

PLANNING COMMITTEE 31.08.2022

SUPPLEMENTARY MATTERS TO BE CONSIDERED AS PART OF THE REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

<u>ITEM NO</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
1	21/01726/FUL	111 HAVANT ROAD PORTSMOUTH PO6 2AH	<p>There is a typo in the penultimate line of Paragraph 7.6. It uses the word 'unacceptable', when it should actually read as 'acceptable'.</p> <p>The Reasons for each Condition were omitted in error from the published report. They are now provided in Appendix 1.</p> <p>The Appeal decision did not attach an occupation condition to secure, in conjunction with the legal agreement, the appropriate nitrates mitigation. That condition is now proposed at the foot of Appendix 1.</p>	<p>No change to Recommendation.</p> <p>That the published conditions be supplemented with the Reasons set out in Appendix 1.</p> <p>That the extra Nitrates condition be attached as per Appendix 1.</p>
2	21/01102/FUL	CAR PARK STAUNTON STREET PORTSMOUTH	<p>It is recommended to attach a further condition to address the architectural detailing of the proposed building, to ensure the quality of design outcome.</p> <p>The Student Halls of Residence Supplementary Planning Guidance seeks future control of the land use by legal agreement, which was not included in the published report. An amended Resolution is required to secure the matter. Also, Recommendations I iii and I iv should be re-numbered as I i, and I ii.</p>	<p>Attach the extra condition set out in Appendix 2.</p> <p>Re-number the Resolution as per the 'Comments' column adjacent to this, and add a Resolution I iii to secure within the legal agreement the future control of the land use as student halls.</p>

3	21/00935/FUL	<p>24 BEACH ROAD SOUTHSEA PO5 2JH</p>	<p>Further to the reduction of available parking on the forecourt from two spaces to one, the Highways Authority was re-consulted for completeness. In summary, they note that less parking means more impact on residential amenity grounds, but this does not raise a specific highway safety issue. Your Planning Officer does not agree that any shortfall of parking would lead to a material effect on local residential amenity.</p> <p>Given the location in Flood Zone 3, it is recommended to include wording within Condition 5 (Car Parking), to best regulate water run-off from the property forecourt.</p>	<p>No change to Recommendation.</p> <p>Include the following extra wording (underlined) in Condition 5:</p> <p>5) Prior to first occupation of the development, details of a functional car parking space within the front garden area of the site shall be submitted to and approved in writing by the local planning authority. <u>Details of drainage to minimise surface water run-off shall also be included.</u></p> <p>The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter.</p> <p>Reason: To ensure the development accords with the aims of policies PCS12 and PCS17 of the Portsmouth Plan (2012).</p>
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4	21/00624/FUL	2 CHALKRIDGE ROAD PORTSMOUTH PO6 2BE	<p>The conditions have appeared in the published report as 9, 10 and 11. These should be corrected to 1, 2, and 3.</p> <p>At the time of report publication, Private Sector Housing had not commented as set out in Paragraph 11.1. They have now replied and state they have no objection. They note that based on the layout and sizes proposed, the property would require to be licenced under Part 2, Housing Act 2004. All ensembles must be of a sufficient size to allow adequate activity space. Wash hand basins must be installed in all ensembles and the shower room.</p>	<p>Amend the condition numbering as specified in the first column.</p> <p>No change to Recommendation.</p>
5	21/01717/FUL	58 GLADYS AVENUE PORTSMOUTH PO2 9BQ	<p>Concerning the numbers of objections, the Officer report states there are seven in the first paragraph, but eleven in Paragraph 4.8. This has been re-checked and there are in fact letters of objection from eight addresses.</p> <p>Concerning the size of ensuite shower rooms, the published report at Paragraphs 5.8 and 5.10 states that some of the rooms fall slightly short of the space standard set out in the HMO Supplementary Planning Guidance. Having re-checked the plans, none of the ensembles in fact fall short.</p> <p>As noted in Paragraph 2.3 of the published report, this application is subject to a non-determination appeal. As such, the Resolution should be corrected to read as in the next column.</p>	<p>No change to Recommendation.</p> <p>No change to Recommendation.</p> <p>Replace the published Recommendation with: 'The position of the Local Planning Authority is that if the appeal for non-determination had not been submitted, it would have granted planning permission, with the Conditions set out in the published report'</p>

6	22/00808/FUL	22 BURLINGTON ROAD PORTSMOUTH PO2 0DP	The condition titled 'Rear Extension' is labelled as 3. There is already a no. 3 condition, so the 'Rear Extension' condition shall be corrected to no. 4.	Correct the condition titled 'Rear Extension' as per the first column.
7	22/00085/FUL	VOYAGER PARK NORTH PORTFIELD ROAD PORTSMOUTH	No update.	No update.
8	22/00214/FUL	2 CAPSTAN HOUSE TOWER STREET PORTSMOUTH	<p>Following the publication of the Committee Report, a minor error has been picked up within the northern elevation, in respect of a detail of the rear (east) staircase re-modelling. Amended plans have been submitted by the Applicant addressing this error and it is not considered that this impacts the officer recommendation, in respect to design or amenity.</p> <p>One part of a neighbours' objection was not included in the officer report: 'the proposed terrace projects a shorter distance than the existing one below which could be hazardous if anything falls from it'. The Planning Officer's opinion is that anything falling from either the existing or proposed upper terrace could land on the neighbours' terrace below, so the effect of the proposed development does not materially change the situation.</p>	<p>The Proposed Elevation Sheets 1 and 2 (0203 B, and 0204 B) shall replace the two stated in the published report (0203 A, and 0204 A), in the 'Plan Numbers' condition. Otherwise, the Recommendation is unchanged.</p> <p>No change to the Recommendation.</p>

9	22/00958/CS3	<p>UNICORN ROAD, CASCADES APPROACH, MARKETWAY AND CHARLOTTE STREET PORTSMOUTH PO1 4RL</p>	<p>The conditions have appeared in the published report as nos. 12 to 21. These should be corrected to 1 to 10.</p> <p>The 'Approved Plans' condition contains one plan erroneously, which should be deleted (it is: 49902-2004-0103 Rev P04 Proposed Cross Sections).</p> <p>The 'trigger points' for implementation of conditions is of importance to the developer in particular and may need amending with the Local Planning Authority's agreement, to secure the most appropriate timetabling of works. This has indeed happened since publication of the Committee agenda, leading to amendments to five conditions, as set out in Appendix 3.</p> <p>At the time of report publication, the Highways Engineer had not yet commented as set out in Paragraph 6.17. They have now replied and state they have no objection.</p> <p>At the time of report publication, Environmental Health had not yet commented as set out in Paragraph 6.18. They have now replied and state they have no objection, subject to a Construction Environment Management Plan. They note: 'the Applicant's Design and Access statement indicates that 75% of the works will be conducted at night. Consequently, there will inevitably be some element of disturbance due to the proximity of the site to residential properties within Aggie Weston House and Thomas Reeves Court, the significance of which will obviously depend upon the level and duration of the works'. Such a condition is agreed and is already set out in the published report.</p>	<p>Change condition numbers as specified in the first column.</p> <p>Correct the Approved Plans condition as specified in the first column.</p> <p>Amend the conditions as set out in Appendix 3.</p> <p>No change to the Recommendation.</p> <p>No change to the Recommendation.</p>
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Appendix 1

111 Havant Road, ref. 21/01726/FUL

Reasons to supplement the already-published Conditions:

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - 10111DT-PLOC

Site Plan - 10111DT- PA201

Lower Ground Floor - 10111DT-PA202

Ground Floor Plan - 10111DT- PA203

First Floor Plan - 10111DT- PA204

Second Floor Plan - 10111DT- PA205

Third Floor Plan - 10111DT- PA206

Roof Plan - 10111DT- PA207

South Elevation - 10111DT- PA208

East Elevation - 10111DT –PA211

North Elevation - 10111DT- PA209

West Elevation - 10111DT-PA210

Landscape Strategy Plan - JBA 21-094-SK02

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

- 3) Prior to above ground construction works, details of the external materials and finishes within the development hereby approved shall be provided in writing and approved by the local planning authority.

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

- 4) Before the development hereby is first occupied or such other period as may otherwise be agreed in writing with the local planning authority, facilities for the storage of buggies, refuse and recyclable materials shall be provided in accordance with drawings agreed by the local planning authority in advance and made available for use by the residents of the development hereby permitted, and The facilities

approved pursuant to the above shall thereafter be permanently retained for the stated purposes at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials, as well as storage of accessible vehicles, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

- 5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2001-11).

- 6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2001-11).

- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2001-11).

- 8) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that appropriate measures are in place for the disposal of water waste from the site, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

- 9) The use of piling another penetrative methods shall not be carried out by any other means other than in accordance with those methods and details which are to be submitted and approved in writing from the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that residential amenity is safeguarded, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

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

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

Reason: To ensure that local amenity is safeguarded, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

- 11) The car parking spaces shown on the approved plans shall be surfaced, marked out and made available for use before the first occupation of the development and shall thereafter be retained for car parking purposes.

Reason: To address highway safety, in accordance with Policy PCS17 of the Portsmouth Plan (2012).

- 12) The development works hereby permitted shall not commence into the Construction Environmental Management Plan (CEMP) is provided to the council and approved in writing. The development shall accord with the CEMP and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the local planning authority.

Reason: To address highway safety and residential amenity, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

- 13) The Development shall proceed in accordance with the measures set out in Section 6.3 'MITIGATION OF EFFECTS ON ROOSTING BATS' and 6.4 'OTHER EFFECTS AND MITIGATION MEASURES' of the Bat Emergence Return to Roost Survey Report by Tetra Tech (July 2021) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat

roost features shall be permanently maintained and retained in accordance with the approved details.

Reason: to ensure the favourable conservation status of bats, in accordance with Policy PCS13 of the Portsmouth Plan (2012).

- 14) A detailed scheme of biodiversity enhancements to be incorporated into the development and their management regime, shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006, and in accordance with Policy PCS13 of the Portsmouth Plan (2012).

- 15) At no time shall the be developed hereby approved be occupied by persons other than:
- i) a person of aged 60 years or over
 - ii) a person aged 55 years or older living as part of a single household with a person identified in i), or
 - iii) a person aged 55 years or older who were living as part of a single household with the person identified in i) who has since died.

Reason: To address highway safety, in accordance with Policy PCS17 of the Portsmouth Plan (2012).

- 16) Prior to the commencement of construction works, a scheme for insulating habitable rooms facing the Havant Road against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

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

Reason: To address future occupiers' residential amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

One further condition:

SPA Mitigation - Nitrates

- 17) The building hereby permitted shall not be occupied until a scheme for the mitigation of the effects of the development on the Solent Waters Special Protection Areas arising from discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality that provision shall be provided in accordance with the approved scheme before the first dwellinghouse is occupied/brought into use.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of on a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Appendix 2

Staunton Street, ref. 21/01102/FUL

Further condition:

Architectural Detailing

16) (a) Notwithstanding the submitted details, no development works other than those of the construction of the building's foundations shall take place until precise constructional drawings of key architectural features at a 1:20 and 1:5 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority.

This shall include, but not limited to:

- Window bay (for each type) fabrication details including: window frame profile/dimensions; method of opening; spandrel panels; perforated panels; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings;
 - Glazing and surroundings to ground level including: frame profile/dimensions; doors and glazing types; infill panels; colour treatment.
 - Roof terrace features including: railings; glazing; handrails; planters;
 - Banding and junction details;
 - Soffit treatments;
 - Lighting;
 - The siting and appearance of any externally mounted equipment/platforms/cradles required for the cleaning and maintenance of the external surfaces of the building; and
- (b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this Condition.

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

Appendix 3

Unicorn Road, ref. 22/00958/CS3

Amended conditions as set out below.

Text to be deleted is struck-through.

Text to be added is in bold

Landscape Details (hard and soft):

16) ~~No development shall take place until~~ full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority **within 3 months of commencement of development** ~~and these works shall be carried out as approved.~~ All details shall be fully dimensioned and shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, cycle parking, refuse or other storage units, signs, lighting); accurate proposed and existing functional services above and below ground (e.g. drainage including rain gardens and swales, power, communications cables, pipelines indicating lines, manholes, supports. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.”

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF

Implementation landscape works:

17) All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out ~~prior to the occupation of any part of the development or~~ in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Construction Environment Management Plan:

19) No works shall take place ~~at the site~~ until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of:

- Site storage of construction materials/chemicals and equipment;
- Location of construction compound;
- Movement of construction traffic/routes and delivery times;
- Contractor's parking area;
- Wheel washing facilities;
- Method Statement for dust suppression and control of emissions from construction and Demolition;
- Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols;
- Chemical and/or fuel run-off from construction into nearby drains or watercourse(s);

- Demolition and waste disposal;
- Percussive piling or works with heavy machinery (i.e., plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor*) should be avoided during the bird overwintering period (i.e., October to March inclusive).

*Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g., high tide roosting site). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and shall continue for as long as construction/ demolition is taking place at the site.

Reason: To ensure that measures are in place to ensure the amenities of surrounding areas are adequately protected during construction in accordance with the requirements of policies PCS14 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Tree Protection:

20) No development shall commence on-site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with the Tree Protection measures set out in the Griffiths Arboricultural Impact Assessment dated 18th May 2022 (Ref: 49902-100- 002) and with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Drainage:

21) **The drainage strategy as set out in the Flood Risk Assessment (in line with the Proposed Drainage Layout - Drawing 49902/2004/0500 Rev P02) shall be implemented and maintained for the lifetime of the development.** ~~Prior to commencement of the development, a full drainage strategy (in line with the Proposed Drainage Layout - Drawing 49902/2004/0500 Rev P02) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained for the lifetime of the development.~~

Reason: To prevent environmental and amenity problems arising from flooding and to comply Policies PCS12 and PCS16 of the Portsmouth Plan 2012 and NPPF