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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 11 MARCH 2015 AT 5.00 PM

EXECUTIVE MEETING ROOM - 3<sup>RD</sup> FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 0239283 4056

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### Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Colin Galloway, Terry Hall, Stephen Hastings, Lee Mason, Les Stevens and Sandra Stockdale

### Standing Deputies

Councillors Alicia Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New, Darren Sanders, Rob Wood, Stuart Potter and Julie Swan

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(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](http://www.portsmouth.gov.uk)

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests are accepted. Contact: Julie Watson 023 9283 4826 or [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk)

## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of previous meeting - 11 February** (Pages 1 - 10)  
The minutes of the meeting held on 11 February 2015 are attached.

**4 Updates from the City Development Manager on previous planning applications**

Planning applications

- 5 14/01665/FUL - Cavendish House, Victoria Road South, Southsea - Change Of Use From Purposes Within Class D1 to a 15 Bedroom Halls of Residence (Within Class C1) (Pages 11 - 34)**
- 6 15/00039/FUL - 22 Inglis Road, Southsea - Construction of 2 Semi-Detached Dwelling Houses After Demolition of Existing Building (Amended Scheme)**
- 7 14/01672/FUL - Former Alders Warehouse, Cross Street, Portsmouth - Construction of Four-Storey Building Comprising 85 Flats, Construction of 5 Two-And-A-Half Storey Houses And Associated Access, Car Parking and Landscaping (Following Demolition of The Existing Building)**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 February 2015 at 5.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

### Present

Councillors Aiden Gray (Chair)  
Frank Jonas (Vice-Chair)  
Ken Ellcome  
David Fuller  
Colin Galloway  
Terry Hall  
Stephen Hastings  
Les Stevens  
Sandra Stockdale

Also in attendance Councillors L Hunt & L Stubbs

### Welcome

The chair welcomed members of the public and members to the meeting. He welcomed Councillor Terry Hall to her first Planning Committee meeting, following her recent appointment replacing Councillor Gerald Vernon-Jackson.

### Guildhall, Fire Procedure

The chair, Councillor Gray, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

### 9. Apologies (AI 1)

Apologies for absence had been received from Councillor Lee Mason.

### 10. Declaration of Members' Interests (AI 2)

Councillor Jonas declared a personal interest in agenda item 6, Roko Health & Fitness Club, Copnor Road as he is a shareholder in Portsmouth Football Club.

Councillor Ellcome declared a personal interest in agenda item 6 Roko Health & Fitness Club, Copnor Road as a season ticket holder for Portsmouth Football Club.

Councillor Hall declared a personal interest in agenda item 7, 151 Fawcett & 3 Heyward Road, Southsea as she is a patient of Heyward Road doctor surgery.

Councillor Fuller declared a personal interested in agenda item 5, Coffee Van site, Eastney esplanade as he visits the café.

**11. Minutes of previous meeting - 14 January (AI 3)**

**RESOLVED that the minutes of the meeting of the Planning Committee held on 14 January 2015 be approved as a correct record and signed by the Chair.**

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

There were no updates from the City Development Manager.

**13. 14/01663/ADV - Coffee Van Site Eastney Esplanade Southsea - Display of 3 illuminated fascia signs and 1 non illuminated fascia sign (AI 5)**

The City Development Manager introduced the report and reported in the supplementary matters list that 6 further objections had been received. Their concerns are 1) the development is not subtle and in keeping with the local environment and 2) it will not enhance the area. An objection had also been received by Councillor Winnington. 4 further support comments had been received. Their reasons for support are 1) it will make the building more attractive 2) it will bring more life to the area like it was in the 1960's/70's.

A deputation was made by Mr Holland, objecting to the proposal whose points included:

- It was his personal view that the Coffee Cup building did not conserve or enhance the area and was a blot on the landscape.
- Sympathise with owners but regret the choice of location and design of the building.
- Views of the sea obstructed by the building.
- Other café's in Southsea flourish without the need for illuminated signs therefore illuminated signage is not needed.
- Quiet location and residents do not deserve this proposal.

A deputation was made by the applicant Mr Parsons who circulated photos of current coffee cup illuminated signs and other illuminated signage along the seafront. His points included:

- This was a welcome addition to the seafront and they had made sure the building was not out of place by using natural materials.
- Large glass windows so views of the seafront can still be viewed.
- Carried out pre application discussions with officers to make sure the right procedures were followed.
- He referred to page 1 of the photos showing illuminated signs at the Coffee Cup signage in Portchester and Clarence Pier and explained that unlike these the signage for the seafront location would just be to light up the letters which would be internally lit with halo lights.

- Feel there is a business need to be illuminated after dark.
- The area is already well illuminated with signage (as shown in the photographs) so this proposal would not add to the urbanisation of the area.
- The majority of people asked would like to see the signs illuminated and they have carried out a petition which generated 293 signatures and 64 online signatures in favour of this proposal.
- The building closes at 10pm so the lights would be turned off at this time.
- Had offered councillors the option of viewing what the signs would look like, this offer had not been taken up but this offer was still available.

A deputation was made by Councillor Luke Stubbs, ward councillor who asked the committee to be mindful of the appeal decision at Southsea Leisure Park for external illuminated signage which was refused by the committee. The applicant had appealed the decision and the Inspector had dismissed the appeal saying that it would have added to the feel of urbanisation of the area. This is a similar area therefore the same logic should apply for this application as there is no difference between the two locations.

#### Members' questions

In response to a question officers advised that if the committee were minded to they could restrict the timings the signs are illuminated by adding a condition. In response to a question regarding the level of lighting officers confirmed this was low level lighting and the collective view of the planning officers was that this is appropriate for this location. In response to a question about how the sign would look when illuminated, officers replied that it would only be the white letters that would be lit up.

#### Members' comments

Some members felt that as the internal lights would be on during the evening, having illuminated signage would not be too dissimilar. Members felt it was appropriate to add a condition to ensure that the illuminated signs are switched off between 10pm and 6am. Councillor Hall proposed that the application be deferred until members had visited the site to see the signs illuminated however there was no seconder for this proposal.

**RESOLVED that conditional permission be granted conditional subject to the condition outlined within the City Development Manager's report and an additional condition that the illuminated signs are switched off between 10pm and 6am.**

14. **14/01523/FUL - Roko Health & Fitness Club Copnor Road Portsmouth - Construction of up to 3m High fencing with 8m High netting to enclose 2 additional football pitches on land to the east of Roko/Portsmouth FC training ground; siting of 2 storage containers and water storage tank (AI 6)**

The City Development Manager's supplementary matters report set out that a further consultation response has been received from Sport England confirming the amended plan re-siting the fence line overcomes their objection relating to the effect

on the usability of the cricket pitches to the north and recommending a condition be imposed to secure a Community Use Agreement for the pitches to be enclosed by the fencing the subject of this application. The applicant has confirmed their willingness to enter into a Community Use Agreement.

The officer's recommendation had been amended to include the following condition and informative:

3. No part of the development hereby permitted shall be commenced (unless otherwise agreed in writing by the Local Planning Authority) until a Community Use Agreement, to secure effective community use of the existing pitches, has been agreed with the Local Planning Authority. The Community Use Agreement shall include (but not be limited to) details of any pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The provisions of the Community Use Agreement shall apply until such a time as the existing pitches are no longer enclosed by the fencing hereby permitted.

REASON: To secure the retention of community access to the existing pitches in the interests of the continued promotion of sporting activities and the health benefits thereof in accordance with Policies PCS13 and PCS14 of the Portsmouth Plan.

#### Informative

The applicant is advised that any Community Use Agreement should be prepared in consultation with Sport England and your attention is drawn to the guidance on preparing Community Use Agreements which is available from Sport England's website: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>. The Community Use Agreement should include details of when/how the pitches will be available to the public including community clubs.

A deputation was made by Mr Colvill objecting to the proposal. Mr Colvill also spoke on behalf of Mrs Grant. Their points included:

- If the planning application is refused, Portsmouth Football Club (PFC) can still use the pitches and the community would not use this green space which is vital.
- Unclear on diagram the height of the fence
- Would lose 1.5 hectares of the fields to PFC.
- Opportunity for members of the public to take part in sports would be reduced.
- Unclear why the netting is required
- He referred to page 98 of the Portsmouth Plan most homes are within 800m of play space and said that the proposed fencing would add an additional 150m for children to get to the play space.
- Potential conflict between the rugby club and children wanting to play on the field.
- Hilsea station used by 3,000 commuters a year and pathway also used for people using the industrial estate the other side of the railway. If fence put up

it will create an enclosed corridor effect and give members of the public no way of escaping if they encounter a dangerous situation.

- Pitches often flood and become boggy.

A deputation was made by Mr Garnett objecting to the proposal his points included:

- This would ruin the area.
- Takes away fields from public use and do not see why PFC need additional pitches.
- His property backs on to where the proposed storage tanks would be located and he would be able to see these from the back of his house.
- Issue with parking of numerous commercial vehicles in Devon Road/Wesley Road and surrounding roads often overhanging junctions. He suggested a strip of land 8 yards wide from the ROKO fence up to the field entrance in Devon Rd as an overnight parking area for all commercial vans with a permit to apply on Wesley Rd and Lovett Rd and Green Lane.

A deputation was made by Mrs Hill objecting to the proposal her points included:

- PFC has enough land - they do not use the pitches they already have some days.
- Land is designated as public protected open space therefore this should be available for members of the public.
- The pathway alongside the pitches if proposed fence goes up will make the path too narrow and unsafe
- The recent drainage works have not improved the flooding issues.

A deputation was made by Mrs Burks objecting to the proposal. She said she completely agreed with all the points made by the other objectors and that it would be a great shame to lose the open space which is used by many.

A deputation was made by Mr Saunders, the applicant's agent and Mr Catlin, the applicant. Their points included:

- Two full sized pitches already and this application seeks permission to have two further pitches for the youth academy.
- Desire of fan base to grow PFC.
- Lack of football pitches in the area.
- The proposal will enclose the two pitches only and the remainder of the land will be open.
- Current pitches are poor quality and as people walk dogs on this land an issue with dog fouling so they are not fit for football. Enclosing them would ensure they are kept safe and fit for purpose.
- 3m high fencing with ball stop netting at 5m so a total of 8 metres.

- Willing to enter into a community use agreement
- £250,000 invested in pitches and they are integral to the future of PFC.
- Plans to improve drainage on the site.

A deputation was made by Councillor Robert New as ward councillor. His points included:

- A number of concerned residents had expressed their concern to him about this proposed application.
- When PFC had initially approached the Leader to discuss this it had not been advised that the pitches would be caged off and the Leader has still not been informed - assumed pitches would remain as open space for the public to use.
- The area is prone to being boggy.
- Fence so close to path so issues with safety to those using the path
- Alternative sites that could be used for pitches.

#### Members' questions

In response to a question about the hours that PFC would be using the pitches, the applicant advised that this would predominately be used during the day and also Saturday and Sunday mornings. There was no intention to use the pitches in the evenings. In response to a question about the community use agreement, officers advised that this would be for Sport England, officers and the applicant to discuss and agree to ensure that the pitches continue to be used for sport. The community use agreement is a planning condition and therefore this would be enforceable by the planning authority.

In response to a question regarding the storage containers, officers advised these would be single storey and the storage containers would mainly be visible from the upper floors of the properties that backed onto the site. Officers advised that the protected open space designation means that this space is kept green and there is no requirement under the policy that this space be publicly available.

#### Members' comments

Members were concerned about the potential loss of this land to members of the public. It was felt there were a number of unresolved issues relating to access to the site by the public and felt that these should first be resolved before considering the planning application.

**RESOLVED that consideration of this item be deferred to allow issues associated with restricting access to the site by the public be resolved.**

15. **14/01649/FUL - Church Hall 151 Fawcett Road & 3 Heyward Road Southsea - Construction of part 3/4 Storey building to form student halls of residence with 41 study/bedrooms; doctor surgery & pharmacy shop on ground floor & part basement (AI 7)**



The City Development Manager reported in the supplementary matters list that Hampshire Constabulary's Crime Prevention Design Advisor has offered comments and made recommendations regarding the incorporation of crime prevention measures into the proposal.

Comments have been received from the Highway Engineer noting that this scheme is very similar to that proposed in the most recent application whose planning merits were considered generally acceptable by the Inspector who determined the last appeal in April 2014. Having regard to the foregoing it is considered that, subject to limiting the development to occupation as halls of residence, a car free development is acceptable on this site with cycle parking being provided in accordance with the adopted Car Parking SPD. No objection subject to provision and maintenance of cycle storage facilities.

Comments have been received from Southern Water which requests the imposition of a condition and informatives.

Three further objections have been received from local residents on similar grounds to those set out in the agenda and also relating to potential future uses of the proposed halls of residence.

Condition 6 as set out in the agenda includes a typographical error and should refer to Level 5 (not 4) of the Code for Sustainable Homes.

Officers advised that the recommendation was amended to include additional condition 17 - Development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Condition 6 to be amended to require the residential element of the development to meet Level 5 of the Code for Sustainable Homes.

A deputation was heard from Mr Kennedy, objecting to the application whose points included:

- Traffic issues in the area - Fawcett Road is a bus route with bus stops opposite each other meaning traffic cannot pass easily. In addition blue badge holders park outside of the surgery it makes traffic difficult to pass.
- 40 students is too many for this area - many pubs, takeaways etc nearby and potential for trouble if too much to drink and older residents are already worried about going out at night.

A deputation was heard from Mr Bloomfield, the agent whose points included:

- previous appeal decision unsuccessful for 1 reason which was because the former owner of the doctors' surgery was unwilling to sign the S106 agreement.
- New owners are fully supportive of the proposals and welcome the mixed use development.
- 51 spaces for cycles which is considered adequate to comply for parking standards

A deputation was heard from Dr Laly on behalf of the applicant whose points included:

- Development would benefit whole community
- Current doctors facilities not meeting CQC standards
- Positive dialogue between Portsdown Group
- If development doesn't go ahead it could mean doctors practice might cease.

A deputation was heard from Councillor Lee Hunt, ward councillor, whose points included:

- Residents thoroughly object
- Proposed building is out of character of surrounding area
- Would welcome a walk-in centre that would benefit whole community
- Lack of green space in the ward and a large increase in homes over the last few years

#### Members' questions

In response to a question about disabled facilities, the applicant advised there was a lift up to the upper floors and the bedrooms would be large enough to accommodate wheelchair users. In response to a question regarding ensuring that the proposed rooms would be filled, officers advised that the university is looking to increase its competitiveness and therefore needs to provide quality student accommodation and also is looking to have a range of different types of accommodation for foreign students who may wish to bring their families with them. The university also has a mass under provision of university accommodation for first year students. In response to a question the applicant confirmed the management structure would ensure that residents would be provided with contact details to report any issues with disruptions in the halls of residence during out of hours.

#### Members' comments

Members had some concerns about the effect of the application on existing residents but felt that additional homes for students would free up other houses in the cities for families.

### **RESOLVED**

**(1) That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation by deed in accordance with Section 106 Town and Country Planning Act 1990 to secure:**

- **the restriction of the occupation of the residential accommodation to students of a recognised educational establishment;**
- **a financial contribution of £705.20 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;**
- **the preparation and implementation of an Employment and Skills plan to cover the construction of the proposal; and**
- **the payment of a Project Management Fee of £620.00.**

**(2) That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within eight weeks of the date of the resolution pursuant to Recommendation 1.**

- 16. 14/01387/FUL - Coastline between Ports Creek Railway Bridge and Kendall's Wharf Portsmouth - construction of new coastal defences consisting of raised earth embankments with rock armour on the seaward side, together with wave walls to abut the A2030 Eastern Road Bridge to tie into the new embankments (along the alignment of the existing coastal defences), and associated landscaped works including a shared footpath constructed along the full length of the new embankment (AI 8)**

The City Development Manager introduced the report.

Members' questions

In response to questions officers advised that at compound B there was plentiful vegetation that would need to be cleared to carry out the works and there was no intention to fill in the section of water that goes into Kendall's wharf. Officers confirmed that extensive consultation had taken place and they had received only one response that raised no objections.

Members' comments

No comments were made.

**RESOLVED**

**(1) That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to the conditions set out in the City Development Manager's Report and recommendations 2 and 3 set out below;**

**(2) Instructed the City Development Manager to notify the Secretary of State, Marine Management Organisation and Natural England of the committee's decision and recommended conditions;**

**(3) That delegated authority be granted to the City Development Manager to add / amend conditions in consultation with the Marine Management Organisation and Natural England where necessary.**

**(4) The Committee confirmed that in making their decision that they had taken into account:**

- **The environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;**
- **All matters referred to in the City Development Manager's report including comments received from statutory consultees and other interested parties, and**
- **All other material considerations.**

- 17. Review timing of future meetings (AI 9)**

Councillor Gray, as Chair, reminded the committee that the six month trial period of having Planning Committee meetings start at 5:00pm had now ended. He was minded to keep meetings at this time for the rest of the municipal year as this was in

line with other authorities and residents had informed him the later start time was more convenient for them to attend. This could be reviewed again if necessary in the new municipal year. This was agreed by the committee.

The meeting concluded at 8.00 pm.

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Signed by the Chair of the meeting  
Councillor Aiden Gray

# Agenda Item 5

## **PLANNING COMMITTEE 11 MARCH 2015**

**5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> 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, 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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**CAVENDISH HOUSE VICTORIA ROAD SOUTH SOUTHSEA****CHANGE OF USE FROM PURPOSES WITHIN CLASS D1 TO A 15 BEDROOM HALLS OF RESIDENCE (WITHIN CLASS C1)****Application Submitted By:**

McAndrew Martin

**On behalf of:**

B2B Properties Ltd

**RDD:** 23rd December 2014**LDD:** 4th March 2015**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed use is acceptable in principle, whether it would preserve or enhance the character and appearance of the Conservation Area, whether the proposal would be likely to adversely affect the amenities of local residents. Other issues to consider relate to parking, flooding and SPA Mitigation.

**The Site**

The application site, which is located on the western side of Victoria Road South, adjacent to its junction with Cavendish Road, comprises a large vacant detached building previously used for medical purposes by the Community Mental Health Team. The property is included within the Local List of buildings of architectural and/or historic importance and is located within the Owen's Southsea Conservation Area. The site also falls within the indicative flood plain.

Victoria Road South forms the eastern boundary of the Owen's Southsea Conservation Area (with the eastern side of the road being located within the East Southsea Conservation Area). This part of the Conservation Area includes Cavendish, Hereford and Stafford Roads) leading from Victoria Road South to Albany Road. These date from between 1874-1900 and comprise late Victorian villas and semi-detached houses in a variety of materials, mainly brick or render but including stone and flint. These roads have a distinct building line and there is less tree planting than in other parts of the Conservation Area. Most properties have retained boundary walls and gate pillars. There are further Edwardian villas in Victoria Road South.

**The Proposal**

This application seeks planning permission for the change of use of the building from purposes within Class D1 to a 15 bedroom halls of residence (within Class C1).

**Planning History**

The previous use of the building for medical purposes was the subject of a planning permission granted in 1987. Planning permission was granted in October 2013 (under reference 13/00779/FUL) for the change of use of the building to form a single dwellinghouse.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation).

The NPPF and the Parking Standards, Student Halls of Residence and Solent Special Protection Areas SPDs are all relevant to the proposed development.

## **CONSULTATIONS**

### **Environment Agency**

No objection, offer comments regarding flood warning and emergency response

### **Coastal Partnership**

No objection

### **Coastal and Drainage**

No response received

### **Environmental Health**

Satisfied proposed use unlikely to be affected by neighbouring properties.

The proposed use cannot inherently be associated with noise when the impacts may only occur as the result of the behaviour of certain individuals, not the behaviour of students as a whole. As such, an attempt to mitigate the perceived issue by, for example, treating the building as a whole might be seen as inappropriate or excessive. The nuisance provisions of the Environmental Protection Act 1990 will be sufficient to deal with any issues that arise. Notes that contrary to other similar applications this application does not include a provision for management of the use and suggests it may be expedient to condition this matter. Suggests that existing single glazing may not be sufficient to mitigate road noise and recommends imposition of a conditions relating to the insulation of habitable rooms fronting Victoria Road South and Cavendish Road.

### **Highways Engineer**

No response received

### **Contaminated Land Team**

Given that only limited ground works are proposed, a condition relating to land contamination is not required. However records show that the site is part situated on the Great Morass, a former tidal inlet that was reclaimed from the sea, and as such the potential for contamination to be present should not be discounted.

As a precautionary measure, an informative should be added, advising the developer that they should contact this department if any unexpected materials or materials of concern (such as oily, ashy, odorous or fibrous materials) are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

## **REPRESENTATIONS**

Objections have been received from three local residents and Mike Hancock MP, together with a petition with signatories from 29 neighbouring properties on the following grounds: a) proposal is a HMO not a halls of residence; b) proposal not in keeping with Conservation Area; c) inadequate provision for parking; d) loss of employment space; e) too many student properties in the area already; f) increased noise and anti-social behaviour; and g) there appears to be no management regime for the proposal.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposed use is acceptable in principle, whether it would preserve or enhance the character and appearance of the Conservation Area, whether the proposal would be likely to adversely affect



the amenities of local residents. Other issues to consider relate to parking, flooding and SPA Mitigation.

### Principle of Development

Between its junctions with Stafford Road and Nelson Road the eastern side of Victoria Road South is characterised by a mix of detached and large terraced properties of which a significant proportion comprise residential accommodation. The properties on the opposite (east) side of the road are more modest in scale but, again, are predominantly in residential use. Given the predominant land use within this locality, and as has been demonstrated by the recent grant of planning permission for the use of the property as a single dwelling, it is considered that the residential use of the building acceptable in principle. This application seeks permission for a specialist form of residential accommodation, a halls of residence. Having regard to the location of the site close to the Albert Road and Elm Grove District Centre and the aims and objectives of the adopted Student Halls of Residence Supplementary Planning Document it is considered that the proposed use is acceptable in principle.

### Impact on Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

As noted above the character of this part of the Conservation Area is predominantly residential with the former medical use being somewhat at odds with the prevailing character. The existing building makes an important visual contribution to the street scene and retains the boundary wall and many architectural features including timber sash windows. It is noted that the proposals would not entail any external alterations to the building other than the provision of replacement cycle storage facilities to the rear. The former medical use of the building would have represented a fairly intensive use of the building and generated activity associated with both staff and visitors. As a result it is considered that the proposed use of the building as a halls of residence would preserve the character and appearance of the Conservation Area.

### Impact on Amenity

The proposed use of the building would likely to be different in nature than the former medical use of the building in that the activity would be greater by extending into hours outside of a typical working day. The site does however comprise a detached building located adjacent to a main road and close to a busy District Centre with an active night-time economy. The intended occupiers of the building cannot be inherently associated with noise, as the behaviour of individuals cannot be assumed to be likely to be typical of a group falling within a particular tenure or demographic. The building is substantial and could be readily converted to flats in a manner that would allow the building to be occupied by similar number of people. It is therefore considered that the proposed specialist form of residential accommodation would not be likely to give rise to an increase in noise and general disturbance which would significantly affect the amenities of the occupiers of neighbouring properties.

### Parking

The site benefits from two dropped kerbs (one to Victoria Road South to the north of the building and one to Cavendish Road to the west of the building) serving limited areas of hard standing which could (at most) provide off-street parking for three vehicles. The submitted drawings indicate that a single car parking space would be retained. In appeal decisions for similar halls of residence development (e.g. at 151 Fawcett Road and 130-136 Elm Grove) Inspectors have taken the view that for such developments in accessible locations, dedicated off-road parking should be avoided to discourage car use, and in light of a restriction to student occupation only, would not have a significant effect on the on-street parking in the locality. The existing dropped

kerb to Cavendish Road would only serve the cycle storage facilities and could be removed thereby creating an additional on-street parking space. Having regard to the location of the site, very close to a designated town centre with good accessibility to public transport and within walking distance of the city centre campus, it is considered that the proposal is acceptable in highway terms.

The submitted drawings indicate an increased provision for the storage of cycles at a ratio of one space per study bedroom which would accord with the requirements of the adopted Car Parking SPD.

#### Flooding

Although located within the indicative floodplain the property is nonetheless adjacent to Zone 1 and falls within a cell in which improvements to flood defences are likely to be delivered. In these circumstances the residual risks from a flood event are considered to be sufficiently low so as to ensure an objection under policy PCS12 would not arise.

#### SPA Mitigation

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, (as described in the Conservation of Habitats and Species Regulations 2010) on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). This has been acknowledged by the applicant who has indicated that they will enter into a planning obligation to provide the necessary mitigation. The Solent Special Protection Areas Supplementary Planning Document sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as  $(15/5 \times £172/2) = £258.00$ . It is therefore considered that, subject to the inclusion of an appropriate level of mitigation within a planning obligation (by unilateral undertaking or by agreement) there would not be a significant effect on the SPAs.

#### Other Matters

Having regard to the provisions of policy PCS19 in respect of the provision of affordable housing and minimum space standards, and the car parking issues discussed previously, it is considered that a Section 106 Agreement (to restrict occupation to students on a recognised full-time course of study in the vicinity of the development) is necessary to make the development acceptable in planning terms and would be both directly related to the development and be fairly and reasonably related in scale to the development.

**RECOMMENDATION A: That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation by deed in accordance with Section 106 Town and Country Planning Act 1990 to secure:**

- the restriction of the occupation of the residential accommodation to full-time students of an educational establishment in the vicinity of the development;
- a financial contribution of £258.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas; and
- the payment of a Project Management Fee of £620.00.

**RECOMMENDATION B: That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within six weeks of the date of the resolution pursuant to Recommendation A.**

## **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: 141P-502.00 Rev.B; 141P-502.10 Rev.C; 141P-502.20 Rev.C; 141P-502.30 Rev.C; and 141P-502.05 Rev.A.
- 3) Prior to the first occupation of the halls of residence hereby permitted, bicycle storage facilities shall be provided in accordance with a detailed scheme (to include monitoring of the use of the facilities) to be submitted to and approved by the Local Planning Authority in writing and those facilities shall thereafter be retained for the continued use by the occupants of the building for that purpose at all times.
- 4) Prior to the first occupation of the halls of residence hereby permitted, facilities for the storage of refuse and recyclable materials shall be provided in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority in writing, and those facilities shall thereafter be retained for the continued use by the occupants of the building for that purpose at all times.
- 5) Any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway.

### **The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises and to encourage the use of alternative modes of transport in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 4) To ensure that waste from the building is stored in an appropriate manner in the interests of the amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interests of enhancing the safety and convenience of users of the adjacent highway.

### **PRO-ACTIVITY STATEMENT**

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

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**22 INGLIS ROAD SOUTHSEA****CONSTRUCTION OF 2 SEMI-DETACHED DWELLING HOUSES AFTER DEMOLITION OF EXISTING BUILDING (AMENDED SCHEME)****Application Submitted By:**

The Town Planning Experts

**On behalf of:**

Charles Marks Ltd

**RDD:** 9th January 2015

**LDD:** 9th March 2015

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed redevelopment is acceptable in principle; whether the proposal would preserve or enhance the character and appearance of the Conservation Area, whether it would relate appropriately to neighbouring properties (thereby addressing the reason for the dismissal of the recent appeal) and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

**The Site**

The application site relates to the curtilage of number 22 Inglis Road which contains a now vacant Gospel Hall. The site is located on the northern side of Inglis Road almost opposite its junction with Oxford Road. The site lies within the Campbell Road Conservation Area.

**The Proposal**

This application seeks planning permission for the demolition of the existing building and the redevelopment of the site by the construction of a pair of two-storey, semi-detached dwellings. The proposed dwellings would be of a traditional design and appearance and be sited to align with the adjoining dwelling to the east.

**Planning History**

There have been two recent planning applications for similar proposals, both of which were refused and one of which was the subject of an appeal. The first of the applications (14/00136/FUL) was refused by the Planning Committee in April 2014 for the following substantive reason:

In the opinion of the Local Planning Authority the proposed dwellings would, by reason of their bland and inappropriate appearance, fail to preserve or enhance the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan.

The second application (14/00480/FUL) was refused by the Planning Committee in June 2014 for the following reason:

In the opinion of the Local Planning Authority, the proposed dwellings would, by reason of their size and siting, have an overbearing relationship with neighbouring properties to the detriment of

the residential amenities of the occupiers and, by reason of their unimaginative appearance as a pastiche, fail to represent an appropriate replacement for the existing building which makes a positive contribution to the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the Guidelines for Conservation relating to the Campbell Road Conservation Area.

This application was the subject of an appeal where the Inspector considered the main issues to be the effect of the proposed development on the living conditions of Nos 40, 42 and 44 Campbell Road in respect of outlook and privacy and whether the proposed development would preserve or enhance the character or appearance of 'Campbell Road' Conservation Area.

The Inspector observed that the rear elevations of Nos 42 & 44 extend further south than some adjoining properties and there are large single windows on the first floor; at No 44, the window serves a main bedroom and viewed from it, the smaller scale/height of the existing building in relation to its surroundings is very apparent. The Inspector took the view that although set back within their plots, the height/bulk of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and be particularly noticeable to the occupiers of Nos 42 & 44, from the first floor rear bedrooms and to some extent from their gardens. In respect of privacy, the Inspector held there is often mutual overlooking in residential areas and noted some disagreement over the separation distances between the north elevation of the proposed dwellings and the rear elevation of Nos 42 & 44. However, the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of Nos 42 & 44 and given that they are not overlooked by existing properties in such a direct manner, the appeal scheme would lead to a strong perception of a loss of privacy disturbing to the occupiers of Nos 42 & 44. In relation to No 40, separated only by a 1-metre wall, clear views from the garden of the proposed dwelling (west side) of the appeal site into the adjoining garden would be possible. However, appropriate boundary treatment could be required by a suitably worded condition, had the proposal been acceptable in other respects. The Inspector concluded that the proposed development would cause harm to the living conditions of the occupiers of Nos 42 & 44 in respect of outlook and privacy, in conflict with Policy PCS23 and the provisions of the NPPF, which require development to provide a good standard of amenity for all existing and future occupants of land and buildings.

The Inspector commented that the front elevations of the proposed dwellings would be greater in height/scale than the existing building and the garage to the west but, nevertheless, would be similar to other dwellings in the street. The proposal would therefore not be significantly at odds with the general pattern of development on Inglis Road and incorporate features from nearby properties (including No 20, next door) in respect of double height bays, the design of the doors and other detailing. The materials would match those of the surrounding residential properties and would retain the strong building line within the street. The Inspector took the view that the proposal would be sympathetic to the character and appearance of its surroundings. It would also respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded it would preserve the character and appearance of 'Campbell Road' Conservation Area.

The appeal was dismissed on the grounds of amenity impact only.

## **POLICY CONTEXT**

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

The NPPF (in particular paragraphs 126 to 141) and the Parking Standards, Sustainable Design & Construction, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

The following extracts from the Guidelines for Conservation relating to the Campbell Road Conservation Area are also of relevance to this application.

The Conservation Area guidelines describe the northern side of Inglis road as consisting of "a two-storey brick terrace and gable facing semi-detached houses" of which "a few have pointed arched doorways, which are echoed in the gospel hall in the centre of the block". The Guidelines note that "there are no architecturally significant buildings and few trees, a stark contrast to parallel Campbell Road". The guidelines recognise that "there has been a significant loss of buildings due to redevelopment" with, in particular Outram Road and Victoria Road North having suffered from unsympathetic redevelopment. The guidelines suggest that the "loss of further buildings in the north-west part of this Conservation Area in particular would seriously erode its character and would be undesirable" on the basis that it "is advantageous to learn from past mistakes and ensure future redevelopment enhances the character of the Conservation Area". The guidelines in respect of redevelopments state that the redevelopment of older properties will be opposed "unless it can be demonstrated that the redevelopment would positively enhance the character or appearance of the Conservation Area" and "if the property to be altered is deemed inappropriate or detracting from the conservation area, then redevelopment may be possible".

## **CONSULTATIONS**

### **Highways Engineer**

No response received in regard to this application. Comments on previous application are as follows:

The site is located in an area of medium accessibility to public transport and lies within easy reach of high frequency bus corridor and Fratton rail station. The site lies 300m to the north of designated Albert Road Local Centre with a wide range of services and amenities. No off-street parking is provided, however there is unrestricted on-street parking outside the site. Parking congestion in this area is severe, due to the terraced housing (many converted to HMOs, student accommodation etc) and little or no off-road parking. Inglis Road borders the new "MC Zone" residents' parking scheme and is the nearest unrestricted road. Inglis Road forms part of an area referred to as "North Kings", which is due to be surveyed in relation to residents' parking in April 2014.

Regard must be given to the former demand for parking associated with the use of the current building as a chapel where the vehicle generation would be significantly greater than that from two dwelling houses. The site is located close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a chapel it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

No objection subject to provision of cycle storage facilities

### **Contaminated Land Team**

Recommends imposition of conditions

### **Environmental Health**

Notes no complaints have been received from operation of adjacent commercial garage. Raises no objection to proposal in terms of impact of neighbouring commercial use to proposed dwellings

## **REPRESENTATIONS**

15 objections have been received from local residents and Ward Councillor Andrewes on the following grounds:

- a) loss of church building detrimental to Conservation Area and community;
- b) the hall should be retained and converted;
- c) proposal would neither preserve nor enhance the character or appearance of the Conservation Area;
- d) loss of light and privacy;
- e) impact on outlook and living conditions of neighbouring properties;
- f) no provision for the parking of cars;
- g) potential for crime/anti-social behaviour;
- h) proposal contrary to wishes of community;
- i) allowing the proposal would amount to breach of the human rights of neighbouring occupiers.

## **COMMENT**

The main issues to be considered in the determination of this application are:

whether the proposed redevelopment is acceptable in principle;  
whether this amended proposal would preserve or enhance the character and appearance of the Conservation Area;  
whether it would relate appropriately to neighbouring properties and thereby address and overcome the reason for the dismissal of the appeal; and  
whether it would have any impact on the safety or convenience of users of the surrounding highway network.

Other issues to consider are whether the proposal complies with policy requirements in respect of sustainable construction, space standards and SPA mitigation.

### Principle of Development

The existing building on the site appears to date from the inter-war period and is currently vacant, having become surplus to requirements by the Trustees of The Gospel Hall and been sold to the applicant. The building itself is of a pleasant appearance but is considered to be architecturally undistinguished (as recognised in the Conservation Area Guidelines) and of little historic significance. In considering the recent appeal the Inspector noted that the existing building is over 100 years old, however they also noted that the hall does not appear to have any historical significance. The Conservation Area guidelines make provision for the redevelopment of sites in certain circumstances. Having regard to the form and age of the existing building it is considered that its loss would not give rise to any substantial harm to the character and appearance of the Conservation Area and that its replacement with an appropriate form of redevelopment would have the potential to enhance the site and the Conservation Area.

The site is located in a predominantly residential area characterised by two-storey terraced and semi-detached dwellings with the existing hall and neighbouring garage being very much at odds with the character and urban grain of the locality. Accordingly the principle of building two houses on the site is considered acceptable.

### Impact on Conservation Area

In determining this application special attention must be paid to the desirability of preserving or enhancing the Campbell Road Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

As discussed in the foregoing section, the loss of the existing building is considered acceptable in the context of its impact on the character and appearance of the Conservation Area.

The proposed dwellings would again be of a traditional design and appearance with the style and architectural detailing taking its inspiration from the terrace of dwellings to the east of the site. Their detailing would comprise two-storey projecting bay windows and stone detailing to the bays and windows to the front elevation. In both design and heritage terms the proposal is considered to complement and harmonise with the prevailing urban grain and the contextual streetscene. Accordingly it is considered that the proposal would enhance the character and appearance of the Conservation Area. In their determination of the recent appeal the Inspector considered that the proposal would be sympathetic to the character and appearance of its surroundings and would respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded that the proposed development would preserve the character and appearance of the Campbell Road Conservation Area and would not conflict with Policy PCS23 of the Portsmouth Plan in respect of seeking new development, which is well designed and respects the character of the city and protects and enhances the city's historic townscape. Furthermore the Inspector opined that the proposal would not be contrary to the overarching aims of the Conservation Area Guidelines or to the provisions of the NPPF where it relates to the need for high quality design and to conserving and enhancing the historic environment.

### Impact on Amenity

The existing building covers almost the entire site with effectively just a walkway running around it at the sides and at the rear. The main element of the building is approaching two-storey in scale but has a shallow pitched roof such that it is lower in height than the houses on the street. The rear of the building comprises single storey extensions. The site is separated from No's 40, 42 and 44 Campbell Road by a brick wall along the east, west and southern boundaries. This varies in height and is much lower on the boundary with No 40. No's 42 and 44 have very short rear gardens with only a small amount of additional space to the sides. The existing building because of its size and siting results in a strong sense of enclosure to the rear garden of number 44 Campbell Road.

The rear elevations of No's 42 and 44 extend further south than some adjoining properties with large single windows at first floor level which in the case of No. 44 serves as a main bedroom. In dismissing the recent appeal the Inspector considered that the height and bulk of the main rear elevation and rear projections of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and would be particularly noticeable to the occupiers of No's 42 and 44, when within the first floor rear bedrooms and to some extent from their gardens. The Inspector also considered that as the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of No's 42 and 44 and given that these properties are not overlooked by existing properties in such a direct manner, there would be a strong perception of a loss of privacy that would be disturbing to the occupiers of No's 42 and 44.

As a response to the issues raised by the Inspector in their dismissal of the appeal on amenity grounds, the applicant has, following a resurvey of the site, reduced the depth of the first floor element of the rear projection to provide a separation distance of 20 metres between the first floor windows of the proposed dwellings and the rear windows of No's 42 and 44 Campbell Road. The applicant suggests that a distance of 20 metres is generally accepted as a reasonable minimum distance between the windows of neighbouring properties. In addition the applicant has replaced conservatories to the rear of the dwellings with more substantial single storey projections to prevent future occupiers being overlooked from the rear.

In effect the main alteration that purports to address the Inspector's reason for dismissing the recent appeal is the reduction in the depth of the first floor of the rear projection by 1.35 metres. In addition to increasing the separation distance to properties at the rear the proposed amendment also reduces the bulk of the rear projection. Having regard to the harm identified by the Inspector, it is considered that the relatively modest alteration to the rear projection would not be sufficient to overcome the harm identified in that the bulk of the main part of the proposed



dwelling is unchanged and would remain as an overbearing feature harmful to the living conditions of No's 42 and 44 Campbell Road. Furthermore the increased separation distance of 1.35 metres is not considered to be sufficient to reduce the perception of overlooking to a degree which would not cause harm.

The boundary between the site and No 40 Campbell Road is a one metre high wall. To prevent overlooking from the garden of the proposed dwelling on the west side of the appeal site into the garden of No 40 it would be considered appropriate to impose a suitably worded planning condition.

The proposed dwellings would be sited adjacent to a small commercial garage, however colleagues in Public Protection advise they have no records of any complaints being received about the operation of this use. Having regard to the relatively modest size of the adjacent commercial property it is considered that the proposal would not be likely to have any significant effect on the amenities of future occupiers.

## Parking

The application site benefits from an unrestricted lawful use for purposes within Class D1. This use class includes places of worship, education facilities and day nurseries. These uses would inherently have a level of traffic generation and demand for parking associated with them which must be recognised as a fall-back position. The site does not benefit from off-street parking and whilst there may be scope for some to be provided the formation of vehicular crossovers would result in the loss of existing on-street parking. Furthermore the provision of off-street parking either on drives or in garages would be untypical of the Conservation and arguably would detract from its character and appearance. Having regard to the level of demand for parking which could be associated with the lawful use of the site (for purposes within Class D1), the level of parking likely to be associated with the occupation of two houses and the likely impacts of providing off-street parking, it is considered that a car free development is acceptable in this instance.

## Other matters

The proposed dwellings would exceed the minimum space standards associated with policy PCS19 and are laid out in a manner that provides an appropriate form of accommodation for occupiers. The submitted drawings indicate the provision for facilities for the storage of cycle storage in the gardens of the dwellings. It is considered that such provision is acceptable and could be secured through the imposition of a suitably worded planning condition.

The application includes no information about how the proposal meets the requirements of policy PCS15 in respect of Sustainable Design and Construction. It is considered that conditions could also be imposed to ensure that the development is built to the required standard.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as  $(2 \times £172) = £344$ . The applicant has provided SPA mitigation in this way therefore it is considered that there would not be a significant effect on the SPAs.

It is considered that the proposal to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely fanciful, or

concerned with risk of future interference. In addition, the Council is given responsibility for determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function, the rights protected by the ECHR may be subject to derogation where it is lawful in a democratic society, and necessary in the public interest. Even where an individual victim could make a valid assertion that a particular right had been interfered with to his or her specific detriment, it is possible for an authority to be justified if a decision has been taken having regard to such interference, and balancing the public interest.

## **RECOMMENDATION            Refuse**

### **The reason for the recommendation is:**

The proposal would, by reason of its scale and siting, appear overbearing and result in an unacceptable sense of enclosure to the occupiers of numbers 42 and 44 Campbell Road. Furthermore the relationship of the windows in the first floor of the rear elevation of the proposed dwellings would result in an unacceptable degree of overlooking and perceived loss of privacy to the detriment of the living conditions of the occupiers of numbers 42 and 44 Campbell Road. The proposal is therefore contrary to the objective of the National Planning Policy Framework to seek a good standard of amenity for all existing occupants of land and buildings and to Policy PCS23 (Design and Conservation) of the Portsmouth Plan which seeks to protect amenity and provide of a good standard of living environment for neighbouring and local occupiers.

### **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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

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**03** 14/01672/FUL

**WARD:CHARLES DICKENS**

### **FORMER ALLDERS WAREHOUSE CROSS STREET PORTSMOUTH**

### **CONSTRUCTION OF FOUR-STOREY BUILDING COMPRISING 85 FLATS, CONSTRUCTION OF 5 TWO-AND-A-HALF STOREY HOUSES AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING (FOLLOWING DEMOLITION OF THE EXISTING BUILDING)**

**Application Submitted By:**  
WYG

**On behalf of:**  
Bellway Homes Ltd

**RDD:** 23rd December 2014  
**LDD:** 1st April 2015

### **SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application relate to the principle of the proposed development, its design, relationship with adjoining properties and highway impacts. Other issues relate to policy requirements in respect of affordable housing, open space, car and cycle parking, refuse/recyclables storage, SPA mitigation and employment and skills plans.

## The Site

The site comprises a substantial storage building (with rear service yard) and occupies a 0.54 hectare 'L' shaped site located on the eastern side of Cross Street and north of Prince George Street. The premises are built up to the site boundary over the majority of its perimeter including the back gardens to Nos 1-9 Blossom Square (to the east) where the existing structure dominates the outlook and rear garden of these properties. Other existing properties adjoining the site are Nos 19-27 Cumberland Street (to the north) and the end-of-terrace house at No 38 King William Street (to the east). To the west, onto Cross Street, is the residential redevelopment (of the former historic ships car park) known as 'Admiralty Quarter'.

## The Proposal

This application seeks planning permission for the residential redevelopment of the site by the construction of a four-storey building comprising 85 flats and the construction of five two-and-a-half storey houses with associated access, car parking and landscaping.

## Planning History

Planning permission was granted in July 2008 and renewed in March 2012 for the residential redevelopment of the site to provide 165 dwellings. The scheme was in three parts: a short terrace of six two-storey houses (with accommodation in roof); a four-storey building for 18 flats, and a three- to nine-storey building for 141 flats/maisonettes (with a three-storey end of the building providing 4 flats at basement level). The basement level would also accommodate car parking, which in addition to one space within the curtilage of each house would provide for a total of 107 parking spaces.

This permission is currently extant and is potentially capable of implementation. The applicant has advised that should the currently application not be determined promptly they would implement the permission to prevent it from expiring. This 'fallback' position is one which should be given significant weight in the determination of this application..

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS10 (Housing Delivery), PCS11 (Employment Land), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation).

The National Planning Policy Framework, Saved Policies DC21 (Contaminated Land) & CD10 (Alders' Warehouse) of the Portsmouth City Local Plan 2001-2011 and the adopted Parking Standards, Sustainable Design & Construction, Housing Standards, Air Quality and Pollution and Solent Special Protection Areas SPDs are all relevant to the proposed development.

## CONSULTATIONS

### Head of Community Housing

Offers comments on size and layout of proposed dwellings, the location of affordable units and the need for internal alterations to meet the Council's requirements for affordable units.

### Archaeology Adviser

Raises no archaeological issues

### Highways Engineer

No objection subject to conditions and planning obligations

**Environmental Health**

Suggest imposition of conditions relating to emissions from proposed CHP plant

**Contaminated Land Team**

Recommends imposition of conditions

**Mineral and Waste Consultation**

No objection

**Southern Water**

Offers comments and request imposition of condition and informatives.

**Landscape Group**

Response not yet received

**REPRESENTATIONS**

Objections have been received from the occupiers of 5 neighbouring properties and from the Portsmouth Society on the following grounds:

- overdevelopment;
- bland and monolithic design of flats;
- loss of privacy;
- loss of light and increased sense of enclosure;
- exacerbation of parking issues;
- proposed access arrangements unsafe;
- increased noise, disturbance and pollution;
- impact on utilities infrastructure.

A letter of support has also been received from a local resident on the grounds the proposal would be vast improvement on the existing warehouse and is of a modern design and reasonable scale. The site has had planning permission for many years. Access to public transport is better here than almost anywhere else in the city.

**COMMENT**

The main issues to be considered in the determination of this application relate to the principle of the proposed development, its design, relationship with adjoining properties and highway impacts. Other issues relate to policy requirements in respect of affordable housing, open space, car and cycle parking, refuse/recyclables storage, SPA mitigation and employment and skills plans.

**Principle of development**

The site is allocated for housing under saved Policy CD10 and benefits from an extant permission for residential redevelopment. As such the principle of the residential redevelopment of the site is acceptable.

**Design**

The main element of the proposal would comprise a 'L-shaped', four storey block comprising 85 flats fronting Cross and Prince George Streets. A terrace of six 2.5-storey houses would relate to the two-storey terraced housing on the north side of King William Street.

The proposal was considered by the Design Review Panel at a pre-application stage' who were "encouraged by the manner in which the design ... was being developed". The Panel considered that "the 'bookending' is a good solution for the site and deals successfully with the corners". The Panel supported the scheme subject to further consideration regarding materials, landscaping and detailing.

The site is located between the recent contemporary development known as Admiralty Quarter and an area of post-war redevelopment comprising mainly two-storey terraced properties. The

proposal attempts to complement these existing forms of development both in terms of its scale and appearance. The four-storey scale of the main part of the scheme would be broken up by variations in both the height and siting of the building to provide a degree of articulation and visual interest. Whilst relatively simple in design terms the proposal is considered to represent a well-conceived response to the site which would complement and enhance the streetscape

Having regard to the size and location of the site, the proposed level and therefore the density of development, (approximately 165 dwellings per hectare), is considered to be appropriate in this location and make the most efficient use of the site as encouraged by both local and national planning policies.

#### Amenity impact

The extant permission is for a development of up to nine-storeys in height and was considered to have an acceptable relationship with neighbouring properties. The proposed development would be mainly four-storey in scale and be sited in a not dissimilar position to that previously permitted. Accordingly it is considered that the current proposal would have no significant impact on the living conditions of the occupiers of neighbouring residential properties.

#### Access & Highways

The site is located in an area of high accessibility to public transport being within 100m of a high frequency bus corridor served by a number of services to Portsmouth and the surrounding area also being within 800m of Portsmouth Harbour Station. Vehicular access to the site is currently gained via two access points along Cross Street.

The proposed development would be served from two accesses, one access for the houses and associated parking court, and a second access for the flats and associated parking court. The access to the houses would be from Cross Street, whilst vehicular access for the flats would be from Prince George Street (in a similar manner to one of the access points for the previously permitted scheme). The proposed access arrangements are considered acceptable in highway safety terms.

The proposal would include a total of 79 parking spaces (a ratio of 0.87 spaces per dwelling. The surrounding roads fall within the JD Portsea residents parking zone which is oversubscribed by around 20%. The application is accompanied by a Transport Statement and Travel Plan which seek to justify the proposed level of parking. Regard should so be had to the extant permission which includes car parking at a ratio of 0.73 spaces per dwelling.

Since the previous permission the uptake of permits for on-street parking has increased, thus reducing the availability of surrounding roads to cater for overspill parking. In recognition of this the applicant has agreed to provide additional on-street parking through alterations to the existing highway layout.

Having regard to the highly accessible location of the site, it is considered that the proposed level of parking is acceptable and would not prejudice the safety or convenience of users of the adjacent highway network.

Cycle parking would be provided in excess of the standard set out in the Parking Standards SPD. The proposal incorporates suitable facilities for the storage of refuse and recyclable materials. The provision of these facilities can be secured through the imposition of suitably worded planning conditions.

#### Open Space

Policy PCS13 requires the provision of pocket parks within developments of 50 dwellings or more. Due to the limited size of the site and its highly accessible location, which lends itself to a

high density development, the incorporation of on-site open space would reduce the number of homes that could be provided on the site. An existing play area is located adjacent to the site and the applicant proposes to make a financial contribution of £75,000 towards the upgrading of the play facilities at this park in lieu of on-site provision. This is considered to be an appropriate alternate approach to enhancing the green infrastructure of the city in accordance with the spirit of Policy PCS13.

#### Affordable Housing & Housing Mix

Policy PCS19 requires the provision of 30% affordable housing in a development of this scale. The applicant has agreed to provide the required proportion of affordable housing on site in compliance with Policy PCS19. The tenure, type and size of units are still being negotiated, however it is anticipated that a mix will be agreed that will meet the specific housing need of this part of the Portsea and will include the provision of disabled persons flats to the ground floor of the development.

Policy PCS19 also includes a target of 40% family housing. The proposed development would include 24 flats and houses with three or more bedrooms (a proportion of 27%). Whilst this falls short of the 40% target the applicant argues that the location of the site and the character of the area are such that the site lends itself towards a high density, predominantly flatted development. It is considered that the applicants justification for their proposed housing mix is sound and the proposed mix of housing is considered acceptable.

#### Other Matters

Concern has been raised about the safety of the access to and from Prince George Street due to the proximity to the nearby park and children playing in this area. At the moment, the unused blank brick-walled nature of the area may attract ball games, however, when developed for housing will create an active road frontage. This would physically change the nature of the space and will discourage its use as a play area. The Park is also enclosed by a fence which provides a boundary and separation from this area. Accordingly it is considered that the proposal would be unlikely to result in an increased risk to the safety of users of the adjacent playground.

During the lifetime of the application a pre-assessment estimator has been submitted which is considered generally acceptable and the applicant has confirmed that they would accept the imposition of planning conditions which would secure compliance with Policy PCS15.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as  $(90 \times £172) = £15,480$ . The applicant has confirmed that they are willing to provide SPA mitigation in this way. Consequently it is considered that, subject to securing appropriate mitigation in accordance with the SPD, there would not be a significant effect on the SPAs.

**RECOMMENDATION I: that delegated authority be granted to the City Development Manager to GRANT CONDITIONAL PLANNING PERMISSION subject to the applicant first entering into a legal agreement pursuant to S106 to secure:**

- 27 units of affordable housing;
- a financial contribution of £15,480.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- a financial contribution of £75,000.00 towards off-site public open space improvements in lieu of on-site provision;
- the implementation of the travel plan associated with the proposed development;

- a financial contribution of £5,500.00 towards the monitoring of the travel plan associated with the proposed development;
- a financial contribution of £1,500.00 towards the costs of implementing a Traffic Regulation Order to enable the provision of additional on-street parking bays in Cross and Prince George Streets
- the preparation and implementation of an Employment and Skills plan to cover the construction phase of the development; and
- a monitoring fee of £1,550.00 towards monitoring the payment of the open space contribution, the provision of the affordable housing and the implementation of the employment and skills plan.

**RECOMMENDATION II: that delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within two months of the date of the resolution pursuant to Recommendation I.**

### **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:  
\*\*\*\*\*
  
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with 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+A1:2013;
  - and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/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) Development shall not commence until written documentary evidence has been submitted to the Local Planning Authority proving that the development will achieve a minimum of level 5 of the Code for Sustainable Homes, including two credits in issue Ene 7, one credit from issue Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for

Sustainable Homes design stage assessment, prepared by a licensed assessor, together with a Combined Heat and Power Feasibility Study (specifying the base heat load of the development, resultant sizing of the CHP, carbon emissions mitigated and resultant Code for Sustainable Homes credits gained) and submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

- 6) 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 5 of the Code for Sustainable Homes, including two credits from issue Ene 7, one credit from issue Hea 3 and two credits from issue Ene 8, which will be in the form of a post construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the Local Planning Authority.
- 7) Development shall not commence until a schedule and samples of all external facing and roofing materials, hard landscaping and floorscape treatments around the building and to the access and rear courtyard areas, and balustrading, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed materials and details.
- 8) The applicant shall arrange for an archaeologist recognised by the Local Planning Authority to carry out a watching brief during all stages of the development involving ground disturbance in accordance with a scheme to be agreed in writing with the Local Planning Authority before development commences. A report of the findings of the archaeologist, which shall include arrangements for the conservation and long-term storage of artefacts removed from the site, shall be submitted within a period to be agreed in writing with the Local Planning Authority.
- 9) No part of the development hereby permitted shall be occupied until boundary treatments have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials / finishes of any boundary treatment or other gate / fence / railing / barrier / bollard or similar means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority
- 10) (a) Development shall not commence, unless otherwise agreed in writing by the Local Planning Authority, until details of (i) the proposed means of foul and surface water sewerage disposal; and (ii) the measures to be undertaken to protect any existing public sewers infrastructure, shall have been submitted to and approved in writing by the Local Planning Authority, and  
(b) No part of the development shall be occupied until the drainage works referred to in (a) above have been carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 11) Prior to the installation of the combined heat and power plant, details of the proposed system shall be submitted to and approved in writing by the Local Planning Authority. If necessary, mitigation measures shall be incorporated to ensure emissions of nitrogen dioxide do not cause an increase in concentrations greater than 0.4g/m<sup>3</sup> within Air Quality Management Area No.12 or exceed the National Air Quality Objective level at any other location.
- 12) a) The rating level of the noise, as defined in British Standard BS4142, from the operation of any fixed plant or machinery associated with the combined heat and power plant shall not exceed the background level as measured 3 metres from the facade of any neighbouring residential property.  
b) Noise from the operation of machinery within the combined heat and power plant room shall not exceed noise rating curve NR20 (with no detectable tones), as measured within any adjacent habitable room, 1.5 metres from the separating wall.



c) Prior to the first occupation of any of the residential properties hereby permitted, tests shall be conducted to ensure compliance with the noise criteria in a) & b) and a report demonstrating compliance shall be submitted to and approved in writing by the Local Planning Authority.

13) The landscaping scheme shall be carried out in the first planting and seeding season following the occupation of any part of the buildings hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

14) The car parking spaces shown on the plans hereby approved shall be surfaced, marked out made available for use before first occupation of any part of the development and shall thereafter be retained for car parking purposes.

15) a) No part of the development hereby permitted shall be occupied until the internal secure cycle storage facilities shown on the approved plans have been provided and made available for use. The facilities shall thereafter be retained.

b) No part of the development hereby permitted shall be occupied until the external secure cycle storage facilities indicated on the approved plans have been provided in accordance with a detailed scheme (to include their appearance and the means of securing cycles and the building) that shall be submitted to and approved in writing by the Local Planning Authority and be made available for use. The facilities shall thereafter be retained.

16) No part of the development hereby permitted until the facilities for the storage of refuse and recyclable materials shown on the approved plans have been provided. The facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.

17) The new accesses hereby permitted, including any footway crossings, shall (unless otherwise agreed in writing by the Local Planning Authority) be constructed and completed before any part of the development hereby permitted is first occupied.

18) The development hereby permitted shall not be occupied until dropped kerb serving the bin storage areas fronting Cross Street and Prince George Street have been provided.

19) Any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway before any part of the development hereby permitted is first occupied (unless otherwise agreed in writing by the Local Planning Authority).

20) Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and maintained until the development is complete.

**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 ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 7) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interests of protecting and/or conserving evidence of the City's early heritage and development in accordance with the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.
- 9) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 10) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To ensure emissions from the combined heat and power plant to do not increase nitrogen dioxide levels within Air Quality Management Area No.12 or elsewhere in accordance with the aims and objectives of the National Planning Policy Framework, PCS23 of the Portsmouth Plan and the Air Quality and Pollution SPD.
- 12) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 13) In order to secure a high quality landscaped setting for the development in the interests of the visual amenity of the area, in accordance with policies PCS4, PCS13 and PCS23 of the Portsmouth Plan.
- 14) In the interests of highway safety in accordance with policy PCS23 of the Portsmouth Plan and the Car Parking Standards SPD.
- 15) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 16) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 17) In order to provide satisfactory access in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 18) To facilitate the safe and efficient collection of refuse and recyclable materials.
- 19) In the interests of enhancing the safety and convenience of users of the adjacent highway in accordance with policy PCS17 of the Portsmouth Plan.
- 20) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 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.

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City Development Manager  
2<sup>nd</sup> March 2015

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