

PLANNING COMMITTEE

23 FEBRUARY 2021

2 PM VIRTUAL MEETING

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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3 PAINS ROAD SOUTHSEA PO5 1HE**CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SUI
GENERIS (HOUSE IN MULTIPLE OCCUPATION FOR OVER 6 PERSONS)****Application Submitted By:**

Mrs Carianne Wells
Thorns Young Ltd

On behalf of:

Mr Simon Birmingham

RDD: 31st May 2019

LDD: 7th August 2019

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee due to a deputation request from the East St Thomas Residents Association.

1.2 The main issues for consideration relate to:

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

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.4 Site and surrounding**

1.5 This application relates to a two-storey semi-detached dwelling with a ground floor bay window that is separated from the road by a small front forecourt. The site is located on the northern side of Pains Road, east from its junction with Somers Road.

1.6 The application site is within a predominately residential area that is characterised by rows of similar two-storey terrace and semi-detached properties within a similar visual style.

1.7 Proposal

1.8 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).

1.9 The internal accommodation would comprise the following:

Basement - Lounge;

Ground floor - Two bedrooms, a WC and a kitchen/dining room (communal living space);

First floor - Three bedrooms and a shower room; and

Second floor - Two bedrooms and a shower room.

1.10 Planning history

1.11 The change of use from a house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation) was permitted in 2019 under planning ref: 18/01996/FUL.

1.12 The previous application shows that prior to the works undertaken to extend the property, it previously featured 5 bedrooms.

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

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

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

2.3 Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- 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)

3.0 CONSULTATIONS

3.1 **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.

4.0 REPRESENTATIONS

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020)

- Neighbour letters sent : 13/06/2019, expiry 11/07/2019
- Re-consultation letters sent: 13/06/2019 expiry 11/07/2019

4.2 One hundred and seventeen (117) representations have been received objecting to the proposed development on the following grounds:

- (a) Existing area is above the 10% threshold;
- (b) The cumulative impact of Sui-Generis HMOs on the area; and Impact on the amenity of the nearby residents.

4.3 Further, the East St Thomas Residents Association have requested the application be heard at Planning Committee.

5.0 COMMENT

5.1 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 Areas; and
- Any other raised matters.

5.2 Principle of the use

5.3 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.

5.4 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.

5.5 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.*"

5.6 Pains Road contains a significant level of HMOs, a trend that is reflected throughout the local area. Statistics taken from the Council's HMO register indicate that of the 53 properties on Pains Road, 31 are currently in use as HMOs.

5.7 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 80 properties fall within this area, 42 of which are in HMO use. This accounts for 52.5% 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.

5.8 In light of the fact that there is already an existing and significant imbalance, and there will be no change in the percentage of HMOs, a judgement must then be made on the potential harm to amenity resulting from the proposed additional bedroom in accordance with Paragraph 2.3 of the HMO SPD.

5.9 In making this judgement, the existing use of the premises at the time the application was made has been taken into account. In planning terms, authorisation for flexible C3/C4 use was made in 2018, and at the time of the Case Officer's site visit, the property was laid out to provide 6 bedrooms and communal living and bathroom facilities in

accordance with the submitted existing plans (Drg. No. PG.3135.18.5). Based on these observations, the existing use of the site is deemed to be 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.

- 5.10 It is to be noted that both No.1 Pains Road and No.5 Pains Road are also in use as HMOs. Examining the surrounding area in further detail, the property would back onto (north) three existing HMOs and the property directly opposite (south) is also in use as a HMO, as such the closest single residential dwellinghouses would be No.6&10 Pains Road, opposite the property. It is appreciated that the amenity of the occupiers of these dwellings may have been affected by the change of use of the application property from a 3-bed dwelling to a flexible C3/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 any neighbouring property being sandwiched between two HMO's. Further the property's front access is located to the side (east) which will mitigate some of the direct noise and disturbance towards the properties opposite.
- 5.11 With this in mind, it is not considered that the addition of one extra occupier to the property would lead to further significant harm to the amenity of the occupiers of any other nearby properties.
- 5.12 In summary, whilst it is recognised that the authorised flexible C3/C4 use has increased the imbalance between C3 dwelling and HMO's in the area to a degree, in light of the fact that works have already been carried out to create 6 bedrooms within the property and mindful of the proliferation and concentration of HMO's within Montgomerie Road, it is considered that the existing imbalance between HMOs and C3 dwellings within the area would not be demonstrably worsened to the extent that there would be harm to the community imbalance. Furthermore, it is deemed unlikely that permitting an additional bedroom would have a demonstrably adverse impact on the amenity of local residents over and above levels that would be associated with a 6-bed HMO.

5.13 Standard of accommodation

- 5.14 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:

5.15 (HMO SPD-OCT 2019)	Area Provided:	Required Standard:
Lounge (Basement)	16.26m ²	14m ²
Bedroom 7 (Ground floor)	7.56m ²	6.51m ²
Bedroom 6 (Ground floor)	9.13m ²	6.51m ²
WC (Ground floor)	1.4m ²	undefined
Combined living space (Ground floor)	28.44m ²	34m ²
Bedroom 5 (First floor)	7.85m ²	6.51m ²
Bedroom 4 (First floor)	8.03m ²	6.51m ²
Bedroom 3 (First floor)	9.64m ²	6.51m ²
Shower room/WC 1 (First floor)	3.77m ²	3.74m ²
Bedroom 2 (Second floor - in roof)	7.92m ²	6.51m ²
Bedroom 1 (Second floor - in roof)	10.9m ²	6.51m ²
Shower room/WC (Second floor)	3.74m ²	3.74m ²

Total

114.69m2

101.05m2

- 5.16 The HMO SPD (October 2019) states that HMOs for 6-10 people 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.
- 5.17 In this instance while the communal living space is separated into two distinct areas, one at ground floor level which comprises a kitchen and dining room area and one at basement level which contains the lounge area. The basement level lounge relies upon a large full height glass door, which provides light, ventilation and outlook for this room. While not a traditional arrangement, on balance this room is considered to provide an acceptable standard of accommodation for the occupants.
- 5.18 Including the lounge, the proposed communal space is considered to be provide a reasonable standard of accommodation. In addition all of the bedrooms meet the minimum size standards and benefit from a good level of light and outlook. 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.
- 5.19 Impact on residential amenity
- 5.20 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
- 5.21 In this instance, it has been established that there is already an imbalance between C3 dwellings and HMOs within Pains Road, and within a 50m radius of the property; however, mindful of the fact that this property is already being used as a 6-bed 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.
- 5.22 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 ground floor in place of the existing lounge, it is considered unlikely that the proposal would be significantly more harmful to the amenity of immediate neighbouring residents when compared to the existing situation.
- 5.23 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.

5.24 Highways (Parking)

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

5.26 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.

5.27 Waste matters

5.28 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 rear garden, and could be secured by condition.

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

5.30 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.

5.31 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.

5.32 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.

5.33 Wading birds:

5.34 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the 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.

5.35 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.

- 5.36 Nitrates:
- 5.37 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. 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.
- 5.38 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.
- 5.39 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.
- 5.40 At the time of publication of this application report, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.
- 5.41 Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this 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, which will be just prior to actual occupation. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement.
- 5.42 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.
- 5.43 Conclusion
- 5.44 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 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).

- 5.45 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.
- 5.46 RECOMMENDATION II** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and
- 5.47 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

- 1) 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

- 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: Drawing numbers: Location Plan - TQRQM18334105833591 / PG.3135.18.SA; Block Plan - TQRQM18319130751252 / PG.3135.18.SA; and Floor Plans - PG.3135.18.5 Rev E.

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 PCS13, 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 mitigation

- 6) 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.

THE CHURCHILLIAN PUBLIC HOUSE PORTSDOWN HILL ROAD PORTSMOUTH PO6 3LS**CONSTRUCTION OF OUTDOOR BAR WITH REAR/SIDE TERRACE WITH ASSOCIATED FENCING AND REFUSE STORE; INSTALLATION OF PERGOLA TO FRONT GARDEN****Application Submitted By:**

ABA Architecture and Interiors Ltd
FAO Sarah Shields

On behalf of:

Mrs Linda Kennedy
Ei Group Plc

RDD: 31st January 2020

LDD: 8th April 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to the objection raised by the Local Highways Authority.

1.2 The main issues for consideration are;

- Principle of Development;
- Design;
- Impact upon Amenities;
- Highways.

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.4 Site and Surrounding Area**

1.5 The application site relates to the Churchillian Public House to the north of Portsdown Hill Road (B2177), and to the east of Widley Walk. The site is an established public house set in rural land to the north of the City, with Fort Widley located to the west and a residential complex to the east, which is also accessed via the same road as the access to the public house. To the north and south of the public house there is associated parking, with overspill parking facilities along Widley Walk. The Churchillian already has several signs and illuminations to provide presence and advertisement.

1.6 Proposal

1.7 Construction of outdoor bar with rear/side terrace with associated fencing and refuse store; installation of pergola to front garden.

1.8 The application proposes alterations to the existing external seating area, and proposes to enlarge this area. There would be the addition of 6 no. new tables, to match the existing; 1 no. by the main entrance, and 5 no. to the east of the PH itself and within the existing layout of furniture.

1.9 Within the existing established external seating area the application proposes the addition of seating and a pergola. This would be located along the south/east boundary, to the north/west of 'Harbour Heights', a residential unit which is accessed via the same junction

onto Widley Way. The outdoor bar would have a mono-pitched roof, sloping towards the neighbouring site's boundary to the south/east. This would measure approx. 2.4m in height at highest point, and would be constructed of painted steel beams.

- 1.10 The application also proposes to enlarge the external seating area. To the north east of the PH there would be the introduction of an outdoor bar, with seating extending east into the PH car park, and alterations to the existing bin store.
- 1.11 The construction of the outdoor bar would be located to the north east of the PH. The bar would span the length of this section of boundary, measuring 4.8m in length. The proposal would be constructed of "natural tannalised timber shiplap cladding", including the addition of 'festoon lighting'. To the south of the proposed bar would be the addition of 4 no. 'high chairs' and to the east, the addition of 6 no. new tables, within the extended seating area. This would be bound by post and rail fencing measuring approx. 1.1m in height, spanning for a length of 12.1m, to fully contain this new seating area, segregating it from the car park to the north of the site.
- 1.12 The bin store, located to the north of the proposed outdoor bar, would measure 3.5m in length and 5.7m in width, to be constructed of close board fencing.
- 1.13 Relevant Planning History
- 1.14 C*21078/J
FURTHER DEVELOPMENT BY THE ERECTION OF A 2 STOREY LICENCED BUFFET
AND 12 MOTEL TYPE CHALETS
Refused (28 April 1960)
- 1.15 C*21078/U
THE ERECTION OF A 2 STOREY LICENCED PREMISES WITH FIRST FLOOR FLAT
Conditional Permission (19 September 1963)
- 1.16 C*21078/V
THE ERECTION OF 2 STOREY LICENCED PREMISES WITH FIRST FLOOR DWELLING
ACCOMMODATION
Conditional Permission (16 July 1964)
- 1.17 C*21078/W
THE ERECTION OF A TWO STOREY LICENCED PREMISES WITH FIRST FLOOR
LIVING ACCOMMODATION
Conditional Permission (3 September 1964)
- 1.18 C*21078/Z
DISPLAY OF AN NON-ILLUMINATED FAIENCE PLAQUE TOGETHER WITH NON-
ILLUMINATED LETTER HOUSE NAME AT THE LICENSED PREMISES
Conditional Permission (16 March 1967)
- 1.19 C*21078/Z-1
THE DISPLAY OF AN NON-ILLUMINATED SIGN ON A POLE
Conditional Permission (11 December 1969)
- 1.20 C*21078/Z-4
THE ERECTION OF A GARDEN SHED
Refused (22 June 1972)
- 1.21 C*21078/Z-7
TWO STOREY EXTENSION TO FORM NEW GENTS TOILETS ON FIRST FLOOR AND

LADIES TOILET ON GROUND FLOOR
Permission (14 December 1981)

- 1.22 C*21078/AA
DISPLAY OF INTERNALLY ILLUMINATED FASCIA SIGN, EXTERNALLY ILLUMINATED LOGO SIGN TO FRONT ELEVATION, ILLUMINATED FREE-STANDING SIGN TO EAST OF ENTRANCE
Conditional Consent (1 November 1996)
- 1.23 C*21078/AB
CONSTRUCT CHIMNEY TO WEST ELEVATION, PAVED AREA, 1.8M HIGH CLOSE BOARDED FENCING, SITING OF 4 LAMP POSTS (2.5M HIGH) TO FRONT, INSTALLATION OF 4 LAMPS TO FRONT ELEVATION
Conditional Permission (5 November 1996)
- 1.24 C*21078/AC
CONSTRUCTION OF SINGLE-STOREY FRONT EXTENSION AND EXTERNAL FIRST FLOOR TERRACE WITH STAIRCASE / BALUSTRADING, SINGLE STOREY REAR EXTENSIONS, INSTALLATION OF RAMPED ACCESS TO EAST ELEVATION, RELOCATION OF FUEL TANK TO REAR OF SITE AND RECONSTRUCTION OF RETAINING WALL TO NORTHERN BOUNDARY OF CAR PARK.
Conditional Permission (30 January 2001)
- 1.25 20/00273/ADV
Display of 1no. externally illuminated fascia sign, 1no. externally illuminated free-standing sign with 2no. non-illuminated amenity boards attached, 1 no. non-illuminated free-standing sign and 1 no. non-illuminated wall-mounted sign.
Conditional Consent (17 April 2020)

2.0 POLICY CONTEXT

- 2.1 In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan include: PCS17 (Transport), and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) is also material to this decision.

3.0 CONSULTATIONS

- 3.1 Highways Engineer
- 3.2 This site is located at the junction of Portsdown Hill Road with Widley Walk. Portsdown Hill Road is a classified road (B2177) and is a route of more than local significance within the local highway network. It is subject to a 40mph speed restriction and does not benefit from a system of street lighting nor have separate pedestrian provision. This section of Portsdown Hill Road does not form part of the bus network nor is specific provision made for cyclists. As a consequence the accessibility of this site is very largely reliant on private cars with very limited options for visitors or staff to make sustainable travel choices.
- 3.3 The application does not provide any information on the likely additional patronage which will arise from the proposed development. No assessment is provided of the likely additional parking demand as is required for non-residential uses in the SDP nor does it establish the scope of the existing facilities to accommodate any additional parking demand.
- 3.4 Whilst the provision of parking is fundamentally an issue of local amenity the inaccessibility of the proposal by sustainable travel options and safety of people who choose to use such modes of travel is of significant concern.

3.5 In this light the proposal is contrary to paragraph 108, 109 and 110 of the NPPF and policies PCS 17 and PCS 23 of the Portsmouth Plan and I must recommend refusal of the application for the above reasons.

4.0 REPRESENTATIONS

4.1 None received

5.0 COMMENT

5.1 The main considerations within this application are:

- Principle of Development
- Design
- Impact upon Amenities
- Highways

5.1 Principle of Development

5.2 The application site comprises an existing public house, where alterations and extensions are considered to be acceptable in principle.

5.3 Design

5.4 Policy PCS23 (Design and Conservation) 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 a wider context.

5.5 The proposed materials comprising wooden and painted steel are considered to be acceptable given their existing presence within the vicinity.

5.6 Given the existing use of the site, and external furniture, the proposal is not considered to appear out of place when read within context. The proposal is therefore considered to be in accordance with PCS23 of the Portsmouth Plan.

5.7 Impact upon Amenities

5.8 Policy PCS23 of the Portsmouth Plan requires proposals to respect the amenities of the adjoining neighbouring properties.

5.9 The proposed increase of external seating is not considered likely to materially increase patronage. The applicant states that these alterations are intended to improve the facilities for the existing customers. Their comments also detail that "The quality of the external area is critical for maintaining steady trade throughout the year." Whilst it is not inconceivable improved facilities could enhance trade, on balance having regard to the relatively modest scale of changes proposed this is not considered to be materially significant and the relationship with the neighbouring amenities is not considered to be adversely impacted upon.

5.11 The proposed pergola would be situated to the south/east boundary of the site, to the north/west of 'Harbour Heights'. This boundary currently comprises close board fencing and vegetation, where the building itself is set in from this boundary by parking provisions and the access road. The proposed structure would measure 2.4m in height and span a width of 4.8m. Given its lightweight structure and existing boundary treatment combined with the surroundings, the proposed structure is not considered to have an adverse impact upon the neighbouring amenities.

- 5.12 Overall and given the existing relationship, the additional external seating and addition of pergola, tight to the shared boundary, the proposals are not considered to result in a harmful impact upon these neighbouring properties, thus being in accordance with PCS23 of the Portsmouth Plan.
- 5.13 Highways
- 5.14 Policy PCS17 of the Portsmouth Plan states that the council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network. It also states that it will encourage development in areas around public transport hubs and along corridors where there is a good access not only to public transport but also to goods and services.
- 5.15 This application proposes the extension of the existing external seating area which would result in the loss of 6 no. existing off-street parking spaces, from 48 to 42. As a result of this the Local Highways Authority (LHA) have been consulted. The LHA comments that the proposal is likely to result in additional patronage, thus having an impact upon the parking. It is also noted that there would be a loss of 6 no. parking spaces due to the enlargement of the external seating. The highways engineer has noted this as a concern, however has advised that these parking concerns are more an amenity issue as opposed to a highways safety concern.
- 5.16 In terms of parking provision, whilst it is understood that the proposal would result in a loss of 6 no. parking spaces, there are unrestricted parking spaces opposite the PH, to the south. Further parking spaces can be found along the southern side of Widley Walk. To the west of the PH and north of Widley Walk, there is a large informal car park, which is also able to accommodate visitors to the PH. Notwithstanding the concerns raised by the highway engineer, the proposal is considered to be acceptable in this regard.
- 5.17 The main concern raised by the highways engineer is the unsustainable location of the site, being on a route not served by public transport, thus being largely reliant on private cars, limiting the options for visitors to make 'sustainable travel choices'. It is also noted that there is 'no street lighting nor separate pedestrian provision'.
- 5.18 Paragraph 108 of the NPPF relates to making opportunities to promote sustainable transport. Whilst it is noted that sustainable transport opportunities are not available, it is recognised that this is an existing PH in an established location. The access would remain unchanged from the existing arrangement. Paragraph 109 of the NPPF states that, "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The highways engineer advises that the proposal would be contrary to this paragraph, however as noted, this is an existing established PH with established access via Widley Walk, which also facilitates the occupiers of 'Harbour Heights' and existing visitors to the PH. There is not suggested by the highway engineer to be an unacceptable impact on highway safety. The proposal is not considered to have a harmful impact upon the existing vehicular arrangement.
- 5.19 Paragraph 110 relates to pedestrian and cycle movements. Given the site's location, pedestrian and cycle movement is limited and there is not an existing provision for pedestrians or cyclists. The access facilities would remain as existing, and, according to the applicant, not increase patronage, thus operating as existing. However, having regard to the loss of car parking spaces, it is nonetheless considered that there is scope to provide some dedicated cycle parking facilities within the curtilage of the PH to promote non-car travel and a condition is therefore recommended in this regard.

- 5.20 To conclude, the proposal is not considered to result in an adverse impact upon the highways network, given that it would utilise the existing access arrangement and would not be expected to give rise to a materially significant increase in patronage. The PH would continue to function as existing and the development proposals are therefore considered acceptable in highway terms.
- 5.21 Conclusion
- 5.22 The proposals are considered to be in line with both local and national policies and are recommended for approval subject to conditions.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions

Time Limit

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

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

Approved Drawings

- 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: 2047.200, 2047.201, 2047.202, 2047.201 Rev A, 2047.204, 2047.205, and 2047.206.

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

Materials

- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

Cycle Facilities

- 4) Prior to first use of the development hereby permitted, details of cycle parking facilities shall be submitted for approval to the local planning authority in implemented in full accordance with such approved details.

Reason: In the interests of promoting sustainable travel choices in accordance with policy PCS17 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

PARK HOUSE, 1 CLARENCE PARADE, SOUTHSEA, PO5 3RJ**CONSTRUCTION OF ROOF EXTENSION TO FORM THREE BEDROOMED APARTMENT;
TO INCLUDE NEW BAY AT SECOND FLOOR OF FRONT ELEVATION****Application Submitted By:**Design Drawn Ltd
FAO Joseph Moser**On behalf of:**

Rowan West

RDD: 26th July 2019**LDD:** 23rd September 2019**SUMMARY OF MAIN ISSUES**

1.0 This application is brought to the Planning Committee for determination due to a call in request from Councillor Luke Stubbs.

1.1 The main considerations within this application are:

- Principle;
- Design/ Impact on the 'Owen's Southsea' and 'The Seafront' Conservation Areas;
- Impact on residential amenity;
- Internal living conditions;
- Highway Implications;
- Ecology; and
- Impact on the Solent Special Protection Area (SPA).

1.2 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.3 Site**

1.4 This application relates to a large three-storey building, located to the northern side of Clarence Parade. The building has been subdivided into a number of flats. This application relates specifically to the easternmost apartment at roof level. The site is located within the 'Owens Southsea' Conservation Area and bounded by 'The Seafront' Conservation Area to the south and east. The surrounding area comprises a mix of two-four storey properties, a large retirement block of flats and the Queen's Hotel, all of which form the backdrop to a large expanse of open space forming Southsea Common. The building is located within the indicative flood plain (Flood Zones 2 & 3).

1.5 Proposal

1.6 Permission is sought for the construction of a roof extension to form a three bedroomed apartment; to include new bay at second floor of front elevation.

1.7 Planning History

- 1.8 Alterations to roof to include enlargement of existing dormer window, removal of section of roof slope to form enlarged roof terrace and installation of hand rail was permitted by Committee Decision in 2015 under planning ref: 15/00254/FUL. This relates to the western half of the building.
- 1.9 It is noted that prior to this permission a similar scheme (13/00044/HOU) had been refused at the site.

2.0 **POLICY CONTEXT**

2.1 The relevant policies within the Portsmouth Plan Portsmouth Plan (2012)

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

2.2 Other Guidance:

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

3.0 **CONSULTATIONS**

3.1 **Eastern Solent Coastal Partnership**

No comment received.

3.2 **Ecology**

No objection following submission of a Preliminary Ecological Appraisal and an informative.

3.3 **Highways Engineer**

As the application stands I must recommend refusal on the ground of insufficient information regarding the likely parking demand and how that would be accommodated in an area where the demand often exceeds the space available. Should an overnight parking survey reveal sufficient capacity to service the application site and 2 secure cycle storage facilities provided I would be minded to remove my objection.

4.0 **REPRESENTATIONS**

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020)

- Neighbour letters sent : 10/09/2019, expiry 04/10/2019
- 1st Site Notice displayed : 03/09/2019, expiry 04/10/2019

4.2 30 representations have been received from neighbouring residents, supporting to the proposal on the following grounds:

- (a) Enhance views of the property and improve existing frontage;
- (b) Current mismatched of roof line;
- (c) Utilise wasted/empty roof space;
- (d) Green/environmentally friendly materials;
- (e) Increase in safety;

- (f) Increase in housing stock; and
- (g) Increase amenity.

4.3 1 representation has been received from a neighbouring resident, objecting to the proposal on the following grounds:

- (a) Frontage doesn't balance well with existing building;
- (b) Roof shape doesn't adjoin development;
- (c) Dominant;
- (d) Loss of light to Auckland Road East; and
- (e) Noise from roof terrace.

5.0 COMMENT

5.1 The main considerations within this application are:

- Principle;
- Design/ Impact on the 'Owen's Southsea' and 'The Seafront' Conservation Areas;
- Impact on residential amenity;
- Internal living conditions;
- Highway Implications;
- Ecology; and
- Impact on the Solent Special Protection Area (SPA).

5.2 Principle

5.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). This 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.*

5.4 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 1 dwelling. Given the residential character of the area and previous development along the western section of the building, the principle of constructing an additional three bedroom unit on the property is considered to be acceptable.

5.5 Design/Impact on Conservation Area

5.6 When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is located within the 'Owens Southsea' Conservation Area (No.2) bounded by 'The Seafront'

Conservation Area (No. 10) to the south and east, therefore the impact of the proposal on the character or appearance of the conservation areas is a material consideration when determining this application.

- 5.7 The Owen South Conservation Guidelines state that "*Roof extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape or where they would lead to the loss of original historic roofs or their features*" and "*Where roof extensions are permitted they should match existing properties in respect of design, materials, bulk or size.*" The proposed roof extension is considered to match the existing western side of the property in terms of its size and scale, however it is considered that the proposal would result in an adverse visual effect on the existing building and therefore is not considered to accord with the key criteria outlined in this document and is considered to pose a risk to the built heritage in the area.
- 5.8 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and 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
 - visually attractive as a result of good architecture and appropriate landscaping.
- 5.9 Paragraph 131 of the NPPF requires that Local Planning Authorities should, amongst other matters, take account of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF also places an obligation on an applicant to describe the significance of any heritage assets affected, and indicates 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.
- 5.10 Park House is a large three storey building which is particularly prominent when viewed from the south on Clarence Parade and the seafront. Whilst neither statutorily nor locally Listed, the building makes an important contribution to the character and appearance of the Conservation Areas as part of the backdrop to Southsea Common. The building was extended in 2014 and 2015 (ref. 14/00108/HOU & 15/00254/FUL) and this application would develop the remaining roofslope along the building's south-eastern and eastern elevations. The existing area is a pitched roof, which would be developed in order to provide an additional flat. The proposed roof would be built up to a flat roof, with an additional roof terrace above, which would be set back from the existing south and eastern elevation, behind a parapet.
- 5.11 Notwithstanding the works to the western side of the building, it is considered that the proposal would create a very dominant addition to the eastern roof slope with a number of unsympathetic junctions with the original roof. The most noticeable of these would be the awkward juncture along the front (southern) elevation where the development would adjoin the previously developed western side of the property. This awkward juncture would protrude past the primary elevation of the property and the two balustrade/parapets would have an uneven height and appearance.
- 5.12 Along the southern elevation a section of glass balustrading is proposed to cut into the proposed balustrading, which would appear discordant to the existing property and relate

poorly to the front elevation of the property. These unfortunate design choices would further erode the integrity of the original design of the front elevation of the property. While the proposed additional built form is considered to be acceptable in principle, it would appear poorly executed with no relation or sense of symmetry to the existing alterations on the western side of the property.

5.13 The full impact of the works and resulting harm would be most obvious from the south on Southsea Common where the building is viewed as one and the discordant design choices would appear far more prominent. Therefore, it is considered that the proposed alterations to the roofslope would fail to relate in an appropriate manner to the recipient building and would fail to preserve the character and appearance of the Conservation Areas contrary to the aims and objectives of policy PCS23.

5.14 Whilst the proposal is considered to harm the overall character of the building and the contribution it makes to the backdrop of Southsea Common, having regard to the relative scale proposal in comparison to the recipient and adjoining buildings, it is considered that the harm to the character and appearance of the conservation would be 'less than substantial'. However, other than providing one additional flat, there would be insufficient public benefit associated with the proposal to outweigh the harm that would be caused.

5.15 Amenity

5.16 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.

5.17 Having regard to the presence of the upper floor windows located to the west of the site and the position of the enlarged roof terrace relative to neighbouring windows, it is considered that the proposal is unlikely to have a significant impact on the amenity of adjoining or neighbouring occupiers, in terms of loss of light, outlook or privacy.

5.18 Housing Standards

5.19 The Technical Housing Standards- Nationally Described Space Standard identifies acceptable internal space standards within new dwellings. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

5.20 The proposed dwelling would exceed the nationally described space standards. The property would be laid out to allow all habitable rooms to benefit from an appropriate degree of light and outlook. Accordingly it is considered that the proposal would provide appropriate living conditions for the future occupiers.

5.21 Highways

5.22 The Council's Highways Engineer has objected to the application on the grounds that insufficient parking space for the new dwelling has been provided; contrary to the Adopted Parking Standards which requires 1.5 vehicle spaces and 2 cycle spaces for a three-bedroom dwelling. 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 highway safety, air pollution and amenity.

5.23 It is noted that the road immediately to the rear of the application site is residential in nature, dominated with two and three storey dwellings, some of which have on-site

parking, and that the demand for residential parking on-street frequently exceeds the space available particularly overnight and at weekends.

- 5.24 The proposed development is minor, only creating one additional dwelling, and is not considered to result in a material increase of either parking need or transport movements. Similarly, no access or changes to access are proposed and it cannot be considered that there would be any direct highway safety implications.
- 5.25 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 impact from this development of one additional dwelling is not considered to be substantial or 'severe'.
- 5.26 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. The site is in a relatively sustainable location; having access to nearby bus services and shops, approximately 1 mile from train stations, and is therefore well suited to residents travelling by foot, bicycle, bus or train, rather than requiring a private vehicle.
- 5.27 Given the modest scale and sustainable location of the development, and subject to a condition requiring 2 secure cycle parking spaces, a nil car parking provision and departure from the Adopted Parking Standards is considered to be acceptable in this instance.
- 5.28 Ecology
- 5.29 Following request of the Council's Ecology Officer, a Bat Scoping (Stage 1) Survey was commissioned and undertaken by the applicant. A Preliminary Ecological Appraisal has been submitted outlining the results of these investigations; concluding that there was no evidence of bats or other protected species and that the property does not provide suitable roosting opportunities at present. The Council's Ecology Officer has reviewed the report and agrees with the conclusion. However, they have requested an informative is included within the permission. It can be reasonably concluded that no protected species will be harmed, in accordance with Portsmouth Plan Policy PCS13 and national wildlife legislation.
- 5.30 Impact on the Solent Special Protection Area (SPA)
- 5.31 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest or 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 two factors: 1) increased recreational pressure; and 2) an increase in nitrogen and phosphorus input into the Solent causing eutrophication. These matters are assessed in detail below:
- 5.32 Recreational pressure:
- 5.33 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 and number of proposed dwellings and takes account of any existing dwellings on the site. In this case, the net increase of 1 no 3-bed dwelling requires a financial contribution of £671, in addition to a legal agreement securing this. No financial contribution or legal agreement has been secured to mitigate against the impacts on the SPA resulting from additional recreational pressure, and as such the development would have a significant likely effect on the interest, features and habitats of the Solent Special Protection Areas.

5.34 Nitrates:

5.35 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. At the time of publication of this report, Natural England have just confirmed that the Council's Interim Nutrient Mitigation Strategy for New Dwellings 2019 is acceptable.

5.36 The Council's Interim 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. The LPA has received a 'Nitrate Neutrality Statement' from the applicant, requesting to enter into the Council's scheme of mitigation and purchase credits.

5.37 However, mitigation is not sought by the LPA unless the application is likely to be determined positively, nor is Natural England consulted until mitigation has been proposed and an 'Appropriate Assessment' conducted by the LPA assessing the mitigation. Given the material concerns outlined within the assessment of this application, a positive recommendation was not likely and, as such, discussions regarding SPA mitigation have not taken place with the applicant. Although an additional reason for refusal as it stands, this matter could provisionally be resolved at appeal through the provision of an appropriate legal agreement(s) and contribution(s). Until such a time when appropriate mitigation has been secured, the proposed development is contrary to Policy PCS13 of the Portsmouth Plan (2012) and contravenes the Conservation of Habitats and Species Regulations (2017) and the advice in the NPPF; thus is unacceptable.

5.38 Conclusion

5.39 The site is located within the urban area, close to a range of shops, services and public transport and is acceptable in principle for residential development. The development would provide the limited benefit of contributing towards the city's housing supply (net increase of one dwelling), which currently does not meet the 5 year requirement. However, it is considered that the adverse impacts (i.e. design and SPA mitigation)

would significantly and demonstrably outweigh the benefits of providing one additional dwelling. The NPPF therefore requires that the application should be refused.

RECOMMENDATION Refuse

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

1) The proposed alterations would, by reason of their bulk, material choice and relationship with adjoining section of roof, represent an unsympathetic and incongruous form of development that would fail to relate in an appropriate manner to the host building and the wider street scene. Furthermore the proposal would fail to preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to the principles of good design set out in Section 16 of the National Planning Policy Framework (2019) and to Policy PCS23 of The Portsmouth Plan (2012).

2) It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional recreational pressures and nutrient output; with mitigation against these impacts being required. No justification or mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations (2017), the Wildlife and Countryside Act (1981), and Section 15 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, and that having been unsuccessful through negotiation to secure such amendments as to render the proposal acceptable, the application has been refused for the reasons outlined above

INFORMATIVE

The applicant is advised, in the event of an appeal against this refusal of planning permission, that it may be possible to demonstrate adequate mitigation against SPA impacts during the appeal process - through requesting access to the LPA's scheme of mitigation and subsequently entering into a legal agreement and securing the required financial contribution(s). This is subject to the assumption the applicant wishes to pursue Option 3 in relation to nutrients, as outlined within the Council's Interim Strategy, and is reliant upon the availability of credits at the time of appeal.

39-40 HIGH STREET PORTSMOUTH PO1 2LU**INSTALLATION OF ROOF TERRACE BALUSTRADING (FOLLOWING REMOVAL OF EXISTING)****Application Submitted By:**

Philip J Harrison Building Surveyors Ltd
FAO Mr Harvey

On behalf of:

Mrs Banyard
c/o HLM Property Management

RDD: 21st January 2020

LDD: 23rd March 2020

1.0 SUMMARY OF MAIN ISSUES

1.0 This application is brought to the Planning Committee for determination due to a deputation request from a local resident.

1.1 The main issue is whether the previous reasons for refusal have been overcome by this new proposal having regard to:

- Principle of Development
- Design/Impact on heritage assets
- Amenity

1.2 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.3 Site**

1.4 This application relates to a four storey, semi-detached building, which features commercial (Class A3 and A1) uses at ground floor level and three flats at first to fourth floor level. The building is located on the corner of the High Street and Pembroke Road, within the 'Old Portsmouth' Conservation Area No.4. To the south-west of the site is the Grade II Listed 'The Dolphin Hotel' and to the north-west of the site is the Grade I Listed 'Cathedral Church of St Thomas of Canterbury'.

1.5 Proposal

1.6 Planning permission is sought for the installation of roof terrace balustrading (following removal of existing balustrading).

1.7 The existing balustrading is metal tubular balustrading to a height of 1m.

1.8 The proposed replacement balustrading would follow the majority of the overall footprint of the existing balustrading, though set back from the north-western elevation of the site by 1.25m. The proposed frameless glass balustrading would measure 1.1m in height and so represent an increase in height of 0.1m.

1.9 The proposal was amended, to change the balustrading from a steel tubular design into frameless glass and set the balustrading back for the Grade I Listed Church, following officer advice about the design and impact of the proposal on the sensitive nearby heritage assets.

1.10 Planning history

1.11 The construction of roof terrace balustrading was refused in 2018 under planning ref: 2018.

1.12 The previous reason for refusal was:

"The proposed balustrading is considered excessively bulky in design and as such would be an incongruous and overly dominant feature on the roofscape of the building adversely affecting its appearance contrary to policy PCS23 of the Portsmouth Plan. The proposal is also not considered to enhance or preserve the setting of the Old Portsmouth Conservation Area nor the setting of the nearby listed buildings, namely the Grade I Cathedral and the Grade II Dolphin Hotel. Furthermore, in granting permission, the proposal would create an undesirable precedent which would make it difficult to refuse further similar applications which would therefore cause further harm to the conservation area and the setting of listed buildings within it."

1.13 The installation of replacement balustrading to roof was refused in 2013 under planning ref: 13/00717/HOU.

1.14 It is noted that both of the previous submissions featured bulkier and more densely configuration bars than this submission.

2.0 POLICY CONTEXT

2.1 The relevant policies within the Portsmouth Plan Portsmouth Plan (2012)

- PCS23 (Design and Conservation)

2.2 Other Guidance:

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

3.0 CONSULTATIONS

3.1 None.

4.0 REPRESENTATIONS

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020)

- Neighbour letters sent : 28/01/2020, expiry 18/02/2020
- Re-consultation letters sent: 19/11/2020 expiry 11/12/2020
- 1st Site Notice displayed : 28/01/2020, expiry 18/02/2020

4.2 One representation has been received from a neighbouring resident, objecting to the proposal on the following grounds:

- (a) Intrusive towards the opposite Grade I Listed St. Thomas's Cathedral;
- (b) Reflections for balustrading instructive upon the street scene;
- (c) Increase noise and disturbance, possible anti-social behaviour, caused by increased use of the roof area;

- (d) New use of the roof terrace as outside amenity area;
- (e) Loss of privacy and overlooking due to use of roof space

4.3 The neighbour has also requested that the item is heard at Planning Committee so that they may make a deputation.

5.0 COMMENT

5.1 The main issue is whether the previous reasons for refusal have been overcome by this new proposal having regard to:

- Principle of Development
- Design/Impact on heritage assets
- Amenity

5.2 Principle of Development

5.3 The application relates to an existing residential flat block where development is considered acceptable in principle subject to relevant material considerations.

5.4 Design/ Impact on Heritage Assets

5.5 When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is located within the 'Old Portsmouth' Conservation Area so therefore the impact that the proposal could have on the Conservation Area will be considered when determining this application.

5.6 An applicant should describe the significance of any heritage assets affected, including any contribution made by their setting (para 189 of the NPPF); the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.7 Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.8 The applicant's Heritage Statement is superficial to the proposal, failing to identify the two Listed Heritage structures within the surrounding area, as well as any clear rationale for the proposed work.

5.9 The 'Old Portsmouth' Conservation Area Guidelines discourage the removal of any original features or interesting original details. However, given that the building is a relatively recent addition to the area and the limited importance of the existing maintenance balustrading, the retention of this feature is not considered to be as essential as with other properties in the area.

5.10 The proposed balustrading is considered to be lightweight in appearance, which would not dominate the existing building and is considered an improvement over the tired

appearance of the existing balustrading. Additionally it would be set back from the north-western elevation of the building and the Grade I Listed Church opposite. Similar balustrades and roof terrace/balconies are a common feature within the area, and it is considered that the proposal would be in keeping with the general character of the area.

- 5.11 The previously refused proposal featured a bulkier design, with a dense configuration of vertical bars that would have been more readily visible from the street scene as viewed from the High Street, Lombard Street and Pembroke Road and also from within the grounds of the Cathedral. The proposal has set the balustrade further back from the edge of the roof slope as well as making use of frameless glass balustrading which is decidedly less bulky and visible.
- 5.11 The proposal is therefore considered to preserve the character and appearance of the 'Old Portsmouth' Conservation Area and to have overcome the previously identified reason for refusal.
- 5.12 Amenity
- 5.13 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.
- 5.14 Given the nature of the proposal it is not considered to present any significant harm to the surrounding neighbouring amenity. It is acknowledged that the replacement of the railings may lead to a greater level of use of the roof terrace, however there is no condition restricting the use of the roof in its current form and the access is already unrestricted. As such it is not reasonable to consider that the proposal would result in an increase in overlooking or a resulting loss of privacy.
- 5.14 As mentioned the existing use of the roof is unrestricted and therefore can and appears to already be in use as an external amenity space (chairs and tables were noted on the roof at the site of the officer site visit). The proposal would reduce the overall area of the roof terrace by setting it back further from the High Street and therefore reducing the impact of any noise and disturbance.
- 5.15 Conclusion
- 5.16 Taking into consideration the appropriate design of the proposal and its limited impact upon the surrounding properties, it is considered that the proposal would preserve the character and appearance of the Conservation Area and is in accordance with Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Plan Numbers

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 Block Plan - 17560 100 A; Roof Plan - 17560 200 B; Proposed Elevations - 17560 301 C; and Railing Details - 17560 400 A.

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

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.

FONTENOY HOUSE GRAND PARADE PORTSMOUTH PO1 2NF

CONSTRUCTION OF MANSARD ROOF EXTENSION TO FORM TWO BEDROOM APARTMENT (CLASS C3) WITH ROOF TERRACE AND ALTERATIONS TO EXISTING BUILDING, INCLUDING BRICKWORK, RENDER TO GROUND FLOOR AND EXTENSION OF EXTERNAL STAIRCASE AND BALCONIES.

Application Submitted By:

John Pike (Pike Planning)

On behalf of:

Mr and Mrs Jason and Kate Phillips Starfall Limited

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is being presented to the Planning Committee due to the sensitive nature of the site and the degree of public objection plus objection from the local highway authority
- 1.2 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

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and Surroundings

- 2.1 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.
- 2.2 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.
- 2.3 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

- 2.4 Planning permission is sought for the construction of a single storey roof extension to form a 2-bed flat, and associated alterations, including brickwork, render to ground floor and extension of external staircase and balconies.
- 2.5 The scale of the proposed scheme is comparable to that which was approved on appeal by the planning inspectorate pursuant to application 13/00989/FUL, and again by the Local Planning Authority (LPA) under application 17/00566/FUL.

- 2.6 The application is supported by Planning, design and access and heritage statements together with a Flood Risk Assessment.

Planning History

- 2.7 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.
- 2.8 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.
- 2.9 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 12.9.19. Dismissed on appeal 30.11.20 on grounds of - unacceptable impact on heritage assets and insufficient information on mitigation of odour or noise impacts and impact on Special Protection Areas.
- 2.10 19/01657/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. Approved 28 April 2020.

3.0 POLICY CONTEXT.

- 3.1 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)
 - PCS21 (Housing Density)
- 3.2 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.
- 3.3 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.
- 3.4 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".

4.0 CONSULTATIONS

- 4.1 Highways Engineer Objection - Lack of cycle parking
- 4.2 Environment Agency - No objection
- 4.3 Drainage - No objection
- 4.4 Contaminated Land - No objection
- 4.5 Regulatory Services "I am concerned about the potential impact of noise and odour on the proposed future residents from the extraction system which serves The Wellington PH. The extraction system discharges vertically at above eaves level of the two-storey building it is attached to, approximately 9 metres from Fontenoy House. Without further information or design changes to the proposal, there is a significant risk of harm to the amenity of future occupants of the proposal. "

5.0 REPRESENTATIONS

- 5.1 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.
 - Insufficient car parking
 - Impact on existing occupiers
 - Lack of detailed plans
 - Lack of operational chimney
 - Amenity concerns, particularly in relation to size and bulk resulting in trapped smells and lack of wind.
- 5.2 1 representation has been received in support of the proposal.

6.0 COMMENT

- i) Principle of development.
- 6.1 The proposed development, as a single storey roof extension, is comparable to that which was granted planning permission under application reference number 17/00566/FUL by the Local Planning Authority on 26th May 2017. In this case and whilst the design of the development appears different, the plans are not seeking to intensify development. The applicants propose to reduce the number of units from 2 x two bedroomed flats as previously approved, to 1 x two bedroom unit.
- 6.2 This in itself is judged to be acceptable and 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.
- 6.3 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 its having an acceptable relationship with neighbouring properties.

- 6.4 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.
- 6.5 Currently, the Council is unable to demonstrate five year housing land supply of deliverable sites and this development would contribute towards meeting housing needs through a net gain of 1 new dwelling.
- 6.6 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 Impact

- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 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".
- 6.11 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".
- 6.12 The proposed roof extension is described as a "single level penthouse on the flat roof, including a roof terrace" within the submitted design and access statement. As well as improvements and upgrading of the external fabric of Fontenoy House, the proposals seek to add the single storey onto a refreshed brick facade, including rendering the ground floor.
- 6.13 The additional floor would be constructed in standing seam zinc and would have large glazed windows, taking the form of a lightweight addition to the existing building.
- 6.14 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.
- 6.15 The design as proposed incorporates a setback of the additional floor from the existing elevations and this would ensure that the addition would appear subordinate and not dominate the host building.
- 6.16 In terms of its height which is single storey and not dissimilar to that which was granted consent under application 13/00989/FUL, the 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".
- 6.17 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."
- 6.18 The subsequent dismissed appeal in respect of application 18/01634/FUL highlighted concerns arising from a potential two-storey roof extension and harm to nearby heritage assets, but it was noted that a single storey scheme as previously permitted would be 'more beneficial' in terms of heritage impacts. Given this, it is considered that these assessments are still relevant. Whilst the footprint of the extension would be slightly increased to the west of the building, 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 zinc panelling for the elevations represents an acceptable degree of contrast from the existing brickwork, and responds to other material palettes found on surrounding properties.
- 6.19 The use of large windows creates definition in the proposed elevations and adds articulation and interest to the proposed roofscape. The glazed railing surrounding the roof terrace is also thought to be acceptable in this instance given its design and materials which give off a light appearance in keeping with the rest of the proposal. Overall, it is 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 the immediate vicinity
- 6.20 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 the proposals should be considered sustainable development as the LPA cannot demonstrate a five year supply of housing, and would contribute towards meeting housing needs through a net gain of one dwelling.

ii) Residential Amenity

- 6.21 Policy PCS23 of the Portsmouth Plan requires the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of development. The application site forms part of a 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.
- 6.22 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.
- 6.23 All habitable rooms within the proposed flat would benefit from an appropriate level of light and outlook, and the resulting flat has a gross internal floor area in excess of the nationally described space standard for 2-bed, 4 person units, which is 70m².
- 6.24 It is therefore considered that the proposal would provide an appropriate standard of amenity for future occupiers.
- 6.25 The relationship with existing neighbouring properties is considered to be acceptable.
- 6.26 The proposed addition would not increase the sense of enclosure to 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.
- 6.27 As previously noted by the appeal inspector in respect of application 13/00989/FUL, 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 residents. Nonetheless, it is considered that a suitable scheme to provide adequate bin and cycle storage could be delivered, whilst retaining adequate amenity space for residents. These details are to be secured by condition.
- 6.28 The proposed flat 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 raising concern about the potential impact of noise and odour on future residents, from the extraction system which serves The Wellington PH.
- 6.29 "The extraction system discharges vertically at above eaves level of the two-storey building it is attached to, approximately 9 metres from Fontenoy House. This will place the efflux point some way below the proposed third floor construction at Fontenoy House. In addition, the prevailing West / South-Westerly winds places the efflux point upwind of the development effectively meaning that odour and smoke discharged from the extraction system will be blown towards the proposed construction. The proposal includes a number of windows on the western façade which, when open, increases the risk of odour impacting on the amenity of the future residents. In addition, the roof terrace is directly west of the efflux point and the impact from odour on the amenity of this space is in question."

- 6.30 These concerns were also highlighted by the appeal inspector in respect of the refused and subsequently dismissed 2018 planning application and appeal. However, design measures secured with the most recently approved application (ref:19/01657/FUL) included a fixed-shut window on the southwest façade in order to afford better protection from potential noise and odour from this extraction system. It is possible in this instance to secure similar fixed-shut windows along the western elevation, recognising also that all affected windows serving habitable rooms would be only secondary windows.
- 6.31 Overall, it is concluded that the proposal would not result in unacceptable harm to the living conditions of the 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.

iii) Transport and Parking

- 6.32 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.
- 6.33 In the first appeal for two flats pursuant to application 13/00989/FUL, the Inspector concluded 'that the proposed development would not give rise to unacceptable additional demand for on-street parking'. Highway and parking issues were not addressed in the subsequent appeal although the inspector noted previous single storey flatted development having been approved.
- 6.34 The NPPF advises that applications for development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The highway engineer recognises that the current proposal would not give rise to such impacts and the objections on grounds of inadequate car parking provision could not be sustained having regard to previous planning decisions. Whilst an objection is maintained on grounds of inadequate provision for cycle storage, it is considered that a secure store could be provided and such details could be secured by planning condition. On this basis, the development is considered to comply with policy PCS17.

iv) Energy and water efficiency

- 6.35 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, such measures being instead incorporated into Building Regulations.
- 6.36 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: (i) A 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations and (ii) 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.

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

- 6.38 The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential (2 bedrooms) accommodation.
- 6.39 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.

- 6.40 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

- 6.41 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 2014 Strategy states 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. Mitigation in this development is considered necessary for the management of the SPA.

- 6.42 Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £487 which the applicant has opted to pay through a S106 legal agreement. With this mitigation, the LPA can conclude that the adverse effects arising from the proposal would be consistent with the requirements of the Solent Recreation Mitigation Strategy. 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 City Council wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

- 6.43 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.
- 6.44 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 mitigation.
- 6.45 The applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and they would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 6.46 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 address the nitrate impact on the Solent Special Protection Areas.

Conclusion.

- 6.47 The site is located within the urban area close to a range of shops, services and public transport and is considered to be 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 the proposed scale and design is appropriate, including with respect to heritage assets. There are not considered to be justification to refuse permission on grounds of highway safety or lack of parking provision, whilst cycle parking details can be secured by condition. In addition, an acceptable and appropriate approach to mitigate the Special Protection Areas has been agreed. As such, the proposal constitutes sustainable development, and complies with the NPPF and the Local Planning Framework, and therefore should be approved.

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.

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/03A, 22/12/P/04, 250 A, 251 A, 252 A, 253 A, 254 A, 255 A, Photo Montage 1, Photo Montage 2, Photo Montage 3.
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.

Windows

- 4) The proposed windows shown in the western elevation of the additional floor shall be fixed shut and so maintained for the life of the development.

Reason: To protect the amenities of future residential occupiers of the approved development in accordance with Policy PCS23 of the Portsmouth Plan.

Bin and Cycle storage

- 5) Prior to occupation of the development hereby approved, 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 and provided in full accordance with such approved details. The facilities shall be retained thereafter for the continued use by the residents of the flat 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

- 6) 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.

Nitrates Mitigation

- 7) 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, 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 and did not therefore require any further engagement with the applicant.

17 MERTON ROAD SOUTHSEA PO5 2AF

CONVERSION OF EXISTING DWELLINGHOUSE TO FORM 1NO. ONE-BEDROOM, 3NO. TWO-BEDROOM AND 1NO. THREE-BEDROOM RESIDENTIAL UNITS; TO INCLUDE CONSTRUCTION OF REAR SINGLE STOREY EXTENSION AND THE PROVISION OF CYCLE AND REFUSE STORAGE

Application Submitted By:

Mark Holman
HRP Architects

On behalf of:

Mrs Wu

RDD: 21st December 2018

LDD: 28th February 2019

1.0 SUMMARY OF MAIN ISSUES

This application is being presented to the Planning Committee due to a deputation request and due to an objection from the local highway authority.

1.1 The main issues for consideration are:

- The principle of the development;
- Residential amenity;
- Impact on the character and appearance of the Owen's Southsea Conservation Area;
- Arboriculture impacts;
- Highways / parking impact; and
- Potential biodiversity and ecological impacts

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and Surroundings

- 2.1 The property is a 3 storey Victorian dwelling with a double gable at the front and double bay windows and contrast brick quoins. There are existing rear and side single storey extensions. The side extension, forming an entrance hallway, is trapezoid in shape of largely poor lean-to construction. It is 8m deep, 3.6m high, 2.8 m wide at the front (which is flush with the front elevation with quoin detailing to match the house) and 1.8 m wide at the rear. There are windows along the side with a sill height of 2.4 m. The rear and part-side extension is part pitched roof and part flat roof and has a maximum width of 7.5m, depth of 6.5m, height to the top of the flat roof of 1.8m and height to the ridge of the pitched roof of 4.4m. There is a single pantry window in the western flank.
- 2.2 The site slopes gently down from front to rear and there is a low front boundary wall which has been damaged by a recently felled sycamore tree in the front garden.
- 2.3 Merton Road is an unclassified road and on street parking is permitted on both sides.

- 2.4 The surrounding area is residential in character with large detached and semi-detached properties set behind walls and trees. Very few of the properties in the area have off street parking on site.
- 2.5 The property has been most recently occupied as a licensed 8- person HMO, having previously been a 10-person HMO and hotel, but is currently rented out as a single dwelling-house, with upper floors remaining under-utilised.
- 2.6 The site lies within Owens Southsea Conservation Area however the building is not listed.

Proposal

- 2.7 The proposal is to convert the property into 5 residential units - a 1 bed (54sqm), a 3 bed with 2 single and 1 double bedroom (83.4sqm) and 3 x 2 bed flats (64.4, 72.1 and 74sqm). The existing side and /rear extensions would be demolished.
- 2.8 A new single storey flat roof rear extension is proposed which would be 6m deep and 2.7m high and 4.5m wide. A new porch is proposed to the side. It would be 2m wide 3.5 m high, 4.7 m deep and set back 3m from the front elevation. It would have high level windows along the west flank with a sill height of 2m. Both extensions would be smaller than the existing additions.
- 2.9 The front wall of the property is proposed to be re-built and a replacement tree provided for the Sycamore previously removed (see planning history).
- 2.10 Cycle parking would be provided in an external secure store for 10 cycles.

2.11 Planning History

- 2.12 Planning permission was granted for conversion into a hotel 1968
- 2.13 A*12287/B - Continued use as living accommodation for owner / occupier and twelve flatlets - Refused 30.03.1976
- 2.14 A*12287/C - Alterations to form self-contained flat on the ground floor and seven non-self-contained units on the first and second floors - Permission 19.05.1978
- 2.15 Works to trees have recently been undertaken in compliance with:
- 2.16 18/01313/TPO - Felling of Sycamore within TPO 49 (T1) - Conditional Consent 30.07.2018 - This application was permitted to allow the repair and rebuilding on the wall on the front boundary with condition requiring a replacement tree.
- 2.17 18/01465/COT Felling of 4 Sycamores, Cherry Laurel and Ash - no objection raised

3.0 POLICY CONTEXT

- 3.1 In addition to the aims and objectives of the National Planning Policy Framework (NPPF) (2019), the relevant policies within the Portsmouth Plan (2012) would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density) and PCS23 (Design and Conservation).
- 3.2 The Parking Standards SPD, the Solent Recreation Mitigation Strategy and Interim Nutrient Neutral Mitigation Strategy (2019) and the Solent Recreation and Mitigation Strategy (2017) would also be material to the determination of this application.

4.0 CONSULTATIONS

4.1 Arboriculture Officer - no objection raised

4.2 Tree issues dealt with through applications 18/01313/TPO Felling of Sycamore within TPO 49 (T1) permitted to allow the repair and rebuilding on the wall on the front boundary with condition requiring a replacement and 18/01465/COT Felling of 4 Sycamores, Cherry Laurel and Ash - no objection raised

4.2 Highways Engineer - objection raised

Initial response (16 April 2019)

4.3 'I have reviewed the revised drawing which now provides for 10 cycle parking spaces and 4 vehicle parking spaces to be provided on site. The existing dwelling has no off street parking provision and hence a 2 space parking shortfall although these are practically accommodated on street at the site frontage. These on street spaces will be lost to provide access to the 4 parking spaces as are now proposed.

4.3 As previously explained the SPD determines a parking expectation for the proposed use of the site of 7 vehicle parking spaces and 9 cycle parking spaces. Whilst this amendment now provides adequate cycle parking and 4 parking spaces (at a cost of 2 parking spaces on street) there remains a shortfall of 3 parking spaces in an area where it has not been demonstrated that there is scope to accommodate those on street. In that I must maintain my previous recommendation that this application be refused.'

Updated response - 30th January 2019

4.4 I am satisfied that the additional traffic generation likely to be associated with this proposal would not be sufficient to have a material impact on the operation of the local highway network.

4.5 The PCC SPD established that this site does not fall within that part of the city found to be sufficiently accessible so as to allow the consideration of a reduction in the residential parking standards. That SPD determines a parking expectation for the existing use of the site of 2 spaces compared with the proposed use of the site which has a parking expectation of 7 parking spaces and 9 cycle parking spaces. No vehicles spaces are currently provided nor proposed on the site nor is there scope to accommodate these on street and the storage provide for cycle parking is not sufficient to accommodate the 9 cycle parking spaces required. In light of the above I must recommend that this application be refused.

4.6 Environmental Health

4.7 Air Quality only: air quality issues are not considered a constraint to planning consent for the proposals.

4.8 Contaminated Land Team

4.9 As this is already residential land, the only request a watching brief to report and resolve any pollution.

4.10 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.

5.0 REPRESENTATIONS

5.1 3 representations received from 1 individual who considers that in principle flats are preferable to HMOs as there is a shortage of flats/small houses but objecting to the proposal for the following reasons

- no reference to replacements for trees removed (2 without permission)
- no reference to re-instating the wall

6.0 COMMENT

6.1 Having regard to the site and the details of the proposed development; relevant planning policy at the local and national levels; the consultation responses and representations received, the determining factors in the consideration of the proposal are discussed in turn below.

6.2 Principle

6.3 On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework and Planning Practice Guidance regarding housing needs and housing supply. Following those changes, the Council can demonstrate 4.7 years supply of housing land. The NPPF states that for applications involving the provision of housing, the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, and the permission in favour of sustainable development applies.

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

6.5 The starting point for the determination of this application is therefore the fact that Authority does not have a 5 year housing land supply, and whether the proposed development would make a net contribution towards meeting housing needs. Planning permission should be granted unless either test (i) or test (ii) above is met.

6.6 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.

6.7 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.

- 6.8 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.
- 6.9 The proposed extensions would be no larger than the existing additions and would not detract from the character of the original building. They proposed works would be carried out in matching materials and replace a poor lean-to side extension. As such they would preserve the character of the building and the wider Owens Conservation Area (No. 2).
- 6.10 The front boundary wall and frontage trees are important features which help to give the area its character. Therefore the proposed repairs and re-instatement of the front boundary wall which was damaged by a recently felled Sycamore (permitted under previous applications) will help to restore this character in compliance with policy PCS23 of the Portsmouth Plan.
- 6.11 Residential Amenity
- 6.12 The use of the property as flats with a total of 10 bedrooms is likely to result in no more activity than that of a hotel or an 8 person HMO as currently licensed. It is also notable that there are 10 bedsits identified on the existing layout plan. The proposed extensions are considered to give rise to no net change to neighbouring amenity by reason of overlooking, overshadowing or loss of outlook.
- 6.13 The proposed flats all meet the national space standards with the exception of the 3 bedroom flat which is only 0.6sqm smaller than recommended standard. On balance however, this is considered acceptable as it is not significant to warrant a reason for refusal.
- 6.14 As such the development complies with policy PCS23 of the Portsmouth Plan.
- 6.15 Transport and Parking
- 6.16 The proposal is not considered to have a material impact on the operation of the local highway network, confirmed by the Highway Engineer. However, the local highway authority maintains an objection to the proposed development on grounds of insufficient car parking. As a licensed 8 person HMO, the parking requirement amounts to 2 spaces but for the 5 flats proposed, the requirement is 1 space for the 1 bed flat and 1.5 spaces for each of the four 2 and 3 bed flats - 7 in total. As such there would be a net shortfall of 5 spaces.
- 6.17 Whilst the applicant has provided drawings to show sufficient space for 4 parking spaces on the frontage of the property, this would have resulted in the removal of 2 on-street parking spaces, the complete removal of the front boundary wall and it would not be possible to replace the sycamore as required by condition 3 of 18/01313/TPO. As such, the current proposals have reverted to a reliance upon on-street car parking but with a secure cycle store in the rear garden now added.
- 6.18 The property is located within an identified High Accessibility Area within easy walking distance of local shops and services and bus stops to regular and diverse bus routes. It is also noted that, notwithstanding the current HMO license for 8 bedsits, the property has previously operated as a 10-bedsit property, plus ground level 1-bedroomed flat and is to be replaced with 5 flats totalling 10 bedrooms. It is therefore considered that a refusal of permission on the grounds of lack of parking cannot be reasonably sustained.

6.19 Special Protection Area (SPA) mitigation

- 6.20 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.
- 6.21 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.
- 6.22 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:

- 6.23 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.
- 6.24 Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £1,597, 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.

Nitrates:

- 6.25 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.
- 6.26 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.

- 6.27 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 £800 (£200 x 5 minus £200 for the existing dwelling).
- 6.28 At the time of publication of this application report, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary. The LPA has send its own 'Appropriate Assessment' of the application, for Natural England's comment.
- 6.29 Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this 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, which will be just prior to actual occupation. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement.
- 6.30 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 interesting features of the Solent Special Protection Areas.

7.0 CONCLUSION

- 7.01 The site is well-located within the urban area for a range of shops, services and public transport links and is considered acceptable in principle for the proposed residential development. The development would provide the benefit of contributing towards the city's housing supply which currently does not meet the 5 year national requirement. Additionally, nearby residents' amenities would not be unduly affected and it is considered that indicative scale and design is appropriate. Whilst there is no off-street parking to be provided, it is not considered that refusal on lack of parking grounds would be sustainable having regard to the high accessibility location and existing and previous lawful uses of the property. Overall, the proposal constitute sustainable development and complies with the NPPF and therefore should be approved.
- 7.02 Other Matters
- 7.03 A representation has been received supporting the change of use from HMO to flats but objecting to the removal of trees. The removal of the trees has been considered under applications 18/01313/TPO and 18/01465/COT and considered acceptable. A replacement tree will be planted as required by condition of 18/01313/TPO and further planting is proposed on the frontage and will be required by condition.

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

- 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.

- 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: 8816 02 REV C

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

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

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

- 4) The facilities to be provided for the storage of bicycles shall be constructed and completed before any of the residential units hereby permitted is first occupied, and shall thereafter be retained for the continued use by the occupants of the residential units hereby permitted for that storage at all times.

Reason: To ensure adequate cycle storage is provided to comply with policy PCS17 of the Portsmouth Plan

- 5) In the first planting season following the first occupation any of the flats hereby permitted the front garden shall be planted in accordance with a scheme submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted and include at least one tree to replace that felled under consent 18/01313/TPO. 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 preserve and enhance the verdant character of this part of the Owens Conservation Area (No.2) to comply with the NPPF and policy PCS23 of the Portsmouth Plan.

- 6) Before any of the flats are first occupied the front boundary wall shall be re-instated in accordance with a scheme submitted to and approved by the Local Planning Authority in writing.

Reason: To preserve and enhance the character of this part of the Owens Conservation Area (No.2) to comply with the NPPF and policy PCS23 of the Portsmouth Plan.

- 7) The development hereby permitted shall achieve a maximum water use of 110 litres per person per day as defined in Regulation 36(2)(b) of Part G of the Building Regulations 2010 (as amended). This shall be evidenced in the form of a pre or post-completion stage water efficiency calculator, to be submitted to the Local Planning Authority prior to the first occupation of the development.

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.

- 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.

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

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

INFORMATIVE(S)

- 1) 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.

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.