

**THE FORMER MARY ROSE & DRAGON PUBLIC HOUSE ST GEORGES ROAD
PORTSMOUTH PO1 2EW**

**CONVERSION OF BUILDING TO FORM RETAIL UNIT AT GROUND FLOOR AND 2NO.
DWELLINGS AT FIRST FLOOR; TO INCLUDE SINGLE STOREY REAR EXTENSION,
PARKING, CYCLE AND REFUSE STORAGE AND ASSOCIATED ALTERATIONS**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RHFNTMMOLQR00>

Application Submitted By:

Laura O'Brien - Future Planning and Development

On behalf of:

Warblington Street Limited

RDD: 31st August 2022.

LDD: 27th October 2022.

1. SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee as it has been called in by Cllr. Holder primarily on the grounds of potential highway and parking impacts associated with the proposed retail and residential use and the limited space for parking on site and in the surrounding area.

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

- Principle of development;
- Design and layout;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Landscaping
- Biodiversity and Appropriate Assessment;
- Contaminated land; and
- Any other matters.

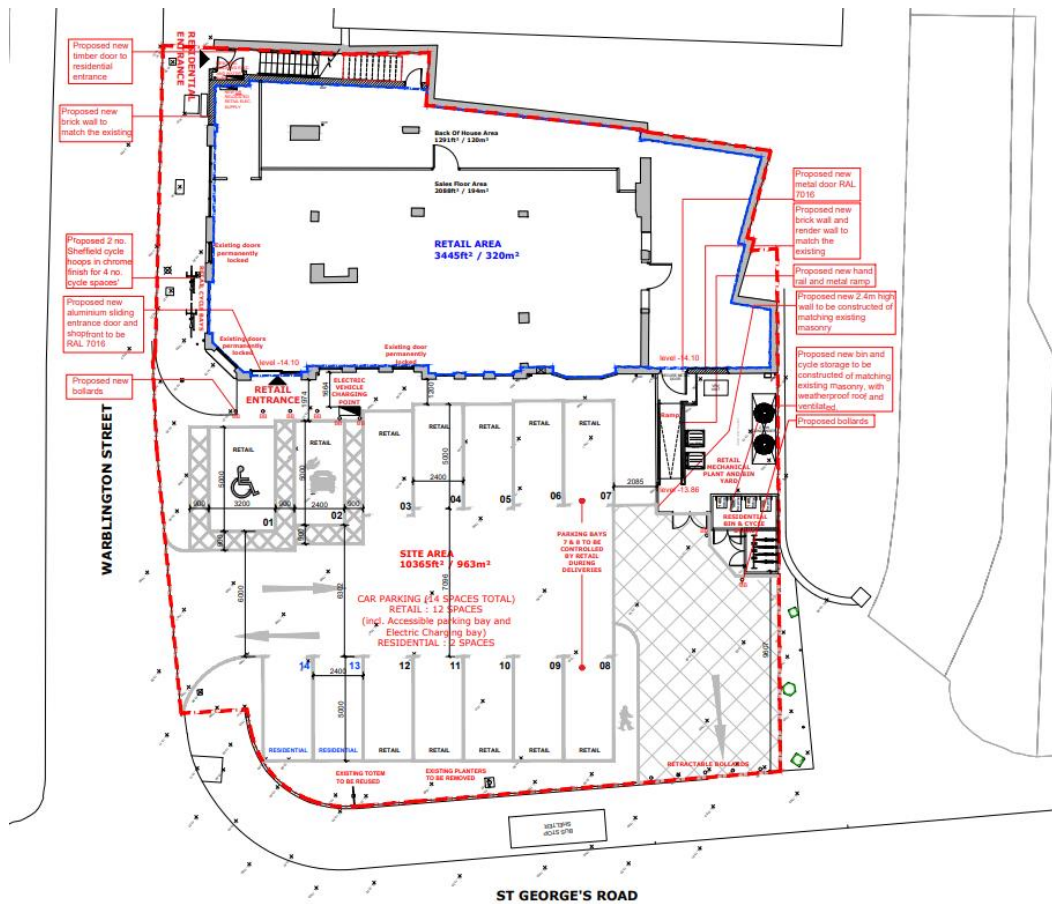
1.3 The site comprises the former Mary Rose & Dragon Chinese restaurant and bar area which is located at the junction of Warblington Street and St Georges Road. The building has been vacant since March 2022. The building is a two storey red brick and render structure of Edwardian appearance with a single storey element to the north

west. It was originally built as a public house c. 1883, of two storeys and attractive design.

- 1.4 The surrounding area is predominantly residential in nature albeit with the HMS Temeraire sports ground to the north and a large sub-station structure immediately to the north west and south west of the site. Beyond to the north west lies part of Portsmouth City Centre and Gunwharf Quays. Three storey houses lie opposite the site on St Georges Road and Warblington Street. The site lies within the Old Portsmouth Conservation Area. The site's frontages are double-yellow lined, and there is a bus-stop on St Georges Road.

2. THE PROPOSAL

- 2.1 The proposal seeks permission for the conversion of the former restaurant and bar (Sui Generis Use Class) to retail (Use Class E(a)) at ground floor and for the formation of two residential two-bedroom flats (Use Class C3) on the first floor with associated plant enclosure, bin and bicycle store within a single storey enclosure to the front/side of the building. The proposal also involves a small rear extension to allow for the access to the flats along with the re-modelling of the interior to allow for the two proposed uses. There would be a new front door for the retail store on the front elevation.
- 2.2 To the front the former restaurant and bar has a twin access arrangement off Warblington Street and St Georges Road with a singular parking area for customers and deliveries. The associated works proposed would entail a revised parking area with the existing access of St Georges Road used solely for deliveries and controlled with retractable bollards while the existing Warblington Street access would be retained for the retail and residential parking spaces.
- 2.3 The scheme would provide for a total of 14 parking spaces. Of the 14, 12 would be for the retail use including 1 accessible space and one Electric Vehicle (EV) charging space with 2 residential spaces.
- 2.4 The applicant anticipates up to 10 jobs would be created as a result of the proposed retail unit. The hours proposed are 07.00 to 23.00 Monday to Sunday. The proposed Site Plan is shown over the page:



3. POLICY CONTEXT

- 3.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport) and PCS23 (Design and Conservation).
- 3.2 The above policies, and another relevant national guidance have been fully considered as part of this report.

4. CONSULTATIONS

PCC Conservation Officer

- 4.1 The City Council's Heritage advisor has stated that the building is, stylistically, of late Victorian/Edwardian in character with notable yet restrained medieval/Tudor influence and that the building is of sufficient significance to be considered a non-designated heritage asset and is located within the Old Portsmouth Conservation Area both of which represent material considerations.
- 4.2 No objection is raised to the scheme as certain elements such as the rear extension would have no material impact on the building while other aspects, in particular the plant enclosure and aluminium door would need to be amended. Such changes can be secured by way of a condition.

Natural England

- 4.3 We are likely to be satisfied that your appropriate assessments will be able to ascertain there will be no effect on the integrity of the European Site (from recreational pressure) and we are likely to have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Highways Engineer (Local Highway Authority - LHA)

- 4.4 No objection to the proposal subject to conditions regarding secure cycle parking, EV charging and a delivery management plan to be agreed prior to the use commencing of the retail unit.

Environmental Health

- 4.5 No objections subject to conditions regarding noise, mechanical plant and the hours of use and the hours of deliveries.

Contaminated Land Team

- 4.6 No objection subject to a condition ensuring a desk study, site investigation and remedial method statement, if necessary being undertaken and submitted to the LPA prior to development commencing. A further condition ensuring a verification report is submitted if necessary.

Hampshire Constabulary (Crime Prevention Design Advisor)

- 4.7 Need to address the security of the access to the residential units and the security measures for the bicycle store. Such security measures can be secured by way of an appropriate condition.

5. REPRESENTATIONS

- 5.1 Public consultation on this application has comprised 10 letters that were sent out on 7th September 2022 to residents on Warblington Street and Lombard Terrace and a site notice displayed on 16th September 2022.

- 5.2 In response to the consultation a total of four objections letters of objection have been received raising a number of points which are listed below:

- Increased traffic/parking all day long including HGV lorries and the short term nature of such trips;
- Such highway impacts will generate increased levels of noise, disturbance and air pollution;
- The chance for anti-social behaviour with the sale of alcohol and the late closing hours adding to existing increases in such anti-social behaviour.

- There is no need for any additional retail with existing convenience retail being present in 5 minute walk of the site.

5.3 In addition to the above, neutral comments had, in writing, been received by Friends Of Old Portsmouth (FOOP). They state that the existing building looks very tired and that a convenience store would be a local asset whilst ensuring the building itself is cared for and managed. FOOP further note the history of the building including the initial name of The Gloucester Hotel and the subsequent re-naming to Mary Rose in the 1980's and that the public house was one of many designed/refurbished by A. E. Cogswell, a significant local architect. They are disappointed the building is not included in the Local Listing documentation. Lastly, FOOP state they are pleased to see that the applicant will retain the mock Tudor facade as such features are fast disappearing as areas are redeveloped.

5.4 FOOP have however, since their initial comments, verbally raised concerns with the local Councillor regarding potential highway and noise impacts.

6. COMMENT

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

- Principle of development;
- Design and layout;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Landscaping;
- Biodiversity and Appropriate Assessment;
- Contaminated land; and
- Other matters.

Principle of development

6.2 The building has historically been used as a public house since 1883 and underwent a major refurbishment in 1983 and was then largely converted to the Mary Rose and Dragon restaurant in 2005.

6.3 The building had principally been in use as a restaurant from around 2007, possibly earlier. At the time converting the pub (Use Class A4) to a restaurant (Use Class A3) would not have required planning permission.

6.4 The applicant has confirmed that since the change to restaurant there was a small bar retained which was primarily used by customers waiting for tables or while waiting for takeaways although this was open to the public. The restaurant took up the significant majority of the ground floor with photos provided by the applicant showing an open plan ground floor with the bar area comprising a small area adjacent to the single central bar.

- 6.5 Notwithstanding the reference to a mixed or dual use, the information submitted by the applicant including photographs show an open plan ground floor with a single bar with a small number of tables located in a small corner of the restaurant. With the bar taking up such a small part of the ground floor and with the confirmation that the majority of its turnover being from restaurant and takeaway customers, Officers are of the opinion that the bar would have represented an ancillary element to the primary use of the building as a restaurant and therefore the use of the ground floor would have been that of a restaurant (Use Class E(b))
- 6.6 On this basis it is the view of Officers that the change of use of the ground floor alone from restaurant (Use Class E(b) to retail (Use Class E(a)) would represent a lawful changes within Use Class E and would not therefore require the benefit of planning permission. However, as the application has been made and the Applicant seeks certainty on the matter, there is an assessment of the matters raised and the Officer recommendation is for approval, and the issuing of a planning consent would provide the certainty the Applicant seeks.
- 6.7 Class E of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) would also allow for the installation of an EV charging point either as a standalone upstand or as a wall-mounted charge point on the site, without the need for planning consent. The other elements of the wider proposal including the rear extension, conversion of former ancillary accommodation to residential and the external works and the external works including plant enclosure and changes to the front elevation for plant access door and the new store entrance would require the benefit of planning permission.
- 6.8 The site is located close to but outside the defined city centre with Gunwharf Quays approximately 400 to the north west and in an area where there is relatively limited convenience retail. There is a small Tesco Express at Gunwharf Quays and a Co-Op approximately 500m to the south west on High Street. The provision of an additional convenience retail within a central location between the two shops will increase the convenience retail offer closer to residential properties around Warblington Street, Armory Lane and Grays Court and offer opportunities for more residents to walk to such shops, as well as being convenient for passing trade on St Georges Road.
- 6.9 In addition to the above, the applicant has provided some marketing information. The information submitted states that the property has been marketed since February 2022. The property has been advertised on a leisure basis on a range of websites including Savills and RightMove as well as being sent out in an e-mail list to in excess of 7,000 leisure operators/applicants which included pub operators, commercial users and community users as well as developers.
- 6.10 The information states that there were no offers/enquiries from leisure or community based operators and that the only offers received were from developers who all sought to repurpose the building. Notwithstanding the need for permission, Policies PCS4 and PCS18 of the 2012 Portsmouth Plan seek, inter alia, to ensure retail development outside of the city centre of local centres that measure in excess of 280 sq.m to meet the sequential test. The proposed retail unit, while it would exceed 280 sq.m, would be unlikely to impact the viability of the City Centre, specifically Commercial Road as it

proposes convenience retail which would not compete with the more comparison-based retail uses in Commercial Road and Gunwharf Quays and as such, in the event permission was required, it is unlikely to impact the viability of other retail uses in the city centre.

- 6.11 Furthermore, the proposed use would bring about the long term use of and maintenance of the vacant building which is welcome. In summary, it is considered that the proposed change of use of the former restaurant and bar to retail is acceptable in principle.
- 6.12 There is no objection in principle to the introduction of two flats, in a building that probably had residential use above the pub, and is next to a large area of housing in Old Portsmouth. The two dwellings would contribute to the City's housing land supply, which at 3.8 years is below the required 5 year supply.

Design and Character

- 6.13 Policy PCS23 of the 2012 Portsmouth Plan seeks, inter alia, to ensure new development is of an appropriate appearance and materials to the particular context.
- 6.14 The building is a two storey structure of decorative Victorian appearance and comprises red brick with render and tiled roof. The surrounding area comprises a large electricity substation and three storey red brick houses together with a Grade I Listed Landport Gate opposite the site.
- 6.15 As a result of the various uses and structures the surrounding area has a marked variety in its scale, appearance and materials. The proposal would entail the construction of a plant, bin and bicycle enclosure to the front of the building adjacent to the large electricity sub-station wall, minor variations to the façade to provide double sliding glazed entrance doors to the retail unit and a small rear extension that will provide for an external staircase to the two flats and a slightly larger ground floor
- 6.16 The proposed plant, bin and bicycle enclosure, as submitted, comprised a 2.4m 'hit and miss' timber enclosure. At the request of officers the applicant has agreed to construct this of brickwork to match the existing building. Such a change would ensure the enclosure would appear as a more integral structure that would reflect the appearance of the building and is therefore considered a more appropriate approach to the necessary enclosure. Behind the enclosure the existing windows and patio doors will be closed with brickwork and render to match the existing with a revised doorway to allow access the plant.
- 6.17 The double glazed sliding doors would be installed adjacent to the former main entrance in place of existing windows which minimises the amount of works to the façade. Since application submission, the applicant has replaced the glazed element between the door and signage area with brickwork to match the existing. Whilst the revision is minor it further ensures the alterations to the buildings frontage further respect the historical sensitivities of the site and surrounds.

Heritage Issues

- 6.18 Policy PCS23 of the 2012 Portsmouth Plan ensures, inter alia, that development relates well to the geography and history of Portsmouth, particularly the conservation areas with the application site being sited within the Old Portsmouth Conservation Area which is described as being home to the city's original settlement around the mouth of Portsmouth Harbour and is its most historical quarter.
- 6.19 In addition to having to assess potential changes to the special character of the conservation area the building itself is also of importance. The building was purpose built in the early 1880's as a public house and is late Victorian/Edwardian in character with numerous period features including the projecting oriel windows, modulated chimneys, glazed bricks, clay tiles and timber doors and windows. Whilst the building lacks some of the exuberance of other buildings in the City it is of sufficient significance to be considered as a Non-Designated Heritage Asset and as such any change to or impact on it is of importance and must be considered as part of the application pursuant to paragraph 203 of the NPPF.
- 6.20 The overall changes to the existing building are relatively limited in scale. The small extension to the rear would be largely obscured by virtue of the proximity of the sub-station building immediately adjacent to the site and would not have a material impact on the special qualities of the conservation area. Furthermore, the proposed shared first floor terrace area outside the flats' front doors would also not have a material impact on the building itself or the conservation area.
- 6.21 The front plant, bin and bicycle store enclosure, as submitted, would have been formed of a 'hit and miss' style wooden fencing. The Conservation comments state that the timber enclosure would not harmonise well with the existing building and would therefore represent an unacceptable element of the scheme. A degree of concern is raised about the proposed new main entrance as the Conservation comments set out a preference for the retention of the existing entrance. As noted above these elements have been revised which address the concerns raised in this regard. Subject to the revised materials for this element, that can be secured by way of Condition 8, the proposed enclosure would appear more respectful of the building, site and surrounds.
- 6.22 The Conservation comments also state that the proposed retail and residential use would secure an economically viable long term use of the building which is a benefit in itself that weighs in favour of the application. Lastly, new landscaping to the site frontage would improve the character of the area. There would be no adverse impact on the Grade I Listed Landport Gate opposite, nor on the application building or Conservation area.

Residential Amenity

- 6.23 Policy PCS23 ensures new development maintains a good standard of amenity for existing and future residents.
- 6.24 Regarding the potential amenity impacts on existing residents to the south and south east. The proposed residential use would be provided by way of a conversion of the first floor and as such there would be no daylight and sunlight impacts. Regarding overlooking, Unit 1 would use the existing windows on the flank elevation approximately 11/12m from the windows on the town houses opposite the site. Such a distance is considered acceptable so as to ensure no harmful loss of privacy.
- 6.25 Regarding the amenities of future residents, the MHCLG (now Department for Levelling Up and Housing) 2015 Internal Space Standards requires that 2 bedroom 3 person flats measure at least 61 sq.m. The two units proposed would exceed the space standard at 63.5 and 65.5 sq.m. In addition, the scheme proposes a 20sq.m first floor shared outdoor terrace. Whilst not substantial the terrace would provide future residents with sufficient outdoor space to provide for a small table and chairs. As such, with the size of the units proposed together with the outdoor terrace will ensure future residents have a good standard of residential amenity.
- 6.26 The retail use and the adjacent electricity substation have the potential to give rise to a degree of noise and disturbance to both existing and future residents
- 6.27 The applicants noise assessment has reviewed the background noise levels which is primarily traffic noise from St Georges Road and the electricity substation. The assessment concludes that mitigation measures comprising acoustic glazing and acoustic in-wall trickle vents will be required to ensure internal noise levels in Units 1 and 2 proposed are acceptable. The assessment further states that the use of such glazing would also comply with solar gain building regulations.
- 6.28 The Noise Assessment has also assessed the potential for noise from the plant proposed to the front of the retail unit. The assessment concludes that the plant proposed would operate at 10db below the background noise levels and as such there would be no harmful impact on the amenities of either existing or future residents.
- 6.29 Environmental Health Officers have reviewed the assessment and have raised no objection to the scheme on noise grounds subject to a number of conditions relating to the proposed mitigation measures, the noise level emitted by the plant and hours of use and deliveries.
- 6.30 In addition to the above, the previous use was as a restaurant and bar which would have given rise to a greater degree of noise and disturbance from customers, particularly in the evenings and weekends. The proposed retail use would operate all day. However, the nature of such a retail use is such that it is likely to be a fairly benign use and unlikely to give rise to any undue levels of noise and disturbance. It is considered that with the conditions recommended by Environmental Health and when considered against the former use the proposal would be unlikely to have an adverse impact on the amenities of existing and future residents.

Highways and Transport issues

- 6.31 The Highways Authority has reviewed the application and have raised no objection. Regarding the proposed access, the existing crossover off Warblington Street will be used for the retail customer and residential vehicular movements. The St Georges Road crossover would be used for retail deliveries and will be controlled by retractable bollards.
- 6.32 Regarding the parking, the existing site frontage is laid to hardstanding to provide for 15 spaces. The proposal would amend this to provide for a total of 14 parking spaces. 12 of these would be designated for the retail unit with one accessible space and one EV charging space. 2 would be allocated to the residential units. The submitted Transport Statement, which has been reviewed by the Highways Authority states that, following a Peak Hour Parking Accumulation Study, there should be sufficient capacity to accommodate the likely level of demand for the proposed retail use.
- 6.33 Highways Officers however further acknowledge and agree that such convenience shops with relatively small areas have a very local catchment and that should there be any overspill this can be accommodated within the existing on street parking provision without a severe impact to highway function or safety.
- 6.34 The Highways Authority conclude that, due to the above they raise no objection to the proposal subject to conditions regarding the provision of secure cycle facilities, electric charging point and for a delivery service management plan. Such conditions are set out below at Conditions 11, 12 and 13 below.

Landscaping

- 6.35 Policy PCS13 of the 2012 Portsmouth Plan ensures, inter alia, that development to secure a biodiversity enhancement wherever possible. Furthermore, and while the emerging plan is of limited weight Policy D1 requires that new development should "be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure".
- 6.36 The site is dominated by hardstanding with negligible landscaping which results in a very bleak and hard appearance which does little to enhance the appearance of the site nor is it likely that the site is of any material ecological value and as such the scheme should seek to enhance the quantum and quality of both the hard and soft landscaping on site.
- 6.37 The plans submitted with the site show an area to the frontage between the public footpath and the parking spaces that measures up to approximately 2.3m in depth across the site frontage. Such space should be used to provide a landscaped defensible

space that would bring about an enhancement to the site frontage as well as a likely biodiversity enhancement.

- 6.38 There is also the potential to bring about other biodiversity enhancements as part of the proposal which can be secured through the imposition of Condition 16.

Contaminated Land

- 6.39 The Contaminated Land Team have reviewed the application and have requested a contamination condition. They note the proximity to the sub-station and a historical fuel tank associated with the sub-station. Further, the area was historically owned by the MoD as part of the wider Old Portsmouth Fort. As a result there is the potential that such uses and ownership have lead to the presence of contaminants.
- 6.40 As a result the Contaminated Land Team have requested a pre-commencement condition ensuring a desk study is undertaken along with site investigation and the necessary remediation measures submitted and agreed with a follow up report being prepared and submitted prior to the use commencing as set out in Conditions 3 and 4 below.

Biodiversity and Appropriate Assessment (Habitat Regulations - impact upon the Solent Special Protection Area)

- 6.41 The Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that developments do not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species.
- 6.42 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regs) states:
1. *"a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
 - a. *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
 - b. *is not directly connected with or necessary to the management of that site,*

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives."
- 6.43 The application site is located within proximity to the Solent Special Protection Area (SPA), Special Areas of Conservation (SAC) and Ramsar Sites, which includes the Portsmouth Harbour SPA and Chichester and Langstone Harbour SPA.
- 6.44 Natural England have reviewed the application and raise no objection subject to the City Council securing the necessary mitigation against the protected habitat sites.

- 6.45 The applicant has been liaising with Officers to secure the necessary Nitrate Neutrality and Bird Aware recreational mitigation which will be secured by way of a Section 111 Agreement.

Flood risk, drainage and utilities

- 6.46 The site is located within Flood Zone 1 (areas of least risk) and there is no increase in the extent of hardstanding on site and as such the scheme is unlikely to give rise to any flood risk and drainage issues.

Other Issues

- 6.47 The Designing Out Crime response refers to potential security issues associated with the access to the residential flats on the first floor and of the bicycle store to the front. It is considered that the imposition of Condition X below that appropriate security measures such as electronically operated gates and doors would ensure there is sufficient security for future residents as well as their bicycle store.
- 6.48 Lastly, an objection point raised concerned air pollution. The levels of traffic generated by the proposed land uses would not be sufficient to materially affect local levels of air pollution.

Summary and planning balance

- 6.49 The scheme proposes to convert the former restaurant and ancillary bar (Use Class E(b)) to a retail unit (Use Class E(a)) on the ground floor and two 2-bedroom flats (C3 Use Class) on the first floor together with a rear extension and a plant, bin and bicycle store to the front along with minor alterations to the front elevation to provide for a revised entrance together with an amended parking area. The site is of sufficient local significance to be designated as a non-designated heritage asset sited within The Old Portsmouth Conservation Area.
- 6.50 The front enclosure has been revised and would be constructed of masonry to match the existing building and masonry has been added above the revised front entrance to the retail unit. Subject to these changes, and proposed landscaping, the scheme is considered to represent an acceptable form of development with regard to the potential heritage impacts and would retain the special qualities of the Conservation Area.
- 6.51 Further, the change of use would, in itself, not require planning permission and would secure a long term viable use of the site and would represent an acceptable form of development. There are, subject to the conditions set out below, no other issues including residential amenity, noise and highways that would amount to a reason to withhold permission.
- 6.52 Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determination of an application. Securing the long term use and maintenance of the building is a benefit

in its own right as it the provision of housing and the provision of a retail unit that will offer employment opportunities.

6.53 On the basis of the foregoing, and subject to the conditions listed below it is considered that the development proposed represents a sustainable form of development and permission should therefore be granted subject to the completion of a Section 111 Agreement to secure the necessary habitats mitigation.

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

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment.
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

CONDITIONS

Time Limit

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

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

Approved Plans

2) Unless 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:

100
101
102 Rev. D
103
104
105 Rev. A
106
107 Rev. C
108 Rev. E
109

110
111 Rev. B
112 Rev. C
113 Rev. A
114 Rev A
115

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

Contaminated Land

3) No works hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice) documenting all the previous and current land uses of the site and potential contaminants associated with those uses. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for a site investigation scheme, with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas – Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end use or can be made so by remediation. The report shall include a detailed assessment of the risk to all receptors that may be affected, including those off-site (Phase 2 report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, detailing proposals for future maintenance, monitoring and arrangements for contingency action as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality – Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion (Phase 3 report).

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

4) Prior to Occupation The development shall not be occupied until a stand-alone verification report has been submitted by the competent person approved pursuant to Condition 3(c) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement and demonstrate that site remediation criteria have been met. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under Condition 3(c).

Operational Hours

5) The premises shall be closed and vacated by customers between 23:00 and 07:00hrs.
Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

6) Collections of waste and deliveries to the premises shall only take place between 07:00hrs and 22:00hrs.
Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

Materials & Landscaping

7) The units hereby approved shall not be occupied until architectural details of the new elevation openings including doors and windows have been submitted to and approved in writing by the Local Planning Authority and installed as approved.

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), and objectives of the National Planning Policy Framework (2021).

8) The materials to be used in the front plant/refuse/bicycle enclosure shall match those on the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), and objectives of the National Planning Policy Framework (2021).

9) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become 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 secure a high-quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Highways

11) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric changing points, security measures to protect cycles and users; and

(b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

12) Details of the EV charging facility shall be submitted to and approved in writing by the Local Planning Authority and installed as approved prior to the units being occupied/use commenced.

Reason: In the interests of creating a healthy city and reducing carbon emissions pursuant to Policy PCS14 of the Portsmouth Plan (2012).

13) The retail use hereby permitted shall not be brought into use until a Delivery Service Management Plan prior to occupation of retail unit and implemented as approved. The Management Plan shall include, but not limited to, the expected frequency of deliveries, management of the car park prior to and during the course of deliveries and the expected type of delivery vehicle.

Reason: in the interest of highway function and safety pursuant to Policy PCS17 of the Portsmouth Plan (2012).

Env. Health/Noise

14) Prior to the first occupation of the proposed residential units all noise mitigation measures specified within Noise Impact Assessment KR07145 v1.2 drafted by KR Associates, shall be implemented in full and thereafter retained.

Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

15) The rating level of noise, from the operation of any mechanical plant, as defined within British Standard BS4142, shall not exceed LAeq(1hr) 30dB between 07:00 and 23:00hrs and LAeq(15 min) 20dB between 23:00 and 07:00hrs, as measured 1.5m from the façade of the nearest noise sensitive property.

Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

Biodiversity and landscaping

16) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority; and

(b) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall be carried out as an integral part of the construction process and verified through photographic evidence submitted to the Local Planning Authority within 6 months of first occupation; and

(c) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall thereafter be permanently retained.

Reason: To enhance biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan (2012), the aims and objectives of the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Security Measures

Security details for the flats access and bicycle store shall be agreed in writing with the Local Planning Authority prior to the units hereby approved being occupied. Then measures shall be installed as agreed and retained as such unless otherwise agreed in writing.

Reason: In the interests of residential safety and amenity pursuant to Policy PCS23 of the Portsmouth Plan (2012).