



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 9 OCTOBER 2013 AT 2.00 PM

EXECUTIVE MEETING ROOM - THE GUILDHALL

Telephone enquiries to Lucy Wingham
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 11 September 2013

The minutes of the Planning Committee meeting held on 11 September 2013 are attached.

RECOMMENDED that the minutes of the Planning Committee meeting held on 11 September 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 37 Rugby Road, Portsmouth

This report is to advise the committee of the outcome of the appeal.

RECOMMENDED that the report be noted.

A planning application was considered by the Planning Committee at its meeting on 27 February 2013. The application, for the construction of a part single, part two-storey rear extension, was recommended by officers for permission. This recommendation was overturned and the planning application was refused with the reason for refusal referring to the proposal having an overbearing relationship with neighbouring properties and resulting in an unacceptable loss of light.

The inspector considered that there would "remain a small yard between the extension to no. 35 and its garage that would be overshadowed by the first floor element of the scheme" and that"there would be some loss of sunlight and daylight to the ground and first floor rear-facing windows and to the very small yard behind the ground floor rear room of no. 35...."

The Inspector dismissed the appeal on the basis that the proposal "would unacceptably impact on the living conditions of existing and future occupiers of 35 Rugby Road, Southsea, contrary to Policy PCS23".

6 Enforcement appeal decision relating to land rear of 5-7 Spur Road, Cosham (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.

7 Planning Applications (Pages 5 - 38)

1 13/00860/PLAREG - 12 St Johns Road, Portsmouth - Retention of

log cabin.

- 2 13/00864/HOU - **13 Marion Road, Southsea** - Construction of single storey side/rear extension (following demolition of existing lean to) (Revised scheme 12/01321/HOU).

- 3 13/00940/FUL - **22 Priorsdean Avenue, Portsmouth** - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

- 4 13/00853/FUL - **Land East of M275 Tipner Lane, Portsmouth** - Construction of Park and Ride facility with a single-storey passenger waiting building/canopy, together with access, landscaping, boundary treatment and associated works, including maintenance access route, at land to east of M275.

- 5 12/00422/VOC - **Wheel of Fortune Building, Clarence Esplanade, Southsea** - Application to remove Condition 3 attached to 10/00725/FUL which restricted the use of the flats to employees of Billy Manning Ltd.

- 6 13/00989/FUL - **Fontenoy House, Grand Parade, Portsmouth** - Construction of single storey extension to roof to form 2 flats to include raising of existing parapet wall, installation of balustrading and extension to existing external fire escape (Re-submission of 13/00536/FUL).

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2 October 2013

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Agenda Item 6



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Enforcement appeal decision relating to land rear of 5-7 Spur Road, Cosham

Report by: Claire Upton-Brown
City Development Manager

Ward affected: Cosham

Key decision (over £250k):

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

An Enforcement Notice was served in February 2013 against the unauthorised change of use from use as a service area and parking area ancillary to the use of numbers 5 and 7 Spur Road to a commercial hand car wash. The reasons for the issue and service of the Notice related to the use of the site as a hand car wash resulting in increased noise, general disturbance and potential nuisance from spray to detriment of the amenities of the occupiers of neighbouring premises, that structures associated with the unauthorised use were of an unsympathetic design and poor appearance and that the intensive use of the site access serving the hand car wash is likely to increase conflict in traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the road.

A previous retrospective planning application (12/00112/FUL) was refused in March 2012 with the reasons for refusal being similar to those reasons why the Notice was served.

The grounds of appeal related to whether planning permission should be granted for the use of the land as a car wash. In considering the appeal the Inspector opined that "the car wash is creating unacceptable noise and disturbance for occupiers" and that it "conflicts with the aims of policy PCS23 of

the Portsmouth Plan which ... seeks to protect the amenities of neighbouring occupiers".

In terms of highway safety the Inspector concluded that "the site cannot accommodate more than two or three vehicles and still allow them to turn to leave the site in forward gear, which I consider to be essential in maintaining highway safety for both pedestrians and vehicles on Spur Road" and that " "if several customers attempted to use the facility at the same time ... the risks to both pedestrians and vehicles would increase, particularly as the area is already close to a major roundabout and a bus stop which could prove distracting to drivers on the road..."

The appeal was dismissed and the Notice upheld.

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
Enforcement file 11/00227/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/13/2194355	Planning Services

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Agenda Item 7

PLANNING COMMITTEE 9 OCTOBER 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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12 St Johns Road Portsmouth**Retention of log cabin to rear garden****Application Submitted By:**

Mr Mike O'Doherty

RDD: 5th August 2013

LDD: 1st October 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application relates to a detached property on the southern side of St Johns Road. The property has a substantial rear garden and by virtue of the sites position on the southern slope of Portsdown Hill, the property sits higher than neighbouring properties to the north located in Walberton Avenue. The surrounding area is characterised by similar residential properties.

Retrospective planning permission is sought for the installation of a timber outbuilding located at the bottom of the rear garden. The outbuilding has a dual pitch roof approximately 4.04m high at the apex and 2.36 at eaves level. It is approximately 5.2m wide by 4.2m deep and the roof overhangs the front elevation by approximately 1.5 metres. It is located approximately 1.5 m from the rear boundary, 0.5m from the eastern boundary, whilst a trampoline and shed are situated between the chalet and the western boundary. The outbuilding is a single storey structure with a small mezzanine area accessed internally via a ladder.

There is no planning history relating to this property that is considered relevant to the determination of this application.

POLICY CONTEXT

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

CONSULTATIONS

None.

REPRESENTATIONS

Four letters of objection have been received and one in support of the proposal. The objections are on the following grounds; a) the development impacts the visual amenity of Walberton Avenue ; b) it has an over bearing impact on 25 Walberton Avenue; c) applicant did not contact the Local Planning Authority before erecting the development; d) the outbuilding has 2 stories, e) due to the 0.5m difference in ground level the outbuilding is nearly 5m high when viewed from 25 Walberton Avenue; f) no arrangement has been installed to collect rainwater and rainwater run-off has the potential to exacerbate the damp problem in garages located at the top of Walberton Avenue adjacent to the application sites rear boundary; g) potential for noise disturbance when outbuilding is in use; and h) the outbuilding is a potential fire risk. The supporting comment is from a neighbouring property in St Johns Road and states that the outbuilding has been decorated to a high standard and has no impact on their amenities.

COMMENT

The determining issues relating to this application are whether the proposal has a significant impact on the amenities of the neighbouring occupiers and whether the proposal is acceptable in terms of its design and appearance in relation to the recipient site and the surrounding area.

Having regard to the impact the outbuilding has on the amenities of neighbouring occupiers, due to the location of the outbuilding it is not considered that it has any significant impact on the amenities of the neighbouring occupiers in St Johns Road. The outbuilding is also not considered to have a significant impact in terms of overbearing impact on the occupiers of 24 Walberton Road, as a block of two garages and a high hedge are located between this property's curtilage and the development, these both serve to mitigate the impact of the outbuilding when viewed from within the curtilage of 24 Walberton Avenue. It is accepted that the outbuilding, when viewed from within the front garden of 25 Walberton Avenue is prominent and that this prominence is exacerbated by the difference in ground levels. However, the outbuilding is no higher than a line of conifers that exist on the site's boundary, two of which have been removed in order to accommodate the outbuilding. It is estimated that if these two conifers remained they would be of approximately the same height and cover at least the left hand side of the outbuilding up to its apex. It is therefore considered that the outbuilding represents a similar impact in terms of overbearing impact that the two removed conifers did. When viewed from the side of 25 Walberton Avenue the outbuilding is less visible and is considered to have little impact in terms of overbearing that does not result in an increased sense of enclosure. It is therefore considered that the outbuilding does not give rise to any harm to amenity that is sufficiently harmful to warrant the refusal of the application. Objections have been raised with regard to the possible effect rain water run-off from the outbuilding may have on the garages located at the top of Walberton Avenue. Whilst it is not anticipated that the outbuilding would lead to an increased amount of rain water run-off the applicant has indicated that he would be willing to install guttering and a water butt.

The outbuilding when viewed from Walberton Avenue is clearly visible within the streetscene. The dual pitched roof is considered to echo and compliment the dual pitched roofs of the properties in St Johns Road with the visual impact of the outbuilding being reduced by the green paint applied to its rear elevation which faces Walberton Avenue. The outbuilding when viewed from within the 12 St Johns Road is considered to be of good design quality and relates well to the recipient site and neighbouring properties in St Johns Road.

RECOMMENDATION Permission

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

02 13/00864/HOU

WARD:Eastney & Craneswater

13 Marion Road Southsea

Construction of single storey side/rear extension (following demolition of existing lean to) (Revised Scheme 12/01321/HOU)

Application Submitted By:

Rapleys LLP

On behalf of:

Mr Craig Fisher

RDD: 6th August 2013

LDD: 2nd October 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application relates to a three storey, semi-detached dwellinghouse located to the south of Marion Road. This property is located within 'Craneswater and Eastern Parade' Conservation Area.

Permission is sought for the construction of a single storey side/rear extension following the demolition of an existing lean to.

There is an existing single storey side/rear projection at this property. This projects outwards from the rear elevation by approximately 1.7m and measures approximately 2.3m in width. It has a lean to roof measuring approximately 3.7m in height from ground level to its highest point.

The proposed single storey side/rear extension would entail the removal of the existing structure and would project outwards from the rear elevation by approximately 7.3m alongside the existing three storey rear projection. This would measure approximately 2.4m in width. It would have a lean to roof measuring approximately 3.3m in height from ground level to its highest point and 2.5m to the eaves, set off the common boundary by approximately 0.9m.

A new bi-fold glazed door would be installed within the rear elevation. The existing window located to the east of the existing entrance door would be moved across to make way for this proposed door. These would both have brick arch lintel features to match the existing at first and second floor level. A new door would be installed within the side elevation and a rooflight would be installed within the roof of the proposed extension.

In 2010, an application (ref: 10/01107/HOU) for the construction of a single storey rear/side extension was withdrawn.

In October 2012 an application for the construction of a single storey side/rear extension (following demolition of existing lean to) (ref: 12/01117/HOU) was withdrawn.

In December 2012 an application (ref: 12/01321/HOU) for the construction of a single storey side/rear extension (following demolition of existing lean to) was refused on the grounds that its excessive size and scale would adversely impact upon the residential amenities of adjoining occupiers. Furthermore, the design and proposed construction materials were deemed unacceptable in relation to the recipient building and 'Craneswater and Eastern Parade' Conservation Area. Subsequently, this proposal was deemed contrary to policy PCS23 of the Portsmouth Plan. In June 2013, an appeal against this decision was dismissed (Planning Inspectorate ref: APP/Z1775/D/13/2197025). Whilst the inspector concluded that the proposed extension would not be harmful to neighbouring occupiers, it would fail to preserve or enhance the character or appearance of the Conservation Area.

POLICY CONTEXT

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

In addition to the NPPF, the City Council's Conservation Area guidelines for 'Craneswater and Eastern Parade' Conservation Area are relevant to this proposal. This Conservation Area is predominantly residential in character however there is a small proportion of other uses including small hotels and rest homes. Properties within this Conservation Area are typically Victorian or Edwardian in character and are built to a lower density than properties elsewhere in the city. Most properties are brick faced with red clay tiled roofs although some properties within the south western part of the area have Welsh slate roofs. Windows within this location tend to reflect the Victorian character of the area with sliding sash and side hung casements commonly found. Properties along Marion Road tend to be semi-detached with two storey bay features to the front elevation.

Portsmouth City Council's conservation guidelines for 'Craneswater and Eastern Parade' Conservation Area set out the type of development that is likely to be considered acceptable in this location. These guidelines state:

- a) Existing wall surfaces should be retained;
- b) Existing roof surfaces should be retained;
- c) Replacement windows should match the pattern of glazing bars and the method of opening however a more flexible approach will be taken for windows that are less visually prominent;
- d) Conservation style rooflights should be used as opposed to conventional rooflights; and
- e) The retention and reinstatement of original architectural details will be promoted.

CONSULTATIONS

None.

REPRESENTATIONS

A number of representations objecting to this application have been received from local residents in addition to Councillor Winnington and Councillor Stubbs. These are based upon the following grounds:

- a) The excessive scale and bulk of the proposed extension in addition to the loss of garden space and reduction in space between the properties at No13 and No11 Marion Road would fail to preserve or enhance the character and appearance of 'Craneswater and Eastern Parade' Conservation Area. In particular, the proposed extension would be damaging to the 'open aspect' of the Conservation Area and would result in overdevelopment of this site.
- b) Whilst its design has been amended in response to the previous refusal and appeal decision, the size and scale of the proposed extension does not differ from that of the previous scheme. Subsequently, this proposal has not done enough to overcome the previous reasons for refusal relating to the impact of the additional scale and bulk upon the character and appearance of the Conservation Area and the residential amenities of adjoining occupiers.
- c) The proposed extension would result in an unacceptable loss of garden land which would impact upon the visual appearance of the rear of the property.
- d) The proposed extension would be constructed using materials that would be inappropriate in relation to the character and appearance of 'Craneswater and Eastern Parade' Conservation Area. In particular, the use of aluminium frames for the proposed doors would be unacceptable.
- e) The proposed glazed bi fold door to the rear would constitute an inappropriate addition that would be out of character with 'Craneswater and Eastern Parade' Conservation Area.
- f) The proposed extension would have an unacceptable impact upon the amenities of adjoining occupiers by virtue of loss of outlook, loss of light, overbearing relationship and increased sense of enclosure.

- g) The proposed extension would be visible from the rear of the properties along Nettlecombe Avenue and would as a result, have an unacceptable visual impact upon these properties.
- h) The proposed extension could potentially be used for business purposes which would be inappropriate for this location.
- i) The construction of the proposed extension would set a precedent for further development in the area.
- j) The proposed extensions could adversely affect the structural integrity of this property.

Two letters of representation in support of this application have also been received. These are based upon the grounds that;

- a) The proposed extension is small in scale, well designed and sympathetic to the character and appearance of 'Craneswater and Eastern Parade' Conservation Area;
- b) Many properties in the local area have already been extended/altered;
- c) This proposal is much smaller than other extensions in the local area; and,
- d) The proposed extension would ensure that the property is retained for use as a family home.

COMMENT

There are two issues that require consideration in the determination of this application. These relate to the design of the proposed extension, including its impact upon the character and appearance of 'Craneswater and Eastern Parade' Conservation Area and its impact upon the residential amenities of adjoining occupiers. Also for consideration is whether this proposal successfully addresses the reasons for the refusal of the previous application (12/01321/HOU) and for the dismissal of the subsequent appeal.

Design, including impact on Conservation Area

The original dwellinghouse was constructed using brick and slate and has a combination of white uPVC and white timber framed windows. Of particular note is the presence of decorative brick lintels above the existing window and door openings within both the rear and side elevations.

Due to its location to the rear of the property, the proposed extension would be less visually prominent within the Conservation Area. The only alteration to a window relates to the relocation of an existing window within the rear elevation. As this is an existing window, it matches the windows at first and second floor level and is considered to be in accordance with the guidelines for development within the Conservation Area. The inclusion of decorative brick lintels above the relocated window and the proposed bi-fold glazed door to the rear would retain and reinstate the original architectural features of this property by replicating similar features at first and second floor levels.

The use of slate for the roof, brick for the walls and timber for the relocated window within the rear elevation would ensure that the proposed extension would relate satisfactorily with the existing dwellinghouse and would be in accordance with the guidelines for the Conservation Area. Initially, this application included the use of white aluminium door frames within both the rear and side elevations of the proposed extension however this has since been substituted with white uPVC due to the presence of existing uPVC frames at this property and to ensure that the proposed construction materials would be suitable for use within 'Craneswater and Eastern Parade' Conservation Area. As a result, this proposal would not seek to introduce any new

materials to this property. All materials to be used in the construction of the proposed extension would match those of the existing dwellinghouse, addressing the previous reason for refusal relating to inappropriate materials for application ref.12/01321/HOU and for the dismissal of the subsequent appeal.

Following construction, the rear elevation of the proposed extension would become level with the rear elevation of the existing three storey rear projection. It would not however, extend any further into the rear garden. Whilst the land adjacent to the side of the existing three storey projection would be lost as a result of this proposal, sufficient garden space would remain to the rear. The proposed extension would not be located any closer to the common boundary between No13 and No11 Marion Road than the existing single storey side/rear projection. The amount of glazing within the rear elevation of the proposed extension has been reduced significantly and as such, this proposal is considered to be a significant improvement upon the previously refused scheme. Subsequently, this proposal is considered to be of an appropriate style and scale in relation to the existing dwellinghouse and adjoining properties.

Having regard to its design, materials, scale and siting it is considered that the proposed extension would be acceptable in design terms and would preserve the character and appearance of 'Craneswater and Eastern Parade' Conservation Area. Subsequently, this proposal is compliant with policy PCS23 of the Portsmouth Plan.

Impact upon amenity

The side of the proposed extension would be located opposite the side elevation of the property at No11 Marion Road, running parallel with the common boundary. The existing boundary wall between these two properties measures approximately 1.6m in height and the proposed extension would exceed the height of this by approximately 0.9m at the eaves. The proposed extension would not however, project any further towards the common boundary between these two properties. Given the spatial separation and the relationship between the proposed extension and the windows to the rear and side of No11, the proposed extension would not constitute an unneighbourly form of development. Whilst this proposal would result in an increase in building bulk in this location, it would be set off the common boundary by approximately 0.9m and with an eaves height of 2.5m, would be seen against the two storey rear projection set 3.3m off the common boundary. In these circumstances, it is considered that there would be insufficient loss of outlook, loss of light or increased sense of enclosure to justify withholding permission. Whilst the top of the proposed entrance door within the side elevation would be visible above the boundary wall, the absence of any windows within this elevation would ensure that the proposed extension would not give rise to any additional overlooking of the adjoining property at No11. Furthermore, the proposed roof light would be sited appropriately and would not have an adverse impact upon the residential amenities of the occupiers of the adjoining property.

The rear of the properties located along Nettlecombe Avenue back onto the rear of this property. The rear elevation of the proposed extension, within which, a new set of bi-fold, glazed doors would be installed, would face out onto a long rear garden. At present, this property is well screened by vegetation along the rear boundary however it is acknowledged that the proposed extension would be partially visible from the rear of the properties located opposite. Whilst this is the case, the proposed extension would not project into the rear garden any further than the existing three storey rear projection and would be of a suitable scale to ensure that it would not give rise to any significant adverse impacts upon the properties to the rear.

Having regard to the issues discussed above, this proposal would not be considered to adversely affect the living conditions of the adjoining occupiers by virtue of loss of light, overlooking or overbearing impact. Subsequently, this proposal is compliant with policy PCS23 of the Portsmouth Plan.

Other issues raised in representations

The proposed position of the soil and vent pipe is considered to be an improvement on the existing arrangement and would not give rise to any adverse impacts upon the neighbouring property.

The proposed extension would accommodate a utility room and a WC in addition to an enlarged breakfast/sitting room. There is no indication that this would be used for business purposes.

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: LOCATION PLAN 12.12.D22_101 A; 12.12.D22_102 D; and, 12.12.D22_103 H.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

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) In the interests of visual amenity and to preserve the character and appearance of the conservation area, in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

03 13/00940/FUL

WARD: Baffins

22 Priorsdean Avenue Portsmouth

Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)

Application Submitted By:

Mr Warren Somerset

RDD: 22nd August 2013

LDD: 18th October 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application relates to a two-storey mid-terraced dwelling located to the eastern end of Priorsdean Avenue which is accessed from Milton Road. The property is set back from the

highway by a small forecourt and comprises two reception rooms, a kitchen, conservatory and a toilet at ground floor level, with three bedrooms and a bathroom at first floor level. Priorsdean Avenue is a 'dead-end' road with parallel parking spaces to both sides and dwellings to the northern side only. A grass verge and boundary wall separates the road from a recently constructed housing estate to the south.

This application seeks planning permission for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is as a dwellinghouse within Class C3.

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document which was formally adopted on the 16th October 2012 would also be material to this application.

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing 20 letters of representation have been received from local residents and owners of properties within Priorsdean Avenue and Milton Road. In addition, a petition containing the signatures of 56 named individuals (some of which had also submitted individual letters of representation) from 34 properties in Priorsdean Avenue, Langstone Road, Milton Road, Cotton Road and Cissbury Avenue had also been received in objection to the proposal.

The objections can be summarised as follows: (a) Impact on the quiet family orientated character of the surrounding area; (b) Increase in noise and disturbance; (c) increase in anti-social behaviour; (d) increase in waste management issues; (e) Impact on parking and highway safety; and (f) the proposal would set a precedent for similar proposals.

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3).

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, it has been established through investigations that none of the 47 residential properties within a 50 metre radius were in use as HMOs. As the granting of permission would increase the proportion of HMOs to less than 2.5%, it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

A number of the representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the property as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there are no other HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful at this particular point in time.

The site is located at the end of a 'no through road' which provides on road parallel parking spaces on both sides but has no designated turning point. No off-road parking is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that the proposal would not result in any significant additional demand for parking or affect highway safety.

It is noted that a Residents' Parking Scheme operates within this area which would limit the amount of vehicles that could be associated with this particular property. Eligibility for parking permits within a Class C4 HMOs would remain unchanged from a property in use as a Class C3 dwellinghouse.

The submitted drawings indicate the provision of cycle storage within a shed in the rear garden. This is considered to be of an appropriate scale to accommodate the number of bicycles likely to be associated with the property when in Class C4 use. The retention of these facilities can be controlled by a suitably worded planning condition. The property also benefits from a conservatory and rear garden which could provide additional informal bicycle storage space if required.

The storage for refuse and recyclable materials would remain unchanged. Given that the level of occupation associated with a HMO is not considered to be significantly greater than the

occupation of the property as a Class C3 dwellinghouse, it is considered that the proposal would not result in significant waste management issues.

The representations suggest that the granting of planning permission would set a precedent allowing further HMOs within the surrounding area. However, it should be noted that all planning applications are determined on their individual merits having regard to the adopted planning policies that are relevant at the time of determination.

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: PP-02844379 Location Plan and PP-02844379 Floorplans.
- 3) The bicycle storage facilities shown on approved drawing: 'PP-02844379 Floorplans' shall be provided prior to the first occupation of the property as a Class C4 House in Multiple Occupation, and shall thereafter be retained for the continued ancillary storage use by the occupants of the property.

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 ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

04 13/00853/FUL

WARD:Nelson

Land East Of M275 Tipner Lane Portsmouth

Construction of Park and Ride facility with a single-storey passenger waiting building/canopy, together with access, landscaping, boundary treatment and associated works, including maintenance access route, at land to east of M275

Application Submitted By:

Portsmouth City Council
Head of Transport and Street Management

RDD: 1st August 2013

LDD: 1st November 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The 2.81ha site comprises two main areas of city-council owned land, north and south of Tipner Lane. To the north were areas of overgrown vegetation adjacent to a balancing pond for drainage linked to the M275 motorway (to the west). The southern part of the site was formerly the Fleet Regional Photographic Unit (FRPU), sited within a secure compound that had remained unused for several years and since demolished.

The site is within the Indicative Floodplain (Flood zones 2 and 3).

A planning application for the proposed new motorway junction (Tipner Interchange) and bus priority lane was permitted 7 April 2010 ref 09/01568/FUL. It sought to complete the junction at Tipner, which forms part of the M275 constructed in the 1970's. The full description of development was for: "Construction of 1) a new motorway junction off the M275, comprising northbound & southbound on/off slips (and associated noise barriers and ancillary street furniture including road signage/gantry and lighting), to include the construction of a roundabout partly on Tipner Lane with access maintained to/from Tipner Lane as well as new access to the proposed on/off slips and 2) a dedicated busway southbound alongside the M275 between the proposed roundabout on Tipner Lane and the Rudmore Roundabout at Twyford Avenue". Work is currently underway on the interchange with completion due in Spring 2014.

Another previous permission in January 2012 ref 11/00363/FUL includes the application site for the park and ride facility, to facilitate demolition, remediation and land raising. Prior to development of the park and ride facility, the baseline was a cleared and raised site.

In May 2012 a hybrid application was submitted comprising of two elements. Full permission was sought for construction of a 663 space park and ride facility, with general access directly from the new Tipner (M275) Interchange and bus only access from Tipner Lane (restricted by bus-gate). Outline permission for a single-storey passenger waiting building was also sought, for approval of scale, layout and access (with landscaping and appearance requiring separate consideration as Reserved Matters). Hybrid permission ref 12/00561/FUL was granted in September 2012. Works commenced on site.

This City Council Scheme covers the matters that were reserved by the hybrid permission but submitted as a full application to include some other material changes, most notably to the site access (2 lanes in, rather than 1) and an alternative drainage strategy removing the balancing pond. Planning permission is still sought for a Park and Ride facility (providing 664 spaces) with a single-storey passenger waiting building of around 250sqm and canopy structure for weather protection. Access to the Park and Ride facility from the eastern arm of the roundabout underneath the M275 has been reconfigured to provide two lanes 'in' (one for buses only and a separate one for cars). There is now proposed to be an emergency only access in the south-eastern corner of the site. The application site also includes a maintenance access route adjacent to the east of the M275.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS1 (Tipner), PCS12 (Flood Risk), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and Conservation).

The National Planning Policy Framework recognises the important role that transport policy plays in facilitating sustainable development but also in contributing to wider sustainability and health objectives, encouraging solutions which support reductions in greenhouse gas emissions and reduce congestion.

The wider policy context includes the Transport for South Hampshire's Local Transport Plan3 (LTP3). Policy F of LTP3 seeks to develop strategic sub-regional approaches to management

of parking to support sustainable travel and promote economic development. This policy states that "Park and ride sites offering lower cost parking than in urban centres can help reduce congestion and address poor air quality in the centres" and comments that a park and ride network will help achieve the outcomes of improved journey time reliability for all modes, improved air quality and environment, and reduced greenhouse gas emissions.

In 2008, consultants were commissioned to investigate future transport options for the Western Corridor to support the proposed growth within the city. The study has been used to inform and influence the development of LTP3 and the core strategy. The Preferred Strategy Development in the final report (June 2010) includes the M275 Tipner Interchange and public transport improvements; development at Tipner requires the Tipner Interchange to allow access, which is also the mechanism for implementation of Park and Ride and improved bus access.

The aim of policy PCS1 (Tipner) of the Portsmouth Plan is to revitalise and transform the Tipner area, identifying the requirement for additional infrastructure. When the supporting infrastructure is available, the policy supports delivery of a Park and Ride facility of between 900-1,800 spaces and highway infrastructure to link the new development with the planned slip roads and integrate the area with the existing communities at Stamshaw, in a way that minimises through traffic.

CONSULTATIONS

Highways Agency

Notice is given that the Secretary of State for Transport directs a condition be attached to any planning permission which may be granted - "No public use of the Park and Ride facility shall take place until there has been submitted to and approved in writing by the Local Planning Authority the details specifying the following: The precise siting, height and appearance of the padlocked removable bollards, including any railings or other barriers (designed to prevent unauthorised access) across the emergency access in the south eastern corner of the site as depicted on general arrangements drawing 461757-P&R-0100_RevH. The development shall be carried out in accordance with the approved removable bollard measures, including railings or other barriers, and all these measures shall thereafter be retained."

Environment Agency

The EA consider that planning permission should only be granted to the proposed development as submitted if planning conditions are imposed; without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. The conditions relate to finished site levels constructed to +4.3m AOD and further information on surface water drainage, to include details of how the scheme shall be maintained and managed after completion; details of long term storage to cater for the potential tide locking of the system to be approved; details of how any off site drainage to the existing lagoon will be managed to be approved.

Land levels are to be raised to a minimum of 4.3m AOD. This level will affectively provide a freeboard of 400mm above the 1 in 200 year tide level for the year 2085, which is considered acceptable. Although the site itself is unlikely to flood in the design tide event it is possible that access and egress from the site could be hampered. The EA advise consideration of flood warning and evacuation procedures for the site to ensure that users of the site are not put at risk during a flooding event. A drainage strategy has been provided but requires details of storage volumes and how off-site drainage entering the existing lagoon will be managed. Following a site meeting in March 2013, the principle of draining surface water runoff to the tidal creek was agreed with the EA. Although an attenuated rate to tidal waters is not required at this location, it was advised that sufficient on-site storage should be provided to ensure that if tide locking of the system occurs runoff from the 1 in 30 year storm, in combination with the 1 in 200 year tide level, can be contained within the system. Buildings, access routes and off site areas should not be at risk of flooding from the drainage system for storms up to and including the 1 in 100 year 20% event in combination with a 1 in 200 year tide. It was noted during the site meeting that the existing lagoon located in the north-west corner of the site was receiving water from off-site areas. The proposal to remove this lagoon was discussed and the EA considered any proposal

to do this would need to demonstrate that the existing drainage from off-site areas could be adequately managed. The drainage strategy for the Park & Ride scheme must provide details of how off-site drainage is going to be managed to ensure that flood risk to these areas is not increased.

Natural England

No objection, subject to conditions (no percussive piling or works with heavy machinery undertaken during the bird overwintering period) given bird sensitivities in the area and need to minimise disturbance to overwintering and nesting birds.

Southern Water

Details are indicated of a public sewer within the site, the exact position of which should be determined by the applicant, and require that: no development or tree planting should be located within 3m either side of centreline of the public sewer; no new soakaways should be located within 5m of a public sewer; and, all existing infrastructure be protected during the course of construction works.

EPPS - Contaminated Land Team

No objection raised subject to conditions: for approval of gas protection measures to the passenger waiting building and for verification of the approved remediation strategy implemented for both the park and ride facility and for the passenger waiting building.

EPPS - Pollution Team

The noise impact assessment and conclusions presented by Atkins are agreed; due to the proximity of the M275 motorway, which is the dominant noise source, the operation of a park and ride scheme in this area will have a negligible noise impact upon the local residential properties.

Crime Prevention Design Advisor

The comments are made with reference to crime prevention. The proposed layout works fairly well, although the access is confusing therefore appropriate signage is recommended to ensure the smooth flow of traffic. The proposal indicates good boundary treatments and the installation of Closed Circuit Television (CCTV) cameras. It is recommended that these CCTV cameras are monitored at Portsmouth City Council's CCTV control room. Any planting should be such that it does not obscure the natural surveillance across the car park. Careful consideration will have to be given to the planting of trees to ensure that as the mature they do not restrict the view of the CCTV cameras. To provide for the safety and security of those using the facility both a help point and CCTV cameras should be provided within the passenger waiting facility. The proposed lighting will have to be designed to work in conjunction with the CCTV cameras.

Highways Engineer

The proposed Park and Ride facility will be accessed from a grade-separated interchange on the M275 at Tipner, which was the subject of a separate planning application in December 2009 (ref 09/01568/FUL). This was granted permission in April 2010. Work is currently underway on the Interchange with completion due in spring 2014. The principle of a Park and Ride was previously permitted by a "Hybrid planning application comprising detailed planning application for a park and Ride facility and outline application for a single storey passenger waiting facility; together with access, landscaping, boundary treatment and associated works" (ref 12/00561/FUL) in September 2012. A key revision from the permitted scheme is the removal of the balancing pond in the north-west corner of the site. This has enabled the internal layout of the site to be reconfigured for better circulation and to improve landscaping. The capacity of the proposed Park & Ride is 664 spaces (11 of which are designated for disabled/parent & toddler and 5 for electric car charging spaces).

The eastern arm of the roundabout underneath the M275 at the Tipner interchange will form the main access to the site and the only access for general traffic. The previous hybrid permission proposed a single lane into the facility shared by buses and cars. This has now being re-configured to provide two lanes, one for buses and a separate one for cars. This arrangement will give bus priority on entering and exiting the site and prevent any possible queuing onto the slip roads. There will be emergency - only access in the south eastern corner of the site. The previous application proposed rising bollards in this location to allow bus access as well, however this has now been revised. Padlocked removable bollards on the northern and southern lanes are to be installed that can be removed in the event of an emergency. These

bollards will ensure the Park & Ride is only accessible from the new Interchange with no through route, to prevent rat-running through the surrounding residential area. Access to the Harbour School and adjacent boat yards west of the M275 would only be via the motorway and the new interchange.

Parking Layout:

The Park & Ride facility is to provide 664 parking spaces including 11 disabled spaces. Standard car parking bays will be provided at 2.4m x 4.8m and disabled bays provided at 3.6m x 4.8m with aisle width of 6m. Footways are provided at 2m to and from the central bus area and broadening to 8m. Three bus stands are provided with bus set-down and pick up areas. For cycle parking 10 x Sheffield hoops are to be installed, located at the proposed waiting facility. A new single storey passenger waiting facility is to be constructed comprising waiting rooms with seating for 30 passengers and an electronic signage/information system

Lighting & CCTV are provided around the site and on access roads. The hours of core operation are to be 7am- 11pm hours.

A road safety audit Stage 1 & 2 (combined) was carried out on the proposed Park and Ride in June 2013 and road safety implications identified together with recommendations to overcome the problems.

All problems identified have been addressed except the lack of pedestrian routes that connect to the bus terminal. On balance the number of parking spaces is significant to the Park & Ride scheme and the lack of additional pedestrian routes is unlikely to have a detrimental impact on the proper functioning of the Park & Ride scheme and would not be sufficient to justify withholding permission on highway grounds. No objection raised subject to the provision and retention of the approved parking layout.

Coastal Defence Engineer

The Coastal Partnership has no objection to the proposed development as submitted. The applicant has submitted a comprehensive flood risk assessment, the conclusions of which we find acceptable. The remediation proposed for the site will involve capping over the current ground. This will raise site levels up to 4.3m AOD. For your information the present day 0.5% probability (1 in 200 year) extreme tide level for Portsmouth Harbour is 3.2m AOD and the 0.5% probability (1 in 200 year) extreme tide level for this area in the year 2115 is 4.3 m AOD.

REPRESENTATIONS

Two representations have been received raising objection to the proposal on the following grounds: (a) submitted documents do not clarify how the site will look from the road with the fencing shown; (b) the proposed ditch on the site will collect detritus and weeds; (c) the passenger building does not appear to have adequate shelter for those waiting, in particular for those with small children, pushchairs and the less ambulatory with wheelchairs; (d) safeguarding of privacy and litter thrown into nearby gardens, and; (e) hours of operation of the park and ride facility minimising noise late in the evenings.

A letter of support has been received from The Portsmouth Society who are in favour of park and ride as an option to reduce town centre traffic and the passenger waiting centre design, together with the grey water harvesting and the concealed solar panels.

COMMENT

The determining issues are the principle of the development of park and ride at this location, highways impact, design of the passenger waiting facility and environmental implications (noise, air quality, flood risk).

Principle of development

The principle of a park and ride facility was considered acceptable in this location, to accord with policy in LTP3 and the Portsmouth Plan, following the grant of the hybrid permission in September 2012. As outlined in the previous application ref 12/00561/FUL, to improve accessibility of the Tipner site and ensure it is a sustainable location for new development, public transport links to the city centre are needed and policy PCS1 (Tipner) identifies infrastructure necessary to successfully deliver the regeneration of this gateway location as including a park and ride facility, served by the new motorway (M275) junction and bus priority lane on the M275 heading south from the new interchange. Policy PCS1 requires highway infrastructure to link the new development with the planned slip roads and integrate the area with the existing communities at Stamshaw, in a way that minimises through traffic; the latter issue is covered in the following highways section.

Highways impact

The previous application was accompanied by a Transport Assessment. The Highways Agency considered that the proposed development will not cause a significant material impact on the safe and efficient operation of the Strategic Road Network.

Access to the Park and Ride facility would still be directly from the new Tipner Interchange on the M275, from the eastern arm of the roundabout underneath the motorway; a key design change now seeks to reconfigure the access to provide two lanes 'in' (one for buses only and a separate one for cars). It would give priority for buses entering and leaving the site. An additional access in the south-eastern corner of the site was to be restricted to buses only but is now proposed to be an emergency only route (rather than a bus-gate). The provision of fixed bollards, removable in an emergency, would still prevent rat-running through the surrounding residential area. It is recognised that an emergency only route would prevent local vehicular traffic directly accessing the west side of the M275 via Tipner Lane (east side). However, preventing rat-running through Tipner Lane whilst maintaining an alternative emergency route is still considered to outweigh implications on the highway network of re-routing local traffic movements along Stamshaw Road, Rudmore roundabout, M275 (northbound) and the new Tipner junction to access the west side of the M275.

The application site also includes a maintenance access route adjacent to the east of the M275.

The highways authority raises no objection and considers the proposed park and ride facility in this location would be integrated into the wider highway and bus networks, increase the opportunities for sustainable travel to and from the city centre and be unlikely to have a detrimental impact on the highway network.

Design for the site and passenger waiting facility

The proposed bus set-down and pick-up area, with three bus stands, is designed to be conveniently located as centrally as practicable within the site to minimise walking distances between car and bus. The building is an irregular shape and flat-roof design, with an array of photovoltaic (PV) panels, concealed behind the parapet of the building envelope cladding. The canopy has a green roof system comprising a Sedum planted section orientated so that it faces the direction of motorway and car parking as well as further solar PV panels. The height of the parapet would be the tallest point and not be any higher than the adjacent residential housing roofs. The canopy roof would be lower than the building parapet, and the underside of the canopy positioned 3.6m from the ground level of external waiting area.

Siting of the passenger waiting facility was approved in the previous hybrid application in a position designed to reduce the visual impact on the surrounding landscape, and allow vehicular and pedestrian traffic to flow around it. The building is essentially in the same location (although now has an irregular rather than rectangular shaped footprint) set-in 10m from the eastern site

boundary and natural screening proposed around the perimeter, to reduce its visual impact to the adjacent residential area. A comprehensive landscaping and lighting strategy would be carried out as part of the proposal; the accompanying landscape scheme is characterised by native woodland planting that includes 159 trees across the site. External feature lighting would illuminate the facade of the building at night, concealed within the high and low level durable cladding flashings. The landscaping layout at the perimeter of the site and implications of integrating the proposed security fencing to enclose the site was raised by members to the previous hybrid scheme. The alignment and type of fencing is clarified as part of the current application, designed as powder-coated (black) weld-mesh up to 2.43m high on posts at 3m centres.

The detailed design is considered to present a passenger waiting facility together with the further developed landscape and lighting strategies that would form an appropriate solution for the site and would create a park and ride facility that contributes to the strategic objectives for the regeneration of the Tipner area.

Environmental implications

The site is within the floodplain. Adjoining land providing the slip roads and junction for direct access to the site is proposed to be raised to a minimum level of +4.5m AOD under the bridge of the new Tipner Interchange (by planning permission ref 09/01568/FUL). Another previous permission (ref 11/00363/FUL) of which the application site forms a part, facilitated demolition, remediation and land raising across the wider Tipner regeneration area. This permission provided for a cleared and raised site, to a minimum of +3.7m AOD. The development is being carried out to a finished level of +4.3m AOD, in accordance with the advice of the Environment Agency.

Another key change to this proposal relates to an alternative drainage strategy for the site that has been developed in negotiation with the relevant stakeholders. The main revision from the hybrid permission is the removal of the balancing pond in the north-west corner of the site. The installation of a site specific drainage system means that the balancing pond is no longer required enabling adjustment of the internal parking layout, improved site circulation and a more comprehensive landscaping solution where the difference in ground levels between the raised site at +4.3m AOD and the surrounding area would now be graded (rather than requiring support by a retaining structure, as originally intended).

Having regard to the proximity of the M275 motorway, which is the dominant noise source, Public Protection advise that the operation of the proposed park and ride facility will have a negligible noise impact upon the local residential properties. As for possible local air quality impact based on the approaches adopted by the applicants it is considered that the conclusions are satisfactory and appropriate.

Although policy PCS15 (Sustainable design and construction) requires all new development in Portsmouth to contribute to addressing climate change, the application of BREEAM standards relates to net floorspace of more than 500sqm for non-domestic development. For this proposal existing site utilities will be used for the building (other than the requirement for a new substation located in south-east corner) and fibre optics for broadband connection. However, the requirement for power and water supplies has been reduced by the inclusion of rainwater harvesting, photovoltaic panels and a ground source heat pump.

Conclusions

The principle of provision of a park and ride facility improving public transport links to the city centre at a sustainable location, served by the new motorway (M275) junction and bus priority lane on the M275 heading south from the new interchange, as part of the necessary infrastructure to successfully deliver the regeneration of this gateway location has previously been accepted. The development would not cause a significant material impact on the safe and

efficient operation of the Strategic Road Network. Reconfiguration of the site access, including two lanes 'in', represents an improvement that will give priority for buses entering and leaving the site. The detailed design is considered to present a passenger waiting facility and landscaped setting to the parking facility that would form an appropriate solution for the site. The proposal is therefore in accordance with policies PCS1, PCS12, PCS14, PCS17 and PCS23 of the Portsmouth Plan and saved policy DC21 of the Portsmouth City Local Plan, in addition to the wider aims and objectives of LTP3.

RECOMMENDATION Conditional Permission

Conditions

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the schedule of approved drawings/numbers:

Site:

- OS based site location plan 1:2000
- Figure 1 Rev C00 P&R Site Layout Plan 1:2500
- Figure 2A Rev C00 P&R Site Layout Plan 1:1000
- Figure 2B Rev C00 P&R Site Layout Plan North 1:500
- Figure 2C Rev C00 P&R Site Layout Plan South 1:500

Passenger waiting facility:

- TJA-0900 Rev 3 Proposed site plan
- TJA-0-0-Rev 3 Overall ground & roof plan
- TJA-7000 Rev 3 Proposed ground floor plan
- TJA-7001 Rev 3 Proposed ceiling plan
- TJA-7002 Rev 3 Proposed roof plan
- TJA-7200 Rev 3 Proposed sections #1
- TJA-7201 Rev 3 Proposed sections #2
- TJA-7400 Rev 3 Proposed elevations
- TJA-7700 Rev 3 Architectural presentation #1
- TJA-7701 Rev 2 Architectural presentation #2

Landscape:

- 617930 5400 Rev N Landscape proposals
- 617930 5402A Context overlay
- Planting schedule Rev J
- 617930 5403 Planting proposals - North Sheet
- 617930 5404 Planting proposals - Central Sheet
- 617930 5405 Planting proposals - South Sheet
- 617930 5410 Planting detail: Trees with shrubs
- 617930 5411 Rev A Planting detail: Trees with hedge
- 617930 5412 Rev A Planting detail: Native woodland
- 617930 5416 Rev A Planting detail: Internal bed with tree
- 617930 5417 Rev A Planting detail: Internal bed with shrubs & ground cover
- Landscape & maintenance works - specification

Bollards, boundary treatment & gates:

- 461757-P&R-0100 Rev I General arrangement
- 461757-P&R-1200 Rev E Traffic Signs, bollards and road marking general arrangement
- 617930/LA/5418A Boundary section between P&R and HCA/TRC land
- Boundary treatment TRC HRA mark up
- 10J6 / 01060 Jacksons weldmesh fencing
- J6/04031_1 of 3 Jacksons weldmesh (double) gates
- J6/04301_2 of 3 Jacksons weldmesh (single) gate

Lighting & CCTV:

- 461757-P&R-1300 Rev F Lighting layout
- SW/TPR/01 CCTV layout

Drainage:

- TIPNER-P&R-500, Rev E Drainage Strategy

2) The development (Park & Ride) hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person detailed in the agreed remedial method statement for the site (Tipner Park & Ride, Detailed Remediation & Construction Method Statement, Halcrow, 25 April 2013) that the remediation scheme detailed in the agreed remedial method statement has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme
- b) photographs of the remediation works in progress
- c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved in the agreed remedial method statement for the site.

3) The construction of the passenger waiting facility building shall not commence until a detailed scheme for remedial measures to be undertaken to mitigate risks from gases when the site is developed, and proposals for future maintenance and monitoring, has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4) The passenger waiting facility building hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3 that any remediation scheme required and approved under the provisions of condition 3 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) quality assurance/quality control certificates for the installation works.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3.

5) No public use of the Park and Ride facility shall take place until there has been submitted to and approved in writing by the Local Planning Authority the details specifying the following: The precise siting, height and appearance of the padlocked removable bollards, including any railings or other barriers (designed to prevent unauthorised access) across the emergency access in the south eastern corner of the site as depicted on general arrangements drawing 461757-P&R-0100_RevH. The development shall be carried out in accordance with the approved removable bollard measures, including railings or other barriers, and all these measures shall thereafter be retained.

6) All planting, seeding or turfing comprised in the approved details of landscaping shown on drawing no617930-5400_RevM (or such alternative landscape scheme as may be submitted to and approved in writing by the Local Planning Authority) shall be carried out in the first planting and seeding season following first use of the passenger waiting building or the completion of the Park and Ride development, whichever is the sooner; and 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.

7) The proposed floodlighting, CCTV provision and security weld-mesh powder-coated fencing (in black) shall be carried out in accordance with the approved scheme (or such other details/finish or fence alignment or repositioned lighting/CCTV columns as may be submitted to and agreed in writing with the Local Planning Authority) before the Park and Ride facility is first brought into use.

8) The single-storey building hereby permitted for use as a passenger waiting facility shall remain ancillary to the primary use of the site as a park and ride facility. If any snack bar/cafe is proposed to be provided to serve waiting (park and ride) customers then at no time shall any cooking process be carried out on the premises other than the heating of food in a microwave oven, toasting of bread, and preparation of hot beverages; any ancillary snack bar/cafe premises shall be closed to the public outside the hours of 7am to 11pm daily.

9) Finished ground level at the site shall be constructed and retained to a design level of at least +4.3m AOD.

10) A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall also include details of:

- how the scheme shall be maintained and managed after completion;
- long term storage to cater for the potential tide locking of the system; and,
- how any off site drainage to the existing lagoon will be managed.

The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.

11) No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dBA Lmax - measured at the sensitive receptor) to be undertaken during the bird overwintering period (ie 1st October to 31st March inclusive), unless the existing noise level measured from the sensitive receptor already exceeds 69dBA Lmax; in which case, no such works shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the sensitive receptor.

The reasons for the conditions are:

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) To ensure all land contamination risk associated with the site are remediated to an appropriate standard in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 3) To ensure all land contamination risk associated with the site are remediated to an appropriate standard in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure all land contamination risk associated with the site are remediated to an appropriate standard in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure well designed vehicle control measures that promotes sustainable travel to and from the city centre but prevents rat-running through the surrounding area and queuing back onto the M275 by cars waiting to access the Park and Ride facility, to maintain the safe and efficient operation of the Strategic Road Network, in accordance with policies PCS1, PCS17 and PCS23 of the Portsmouth Plan.

- 6) To secure an appropriate appearance of the site in the interests of visual amenity and to create a quality environment that promotes sustainable travel to and from the city centre, in accordance with policies PCS1, PCS17 and PCS23 of the Portsmouth Plan.
- 7) To secure a safe and welcoming site for visitors that promotes sustainable travel to and from the city centre, balancing a quality environment with a secure perimeter in the interests of visual amenity and to minimise any impact on the amenity of adjoining occupiers, in accordance with policies PCS1, PCS17 and PCS23 of the Portsmouth Plan.
- 8) To ensure no unacceptable adverse impact upon residential amenity of the occupiers of neighbouring properties by any potential requirements for refreshment services (beyond vending machine provision) to waiting park and ride passengers, in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To address potential risk to the site from tidal inundation, in accordance with policies PCS1 and PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 10) To prevent the increased risk of flooding, both on and off site, in accordance with policies PCS1 and PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To protect the nearby overwintering bird habitats which form part of the Portsmouth Harbour Site of Special Scientific Interest (SSSI), part of the Portsmouth Harbour Special Protection Area (SPA) and a Wetland of International Importance under the Ramsar Convention (Ramsar Site) in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.

NB This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

05 12/00422/VOC

WARD:St Thomas

Wheel Of Fortune Building Clarence Esplanade Southsea

Application to remove Condition 3 attached to 10/00725/FUL which restricted the use of the flats to employees of Billy Manning Ltd

Application Submitted By:

Billy Manning Ltd

RDD: 18th April 2012

LDD: 17th July 2012

This application was deferred by the Planning Committee on 18 July 2012 to enable the applicant to submit suitable evidence to show whether an acceptable living environment and potential mitigation for the cumulative harm in this location might prove capable of being achieved.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The Wheel of Fortune is located at the western end of Clarence Esplanade and comprises a part two-/part three-storey building with an amusement arcade at ground floor level, and a former amusement facility that has since been removed at first floor level and is currently being converted to form five apartments. A manager's flat is located at second floor level. To the rear of the building lies a pirate-themed crazy golf course and to the north a terrace of single-storey commercial premises used for cafe/take-away hot food purposes. A funfair, incorporating a number of rides, and the Golden Horseshoe Amusement Arcade, incorporating other cafe/take-away hot food facilities, is situated to the south and south-east of the site. The Portsmouth-to-Ryde hovercraft terminal is located some 100m to the south-east which runs a service from early morning to late evening. The highway in front of the premises has an external seating area and as Clarence Esplanade turns north to the roundabout junction with Long Curtain Road and Pier Road it incorporates bus stop islands. Whilst this building, the Golden Horseshoe Amusement Arcade, fun fair and land to the west and east fall within Flood Zone 2 they are flanked by lower ground levels falling within Flood Zone 3. This area also falls within the Seafront Conservation Area 10.

Planning permission was granted in November 2011 for the conversion of the first floor of the building to five apartments. Due to the relationship of the proposed flats to commercial premises a condition was imposed limiting the occupation of the building to those employed by Billy Manning Ltd. The reason for the condition was as follows;

'Having regard to the relationship of the flats hereby approved to the adjoining and nearby commercial premises that would otherwise have an impact on the living conditions of the future occupiers of the flats it is considered that unrestricted occupation would be contrary to policy DC5 of the Portsmouth City Local Plan 2001-2011.'

Such a condition, which linked the economic interests of the future occupiers to the overall use of the adjoining leisure facilities and was accepted by the applicant at the time, addressed the harm arising from an unrestricted occupation of the proposed development. Without such a condition the proposed development would not have been capable of support.

Having implemented the permission the applicant subsequently submitted this application to remove the restrictive condition on the basis it has not been possible to secure occupation of the proposed flats and the applicant would now wish to offer them on the open market.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS9 (The seafront).

The Supplementary Planning Document 'Seafront Masterplan' sets out the city council's vision for the coastal area from Gunwharf Quay to Fort Cumberland. The Masterplan recognises that the comprehensive redevelopment of Clarence Pier presents a fantastic opportunity to strengthen the role of this area as a destination for visitors. It is the one major redevelopment opportunity that could attract significant new private sector investment into the Seafront area.

A number of buildings in the vicinity of the Pier could provide a range of new attractions and recreation opportunities that generate activity and 'bring life' to the area during the day and evening, throughout the year. High quality public spaces are also important and should promote ease of movement through the site, connecting Long Curtain Moat to the west with Southsea Common to the east. The mix of uses at Clarence Pier could include hotels (with associated conference facilities), cafes / restaurants, gallery spaces, music / performance spaces, amusements and other leisure uses, and a new hovercraft bus terminal and transport interchange. Funfair rides could also form a main attraction. Active ground floor uses, such as high quality restaurants / cafes, amusements and small retail concessions will play a particularly important role in enlivening routes and public spaces. The council may support some residential development where it can be clearly demonstrated that it is required to ensure the financial viability of comprehensive development and help to deliver other uses that contribute to

economic growth. There will, however, remain considerable challenges to be overcome in respect of securing planning permission for an element of residential use of the site. New residential (and hotel) development must mitigate against the impacts of noise from both the hovercraft and adjoining leisure uses. Mitigation could be explored through the design of buildings and/or the arrangement of different uses on the site.

CONSULTATIONS

EPPS - Pollution Team

It is the view of the Environmental Health Team that it does not make sense to allow noise-sensitive development to be permitted where the protection of the future inhabitants from noise is uncertain.

Through the communications, as presented below within the chronology, it is clear that our opinion differs from that of the applicant's acoustic consultant. It occurs to us however that the applicant has failed to demonstrate a reasonable degree of certainty which may positively assist the Committee when reaching a decision as to the suitability of this application. Whilst we consider that the site is suitable for tied accommodation by residents who have a vested interest in the location, we remain unconvinced that the location is suitable for use by residents who are not economically tied to the vicinity.

The Committee should be aware that, should permission be granted it does not itself sanction the generation of a nuisance to the future occupiers of this development. The grant of permission followed by its implementation in this case might however fundamentally change the character of the locality. If the character of a locality is changed, then whether a particular activity undertaken in the vicinity could constitute a nuisance must be determined in light of its changed character. This might mean that otherwise offensive activities cease to constitute a nuisance and therefore residents affected may have no recourse through the enforcement provisions of preventative nuisance legislation.

While granting this permission cannot defeat the rights of the new occupiers or the law of nuisance it is likely that should such matters be the subject of judicial review those giving consideration to such issues may be reluctant to restrict businesses which have planning permission and are conducting their businesses in accordance with any operating conditions.

As has been reported in previous responses to this application, the proposal site is located above and beside two amusement arcades, a hovercraft terminal with planning permission for hours beyond those currently being used, a funfair, a café and a fast food venue all with the acute potential to cause a range of nuisances to the development site. All of these businesses have the requisite consents to operate and have done so without the risk of interference from nearby sensitive premises for many years.

Whether any permission will alter the character of this locality is a question of fact and not a matter to be decided by us, however it is likely that the impact made by the implementation of this permission is likely to change the character of the locality and therefore the Committee may wish to give consideration to this fact and its implications within their deliberations.

Irrespective to any change to the character of the location, it could be argued that any future resident of this development could not rely on a lack of prior knowledge when moving into the area particularly where the existence of the potential nuisances are so readily discoverable. The Committee may therefore be of the opinion that potential purchasers would themselves be able to focus on the area and decide upon its suitability prior to acquiring a property. That said purchasers could reasonably have expected the local planning authority to have ensured that the levels of acoustic protection provided by the building envelope could provide a consummate degree of protection in order to provide a suitable living environment prior to occupation.

Chronology

18th July 2012 - Planning Committee considers application 12/00422/VOC. Determination of application is deferred to allow the applicant to submit suitable evidence to show whether an acceptable living environment and potential mitigation for the cumulative harm in this location might prove capable of being achieved.

3rd August 2012 - Email from Richard Lee to Jill Norman to clarify the kind of information that might be useful to the Committee in forming its decision.

17th December 2012 - Report (ref 11506A, dated 8-11/11/12) received from Airtight and Noisecheck Limited detailing a 72 hour noise monitoring exercise and predictions of the noise environment in the proposed dwellings.

11th January 2013 - An email response was sent from Environmental Health to the Agent requesting clarification on several points in the report ref 11506A.

25th February 2013 - Response received from Airtight and Noisecheck Limited via the Agent in respect of the queries raised on 11th January 2013.

27th March 2013 - An email response was sent from Environmental Health to the case officer detailing concerns regarding the content of Airtight and Noisecheck Limited's presentation of acoustic data as well as seeking further clarification on constructional detail.

24th April 2013 - An email response was received from Airtight and Noisecheck Limited via the Agent. The email contained further clarification of constructional detail and an explanation of the previously presented acoustical data.

29th April 2013 - An email response was sent from Environmental Health to the Agent via the case officer to confirm that Airtight and Noisecheck Limited had incorrectly presented acoustic data.

30th May 2013 - Environmental Health receive a Supplementary report from Airtight and Noisecheck Limited via the Agent and the case officer. The report (dated 23rd May 2013) corrects the previous improper presentations of acoustic data as well as reworking the presentation of information from the initial report from December 2012.

2nd July 2013 - Environmental Health respond by email to the case officer to the May report. Further inaccuracies by Airtight and Noisecheck Limited in acoustic data presentation are pointed out as well as differences of opinion in the weight to be given to academic reports.

15th July 2013 - A further report received by Environmental Health (entitled Further Information - Wheel of Fortune). The report includes additional re-workings of the data correcting the errors of the May report.

6th August 2013 - Email from Environmental Health acknowledging the further re-workings but also exposing new miscalculations / discrepancies in Airtight and Noisecheck Limited's approach to the subject. On this occasion the calculations included much improved sound reduction for the constructional elements thus creating a more favourable view of the proposal on which no reason was given.

Conclusion

It is the opinion of the Environmental Health Team that, despite the numerous reports submitted, the applicant has not been able to achieve a reasonable degree of certainty that the accommodation will effectively mitigate the impact of surrounding sources to satisfactorily protect the amenity of future residents. The Environmental Health Team has, however, through the use of raw data supplied by the applicant predicted an interior noise environment that will not

achieve the World Health Organisation's Guideline Values by a significant margin. It is for this reason we remain unable to support the application.

REPRESENTATIONS

Three representations objecting to the application have been received at the time of the preparation of this report. One on behalf of the Friends of Old Portsmouth [FOOPA], one from a resident who sits on the FOOPA committee, and one from a resident of Grand Parade. In summary those objections are on the grounds that the provision of unrestricted living accommodation would set a precedent, hovercraft noise is already a problem to Old Portsmouth residents and would be worse in this location, and whilst the building would have to be highly insulated no resident would want to live in a sealed apartment.

One letter of support has been submitted by the tenant of the manager's flat indicating that; (a) noise levels offer little intrusion to the ability to go about everyday life in the flat, (b) the bus interchange has little or no effect, and whilst "boy racers" were a problem this is now only a "once on a blue moon" occurrence; (c) there are no odours from fish and chip shops, and (d) this is actually a relatively quiet place to live with any raised noise levels during the day when tolerance and expectations are higher but still within levels suitable not to have too great an effect on everyday life.

COMMENT

The determining issue in this case would be whether an acceptable standard of living environment would exist if the flats were occupied by persons not employed by Billy Manning Ltd.

This building is located within an area devoted to leisure and tourism and features outdoor amusements, arcades, play areas and a number of food outlets which operate until very late in the evening particularly through the summer season. Whilst a motel lies a short distance away to the north east, with an associated public house, there is no permanent residential accommodation in this part of the Seafront other than an employee's flat within the application site. Adding to the general level of activity in this vicinity is the Hovercraft Terminal providing a regular service to the Isle of Wight. Both the Seafront Masterplan and the Portsmouth Plan recognises the importance of this area for leisure purposes. While the Masterplan indicates that a residential use may prove acceptable, where it can be clearly demonstrated that it is required to ensure the financial viability of comprehensive development and help to deliver other uses that contribute to economic growth, there would be considerable challenges to mitigate against the impacts of noise. At paragraph 123 of the National Planning Policy Framework it states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life arising from new development.

There are a mix of noise and odour sources in close proximity that would have an impact on the proposed use of the first floor of the building for residential purposes, and given the nature of the surrounding uses should the future occupiers of the proposed residential accommodation raise concerns over noise and odours there would be little opportunity to remedy noise or odour nuisance without significantly affecting the primary use of the area for leisure and food and drink purposes. The conversion scheme that has been approved involves the provision of a significant proportion of glazing and would rely on the ability to open windows and doors to provide ventilation to achieve heat loss when necessary. Such occasions are likely to occur when the area is busy. Notwithstanding that the glazing system which has been installed would provide a less than satisfactory reduction in noise levels when shut, this situation would be made worse by the occupiers of the proposed flats needing to open windows and doors to overcome the lack of a mechanical ventilation system. Had the scheme been for a new build then it could have been designed and built to address these issues.

Following the deferral of this application the applicant's acoustic consultant has endeavoured to provide such evidence to demonstrate that the occupiers of the proposed flats would not be subject to unacceptably high noise levels. It is clear from the information that has been submitted by the acoustic consultant noise levels from activities within the vicinity of this site are comparatively high, and that noise levels within the proposed flats would, similarly, be at an inappropriately high level, particularly at times of the day when noise levels should be sufficiently low to enable undisturbed sleep. This would reinforce the initial conclusion that given the relationship of the proposed flats to noise-generating uses that are able to commence before 6am and extend beyond and through the late evening, this would not provide an acceptable standard of living environment for future occupiers.

Having regard to the views of the Public Protection officer, it is considered that use of the first floor of this building to provide general needs housing would not in these circumstances be appropriate. Furthermore, whilst the applicant has indicated that it would prove difficult to occupy the flats in accordance with the planning permission, no other evidence has been put forward to support the application. Furthermore, as outlined in the Masterplan this proposal would not be required to ensure the financial viability of comprehensive development and help to deliver other uses that contribute to economic growth. The imposition of condition 3 of planning permission 10/00725/FUL was considered necessary to address the harm that would arise from unrestricted use of the accommodation. In the context of the comments of the Public Protection officer it is considered that there would not be sufficient grounds in planning terms to permit the removal of this condition and that there are no other material considerations to outweigh the harm that would arise from unrestricted occupation.

RECOMMENDATION Refuse

The reason for the recommendation is:

Having regard to the nature and character of uses within the vicinity of this site it is considered that the removal of condition 3 of planning permission 10/00725/FUL, to enable unrestricted occupation of the proposed flats, would give rise to an unacceptable form of development in that the surrounding and nearby uses would result in an unsatisfactory living environment and poor quality of life. The proposal would therefore be contrary to policy PCS23 of the Portsmouth Plan and the objectives of the National Planning Policy Framework which seeks to avoid significant adverse impact on health and quality of life by noise.

06 13/00989/FUL

WARD:St Thomas

Fontenoy House Grand Parade Portsmouth

Construction of single storey extension to roof to form 2 flats to include raising of existing parapet wall, installation of balustrading and extension to existing external fire escape (Re-submission of 13/00536/FUL)

Application Submitted By:
Pikeplanning

On behalf of:
Five Cities Investments

RDD: 6th September 2013
LDD: 4th November 2013

This application has been called to Committee by Ward Councillor Wood.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The application site comprises the curtilage of Fontenoy House, a three storey block of eight flats located in a prominent position on the south-western side of the junction of High Street and Grand Parade. The site is located within Old Portsmouth Conservation Area and the Indicative Floodplain (Flood Zone 3). The site is adjacent to a number of designated heritage assets, the most significant of which are the Grade II Listed number 63 High Street located to the west of the site, the Grade II Listed number 60 High Street located to the north-east (on the opposite side of Grand Parade) and the Grade II Listed telephone box located adjacent to number 60. The site, due to its siting, is also forms part of the wider setting of the Scheduled (Ancient Monument) Square Tower and the Grade I Listed Cathedral Church of St Thomas.

Planning permission is sought for the construction of a single storey roof extension to form two flats and alterations including the raising of the existing parapet wall, the installation of balustrading and the extension of an existing external fire escape.

The most relevant elements of the planning history of the site are planning permission A*16233/E granted in November 1954 for the erection of 8 flats and planning application 13/00536/FUL which sought planning permission for a similar development that was withdrawn in July 2013 to allow amendments to be made to address concerns raised by officers.

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), PCS21 (Housing Density), PCS23 (Design and Conservation).

The Council's published Conservation Area guidelines of Old Portsmouth are relevant to this proposal. The NPPF and the Residential Car Parking Standards, Sustainable Design & Construction and Housing Standard SPDs are also of relevance to the proposed development.

The Council's published Conservation Area guidelines describe Grand Parade as "a formal-looking three-sided city square whose hard landscaping is now primarily used for car parking. Grand Parade was, in the 18th and 19th Centuries, the most fashionable address in Old Portsmouth. The eastern side is lined by listed 19th Century 3-4-storey buildings, while the western side consists entirely of postwar rebuild". The guidelines recognise that "as a result of damage incurred during the Second World War, much of Old Portsmouth consists of architecturally indifferent buildings built during postwar decades, but due to the deference displayed to the scale, vernacular, historic street pattern and grain of development incumbent in the area, the overall visual appearance remains pleasing, and even weaker parts are still markedly superior to other urban areas characterised by post-war building".

CONSULTATIONS

Coastal Defence Engineer

No comments to make

EPPS - Pollution Team

In response to the previous application concerns were raised regarding the impact from the neighbouring Wellington PH with regard to noise and odour on the amenity of the proposed residential use. In particular attention was drawn to the potential impact from noise and odour associated with the kitchen extraction system. In response these concerns the plans were altered to afford better protection to the proposed residents. These improvements include: a fixed-shut window on the south-west façade serving the central lounge/diner replacing the double sliding doors; replacement of double sliding doors on the other lounge-diner with a single door; no other openable windows on this façade serving habitable rooms; and intermediate

doors have been added to the kitchens to prevent ingress to habitable rooms of any noise/odour associated with the Wellington PH.

With residential premises located this close to a Public House it is clear that occupants will, from time to time, experience noise or odours. This application includes an improved attempt to help design out these potential issues and subsequently we feel that this somewhat addresses the issues and allays our previous concerns.

EPPS - Contaminated Land Team

Conditions relating to contaminated land are not required

Highways Engineer

The site is located on the southern side of High Street on the corner with Grand Parade and lies in an area of medium accessibility to public transport within easy access to Portsmouth Harbour railway station and The Hard Interchange Bus Station. Bus services no.1 (daytime every 10 minutes) and no.700 (every 30 minutes) operate along Pembroke Road and service areas The Hard, Commercial Road, Fratton, Eastney, North End, Havant, Brighton and Hove.

Grand Parade falls within a residents' parking scheme area (KA Old Portsmouth) and residents of new properties would be eligible for permits, subject to capacity. There is Pay & Display (8am-6pm) in Grand Parade itself and residents' parking bays on the adjacent High Street and Broad Street.

The application site does not benefit from any off street parking and none is proposed as part of the application. (Constraints of the site are such that none can be provided). As there is no off street parking available for the occupants and no unrestricted on-street parking, it is unlikely that residents will own their own cars. There is an abundance of pay and display car parking in the immediate vicinity of the site for any visitors to the site. It is therefore considered a location where car free living would be possible without undue inconvenience.

However given that the site is within an area of high accessibility to public transport (being easy reach of bus and rail stations) it is considered that an objection on car parking standards could not be sustained.

No highways objection raised, subject to prior to first occupation bicycle storage facilities should be provided and retained.

REPRESENTATIONS

At the time of writing objections have been received from 9 local residents (including Councillor Rob Wood) and from the Friends of Old Portsmouth on the following grounds:

- a) design of proposal inappropriate and out of character;
- b) proposal will adversely affect the Conservation Area and is contrary to the published Conservation Area guidelines;
- c) adverse impact on setting of neighbouring heritage assets (including the Cathedral and Square Tower);
- d) inappropriate materials;
- e) loss of privacy;
- f) loss of light;
- g) exacerbation of existing parking problems;
- h) development would set a precedent;
- i) loss of view and property value;
- j) proposal would result in noise and disturbance affecting existing residents;
- k) development would trap noise and odour from adjacent pub.

The public consultation period for this application does not end until 4th October. Any further representations that are received following the publication of the agenda will be reported at the meeting.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is appropriate in design terms, whether it would preserve or enhance the character of the Conservation Area and whether it would affect the amenities of the occupiers or operators of neighbouring residential and commercial properties. Other issues to consider relate to whether the proposal meets policy requirements in respect of parking, flooding, housing size and sustainable design and construction.

Principle of development

The Council's published Conservation Area guidelines state that the "City Council will encourage an ideal building height of 3-4 storeys throughout the Conservation Area". Having regard to this advice and the prevailing mix of three and four storey development in the locality it is considered that the principle of adding an additional floor to the building is acceptable subject to it being of an appropriate design and it having an acceptable relationship with neighbouring properties.

Design & Heritage Assessment

The Conservation Area guidelines state that "extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape" and where "extensions are permitted they should match the existing original property in respect of design, materials and detail. The size of an extension should not overpower the original building size". The guidelines also recognize that "where large extensions are permitted, they might be better designed to complement the original, so that both can be recognised and appreciated". The guidelines make it clear that "for new build, the City Council will advocate the highest possible standards of design and architecture and will emphasise the development of buildings that add to the Conservation Area's unique qualities by respecting local scale, street patterns, elevations, features and materials". In terms of materials the guidelines state that "traditional materials such as brick, clay tiles, slates, timber, stone, lead and render would usually be preferred, although in a few situations more modern materials, such as stainless steel and glass, may be more appropriate". Furthermore the guidelines advise that "the City Council will aim to prioritise the attention paid to window design in new developments so that their appropriateness for both building and wider setting can be ensured and so that they enhance, rather than detract from, both".

The proposed roof extension is described as a 'rooftop pavilion', taking the form of a lightweight addition to the existing building. Having regard to the somewhat bland appearance of the existing building, it is considered that a contemporary design approach is potentially acceptable and could improve both the appearance of the recipient building and enhance the character and appearance of the Conservation Area. The previous design fell short of the quality expected for such a prominent site with the detailing, fenestration and proposed materials not being considered appropriate. The changes that have been made to the design are relatively subtle, however they are considered to have resulted in a significant improvement to the design. The previously proposed terracotta plates have been substituted for an off white/cream panel system which is considered to enhance the contrast between the two elements providing a more honest appearance. The height of the proposed window bays has been modestly increased creating definition of these elements and adding greater articulation and interest to the roofscape. A series of anodised aluminium spandrel panels for a number of the windows have been replaced with glazed blanked panels which are considered to provide a softer, less industrial appearance to this element of the proposal.

Having regard to the foregoing it is considered that the shortcomings in the design of the previous scheme have been addressed and overcome. The Conservation Officer is of the view that the current proposal would represent an enhancement and result in a proposal that would preserve the character and appearance of the Conservation Area.

The site is located close to a number of designated heritage assets. When viewed from the 'hot walls' to the west, the site forms part of the wider setting of the Square Tower. It is considered that the amended proposal would not result in harm to the setting of the Square Tower. It is considered that the proposal would not have any significant impact on the setting of any other heritage asset (including the Cathedral).

Impact on Amenity

The application site forms part of tight knit 'island' of development that has a perimeter block layout with some properties having rear courtyards of varying sizes. Furthermore due to the tight knit pattern of development the rear elevations of most of the properties are the subject of a relatively high degree of overlooking and benefit from restricted levels of light and outlook. Having regard to the scale and siting of the proposal it is considered that it would not result in such a significant increase in overlooking, loss of light or increased sense of enclosure that could justify a refusal on amenity grounds. The representation regard the loss of a view from a neighbouring property across the application site are noted, however in this case such matters would not be a material planning consideration. Furthermore the loss of property value is not a material planning consideration. Whilst a development of the type proposed would undoubtedly give rise to some short-term noise and disturbance, this could not be used as a reason to refuse planning permission.

The proposed flats would meet the minimum space standards associated with Policy PCS19 with all habitable rooms benefiting from an appropriate level of light and outlook. The layout of this amended scheme has taken account of concerns raised by Public Protection in respect of the adjacent Wellington Public House. It is therefore considered that the proposal would provide an appropriate standard of amenity for future occupiers.

Parking

The application site is located in a part of the City with a substantial demand for on-street parking from both residents and visitors. The site benefits from limited off-street parking in two garages to the ground floor of the existing building, however there is no scope for any additional parking to be provided as part of this application. The applicant has carried out a parking survey that they suggest demonstrates the availability of on-street parking. It is clear from the representation that there is a perception amongst local residents that there is a great demand for on street parking such that any increase in demand would be likely to cause inconvenience to both visitors and residents alike. On-street parking in the area is restricted, being 'pay and display' during the day (8am to 6pm) and residents only permit in evening (with non-permit holders being limited to two hours in the evening). It is accepted that the applicants parking survey represents a snapshot in time over a limited period and that demand for, and therefore the availability of parking will be different, especially in the summer and when events are being held in the area (e.g. at the Square Tower). However it is considered that in the absence of any robust evidence demonstrating the unavailability of parking it is considered that a refusal on parking grounds could not be justified.

Other matters

Whilst the application states that the proposal would be built to the standards of sustainability required by Policy PCS15 no evidence to support this claim has been submitted. It is however considered that this matter could be addressed through the imposition of suitably worded planning conditions.

Whilst the site is located within Flood Zone 3, it is considered that having regard to the nature of the proposal it would not give rise to any significant increase in risk to life or property from flooding.

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: 22/12/P/02; 22/12/P/07; 22/12/P/08 Rev.A; 22/12/P/09 Rev.A; 22/12/P/10 Rev. A; and 22/12/P/11 Rev.A .
- 3) No construction of the new build element of the development shall commence until written documentary evidence has been submitted to the local planning authority proving that this element of the development will achieve a minimum of level 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, one credit in issue Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.
- 4) Before any part of the new build element of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that this element of the development has achieved a minimum of level 4 of the Code for Sustainable Homes, including 9 credits from issue Ene 1, one credit from issue Hea 3 and two credits from issue Ene 8, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the local planning authority.
- 5) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 6) The flats hereby permitted shall not be occupied until the cycle storage facilities shown on Drawing No. 22/12/P/12 Rev.A (or any other equivalent facilities that may be agreed in writing by the Local Planning Authority) have been provided. The facilities shall thereafter be retained for the continued use by the occupants of the flats for that purpose at all times.

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 ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 4) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 5) To ensure the development is finished in appropriate materials that will preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

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City Development Manager
30 September 2013

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