor window is shown as obscure glazed and non opening below 1.7m above finished floor level.

Proposed Front Rooflights

With reference to the proposed insertion of two rooflights within the front roofslope, Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(GPDO) permits 'any other alteration to the roof of a dwellinghouse' subject to certain limitations.

Development is not permitted by Class C if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of part 3 of this Schedule (changes of use);

* This property is occupied as a Class C3 dwellinghouse. There are no planning records or evidence to suggest the property has been used for any other purpose other than as a dwellinghouse since first built. No 'permitted development' rights with respect to alterations/extensions to the roof were removed. As such it benefits from those permitted development rights afforded to Class C3 dwellinghouses.

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

* The proposed front elevation drawing includes annotation confirming that the 2no. roof windows are not to project more than 150mm above the roofslope.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

* No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

(d) it would consist of or include -

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

* The proposal does not include any installation, alteration or replacement of a chimney, flue or soil and vent pipe, solar photovoltaic or solar thermal equipment.

Conditions

Development is permitted by Class C subject to the condition that any window located on a roofslope forming a side elevation of the dwellinghouse must be -

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

* There is no side facing roofslope to this property as it is gabled ended. The proposed second floor window within the side facing wall has been addressed above under Class B.

Conclusion

For the reasons set out above, the proposal as shown on the submitted amended drawings is considered to fall within the provisions of Classes B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended and as such a certificate of proposed lawful development can be granted.

RECOMMENDATION

Grant CLUD

CONNAUGHT ARMS 119 GUILDFORD ROAD PORTSMOUTH PO1 5EA**CONSTRUCTION OF THREE BEDROOM DWELLING HOUSE AND CHANGE OF USE OF GROUND FLOOR FROM PUBLIC HOUSE (CLASS A4) TO 2 TWO BEDROOM FLATS (CLASS C3), TO INCLUDE SINGLE STOREY REAR EXTENSION****Application Submitted By:**

BBD Architects

FAO Mr Laurence Wright

On behalf of:

Mr Matt Wylie

NM Investments Ltd

RDD: 15th April 2019**LDD:** 11th June 2019**SUMMARY OF MAIN ISSUES**

This application is being heard at committee due to an objection being received from the Local Highway Authority.

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

- Principle of residential development including loss of public house
- Design, scale and character
- Amenity of neighbours and future occupiers
- Highways and parking
- Impact on the Solent Special Protection Areas

The Site and Surroundings

This application relates to a two-and-a-half-storey, mock/revival Tudor building, built in 1891, situated on a corner plot at the junction of Guildford Road (to the west) and Penhale Road (to the south). The site comprises the pub building formerly known as Connaught Arms, which has been vacant for a number of years, and its relatively modest yard to the rear and side. Immediately to the north of the site is a small three-space parking area, and beyond an apartment block; with terraced dwellings and their rear gardens running eastwards along Manchester Road. Similarly, terraced houses adjoin the eastern section of the application building and make up the predominant character and pattern of development within the area. A small number of commercial uses are also evident within the surrounding area, including a convenience shop on the corner plot opposite the site to the south-west. Fratton Train Station lies approximately 400m to the south.

The site is not within a conservation area or in the vicinity of any listed buildings or other designated heritage assets. There are no protected trees within or adjacent to the site, which lies within Flood Zone 1.

Proposal

The application proposes the change of use of the ground floor of the existing public house (Use Class A4) to 2no two-bedroom flats (Use Class C3), including the addition of a small rear

extension. Additionally, a new two-storey dwelling house is proposed; attached to the northern side of the pub building.

Associated works include fenestration and facade changes such as replacing signage with a brick course, removing/adding doors and windows at ground floor and general refurbishment - which have now been completed, provision of a shared refuse and cycle storage area to the side of the new house - intended to serve the existing and proposed residential properties, and separate modest garden areas (measuring roughly 14, 21 & 25 sq m) for each proposed residential property located to the rear. No on-site parking provision is provided.

The application is supported by a Design & Access Statement, the relevant plans, and a subsequent brief statement from the applicant responding to queries regarding SPA mitigation, sustainable transport and parking justification, waste and cycle storage, and information about the existing building.

Planning History

19/00017/FUL: Change of use from Class A4 (drinking establishment) to Class A1 (shop) to include external alterations to the shop front and construction of a single storey rear extension - PERMITTED on 21.06.2019.

16/00288/FUL: Construction of single-storey rear extension with external alterations to include installation of new door to front elevation (re-submission of 15/01738/FUL) - Refused, due to scale and design, on 28.04.2016.

15/02037/FUL: Conversion of first floor flat into 2no one bed flats with associated amended ground floor access and provision of cycle and refuse store - PERMITTED on 12.04.2016.

15/01738/FUL: Construction of single storey rear extension, alterations to front elevations to include new shop-front with roller shutters - REFUSED, due to scale, design and roller shutters, on 24.12.2015. APPEAL DISMISSED.

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved Policy DC21 (Contaminated Land)

Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance (2014)
- Nationally Described Space Standards (NDSS) (2015)
- The Car Parking and Transport Assessment SPD (2014)

CONSULTATIONS

Highways Engineer

Guildford Road is a residential street dominated with terraced dwelling along the extent of the road. Few of the properties have off street parking facilities with the majority of parking accommodated on street. Consequently, the demand for parking on street frequently exceeds the space available particularly overnight and at weekends.

The Parking SPD's requirement for 2 / 3 bedroom property is 1.5 vehicle parking spaces and 2 secure cycle parking spaces per dwelling. This application proposes 1x 3bedroom dwelling and 2x 2bedroom dwelling, creating a parking requirement of 4.5 vehicle spaces and 6 secure cycle spaces. No vehicle or cycle parking is proposed as part of this application. Whilst any parking demand associated with the existing use would be diminished, the parking demand associated with the proposal would arise primarily overnight and at weekends, when the demand for parking by local resident exceeds the space available on street. No parking survey has been undertaken and submitted in support of the application to establish the availability of on-street parking overnight and at weekends which could potentially accommodate the shortfall.

This proposal will increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will result in residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.

In light of the above and the absence of parking for either vehicles or cycles and absence of any evidence to establish scope to accommodate this shortfall on street particularly overnight and at weekends I must recommend that this application is refused.

Environmental Health

No objections. A standard thermal glazing as required by the Building Regulations will be sufficient to protect the proposed occupants from traffic noise.

Contaminated Land Team

Request that a watching brief is placed on any permission granted:

If signs of pollution are found in the soil at any time, the soil be quarantined and reported to the named competent person. The location, type and quantity must be recorded and an Environmental Consultant notified for advice on how to proceed. It will be reported to the Contaminated Land Team and in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action.

Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.

REPRESENTATIONS

No third party comments have been received to date.

COMMENT

Principle of residential development including loss of public house

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 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 4.7 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 and this development would contribute towards meeting housing needs through a gain of 3 dwellings. More specifically, these dwellings provide a mix of housing types and sizes and include a 3-bedroom family home; as preferred within Local Plan Policy PCS19.

With regards to the loss of the existing lawful use as a public house, although Paragraphs 91 and 92 of the NPPF seek to encourage social interaction and promote shared spaces and community facilities (including public houses), the principle has already been established through the approval of planning application 19/00017/FUL; which granted the change of use to a shop (although this does not appear to have been implemented). Furthermore, the Connaught Arms has not been in use as a public house for a number of years and there are a variety of alternative pubs and community facilities within the surrounding area. Therefore, the proposal and loss of a pub/community facility is not considered to cause significant harm to the local community and would not conflict with NPPF principles.

The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in Paragraph 11 (i and ii) of the NPPF and Paragraph 177, which is provided within this report.

Design, scale and character

Policy PCS23 of the Portsmouth Plan relates to design and requires new development to be well-designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.

It is noted that the existing building the subject of this application is neither a heritage asset, nor in a conservation area. However, the elevations of the building do contain some degree of architectural articulation and features; as agreed by the Planning Inspector considering the earlier refusal (15/01738/FUL). In this appeal, the Inspector considered the pub to be an interesting building in its own right which, given its corner plot siting, marks it out as feature within the grid network of residential streets.

Works to the façade of the existing building have already taken place and are deemed to have refurbished the building to a high standard, including the fenestration changes shown in the proposed plans. The building was previously a mixture of white painted brick and render coloured to match, with decorative black timber beams within the rendered areas, and other decorative features such as a protruding eills and brick stallriser, oriel windows, and recessed doorways. External alterations and refurbishments have retained these features, albeit changing the colour scheme to pale and dark blue in place of white and black, and replaced the signage

fascia with an interesting brick course in addition to amending doors and windows to enhance internal layout and thermal efficiency.

The two-storey side addition, forming the new dwelling, is the most prominent change and needs to carefully consider the character and form of the existing, attractive building. A two-storey extension and single-storey lean-to appear to have been added to the northern side of original building in the past. The proposed house would be attached to this later two-storey addition, in place of the demolished lean-to. The proposed building would be in-line with the eaves height of the two-storey element it adjoins, and the first floor brick course would continue across from the host building, retaining a good degree of coherence. Fenestration matches the style and scale at first floor level, but would be differentiated at ground floor through use of slightly wider and less tall windows. The building line broadly matches that of the remainder of the property, although is set back ever so slightly; as is the case with the existing wall in this location. Materials and finishes are proposed to match the existing painted brick and render, and a condition can be attached explicitly outlining a schedule of materials and elevation drawing showing their use/location.

The ridge height of the proposed house is taller than that of the attached later addition of the main property, although matches its roof pitch, but is level with the eaves of the original building. The roof also merges with the host property in a similar manner to the existing two-storey extension. Scale and width, although larger than the existing addition, are modest in comparison to the main/original building, remaining subservient to it, and fits well within the site and pattern of development within the area. Much of the design and form matches that of the existing property and relates well to its host and surrounding context. Elements in the new building which do not exactly match the existing, such as ridge height, ground floor windows and subtle set-back, are modest and help to differentiate between the original and modern elements; whilst retaining a degree of uniformity and respecting the character and appearance of both the original building and the surrounding area.

The proposed rear extension comprises a small footprint and single-storey height, and is not readily visible to public view. Providing the materials and finish are in-keeping with the existing house, which can be conditioned, the extension can be viewed as an acceptable addition and would leave some garden space for the two proposed flats.

Therefore, the design of the proposed dwelling and alterations and extension to the existing property are considered to be appropriate and in-keeping with both the original building and the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Amenity of neighbours and future occupiers

Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents whilst providing a good standard of living environment for future occupiers. Additionally, Local Plan Policy PCS19 states that dwellings should be of a reasonable size; appropriate to the number of people that they are designed to accommodate.

No windows are proposed on the side elevation of the new house, and front fenestration faces out on to the wide Guildford Road; raising no privacy concerns. It is acknowledged that there are some first floor rear windows proposed within the second storey of the new house, which would be close to the rear boundary of homes along Manchester Road to the north/north-east and create potential for overlooking to their gardens. However, the two windows closest to the boundary, and most likely to cause overlooking, serve a stairwell and bathroom and can therefore be conditioned to be obscure glazed and fixed shut below 1.7m high in order to prevent any loss of privacy to adjacent neighbours. The other new first floor rear window is considered to be sufficient distance from the boundary, within the middle of the site, reasonable distance from the boundary with oblique views, and adjacent to an existing first floor window, and thus raises no significant overlooking concerns. Given the proposed 2no flats are single

storey in height and predominantly limited to a conversion, there are no significant implications with regards to impacting neighbouring amenity in terms of loss of privacy, outlook or light. On balance, the use of the pub building as residential opposed to a drinking establishment is also considered to be more compatible with the surrounding residential character and overall amenity of the locality. The additional built form from the proposed house is situated with a gap to its northern side, with only parking spaces and the rearmost section of a number 6 Manchester Road's garden to the north. Beyond this, the elevations of adjacent residential properties facing towards the site are mostly blank and otherwise substantial distance from the application site. As a result, the outlook and light to all neighbours is deemed to be sufficiently preserved.

The Nationally Described Space Standards (NDSS) provides guidance on minimum accepted internal size for dwellings, depending on the number of proposed bedrooms, occupants and storeys. The application proposes 1no two-storey, three-bedroom house measuring approximately 85 sq m; which is 1 sq m above the minimum requirement. The proposed 2no converted single-storey two-bedroom flats measure roughly 63 and 64 sq m; which is above the minimum requirement of 61 sq m for a flat of this size and occupancy. All three dwellings, which also benefit from adequately sized bedrooms, therefore accord with the NDSS and can be deemed acceptable in this regard. Additionally, the internal layout and orientation of habitable rooms is appropriate, with all bedroom and living areas being afforded windows and, subsequently, adequate outlook and light. It should also be noted that some outdoor amenity space is provided, which provides some, albeit limited in the case of the converted flats, private garden area. I note there is nearby public open space at Kingston Park, and Kingston Cemetery.

The Council's Environmental Protection Officer has been consulted and raised no objections; considering building regulation standard of windows will provide sufficient mitigation against traffic noise. The Council's Contaminated Land Officer has stated a Watching Brief should be included as a condition.

The proposal is therefore considered to be preserve the amenity of neighbouring residents, whilst providing a high quality living environment for future occupiers of the site; thus according with Local Plan Policies PCS19 and PCS23.

Highways and parking

The Council's Highways Engineer has objected to the application on the grounds that insufficient parking space for the new dwellings has been provided; contrary to the Adopted Parking Standards which requires 4.5 vehicles spaces and 6 cycle spaces for the 3no proposed dwellings. Subsequently, the Highways Engineer considers there will be secondary issues resulting from increased parking pressures within the surrounding area, such as more people driving around looking for a space and the impacts this would have for both air pollution and amenity.

It is noted that the roads surrounding the application site are residential in nature, dominated with terraced dwellings typical of the city, and that the demand for residential parking on-street frequently exceeds the space available particularly overnight and at weekends. The road is located within a residential speed limit of 20mph, with time-limited waiting and permitted opportunities to park immediately outside the site and within the surrounding roads.

Whilst the Connaught Arms public house is currently not in use and works have already begun to convert, the site still benefits from its previous Class A4 (drinking establishment) use which would primarily generate trips in the evenings and at weekends (except deliveries), in conflict with the peak time for residential parking. Additionally, the ground floor was granted retail use (Use Class A1) in June 2019, which would also generate demand for parking. The proposed residential use of 3no dwellings/flats is not considered to result in a material increase of either parking need or transport movements in comparison with these commercial uses. Following a recent appeal decision (17/00111/FUL) for a comparable scheme involving a change of use

from commercial unit to 3no dwellings, the Inspector stated that great weight should be given to the current and potential parking demand for the existing lawful use.

With regards to pollution arising from emissions of a greater number of cars driving around the area looking for a space to park, this is not considered to be significant in relation to the scale of the scheme. Paragraph 109 of the NPPF makes it clear that developments should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on the road network would be 'severe'. The Council's Highways Engineer has not raised concerns over highway safety, nor is the impact from this development considered to be substantially severe. Furthermore, it could be considered that a reduction in car parking will encourage an overall reduction in number of cars; and hence a decrease in emissions.

Section 9 of the NPPF generally, and Paragraph 110 specifically, encourage the use of non-car travel and public transport ahead of a reliance of the car. As illustrated by the applicant through a brief Transport Statement, the site is in a sustainable location, adjacent to Fratton Train Station and within access to bus services and shops, and is therefore well suited to residents travelling by foot, bicycle, bus or train, rather than requiring a private vehicle. Contrary to the Highway Engineer's comments, cycle parking is provided within storage rooms of the two converted flats, broadly complying with the space requirements for a store holding 2no bicycles, and there is ample space within the rear garden of the proposed new house for secure cycle storage, in addition to further cycle spaces in the refuse/cycle storage area to serve existing flats. Securing adequate space for cycle parking has been demonstrated and can be conditioned. Given scale and sustainable location of the development, adequate cycle parking, and sustainable transport policies nationally, a nil car parking provision and departure from the Adopted Parking Standards is considered to be acceptable in this instance.

Impact on the Solent Special Protection Areas

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure, as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.

Recreational pressure:

In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent-wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

The mitigation contribution depends on the size of the proposed dwellings and takes account of any existing dwellings on the site. In this case, the amount is calculated as follows:

1no 3-bed dwelling at £653
+ 2no 2-bed dwelling at £1000 (£500 each)
= Total mitigation contribution requirement of £1653.

Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

Natural England have raised no objection to the Council's Interim Strategy. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's specific comment.

In this instance, the applicant has provided a Statement, which confirms that it is not possible to make the development nitrate neutral using either Option 1 or Option 2. The applicant therefore wishes to rely on the Council's Strategy and this has been agreed. In accordance with the Strategy, for minor schemes, credits can be purchased at £200 per net additional dwelling. The required contribution for this scheme would therefore be £600 (net increase in 3 dwellings). This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Subject to the legal agreement to secure mitigation against additional recreational pressure and nutrient output, it is determined that the development would not have a significant likely effect on the interest and features of the Solent Special Protection Areas.

Other matters and material considerations

Due to the scale and nature of development and constraints/considerations relating to the relative close proximity of neighbours, road safety and air quality, it is considered necessary to attach a condition requiring a Construction Method Statement. A condition can also be attached securing adequate refuse (and cycle) storage for both the proposed and existing properties.

No public comments have been received and there are not considered to be any other material planning considerations which would outweigh the recommendation.

Conclusion

The proposed development would make a positive contribution towards the housing needs of the city and is considered to be acceptable in terms of its layout, design and standard of living accommodation. Matters relating to highway safety and parking have been assessed and determined to be acceptable, and it is not considered that the development would have an

adverse impact on the amenities of neighbouring residents. In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas. In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

RECOMMENDATION

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

- SPA Nitrate mitigation
- SPA recreational impact mitigation

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

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

CONDITIONS

Time Limit

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

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

Approved Plans

2) Unless 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: 1504/P/12 B (Proposed Plans and Elevations, Block and Location Plans)

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

Details of Materials

3) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed buildings, including detailed elevation, has been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: To ensure that the materials used are of a high quality appropriate to the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

Construction Management Plan

4) Prior to construction works pertaining to the attached dwelling hereby approved, above the foundation / slab level, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMP

shall thereafter be fully adhered to during the construction process. The CMP should provide for the following:

- a) Hours of construction and delivery
- b) Provision for parking of construction and delivery vehicles
- c) Provision for storing of equipment, materials and waste
- d) Measures to control emission of noise and dust
- e) Measures for disposal of waste, including prohibiting burning of materials

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 demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Bicycle Storage

5) Prior to occupation of the dwellings hereby permitted, provision shall be made for the secure storage of bicycles in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

Reason: In the interests of sustainable transport principles and amenity, in accordance with Policy PCS23 of the Portsmouth Plan.

Refuse Storage

6) Prior to occupation of the dwellings hereby permitted, provision shall be made for the storage of refuse and recyclables in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

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

Energy and Water Efficiency

7) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:

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

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

Nitrate Mitigation

8) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Obscure Glazed Windows

9) Notwithstanding the approved plans, prior to first occupation of the dwelling hereby approved the two first floor rear windows serving the stairwell and bathroom shall be obscure glazed (with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent) and be permanently fixed shut and non-opening below 1.7 metres from finished floor level, and shall be retained as such thereafter.

Reason: To ensure a satisfactory level of privacy and amenity for neighbouring dwellings and future occupiers of the approved dwellings, in accordance with Policy PCS23 of the Portsmouth Plan.

Contaminated Land Watching Brief

10) During construction, if any signs of pollution are found in the soil at any time, works shall cease immediately, the soil quarantined, and details reported to the named competent person. The location, type and quantity must be recorded and an Environmental Consultant notified for advice on how to proceed. It will be reported to the Contaminated Land Team in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action or works recommencing.

Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DC21 of the Portsmouth City Local Plan 2001 - 2011.

PRO-ACTIVITY STATEMENT

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

INFORMATIVES

Highway Coordination

1) Before any works take place at this location including any Demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk or fred.willett@colas.co.uk this is for Highway coordination purposes.

Refuse Collection Arrangements

2) The applicant is advised to consult the Local Waste Authority (Portsmouth City Council) to discuss the suitability of refuse arrangements, including required capacity, purchase of bins and collection.

69 WADHAM ROAD PORTSMOUTH PO2 9ED

CHANGE OF USE FROM PURPOSES FALLING WITHIN A C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPATION) TO A SUI GENERIS (7 BEDROOM/ 7 PERSON HOUSE IN MULTIPLE OCCUPATION).

Application Submitted By:

Mrs Carianne Wells
Thorns Young Ltd

On behalf of:

Mr Jay Durai

RDD: 5th March 2019

LDD: 6th May 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee as the combined living space is below the size set out in the House in Multiple Occupation - Supplementary Planning Document (October 2019) and due to neighbour objections.

The main issues for consideration relate to:

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and surrounding

This application relates to a two-storey terraced dwelling located on the south side of Wadham Road. The property features a double bay to the front and is set back from the highway by a front courtyard and benefits from a larger garden to the rear.

The surrounding area is characterised by densely populated residential terraces and is in close proximity to a range of shops and services located on London Road and is also well serviced by bus routes.



Occupancy within 50m

Total properties - 73

HMOs ★

Application site - ●

Proposal

Planning permission is sought for the change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to a sui generis (7 bedroom house in multiple occupation).

The internal accommodation would comprise of the following:

Ground floor - Two bedrooms (each with their own ensuites) and a lounge/kitchen (communal living space);

First floor - Three bedrooms (each with their own ensuites) and

Second floor - two bedrooms (one with its own ensuite) and a shower room.

Planning history

The change of use from Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation) or Class C3 (dwellinghouse) was permitted in 2018 under planning ref: 18/00991/FUL.

The originally-submitted floorplans for this application showed 5 bedrooms in total, however work has since been undertaken to the property and it now features 6 bedrooms and can be occupied by 6 individuals under its existing permission.

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

Portsmouth Plan (2012)

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

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

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

REPRESENTATIONS

Four representations have been received from neighbouring residents objecting to the proposed change of use on the grounds of;

- (a) Impact on health during construction phase;
- (b) Noise and disturbance caused by additional tenants;
- (c) Property devaluation;
- (d) Unauthorised construction works;
- (e) Parking;
- (f) Over-subdivision of the property;
- (g) Overconcentration of HMOs in area at present;
- (h) Anti-social behaviour associated with HMOs;
- (i) Sewage and drainage issues;
- (j) Loss of family homes;
- (k) Strain on infrastructure; and
- (l) Increase in litter and waste

COMMENT

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

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

Principle of development

Planning permission is sought for the use of the property to a 7 bedroom/ 7 person (Sui Generis) House in Multiple Occupation. Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) as amended in 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.

Wadham Road contains relatively few HMOs when compared with other areas of the city. The HMO SPD sets out that a 10% threshold indicates that there is a community imbalance. This threshold is calculated within a 50m radius of an application site. In this instance a total 73

properties fall within this area, 5 of which are in HMO use. This accounts for 6.84% of properties within a 50m radius. As the property is already counted as an HMO, the local percentage would not change.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 person, 7 bedrooms HMO (Sui Generis) is considered acceptable in principle.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (October 2019) sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

In terms of internal living conditions, the property proposes the following accommodation:

(HMO SPD-October 2019)	Area to be provided:	Guideline standard:
Bedroom 1 (Ground floor)	13.68m ²	6.51m ²
Ensuite B1	2.8m ²	undefined
Bedroom 2 (Ground floor)	10.78m ²	6.51m ²
Ensuite B2	3.13m ²	undefined
Combined living space (Ground floor)	28.66m ²	34m ²
Bedroom 3 (First floor)	18.39m ²	6.51m ²
Ensuite B3	2.75m ²	undefined
Bedroom 4 (First floor)	12.03m ²	6.51m ²
Ensuite B4	3.81m ²	undefined
Bedroom 5 (First floor)	12.11m ²	6.51m ²
Ensuite B5	2.53m ²	undefined
Bedroom 6 (Second floor - in roof)	13.72m ²	6.51m ²
Ensuite B6	3.89m ²	undefined
Bedroom 7 (Second floor - in roof)	11.4m ²	6.51m ²
Shower room/WC (Second floor - in roof)	3.89m ²	3.74m ²
Total:	143.57m²	83.31m²

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's '*Standards for Houses in Multiple Occupation*' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.

The '*Standards for Houses in Multiple Occupation*' guidance document goes on to state that in cases where bedrooms achieve a size of 10m² or larger, the communal living area expectations can be lowered to 22.5m². In this instance all of the bedrooms meet a minimum area of 10m², it is considered that at 28.66m² (5.34m² over the 22.5m² threshold), the proposed communal living area is acceptable for the proposed number of occupiers. It is also noted that all bar one of the bedrooms has an ensuite.

It is therefore considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and therefore is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Impact on residential amenity

Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.

In this instance, it has been established that there is not an imbalance between C3 dwellings and HMOs within a 50m radius of the property. Having regards to the layout of the surrounding HMOs, it is noted that the proliferation of HMOs is spread out over a wide area, with no specific cluster of HMO properties. Further, three of the identified HMOs are located on different roads and as such the concentration is lessened. Mindful of the fact that this property is already being used as a 6 person HMO, it is not considered that the proposal would be likely to result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.

In terms of potential impacts on immediate adjoining properties, whilst the accommodation of a single additional resident would lead to a more intensive occupation of the property, regard must be made to the lawful use of the property that allows occupation by six unrelated individuals or a family of an unrestricted size. In light of the existing situation and the fact that the proposal would create an additional bedroom at roof level, a change to the internal layout of the property which is not considered to be likely to generate unacceptable internal noise or disturbance, it is concluded that the proposal will not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

Therefore the proposal is deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan (2012).

Highways (Parking)

There is no parking associated with the property and no proposal to provide on-site parking.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could be secured by condition.

Waste matters

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored within either the front forecourt or rear garden, and could be secured by condition.

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

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

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection

Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development. This overcomes reason for refusal No.3 attached to the previous application.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

The instance, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on community balance, amenity, living space standards, on the highway (parking), and SPAs. It is therefore deemed to be subject to conditions and legal agreement, in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral.

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

RECOMMENDATION III - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral, pursuant to Recommendation I has not been satisfactorily completed within four months of the date of this resolution.

RECOMMENDATION Conditional Permission

Conditions

Time limit

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

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

Approved plans

- 8) 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 - 1:1250@A4; Block Plan - 1:500@A4; and Floor Plans - PG.3076.18.3.

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

Number of occupants

- 9) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason: To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

Cycle storage

- 10) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) 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 unless otherwise agreed in writing by the LPA.

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

Waste storage

- 11) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

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

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 12) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme.

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

PRO-ACTIVITY STATEMENT

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

32 MONTGOMERIE ROAD SOUTHSEA PO5 1ED**CHANGE OF USE FROM A C4 (HOUSE IN MULTIPLE OCCUPATION) TO A SEVEN BEDROOM/SEVEN PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr John Harmer

RDD: 7th January 2019

LDD: 12th March 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee as the recommendation is contrary to elements of the House in Multiple Occupation - Supplementary Planning Document (October 2019). Also, the East St Thomas's Resident Association have requested that the application be determined by Planning Committee.

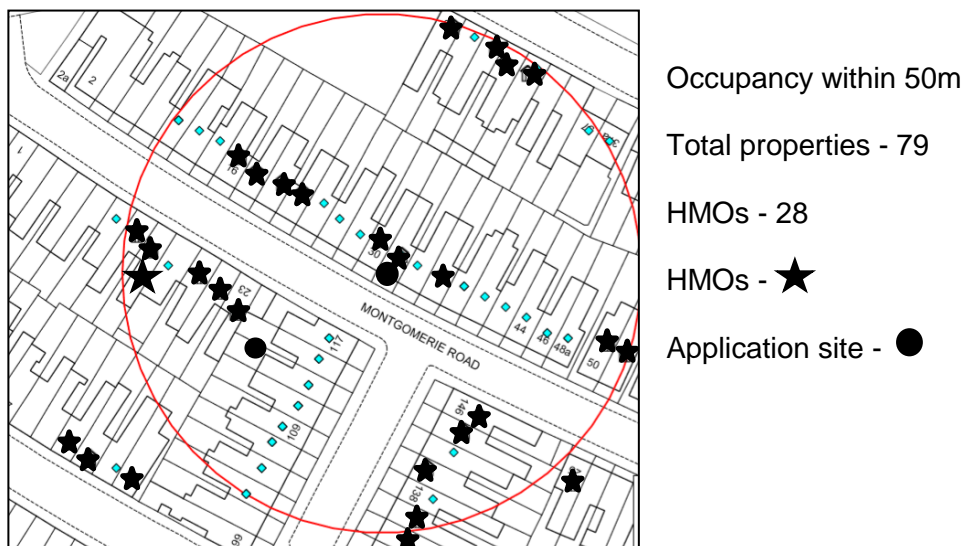
The main issues for consideration relate to:

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and surrounding

This application relates to a two-storey mid-terrace dwellinghouse located on Montgomerie Road close to its intersection with St Andrews Road. The property has a small front forecourt currently used for the storage of bins and a moderate size yard to the rear.

The surrounding area is characterised by densely populated residential terraces to the south with a somewhat more open character to the rear (north) of the site.



Proposal

Planning permission is sought for a change of use from Class C4 (house in multiple occupation) to a 7 bedroom/ 7 person, Sui Generis (Large house in multiple occupation).

The internal accommodation would comprise the following:

Ground Floor - Two bedrooms; a WC and a lounge/kitchen (combined living space);
 First Floor - Two bedrooms; two bathrooms and a utility room;
 Second Floor (Loft) - Three bedrooms.

Planning history

This is a resubmission of a previously refused scheme for the change of use from purposes falling within Class C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (sui generis) under ref 18/01609/FUL (26.09.2018). The reasons for refusal are listed below -

- 1. The proposed change of use from dwellinghouse (Class C3) to Sui-Generis HMO would fail to support a mixed and balanced community in an area already imbalanced by the level of similar such uses. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (July 2018).*
- 2. The proposed use of the building as a seven bedroom sui generis House in Multiple Occupation would, as a result of its undersize communal living space and bedroom, fail to provide the necessary space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan, including the supporting Houses in Multiple Occupation Supplementary Planning Document (July 2018).*
- 3. Without appropriate mitigation the development would be likely to have an adverse effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).*

Following the refusal, the applicant has amended the internal layout of the property with the new, current application to try and overcome the previous reasons for refusal.

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

Portsmouth Plan (2012)

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

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

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

REPRESENTATIONS

Fifty-two objections submitted from East St Thomas Residents Association, stated to be from/on behalf of local residents. The comments are exactly the same in each of the fifty-two submissions. The comments are made against two different planning applications at two different addresses, i.e. they are not clearly and specifically made concerning the individual details of each application. The comments are summarised as follows:

- (a) Existing area is above the 10% HMO threshold;
- (b) The cumulative impact of Sui-Generis HMOs on the area; and
- (c) Impact on the amenity of nearby residents.

Further, the East St Thomas Residents Association have request the application be heard at Planning Committee.

COMMENT

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

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;

- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

Principle of the use

Planning permission is sought for the use of the property to a 7 bedroom/ 7 person (Sui Generis) House in Multiple Occupation.

The existing use of the premises at the time the application was made has been taken into account. As the property does not have any planning history to indicate its usage, this has been demonstrated by the applicant through the submission of evidence. This is in the form of signed/dated Tenancy Agreements, which show that the property was in use as a HMO from 18th July 2011 and has continued to be used as such until present. This evidence has further been corroborated against records held by Portsmouth City Council in the form of Council Tax Records and Private Sector Housing records. The evidence further demonstrates that the property has been occupied by 6 individuals, since 2013 (prior to this it appears to of been occupied by 5 individuals). Based on the evidence provided and from the officers site visit, is considered that the property is more consistent with and reflective of an HMO than a self-contained dwelling. As such, the potential impacts of the proposal have been assessed against those of a 6-bed HMO rather than a C3 dwelling.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) as amended in 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 amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity and housing mix of certain communities.

At paragraph 2.3, the HMO SPD document states that in situations such as this *"where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentration of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community."*

The 10% threshold contained within the HMO SPD applies to an areas within a 50m radius of an application site. In this instance a total of 79 properties fall within this area, 28 of which are in HMO use. This accounts for 35.4% of properties within a 50m radius. These statistics reflect the high degree of imbalance between residential properties and HMO's in the wider area, far in excess of the 10% threshold outlined within the HMO SPD.

The last application (18/01609/FUL) was refused on the grounds of community imbalance. This decision was not challenged at appeal, but the LPA has lost a series of appeals where the 10% threshold had already been passed. This is because Planning Inspectors have noted that where a property is already in HMO use, there is no change to the overall community balance, at least in the total number of HMOs. The Inspectors go on to consider the matter of, typically, one extra bedroom proposed as with this application. I address the extra bedroom proposed under the section 'Impact on Residential Amenity' later in this report, as the updated SPD refers to this paragraph 2.3, 2.17 and 2.18.

With respect to the 10% threshold, though, and in accordance with numerous appeal decisions and the merits of this case, as there is no new HMO being introduced, there would be no further

harm caused to the existing community imbalance. As such, I do not considered the previous reason for refusal (No.1) on community imbalance can be employed again.

Standard of Accommodation

In terms of internal living conditions, the property would provide the following:

(HMO SPD-OCT 2019)	Area to be provided:	Required Standard:
Bedroom 6 (Ground Floor)	11m2	6.51m2
Bedroom 7 (Ground Floor)	12m2	6.51m2
Combined Living Space (Ground Floor)	25m2	34m2
W/C (Ground Floor)	1m2	not defined
Bedroom 4 (First Floor)	11m2	6.51m2
Bedroom 5 (First Floor)	15m2	6.51m2
Shower room 1 (First Floor)	3m2	3.74m2
Shower room 2 (First Floor)	3m2	3.74m2
Utility Room (First Floor)	5m2	not defined
Bedroom 1 (Second Floor)	15m2	6.51m2
Bedroom 2 (Second Floor)	9m2	6.51m2
Bedroom 3 (Second Floor)	11m2	6.51m2
Total	121m2	87.05m2

The HMO SPD (October 2019), states that for an HMO for 6-10 people, there must be 2 separate bathrooms and 2 separate W.Cs with hand washbasins (one W.C could be contained with one bathroom). Both of the bathrooms contain a W.C. and there is the separate WC. Whilst it is noted that the two proposed shower rooms/bathrooms would be slightly undersized, by approx. 0.74m2 each, I note the extra WC. As such, I consider a suitable sanitary arrangement would be provided.

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m2. At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's '*Standards for Houses in Multiple Occupation*' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.

The '*Standards for Houses in Multiple Occupation*' guidance document goes on to state that in cases where bedrooms achieve a size of 10m2 or larger, the communal living area expectations can be lowered to 22.5m2. In terms of the proposed communal living area, it is recognised that it falls some 9m2 short of the SPD standard for a Large HMO. However there is to be provided a 5m2 utility room and it is recognised that the proposed bedrooms exceed the requirements of the HMO SPD by as much as 8.49m2 and by a minimum of 2.49m2. This leads to an overall internal floor area of 121m2 - significantly in excess of the minimum 87.05m2 required by the HMO SPD. As such, it is considered that this 'over-provision' of bedroom space mitigates the shortfall of combined living space in this instance, and as such the overall floorspace provisions are acceptable.

Given the amended floorplans and the updated guidance within the HMO SPD, it is considered that the proposal has overcome the previously identified reason for refusal (No.2) and provides an adequate standard of accommodation for 7 individuals.

Impact on Residential Amenity

Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD

In determining the amenity impacts of the proposal, consideration has been given to adjacent dwellings, in particular the neighbouring property of No.30 Montgomerie Road, which is in HMO use, and the neighbouring dwelling of No.34 Montgomerie Road, which is currently in C3 use. It is appreciated that the amenity of the occupiers of this dwelling may have been affected by the change of use of the application property from a 3-bed dwellinghouse to a C4 use. However, as the works to implement a 6-bed HMO have already been carried out, it should be recognised that this application does not seek to create a new HMO, and would not in itself result in the neighbouring No.34 being sandwiched between two HMO's (as this has already occurred). It is deemed unlikely that the proposal would be significantly more harmful to the amenity of immediate neighbouring residents when compared to the existing situation.

Therefore the proposal is deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan.

Highways (Parking)

There is no parking associated with the property and no proposal to provide on-site parking.

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

Waste matters

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored within the front forecourt or rear garden, and could be secured by condition.

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

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

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning

Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development. This overcomes reason for refusal No.3 attached to the previous application.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

The instance, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the

development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on community balance, amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. It is therefore deemed to be subject to conditions and legal agreement, in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral.

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

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

RECOMMENDATION Conditional Permission

Conditions

Time limit

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

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

Approved plans

- 2) Unless 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 - 1:1250@A4; Block Plan - 1:500@A4; Floor Plans - PG01 and Section - PG.3148.18.2.

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

Number of occupants

- 1) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason: To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

Cycle storage

- 2) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) 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 unless otherwise agreed in writing by the LPA.

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

Waste storage

- 3) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

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

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 4) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme.

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

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant. Also, the East St Thomas's Resident Association have requested that the application be determined by Planning Committee.

21 CLARENDON ROAD SOUTHSEA PO5 2ED

CONSTRUCTION OF TWO-STOREY REAR EXTENSION (AMENDED PLAN RECEIVED 13/01/20)

Application Submitted By:

D M Adams Designs

On behalf of:

Mr Mark Richards

RDD: 7th August 2019

LDD: 17th October 2019

REPORT BACK:

This application was brought to the Planning Committee for determination on the 8th January, 2020. The Planning Committee raised concerns regarding the design of the window proposed to the north elevation of the extension. The proposed window which was contemporary in design was considered by members to fail to preserve or enhance the appearance of the 'Owens Southsea' Conservation Area and therefore the application was deferred to allow the applicant the opportunity to amend the scheme. As requested by committee, an amended scheme has since been submitted which shows a traditional style and sized four pane, upvc sash window to match the existing windows.

New publicity has taken place on the amended scheme and two letters of objection have been received which raise the following concerns;

- a) Loss of privacy
- b) Development does not comply with permitted development planning regulations; and
- c) Design is not in keeping with the 'Owen's Southsea' Conservation Area

Having regard to the above concerns regarding privacy and design, these issues have been addressed in the original officer's report which can be read below, and have been addressed by the amended rear windows. Neighbour comments note that the proposal does not comply with the permitted development requirements which relates to what development could be built without planning permission. The proposal exceeds the permitted development criteria and therefore the applicant has submitted an application for planning permission.

Following the amendment to window design the officer's recommendation is conditional permission and the conditions previously proposed have not been amended apart from updating the plan reference number. The officer's original report which was published for the 8th January 2020 planning committee meeting can be read below:

ORIGINAL REPORT:

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

The main issues to be considered in the determination of this application are whether;

- The design of the proposed development would be appropriate in relation to the recipient house and the wider area;
- The proposal would preserve or enhance the character and appearance of 'Owen's Southsea' conservation area;
- The proposal would be likely to result in any significant loss of residential amenity to occupiers of surrounding properties.

Site and surroundings

This application relates to a four storey (including basement) semi-detached dwelling situated on the northern side of Clarendon Road. The dwelling is set back from the road with a paved forecourt forward of the dwelling. To the east of the site is a driveway which is shared with the neighbouring property to the east, 23 Clarendon Road. To the rear of the dwelling is an enclosed garden. Boundary treatment consists of a low brick wall and mature hedging along the front (southern) boundary and a 1.5-1.8 metre brick wall along the rear eastern, northern and western boundary. The site is located within 'Owen's Southsea' Conservation Area (No.2) and the surrounding area is predominantly residential in nature. Neighbouring properties on the northern side of Clarendon Road are characterised by pairs of Victorian semi-detached properties. To the south of the site properties vary in size and design. To the north of the site is 'Stanley Street' Conservation Area (No.1).

Proposal

Permission is sought for a two storey extension to the rear which would project off the existing rear projection. The extension would have a depth of 4.2 metres therefore increasing the total depth of the rear projection to 8 metres. The extension would have a width of 3.6 metres and maximum height of 6.2 metres. The extension would include a window to the rear (north) elevation, two windows to the west elevation and four roof lights. The extension would have a pitched roof to match the existing rear projection and proposed materials would include white render with facing brickwork and quoining on the corners to match the existing dwelling and rear projection.

Relevant planning history

16/00823/HOU - Construction of single storey ground floor extension, 2 storey upper floor extension and alterations to the roof all at the rear of the property after demolition of existing balcony; installation of new windows to side elevation. Conditional Permission.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation),

The aims and objectives of the revised NPPF (February 2019) would also be relevant in the determination of this application. The Owens Southsea Conservation Area Guidelines would also be a material planning consideration.

CONSULTATIONS

None.

REPRESENTATIONS

Four letters of representation have been received objecting on the following grounds:

a) Overlooking/ Loss of privacy;

- b) Loss of light;
- c) Overbearing;
- d) Design not in keeping with the conservation area guidelines; and
- e) Concern that the property could be converted into flats.

COMMENT

The main issues to be considered in the determination of this application are whether;

- The design of the proposed development would be appropriate in relation to the recipient house and the wider area;
- The proposal would preserve or enhance the character and appearance of 'Owen's Southsea' conservation area;
- The proposal would be likely to result in any significant loss of residential amenity to occupiers of surrounding properties.

Design

Policy PCS23 of the Portsmouth Plan (2012) echoes the principles of good design set out within the National Planning Policy Framework, which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

There are no land- use policies that would discourage an appropriately designed extension to this property in this area. The acceptability of the proposal is therefore based on the particular merits of the site and the detailed scheme.

The property has a relatively modest footprint compared with the adjoining property to the west, 19 Clarendon Road, and is served by a rear garden measuring approximately 16 metres from the rear elevation of the dwelling to the rear boundary and 12 metres from the existing rear projection. Therefore, whilst the proposal would result in a relatively large rear extension, it is not considered incongruous or excessive in the context of its plot size or the surrounding development. The extension would incorporate features that take reference from the existing property, in terms of matching materials, brick detailing and quoining. Concerns have been raised by neighbouring residents regarding the design of the window proposed to the north elevation. Whilst it is acknowledged that the window would be larger than the existing window, the window is considered to be in proportion to the scale of the extension. A planning condition is proposed to ensure that the extension would be completed in matching materials.

Heritage Issues

With respect to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' during the decision making process.

For the reasons set out in the above section, the design quality of the proposed development is considered appropriate and acceptable in the context of both the recipient property and the wider area. In light of this, it is concluded that the proposal would preserve the character and appearance of the 'Owen's Southsea' and 'Stanley Street' conservation area. The proposal is considered to accord with the aims and objectives of paragraphs 189-202 of the National

Planning Policy Framework (February 2019) and those within Policy PCS23 of the Portsmouth Plan in terms of protecting and preserving the city's historic townscape and heritage assets.

Residential Amenity

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

The application has been the subject of a site visit where the impact on all neighbouring properties has been assessed. To help assess the impact of the proposed extension on the amenity of neighbouring properties in terms of overshadowing, a shadow diagram for the existing rear projection and proposed extension was submitted during the course of the application.

The closest neighbouring property to the proposed development would be the neighbouring development to the east of the site, 23 Clarendon Road. 23 Clarendon Road comprises of a ground floor flat with dental practice above. The proposed extension would be situated approximately 3 metres from the neighbouring property. The submitted shadow diagram demonstrates that the proposed extension would not have a significantly greater impact on the windows to the rear elevation of 23 Clarendon Road in terms of overshadowing. The shadow diagram indicated the proposed extension would have a greater impact on the area of land situated behind 23 Clarendon Road, however, this area is a parking area serving 23 Clarendon Road and therefore can be afforded less protection. There are no windows proposed to the east elevation, therefore there are no issues of overlooking.

With regards to the neighbouring development to the west of the site, 19 Clarendon Road comprises of a dental practice within the main building and two residential flats (19a and 19b) within the rear extension. The proposed extension would be situated approximately 7.5 metres from the properties to the west. Concerns have been raised by neighbouring residents regarding overshadowing and loss of outlook to 19a and 19b Clarendon Road. The submitted shadow diagram indicated that the proposed extension would not have a significantly greater impact on the main windows serving the habitable rooms to the rear of 19 Clarendon Road. It is noted the extension would have a greater impact on the high level windows serving the living room of the ground floor flat, however, the room which would be affected is served by an additional window to the north elevation which would not be affected by the proposed development.

With regards to the basement flat, it is noted the extension would result in greater overshadowing in the earlier part of the day. However, having regard to the existing rear projections and boundary treatment, it is considered that the proposals would not be so harmful to sustain a reason for refusal on the grounds of overshadowing, loss of light, loss of outlook or increased sense of enclosure.

Concerns have been raised regarding overlooking from the proposed windows to the west elevation. There is an existing window to the west elevation meaning there is already a degree of overlooking, however, to ensure the proposed development does not result in a significantly greater level of overlooking, should permission be granted, a condition would be imposed requiring the windows to be obscure glazed up to 1.7 metres from the finished floor level.

With regards to the neighbouring properties to the north of the site, there would be a minimum separation distance of approximately 20 metres between the proposed rear extension and the rear elevation of properties along Stanley Street. Concerns have been raised regarding the potential for the proposed development to increase the level of overlooking towards the properties to the north and overshadowing. However, there is considered to be an adequate separation distance between the properties so as not to result in any undue overlooking, or any

overshadowing. Furthermore, the proposed window to the north elevation would largely replicate views already available from the existing windows.

Other matters raised in the representations

Concerns have been raised by neighbouring residents regarding the potential for the dwelling to be converted into flats in the future. This application seeks permission for a householder extension. Planning permission would be required to convert the property into flats and therefore would be within the control of the Local Planning Authority.

Conclusion

The scale, external appearance and materials of the proposed development are considered acceptable and would preserve the character and appearance of the 'Owen's Southsea' and 'Stanley Street' conservation area. The proposal is also not considered to result in any significant adverse loss of residential amenity for occupiers of surrounding properties. As such, the proposal is considered to accord with Policy PCS23 of the Portsmouth Plan (2012) and is capable of support.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Plans

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: Existing Plans and Elevations 21CR-101; and Proposed Plans and Elevations 21CR-102A.

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

Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

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

Obscure glazed window

The additional first floor window (serving the kitchen) to the west elevation of the development hereby permitted shall be obscure glazed (to a minimum of Pilkington Level 3, or equivalent) up to 1.7 metres from the finished floor level in which the window is installed and thereafter permanently retained as such.

Reason: To protect the privacy of the adjoining properties to the west and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan (2012).

PRO-ACTIVITY STATEMENT

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