



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 11 SEPTEMBER 2013 AT 2.00 PM

EXECUTIVE MEETING ROOM - THE GUILDHALL

Telephone enquiries to Lucy Wingham, 023 9283 4662

Email: lucy.wingham@portsmouthcc.gov.uk

Membership

Councillor David Fuller (Chair)
Councillor Les Stevens (Vice-Chair)

Councillor Darron Phillips
Councillor Jacqui Hancock
Councillor Margaret Foster
Councillor Sandra Stockdale

Councillor Ken Ellcome
Councillor Robert New
Councillor April Windebank
Councillor John Ferrett

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of the Planning Committee meeting held on 17 July 2013

The minutes of the Planning Committee meeting held on 17 July 2013 are attached.

RECOMMENDED that the minutes of the Planning Committee meeting held on 17 July 2013 be agreed and signed by the chair as a correct record.

4 Updates provided by the City Development Manager on previous planning applications

5 Planning appeal decision at 240 Fratton Road, Portsmouth (Pages 1 - 4)

Purpose

To advise the committee of the outcome of the appeal.

RECOMMENDED that the report be noted.

A report by the City Development Manager is attached.

6 Planning Applications (Pages 5 - 26)

- 1 13/00654/HOU - **8 Beverley Grove, Portsmouth** - Construction of two storey and single storey extensions and installations of first floor balcony to south elevation (resubmission of 12/01152/HOU).
- 2 13/00810/FUL - **Ground Floor Flat, 5 Albert Grove, Southsea** - Conversion of ground floor flat to form three studio flats and alterations to windows and doors to side and rear elevations.
- 3 13/00409/FUL - **Land Rear of Portland Hotel, Tonbridge Street, Southsea** - Construction of 4 storey building fronting Tonbridge Street comprising coffee shop (within Class A3) to ground floor with 6 flats over and detached cycle store.
- 4 13/00798/FUL - **Public House, 38 Kent Road, Southsea** - Change of use to hotel (Class C1); construction of 2 storey rear extension & 4 storey lift shaft (following removal of existing fire escape), single storey front extension to form new entrance, installation of dormer windows and alterations to windows & doors & new landscaping.
- 5 13/00799/LBC - **Public House, 38 Kent Road, Southsea** - External

and internal alterations to facilitate conversion to hotel including construction of 2 storey rear extension, 4 storey lift shaft, removal of fire escape, single storey front extension, dormer windows and alterations to doors & windows

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4 September 2013

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Agenda Item 5



Portsmouth
CITY COUNCIL

Agenda item:

5

Decision maker: Planning Committee

Subject: Planning appeal decision at 240 Fratton Road, Portsmouth

Report by: Claire Upton-Brown
City Development Manager

Ward affected: Fratton

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered at the Planning Committee meeting of the 31st January 2013. The application, for the construction of a new roof to form two two-bedroom flats and an extension of the existing stairwell to the rear of the building, was recommended by officers for permission. This recommendation was overturned and the planning application was refused with the reasons for refusal referring to the proposal being unacceptable in design terms, representing an overdevelopment of the site, impact on the amenities of the occupiers of neighbouring properties in terms of noise and overlooking of amenity space and inadequate cycle and bin stores.

The Inspector considered that the relationship with the adjacent nursery (within Fratton Community Centre) was acceptable, however he took the view that "the new rear windows would have the potential to look down on the outside terraces of the second floor flats immediately below" and that "given the lack of any other outside amenity space for these flats ... such potential direct and close overlooking would be prejudicial to the privacy of the occupiers of these flats".

The Inspector considered the proposals for providing additional cycle and refuse storage facilities in the communal entrance to both the flats and ground floor poker club and opined that the more intensive use of this area "would cause

potential conflict between the various users of this entrance, resulting in a significant deterioration in the living conditions of residents of existing flats and poor living conditions for the occupiers of the proposed flats". He also offered the view that "there would be insufficient room for these necessary facilities".

In his conclusion on the issue of living conditions the Inspector considered that "the living conditions of occupiers of both existing flats and the proposed new flats in this building would be unacceptable in that the only entrance to the building would be subject to over intensive use and the rear terraces of the second floor flats would be subject to unacceptable overlooking" and as such the proposal "is therefore contrary to ... Policy PCS23, which requires adequate accessibility for all users, consideration of how to reduce crime through design, and the provision of a good standard of living environment for existing and future occupiers".

On the issue of design the Inspector was of the view that "the proposal would not harm the character of the area including that of the existing building, and the proposal is not therefore contrary to Policy PCS23, which requires high quality design of appropriate scale, appearance and materials".

The Inspector dismissed the appeal on the basis that the proposal "would give rise to unsatisfactory living conditions".

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
Signed by:

Appendices:**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application 12/01220/FUL	Planning Services
Appeal decision APP/Z1775/A/13/2194244	Planning Services

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Agenda Item 6

PLANNING COMMITTEE 11 SEPTEMBER 2013

**2 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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8 Beverley Grove Portsmouth**Construction of two storey and single storey extensions and installation of first floor balcony to south elevation (resubmission of 12/01152/HOU)****Application Submitted By:**

Mr Lance Husband

RDD: 24th June 2013**LDD:** 20th August 2013

This application has been called to the Planning Committee at the request of Councillor Steve Wemyss

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application relates to a two-storey detached dwelling located to the eastern side of Beverley Grove. The dwelling forms one of three similar dwellings and a bungalow that were constructed within a larger plot in the 1950s. This has resulted in a slightly unusual relationship when compared to the general pattern of development along Beverley Grove. The application dwelling is located centrally within its plot with a slightly larger garden to the east, and is accessed via a narrow driveway between Nos. 4 & 10 Beverley Grove. The applicant has recently carried out a number of alterations to the property including the removal of a detached garage to the south of the plot, the cladding of upper floors with tile hanging and the clearing of vegetation from the boundaries.

Permission is sought for the construction of a two-storey and a single-storey extension and the installation of first floor balcony to the south elevation.

Conditional permission was granted in 1951 for the erection of a dwellinghouse.

Permission was granted 1965 for the construction of a two-storey extension.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

CONSULTATIONS**Southern Gas Networks**

No comments received.

REPRESENTATIONS

One letter of objection has been received from the occupier of the adjoining property on the grounds that the proposal would result in a loss of privacy to their dwelling and garden. In addition, one letter of support has been received from a Horticulturist based in Birmingham. Whilst their comments relate primarily to the landscaping works at the site, it is suggested that the building was in need of updating and that the proposals appear to be in line with the surrounding character. These comments were originally reported on the Members Information Service on 09.08.2013 prior to the application being called to the Planning Committee.

COMMENT

The determining issues in this application are whether the proposal is acceptable in design terms relating appropriately to the recipient building and the adjoining properties, and whether it would have a significant adverse impact on the amenity of the adjoining occupiers.

Permission is sought for the construction of a two-storey extension to the rear (north) elevation, a single-storey extension to the front (south) elevation and the installation of a balcony to the front (south) elevation.

Front extension

To the front elevation a single-storey extension would be positioned centrally on the original dwellinghouse. This would measure approximately 4.9 metres wide by 4.5 metres deep and would be topped with a hipped roof measuring 3 metres at the eaves and 3.7 metres at the ridge, just below first floor windows. The extension would be constructed in matching materials with patio doors to the western elevation and a standard door to the eastern elevation.

Whilst the extension would be located relatively close to the common boundary, in isolation, it is considered to be of an acceptable scale and design in relation to the recipient building and could even be constructed under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The height of the extension relative to No.6 Beverley Grove would be exacerbated by a significant drop in ground levels to the south. However, having regard to the degree of separation between the two buildings (approx.5m), the use of the rooms served by windows within the northern elevation of No.6, the presence of a number of intervening structures, the current boundary treatment and the 'fall-back position', it is considered that an objection in terms of loss of light, outlook, overbearing impact or increased sense of enclosure could not be sustained. It is considered that the proposed window/door placement would not result in any significant overlooking or privacy issues.

Rear extension

To the rear a two-storey extension is proposed towards the eastern side of the building measuring approximately 7.9 metres wide by 4.8 metres deep. This would be set in 0.6 metres from the eastern elevation of the existing dwellinghouse and 1 metre from the common boundary with No.12 Beverley Grove to the north. The extension would be constructed in matching materials and topped with a fully hipped roof with an eaves height to match the original dwelling and an overall ridge height of 6.6 metres, 0.8 metres below that of the main ridge. Windows and doors would be located within the east and west facing elevations only.

Of the four dwellings (Nos.4,6,8 and 10 Beverley Grove) it is apparent that the properties were originally positioned broadly centrally within their plots taking advantage of the open fields to the east and the road frontage to the west to orientate garden space and provide a degree of separation from one another. It is accepted that the original form and grain of these buildings has been eroded by the addition of extensions and detached garages. However, the properties generally retain their original character and relationship with each other.

Whilst the smaller extension to the front of the building would represent a subservient feature, it is considered that the larger two-storey extension, by virtue of its scale, siting and proximity to the boundary would represent a visually discordant and over dominant feature in relation to the recipient building. It is accepted that the main garden area to the east of the dwelling would be retained. However, the proposed development would extend across the entire depth (north to south) of the plot and the footprint of resultant building (163sq.m.) would represent a 130% increase on the footprint of the original building (68sq.m.). Therefore, when considered in combination with the existing two-storey side extension, conservatory and the proposed front

extension, it is considered that the resultant proposal would erode the integrity of the original design and character of the dwelling and its relationship with the adjoining properties.

Due to its location on the southern slope of Portsdown Hill, the application site sits below its neighbour to the north and above its neighbour to the south. To the north the adjoining property is set back from the application site by a driveway and benefits from a large garage positioned on the common boundary directly adjacent to the proposed rear extension. Views into the application site from the driveway have recently been opened up by the removal of the boundary treatment between the two properties. It is considered that whilst the proposal would add considerable bulk to the rear of the dwelling, its impact on the amenity of the occupiers of No.12 Beverley Grove is reduced by the relative ground heights, the presence of intervening structures and the degree of separation from the main dwelling. As such it is considered that proposal would not have a significant adverse impact in terms of loss of light, outlook, overbearing impact or increased sense of enclosure.

Two windows are proposed within the west facing elevation of the rear extension at first floor level. One of these would serve an en-suite bathroom and could be obscure glazed while the second would serve a bedroom. Whilst the concerns of the neighbour at No.10 Beverley Road in respect of loss of privacy to a ground floor living room window is noted, having regard to the degree of separation (13m) the proximity of the neighbours window to a boundary which is likely to be enclosed, and the proposed use of the room that the window would serve, it is considered that an objection on privacy grounds could not be sustained. This window would only offer oblique views towards the adjoining property to the north and is unlikely to result in any significant overlooking or privacy issues.

Balcony

To the front of the dwelling a balcony is proposed at first floor level within the earlier extension to serve a bedroom. This would measure approximately 4.3 metres wide by 1.7 metres deep taking advantage of the surrounding gradient to offer views out towards the Solent. The balcony would offer the opportunity for users to look down on the adjoining properties to the south. However, having regard to the orientation of No.4 and the enclosed nature of its garden to the east of the main dwelling, and the open nature of the driveway serving No.6 it, is considered that the proposal is unlikely to result in any significant overlooking or privacy issues to the occupiers of these properties.

To the east No.10 Beverley Road has an open front garden which contains a large double garage. As a result the only private garden space is located to the south of the main dwelling and is not currently overlooked by windows at upper floor level within the application property. Following negotiations, the applicant has submitted amended drawings showing the inclusion of a larger privacy screen following the pitch of the roof above which would be clad in tiles to match the existing finish at upper floor levels. In design terms it is considered that the enlarged screen would integrate appropriately with the recipient building and would prevent overlooking from future users. It is considered that the retention of the screen could be secured by a suitably worded planning condition.

Whilst the amended drawings address concerns raised in respect of the balcony, the applicant has declined the opportunity to reduce the scale and bulk of the rear extension.

It was also noted that two additional balconies have been installed to the side (east) facing elevation although these are not included within the description of works. The applicant has been advised that the balconies would require planning permission sought through the submission of a separate planning application.

RECOMMENDATION Refuse

The reason for the recommendation is:

The proposed rear extension, by reason of its scale, siting and proximity to the common boundary, would represent a visually discordant and over dominant feature that in combination with previous alterations and additions would erode the integrity of the original design, character and appearance of the dwellinghouse and its relationship with adjoining properties. The proposal would not add to the quality of the area and would be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

02 13/00810/FUL

WARD:St Jude

Ground Floor Flat 5 Albert Grove Southsea

Conversion of ground floor flat to form three studio flats and alterations to windows and doors to side and rear elevations

Application Submitted By:

Fusion Town Planning

On behalf of:

Mr A Oliver

RDD: 23rd July 2013

LDD: 1st October 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The application site comprises the ground floor of number 5 Albert Grove, a two-storey, semi-detached property which was subdivided horizontally into two flats in the 1980's. The site is located within the Campbell Road Conservation Area.

This application seeks planning permission for the conversion of the ground floor flat to form three studio flats. Work has commenced on the development with the three studio flats having been formed and at the time of writing were being fitted out internally. As part of the conversion works there have been some alterations to the exterior of the building that has included the installation of a small window in the side elevation, the reduction in size of an existing window and the removal of a door to the rear elevation.

The most relevant element of the planning history of the site is permission (under reference A*33344) in March 1987 for conversion to form two self-contained flats.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation).

The National Planning Policy Framework, the Residential Car Parking Standards and Housing Standard SPDs together with the Conservation Area No.15 - Campbell Road - Guidelines for conservation are all relevant to the proposed development.

CONSULTATIONS

Highways Engineer

Recommends refusal on the basis that the proposal would exacerbate existing parking problems to the detriment of highway safety.

EPPS - Pollution Team

No response received at time of writing.

EPPS - Contaminated Land Team

No requirement for conditions or informative.

REPRESENTATIONS

Objections have been received from the occupiers of five neighbouring properties on the following grounds: the work has already started; exacerbation of existing parking problems; adverse effect on character of area; increased noise and disturbance; inadequate living conditions for future occupiers; increased security risk; inappropriate refuse storage facilities; and loss of property value.

COMMENT

The main issues to consider in the determination of this application are whether the proposal would preserve or enhance the character and appearance of the Campbell Road Conservation Area, the impact of the proposal on the occupiers of neighbouring properties, the standard of accommodation being provided for future occupiers and whether the proposal would give rise to any increased demand for car parking.

The Conservation Area guidelines identify Albert Grove as "one of the two main north-south terraced roads in the Conservation Area. Comprising mainly of semi-detached properties, the use of two-storey bays, arched doorways and brick garden walls give this road a consistent feel". The guidelines note that the "conversion of large houses to flats and multiple occupation has also been a feature of this area in recent years. This has frequently led to a lack of maintenance and consequently poor visual appearance. It also leads to loss of gardens, boundary walls and gate pillars to provide off-street parking. In the longer term, poor maintenance can lead to decay of the property and pressure for redevelopment". Whilst the Conservation area guidelines do not preclude the subdivision of properties, they do recognise that such developments can have erosive effect on the character and appearance of the Conservation Area. The property to which the application relates has already been subdivided and has a lawful use as a two bedroom flat to the ground floor and a three bedroom flat to the first and part second floor. Having regard to this lawful use and the nature of the proposed use it is considered that the further subdivision would not in itself give rise to substantial harm to the character and appearance of the Conservation Area.

The lawful use of the site prior to its conversion was as a two-bedroom flat which could reasonably have been occupied by two couples or a small family. Having regard to the very limited size of the proposed studio flats, it is considered unlikely that there occupation would give rise to a significant increase in the level of occupation. Accordingly it is considered that the proposal would not have a significant impact on the living conditions of the occupiers of neighbouring properties.

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 requires that "all new development and housing conversions should be of a reasonable size appropriate to the number of people the dwelling is designed to

accommodate. Therefore, apart from such exceptional circumstances where it can be shown that the standards are not practicable or viable, all new dwellings and conversions should meet Portsmouth City Council minimum space standards for internal floorspace". The adopted minimum floor space for a one bedroom dwelling is 45 square metres, the proposed studios are areas between 18 and 21 square metres and as such are each less than half of the required standard. Policy PCS23 requires that developments provide "a good standard of living environment for ... future residents and users of the development". The middle and rear studio flats would benefit from little natural light and have a very poor outlook due to their limited fenestration and layout. It is considered that the studio flats are so small and poorly laid out that they would fail to provide an appropriate standard of accommodation for future occupiers.

The site lies in an area of medium accessibility public transport and is not within 400m of high frequency bus corridor or 800m walk from railway station. There is no on-site car parking proposed as part of this development. Portsmouth City Council's Residential Car Parking SPD would require 3 car spaces for the development. Albert Grove is one-way and accessed via the Albert Road and has a number of designated parking bays with a 1-hour waiting limit in operation 8am - 6pm with the remainder of the road having double yellow lines. Albert Grove itself has 62 on-street parking spaces and 60 postal addresses. Parking congestion is worsened in this area particularly in the afternoons and evenings, due to its close proximity to the Kings Theatre, which has no parking facilities of its own. Considering the existing parking situation in the vicinity of the site it is considered the conversion of the ground floor flat into three studio flats where there are no parking facilities on site, would be likely to give rise to the on-street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in an area which is already congested with on street parking.

RECOMMENDATION I: Refuse Planning Permission

RECOMMENDATION II: Authority be given to pursue formal enforcement action to resolve the breach of planning control associated with the unauthorised conversion of the ground floor flat to three self-contained studio flats

RECOMMENDATION Refuse

The reason for the recommendation are:

1) The proposed studio flats would, by virtue of their cramped form, limited outlook and very restricted floor area fail to provide an appropriate standard of accommodation to the detriment of the residential amenities of future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policies PCS19 (housing mix, size and the provision of affordable homes) and PCS 23 (design and conservation) of the Portsmouth Plan and the adopted Housing Standards SPD.

2) The sub-division of the ground floor to form three self-contained units of living accommodation would be likely to create increased demand for on-street parking in an area which is the subject of an extreme demand. The proposal is therefore likely to give result in interruptions to the free flow of traffic to the detriment of the safety and convenience of road users. The proposal is therefore contrary to Policy PCS17 and 23 of the Portsmouth Plan and to the Residential Car Parking Standards SPD.

Land Rear of Portland Hotel Tonbridge Street Southsea

Construction of 4 storey building fronting Tonbridge Street comprising coffee shop (within Class A3) to ground floor with 6 flats over and detached cycle store

Application Submitted By:

PLC Architects

On behalf of:

The Portland Hotel Ltd

RDD: 23rd April 2013**LDD:** 5th July 2013**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises an irregular but broadly rectangular parcel of land located to the rear of the former Portland Hotel and numbers 3-7 Portland Terrace. The site fronts Tonbridge Street and is currently laid to hardstanding and used as a car park. The site is in the same ownership as the former Portland Hotel but this building lies outside the application site. The site lies within 'Owen's Southsea' Conservation Area with the adjacent former Portland Hotel and Portland Terrace being Grade II Listed buildings. The site is located on the very edge of Flood Zone 3. The site excludes the car parking spaces immediately to the rear of Portland Court which are in the same ownership as that building but are accessed through the application site.

Planning permission is sought for the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six flats (three one-bed and three two-bed). The proposal includes the construction of a detached building to provide facilities for the storage of cycles and refuse/recyclables and the provision of five car parking spaces.

The most relevant elements of the planning history of the site are planning permission 11/01328/FUL which was allowed on appeal in September 2012 for the conversion of the former Portland Hotel to form 16 flats which included the application site being used to provide parking and cycle storage. Whilst the former Portland Hotel is in the same ownership as this site, separate planning and listed building applications have been received relating to its use as a hotel which are reported elsewhere on this agenda.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation).

The National Planning Policy Framework, the Residential Car Parking Standards, Sustainable Design & Construction and Housing Standard SPDs and the Guidelines for Conservation: 'Owen's Southsea' are relevant to the proposed development.

CONSULTATIONS

Environment Agency

No objections

Coastal Defence Engineer

No objection

EPPS - Contaminated Land Team

Recommends imposition of conditions relating to contaminated land

EPPS - Pollution Team

Recommends conditions relating to glazing recommended in submitted noise report and to limit opening hours and cooking equipment associated with A3 use.

Highways Engineer

No objection. Cycle and car parking provision considered acceptable

REPRESENTATIONS

Objections have been received from the owners/occupiers of four neighbouring properties on the following grounds: loss of light; out of character with Conservation Area; overdevelopment; overlooking and loss of privacy; inadequate parking provision; increased security risk; inappropriate design; inadequate access for servicing; inappropriate location for A3 use; noise, disturbance and odour associated with A3 use; impact on existing parking area for Portland Court; and impact on services and utilities.

COMMENT

The main issues to consider in the determination of this application are: whether the proposal is acceptable in principle; whether it preserves or enhances the character and appearance of the Conservation Area; its impact on the setting of neighbouring Listed buildings; and whether it would have an acceptable relationship with neighbouring properties. Other issues to consider relate to flooding, parking, space standards and sustainability.

The application site is located adjacent to the service areas at the rear of commercial properties fronting Palmerston Precinct. Tonbridge Street is in effect a service yard for these commercial premises as well as giving access to the rear of residential properties fronting Portland Road. The applicant proposes a mixed use development comprising a coffee shop fronting Tonbridge Street with three floors of flats above. The submitted drawings show the flats to be laid out with habitable rooms generally fronting Tonbridge Street and with bedrooms looking out over adjacent third party land. The pattern of development in the area around the site is such that surrounding buildings all have their 'backs turned' to Tonbridge Street such that it functions as a service yard. It is considered that the introduction of new development of the form proposed would be inappropriate and be at odds with the prevailing pattern of development. It is accepted that new development could be considered to have a positive impact on Tonbridge Street by introducing active uses and establishing a frontage. However it is considered that the proposed development would appear as a cramped form of development squeezed into the site and artificially creating an inappropriate streetscene.

The proposed Class A3 use (a coffee shop) to the ground floor would be of a size that would be below the threshold set out Policy PCS18 that would require a sequential assessment to be carried out. Having regard to the edge of centre location of the site it is considered that the principle of a Class A3 use in this location is acceptable.

The application site was historically developed with old maps suggesting a 'hall' was removed in the late 1940s. The application suggests that this building, referred to as 'Portland Hall', may have been linked to or associated with the former Portland Hotel. Historic maps show that pre 1940 Tonbridge Street was less of a road and acted as a rear entrance to buildings fronting Palmerston Road. Whilst the site has previously been developed, the proposal cannot be considered as restoring a historic pattern of development in the context of 'Owen's Southsea'

Conservation Area. This part of 'Owen's Southsea' Conservation Area dates from the later 1840s and early 1950s with the most important buildings being Portland Terrace, the former Portland Hotel and St Judes Church all of which are attributed to Thomas Ellis Owen. The setting of this part of the Conservation Area is affected by post-war developments in particular Palmerston Precinct which backs on to the application site.

The application site is unattractive and could be argued to have an impact on the setting of neighbouring listed buildings. This in itself is not necessarily a justification for development or that the site represents a development opportunity. The documentation in support of the application suggests that the proposal is appropriate as it would be subservient to neighbouring buildings, provide a continuity of family of buildings to reinforce the established pattern of development and include references to Portland Terrace without being a slavish replication. Whilst the proposed building would be subservient to the existing, it is considered to be poorly related in so far as its purpose seems only to mask the existing unsightly parking court. The use of similar materials and design is considered to represent an unimaginative pastiche that would sit in isolation and not form part of a 'family of buildings'. The design merits of the proposal were considered by the Design Review Panel who expressed disappointment about the design approach and considered that the diminishing scale and proportions of window openings were inappropriate. Notwithstanding the fundamental concerns regarding the principle of development in general planning terms, it is considered that the construction of a building of the scale and design proposed would neither preserve nor enhance the character and appearance of the Conservation Area or improve the setting of any of the adjacent Listed Buildings.

The proposed building would be located to the rear of a number of properties within Portland Terrace which have been subdivided into flats. The application is accompanied by a Daylight and Sunlight Study, the purpose of which is to demonstrate that neighbouring residential properties would not be affected by the proposal. The result of the submitted study are not disputed, however the impact of a development on residential amenity is not limited to loss of light. Whilst the proposed building would be set 17 metres from the rear elevation of Portland Terrace, its four-storey scale and massing is such that it is considered that it would result in an increased sense of enclosure and outlook to the rear of Portland Terrace and as such result in a significant loss of amenity for occupiers.

The proposed Class A3 use is indicated to be a coffee shop and as such would have limited cooking facilities. Subject to the imposition of conditions restricting the hours of use and cooking methods, it is considered that the proposed class A3 use would not give rise to a level of activity that would have a significant impact on the amenities of the occupiers of neighbouring properties.

The site is located at the very edge of Flood Zone 3 and the application is accompanied by a Flood Risk Assessment. Having regard to the nature of the proposal it is considered that it would be unlikely to give rise to any significant increased risk to life or property from flooding.

The proposal includes the provision of five car parking spaces to serve the six flats. This meets the requirements of the Residential Parking Standards SPD. All servicing of the flats and commercial use would take place from Tonbridge Street as does that associated with properties in Palmerston Precinct. This arrangement is considered acceptable. A secure store would be provided for residents' long term cycle storage with each flat having its own secure space within this communal building to store two cycles. In addition three Sheffield racks are indicated to be provided on the north side of the main building providing parking for six cycles that would serve as short stay parking for residents, secure cycle parking for their visitors and for customers of the coffee house. This provision is also considered appropriate and could be secured through the imposition of suitably worded planning conditions.

The proposed flats would meet the minimum size standards associated with Policy PCS19 with most habitable rooms having an appropriate level of light and outlook. The submitted drawings

indicate that the bedroom window of the one-bed flats would face towards Portland Terrace at a distance of 20 metres which is considered acceptable.

The applicant has submitted pre-assessment estimator in regard to the sustainable design and construction requirements associated with policy PCS15. Whilst this does not demonstrate full compliance with the policy, it does include a justification that is considered to warrant an exception being made in this case. The construction of the building to an appropriate level of sustainability could be secured through the imposition of a suitably worded planning condition.

The site is adjacent to an area of hardstanding used as car parking associated with Portland Court that shares its access with the site. The application states that "the row of car parking spaces to the north of the application site, although sharing the same access, is in the ownership of 38-40 Kent Road and is in use by residents of this building. These arrangements will continue". Any problems associated with this matter are not material to this planning application and would be a matter between the respective land owners.

RECOMMENDATION Refuse

The reason for the recommendation are:

1) The development would by virtue of its siting, be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development out of character with the contextual streetscene. Furthermore the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

2) The proposed building would, by virtue of its scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

04 13/00798/FUL

WARD:St Jude

Public House 38 Kent Road Southsea

Change of use to hotel (Class C1); construction of 2 storey rear extension & 4 storey lift shaft (following removal of existing fire escape), single storey front extension to form new entrance, installation of dormer windows and alterations to windows & doors & new landscaping

Application Submitted By:
PLC Architects

On behalf of:
The Portland Hotel Ltd

RDD: 19th July 2013
LDD: 20th September 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The application site comprises much of the curtilage of the former Portland Hotel which is a four-storey Grade II Listed Building located on the eastern corner of the junction of Kent and Portland Roads. An area of land to the rear of the building that fronts Tonbridge Street is excluded from the application site and the subject of a separate application for redevelopment which appears elsewhere on the agenda. The site is located within 'Owen's Southsea' Conservation Area.

This application seeks planning permission for the use of the building as a hotel and for the construction of extensions together with external alterations to the building. The submitted drawings show the basement and ground floor of the building being used as function rooms with the upper floors being used to provide 13 suites/bedrooms. To the Kent Road frontage the application seeks permission for a split level extension to form a new entrance with a two-storey extension and four-storey lift shaft to the rear. These extensions would be of an overtly contemporary design and appearance. The application also includes changes to window and door openings, the construction of two dormer windows, the infilling of a light well to the basement and changes to the front of the building to include new hard and soft landscaping.

The most relevant element of the planning history of the site is a planning permission (11/01328/FUL) allowed on appeal in September 2012 for the conversion of the upper floors to 16 flats together with associated alterations to the building. A corresponding application for listed building consent (13/00799/LBC) has also been submitted and is reported elsewhere on the agenda. A further application (13/00409/FUL) relating to the development of land to the rear of the application site by the same applicant is also reported elsewhere on this agenda.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation).

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

CONSULTATIONS

Crime Prevention Design Advisor

Recommends installation of CCTV as a crime prevention measure

English Heritage

The scheme has a great deal to recommend it. The listed building is currently in a poor condition and redundant so a viable new use which will bring with it investment in repair and maintenance ongoing is very welcomed. The combination of the retention of the historic fabric (in the main) along with modern interventions could work successfully too. However, the loss of the staircase would have a real detrimental impact on the significance of the building and this is not outweighed by other substantial benefits. As the building has already undergone a large degree of change there is much flexibility for alternative floor layouts and other options should be explored which would incorporate the original staircase.

EPPS - Contaminated Land Team

Recommends informative relating to previous contaminative uses.

EPPS - Pollution Team

No comments available at the time of writing this report.

Highways Engineer

No objection subject to the provision of five additional cars parking spaces and provision for access/egress by service vehicles

Tree Memo

No response received.

REPRESENTATIONS

Objections have been received from seven local residents on the following grounds:

a) inadequate servicing provision; b) noise and disturbance from function rooms; and c) a lack of clarity in regard to affect of the proposals on Portland Court including the existing parking serving that building.

COMMENT

The main issues to be considered in the determination of this application are: whether the conversion is acceptable in principle; whether the alterations to the building are acceptable in design and heritage terms; and whether the proposal is acceptable in highway terms.

The upper floors of the building are considered to have no lawful use. Since the cessation of the original hotel use the upper floors have been used for a variety of uses, predominantly residential, none of which had the benefit of planning permission or have continued for sufficient length of time to have become a lawful use. The ground floor of the building is considered to have a lawful use for purposes within Class A4 as a drinking establishment. Having regard to the location of the building on the edge of the designated Southsea Town Centre, its historic use as a hotel, location within the Owens Southsea Conservation Area and its Grade II listed status, the principle of the use of the building as a hotel is considered to represent an appropriate use for the building. Furthermore it is considered that the proposed use is one which is ideally suited to ensuring the safeguarding of an important and prominent building by giving it an economically viable use.

Whilst the application site comprises a Grade II Listed Building visits to the property have revealed that with the exception of parts of the main staircase and two fireplaces, very little other internal features remain within the building which has been subject to significant alterations over time. Accordingly the remaining features of historic interest and importance are restricted to the exterior of the building. The building has been poorly maintained in recent years and has been damaged internally by fires and is in need of works to prevent any further deterioration in the fabric of the building.

Following a site visit with English Heritage a number of alterations and amendments have been made to the proposal and revised plans submitted. These include windows to the front being retained and not changed to doors, the removal of railings around the proposed 'side' extension and the removal of a large opening from the front elevation with the existing door and window arrangements being retained. Additional details have been received in respect of the junction of the proposed contemporary extensions and the existing building.

Externally the proposal includes the removal of an existing metal fire escape staircase from the rear of the building and the construction of a two-storey rear extension and four-storey lift shaft. These would be of a contemporary design and finish and are designed to be read as modern additions to the historic building. Having regard to the poor appearance of the rear of the building it is considered that the proposed extension and lift shaft are appropriate and would not harm the special architectural and historic interest of the building. The other works including the alterations to the front elevation, side extension and dormer windows are also considered acceptable in Listed Building terms. The application site is also located within 'Owen's Southsea' Conservation Area. It is considered that the proposal would preserve the character and appearance of the Conservation Area.

The other external alterations to the building, as shown on the amended drawings, are considered to be appropriate and in keeping with the Listed Building, Conservation Area and wider streetscene. Having regard to the importance and sensitivity of the application site, suitably worded planning conditions should be imposed to control the detailed appearance and finish of the proposal.

Internally the proposed conversion would result in the loss of the existing staircases to facilitate the conversion/proposed use and to integrate the proposed lift shaft to the rear.

In their comments English Heritage welcome the principles behind the proposal but considers that the loss of the staircase would result in substantial harm and in the absence of a clear justification for its loss recommends that application be refused. English Heritage suggested amendments, which have been made to the scheme, and were satisfied that the contemporary approach to the extensions is appropriate. The heritage assessment submitted with the application offers the view that the existing staircase is in a poor condition and in need of repair to such a degree that much of the existing fabric would need to be replaced and concludes that its loss would be less than substantial. The applicant has submitted a further justification in an attempt to address English Heritage's comments which advises that the existing staircase is not DDA compliant and does not comply with the requirements of the Building Regulations. The applicant also suggest that the location of the staircase is such that it would adversely impact on the proposed use and layout of the ground floor in that it would preclude the use of the ground floor function facilities separately from the hotel. The applicant's comments conclude with the statement that if the staircase is not removed the proposed hotel use "will not be progressed".

The suggested rationale and justification for the removal of the staircase appears to be mainly based on a requirement for the function facilities to be separated from the hotel with each element (function spaces and hotel rooms) to have independent entrances and facilities. Having regard to the layout of the existing building it is considered that an alternative layout could be achieved that did not require the loss of the staircase and that would allow the function spaces to be separated from the remainder of the hotel if required.

Having regard to the significance of the staircase as one of the only original features remaining within the building it is considered that its loss would constitute substantial harm to the special architectural or historic interest of this Grade II Listed building.

Paragraph 132 of the National Planning Policy Framework (NPPF) states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation" and that "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Para 132 also sets out that "substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

Paragraph 133 of the NPPF states that "where a proposed development will lead to substantial harm to ... a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

In the context of para 133 of the NPPF it is necessary to consider whether the loss of the staircase is necessary to achieve a 'substantial public benefit' that would outweigh the harm. Having regard to the applicant's comments in the heritage statement, in addition to the deteriorating state of the building, the appropriate reuse of the building as an hotel and securing an economic future use would, on balance, be considered of 'substantial public benefit' for the loss of the staircase to be justified.

The frontage of the site is currently laid to hardstanding and has been used for car parking. The application would see much of this hardstanding replaced with soft landscaping and new regraded hardstanding to provide an enhanced setting for the building in the Kent and Portland Road streetscenes. The Councils adopted standards would require a development of this scale (13 bedrooms) to provide 10 car parking spaces. The proposed landscaping to the front of the site would retain only five car parking spaces. There is limited on-street parking in the vicinity of the site and what is available is time restricted. The Highway Engineer has also raised concern regarding servicing arrangements for the hotel use which would be likely to require regular deliveries and pick ups (e.g. laundry, food etc.) by vehicles larger than a small van. The potential for on-street servicing is limited due to no loading restrictions operating on Kent and Palmerston Roads. The site is capable of accommodating an appropriate level of parking, however this would involve the retention of the existing hardstanding which makes no positive contribution of the setting of the building. Whilst the proposed hard and soft landscaping would be an improvement the submitted details suggest the use of tarmac which is not considered to be an appropriate material. This issue could however be addressed by an appropriate condition. Having regard to the town centre location of the site it is considered that the benefits of improving the setting and appearance of the building, would outweigh any harm to the safety and convenience of users of the surrounding highway associated with the proposed parking and servicing arrangements.

The area surrounding the application site is predominantly residential, however it not considered that the proposed use would be so intensive that it would be likely to give rise to a level of activity that would significantly affect the residential amenities of surrounding properties.

The site and adjoining land in the applicant's ownership is adjacent to an area of hardstanding used as car parking associated with Portland Court that shares its access with land to the rear of the site. The application for the development of their land to the rear of the site states that "the row of car parking spaces to the north of the application site, although sharing the same access, is in the ownership of 38-40 Kent Road and is in use by residents of this building. These arrangements will continue". Any problems associated with this matter are not material to this planning application and would be a matter between the respective land owners.

RECOMMENDATION Conditional Permission

Conditions

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

- 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: 12-1900-120_P1; 12-1900-121_P1; 12-1900-101_P4; 12-1900-100_P7; 12-1900-103_P3; 12-1900-102_P5; 12-1900-106_P3; 12-1900-107_P1; and, 12-1900-108_P1.

- 3) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard/soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as details of all hard surfacing treatments externally around the curtilage of the hotel. The works approved shall be carried out in the first planting and seeding season following the occupation of the building as an hotel. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard surface treatments shall be carried out before the hotel is first brought into use.

4) The proposed 5 car parking spaces shown on the submitted site layout drawing no.12-1900-101_P4 shall be surfaced (in materials to be submitted and approved in writing by the local planning authority as part of condition 3) and made available for use before first occupation as an hotel; and the parking spaces shall thereafter be retained for such purpose at all times.

5) The facilities to be provided for the short-term (visitor) and long-term (staff) storage of bicycles shall be carried out in accordance with details to be submitted to and approved in writing by the local planning authority and made available for use before first occupation of the hotel, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for those purposes at all times.

6) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and available for use before first occupation of the hotel, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for those purposes at all times.

7) Before the hotel use is commenced a scheme for the provision of an extract ventilation system, incorporating measures to suppress odours and fumes, for any hotel kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and in full working order prior to the commencement of the hotel use and as long as the use continues shall be operated in such a manner as to effectively suppress the emissions of fumes and smell; and shall include such equipment (including grease filters and neutralising plant) as may be specified to meet this requirement.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

2) To ensure the development is implemented in accordance with the permission granted.

3) To improve the appearance of the curtilage of the listed building in the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

4) To ensure adequate on-site parking provision to serve the hotel and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

5) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS17 of the Portsmouth Plan.

6) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

7) To prevent nuisance from excessive cooking odours or fumes and ensure a quality design solution for any extraction system, having regard to the relationship to neighbouring occupiers and to preserve the special architectural or historic interest of the listed railway building and conservation area, in the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Public House 38 Kent Road Southsea

External and internal alterations to facilitate conversion to hotel including construction of 2 storey rear extension, 4 storey lift shaft, removal of fire escape, single storey front extension, dormer windows and alterations to doors & windows

Application Submitted By:

PLC Architects

On behalf of:

The Portland Hotel Ltd

RDD: 19th July 2013**LDD:** 16th September 2013**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises much of the curtilage of the former Portland Hotel which is a four-storey Grade II Listed Building located on the eastern corner of the junction of Kent and Portland Roads. An area of land to the rear of the building that fronts Tonbridge Street is excluded from the application site and the subject of a separate application for redevelopment which appears elsewhere on the agenda. The site is located within 'Owen's Southsea' Conservation Area.

This application seeks Listed Building Consent for the construction of extensions together with internal and external alterations (to facilitate the use of the building as a hotel). The submitted drawings show the basement and ground floor of the building being used as function rooms with the upper floors being used to provide 13 suites/bedrooms. To the Kent Road frontage the application seeks permission for a split level extension to form a new entrance with a two-storey extension and four-storey lift shaft to the rear. These extensions would be of an overtly contemporary design and appearance. The application also includes changes to window and door openings, the construction of two dormer windows, the infilling of a light well to the basement and changes to the front of the building to include new hard and soft landscaping. Internally the alterations include the removal of the original staircase and the installation of a new staircase and the remodelling of some rooms.

The most relevant element of the planning history of the site is a listed building consent (11/01329/LBC) allowed on appeal in September 2012 for alterations associated with the conversion of the upper floors to 16 flats. A corresponding application for planning permission (13/00798/FUL) has also been submitted and is reported elsewhere on the agenda. A further application (13/00409/FUL) relating to the development of land to the rear of the application site by the same applicant is also reported elsewhere on this agenda.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation).

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

CONSULTATIONS

English Heritage

The scheme has a great deal to recommend it. The listed building is currently in a poor condition and redundant so a viable new use which will bring with it investment in repair and maintenance ongoing is very welcomed. The combination of the retention of the historic fabric (in the main) along with modern interventions could work successfully too. However, the loss of the staircase would have a real detrimental impact on the significance of the building and this is not outweighed by other substantial benefits. As the building has already undergone a large degree of change there is much flexibility for alternative floor layouts and other options should be explored which would incorporate the original staircase.

Ancient Monuments Society

No response received

Council for British Archaeology

No response received

SPAB

No response received

The Georgian Group

No response received

The Victorian Society

No response received

Twentieth Century Society

No response received

The Portsmouth Society

This is a fine Thomas Ellis Owen Grade II listed building of architectural significance in a central Southsea position with great potential and we are pleased that it is proposed to be re-used as a hotel. The landscaping, use of sash windows and matching dormers are commendable. However it is deplorable to use large panes of glass set in aluminium frames on the main facades of the Kent Road reception area and on folding doors in Portland Road. These features are completely incongruous and spoil much of what is achieved with the rest of the design. Smaller panes of glass in wooden surrounds would match the rest of the building. This building is at the heart of 'Owen's Southsea' Conservation Area where any developments should preserve or enhance the streetscape. Large areas of glass and use of aluminium frames do not achieve these objectives.

REPRESENTATIONS

Objections have been received from two local residents relating to the effect of the proposals on Portland Court including the existing parking serving that building.

COMMENT

The sole issue to be considered in the determination of this application is whether the proposed alterations (associated with the conversion of the building to form a hotel) would preserve the special architectural or historic interest of the building.

The building forming the application site is Grade II Listed together with the adjoining Portland Terrace and the walls, railings and gate piers and dates from the mid-nineteenth century. Designed by TE Owen, the houses forming Portland Terrace were converted into flats in the late 1970's.

Whilst the application site comprises a Grade II Listed Building, visits to the property have revealed that with the exception of parts of the main staircase and two fireplaces, very little other internal features remain within the building which has been subject to significant alterations over time. Accordingly the remaining features of historic interest and importance are restricted to the exterior of the building. The building has been poorly maintained in recent years and has been

damaged internally by fires and is in need of works to prevent any further deterioration in the fabric of the building.

Following a site visit with English Heritage a number of alterations and amendments have been made to the proposal and revised plans submitted. These include windows to the front being retained and not changed to doors, the removal of railings around the proposed 'side' extension and the removal of a large opening from the front elevation with the existing door and window arrangements being retained. Additional details have been received in respect of the junction of the proposed contemporary extensions and the existing building.

Externally the proposal includes the removal of an existing metal fire escape staircase from the rear of the building and the construction of a two-storey rear extension and four-storey lift shaft. These would be of a contemporary design and finish and are designed to be read as modern additions to the historic building. Having regard to the poor appearance of the rear of the building it is considered that the proposed extension and lift shaft are appropriate and would not harm the special architectural and historic interest of the building. The other works including the alterations to the front elevation, side extension and dormer windows are also considered acceptable in Listed Building terms. The application site is also located within the Owens Southsea Conservation Area. It is considered that the proposal would preserve the character and appearance of the Conservation Area.

The other external alterations to the building, as shown on the amended drawings, are considered to be appropriate and in keeping with the Listed Building and Conservation Area. Having regard to the importance and sensitivity of the application site, suitably worded planning conditions should be imposed to control the detailed appearance and finish of the proposal.

Internally the proposed conversion would result in the loss of the existing staircases to facilitate the conversion/proposed use and to integrate the proposed lift shaft to the rear.

In their comments English Heritage welcome the principles behind the proposal but considers that the loss of the staircase would result in substantial harm and in the absence of a clear justification for its loss recommends that application be refused. English Heritage suggested amendments, which have been made to the scheme, and were satisfied that the contemporary approach to the extensions is appropriate. The heritage assessment submitted with the application offers the view that the existing staircase is in a poor condition and in need of repair to such a degree that much of the existing fabric would need to be replaced and concludes that its loss would be less than substantial. The applicant has submitted a further justification in an attempt to address English Heritage's comments which advises that the existing staircase is not DDA compliant and does not comply with the requirements of the Building Regulations. The applicant also suggest that the location of the staircase is such that it would adversely impact on the proposed use and layout of the ground floor in that it would preclude the use of the ground floor function facilities separately from the hotel. The applicant's comments conclude with the statement that if the staircase is not removed the proposed hotel use "will not be progressed".

The suggested rationale and justification for the removal of the staircase appears to be mainly based on a requirement for the function facilities to be separated from the hotel with each element (function spaces and hotel rooms) to have independent entrances and facilities. Having regard to the layout of the existing building it is considered that an alternative layout could be achieved that did not require the loss of the staircase and that would allow the function spaces to be separated from the remainder of the hotel if required.

Having regard to the significance of the staircase as one of the only original features remaining within the building the view that its loss would constitute substantial harm to the special architectural or historic interest of this Grade II Listed building is noted.

Paragraph 132 of the National Planning Policy Framework (NPPF) states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation" and that "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Para 132 also sets out that "substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

Paragraph 133 of the NPPF states that "where a proposed development will lead to substantial harm to ... a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

In the context of para 133 of the NPPF it is necessary to consider whether the loss of the staircase is necessary to achieve a 'substantial public benefit' that would outweigh the harm. Having regard to the applicant's comments in the heritage statement, in addition to the deteriorating state of the building, the appropriate reuse of the building as an hotel and securing an economic future use would, on balance, be considered of 'substantial public benefit' for the loss of the staircase to be justified.

RECOMMENDATION Conditional Consent

Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 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: 12-1900-120_P1; 12-1900-121_P1; 12-1900-101_P4; 12-1900-100_P7; 12-1900-103_P3; 12-1900-102_P5; 12-1900-106_P3; 12-1900-107_P1; and, 12-1900-108_P1.

The reasons for the conditions are:

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the permission granted.

.....
City Development Manager
2nd September 2013

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