

SITE OF 140 SOUTHAMPTON ROAD PORTSMOUTH

OUTLINE APPLICATION FOR THE CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING UP TO 27 RETIREMENT APARTMENTS (PRINCIPLES OF ACCESS, SCALE AND DESIGN TO BE CONSIDERED)

[23/00514/OUT | OUTLINE APPLICATION FOR THE CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING UP TO 27 RETIREMENT APARTMENTS \(PRINCIPLES OF ACCESS, SCALE AND DESIGN TO BE CONSIDERED\) | SITE OF 140 SOUTHAMPTON ROAD PORTSMOUTH](#)

Application Submitted By:

Sophie Bridges
Tetra Tech

On behalf of:

Ms Hayley George
c/o agent

RDD: 24th April 2023

LDD: 25th July 2023

SUMMARY OF MAIN ISSUES

- 1.0 The application is brought to committee at the request of Councillor George Madgwick as well as due to 82 objection comments.
- 1.1 Amendments to the scheme have been received in response to the Environment Agency requirement to raise the floor level of the ground floor by 590mm to ensure flood resilience. However, as this has been accommodated within the existing elevations and has not resulted in the raising of the external height of the building, it is considered that the impact on neighbours and the streetscene is unchanged and therefore readvertisement is not required. The only noticeable difference to the exterior would be the raising of the balcony heights on the first floor by around 400mm and on the second floor by around 200mm. It is not considered that this would present any further overlooking than the previous heights, and this matter is addressed further in this report. Ramps and steps to allow access to the higher ground floor have also now been included.

POLICY CONTEXT

- 2.0 The relevant policies within would include:

Portsmouth Plan (2012) - Current Local Plan:

- **PCS23** - Design and Conservation
- **PCS10** - Housing Delivery
- **PCS19** - Housing mix, size and the provision of affordable Housing
- **PCS12** - Flood Risk
- **PCS13** - A Greener Portsmouth
- **PCS17** - Transport
- **PCS15** - Sustainable Design and Construction

Pre-Submission Portsmouth Local Plan (2024) - Emerging Local Plan

- **PLP1** - Design
- **PLP2** - Climate Emergency
- **PLP16** - Housing Target
- **PLP17** - Affordable Homes
- **PLP18** - Housing Mix
- **PLP19** - Housing for Specific Groups
- **PLP27** - Employability and Skills
- **PLP31** - Flooding
- **PLP32** - SUDS
- **PLP33** - Sustainable Construction and Onsite Renewable Energy
- **PLP37** - Contaminated Land
- **PLP41** - Trees and Hedgerows
- **PLP42** - Solent Waders and Brent Geese Sites
- **PLP43** - Recreational Disturbance on International Nature Designations
- **PLP44** - Nutrient Neutrality in International Nature Designations
- **PLP47** - Movement and Transport
- **PLP48** - Access and Parking

Planning History

- **10/00543/OUT** - *Outline application for construction of part 3/4-storey building for 48-bedspace nursing home (Class C2) including raising of existing ground level by up to 800mm (principles of access, appearance, layout and scale to be consider - **ALLOWED AT APPEAL***
- **10/00979/OUT** - *Outline application - construction of part3/4-storey building for 48 bedspace nursing home (Class C2) including raising of existing ground level by up to 800mm (access, appearance, layout & scale to be considered)(Scheme 2) - **REFUSED AT APPEAL***
- **13/01472/REM** - *Application for the approval of reserved matters in respect of landscaping for the construction of part 3/4-storey building for 48-bedspace nursing home (Class C2) including raising of existing ground level by up to 800mm pursuant to outline permission 10/00543/OUT - **APPROVED***
- **21/00504/OUT** - *Outline application for the construction of five storey building comprising up to 34 sheltered housing apartments, to include provision of basement car park (principle of access to be considered) - **REFUSED** for the following reason:*
 - 1) *Based on the indicative plans provided, a development of the number of units proposed would result in a cramped overdevelopment of the site with a scale out of keeping with the character and appearance of surrounding development. The proposal would therefore be contrary to Policy PCS23 of the Portsmouth Plan (2012) and the principles of good design set out within the National Planning Policy Framework (NPPF).*
 - 2) *Based on the indicative plans provided, the development would fail to achieve a satisfactory living environment for future occupants due to a lack of adequate amenity space, landscaping and outlook, contrary to Policies PCS13 & PCS23 of the Portsmouth Plan (2012).*
 - 3) *Based on the information submitted, the applicant has failed to demonstrate that the proposed development can be accommodated on site without resulting in unacceptable harm to the living conditions of neighbouring residents to the east, west and north, through loss of outlook, light and*

privacy and sense of enclosure, contrary to Policy PCS23 of the Portsmouth Plan (2012).

- 4) In the absence of a satisfactory Flood Risk Assessment, it cannot be demonstrated that the proposed development would be safe from flooding for its lifetime and would not increase flood risk elsewhere, contrary to the requirements of Policy PCS12 of the Portsmouth Plan (2012) and paragraph 160 of the National Planning Policy Framework (NPPF).*
- 5) In the absence of a completed S106 obligation, the development would fail to provide affordable housing to meet the identified need within the City, contrary to Policy PCS19 of the Portsmouth Plan (2019).*
- 6) In the absence of an Ecological Appraisal, it cannot be determined that the development would not impact upon protected species or on the integrity of the nearby Solent Special Protection Area during construction, contrary to Policy PCS13 of the Portsmouth Plan (2013) and the Conservation of Species and Habitats Regulations 2017 (as amended).*
- 7) In the absence of a completed S106 obligation, the development would result in an unmitigated adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Species and Habitats Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.*

Site and Surroundings

- 3.0 The site is a piece of brownfield land that has been vacant for some time. Measuring at around 0.15 hectares, it is large compared to its neighbouring plots, even in the context of the loose urban grain resultant of the generous residential plots to the west, and the openness as a result of the wide highway and Paulsgrove Lake opposite. The terraced residential plots to the east and north are also set back from the highway but sit in smaller plots. Much of the area to the north-east of the site is made up of single storey residential garages.
- 3.1 Three of the neighbouring houses have gable ends facing onto the site at fairly close proximity, none of which have windows looking onto the site.
- 3.1 Historically the site contained a petrol filling station which was demolished around 20 years ago, but has recently housed various storage containers and modular structures, whether lawfully or unlawfully.
- 3.2 The site retains 2 dropped kerbs at either side of its Southampton Road frontage which indicate its established entrance and exit. If the site could be brought back into lawful use without the need for permission that the entrance and exit would remain the points of entrance and exit for the site.
- 3.3 The site is currently a mix of hard surfacing and what appears to be compacted rubble. While there is some scrub growth as a result of its long-term vacancy, this is considered to be of very limited quality. There are no trees on or near to the site.
- 3.4 While an out-of-city setting, the site is considered to be in a reasonably sustainable location in terms of transport links and amenities. The site is on the bus route both into Portsmouth and west into Porchester and Fareham, with the stops around 180m from the site. It is around an 8 minute walk to the nearby shops, including a supermarket and takeaway on Southampton Road to the west, a 15 minute walk to the shops, restaurants and other amenities at Port Solent and a 10 minute walk to the North Harbour retail park which also includes a wide range of shops, takeaways and a supermarket.

Proposal

- 4.0 The application seeks Outline Permission for the construction of a part 2, part 3 and part 4 storey building, with associated landscaping, terraces, balconies and an undercroft. The application seeks considerations of access, design and scale with landscaping and layout to be reserved.
- 4.1 The building would be set back from all boundaries considerably and would step down towards the east and west to 2 storeys. The main bulk of the building would be a 3 storey red brick faced structure with an area of buff brick above the undercroft, with the 4th storey being set back from the eaves and finished in cladding. The 2 storey aspects are to the east and west, with the eastern aspect finished in buff brick. There would be areas of red cladding between windows, and asymmetrical, but generously proportioned, windows and French doors leading to balconies at all levels. There would be a number of varying aspects that create undulation and modulation intended to reduce the sense of bulk and mass.
- 4.2 The proposed building would be around 11m in height at its highest and would step down considerably to the east and west to 6m. The two storey aspects would be set back from the neighbouring dwellings by 4.65m to the west and 3.7m to the east. The northernmost wing (2 storey) would be set back from the garages to the rear by around 0.6m, and the tallest part of the building would be separated from the dwellings to the rear by the car park (around 15m).
- 4.3 There would be areas of soft landscaping to the frontage, with several trees along the front boundary as well as smaller areas of grass, trees and shrubs to the sides. There would be areas of hard landscaping to provide pathways and patio areas with the access and car park to be hard landscaped. It should be noted that landscaping is not to be considered in this application as it has been reserved for later consideration and therefore is subject to change, but the indicative drawings give an idea of what could be achieved.
- 4.4 Off street car parking is shown to the rear of the site, with 13 parallel spaces demarcated along the northern boundary and 1 visitor parking space. The existing access onto the site would be retained in roughly the same location.
- 4.5 Internally, the proposal would provide 27 flats, which would be made up of 12no. 2 bedrooms, and 15no. 1 bedroom. While the application describes the units as retirement apartments, as there would only be a limited element of care, the units would be considered to be C3 residential self-contained dwellings for the purposes of decision making. This carries the requirement to meet the NDSS (Nationally Described Space Standards), the need to provide affordable housing, and the need to mitigate the effects of new residential units on nutrient output into the Solent and recreational disturbance to wading birds within the Solent SPA.

CONSULTATIONS

6.1 Contaminated Land Team

- No objection. Note the previous use as a petrol station is likely to require investigation, monitoring and remediation, and therefore require extensive pre-commencement and pre-occupation conditions (listed in the conditions section of this report).

6.2 Environmental Health

- No objection. Require condition relating to insulation from traffic noise, to include a system to prevent overheating when windows are closed as well as a CEMP to avoid nuisance arising from construction.

6.4 Highways Engineer

- No objection as no highway safety concerns. The proposal would be an improvement from existing as it would involve enhanced visibility splays and provides more parking than previous schemes. The most recently refused application did not include a lack of parking as a reason for refusal and had a similar (but less of a) shortfall in parking provision.

6.6 Southern Electric

- No objection. Note the presence of underground cables and suggest appropriate searches by developer prior to works taking place.

6.7 Waste

- No objection. The bin store is large enough and close enough to the highway for collection.

6.8 Housing Enabling

- *Regarding the S106 provision for this development scheme a **Commuted Sum payment in lieu of the on-site provision is required.***
At present Registered Providers (Housing Associations) are reluctant to take on any type of flatted development unless they can obtain the whole block and the freehold. This is because at present there is no grant funding for S106 sites. In addition to the above there is the issue of service charges which they would have no control over and are likely to be high in a warden controlled sheltered scheme. Finally, we do not mix affordable general needs housing with sheltered /retirement accommodation which is being proposed in this planning application.
The commuted sum to be secured by s106 is estimated to be around £550k at this stage.

6.9 Southern Water

- No objection

6.10 Drainage

- Subject to Environment Agency agreement, requires condition for surface water drainage provision.

6.11 Environment Agency

- Following objections, an amended FRA has been submitted and the objection removed. The EA require conditions pursuant to the agreed FRA. Also require land contamination conditions but it is considered that these are covered by the standard conditions.

6.12 Ecology

- No objection and no further action required. A condition requiring enhancements as set out in the PEA (Preliminary Ecological Assessment) should be imposed.

REPRESENTATIONS

7.0 82 objections (including 1 from Cllr. George Madgwick) which can be summarised as:

- Loss of light and outlook
- Loss of privacy
- Highways safety issues
- Too large - out of character
- Too intensive
- Profit driven
- Lack of parking will cause wider parking issues on surrounding streets
- Houses would be better and more in keeping

7.1 1 neutral and 1 support comments can be summarised as:

- Swift bricks should be integrated
- The development would be an improvement to the area, as the site has been an eyesore for a long time

7.2 It should be noted that, during the first advertisement of the scheme, a letter was distributed by a resident which asked other residents to object to the proposal, but contained the reference number of the previously refused scheme. The proposal was formally readvertised with an amended description for clarity. It is not clear how many of the objection comments were based on residents reviewing the previously refused plans.

COMMENT

7.0 Principle of Development

7.1 The area is residential in character with transport links and amenities close by. Therefore, a residential development is considered appropriate on this site. While there are no other examples of larger residential blocks within the vicinity, a site of this size and configuration should be efficiently utilised to ensure an appropriate density on the understanding that the impacts from a higher density, larger residential development are not unacceptably harmful. The proposal would make a strong contribution to housing land supply (in of itself, this would be given significant positive weight in the planning balance), of which Portsmouth City Council is currently unable to demonstrate the required 5 years (currently 3.31). This triggers a tilted balance in favour of the development.

7.2 With regards to the overall acceptability of the proposal, the main issue that would need to be overcome would be the previous reasons for refusal. As such, these will be addressed in turn below.

7.3 Previous Reasons for Refusal

7.4 The first reason for refusal can be summarised as the design, scale, mass and siting of the previously refused building being unacceptable within its setting. To address this, the building has been reduced in scale, set back further from the boundaries, and steps down towards every boundary other than the frontage. The previously reduced scheme was proposed to be 5 storeys, with the 4th and 5th storeys only being slightly set back from the main 3 storey aspect. The main bulk of the newly proposed building (the 3-storey aspect) would be taller than the neighbouring dwellinghouses, but would be set back by some distance and steps down to 2 storey elements that would be lower in height than the neighbouring properties. The newly proposed building would also feature undulation and modulation that helps to reduce its sense of scale and mass through design, whereas the previously refused scheme was far more rectangular and

boxy in its appearance. The newly proposed building is considered to sit far more comfortably within the site due to the increased set backs and step downs, which greatly reduce the visual dominance of the larger building within the streetscene. The increased set backs would be improved further by planting and landscaping which can be accommodated by these set backs. Overall, it is considered that the proposed design successfully addresses the previous reason for refusal and is acceptable in design terms. The design of the building is considered to be of high quality and is further seen as a vast improvement to the current dilapidated site. This is given great positive weight in the planning balance.

- 7.5 The second reason for refusal was due to a poor standard of living environment for future occupiers of the development. The newly proposed building would comprise self-contained flats, which all meet the requirements of the NDSS (Nationally Described Space Standards). Every habitable room in each flat would be served by windows which would provide adequate natural light and outlook, and the layouts of the flats and their rooms is considered acceptable. Therefore, it is considered that this reason has been overcome. The provision of quality accommodation is given great positive weight in the planning balance.
- 7.6 The third reason for refusal was relating to the lack of information to demonstrate that there would not be an unacceptable impact on neighbouring residential properties. Following the reduction of the size of the scheme and the set backs from the boundaries with residential properties, it is considered that the impact on neighbouring properties has been greatly reduced. This has been demonstrated by the submission of a shadow survey diagram, which shows that there would be a very limited impact in terms of a loss of natural light into properties and their gardens. Following the amendments, and importantly the submission of the document to evidence that there would be a limited impact as a result of the development, this reason for refusal is considered to have been overcome. Further issues around overlooking and a loss of privacy from the terraces and from the western rear balconies (with regards to a potential for overlooking into the residential gardens to the west) can be overcome with a condition requiring privacy screening. As with any development on a brownfield site such as this, there would be some impact on the neighbouring properties, but it is considered this is limited and can be further mitigated through the provision of privacy screening where necessary. As such, this is given very limited weight in the planning balance.
- 7.7 Following negotiations and several amendments to the FRA (Flood Risk Assessment) the EA (Environment Agency) have now removed their objection and as such the fourth reason for refusal is overcome. Compliance with EA requirements to protect the development and its residents is expected unless in exceptional circumstances and is therefore given neutral weight in the planning balance.
- 7.8 If the proposal is considered acceptable by Members, the applicant would need to enter into a s106 agreement with the LPA to secure a commuted sum for affordable housing. The fifth reason for refusal would then have been overcome. The collection of a commuted sum for the provision of affordable housing off site is welcomed and provides benefits for many residents across the city. This is given great positive weight in the planning balance.
- 7.9 An ecological appraisal has been carried out and has been agreed by the County Ecologist. No further measures are required other than enhancements required by condition and therefore the sixth reason for refusal is overcome. No negative weight is therefore afforded and the opportunity for enhancements is given some positive weight in the planning balance, although it is limited to what can be achieved on a residential building such as this.
- 7.10 Subject to member approval, the applicant would be required to enter into a legal agreement with the LPA to mitigate proposals effect on nutrient output into the Solent and recreational impact on wading birds in the SPA site. Therefore, the seventh reason

for refusal can be overcome prior to the issue of decision. Mitigation is necessary to comply with the habitats regulations and therefore is given neutral weight in the planning balance.

- 7.11 Overall, it is considered that all previous reasons for refusal have either been overcome through amendments, or can be overcome through planning conditions or legal agreement.

Transport

- 7.19 As per the Highway Officer's comments, the proposal is considered to be an improvement from the existing site in terms of highways safety due to the improved visibility splays, and is therefore given positive weight in the planning balance. The shortfall of parking would be a matter of residential amenity if it led to more instances of residents searching for parking spaces on surrounding roads.
- 7.20 In quantifiable terms, the SPD requirement for off road parking would be 33 spaces, and therefore there is a shortfall of 19 spaces. However, while an out-of-town location, the site is considered to be in a sustainable location that could reasonably support car free living for a number of residents, and as such, this is given some negative weight in the planning balance.
- 7.21 Crucially, the previously refused application also had a shortfall of parking. While this was less of a shortfall at 13 spaces, it is considered that this level of parking would have a materially similar impact, and was not included as a reason for refusal as discussed above. Therefore, it is not considered reasonable to refuse this application for a lack of parking provision. It is although, still given some negative weight in the planning balance as above.

Other Matters

- 7.22 It is considered that other matters raised within representations, which are generally around neighbouring residential amenity, have been covered in the "previous reasons for refusal" section of this report, and that the reduction in scale and design changes reduce the impact of the proposal to an acceptable level.
- 7.23 Comments that suggest that the proposal is profit driven and that other, more modest developments would be more appropriate are not considered to be material to the consideration of this proposal. The application should be assessed against relevant policies and based on the submitted materials.
- 7.23 It is agreed by Officers that the redevelopment of the site is much needed and will greatly improve the quality of the streetscene. The site has been in a poor condition for some time and is likely to continue to worsen should acceptable development be resisted.

Conclusion

- 8.1 Overall, it is considered that the previous reasons for refusal on the most recent decision have been overcome through changes in design and scale. While there is a shortfall in parking, for the reasons given above, it is not considered that this outweighs the benefits of the scheme in the planning balance. While there would be some limited impact on neighbouring amenity, sufficient evidence has been supplied to suggest that it would not be so harmful to warrant the refusal of the application. The provision of housing is a considerable positive, especially when considering the lack of 5-year housing land supply, and the commuted sum to be paid for affordable housing is welcomed.

- 8.2 Therefore, it is considered that the proposal is in accordance with Local Policy, the NPPF and the aims and objectives of the Council and should be approved in accordance with the conditions below.

RECOMMENDATION

Conditional Permission

CONDITIONS

- 1) The Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 2) Approval of the details of the Layout and Landscaping of the proposed building (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings and submitted materials: 8994-02-FLOOR PLANS-04 05 2022(A1), 8994-03-FLOOR PLANS-04 05 2022(A1), 8994-04-ELEVATIONS-04 05 2022(A1), 8994-05-ELEVATIONS-NOV2021-(A1), 8994-11-3D PERSPECTIVES, 8994 10 SHADOW DIAGRAMS, 8994-01-SITE PLAN-04 05 2022(A1)
- 4) Prior to the first occupation of any of the apartments hereby approved, details of privacy screening for the terraces and the westernmost rear balconies (screening to be provided on the western side of those balconies) shall be submitted to and agreed in writing by the LPA. The screening shall be of at least 1.7m in height and be Pilkington Grade 4 obscured (or equivalent as agreed by the LPA). The screening shall be installed prior to first occupation of any of the apartments hereby approved and shall be retained and maintained thereafter in perpetuity.
- 5) A scheme for surface water run off shall be submitted to and agreed in writing by the LPA. The agreed scheme shall have been fully installed and implemented prior to the first occupation of any of the apartments hereby approved.
- 6) Prior to the commencement of the development hereby permitted, a scheme for insulating habitable rooms 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 LAm_{ax} 45dB.
- 7) An exact schedule of external materials, including physical samples of bricks, cladding and windows shall be submitted to and agreed in writing by the LPA prior to those external materials being installed. Those materials shall be the only facing materials used on the exterior of the building.
- 8) Prior to the commencement of the development hereby permitted, a CEMP (Construction Environment Management Plan) that addresses site entrance and egress during construction phase, times of working and mitigation for nuisances arising from construction (noise, dust, cleanliness of the highway) shall be submitted to and agreed in writing by the LPA. The agreed CEMP shall be complied with at all times during construction.

- 9) The development shall be carried out in accordance with the submitted flood risk assessment (ref: 303672-SWH-ZZ-01-DR-RP-0001, rev 01 dated August 2024) and the following mitigation measures it details:
- Finished Floor Levels shall be set no lower than 4.74m AOD, as set out in Section 4.1.4.
 - Resistance and Resilience measures shall be agreed with the LPA and fully implemented prior to occupation, as outlined in Section 5.4.
 - A Flood Warning and Emergency Plan shall be developed and agreed with the Local Planning Authority, as outlined in Section 4.1.7.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 10) Piling, other foundation designs and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) Prior to the first occupation of any of the apartments hereby permitted, details of integrated bird and bat boxes shall be submitted to and agreed in writing by the LPA. The agreed scheme shall be implemented prior to the first occupation of the apartments and retained and maintained thereafter.
- 12) Prior to the first occupation of any of the apartments hereby permitted, the bin storage and cycle/mobility scooter storage as shown on the approved plans shall be completed and made available for use. The bin storage and shall be retained for the storage of waste, and the cycle/mobility scooter store shall be retained for the storage of cycles/mobility scooters thereafter in perpetuity.
- 13) 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 sampling rationale for a site investigation scheme based on the conceptual model, explaining all proposed sample locations and depths (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. Remedial options shall be detailed with a remedial options appraisal. 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).

- 14) The development shall not be occupied until a stand-alone verification report has been submitted by the competent person approved pursuant to condition 13c) 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 conditions 13c).

REASONS FOR CONDITIONS:

- 1) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
- 2) In order to secure a satisfactory development in accordance with policy PCS23 of the Portsmouth Plan.
- 3) To ensure the development is implemented in accordance with the permission granted.
- 4) In order to prevent overlooking and a loss of privacy, to protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) In order to prevent surface flooding issues in accordance with Policy PCS12 of the Portsmouth Plan.
- 6) In order to protect future residents from road noise from the A27, to protect their residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) In order to ensure the good quality of materials used in the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan.
- 8) To protect the residential amenity of neighbouring residents and the appearance of the streetscene, in accordance with Policy PCS23 of the Portsmouth Plan.
- 9) To reduce the risk of flooding to the proposed development and its future users in accordance with Policy PCS12 of the Portsmouth Plan. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
- 10) To ensure that the proposed development and investigation, does not harm groundwater resources in line with paragraph 174 of the NPPF and Position Statement A4 and A8 of the 'The Environment Agency's approach to groundwater protection'.
- 11) To ensure an improved biodiversity offering in accordance with Policy PCS13 of the Portsmouth Plan.
- 12) To ensure adequate waste and cycle/scooter provision is provided, in accordance with Policies PCS23 and PCS17 of the Portsmouth Plan.
- 13) 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 (2006), and paragraph 183 of

the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.

- 14) 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 (2006), and paragraph 183 of the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.