

## PLANNING COMMITTEE 31.01.2024

### 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	23/00798/FUL	<b>NORTH PORTSEA ISLAND PHASE 5 COASTLINE BETWEEN PORTSBRIDGE CAR PARK (SOUTH) IN THE WEST TO ALTHORPE DRIVE IN THE EAST (INCLUDING ALL COMPOUNDS AND ACCESS TO THE PUBLIC HIGHWAY)</b>	<p>Corrections / Clarifications:</p> <p>7.9 "Extending 4-8 below the bed level" should read: extending below bed level</p> <p>7.12 'Non return valves' should be 'non return <u>valves</u>'.</p> <p>8.1 Consultations</p> <p>Conservation Officer. The report states 'Objection'. To quote directly from the Conservation Officer's memo received on 06/10/23, the Conservation Officer is supporting the application, as follows:</p> <p><i>Acceptability - Supported - (Subject to comments regarding thinning of vegetation cover). This proposal, its impacts, and any possible mitigations have been the subject of significant ongoing previous discussions between the applicant and a range of conservation/ heritage stakeholders. Having regard to this, and the details which have been submitted, in particular the importance of defending the Lines from the possibility of future flooding - a key conservation objective in its own right, and ultimately a matter</i></p>	No change to Officer recommendation.

			<p><i>of overriding importance to the future of the Lines. The proposal is (again subject to the points raised below in respect of proposed tree thinning) considered capable of conservation support.</i></p> <p>10.4 The reference to EIA Reg's Sch 2, 10(b) is incorrect. It should be 10(m) - (m)coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.</p> <p>10.30 The reference to securing suitable planning conditions to secure, inter alia, the Habitat Regulations Assessment is incorrect. As with previous phases of these coastal defence works a HRA has been produced by Coastal Partners. Planning Officers have considered this HRA prepared by Coastal Partners and agree with its contents and conclusions, and recommend that the LPA adopts it as competent authority with a duty to undertake appropriate assessment prior to issuing planning permission.</p> <p>10.41 the reference to ' The Management and Maintenance Plan "for the lines" is misleading. It should read The Management and Maintenance Plan "for the coastal defence works' vantage points".</p> <p><b>Please note that since the publication of the agenda, planning conditions have been drafted and agreed with applicant as required by the regulations. These are attached to this Supplementary Matters as an Appendix.</b></p>	

2	23/01377/FUL	<b>4 NORTH END AVENUE PORTSMOUTH PO2 9EB</b>	No updates.	No change to officer recommendation.
3	23/01466/FUL	<b>29 SHADWELL ROAD PORTSMOUTH PO2 9EH</b>	<p>Highways: With apologies, incorrect Highways comments have been reported. Paragraph 3.2 of the Officer Reports should be deleted, and replaced as follows: <i>'There are bus-stops and amenities in proximity. Given the addition of up to three bedrooms, there is the potential for increased instances of residents driving around hunting for a parking space, this is an issue of residential amenity for you to consider. The size of the development would not lead to a material impact on the function of the highway. Cycle storage should be secured'</i>.</p> <p>Planning Officer response: it is not considered that the change of use would lead to a demonstrable increase in parking that could justify withholding planning consent.</p> <p>Clarity re HMO numbers: Paragraph 5.6 addresses this matter. There are four existing HMOs out of seventy residential properties in the 50m radius, which amounts to 5.7%. The application proposes a fifth, which amounts to 7.1%.</p> <p>Development Description: The Applicant proposed a change of use <i>from</i> Class C4 HMO, secured by the previous consent 23/00479/FUL. However, that consent was not implemented in compliance with the approved plans, so the purported Class C4 use does not yet exist. The application must therefore be considered as a change of use from the still-lawful Class C3 Dwellinghouse. The Applicant's error has no effect on the consideration of the mixed and balanced community: Policy PCS20, and the</p>	Amended Resolution as per the adjacent column of 'Comments'.

			<p>10% threshold set out in the HMO SPD, as the resultant figure of the proposal, 7.1%, is within the SPD threshold. The text at Paragraphs 5.10 to 6.2 is rendered redundant by the Applicant's error. The adequacy of living accommodation proposed is already considered in the Officer Report and the use class of the existing property does not affect this matter. The effects on car parking and refuse collection are also considered not materially different, whether the property were Class C3 or C4, moving to the proposed seven person HMO occupation.</p> <p>In conclusion, Instead, the correct Recommendation is now that Planning Permission be granted, subject to Special Protection Area (SPA) mitigation:</p> <ul style="list-style-type: none"> <li>(i) Receipt of 'no objection from Natural England concerning Special Protection Area mitigation;</li> <li>(ii) Completion of a legal agreement to secure SPA mitigation, and;</li> <li>(iii) Conditions to address * Time Implementation, * Plan nos., * Cycle Storage, * Water efficiency.</li> </ul>	
4	23/01118/FUL	<b>43 DERBY ROAD PORTSMOUTH PO2 8HW</b>	<p>Two typos:  Paragraph 5.11, line three, states an increase in occupation of one resident. The actual proposal is for <u>two</u> extra residents.  Paragraph 5.13, line six, states "...the provision of additional bedspace of occupation". It should read "...the provision of <u>two</u> additional bedspaces of occupation".</p>	No change to officer recommendation.
5	23/01420/FUL	<b>25 TOTTENHAM ROAD PORTSMOUTH PO1 1QL</b> (item withdrawn from the Agenda)	Achieving sufficient shared kitchen-dining space for the proposed increase in occupation requires, in-part, the ground floor side extension shown on the plans. The Applicant considered that to be	Withdraw the application from the Agenda.

			<p>Permitted Development, but it transpires that it is not. The side extension requires planning consent but it has not been advertised as such, nor assessed as such by any party, and so the application cannot currently proceed to decision. The application must therefore be withdrawn from the Agenda. The Local Planning Authority will advise the Applicant on how the matter may proceed.</p>	
6	23/01383/FUL	<b>HOMEHEIGHTS HOUSE CLARENCE PARADE SOUTHSEA</b>	<p>One objection point at Paragraph 5.1 (n) is concerned about disruption from the installation and maintenance of the proposed equipment. At paragraph 6.16 the Officer Report states that is not a material planning consideration. I would like to qualify that statement: the impact of the noise and any disruption of the installation and maintenance could in theory amount to a material planning consideration, however given the scale and scope of the work, which would be short-lived and not overly significant, it is not considered to warrant refusal of the application or the imposition of a controlling condition.</p> <p>The building is in use as retirements flats. Age is one of the protected characteristics under the Equality Act 2010, and so it falls to the local planning authority to have due regard to its public sector equality duty in the context of this application. In particular (but without limitation), the local planning authority must consider taking any steps to meet the needs of the elderly that are different needs to those without the protected characteristic of advanced age, and to remove or minimise any disadvantages suffered by the elderly that are not suffered by others. In that respect, it is not necessarily contended, nor accepted, that any noise or other impact would be worse for the elderly than other groups. Noting</p>	No change to Officer recommendation.

			<p>the representations and considering the application in the round, it is not considered that the development would unduly affect residents of the building by virtue of their protected characteristic in terms of loss of amenity through such factors as outlook, noise, and health impacts. Whilst there may well be some noise impact during the development, even if the impact was felt differently by the elderly compared to others without the protected characteristic, the proposal entails a relatively short period of work involving minor noise disturbance that is not capable of meaningful and/or proportionate mitigation.</p> <p>Following the publication of the Committee Report, one further objection has been received, from The Queens Hotel, on the following grounds:</p> <ul style="list-style-type: none"> <li>(a) Impact on views from the Queens Hotel;</li> <li>(b) Impact on Heritage and Conservation Area; and</li> <li>(c) Lead to further additions down the line.</li> </ul> <p>Officer response: The Queens Hotel is also in the Conservation Area and is a Grade II Listed Building. Points (b) and (c) are both already addressed within the published Committee Report. In regard to impacts of views from the Queens Hotel, this was assessed as part of the assessments carried out by the Conservation Officer and Case Officer when considering the impact of the telecommunications proposal on the setting of the Queens Hotel.</p> <p>Views from buildings are not typically material planning considerations, but outlook may be, and the setting of a listed building is. The Hotel is</p>	
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			<p>located to the north-west of the application site and the proposed rooftop equipment would be subject to angled and oblique views given the difference in heights. The equipment itself is relatively modest in scale and would not be considered to result in any significant change in the outlook from the Queens Hotel(for its short-stay visitors, as opposed to permanent residents), nor significantly affect the setting of the listed building.</p> <p>For completeness, the proposal has been assessed in accordance with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require the Local Planning Authority to have "special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses", and that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area", respectively. The report has identified harm, categorised its level and balanced this against any public benefits of the proposal: less than significant harm being identified, but outweighed by the public benefits of increased mobile connectivity.</p>	
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## Appendix 1

23/00798/FUL	<b>NORTH PORTSEA ISLAND PHASE 5 COASTLINE BETWEEN PORTSBRIDGE CAR PARK (SOUTH) IN THE WEST TO ALTHORPE DRIVE IN THE EAST (INCLUDING ALL COMPOUNDS AND ACCESS TO THE PUBLIC HIGHWAY)</b>
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### DRAFT CONDITIONS

Pre commencement conditions in **bold**

1. TIME LIMIT

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. APPROVED PLANS AND DOCUMENTS

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Plans:

- \* Key plan = 0001Rev.T02
- \* Location Plan = LP001Rev.A
- \* Chainage Plan = 0005Rev. T02 (submitted as part of Appendix H)
- \* General Arrangement Plans = 0011-0015Rev.T02
- \* Cross Sections = 0071-0078Rev.T02
- \* Typical section plans – 0101Rev.T02 & 0102Rev.T02
- \* Landscaping plans = 0081-0084Rev.T02
- \* Access and Compound Plans = 002Rev.A
- \* Western tie-in plans = 0111Rev.T03 & 0112Rev.T03
- \* Eastern tie-in plans = 0030Rev.T03 & 0031Rev.T03
- \* Site Clearance Plans = Sheets 1-5 of 5 Rev.03
- \* Outfall Details = 0116Rev.T02 & 0125Rev.T02
- \* Services Plans = 0041-0045Rev.T02 (submitted as part of Appendix H)
- \* Bridge abutment detail plans = 0120RevT02
- \* Landward details plan = 0140RevT02
- \* Access track detail plans = 0126Rev.T02 & 0127Rev.T02



- \* Existing sea wall plan = 0006Rev.T02
- \*Footpath widening plan = 0135Rev.T02
- \*Pedestrian bridge plans = 0122 – 0124RevT02

Other Docs

- \* Planning, Design and Access Statement inc. Flood Risk Statement

Reason: For the avoidance of doubt.

### 3. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

**Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until an updated Construction Environmental Management Plan (CEMP) (to be based on the detailed mitigation measures as summarised in Table 21.1 of the submitted Environment Statement and the submitted Outline CEMP) has been submitted to and approved in writing by the Local Planning Authority.**

**The CEMP shall include, but not be limited to the following aspects:**

- i. **Details of a Cold Weather Stop requirement, to prevent impacts on the designated habitats/supporting habitats during periods of extreme cold weather.**
- ii. **The installation or a silt curtain around all areas of construction on the foreshore to prevent potential impacts from suspended sediments from excavations and associated pollutants.**
- iii. **The timing of construction works**
- iv. **consideration of emissions to air, water and land. Including noise & vibration, dust, general discharges and appropriate mitigation strategies;**
- v. **the storage of materials and construction waste, including waste recycling where possible;**
- vi. **Management of flood risk during construction, to ensure the existing standard of protection is not reduced while constructing the flood defences.**

**Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Portsmouth Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site), and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF**

### 4. CEMP IMPLEMENTATION

The CEMP (as approved under the provisions of condition 3) shall be implemented and maintained until the development is completed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Portsmouth Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site), and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF

**5. SOFT LANDSCAPING SCHEME**

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of tree and any other relevant soft landscaping works; the scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted in the area of that phase. The approved tree works (and other planting where relevant) shall be carried out in the first planting season following the completion of the development within each approved phase. Any trees or plants which, within a period of 5 years from the date of planting in each approved phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, to protect the biodiversity of the site and preserve the character and appearance of the conservation area the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2023).

**6. PUBLIC REALM – FEATURES AND MATERIALS**

No works shall take place until details have been submitted to and approved in writing by the local planning authority for the following:

- a) all external materials/finishes to be used for the sea defence structures including floorscape
- b) any 'street furniture' and other public realm features, including seating, bins, wayfinding markers, signage etc

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

Reason: To achieve the highest quality appearance appropriate to the protection of the natural and cultural heritage of the conservation area and deliver attractive textural interest to the public realm, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2023).

**7. CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Construction Traffic Management Plan (CTMP) (to be based on the detailed mitigation measures as set out in Appendix P - Draft CTMP (January 2023) has been submitted to and approved in writing by the Local Planning Authority.

- i. The CTMP shall include, but not be limited to, the following:
- ii. The proposed construction traffic routes to the site, to be identified on a plan;
- iii. The co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
- iv. An estimate of the daily movement of the construction traffic;
- v. Area(s) for the parking of vehicles of site operatives and visitors;
- vi. Area(s) for the loading and unloading of plant and materials;
- vii. Area(s) for the storage of plant and materials used in constructing the development;
- viii. Details of waste management arrangements;

**Reason: To minimise the potential for conflict with or hazard to existing users of the surrounding national and local highway network in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Also to protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Portsmouth Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site), and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF**

**8. BIODIVERSITY MITIGATION AND ENHANCEMENT PLAN**

**Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Biodiversity Mitigation and Enhancement Plan (BMEP) (to include the detailed mitigation measures as set out in the Biodiversity Mitigation and Enhancement Plan March 2023 has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To conserve and enhance biodiversity and minimise adverse environmental impacts on Portsmouth Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site). In addition, to secure a high-quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF**

**9. HERITAGE MITIGATION STRATEGY**

**Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Heritage Mitigation Strategy (HMS) to be based on the detailed mitigation measures as set out in Table 13.1 of Chapter 13: Archaeology & Heritage of the Environmental Statement has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that the information regarding these heritage assets is preserved by record for future generations, in accordance with policy PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.**

**10. ARCHAEOLOGY MITIGATION STRATEGY**

**Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until an Archaeology Mitigation Strategy (AMS) to be based on the detailed mitigation measures as set out in Table 13.2 of Chapter 13: Archaeology & Heritage of the Environmental Statement has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that the information regarding these heritage assets is preserved by record for future generations, in accordance with policy PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.**

11. **CONTAMINATED LAND Verification report**  
Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is to prevent deterioration of a water quality element to a lower status class in Langstone Harbour or East Hants Chalk Water Bodies and is in line with paragraph 174 of the National Planning Policy Framework. The previous use of the proposed development site as an MOD site and industrial area presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer.

12. **CONTAMINATED LAND - Previously Unidentified Contamination**  
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is to prevent deterioration of a water quality element to a lower status class in Langstone Harbour or East Hants Chalk Water Bodies and is in line with paragraph 174 of the National Planning Policy Framework.

13. **DRAINAGE**  
**No development shall take place until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full.**

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

14. **HERITAGE BENEFITS AND INTERPRETATION STATEMENT**  
**Notwithstanding the submitted details, prior to commencement of any development hereby permitted, an updated Heritage Benefits and Interpretation Statement shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall, unless otherwise agreed in writing by the Local Planning Authority, then proceed in full accordance with the measures within the approved Heritage Benefits and Interpretation Statement**

Reason - To conserve the Scheduled Hilsea Lines Monument and Hilsea Conservation Area Policy in line with the National Planning Policy Framework and PCS23 of the Portsmouth City Local Plan

## 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.

## INFORMATIVES

1. The Local Planning Authority confirms that, in granting this permission, it has taken into consideration the environmental information as required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 .
2. The applicant is advised to adhere to the Environment Agency's Pollution Prevention Guidance (PPG) 5 for works in or near watercourses. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.