



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 6 NOVEMBER 2013 AT 2.00 PM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Lucy Wingham
Email: lucy.wingham@portsmouthcc.gov.uk

Membership

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

Councillor Ken Ellcome
Councillor John Ferrett
Councillor Margaret Foster
Councillor Frank Jonas

Councillor Darron Phillips
Councillor Sandra Stockdale
Councillor Jacqui Hancock

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

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

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 (AI 1)
- 2 Declaration of Members' Interests (AI 2)
- 3 Minutes of the Planning Committee meeting held on 9 October 2013 (AI

3) (Pages 1 - 10)

The minutes of the Planning Committee meeting held on 9 October 2013 are attached.

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

5 Planning appeal decision at Goose on the V & A, Albert Road, Southsea (AI 5) (Pages 11 - 14)

Purpose

The purpose of this report is to advise the committee of the outcome of the appeal.

RECOMMENDED that the report be noted.

A report by the City Development Manager is attached.

6 Enforcement appeal decision relating to Cosmopolitan House, Cecil Place, Southsea (AI 6) (Pages 15 - 16)

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 Enforcement appeal decision relating to 173 Elm Grove, Southsea (AI 7) (Pages 17 - 18)

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.

8 Enforcement appeal decision relating to 129 Albert Road, Southsea (AI 8) (Pages 19 - 20)

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.

9 Planning appeal quarterly update (AI 9) (Pages 21 - 26)

Purpose

To update the committee on planning appeal decisions over the last 3 months.

RECOMMENDED that the report be noted.

A report by the City Development Manager is attached.

10 Planning Applications (Pages 27 - 62)

A report by the City Development Officer is attached.

Please note that agenda, reports and minutes are available to view on line on the Portsmouth City Council website: www.portsmouth.gov.uk

Full Council and Cabinet meetings are digitally recorded, audio only.

30 October 2013

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Agenda Item 3

Planning Committee

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 9 October 2013 at 2.00pm in the executive meeting room, floor 3 of The Guildhall, Portsmouth.

(NB These minutes should be read in conjunction with the agenda and associated papers for the meeting.)

Present

Councillor David Fuller (Chair)
Councillors Les Stevens (Vice chair)
Ken Ellcome
John Ferrett
Frank Jonas
Robert New
Darron Phillips
Sandra Stockdale
Gerald Vernon-Jackson (standing deputy for
Councillor Jacqui Hancock)
Rob Wood (Standing deputy for
Councillor Margaret Foster)

Welcome and Fire Procedure

The chair welcomed members of the public and a group of Journalism students from Highbury College to the meeting and explained the Guildhall fire evacuation procedures.

110. Apologies for absence (AI 1)

Apologies for absence were received from Councillors Jacqui Hancock and Margaret Foster. Their standing deputies Councillors Gerald Vernon-Jackson and Rob Wood were in attendance.

111. Members' Interests (AI 2)

Councillor Rob Wood declared a pecuniary interest in planning application number 6 - Fontenoy House, Grand Parade, Portsmouth - in that he is a member of FOOPA (Friends of Old Portsmouth Association), is a resident of Aquitane House, Grand Parade which is opposite the application site and was appearing as a deputation on this item. He agreed to leave the room following his deputation.

Councillor Rob Wood declared that he would be appearing as a deputation on planning application number 5 - Wheel of Fortune Building, Clarence Esplanade, Southsea - so would leave the room after making his deputation on that item and would therefore not take part in the committee debate.

Councillor Sandra Stockdale declared that she was also a member of the Friends of Old Portsmouth Association and would be appearing as a deputation on planning application number 6 - Fontenoy House, Grand Parade, Portsmouth - so would leave the room after making his deputation on that item and would therefore not take part in the committee debate.

Councillor Gerald Vernon-Jackson declared that he had a close social acquaintance with the applicant in planning application number 5 - Wheel of Fortune Building, Clarence Esplanade, Southsea - in that he knows the owners well. In declaring that personal and prejudicial interest he proposed to leave the room during consideration of this item.

112. Minutes of the Planning Committee meeting held on 11 September 2013 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Planning Committee meeting held on 11 September 2013 be agreed as a correct record and signed by the chair.

113. Updates provided by the City Development Manager on previous planning applications (AI 4)

There were no updates.

114. Planning appeal decision at 37 Rugby Road, Portsmouth (AI 5)

RESOLVED that the report be noted.

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

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

RESOLVED that the report be noted.

Planning applications

The chair changed the order of business and took planning application number 3 first.

116. 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) (Report item 3)

This application was subject to a site visit on Tuesday 8 October 2013.

Deputations were heard from Mr Rukin and Mr Johnson, objecting to the application, who included the following points in their representations;

- 20 letters of objection have been raised by local residents and a petition;
- Object on the increase of noise and disturbance;
- Impact on parking and highway safety;
- There will be an increase in anti-social behaviour;
- Priorsdean Avenue is substantially different to Margate Road as referred to in the committee report;
- There will be an increase in waste management issues;
- Properties have limited storage for waste as only have small forecourts;
- Do not agree that there will be no increase in vehicles;

- The cycle storage is purely a 'tick box' exercise;
- These properties have small kitchens and bathrooms and are not suitable for HMO use;
- We all ensure the children the safety of our children when they are playing outside;
- There is a real sense of community in Priorsdean Avenue but the dynamics will change if this granted;
- The applicant has not contacted any of the residents. The first time we heard of this application was from the council neighbour notification letter;
- Feel this doesn't bode well for the future;
- Past 9yrs had a family living there with no problems;
- HMOs are at risk of pushing society back;
- Drawings show all rooms with no chimney breasts and a downstairs toilet - all these works show that the city council need to engage with the landlord further;
- This is a quiet residential road and we want it to remain that way.

A deputation was heard from Mr Somerset, the applicant, who included the following points in his representations;

- Don't understand why residents haven't imposed a turning circle to enable turning easier;
- I am an experienced landlord and am accredited with the Portsmouth & District Private Landlords Association;
- The intention is to let the property to nurses and trainee doctors from the local hospital;
- Parking is not an issue and the occupants would be entitled to parking permits the same as any other resident.

A deputation was also heard from Mr Silman representing the Portsmouth & District Private Landlords Association, who spoke in support of the application and included the following points in his representation:

- Our view is that we are wasting time here today;
- Properties which get refused, go to appeal and get through;
- HMOs give that balance and diversity to the community;
- The property is only suitable for professional persons and would not suit students;
- Had 19 groups of professionals this month asking for properties to rent in the city;
- Do need to provide rental accommodation for professional workers in this city.

A deputation was also heard from Baffins ward Councillor Darren Sanders who included the following points in his representations;

- Unique issues with regards to parking in this road;
- This road is close to 5 bus routes;
- Would ask that no parking permits are issued to this property;
- Delighted to hear that the property will be let to trainee doctors and nurses - would ask that this is a condition.

The City Development Manager reminded members that parking permits and the occupancy of a property do not meet the test to condition and are therefore not lawful.

Members' questions

Members sought clarification on permitted development rights, PCS20 and the use of the rooms in the property.

Members' comments

Members felt that the point of the policy is to avoid a concentration of HMOs, students need to live somewhere, anywhere else in the country and this would have come under permitted development rights. Some members did however express their regret at the loss of a 3-bedroom family home.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report.

117. 13/00860/PLAREG - 12 St Johns Road, Portsmouth - Retention of log cabin to rear garden (Report item 1)

Deputations were heard from Mr Norris and Mr Whitworth, objecting to the proposal, who included the following points in their representations;

- This was erected without any consideration to neighbours;
- If they had gone through the planning application process properly the outbuilding would be different;
- This structure has an adverse impact and is in a cramped location;
- Had to be spray painted as the structure is too near to our boundary and there is no safe place to put a ladder up;
- Much is made about the conifers;
- Greatest impact to our property and gives feeling of enclosure;
- Noise and disturbance from the use of the cabin is 5m from us and is also a fire risk;
- We are not just acting for ourselves but future occupiers;
- This is bad planning practice;
- The applicant made a mistake and now the application is here;
- The cabin is too high and large;
- There are 3 objections from local residents and not 2 as stated in the report;
- There are two garages and now with a large green shed next to them;
- Doesn't comply with permitted development;
- The cabin shouldn't have two levels. Why does it need a mezzanine?
- Large log cabin has replace the trees;
- The cabin has an overbearing impact on the street scene and is wholly out of keeping;
- Water run-off is an issue up here;
- Don't think guttering and a water butt will help much;
- This just encourages everyone else to put up large sheds.

A deputation was also heard from Mr O'Docherty, the applicant, who included the following points in his representations;

- This is a hobby room and for the children to have friends round to stay;
- In hindsight would have sited the cabin 2m from the boundary;

- Was badly advised and should have checked to see whether permission was needed;
- When concerns came to light, I painted the cabin green;
- Don't agree with water run-off;
- Prepared to add guttering and water butt;
- Prepared to cut back the conifers so as to prevent fire spread;
- Exaggeration to say that the cabin dwarves the garages;
- Damp in garages should be addressed and is not related to this wooden cabin;
- This is significantly less than the line of conifers previously there;
- Don't believe the cabin spoils the street scene and there will be no issue with noise;
- If the cabin had been situated 5m north then there would have been no need for planning permission.

Members' questions

Members sought clarification on the permitted development rights for such a structure and the width of the garden of 12 St Johns Road.

Members' comments

Members were split in their views in that some members felt that the applicant had gone to some lengths to appease the neighbours and that if the conifers had remained you probably wouldn't have been able to see the cabin from Walberton Avenue. Some members felt that the permitted development rules are set down in terms to prevent any impact on neighbours and that having seen the photographs there is clearly an imposition to the neighbours and a feeling of enclosure, an unacceptable and overbearing impact to neighbouring properties.

RESOLVED that planning permission be refused for the reasons set out below;

118. 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) (Report item 2)

This was subject to a site visit on Tuesday 8 October 2013.

A deputation was heard from Mr Mills, speaking in support of the application, who included the following points in his representations:

- Support the applicant with this proposal;
- Applicant has made this property their home and have renovated it to a high standard;
- They have reinstated original sash windows;
- Mr and Mrs Fisher work hard with their business in Southsea and are painstakingly restoring the property.

A deputation was also heard from Ms Hirose, the applicants agent, who also spoke in support of the proposal and included the following comments in her representations;

- Propose to create and extend the kitchen area;
- Continue to restore their property;
- Extension deemed to be within planning policies;

- There will be no material impact to residential amenity;
- Inspector did not raise issues of overbearing;
- Design of the glazing and materials has been addressed;
- There has been significant improvement to the design and materials have been carefully chosen;
- There will be no unacceptable harm to residential amenity;
- No policy objections or material considerations.

Deputations were also heard from Eastney & Craneswater ward Councillors Matthew Winnington and Luke Stubbs who included the following points in their representations:

- Welcome modifications to the application which is more in keeping with the character of the area;
- Do not agree with extensions to these properties;
- Large spacious properties in small plots and this does not improve or enhance the conservation area;
- This just fills the gap;
- The bi-fold doors are out of keeping in a conservation area;
- Does close the gap between No.11 and creates a sense of enclosure;
- No precedent established for extensions;
- Rear gardens are very compact with high boundary walls;
- This will have an impact on neighbouring properties and amenities.

The City Development Manager advised the committee that the relationship to the neighbouring property is acceptable and the design and materials have both been addressed.

Members' comments

Members felt that the rear of the property is not really overlooked by anyone and that the properties are big but narrow. There would be a 0.9m gap between the side gable and the boundary wall.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report.

119. 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 (Report item 4)

The City Development Manager reported in the supplementary matters list that the Highways Agency's direction imposes the requirement for a condition to approve precise siting, height and appearance of the padlocked removal bollards, including any railings or other barriers (designed to prevent unauthorised access) across the emergency access in the south eastern corner of the site. Further details had been provided and passed to the HA for comment, who had since confirmed them as acceptable. Delegated authority is sought by officers for amendment to condition 5 (to implement these approved measures or such alternative as may be submitted to and agreed in writing by the local planning authority).

A deputation was heard from Mr Coombe, objecting to the application, who included the following points in his representations;

- High fencing will make it look visually like a prison compound;
- Cannot look across Range Green without seeing the fence;
- This is a windswept area;
- Trying to camouflage with landscaping;
- Haven't consulted with the operators;
- Drivers need a rest room.

Members' questions

Members sought clarification on the landscaping proposed, the fencing and the placing of bollards.

Members' comments

Members felt that this was a much needed facility for the city.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report and with the amendment to condition 5.

120. 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) (Report item 6)

This application had been called to the committee at the request of Councillor Wood.

This was subject to a site visit on Tuesday 8 October 2013.

The City Development Manager reported in the supplementary matters list that following publication of the agenda, additional objections had been received from the occupiers of 20 neighbouring properties on the same grounds as set out in the committee report. An objection had also been received from the Portsmouth Society on the grounds that the design bears no relation to the recipient building or neighbouring properties and would fail to complement or enhance the street scene.

The application had also been considered by the Portsmouth, Fareham, Gosport & Havant Design Review Panel who re-iterated their support for the principle of an extra storey on this building. The Panel acknowledged the sensitivity of the situation and as in their previous comments in June 2013 suggested that the addition required a greater set back in order to reduce its dominance. It was suggested that despite the changes the design remains heavy. The Panel were of the view that the clerestory eaves contributing to this perceived heaviness and asserted that the windows suggested the roof is floating when it isn't. Overall the Panel felt that their previous comments to a large extent still applied and suggested that the site may benefit from cleaner crispier addition, or the addition of a hovering plane underneath the overhang. The Panel recommended that the proposal was considered acceptable subject to their comments regarding materials and details.

A series of photographs had been provided by Rob Wood in connection with his deputation which had been circulated with the supplementary matters list.

Deputations were heard from Mr Wood, Mr Clapham, Mr Halloran (on behalf of the Friends of Old Portsmouth Association and The Portsmouth Society) and Mr Martin, all objecting to the proposal, who included the following points in their representations;

- Have lived here since 1950's and have seen the area develop;
- Properties are all of one uniform height;
- This development is very alien;
- Believe this to be brash, unsympathetic and not in keeping;
- This is a cheap looking structure and is overbearing on to Grand Parade;
- Do not destroy our cherished character;
- As a leaseholder of Fontenoy House we'll all gain £5k by not having to replace the roof;
- This is a resin fibre boarded proposal. Will this really balance Fontenoy House with Grand Parade?
- We'll be left to deal with the loss of car parking and lack of space;
- Other residents will now want to build up;
- Wrong building, wrong place;
- Doesn't provide any benefit to local residents and only profits the London based property company;
- Fontenoy House is opposite a grade II listed building. This won't balance;
- Old Portsmouth is one of the largest conservation areas in the city;
- This new build will probably have 3 cars rather than 0,
- The applicant missed out Friday/Saturday/Sunday on the parking survey;
- Parking is a big problem;
- This weekend there was no parking available;
- This is a fragile area and we need to conserve the heritage and legacy;
- Need to protect the picturesque view of Old Portsmouth and need to protect it for the future;
- Proposal looks very similar to properties at Gunwharf;
- There are traffic problems on any day and parking is always an issue here.

A deputation was also heard from Mr Adams, representing the architects, who included the following points in his representations;

- **There are some awful buildings in this area;**
- **Didn't surprise me at all to see the objections;**
- **Have worked with the planning officers with regards to the roof structure;**
- **Render is acceptable;**
- **It won't go dirty and will always look pristine;**
- **Accept people are anti-change;**
- **The building does suit and holds well an additional floor;**
- **Terracotta originally but felt it looked too heavy;**
- **Feel this stands on its own and suits it much better.**

A deputation was also heard from Old Portsmouth ward Councillor Sandra Stockdale who included the following points in her representations;

- **Grand Parade is a delightful cobbled area;**
- **30+ residents have voiced their objections;**
- **Will have an impact on traffic and light;**
- **Will put a strain on an already over-used car park.**

Rob Wood left the room immediately after the deputations, following his earlier declaration of interest.

Members' questions

Members sought clarification on public transport links, overlooking, car parking and roof heights.

Members' comments

Members felt that this design was more suited for Gunwharf, it was of poor design, the proposal would have a bad relationship with the adjacent properties, it was overbearing and was out of character and context for the street scene and there was a lack of parking provided in an area of medium accessibility.

RESOLVED that planning permission be refused for the following reasons;

Councillors Gerald Vernon-Jackson and Les Stevens left the meeting at this point.

121. 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 flats to employees of Billy Manning Ltd (Report item 5)

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.

The City Development Manager reported in the supplementary matters list receipt of an email from Councillor Rob Wood in support of the views expressed by the Public Protection Officer and recommendation for refusal. One further email from the occupier of a property in Grand Parade re-iterating the objection on the grounds that if approved it would set a dangerous precedent to allow residential accommodation to be placed in very close proximity to the noisy hovercraft was also received.

A deputation was heard from Mr Clapham, objecting to the application, who included the following points in his representations;

- Hovercraft noise is akin to being near an airport;
- The hover operates every 20minutes from 0500-2300 hours;
- Residents cannot be in sealed accommodation;
- Will set a precedent and will allow the hovercraft noise to become acceptable.

A deputation was also heard from Mr Norman, the applicant, who included the following points in his representations;

- Only 50% of the building has been completed;
- Intend to lift the restriction due to the recession had to reduce the workforce and the 12 full time staff have their own accommodation;
- Very thoughtful for the residents of Old Portsmouth to be looking out for the occupiers of these flats but this is up to personal choice;
- Funfair is only open until 9pm during the summer months;
- Previously no-one cared who lived in the flats;
- Fun fair no longer a noise issue;
- Environmental Health claim that our assessment was wrong but they claim to work to the same standards – WHO Guideline Values;
- Second floor is unfinished, more like a building site than accommodation.

A deputation was also heard from Old Portsmouth ward Councillor Rob Wood who included the following points in his representations;

- As ward councillor many people complain about the noise from the hovercraft;
- Environmental Health are recognised experts;
- May have employees happy to live there;
- People stay in the hotel but only for one or two nights, they don't stay long;
- Not acceptable for persons to live in this accommodation;
- Hovercraft is a source of noise and harm.

Members' questions

Members sought clarification on where the bedrooms were situated in the flats, whether triple glazing would be used, the noise readings taken by the Public Protection Team, in particular the highest level of noise recording and what that noise was likely to have been.

Members' comments

Members felt that they had to look at the bigger picture in terms of health issues for the occupiers of the flats having repeated disturbed sleep and the fact that employees were more likely to be low skilled and often transient.

RESOLVED that the application be refused for the reasons outlined within the City Development Manager's report.

The meeting concluded at 6.20pm.

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Signed by the chair of the committee
Councillor David Fuller

Agenda Item 5



Portsmouth
CITY COUNCIL

Agenda item: **5**

Decision maker: Planning Committee

Subject: Planning appeal decision at Goose on the V & A, Albert Road, Southsea, PO5 2SX

Report by: Claire Upton-Brown
City Development Manager

Ward affected: St. Jude

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered by the Planning Committee at its meeting on 27th February 2013 (13/00021/FUL). The application, for the removal of the existing boundary fence and installation of new replacement painted metal railings and gate up to 2.1 metres above ground level, was recommended by officers for conditional permission. This recommendation was overturned and the planning application was refused for the following reason: 'In the opinion of the Local Planning Authority, the proposed replacement of the existing boundary fence with railings would result in a loss of amenity to nearby residents in terms of increased noise and disturbance. In addition the proposal would increase opportunities for crime and disorder within the immediate vicinity of the application site. The proposal is therefore contrary to paragraphs 58 and 69 of the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan and the aims and objectives of the 'Reducing crime through design' SPD'.

The Inspector considered that "The existing fence has significant gaps between the timber uprights. Due to this and its relatively lightweight structure, I consider that it provides little in the way of noise attenuation at present. This situation would not be materially altered by its replacement with metal railings, even though the gaps between the uprights would be greater", he continued "....The

separation distance and character of the locality add weight to my conclusion that undue noise and disturbance to neighbouring occupiers as a result of the proposal would be unlikely to be material.....Moreover, there are other legislative provisions beyond the planning system which would apply in the event of crime and disorder, including the licensing regime".

The inspector allowed the appeal, concluding that the proposal "would not unacceptably reduce the living conditions of neighbouring occupiers, by reason of noise and disturbance..." and that "the proposal would not increase the opportunities for crime and disorder in the immediate vicinity of the appeal site...".

Whilst not forming part of the reason for refusal, the Inspector agreed that the proposed metal railings would relate appropriately to the public house, improving the street scene in the locality and would preserve the setting of the 'Owen's Southsea' Conservation Area.

4. Reason 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.

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Signed by:

Appendices:

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

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

Title of document	Location
Planning application 13/00021/HOU	Planning Services
Appeal decision APP/Z1775/A/13/2199029	Planning Services

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Agenda item:

6

Decision maker: Planning Committee

Subject: Enforcement appeal decision relating to Cosmopolitan House, Cecil Place, Southsea

Report by: Claire Upton-Brown, City Development Manager

Ward affected: St Thomas

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

Planning permission was refused in October 2010, January 2011 and July 2011 for the use of the site as a single dwellinghouse with an appeal against the last refusal being dismissed in May 2012. An application for a Certificate of Lawful Development for the existing use of the site as a single dwellinghouse was refused in November 2012. An Enforcement Notice was issued against the unauthorised use of the site as a single dwellinghouse in February 2013.

The grounds of appeal related to whether when the Notice was issued the use had been taking place for a long enough period that it was immune from enforcement action.

The Inspector noted that the appeal was accompanied by "more evidence now than was available when they refused to issue the Certificate of Lawful Development". Having regard to the evidence submitted in support of the appeal the Inspector concluded that "on balance, I consider it more probable than otherwise that the building was in residential use during the disputed period and therefore for more than 4 years prior to issue of the enforcement notice, so that the use is now lawful".

The appeal was allowed and the Notice quashed.

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 12/00124/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/13/2194241	Planning Services



Agenda item:

7

Subject: Enforcement appeal decision relating to 173 Elm Grove

Report by: Claire Upton-Brown, City Development Manager

Ward affected: St Thomas

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

Planning permission was refused in February 2012 for a change of use from shop (Class A1) to cafe (Class A3). The reason for refusal related to the use for purposes within Class A3 exceeding the threshold for such uses within the Albert Road and Elm Grove District Centre. As this application had been retrospective and the unauthorised use continued an enforcement notice was served in November 2012.

The grounds of appeal related to whether planning permission should be granted for the use of the premises as a café within Class A3. In considering the appeal the Inspector agreed that “the A3 use of this unit is ... harmful in itself since it undermines the Council’s aims set out in a recently adopted development plan”. However the Inspector identified a number of “further material considerations in this particular case”. The Inspector opined that “the nature of the business, although undoubtedly within the A3 use class, is very much towards the “coffee shop” end of the A3 spectrum” and that “the food element is straightforward, based on microwave heating, a hot beverages machine and simple hobs. There is no fume extraction equipment, and no apparent or suggested need for such equipment”. The inspector also noted “the advertised opening times were 07.30 hrs to 18.00 hrs on Mondays and until 18.30 on other days except Sunday when the business remains closed” such that the use appears “very much consistent with the day time activity of this lively, local, cosmopolitan shopping centre”. The Inspector highlighted the lack of objection and support from Councillor Hancock as the local MP and concluded that he saw “no material conflict with Policy PCS23 or tangible harm to the aims of PCS8 beyond that inherent in the numerical conflict”.

The Inspector considered "that the outcome of upholding this enforcement notice would be more punitive than remedial in its effect" and came to the "very finely balanced overall conclusion that exceptionally and subject to conditions ... permission should be granted".

The appeal was allowed and planning permission granted subject to conditions limiting the opening hours, precluding the preparation food requiring a fume extraction system and restricting customers from using the rear yard.

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.

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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 12/00109/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/12/2189181	Planning Services

Subject: Enforcement appeal decision relating to 129 Albert Road, Southsea

Report by: Claire Upton-Brown, City Development Manager

Ward affected: St Jude

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

Planning permission was refused in January 2012 for a change of use from shop (Class A1) to hot food takeaway cafe (Class A5) and in April 2013 for a mixed use a restaurant (Class A3) and hot food takeaway cafe (Class A5). The first refusal was the subject of an appeal which was dismissed. Following the refusal of the second application and as that application was retrospective an enforcement notice was served in May 2013. The reason for refusal of the applications and the issue of the notice related to the use of the premises for purposes within Class A5 exceeding the threshold for such uses within the Albert Road and Elm Grove District Centre.

The grounds of appeal related to whether planning permission should be granted for the use of the premises for a mixed use as a restaurant (Class A3) and hot food takeaway (Class A5). In considering the appeal the Inspector was supportive of the approach taken by Policy PCS8 and the Councils monitoring and use of data in assessing the planning merits of such applications. The Inspector commented that "Policy PCS8 ... appears to be achieving the aim of safeguarding the present level of retail outlets while retaining a balance between the number of A3/A4/A5 businesses and the wider range of activities within the centre as a whole and more particularly along the length with a greater such concentration, between Victoria Road South and Waverly Road/Laurence Road". The Inspector also noted the vibrancy of the centre and the mix of uses giving a distinct character to Albert Road.

The Inspector concluded that "having considered this appeal afresh, on its own merits, I have found little or nothing to disagree with in the decision of the Inspector who dismissed the earlier appeal referred to above with respect to these same premises".

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 13/00001/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/13/2199303	Planning Services



Agenda item:

9

Decision maker: Planning Committee

Subject: Planning appeal quarterly update

Report by: Claire Upton-Brown
City Development Manager

Ward affected: All

Key decision (over £250k): No

1. Purpose of report

To update the Committee on planning appeal decisions over the last 3 months.

2. Recommendations

That the report is noted.

3. Background

Between August and October 2013 there have been a total of 12 appeal decisions. Of those, 9 were dismissed and 3 were allowed. A number of these will have been reported separately (for enforcement matters or 'overturned' decisions) on previous main agendas. Separate reports are included on this agenda for 3 enforcement appeals at Cosmopolitan House, No129 Albert Road and No173 Elm Grove in addition to an 'overturned' decision for Goose at V&A Albert Road. The following summarise the other 8 appeal decisions.

240 Fratton Road - 12/01220/FUL

Construction of a new roof to form 2 flats and extension of existing stairwell (resubmission of 12/00982/FUL).

Recommendation - Conditional Permission
Committee Decision - Refused
Appeal Dismissed

Reason for refusal: In the opinion of the Local Planning Authority the proposed roof and stairwell extension to provide 2 flats is unacceptable in design terms and overdevelopment. Furthermore the proposal will have a significant impact on the amenities of the occupiers of the neighbouring properties in terms of noise and overlooking of amenity space, impact on street scene and has inadequate cycle and bin stores. The proposals are therefore contrary to policies PCS15, PCS16, PCS17, PCS19, PCS21 and PCS23 of the Portsmouth Plan.

Inspectors conclusion: The proposal would give rise to unsatisfactory living conditions.

37 Rugby Road, Southsea - 12/01335/HOU

Construction of a part single, part two-storey rear extension

Recommendation - Conditional Permission

Committee Decision - Refused

Appeal Dismissed

Reason for refusal: In the opinion of the Local Planning Authority, the proposed part single, part two-storey rear extension would by virtue of its scale and positioning have an overbearing relationship with neighbouring properties and result in an unacceptable loss of light. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: It is a fact that none of the houses along the south side of Rugby Road has been extended at first floor level in a similar fashion to that proposed here. Accordingly, this element of the scheme would be out of step with that part of the established character of the area.

Abbeville, 26 Nettlecombe Avenue, Southsea - 13/00093/PLAREG

Retention of existing garage/home office with dormer window to side roofslope

Delegated Refusal

Appeal Dismissed

Reason for refusal: The outbuilding is of an excessive scale and bulk and has an overbearing relationship with the adjacent properties and gives rise to an unacceptable sense of enclosure and overshadowing and loss of outlook to the detriment of the residential amenities of the occupiers of the adjoining properties. Furthermore, the proposal is overly prominent in relation to the street scene and as a result does not preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area (No. 29) and is not in accordance with the associated development guidelines. The proposal is therefore contrary to policy PCS23 (Design and Conservation) of the Portsmouth Plan.

Inspectors conclusion: Although sensitively designed the proximity of the outbuilding to the main house would lead to an impression of a too bulky assemblage of buildings. The bulk/height would exceed that of an ancillary building to the extent it would compete, visually, with the main house and reduce a gap in the street scene which is worthy of retention. The infilling would erode the open appearance and character of this corner plot and appear cramped as a result. It would fail to preserve or enhance the character and appearance of the

conservation area. It also creates the feeling of being 'hemmed in' and harmful to the outlook of neighbouring occupiers at No28.

32 Park House, Clarence Parade, Southsea - 13/00044/HOU

Construction of 2 dormers to west roof slope (following removal of 6 existing dormers)

Delegated Refusal
Appeal Dismissed
(Application for award of costs - Refused)

Reason for refusal: In the opinion of the Local Planning Authority the proposed dormers would, by reason of their design, bulk and alignment, represent an unsympathetic and incongruous form of development that would fail to relate in an appropriate manner to the recipient building and the wider street scene. Furthermore the proposal would fail to preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: The dormers would unacceptably harm the character and appearance of the host building and the wider street scene and would fail to preserve or enhance the character or appearance of the 'Owen's Southsea' Conservation Area', in conflict with Policy PCS23 of the Portsmouth Plan.

114 Medina Road, Portsmouth - 13/00461/HOU

Enclosure of existing first floor balcony (to form first floor conservatory) to front elevation.

Delegated Refusal
Appeal Dismissed

Reason for refusal: The proposed first floor extension would introduce an incongruous feature onto the frontage of the property to the detriment of the visual amenities of the area, contrary to Policy PSC23 (design and conservation) of the Portsmouth Plan.

Inspectors conclusion: The proposal would be harmful to the character and appearance of the street scene, regardless of the design and appearance of other properties in the locality, including some recently constructed flats nearby. As such, it would fail to display the architectural quality required by Policy PCS23 of the Portsmouth Plan.

37 Brecon Avenue, Portsmouth - 13/00434/HOU

Extension of existing roof and raising of gable to form additional accommodation at first floor

Delegated Refusal
Appeal Dismissed

Reason for refusal: The proposal by virtue of its size and siting would have an over bearing relationship with and result in an unacceptable sense of enclosure harmful to the residential amenities of the occupiers of the neighbouring property to the north. Furthermore the proposal by way of its inappropriate, unsympathetic and un-neighbourly bulk and mass would result in an unacceptable visual imbalance to the pair of semi-detached properties harmful to the visual amenity of the pair of properties and wider streetscene. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: The development would have an adverse effect upon the living conditions of neighbouring occupiers of No39, contrary to Policy PCS23 of the Portsmouth Plan. Although carefully designed to respect the form of the host building, the loss of the catslide roof feature and the bulk of the extension would unbalance the pair of dwellings which No37 forms part.

228 Havant Road, Drayton - 13/00223/FUL

Construction of additional storey over existing rear projection and conversion to form 2 flats (resubmission of 12/00460/FUL)

Delegated Refusal
Appeal Dismissed
(Application for award of costs - Refused)

Reason for refusal: The proposed flats would, by virtue of their relationship with the adjacent property to the west, have a poor and restricted outlook and be the subject of an unacceptable sense of enclosure and thus fail to provide an appropriate standard of accommodation for future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: The development would result in unacceptable living conditions for future occupants of the proposed flats with particular regard to outlook. As a result there would be a conflict with Policy PCS23 of the Portsmouth Plan that aims to ensure, amongst other things, that a good standard of living environment is provided for future residents of new development.

Land Rear Of 7 Spur Road, Portsmouth - 11/00227/ENF

Enforcement Appeal Dismissed

Appeal against the serving of an Enforcement Notice that alleges that without planning permission the change of use of the land as a service area and parking area ancillary to the use of Nos 5 & 7 Spur Road to unauthorised use as a commercial hand car wash, and ancillary use for the siting of a container to the outside rear of the premises, the use of which is incidental to the unauthorised use for the hand car wash.

Inspectors conclusion: The use of the land as a car wash causes nuisance to nearby occupiers and brings about a worsening of road safety standards in Spur Road, contrary to Local Plan and national planning policies.

4. Equality impact assessment (EIA)

None.

5. Head of legal services' comments

The report is for information only.

6. Head of finance's comments

The report is for information only.

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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
12/01220/FUL Appeal decision dated 1 st Aug 2013	Planning Services
12/01335/HOU Appeal decision dated 13 th Sept 2013	Planning Services
13/00093/PLAREG Appeal decision dated 3 rd Sept 2013	Planning Services
13/00044/HOU Appeal decision dated 30 th Sept 2013	Planning Services
13/00461/HOU Appeal decision dated 28 th Aug 2013	Planning Services
13/00434/HOU Appeal decision dated 12 th Sept 2013	Planning Services
13/00223/FUL Appeal decision dated 1 st Oct 2013	Planning Services
11/00227/ENF Appeal decision dated 10 th Sept 2013	Planning Services

Agenda Item 10

PLANNING COMMITTEE 6 NOVEMBER 2013

**2 PM COUNCIL CHAMBER,
2ND 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.

Web: <http://www.portsmouth.gov.uk>

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04	13/00878/FUL	7 Cross Street Southsea Hampshire	PAGE 34

23 Bryher Island Port Solent Portsmouth**Construction of single storey rear extension****Application Submitted By:**

Thorns-Young Ltd

On behalf of:

Mr Frazier

RDD: 30th September 2013**LDD:** 26th November 2013**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application relates to a three storey, mid terrace house located on the east side of Bryher Island. Whilst located within both the Indicative Floodplain (Flood Zone 2) and a SSSI consultation area, this proposal is not considered likely to result in an increased flood risk in this location or give rise to any adverse impacts upon the SSSI.

Permission is sought for the construction of a single storey rear extension.

The proposed extension would project outwards from the rear elevation by approximately 1.9m. It would be located beneath the existing balcony at first floor level and would measure approximately 4.7m in width by 2.5m in height. To the rear, a new set of glazed doors would be installed, providing access to the rear garden.

There is no planning history for this house at No23. An application (ref:13/01078/HOU) has also been submitted for a similar extension to the adjoining house to the north at No22 Bryher Island and currently awaiting determination.

POLICY CONTEXT

In addition to the NPPF, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

CONSULTATIONS**EPPS - Contaminated Land Team**

No comments or objections.

Natural England

If undertaken in strict accordance with the details submitted, this proposal is not likely to have a significant effect on the interest features for which Portsmouth Harbour Ramsar and SPA has been classified. Natural England advise an Appropriate Assessment of the implications of this proposal on the site's conservation objectives is not required.

REPRESENTATIONS

One letter of representation has been received raising objection on the grounds that in relation to No24 Bryher Island, the proposed extension would: (a) result in a loss of light to both the kitchen and rear garden; and (b) be of an excessive scale.

COMMENT

The determining issues for this application relate to the impact of the proposed extension upon the amenities of adjoining occupiers in addition to the acceptability of its design.

There is existing timber boundary fencing between this and neighbouring properties at both No22 and No24 Bryher Island. Whilst the proposed extension would be visible from both of these properties, at a depth of approximately 1.9m it would constitute a relatively modest addition that would not be considered likely to give rise to any significant impacts upon the amenities of any adjoining occupiers by virtue of loss of light, overlooking or increased sense of enclosure. Subsequently, this proposal is considered acceptable in terms of its impact upon residential amenity.

Extending the ground floor outwards by a further 1.9m beneath the first floor balcony would not significantly alter the appearance of the property. The proposed extension is considered to be of a suitable style and scale to the existing house and the wider views of the rear of the terrace at Nos15-25 (inclusive) Bryher Island across the marina basin at Port Solent; it is, therefore, considered acceptable in design terms in accordance with policy PCS23 of the Portsmouth Plan.

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: OU626986; OI626987; and 6132.13B.
- 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 in accordance with policy 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.

107 Havant Road Drayton Portsmouth

Construction of part 3-/part 4- storey building comprising 27 sheltered apartments, communal facilities and car parking with access from Carmarthen Avenue

Application Submitted By:

The Planning Bureau Ltd

On behalf of:

McCarthy & Stone Retirement Lifestyles Ltd

RDD: 17th April 2013**LDD:** 19th July 2013**SITE AND SUROUNDINGS**

This application relates to a comparatively large plot of land located on the north side of Havant Road at its junction with Carmarthen Avenue and is occupied by a 1930's style detached house. Whilst the style of the house is typical of similar development in the locality, it does nonetheless sit within an uncharacteristically large plot. The site has a frontage of approximately 36.5m to Havant Road and approximately 62.4m to Carmarthen Avenue giving a net site area of approximately 0.22ha and gross area for the purposes of density calculations of 0.32ha. The site has vehicular access/egress onto Havant Road at its south-east corner and onto Carmarthen Avenue at its north-west corner.

Whilst the site contains a variety of broadleaved and coniferous trees the majority are located adjacent to the boundaries within Hawthorn and conifer hedgerow where, similar to other vegetated frontages to Havant Road, they contribute to the tree-lined appearance of the area. As a consequence the existing house is largely screened from both Havant Road and Carmarthen Road. Of the existing trees within the site four are protected under TPO 65 [T27, G4A, G4C and G4G].

To the east of the site lies a private access road serving a pair of semi-detached houses and a recently completed development of four flats and five houses together with commercial premises comprising car showroom/servicing workshops. The car showroom/service workshops are identified as a possible housing allocation. To the west of its junction with Carmarthen Avenue the north side of Havant Road is fronted primarily by two-storey houses of varying design but of largely similar scale set within spacious plots. In contrast Carmarthen Avenue is fronted by two-storey houses of more consistent design and appearance set within narrower plots. The exception to that general rule, however, is to the north of the application site where the two-storey house [No.2 Carmarthen Avenue] is set very close to the north-east corner of the plot with outbuildings located in the south-east corner.

To the south side of Havant Road lies Nightingale Court, a block of flats comprising 36 retirement apartments and a warden's apartment with frontages to both Havant Road and Tregaron Avenue to the west. Less than 175m further west lies Atkinson Court, a more recent development comprising 46 retirement apartment apartments and a warden's apartment with frontages to Havant Road and Court Lane. Whilst there is a degree of consistency in terms of the general scale and rhythm of houses fronting Havant Road it must be acknowledged that its character is more varied, particularly having regard to the aforementioned retirement complexes and car showroom/servicing workshops which are either close to or adjacent to the site.

THE PROPOSAL

Full permission is sought for the redevelopment of the site to provide a part three-/part four-storey building within a broadly rectangular footprint to comprise 27 retirement apartments with a guest suite and communal facilities. The existing access/egress onto Carmarthen Avenue would be widened from 3m to 4.2m to accommodate service vehicles and would serve car parking facilities for up to 19 cars. The proposed building would be set 8.3m from the Havant Road frontage, 4.57m from the eastern boundary at its southern end stepping back to 8.18m towards the northern end, and typically 7.77m from the Carmarthen Avenue frontage.

The elevation to Havant Road would be characterised by painted render bays three-and-a-half storeys in height, with Juliette balconies at first and second floor levels, set against facebrick elevations and a pitched roof with gable features above the bays and dormer windows. The corner bays would face south-east and south-west. The Carmarthen Avenue frontage would comprise projecting tile-hung and facebrick gable features either side of a painted render projecting gable feature set against facebrick elevations and a steeply pitched roof which, similar to the Havant Road elevation, includes dormer windows. The two-storey north elevation has been designed with minimal openings onto the car park and uses the same palette of facing materials. The east elevation continues the theme of tile-hung and facebrick projecting gable features set against facebrick elevations. With a drop in ground level of approximately 4.3m from the northern part of the site to the Havant Road frontage the four-storey front section of the building would in part be cut into the site with the rear part of the ground floor served by lightwells.

PLANNING HISTORY

The relevant planning history for this site dates from 2007 when an application for the redevelopment of the site to provide 31 retirement flats within a part three-/part four-storey building with on-site parking for 14 cars was refused permission on the grounds that by virtue of its overall size, scale, bulk and appearance the proposed building was considered to be out of character with its locality, and would have resulted in the loss of a protected Western Red Cedar. That decision was, however, the subject of an appeal which was dismissed.

In reaching that decision the Inspector considered, in relation to the protected trees, that the contribution of the Western Red Cedar to the general treed nature of the frontage could be successfully replicated in the long term by a replacement closer to the frontage. The loss of the tree was held to be a short term harm to be weighed in the balance of considerations, but was not a substantial adverse impact. The Inspector also commented on a protected Monterey Cypress noting that it was not the specimen it once was. That particular tree was removed following the grant of consent in 2012.

On the main issue the Inspector considered that, in principle, a block of flats could be successfully accommodated on the site and, despite other similar developments completed and under construction in the area at that time, there would be no planning reason to resist the provision of retirement flats. The Inspector also considered that the set back from the Carmarthen Avenue frontage, the filtering effect of retained vegetation, and the space at the rear and front of the building would ensure that it would not appear cramped or disproportionate for its large plot.

A combination of the slope of the site and step down from 4-storeys at the front to 2-storeys at the rear was held to achieve an appropriate transition. Furthermore, the Inspector considered that a 4-storey frontage could be accommodated in the to the Havant Road frontage without being overbearing or intrusive. Notwithstanding these comments the Inspector did, however, conclude that by virtue of the proximity of the appeal building to the eastern boundary, with its attendant loss of vegetation and limited scope for new planting, the rather bland and visually prominent east flank wall would have undermined the otherwise successful integration of the

building in the street scene. The harm arising from that particular issue was considered sufficient to reject the proposal.

The Inspector, in acknowledging the concerns of local residents in relation to parking, commented that there was no objection from the highway authority but, nevertheless, held that, firstly, the level of parking provision was acceptable in this location and secondly that there would be no material harm to highway safety from some additional parking along Carmarthen Avenue.

In 2012 conditional consent was granted for a crown lift to trees T26 [sycamore] and T27 [Ash] and the removal of T31 [Monterey Cypress]. Tree T26 was, however, removed in error. Tree T28 was lost through storm damage and trees T29 and T30 have also been removed, although the latter is the subject of a requirement for a replacement. Over a period of time five out of eight trees within Group 4 have also been removed.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), and PCS23 (Design and Conservation); and saved policy DC21 (Contaminated Land) of the Portsmouth City Plan 2001-2011.

The Supplementary Planning Documents in relation to Sustainable Design and Construction, Housing Standards, and Parking Standards are material considerations.

The appeal decision in relation to the provision of retirement apartments in 2007 would also be a material consideration.

CONSULTATIONS

EPPS - Pollution Team

Further to the above application I have reviewed the assessment submitted by the applicant's acoustic consultant and I can confirm I am satisfied with the contents and recommendations contained within the report.

The movements within the car park should have little impact upon the locality and providing the proposed glazing specifications for habitable rooms are employed within the construction of the building, internal noise levels should be within recommended criteria.

EPPS - Contaminated Land Team

I have reviewed the application for 107 Havant Road (13/00386/FUL) with regard to the proposed 27 sheltered apartments, and have reviewed the following report submitted with the application, Site Investigation Report, Crossfield Consulting, Report Ref: CCLO2273.BQ11, November 2012.

Queries regarding the degree of desk study information provided have been raised with Crossfield Consulting as has the need for a watching brief on site which has been confirmed will be Crossfield Consulting. As part of this role a qualified and experienced environmental engineer will attend site when the bulk excavation in the southern part of the site is being undertaken in order to identify any unexpected materials that may exceed the relevant assessment criteria for the development, and halt the works (if necessary). They will also provide a letter confirming that no unexpected materials were encountered (or details of any unforeseen ground conditions and assessment). Should any imported topsoil be required for landscaping works on site, a strategy for testing such materials has been agreed with the Contaminated Land Team (CLT). The above information is detailed in the following remedial strategy that has been agreed with the CLT: 107 Havant Road, Drayton, Portsmouth, PO6 2AH, Remediation Implementation Plan, Crossfield Consulting, Report no. CCL02273.BS29, August

2013. As such it would now seem appropriate to apply the following amended condition to any planning approval granted:

(i) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority (LPA) verification by the competent person approved previously with the LPA (or other experienced environmental consultant to be agreed in writing with the LPA), that the remediation scheme approved with the LPA (107 Havant Road, Drayton, Portsmouth, PO6 2AH, Remediation Implementation Plan, Crossfield Consulting, Report no. CCL02273.BS29, August 2013) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). As detailed in the agreed remediation scheme (unless otherwise agreed in writing by the LPA) such verification shall comprise (but not be limited to):

- a) Confirmation that no unexpected materials or materials of concern were encountered, or details of the remediation work undertaken if such conditions were encountered;
- b) A record of any topsoil imported to site and confirmation that the soil is suitable for use;
- c) Written confirmation that the works have been completed in accordance with the agreed remediation scheme.

Highways Engineer

The current application proposes redeveloping the site with a single building for Later Living Retirement accommodation for the private market. The development is for a total of 27 apartments, consisting of 15 no. 2-bed apartments and 12 no. 1 bed apartments.

Vehicular access is provided from Carmarthen Avenue, with adequate pedestrian visibility splays. The entry driveway leads to the car park to the rear of the site. The main entrance to the building is adjacent to the car park, with an internal mobility scooter store accessed from Carmarthen Avenue. The cycle stores are contained within the same building.

The proposed provision of 19 spaces represents 1 space:1.42 flats. In comparison the Nightingale Court, which was granted on appeal, and Atkinson Court developments provided car parking at a ratio of 1 space/3.36 flats and 1 space/2.14 flats respectively. Langstone Court, further to the east, provided parking at a ratio of 1 space/2.63 flats. It should also be acknowledged that as part of the appeal scheme on 107 Havant Road the Inspector held that a parking ratio of 1 space/ 2.21 flats was acceptable.

To review the potential impact of the proposed development on the local highway network, traffic generation data of 5 similar establishments (not including the aforementioned establishments) has been used. The average number of units calculated as 30 being 3 more than the proposed 27 sheltered units.

When applied, the average trip rate from 5 sheltered housing schemes to the proposed development of 27 units, the estimated daily (12 hour) vehicle trips indicate:

Arrival: 26 and Departure: 27 giving a total of 53. Making an adjustment for the 27 units the vehicular generation for the proposed can be assumed as 50 total daily vehicle trips.

Traffic generation for a single dwelling is taken from the TRICS database as 7-10 daily trips per household. Assuming an average of 8 daily trips generated by a single dwelling house and compared with the proposal, the additional trips that would be generated by the proposed 27 sheltered housing units will equate to 42 daily vehicle trips (12 hour). Therefore the proposed 27 units would generate 4 additional vehicles per hour or 1 vehicle every 15 minute period.

It is therefore concluded that the level of traffic generation associated with the proposed development would not have a significant impact on the local highway network or otherwise adversely affect the safety of pedestrians by vehicles using the access/egress. It is also considered that, in the context of other completed elderly persons developments in the locality the proposed level of on-site car parking would be sufficient to meet the needs of the occupiers of the development, and there would be no material harm to highway safety from additional on-street parking associated with visitors or traffic movements generally..

Drawing No. 10- 1902-105-2 -PL-008 shows a secure store to accommodate 6 cycles and 8 buggies. In addition cycle racks are shown within the courtyard to accommodate 4 cycles for visitors. It is therefore considered that the proposed arrangements would meet the needs of the occupiers of the development.

Raise no objection subject to car parking, cycle and buggy storage facilities prior to occupation.

Tree Memo

In my opinion the majority of trees on site are of low quality and value (Category C) with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm

The majority of the individual young trees are internal to the site and only partially or not visible at all from a public place i.e. Havant Rd and Carmarthen Ave. Dense low level vegetation comprising of a 3m+ high laurel hedge adjacent to the west and southern perimeter of the site obscures visibility and suppresses the individual hedgerow trees on the site.

The trees of any landscape significance are located on the western boundary and consist of tree no.2. - an unprotected Sycamore and tree 58 - Ash (T.27 within TPO) and in my opinion should be retained.

The trees on the eastern boundary although visible are generally of low quality and value, consisting of self-sown sycamores and regenerated elm with a limited life expectancy. Restricted growing conditions puts the trees at risk of wind throw.

In my opinion the removal of part or all of the hedge encompassing the site will allow for the planting of quality semi-mature trees visible from the highway and in keeping with the street scene. A mix of native species type i.e. Hawthorn, Rowan, Hornbeam, Wild Cherry and Birch would all be suitable for this location.

Southern Water

Initial investigations reveal there is inadequate capacity in the local network to provide foul and surface water sewage disposal to service the development. Existing properties and land may be the subject to greater risk of flooding as a result. S98 of the Water Industry Act 1991 provides the legal mechanism whereby the developer can request the appropriate infrastructure. It is requested that should planning permission be granted an informative is attached concerning the provision of the necessary infrastructure, and that a pre-commencement condition is attached requiring the submission and approval of details of the proposed means of foul and surface water sewerage disposal.

Crime Prevention Design Advisor

No comments received.

Natural England

The application site is within approximately 1.5km of habitats which forms part of the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Portsmouth Harbour Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is a similar distance from Langstone Harbour SSSI, which is part of the Chichester and Langstone Harbours SPA and Ramsar site.

Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned Footprint Ecology to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. Natural England is on the project Steering Group for this project and also has a statutory role in advising on the potential effects of development on the conservation of SPAs. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

Natural England's advice is that the SDMP work represents the best available evidence, and therefore mitigation is required in order to avoid a likelihood of significant effect, in combination, arising from new housing development around the Solent.

Natural England notes the submission of additional information in the form of mitigation proposals relating to this development. As mitigation measures have been put forward, we advise that your authority undertake an Appropriate Assessment to determine whether there will be an adverse effect on the integrity of the aforementioned European Sites.

An appropriate assessment was completed and the subject of further consultation with Natural England. In accepting the Council's view that the proposed development would not, either alone or in combination with the similar nearby proposed development, be likely to have a significant effect on the SPA's, Natural England offered no further comment.

Hampshire Biodiversity Information Centre

The submitted information is considered acceptable and satisfactorily addresses on-site ecological issues in terms of potential habitat for bats and other reptiles.

Head of Community Housing

In accepting that on-site provision would not be the way forward the economic viability assessment provided by the applicant has also been noted. The policy requirement for off-site provision is for 11.61 rounded up to 12 units. On a pro-rata basis given 12 x 1 bed flats and 15 x 2 bed flats then 6 units x 1 bed and 6 units x 2 bed would normally be required. Suitable land should be provided to accommodate this number but if this is not possible, from a Community Housing point of view a commuted sum might be the best way forward. The current generous commuted sum policy provides for £1000.00 per sq. metre. This calculates as 45 sqm x 6 x £1000 = £270,000 + 60 sqm x 6 x £1000 = £360,000 = £630,000.00. Given the stance of the applicant and the information that has been supplied by them then negotiations should be held to obtain an alternative plot of land or a financial sum, especially given the assessment that has been undertaken by an independent organisation.

Design Review Panel

The Panel were made aware of the inspector's comments in relation to the appeal that was dismissed. It was considered that the building would have sufficient articulation to Havant Road and Carmarthen Avenue frontages to be considered acceptable. The Panel noted however that the north elevation appeared unresolved. For reasons that were unclear its geometry had been altered. It was suggested that this elevation required tidying up.

REPRESENTATIONS

At the time of preparing this report some 96 letters and e-mails [duplicates excepted], including representations from Penny Mordaunt MP, and Councillors Boshier and Wemyss, had been received objecting to the application. Although the grounds of objection are many and varied there are nevertheless common themes which are summarised as follows:-

- By virtue of its scale, massing and footprint the proposed development would, in the context of the Urban Characterisation Study 2011, be out of keeping and dominate the locality and not retain sufficient area as a garden
- It would not reflect urban grain and plot size
- Poor design and unsympathetic materials
- Some of the accommodation would have a poor outlook
- Inadequate support services [e.g., doctors and dentists]
- Inadequate parking provision
- There is a need to provide larger family and executive housing
- Impact on residential amenity in terms of overlooking and loss of privacy
- There are already far too many elderly flats in Drayton which are overloading local facilities
- Rainwater run-off would result in an increase of flooding at the bottom of Carmarthen Avenue.
- Impact on trees
- Adjoining car showroom parks vehicles on the site which would be displaced onto Carmarthen Avenue, which is already used for employees as well as parents/carers of children who use the nearby 'Little Peoples Nursery'.
- The development would adversely affect highway safety
- Previous scheme was refused
- This and other similar developments have ruined the look and feel of Havant Road
- Existing retirement blocks have flats for sale
- No element of affordable accommodation
- Disruption from building works
- A restrictive covenant would preclude the development

COMMENT

The main issues in this case are the whether the proposed development would, in terms of its design scale and massing have an adverse impact on the character and appearance of the area, whether the level of on-site car parking would be sufficient to meet the needs of future occupiers and whether the proposed access/egress arrangement is acceptable in terms of highway safety. Other issues would include housing mix, the provision of affordable housing and potential impacts on the living conditions of adjoining and nearby residents, and on the Portsmouth and Langstone Harbour SPA's in terms of recreational disturbance.

Design, layout and relationship to character of the area

Located close to the western edge of the Drayton and Farlington area this site comprises one of comparatively few large plots occupied by a single building along this section of Havant Road, and stands out from others in that it contains a significant number of trees and shrubs adjacent to its boundaries which provide a high level of screening.

The Urban Characterisation Study describes Drayton and Farlington as an area characterised by low density inter and post-war detached and semi-detached family housing with large plots by city standards. Grass verges, tree lined avenues and the gentle slope of Portsdown Hill create an open and leafy suburban character throughout. Earlier properties line historic routes and later small infill estates at higher densities are catered throughout.

This document formed part of the background work for the preparation of the city's Local Development Framework and provided a sound basis for the strategic policies contained in the Portsmouth Plan and for other documents in the Local Development Framework. Its purpose was to outline the factors that have contributed to the formation of the city and identify the unique character areas within it. By understanding the characteristics that give a particular area its own unique sense of place, the study can act as a framework to guide future development.

The impacts the proposed development would have on the character of the area are both demographic and physical in nature. The population structure for the Drayton and Farlington Ward is such that it has the oldest population with a high proportion within the 50-64 and 65+ age groups [19.3% and 21.85% respectively]. The Census figures also show that this ward has the highest level of households in the city which have an occupation of up to 0.5persons per room indicating a significant proportion of under occupation. The latter is likely to be a reflection of longer life span and a reticence to downsize.

The cumulative impact of both the proposed development and the similar development at No.93 Havant Road would increase the proportion of over-65's from 21.85% to 22.71%. The number of age restricted households within the Ward as a proportion of the total number of households is very low [approx. 2.5%] and whilst the proposed development, along with that of No.107, would result in a cluster of age restricted accommodation the proportion of age restricted households would increase to approx.4%. It is not therefore considered that the proposed developments would result in an undue concentration of age restricted accommodation within the Drayton and Farlington area. The comparatively high proportion of existing elderly occupation is considered to be a factor in pressure on existing local health services as raised by local residents. Whilst the proposed developments would increase the proportion of elderly persons, the level of that increase is considered to be such that it is unlikely there would be a significant effect on the supply of local health services.

In the 2007 appeal decision the Inspector had regard to the prevailing character of the area and held the view that given the comparatively large size of the site and the variation in the scale and character of developments adjoining and opposite the site, there would be no reason in principle why a block of flats should not be successfully accommodated provided it sits comfortably within the plot. Furthermore, the Inspector further considered that there would be no planning reason to resist the provision of retirement flats.

Whilst the policy landscape has evolved since 2007, the underlying premise remains unchanged. Indeed the NPPF places an obligation on local planning authorities to deliver a wide choice of high quality homes as part of creating sustainable, inclusive and mixed communities. In these circumstances the development of the site to provide a block of retirement flats is considered acceptable in principle. The Portsmouth Plan seeks to achieve well designed development that respects its context. The latter would include the car showroom and workshops to the east, Nightingale Court opposite and that the proposed building would sit within a corner site. Policy PCS19 also encourages an increase in the amount of housing suitable for the elderly.

Having regard to the proposed landscaping strategy, which would reinforce the characteristic vegetation of the frontage, the corner location of the site, and a design approach that takes its cue from the retirement complexes on the south side of Havant Road, it is considered that the proposed building in terms of scale and appearance would relate appropriately to the street scene. Furthermore, it is considered that by virtue of the 8.18m distance between the front elevation and Havant Road boundary the proposed building would not appear as an unacceptably intrusive or overbearing feature.

Located on the lower hill slopes the frontage to Carmarthen Avenue drops significantly from north to south. The transition between the 3 1/2-storey eaves height at the southern end and 2-storey eaves height at its northern end would be marked by a full height projecting gable feature. A pair of similar gable features and a slightly more subservient gable feature provide articulation and break up the mass of that elevation which, in part would be screened by vegetation. This elevation would typically be set some 7.7m from the boundary and, together with the 13m separation distance to the northern boundary, is considered sufficient to ensure that it would sit comfortably within the street scene reinforcing the transition between larger buildings fronting Havant Road and the more modest houses fronting Carmarthen Avenue to the north.

The proposed building would step away from the eastern boundary with a 4.5m separation distance for a length of 8m at its southern end increasing to 8.1m and 10.49m at its northern end. The articulation to this façade would be similar to the west elevation with a combination of full height projecting gables set against 2 1/2-storey recesses. Unlike the proposal rejected on appeal, which had a 14m length of building set less than 2m off the boundary, there would be a greater sense of space and ability to accommodate meaningful planting. It is considered that in design terms the proposed building would offer an appropriate response to the access road and would offer an acceptable elevation when viewed from Havant Road.

It is noted that within the representations submitted by local residents reference is made to the degree to which the lower floor of the proposed building would be cut into the site thereby limiting outlook. The rearmost flat at lower ground floor level to the Carmarthen Avenue frontage would have bedroom windows facing onto a low retaining wall around 1m in height across a distance of approximately 2.7m. Ground level beyond the retaining wall would increase in height by around 1.8m across a distance of some 5m. A similar difference in ground levels and use of retaining walls would apply to the west facing flat where bedroom windows would face onto a low retaining wall 2.6m away from the building beyond which there would be an embankment and a further retaining wall approximately 6.3m away from the window with a height difference of approximately 2.2m. It is considered that the proposed arrangements to each side of the building would ensure that the affected flats would have an acceptable degree of outlook and natural light.

Parking and access

The applicant is proposing to widen the existing vehicular access/egress onto Carmarthen Avenue and limit the existing access/egress onto Havant Road to solely pedestrians. This would be considered an acceptable arrangement in terms of highway safety. The likely level and pattern of traffic movements associated with twenty-seven retirement flats could be accommodated within the highway network and without detriment to the way in which the Carmarthen Avenue/Havant Road junction operates.

In order to assess whether the level of on-site car parking would adequately meet the needs of future residents the Highways Engineer reviewed car parking provision at the three nearby retirement developments. Whilst there is clearly some variation in the ratio of car parking spaces to the number of flats provided, it is evident that a ratio of between 1 space for each 2.5 to 3 flats would be sufficient given the comparatively low degree of car ownership of future occupiers. It is therefore considered that the proposed level of car parking would adequately meet the needs of future residents. It is also noted that an internal mobility scooter and cycle store would have sufficient capacity to accommodate the needs of residents.

Whilst local residents have expressed the view that the level of on-site parking would be inadequate, this is not shared by the Highway Authority. Local residents have also pointed to the use of the site for parking associated with the adjoining car showroom. Although this arrangement would cease with the proposed redevelopment of the site, the Council would have no planning powers to control overspill parking arising from the car showroom/workshops. It is, however, open to the residents of Carmarthen Avenue to seek a resident's parking zone to limit the impact of extraneous traffic.

As originally proposed refuse collection would have taken place across the existing soft verge. This was, however, deleted in favour of a collection/pick-up point within the site with a refuse vehicle reversing into the Carmarthen Avenue access/egress. This revised arrangement, albeit with a slight gradient, would be considered acceptable.

Housing mix

Local residents have pointed to the need for larger family and executive housing. Whilst the evidence base for the Portsmouth Plan indicates that the number of people who will be likely to require larger properties in the city will increase over the plan period, and that this site could accommodate a development comprising family houses, that would not be sufficient to preclude any other form of residential development. Other issues aside this particular proposal would also be consistent with policy PCS19.

Having regard to the nature of the proposed development, and that its occupation would be restricted to those over the age of 60, it would be inappropriate in this case to require the provision of 3-bedroom accommodation aimed at meeting the needs of families and larger households.

Affordable housing

In terms of tenure and housing provision this part of the City is characterised by relatively high property values and comparatively low levels of affordable accommodation. The provision of sheltered accommodation is not specifically excluded from the requirement to provide affordable accommodation and, given that there are no apparent problems with contamination or ground conditions that could contribute to abnormal construction site development costs, there would be no justification to waive the normal policy requirement in this case. The issue that follows is whether such accommodation should be provided on-site, off-site or should be the subject of a commuted sum.

The provision of affordable housing as part of development forms an important part of both national and local policy in terms of providing inclusive communities. However, it is considered that having regard to the size of the site and nature of the proposed development, the provision of on-site affordable accommodation could not be satisfactorily achieved in the context of one single building. It is considered that there would be management issues associated with providing affordable units within this sheltered form of development. Such an arrangement would not lead to a successful sheltered housing development and the relationship between affordable and private accommodation would lead to management issues. The provision of on-site affordable housing would involve splitting the site so that two buildings could be accommodated. However, that arrangement would lead to attendant issues with design, parking and access. It is therefore considered that in order to achieve an acceptable form of

development the associated element of affordable accommodation should either be provided off-site or be the subject of a commuted sum.

In not providing off-site affordable accommodation the applicant proposes a financial contribution. However the level of that contribution has been informed by a viability assessment. That assessment has had regard to the normal range of costs associated with the proposal and reflects the principles in para 173 of the NPPF and the RICS guidance note 'Financial Viability in Planning', whereby competitive returns to the landowner and a willing developer are achieved. In assessing the viability of the project due regard has been given to the situation whereby a more saleable scheme is created through the non-provision of affordable accommodation, even in a stand-alone block.

The viability assessment was considered independently by external consultants who advised that, whilst the proposed development would be unable to fund full off-site provision through a financial contribution, it would be capable of supporting a contribution of £130,000. Whilst this figure represents circumstances at a particular point in time, it would nonetheless represent a contribution which the Council could justifiably seek. In response to this assessment the applicant has offered a financial contribution of £130,000. It is considered that such a contribution would be reasonable in the circumstances of this case. However, in the event that the proposed development is not commenced within a period of eighteen months from the date of permission the applicant should be required to submit a further viability assessment for review.

Living conditions of adjoining residents

Given the degree of spatial separation between the west elevation of the proposed building and No.105 Havant Road, which is on the opposite corner of Carmarthen Avenue, and the amount of vegetation within the curtilage of that property, it is considered that the proposed development would not give rise to a loss of privacy or undue loss of outlook. Although No.2 Carmarthen Avenue is set at the rear of its plot, the north elevation of the proposed building would be set some 16m off the common boundary and have a limited number of windows serving a bedroom, bathroom and stairwell. Although the car parking area would be situated adjacent to the common boundary, the existing boundary treatment and likely level of activity would be such that the proposed development would not be considered to adversely affect the living conditions of the occupiers of the adjoining property.

Nos.109 and 109a have an open southerly aspect towards Havant Road along the access road that also serves Nos.1-4 Orchard Gate, a block of four flats set some 30m east of the application site. Having regard to the oblique viewing angles between the proposed building and those properties, it is considered that the proposed development would not affect the living conditions of the occupiers of those properties.

Impact on the Special Protection Areas

The application site is within approximately 1.5km of habitats which form part of the Langstone Harbour SSSI, which is part of the Chichester and Langstone Harbours SPA and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is a similar distance from Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site.

Ordinarily the provision of general needs housing, and potential occupation by families, could be expected to have an impact on the SPA's through recreational disturbance, particularly from dogs as part of visits to the coast. Natural England, in these circumstances would conclude that the new housing provision would be likely to have, either by itself or in combination with other development, a significant effect on the interest features for which the SPA's are designated. It is, however, acknowledged that the characteristics of the proposed development would differ from that of general needs housing and with an appropriate level of mitigation could be considered acceptable. It would, however, be for the Council as competent authority to assess

whether the proposed development, either alone or in combination, would be likely to have a significant effect on the nearby SPA's.

A project level Habitats Regulations Assessment has been undertaken in accordance with the comments of Natural England, which concluded that the proposed development, either alone or in combination with the similar proposed development nearby, would be unlikely to significantly affect the SPA's through recreational disturbance. Natural England concurred with that conclusion and offered no further comment.

Conclusion

For the reasons outlined above it is considered that the proposed development would complement the character of the Havant Road frontage, and would not adversely affect the living conditions of the occupiers of the adjoining and nearby properties. The level of on-site car parking is considered sufficient to meet the needs of future residents, and the overall level of traffic generation could be accommodated within the local highway network without detriment to highway safety.

The provision of a commuted sum towards the provision of affordable accommodation is considered to represent an appropriate response to the requirements of policy PCS19 in the context of national planning policy advice.

It is therefore considered that subject to the completion of a legal agreement, no later than four months from the date of this resolution, in relation to a commuted sum of £130,000 towards affordable accommodation, and a review of the assessment should development not proceed within eighteen months of the permission, the application is capable of support.

RECOMMENDATION 1 Conditional permission subject to completion of legal agreement in relation to;-
£130,000 contribution towards affordable accommodation;
review of viability assessment if development not commenced within eighteen months; project management fee.

RECOMMENDATION 2 Refuse if non-completion of agreement by expiry of four months

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:
10-1902-105-2; 10-1902-105-1; 10-1902-105-B; 0-1902-101 D; MCS493 Drg 01 B;
10-1902-105-B; 047-0005-S10-100-P1 10-1902-101-B; 10-1902-101-A; 10-1902-102-A;
10-1902-103-A; 10-1902-104-1; 10-1902-104-A 10-1902-100-A; 10-1902-102-A;
10-1902-103-A; 10-1902-01-1A.

3) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority (LPA) verification by the competent person approved previously with the LPA (or other experienced environmental consultant to be agreed in writing with the LPA), that the remediation scheme approved with the LPA (107 Havant Road, Drayton, Portsmouth, PO6 2AH, Remediation Implementation Plan, Crossfield Consulting, Report no. CCL02273.BS29, August 2013) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). As detailed in the agreed remediation scheme (unless otherwise agreed in writing by the LPA) such verification shall comprise (but not be limited to):

- a) Confirmation that no unexpected materials or materials of concern were encountered, or details of the remediation work undertaken if such conditions were encountered;
 - b) A record of any topsoil imported to site and confirmation that the soil is suitable for use;
 - c) Written confirmation that the works have been completed in accordance with the agreed remediation scheme.
- 4) 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.
- 5) The access, including the footway crossing shall be constructed before the development hereby permitted is first brought into use.
- 6) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:
- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
 - b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.
- Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the 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.
- 8) Replacement planting for trees T26, T30 and T31 within TPO No.65, the size to be a minimum of half-standard as specified in British Standard 3936 Part 1 specification for nursery stock, shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The replacement planting shall thereafter be carried out in the first planting season following the completion of the development.
- 9) The parking facilities shown on the approved drawing shall be completed and made ready for use prior to the first occupation of the building and shall thereafter be retained.
- 10) The development hereby approved shall not be commenced until details of the proposed means of surface water disposal and sewerage disposal have been submitted to and approved by the local planning authority in writing. The development shall thereafter be completed in accordance with the approved details.
- 11) No construction 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 3 of the Code for Sustainable Homes, including three credits from issue Ene 1 and 2 credits from Ene7, 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."

12) Before any part 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 3 of the Code for Sustainable Homes, including 3 credits from issue Ene 1 and 2 credits from Ene7, 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

13) At no time shall the development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In the interests of the visual amenities of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 5) In order to provide satisfactory access in accordance with policy DC25 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan.
- 7) In the interests of the amenities and character of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.
- 8) To ensure the amenity afforded by trees is continued into the future in accordance with policy PCS13 of the Portsmouth Plan.
- 9) To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 10) In order to ensure that the proposed development does not result in an increased burden on existing drainage services thereby minimising the risk of flooding in accordance with policy PCS12 of the Portsmouth Plan.
- 11) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan
- 12) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan
- 13) To control the occupation of the development having regard to the level of on-site car parking provision and ensuring that the occupation of the development would not have a significant effect on the nearby Special Protection Areas in accordance with policy PCS13 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 13/00544/FUL

WARD:Drayton & Farlington

93 Havant Road Portsmouth

Construction of part single/part2-/part3- storey building comprising 51 sheltered apartments, managers flat, communal facilities and car parking

Application Submitted By:

Planning Issues Ltd

On behalf of:

Churchill Retirement Living

RDD: 31st May 2013

LDD: 4th September 2013

THE SITE AND SURROUNDINGS

Located on the north side of Havant Road with a return frontage to East Cosham Road this site comprises the former Mulberry Children's Nursery together with the former curtilage of No.20 East Cosham Road and the curtilage of No.12 East Cosham Road. The latter comprises a part 2-/part single-storey house. The site has a frontage to Havant Road of approximately 37m and extends approximately 105m along East Cosham Road with a total area of some 0.5ha. The area to the front of the former nursery is mainly hard surfaced with a hedge on the common boundary to No.95 and two Birches adjacent to East Cosham Road. To the rear of the main building the property has a group of trees to the north-west and an area of garden with a path leading to the northern part of the site which wraps around the rear garden of No.95 and contains a number of trees. Of the trees within the site only the group of five to the north-west of the man building are protected under Tree Preservation Order No.65.

The tree-lined frontages and vegetation along this part of Havant Road contributes to the character of the area and are a feature of the larger and more established properties in the locality. The application site, however, is an exception with the area to the front of the building being hard-surfaced and natural vegetation of any significance being limited to a hedge along the eastern boundary and two trees adjacent to the western boundary. Nevertheless, the Havant Road frontage is typified by larger than average houses in large plots mostly built in inter-war years with more recent developments on the south side of Havant Road comprising Nightingale Court and Atkinson Court, two sheltered housing schemes, approximately 180m apart.

To the west of the site lies East Cosham House, which comprises a Grade 2 Listed Building and is used as a care home, and a row of six detached houses set within modest plot sizes. To the north of the application site East Cosham Road is fronted by detached properties of varying styles set within long plots while the west side of the road is characterised by semi-detached houses built in the 1930's.

PROPOSAL

The applicant seeks full permission for the construction of a part three-/part two-/part single-storey building set back approximately 18m from the Havant Road frontage with a width of 35m extending northwards along the East Cosham Road frontage for some 64m at which point the proposed building would step back into the site where the site boundary wraps around the rear garden of No.95. At its northern end the proposed building would sit centrally within the site with a part two-/part single-storey mass. There is a gradual slope to the site from north to south with the applicant's topographic survey showing a drop in level of approximately 6m. To accommodate the drop in ground level the proposed building would be set into three terraces, involving cut and fill, with the central section facing across the rear garden of No.95 with a mainly 2 1/2-storey eaves height and dormer windows. A short section at the northern end would have a three-storey eaves height, while the northernmost part of the building would have a part 2-/part single-storey height. At its southern end the proposed building would step down a full storey height resulting in a three-storey frontage to Havant Road. It is proposed that the east elevation would be finished in a variety of external finishes comprising buff facing bricks, red facing bricks and render.

In comparison, while the East Cosham Road frontage is similarly stepped in response to the slope of the site, the central section of the building has been designed with a series of recesses to break up the bulk of the building and give the impression of a row of four separate buildings with varying degrees of articulation set approximately 7m back from the site boundary. The external facing materials would comprise buff facing brick with contrasting banding to part of the frontage and red face brickwork to the remainder articulated by rendered bays. The north elevation, with a part single-/part two-storey mass has a limited number of openings and would have a predominantly buff face brick finish.

The Havant Road frontage would have two distinct elements. The main part of the building would have two projecting sections with hipped roofs to a full three-storey eaves height. Each projection would have a rendered finish with reconstituted stone window surrounds and string courses above a cut render plinth which extends between the projections with a projecting flat-roofed canopy supported by stone pillars. The central section between the projections would have a buff face brickwork finish with reconstituted stone window surrounds at first and second floor levels. The subservient part of the frontage adopts a more simplistic approach with a 2 1/2-storey eaves height with half dormers, a buff facebrick finish with contrasting red brick cills, headers and string courses.

Externally, the layout plan indicate landscaping works that reinforce the boundaries and an amended layout to the car park to accommodate nineteen vehicles, together with the provision of a footpath along part of the western boundary between Havant Road terminating opposite No.9 East Cosham Road.

RELEVANT PLANNING HISTORY

Until the mid-1990's the main building comprised a dwellinghouse when a succession of permissions were granted for its use as a home for the elderly and then a day nursery. The permission for the use of the property as a day nursery was varied on three occasions to increase the number of children that could be accommodated from 30 to 100.

The redevelopment of the rear part of the site to provide four houses was the subject of three applications between 2008 and 2011. The 2011 application was granted permission on 30 March 2012. That permission would have required the removal of unprotected trees on the northern section of the site.

Two Horse-chestnuts located adjacent to the common boundary with No.95 were removed and are subject to a requirement for replacement. Tree T2 was felled with consent in 2010 and at

around the same time tree T3 was removed under the Dead, Dying and Dangerous provisions. Replacement planting has yet to be undertaken.

Although not relating directly to this site an application for the redevelopment of No107 Havant Road to provide sheltered accommodation was the subject of an appeal following a refusal in October 2007. Although dismissing the appeal the Inspector noted that, in principle, a block of flats could be successfully accommodated on the site and, despite other similar developments completed and under construction in the area at that time, there would be no planning reason to resist the provision of retirement flats.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), and PCS23 (Design and Conservation); and saved policy DC21 (Contaminated Land) of the Portsmouth City Plan 2001-2011.

The Supplementary Planning Documents in relation to Sustainable Design and Construction, Housing Standards, Parking Standards, and Achieving Employment and Skills Plans are material considerations.

CONSULTATIONS

EPPS - Contaminated Land Team

Standard site investigation conditions will be required.

Highways Engineer

The site is located in an area of low accessibility to public transport. The Drayton local centre lies 400m to the east of the site. Cosham centre with a wider range of facilities including a health centre, supermarket, banks and a railway station/transport interchange lies approximately 1 km to the west. Bus stops with shelters, seats and timetables are located immediately west of the Havant Road/Carmarthen Avenue junction. The bus service 23 offers a 10minute day time frequency service past the site, linking Havant to Fareham via the Queen Alexandra Hospital. This service calls at Cosham railway station giving convenient access to rail services; elderly travellers are particularly able to benefit from concessions and special offers for off-peak rail travel, including the Senior Citizen Railcard.

The existing vehicular access/egress to this site is from Havant Road and serves a hardsurfaced area used for parking and drop-off/pick-up associated with the previous day nursery use. The location of the access/egress would be unchanged as part of the proposed development and serve nineteen parking spaces.

The provision of nineteen spaces represents a modest increase over that originally proposed and represents 1 space/2.73 flats. In comparison to Nightingale Court, which was granted on appeal and Atkinson Court those developments provided car parking at a ratio of 1 space/3.36 flats and 1 space/2.14 flats respectively. Langstone Court, further to the east, provided parking at a ratio of 1 space/2.63 flats. It should also be acknowledged that as part of the appeal scheme on 107 Havant Road the Inspector held that a parking ratio of 1 space/ 2.21 flats was acceptable.

Whilst the previous use of the property as a day nursery would have generated a significant number of traffic movements the majority of these would have been at peak times. In contrast traffic movements associated with elderly persons accommodation would be spread across the day with no significant contribution to peak-hour movements. Using TRICs data the overall level of traffic movements would reduce from 177 vehicle trips (12 hour) for the previous use of the site to 103 vehicle trips (12 hour) for the proposed development. It is therefore concluded that the level of traffic generation associated with the proposed development would not have a significant impact on the local highway network or otherwise adversely affect the safety of pedestrians by vehicles using the access/egress. It is also considered that, in the context of

other completed elderly persons developments in the locality the proposed level of on-site car parking would be sufficient to meet the needs of the occupiers of the development, and there would be no material harm to highway safety from additional on-street parking associated with visitors.

Drawing No. 4799-PL-008 shows a secure store to accommodate 4 cycles and 4 buggies. In addition 3 sheffield stands are shown within the courtyard to accommodate 6 cycles for visitors. It is considered that the proposed arrangements would meet the requirements of the occupiers of the development.

The highway junction of Havant Road/East Cosham Road and the southern end of East Cosham Road does not cater well for road users, especially pedestrians. As amended this proposal now provides a 2.0m wide footway running up the east side of East Cosham Road from its junction with Havant Road to a point where pedestrians can safely cross from the existing footway on the opposite side of the road. This, in providing a link between an emergency egress point and Havant Road, will benefit the occupiers of this development and ensure a suitable level of safety. It would also benefit other highway users in the locality. The provision of the footway will need to be subject of a S278 agreement and an agreed commuted sum for future maintenance.

The applicant proposes a Travel Plan, with the Lodge Manager as Travel Plan Co-ordinator, that notwithstanding the characteristic low car-ownership levels promotes non-car use and identify where improvements could be made to community transport provision.

Raise no objection subject to completion of footpath, car parking, cycle and buggy storage facilities prior to occupation; maintenance payment for footpath; submission of travel plan.

Tree Memo

The majority of the trees are low category (C) because of their poor condition or small size.

The low quality assessment categorised as C within the tree schedule substantiates the reasoning behind the proposed removal of a number of individual trees, several groups and hedges. None of these trees are sufficiently important to be worthy of influencing any layout.

It is considered that of crucial importance to the schemes success is a comprehensive, well thought out landscape scheme with significant sized trees planted around the site to complement the street scene, particularly on to Havant Rd in keeping with the leafy environment of the road. As trees T.2 and T.3 have yet to be replaced we should be ensuring that the replacement trees are planted and retained at that location.

Head of Community Housing

On a scheme providing 52 apartments we would be looking at a S106 provision of 30% pro-rata the overall scheme. In this instance that would mean a provision of 10x 1bedroom apartments and 6x 2bedroom apartments. As the demand for affordable retirement homes of this nature is low the contribution would be focussed on general needs affordable housing.

In past instances we have nearly always agreed a commuted sum on such developments as we have often agreed that bespoke retirement dwellings and general needs affordable housing should not be mixed in one development. This is how, given the size of this site, we would approach this particular case. The commuted sum would still be based on a pro-rata mix and would equate to: 10 x 1bed and 6 x 2bed flats.

Under our current generous commuted sum policy the equation would be as follows: based on our minimum space standards for 1 bed accommodation (45 sqmtrs) = 45x £1000x 10 = £450,000, and minimum space standards for 2 bed (60sqmtrs) accommodation = 60x £1000 x 6 = £360,000.

This gives a total of £810,000 for a commuted sum contribution in lieu of an on-site affordable provision.

Crime Prevention Design Advisor

I recommend all external access doors are certified to PAS24 standard; all apartment doors are certified to PAS24 standard; the installation of an audio visual access control system; the installation of a cctv system with cameras positioned to provide images from the communal areas, access doors, reception area, corridors and stairwells.

A number of dwellings have direct access to gardens. To provide for the safety and security of the residents it is important that the private gardens are secured so as to prevent casual access. Therefore, I would recommend that any accesses from East Cosham Road are gated and that

these gates can be secured. Internal barriers should be put in place to prevent casual access from the car park into the private gardens.

The proposal is for fifty-one sheltered apartments and a manager's flat, but only seventeen car parking spaces[as originally proposed]. We would be concerned if this proposal caused more on-street parking within local roads ... vehicles parked on the public highway are many times more likely to be the subject of an incident than those parked on private space.

Southern Water

Sewer records indicate a foul sewer running partially adjacent to the East Cosham Road boundary and partially within the boundary opposite No.91 Havant Road. No development or new tree planting should be located within 3m of the sewer and all existing infrastructure should be protected. No soakaways should be provided within 5m of the sewer. Should any sewer be found during construction works an investigation of the sewer will be required.

Initial investigations reveal there is inadequate capacity in the local network to provide foul and surface water sewage disposal to service the development. Existing properties and land may be the subject to greater risk of flooding as a result. S98 of the Water Industry Act 1991 provides the legal mechanism whereby the developer can request the appropriate infrastructure. It is requested that should planning permission be granted an informative is attached concerning the provision of the necessary infrastructure, and that a pre-commencement condition is attached requiring the submission and approval of details of the proposed means of foul and surface water sewerage disposal.

EPPS - Pollution Team

Noise assessments carried out for similar developments within Havant Road indicate a potential for the new residential development to be subjected to elevated levels of road traffic noise.

Therefore I would recommend the following condition should permission be considered appropriate:

Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter maintained.

The following informative should be added:

1. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime LAeq(16hr) (7:00 to 23:00) 35 dB

Night-time LAeq(8hr) (23:00 to 07:00) 30 dB

2. For the purposes of demonstrating compliance it should be assumed that all rooms have a reverberation time of 0.5s

Natural England

The application site is within approximately 1.5km of habitats which forms part of the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Portsmouth Harbour Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is a similar distance from Langstone Harbour SSSI, which is part of the Chichester and Langstone Harbours SPA and Ramsar site.

Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned Footprint Ecology to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. Natural England is on the project Steering Group for this project and also has a statutory role in advising on the potential effects of development on the conservation of SPAs. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

Natural England's advice is that the SDMP work represents the best available evidence, and therefore mitigation is required in order to avoid a likelihood of significant effect, in combination, arising from new housing development around the Solent.

Natural England notes the submission of additional information in the form of mitigation proposals relating to this development. As mitigation measures have been put forward, we advise that your authority undertake an Appropriate Assessment to determine whether there will be an adverse effect on the integrity of the aforementioned European Sites.

An appropriate assessment was completed and the subject of further consultation with Natural England. In accepting the Council's view that the proposed development would not, either alone or in combination with the similar nearby proposed development, be likely to have a significant effect on the SPA's, Natural England offered no further comment.

Hampshire Biodiversity Information Centre

Surveys identified one common pipistrelle bat emerging from the main house on the site. A method statement is provided that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided. Provided that the agreed mitigation proposals are implemented, I would have no concerns over these proposals with respect to bats. If you were minded to grant permission I would simply suggest that the following condition be added to the decision notice:

"Development shall proceed in accordance with the measures set out in Sections 5.10 to 5.21 of the Havant Road, East Cosham Lane, Drayton - Protected Species Survey Report and Mitigation Strategy (EPR, September 2013). Thereafter, the compensatory bat roosts shall be permanently maintained and retained. Reason: to ensure the favourable conservation status of bats and to retain and protect the biodiversity value of the site in accordance with Policy PCS13 of The Portsmouth Plan (Portsmouth's Core Strategy)."

The survey work identified a Medium population of slow worms at the site. Reptiles are legally protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to kill or injure these animals. The report sets out various measures that would address impacts to this species. However, the key issue in this is finding an appropriate location to move the animals to (the 'receptor site').

Design Review Panel

The Panel reviewed the scheme as a pre-application submission. The Panel were disappointed with this scheme. It was considered to be a very large domestic building unsuccessfully trying to disguise itself as a series of smaller buildings resulting in over development of the site. It was commented that the design did not adequately reflect the character of the area - detracting from its leafy character and accelerating a gradual erosion of fabric that has occurred over time.

The form was considered to be overly complex and it was commented that the proposed flash gaps did not provide a sense of separation between the various elements of the building. The range of materials and designs for the boundary treatments, the car parking and the relationship with a nearby listed building were also considered problematic.

REPRESENTATIONS

One general comment was received from the Portsmouth Society as follows;-

"Havant Road is becoming an enclave of retirement homes. This is one sheltered scheme too many. A vibrant community is a mixed community for people of all ages."

A total of sixty-six objections have been received including five duplicates, three from the occupiers of the adjoining property, and emails and letters from Councillor Wemyss and Penny Mordaunt MP. Although the grounds of objection are many and varied there are nevertheless common themes which are summarised as follows;-

- The scale, massing and footprint the proposed development would be out of keeping and dominate the locality and not retain sufficient area as a garden
- It would create a "granny ghetto"
- Poor design
- There are already far too many elderly flats in Drayton which are overloading local facilities
- Inadequate support services [e.g., doctors and dentists]
- Inadequate parking provision
- There is a need to provide larger family and executive housing
- Impact on residential amenity in terms of overlooking and loss of privacy
- Loss of trees

- Southern end of East Cosham Road is dangerous
- The development would adversely affect highway safety
- Loss of an historic building
- Disruption through construction
- Impact on wildlife
- Needs of school children and parents must be taken into account

COMMENT

The determining issues in this case relate to

- whether the existing building has any merit in terms of its historical or architectural importance;
- impact on character of the area;
- design;
- whether it would preserve the setting of the Listed Building;
- housing mix and the creation of a balanced community;
- the provision of affordable housing;
- trees/landscaping;
- residential amenity;
- open space;
- highway issues/infrastructure; and
- potential impact on the Portsmouth and Langstone Harbour SPA's.

The existing building

Historic maps or other records may indicate the presence of an earlier building, or buildings on the site, even to the same footprint. This does not however constitute conclusive evidence that fabric from an earlier period is present. Stylistically the building is late Victorian/Edwardian. The Council's conservation officer has visited the property. Architecturally the interior has a strong unity and coherence. All detailing is consistent with the period of the present house. There is nothing in its form or materials to suggest that any part of it is not of late 19th/early 20th century provenance. Sections of roof timber that were viewed were certainly of 20th century origin.

The existing building is not considered to be of sufficient merit, either architecturally or historically, to warrant formal protection or for inclusion within the local list. Even in the event that the building was of local importance, there would be no statutory protection and its loss would be considered as part of other material considerations, particularly the presumption in favour of sustainable development. The loss of the existing building could not, therefore, be resisted in principle.

Impact on character of the area

Located at the western edge of the Drayton and Farlington area, with the inclusion of No.12 and former site of No.20 East Cosham Road this site comprises a very large plot along this section of Havant Road. Notwithstanding that the front of the application site is open with little natural vegetation, the north side of Havant Road for a distance to the east and west is characterised by its tree lined frontages with buildings set back from the road. The south side of Havant Road has a similar character. However, there is some variation in the grouping and massing of individual buildings, notably East Cosham House, the application site and two other elderly persons developments. East Cosham Road differs from other residential side roads in the vicinity in that it retains a variation in width and soft verges with houses set back from its eastern side contrasting with a more regular pattern of semi-detached and detached houses on its western side.

Taking a wider view of the area the Urban Characterisation Study describes Drayton and Farlington as an area characterised by low density inter and post-war detached and semi-detached family housing with large plots by city standards. Grass verges, tree lined avenues and the gentle slope of Portsdown Hill create an open and leafy suburban character throughout.

Earlier properties line historic routes and later small infill estates at higher densities are catered throughout.

This document formed part of the background work for the preparation of the city's Local Development Framework and provided a sound basis for the strategic policies contained in the Portsmouth Plan and for other documents in the Local Development Framework. Its purpose was to outline the factors that have contributed to the formation of the city and identify the unique character areas within it. By understanding the characteristics that give a particular area its own unique sense of place, the study can act as a framework to guide future development.

The impacts the proposed development would have on the character of the area are both demographic and physical in nature. The population structure for the Drayton and Farlington Ward is such that it has the oldest population with a high proportion within the 50-64 and 65+ age groups [19.3% and 21.85% respectively]. The Census figures also show that this ward has the highest level of households in the city which have an occupation of up to 0.5 persons per room indicating a significant proportion of under occupation. The latter is likely to be a reflection of longer life span and a reticence to downsize.

The cumulative impact of both the proposed development and the similar development at No.107 Havant Road would increase the proportion of over-65's from 21.85% to 22.71%. The number of age restricted households within the Ward as a proportion of the total number of households is very low [approx. 2.5%] and whilst the proposed development, along with that of No.107, would result in a cluster of age restricted accommodation the proportion of age restricted households would increase to approx.4%. It is not therefore considered that the proposed developments would result in an undue concentration of age restricted accommodation within the Drayton and Farlington area. The comparatively high proportion of existing elderly occupation is considered to be a factor in pressure on existing local health services as raised by local residents. Whilst the proposed developments would increase the proportion of elderly persons, the level of that increase is considered to be such that it is unlikely there would be a significant effect on the supply of local health services.

In comparison to other buildings in the locality, the proposed development would have a significantly larger footprint. Whilst the Design Review Panel commented on the footprint of the building, in terms of the public realm a building is read from street level and the perceived mass of a building would be informed by architectural detailing and articulation. In terms of physical impact the proposed building would not, by virtue of its set back from the front boundary, impose itself on the narrow angle view when travelling along Havant Road. The characteristic tree lined frontage to the east and west of the application site would effectively screen those distance views.

When viewed from locations closer to the site the proposed building would present a longer frontage than either the existing building or other typical houses in the vicinity. However, the overall height of the front section of the proposed building would relate appropriately to the height of nearby houses and incorporate some articulation to give the building interest without unduly accentuating its scale. Having regard to the degree of variation in buildings fronting Havant Road, which it is accepted is affected by the existing retirement complexes at Atkinson Court and Nightingale Court, it is considered that when viewed from Havant Road the proposed building would not significantly harm the character and appearance of the street scene. With the implementation of a landscaping scheme that comprises structural planting to the front of the building, which can be secured by planning condition, the introduction of tree planting would soften the frontage reinforcing the characteristic tree-lined vista.

To accommodate the approximately 6m drop in ground level the East Cosham Road frontage is stepped with the northern-most section comprising a part single-storey/part two-storey building set around 21m from the front boundary. The building would then step forward by approximately 13m at which point the façade steps down to give a two-and-a-half and two-storey frontage for a distance of some 60m incorporating three recesses to give the proposed building the

appearance of a terrace of four linked buildings each accentuated by its own architectural styling although maintaining a uniform rhythm of windows and roof heights. At the southern end of that terrace the front part of the proposed building would be separated by a recess and would be cut into the site to accommodate the ground level at the front of the site.

North of East Cosham House the west side of East Cosham Road is fronted by a group of closely spaced houses. Notwithstanding that the Design Review Panel "considered [the development] to be a very large domestic building unsuccessfully trying to disguise itself as a series of smaller buildings resulting in over-development of the site", the degree to which the building is set back from the road frontage and incorporates a series of recesses to break up the bulk of the building fronting the road would complement the pattern of development at the southern end of East Cosham Road. Furthermore, it is considered that with the northern section of the building located further into the site, it would provide an appropriate transition between the proposed building and properties to the north.

Design

The articulation to the Havant Road elevation would give the impression of a large extended building in that it comprises one element with a cut rendered plinth in a classic style accentuated by painted render finished projections and hipped roofs, and a second subservient element to the side with a more simple architectural approach. Whilst design is inherently subjective in nature, it is considered that the treatment to part of the proposed frontage in a neo-classical style would contribute to the visual interest of the street scene. The architectural detailing to the western section of the frontage accentuates its subservient role to the whole and, while the frontage as a whole spans the majority of the width of the plot it does so in an acceptable manner.

The use of recesses to the main part of the building fronting East Cosham Road, to break up its apparent mass, is accentuated further by the use of facing materials and architectural detailing. The articulation to the East Cosham Road frontage would give the appearance of a group of four linked elements each with some variation although retaining a uniform pattern of windows, including dormers. There would however be a uniform approach to the boundary treatment to the road. It is nevertheless considered that the variation in each of the elements would complement the street scene and represent an acceptable design solution.

Turning to the northern part of the building, this would be set some 20m back from the frontage with a banded buff-face-brickwork finish and red interlocking concrete roof tiles. Ground floor windows would have contrasting facebrick lintols and cills while first floor windows would have contrasting brick cills. This treatment follows the architectural detailing on the remainder of the building and has a domestic scale and appearance that would complement the remainder of the East Cosham Road frontage.

Similar to the East Cosham Road frontage, the east elevation would be stepped with the front section having a three-storey building mass while the central section would have a mainly two-and-a-half storey eaves height with half dormers set approximately 17.5m off the common boundary. This section of the building would have three distinct finishes comprising painted render, buff face-brickwork and red face-brickwork. The northern part of the building would have banded buff coloured face-brickwork.

Whilst it is accepted that the proposed building would have a significant footprint, it is considered that the manner in which the building would be articulated and accentuated by the variation in facing materials, would have the effect of minimising its overall bulk and provide visual interest to the street scene.

Listed Building

Listed in 1953 East Cosham House is a late C18 house of two-storeys altered C20 and noted for its stone paved veranda across ground floor with arched wood trellis supported by timber columns. The building is, however, screened by existing vegetation including several trees

protected by TPO No.8. Having regard to the separation distance of some 13.5m between the proposed building, the degree of screening on the boundary of East Cosham House and that the proposed building would be set on a line with the facade of the listed building, it is considered that the proposed development would preserve the setting of the listed building in terms of its historical and architectural importance.

Housing mix

Local residents have pointed to the need for larger family and executive housing. Whilst the evidence base for the Portsmouth Plan indicates that the number of people who will be likely to require larger properties in the city will increase over the plan period, and that this site could accommodate a development comprising family houses, that would not be sufficient to preclude any other form of residential development. Other issues aside this particular proposal would also be consistent with policy PCS19.

Having regard to the nature of the proposed development, and that its occupation would be restricted to those over the age of 60, it would be inappropriate in this case to require the provision of 3-bedroom accommodation aimed at meeting the needs of families and larger households.

Affordable housing

In terms of tenure and housing provision this part of the City is characterised by relatively high property values and comparatively low levels of affordable accommodation. Although the provision of sheltered accommodation is not specifically excluded from the requirement to provide affordable accommodation, the inclusion of affordable accommodation integral to elderly persons developments raises a number of issues.

Whilst the provision of affordable housing as part of development forms an important part of both national and local policy in terms of providing inclusive communities, it is considered that having regard to the size of the site and nature of the proposed development, the provision of on-site affordable accommodation could not be satisfactorily achieved in the context of one single building. Such an arrangement would not lead to a successful sheltered housing development and the relationship between affordable and private accommodation would lead to management issues. The provision of on-site affordable housing would involve splitting the site so that two buildings could be accommodated, although it is considered that this would raise other issues in terms of design and parking. For example, for a development comprising 52 flats, 16 would be required as affordable accommodation. Whilst on-site car parking provision for sheltered accommodation is normally provided at a level that reflects lower car ownership, parking for general needs accommodation would need to be provided at the full standard. It is therefore considered that the provision of affordable accommodation in relation to the proposed development should be either off-site or by way of a commuted sum.

In not providing off-site affordable accommodation the applicant proposes a financial contribution. However the level of that contribution has been informed by a viability assessment. That assessment has had regard to the normal range of costs associated with the proposal and reflects the principles in para 173 of the NPPF and the RICS guidance note 'Financial Viability in Planning', whereby competitive returns to the landowner and a willing developer are achieved. In assessing the viability of the project due regard has been given to the situation whereby a more saleable scheme is created through the non-provision of affordable accommodation, even in a stand-alone block.

The viability assessment was considered independently by external consultants who advised that, whilst the proposed development would be unable to fund full off-site provision through a financial contribution, it would be capable of supporting a contribution of between £200,000 and £250,000. Whilst this figure represents circumstances at a particular point in time, it would nonetheless represent a contribution which the Council could justifiably seek. In response to this assessment the applicant has offered a financial contribution of £200,000. It is considered that such a contribution would be reasonable in the circumstances of this case. However, in the

event that the proposed development is not commenced within a period of eighteen months from the date of permission the applicant should be required to submit a further viability assessment for review.

Trees and landscaping

This site incorporates a number of trees of which a group of five trees immediately to the north-west of the existing building within Tree Preservation Order No.65. These trees are to be removed as part of the development. A number of unprotected trees within the northern section of the site, are also to be removed. The unprotected trees are not considered to be of sufficient amenity value to afford formal protection, and it must be acknowledged there is an extant planning permission that, if implemented, would involve the removal of those trees. The Council's arboricultural officer is of the view that the protected trees are not of sufficiently high quality to warrant retention subject to suitable replacement planting as part of a landscaping scheme.

Although the applicant has not submitted a detailed landscaping scheme, it is considered that there would be sufficient space around the building to accommodate structural planting, including replacement trees, together with shrub planting to provide an acceptable setting to the building. The number of trees that could be accommodated within the site, including the replacement of protected trees, would be sufficient to meet the requirements of policies PCS13 and PCS23 which seek to ensure protected trees are replaced and a satisfactory landscaped setting is provided.

Residential amenity

Having regard to the separation distances between the proposed building and the houses on the opposite side of East Cosham Road, which vary between 20m and 25m, it is considered that the relationship of the proposed development to the front of the existing houses would be largely similar to typical front wall-to-front wall distances in the locality. It is therefore considered that the proposed development would not adversely affect the living conditions of the occupiers of those houses opposite the site.

The northern section of the proposed building would be in line with the adjoining building to the north, St Anthony, which comprises a detached bungalow. The proposed building would have a single-storey element set approximately 3m off the common boundary before rising to a two-storey building mass approximately 9m from the boundary. With no first floor windows facing north, alignment of the building and the step-down in building bulk towards the boundary it is considered that the proposed development would not give rise to a loss of outlook or overlooking.

The adjoining property to the east comprises a two-storey detached house with a single-storey projection to the rear and a 31m rear garden enclosed by timber fencing. Similar to the application site natural ground level slopes upwards from south to north, and is at an elevated level in comparison to ground floor level at the rear of the house. The east elevation of the central section of the proposed building would be set approximately 17m-18m off the common boundary with a two-and-a-half storey eaves level and a series of dormer windows of which one provides access to a modest balcony. The internal arrangement of the proposed building would be such that, at first and second floor levels, windows within this section of the building would serve bedrooms, kitchens and living rooms. However, given the spatial separation between that part of the building and the rear garden of No.93 it is considered that the proposed development would not give rise to a loss of outlook or overlooking to justify withholding permission. Although the submitted details show indicative landscaping along the common boundary, the central section of the building would in part be softened by replacement tree planting following the removal of two protected trees..

Open space

Under policy PCS13 there is a requirement that development sites of 50 dwellings or more pocket parks are provided to a standard of 1.5ha per 1000 population. The aim of this policy is

to ensure that the residents of new development, particularly family housing, have access to an appropriate level of recreational/play space as part of the development. Clearly, the needs of specialist accommodation such as sheltered housing would differ markedly from general needs housing. The proposed development would entail the provision a communal lounge, wellbeing room and landscaped grounds for the benefit of its occupiers. Approximately 0.5km to the north of the site lies an area of public open space, and 0.6km to the south-east lies an area of open space at Braemar Avenue. Whilst the occupiers of the proposed development would be likely to add to the number of people who use those areas, it is considered that compared to general needs housing the likely increase in demand on those facilities would not be significant. Mindful that there are no planned schemes of improvement for those areas it would be inappropriate to seek a financial contribution in this case.

Highway issues

Local residents in their representations raised two concerns; the first in relation to the level of on-site car parking, and the second in relation to highway safety given the comparatively narrow width of East Cosham Road at its southern end and lack of a pedestrian footpath. Those issues also formed part of the assessment by the Highway Authority.

In response to the initial views of the Highway Authority the applicant increased the number of on-site car parking spaces from 17 to 19, and now proposes the construction of a 2m wide footpath on the east side of East Cosham Road from Havant Road to a point opposite No.9 East Cosham Road that corresponds to the location of a path from an emergency exit within the proposed building.

In comparison to other similar retirement living complexes in the locality it is noted that the Highway Authority consider that on-site parking provision to the ratio of 1 space per 2.73 flats would be acceptable. Although car ownership is characteristically low in elderly persons developments the applicant nevertheless proposes to implement a travel plan, in accordance with the provisions of Appendix 9 of the City Local Plan, with the objective of promoting non-car use. Having regard to the maximum standards set out in Appendix 9 of the City Local Plan and the objectives outlined in para.39 of the National Planning Policy Framework it is considered that the proposed level of on-site car parking would be sufficient to meet the needs of future occupiers.

The inclusion of a footpath along the southern section of East Cosham Road would enable occupiers of the proposed development to exit the building safely in an emergency and would improve highway safety for those residents and visitors walking up East Cosham Road to the nearby public open space. The provision of that footpath would be the subject of a commuted sum for future maintenance to be secured through a legal agreement.

Currently the site benefits from a dropped kerb onto Havant Road which would serve the proposed car parking facilities. The Highway Authority has compared trip generation associated with the previous use of the site as a 100 space day-nursery and that of the proposed development using the TRICS database. An analysis of that data reveals that the proposed use is likely to result in a significant reduction in the number of vehicle movements on the highway network, particularly during peak hours. In these circumstances it is considered that the level of traffic generation could be satisfactorily accommodated within the local highway network. Furthermore, the location of the existing access/egress has satisfactory sight lines and its continued use would be considered acceptable in terms of highway safety.

It is therefore considered that the proposed development, having addressed the concerns of the Highway Authority, would be acceptable in highway terms.

Impact on the Special Protection Areas

The application site is within approximately 1.5km of habitats which form part of the Langstone Harbour SSSI, which is part of the Chichester and Langstone Harbours SPA and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is a similar

distance from Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site.

Ordinarily the provision of general needs housing, and potential occupation by families, could be expected to have an impact on the SPA's through recreational disturbance, particularly from dogs as part of visits to the coast. Natural England, in these circumstances would conclude that the new housing provision would be likely to have, either by itself or in combination with other development, a significant effect on the interest features for which the SPA's are designated. It is, however, acknowledged that the characteristics of the proposed development would differ from that of general needs housing and with an appropriate level of mitigation could be considered acceptable. It would, however, be for the Council as competent authority to assess whether the proposed development, either alone or in combination, would be likely to have a significant effect on the nearby SPA's.

Information provided by the applicant indicates that whilst new retirement complexes tend to initially attract residents at the younger end of the over 60's age range they do nonetheless have a comparatively high proportion of residents of 75 plus and low levels of car ownership over the lifetime of the development. The Council has no information to dispute these findings. A project level Habitats Regulations Assessment has been undertaken in accordance with the comments of Natural England, which concluded that the proposed development, either alone or in combination with the similar proposed development nearby, would be unlikely to significantly affect the SPA's through recreational disturbance. Natural England concurred with that conclusion and offered no further comment.

Other matters

The applicant is working with officers in delivering an Employment and Skills Plan which would be secured through a legal agreement. A suitable receptor site has been identified for the translocation of the slow worm population at the Farlington Triangle and a management plan prepared.

Conclusion

For the reasons outlined above it is considered that the proposed development would complement the character of the Havant Road frontage, and would not adversely affect the living conditions of the occupiers of the adjoining and nearby properties. The level of on-site car parking is considered sufficient to meet the needs of future residents, and the overall level of traffic generation could be accommodated within the local highway network without detriment to highway safety. The provision of a footpath along part of the East Cosham Road frontage would improve highway safety for the occupiers of the proposed development.

The provision of a commuted sum towards the provision of affordable accommodation is considered to represent an appropriate response to the requirements of policy PCS19 in the context of national planning policy advice.

It is therefore considered that subject to the completion of legal agreements, no later than four months from the date of this resolution, in relation to; the payment of a commuted sum of £200,000 towards affordable accommodation; the payment of a commuted sum of £9,350 for maintenance of the footpath; an employment and skills plan; and travel plan, the application is capable of support.

RECOMMENDATION 1

Conditional permission subject to completion of section 106 agreement in relation to;-

£200,000 contribution towards affordable accommodation;
Review of viability assessment if development not commenced within 18 months; Travel Plan; Employment and Skills Plan; Project management fee, **and a s278 agreement in relation to;-** Provision of Footpath and commuted sum towards maintenance.

RECOMMENDATION 2 Refuse if non-completion of agreement by expiry of four months

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: 4799-PL-003 C; 4799-PL-004 C; 4799-PL-005; 4799-PL-002 F; 4799-PL-009 B;4799-PL-010 A.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied/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(c) that any remediation scheme required and approved under the provisions of condition 3(c) 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;
 - (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 under condition 3(c).
- 5) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, including replacement planting for protected trees. The works approved shall be carried out in the first planting and seeding seasons following the first occupation or completion of the building whichever the soonest. 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.
- 6) Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained.

7) The development hereby approved shall not be commenced until details of the proposed means of surface water disposal and sewerage disposal have been submitted to and approved by the local planning authority in writing. The development shall thereafter be completed in accordance with the approved details.

8) The parking facilities shown on the approved drawing shall be completed and made ready for use prior to the first occupation of the building and shall thereafter be retained.

9) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or

b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

10) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and one credit from issue TRA 03, which evidence shall in the form of a BREEAM 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.

11) Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and one credit in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

12) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) 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.

13) Precise details of the boundary treatment to East Cosham Road and Havant Road shall be submitted to and approved by the Local Planning Authority in writing, and the approved boundary treatment shall thereafter be completed prior to first occupation of any part of the building.

14) Prior to first occupation of any part of the development hereby approved the footpath shown on drg no. 4799-PL-002 D shall be completed and ready for use by the public.

15) With the exception of the site manager/warden's accommodation at no time shall the development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

16) Development shall proceed in accordance with the measures set out in Sections 5.10 to 5.21 of the Havant Road, East Cosham Lane, Drayton - Protected Species Survey Report and Mitigation Strategy (EPR, September 2013). Thereafter, the compensatory bat roosts shall be permanently maintained and retained.

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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To improve the appearance of the site in the interests of visual amenity in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 7) In order to ensure that the proposed development does not result in an increased burden on existing drainage services thereby minimising the risk of flooding in accordance with policy PCS12 of the Portsmouth Plan.
- 8) To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 9) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan.
- 10) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 11) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 12) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 13) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 14) In order to improve highway safety and provide for safe pedestrian movement in accordance with the objectives of policy PCS17 of the Portsmouth Plan.
- 15) To control the occupation of the development having regard to the level of on-site car parking provision and ensuring that the occupation of the development would not have a significant effect on the nearby Special Protection Areas in accordance with policy PCS13 of the Portsmouth Plan.
- 16) To ensure the favourable conservation status of bats and to retain and protect the biodiversity value of the site in accordance with Policy PCS13 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.

04 13/00878/FUL

WARD:St Thomas

7 Cross Street Southsea

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 Alan Goldsworthy

RDD: 8th August 2013

LDD: 4th October 2013

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application relates to 7 Cross Street, a two storey, detached dwellinghouse located to the north of Cross Street. This property comprises a kitchen, bathroom, WC, lean to, living room and bedroom at ground floor level in addition to two bedrooms at first floor level.

The lawful use of the property falls within Class C3 (dwellinghouse) of the Use Classes Order. This application seeks to change the use of this property from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). Normally, a change of use between Class C3 and Class C4 would be classed as permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On the 1st November 2011 however, Portsmouth City Council implemented an Article 4 Direction relating to HMOs. As a result, planning permission is now required for a change of use between Class C3 (dwellinghouse) and Class C4 (House in Multiple Occupation) where between three and six unrelated people share at least a kitchen and/or bathroom.

This property is already being occupied as a HMO and as such, this proposal will be treated retrospectively.

There is no planning history for this property.

POLICY CONTEXT

In addition to the NPPF and the Houses in Multiple Occupation SPD, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

CONSULTATIONS

None

REPRESENTATIONS

One letter of representation and one petition (10 signatures) have been received objecting to this application. The grounds for objection are summarised as follows; a) The percentage of HMOs in this area exceeds the 10% threshold as outlined in the HMO SPD; b) The size of the property makes it inappropriate for use as a HMO intended to occupy between 3 and 6 individuals; c) The proposed change of use would give rise to an increase in noise, disturbance and anti-social behaviour for neighbouring residents, in particular those living in Morecambe Court; d) A house of this type should be used as a family home; and e) The proposed use would exacerbate parking issues in the area.

COMMENT

The determining issues for this application relate to the suitability of the proposed C3/C4 use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements relating to car and cycle parking.

This application seeks permission to change the use of this property from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This would give the applicant greater flexibility to change between these two use classes. This property is already being occupied as a HMO and as such, this application will be treated retrospectively.

Policy PCS20 of the Portsmouth Plan states that applications for changes 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 Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use. There are 180 properties located within a 50m radius of the application site. Initially, 5 existing Class C4 HMOs were identified however following further investigation, this has reduced to 4 existing HMOs currently in Class C4 HMO use. The use of this property for purposes falling within Class C3 or Class C4 would increase this to 5 out of 180 or 2.8%. This is below the 10% threshold set out in the Houses in Multiple Occupation SPD. The existing community is not currently imbalanced by a concentration of Class C4 HMO uses and subsequently, this application would not give rise to an imbalance of such uses.

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, 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. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). This property is however, located within a short walk of local transport links, shops and services. There is no indication on the submitted plans that adequate cycle storage has been provided and as such, this will be required by way of a suitably worded condition. It is therefore considered that an objection on car parking grounds could not be sustained.

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 following approved drawings - Drawing numbers: Block Plan; and Floor Plan.

2) Within a period of three months from the date of planning permission, or such other period as may be agreed in writing by the Local Planning Authority, cycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved in writing to the Local Planning Authority. These facilities shall thereafter be retained for the use of occupiers of the property for that purpose.

The reasons for the conditions are:

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

2) To ensure that adequate cycle storage is provided for occupiers of this property in order to encourage an alternative use to the private car in accordance with policies PCS17 and PCS23 of The Portsmouth Plan.

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.

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City Development Manager
28th October 2013