



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 29 APRIL 2015 AT 5.00 PM

EXECUTIVE MEETING ROOM - THE GUILDHALL - FLOOR 3

Telephone enquiries to Jane Di Dino 0239283 4060

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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

(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

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

AGENDA

- 1 **Apologies for absence**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of Previous Meeting - 8 April 2015 (Pages 1 - 8)**

The minutes of the Planning Committee held on 8 April 2015 are to follow.

RECOMMENDED that the minutes of the Planning Committee held on 8 April 2015 are approved as a correct record and signed by the Chair.

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

Planning Applications

- 5 15/00183/HOU - 9 Auckland Road East Southsea PO5 2HA - Construction of dormer window to rear roofslope (report item 1) (Pages 9 - 46)**
- 6 15/00317/HOU - 8 Chadderton Gardens Portsmouth PO1 2TE - Construction of balcony at first floor level to front elevation (report item 2)**
- 7 15/00345/PLAREG - 22 Down End Road Portsmouth PO6 1HU - Retrospective application for the construction of a new garage, front boundary wall with sliding gate (additional vehicular access) and retaining walls to front of property (re-submission of 14/00552/PLAREG) (report item 3)**
- 8 15/00426/HOU - 80 Highbury Grove Portsmouth PO6 2RT - Construction of front dormer window and front porch (report item 4)**
- 9 15/00176/FUL - Europa House Havant Street Portsmouth PO1 3PD - Change of use from offices (Class B1) to halls of residence (Class C1) at levels 6-18 of Europa House and the annexe building to form 262 study/bedrooms with communal facilities; external alterations of levels 6-18 of Europa House and the annexe building to include new windows and render (report item 5)**
- 10 15/00319/FUL - 67 St Andrews Road Southsea PO5 1ER - Conversion to form 4 flats including construction of extensions to rear elevation and two dormer windows in rear roof slope (re-submission of 14/01396/FUL) (report item 6)**
- 11 15/00380/FUL - Electricity Sub Station Western Parade Southsea - Change of use of part of building to form cafe (Class A3) to include external alterations and single storey extensions after removal of existing canopy (report item 7)**

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.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 April 2015 at 5.00 pm in the Executive Meeting Room - 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
Sandra Stockdale

Also in attendance:

Councillors Michael Andrewes & Linda Symes

Welcome

The chair welcomed members of the public and members to the meeting.

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.

25. Apologies (AI 1)

Apologies for absence had been received from Councillor Lee Mason.

26. Declaration of Members' Interests (AI 2)

Councillor Fuller made a non-prejudicial declaration regarding 14 Park House, Clarence Parade, in that he had spoken to the applicant at the Lord Mayor's recent charity bike event but had told him that he would not make up his mind until he had heard both sides at committee.

Councillor Stockdale made a non-prejudicial declaration in that she recognised a depute regarding 2 The Garden View Apartments, 2 St. Vincent Road, but only to say "hello" to in the local shops.

Councillors Ellcome and Jonas would not take part in the discussion of the item relating to 112 Lidiard Gardens which was owned by a party colleague.

27. Minutes of Previous Meeting - 11 March 2015 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 11 March 2015 be approved and signed by the Chair as a correct record.

28. Change in date of May meeting (matter of urgent business) (AI)

The Chair brought up a matter of urgent business requesting the moving of the proposed committee date of 27 May to allow sufficient time for publication of the agenda and new member training after the annual council meeting. It was suggested that this be moved to Wednesday 3 June.

RESOLVED that the scheduled meeting of 27 May be moved to the following Wednesday 3 June.

29. Appeal decision - 30 Goodwood Road, Southsea (AI 4)

RESOLVED that the report be noted.

30. 14/01523/FUL - ROKO Health & Fitness Club Copnor Road Portsmouth - Construction of up to 3 metre high fencing with 5 metre high netting above 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 (report item 1) (AI 5)

It was noted that consideration of this item be deferred at the request of the applicant to enable further consultation with local residents.

31. 15/00039/FUL - 22 Inglis Road Southsea - Construction of 2 semi-detached dwelling houses after demolition of existing building (amended scheme) (Report item 2) (AI 6)

The City Development Manager's Supplementary Matters list reported two further objections have been received raising matters referred to in other objections and addressed in the main agenda report. Also that following a recent ministerial statement, some of the outcomes of the Housing Standards Review have come into force. As a result a number of the conditions set out in the agenda need to be revisited and potentially amended. As a full review of the changes is ongoing, delegated powers would be sought to amend and add conditions as required.

A deputation was made by Mr Brown, objecting, whose points included:

- The demolition of the Gospel Hall would blight his life, and he would lose light in his garden
- Whilst he accepted there would be redevelopment he questioned whether this is the best design for the Conservation Area? He saw little change to the façade of the building from the original application which had been criticised at appeal as "bland and inappropriate".
- He was concerned that the windows could be replaced in the future and there would be overlooking
- It was overbearing and had amenity impact and was not supported by the neighbours, and it could be improved upon.

Mr Oliver made a deputation in support as the applicant's agent, whose points included:

- The original application had been more modern and this design was more appropriate for the area and he had worked with the Planning Authority on this.
- He had addressed the Inspector's concerns of privacy/overlooking and had lost the 3rd bedroom as a compromise and the windows were fixed shut and obscure glazed
- A parking survey had been undertaken which indicated that there were not parking problems in the area and the Gospel Hall community use generated more traffic.

Councillor Andrewes then spoke as a ward councillor, whose points of objection included:

- The Inspector had upheld the previous refusal on amenity grounds in a Conservation Area and this looked like a similar application;
- There were parking issues in the area and this was not an area with high access to public transport - it looked as if only 1 car could be parked outside rather than 3 so it did not meet the SPD on parking.

Members' Questions

It was asked how many cars could be parked outside; in response the City Development Manager estimated 2 cars. The size of the footprint of the building in comparison to earlier applications was questioned; it was confirmed that this is a smaller building addressing the Inspector's comments on scale and bulk.

Members' Comments

Members felt that this represented a better scheme, and to protect privacy it was suggested that a condition on the obscure windows be included.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the City Development Manager's report, with an additional condition relating to the fixed and obscure windows to prevent overlooking, and with delegated power be given to the City Development Manager to amend or add conditions as appropriate.

32. 15/00063/VOC - Nursery 232 Southampton Road Paulsgrove Portsmouth - Application to vary condition 2 of Planning Permission A*10252/AE-1 to allow up to 20 children to use the external grounds/gardens at any one time (resubmission of 14/01426/VOC) (Report item 3) (AI 7)

As part of the officers' presentation of this item the Environmental Health Manager explained more about the noise nuisance investigation and concluded that there was a detrimental impact caused by the noise emanating from the nursery garden. The City Development Manager explained that the Ofsted instruction on outdoor activities is not a planning policy and should be balanced with the harm caused to residents by the noise.

A deputation was made by Mr Knight, objecting on behalf of his son in Hopkins Close whose points included:

- The noise is already at an intolerable level and causes problems for his son who works shifts;
- The existing limit of 10 children in the garden was not being adhered to;
- The nursery is a bad neighbour with noise at weekends too when cleaning takes place with open windows and loud music and staff parking in neighbouring roads;
- It is not a suitable site for a nursery.

Mrs Parker-Whalley, the manager, spoke in support of the application, whose points included:

- The nursery had 52 children and wants to increase the numbers in the garden to encourage outdoor play and use of the creative and natural area;
- Children do make noises but the staff had stopped them banging pots in response to neighbours' complaints;
- They would restrict the hours to cover sociable hours and they were looking at noise restricting measures and making use of the summerhouse.
- Children need exercise and access to the outdoor area.

Members' Questions

It was asked how many noise complaints had been received and it was confirmed as one complainant. Further questions were asked of the Environmental Health Manager regarding how the noise monitoring was undertaken and the findings. It was noted that the nursery could not be required to take the children to the park.

Members' Comments

Members commented on the noise complaint only coming from one address, and that the nursery staff were working to address the noise levels. They were mindful of this established nursery business and the importance of offering the children the opportunity to exercise, learn and play outdoors. However the number of children allowed at any one time should be monitored and enforced.

RESOLVED that the variation of condition of planning permission A*10252/AE-1 to allow up to 20 children to use the external grounds/gardens at any one time be permitted.

33. 15/00129/PLAREG - 190 Chichester Road Portsmouth - Retrospective application for construction of single storey rear extension (Report item 4) (AI 8)

Mr Clapson had registered to make a deputation to object, but was not present at the meeting. A deputation was made by Mr Oliver as the applicant in support, whose points included:

- He explained the mistake made by the builder using rope and bricks to measure, leading to the extra 20cm width of a brick and the space between, for which he apologised.

The City Development Manager clarified that the problem was the 20cm extra height.

Members' Questions

Members asked if Building Control had visited and would have noticed the error? The City Development Manager explained that Building Control officers might notice an error but it was not part of their responsibilities in checking compliance with building regulations.

Members' Comments

Members felt that the impact was minimal.

RESOLVED that conditional permission be granted, subject to the condition outlined in the City Development Manager's report.

34. 15/00147/ADV - 351-353 Copnor Road Portsmouth - Display of three externally illuminated fascia signs and various window vinyl signs (Report item 5) (AI 9)

Mr & Mrs Richardson had registered to speak to object but were not present at the meeting when this was considered. A deputation was made by Mr Garcha (supported by Mr Sandhu) to support the application and to represent the shop whose points included:

- Another sign on the lamp-post had been taken out of the proposal as they were trying to work with the neighbours to minimise the impact and a trough light was being used so the lighting would not disturb other residents;
- There had been major investment in this business and felt the objections had been made about the contents of the business rather than the signage.

Members' questions

Reflecting on a representation made by an objector it was asked if other works had been carried out without permission and the response was that there had been no evidence of this.

Members' Comments

Members supported the application.

RESOLVED that consent be granted.

35. 15/00155/TPO - 2 The Garden View Apartments, 2 St Vincent Road Southsea - Within Tree Preservation Order No 47 sycamores (T35 & T36) crown reduce western sector by 2.5m; limes (T33 & T34) crown lift of 2.4m (amended description) (Report item 6) (AI 10)

The following deputations were made objecting to the application.

Mrs Rowe whose points included:

- The Victorian terrace gardens will be exposed and properties overlooked if the canopy is lifted;
- There had already been some surreptitious removal at the boundary;
- Crown lifting was not suitable for mature trees and could cause decay and instability;

- There would be disturbance of nesting birds in the trees and hedges.

Mr Rowe continued, whose points included:

- There is not strong support for the application and all the residents in Garden Terrace had objected to it.
- The trees were not close to the flats so are not encroaching on them.

Mrs Trehearne's objections included:

- This would alter the nature of the tranquil and green oasis;
- The area had already lost 5 trees and there had been development with the flats opposite;
- Residents were not objecting to maintenance but felt the crown lifting was inappropriate.

Members' Questions

It was asked if there were health and safety issues and advice was given by the Arboricultural Officer, Mr Knight, that the telecommunication cable could be snagged after further growth. It was asked if part of the application could be refused only regarding the lime trees; it was confirmed that part consent/refusal could be given. The extent of the works was examined and the Arboricultural Officer confirmed that the original application had been excessive so there had been re-negotiation, and whilst the branches did not currently touch the buildings it was likely that this would be the case in the next two growing seasons when if damage was caused these could be cut back without control being exercised by the planning authority.

Members' Comments

The value of the trees to the area was appreciated but members were also mindful of the advice regarding the application being beneficial to the trees in the long term.

RESOLVED that conditional consent be granted, subject to the conditions outlined in the City Development Manager's report.

36. 15/00254/FUL - 14 Park House Clarence Parade Southsea - Alterations to roof to include enlargement of existing dormer window, removal of section of roof slope to form enlarged roof slope to form enlarged roof terrace and installation of hand rail (Report item 7) (AI 11)

The City Development Manager's Supplementary Matters list reported that in addition to the 14 letters of support previously reported within the committee report, 15 further letters of support (29 in total) have been received from residents of Park House, local residents, Councillor Luke Stubbs and Councillor Linda Symes. Further to the points previously raised, it is suggested that the proposal would: (a) Improve/enhance the conservation areas; (b) Improve the economic mix of developments within the city; and (c) Improve the carbon foot print of the building. Points (a) and (b) are addressed within the Committee Report. In respect of point (c), no evidence has been submitted to indicate that the proposal would improve the thermal efficiency of the existing dormer.

Councillor Linda Symes spoke in support of the application, adding that the only building looking straight on to the application property was Homeheights whose residents had not opposed the application; there was little impact on the streetscene and this would provide premiere housing in the city.

..... Councillor Michael Andrewes also spoke in support of the application; he did not believe that the design was detrimental to the Conservation Area.

The applicant Mr West then spoke in support of his application, whose points included:

- The extension of the dormer would give better balance;
- There would be improved internal layout;
- There had been a lot of support for the application.

(There were no questions raised by members)

Members' Comments

Members noted the support locally for this application and felt that this would enhance the property.

RESOLVED that conditional permission be granted with an additional condition relating to provision of matching materials and with delegated power to be given to the City Development Manager to amend or add conditions as appropriate.

37. 15/00261/PLAREG - 112 Lidiard Gardens Southsea - Retrospective application for construction of single storey rear extension (Report item 8) (AI 12)

Councillors Frank Jonas and Ken Ellcome left the room, due to their declaration of interest, so did not take part in the discussion of this item.

(There were no members' questions.)

Members' comments

It was noted that the scale of the extension was within permitted development rights but that the material was not, however the extension had not been objected to by neighbours and was not detrimental to their amenity.

RESOLVED that permission be granted.

The meeting concluded at 7.35 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray

Agenda Item 5

PLANNING COMMITTEE 29 APRIL 2015

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

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, 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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9 AUCKLAND ROAD EAST SOUTHSEA PO5 2HA**CONSTRUCTION OF DORMER WINDOW TO REAR ROOFSLOPE****Application Submitted By:**

Design Drawn Ltd
FAO Mr Joseph Moser

On behalf of:

Mr Dan Briscoe

RDD: 9th February 2015

LDD: 13th April 2015

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the proposed dormer window extension would be of an acceptable design in relation to the recipient building and the adjoining properties, whether it would preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area, and whether it would have any significant adverse impact on the amenity of the adjoining occupiers.

The site and surroundings

This application relates to a three-storey end of terrace dwellinghouse located to the northern side of Auckland Road East, just to the east of its junction with Palmerston Road. The dwelling is set back from the highway by a driveway and long front garden, but unusually backs directly onto the common boundary with properties to the rear. The site is located within the 'Owen's Southsea' Conservation Area and is the subject of an article 4 direction (Villiers Road/The Vale) that removes certain permitted development rights to the front elevation of the building. The site is also located within the indicative floodplain (Flood Zones 2 & 3).

The proposal

Permission is sought for the construction of a dormer extension to the rear roof slope.

Planning History

There is no relevant planning history for this property.

POLICY CONTEXT

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

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk) and PCS23 (Design and Conservation). Regard is also made to the 'Owen's Southsea' Conservation Area Guidelines.

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing, one letter of representation has been received in support of the application. It is suggested that the proposal would not result in any significant privacy issues, as there are already a number of windows overlooking the adjoining gardens. This representation was reported on the Members Information Service on 29.04.2014.

COMMENT

The determining issues in the application are:

1. Design, including impact on the character and appearance of the 'Owen's Southsea' Conservation Areas and the special architectural or historic interest of the adjoining Listed Buildings;
2. Impact on residential amenity.

Design, including impact on the character and appearance of the 'Owen's Southsea' Conservation Areas and the special architectural or historic interest of the adjoining Listed Buildings

The applicant proposes the construction of a dormer extension to the rear (north) roof slope. This would measure approximately 4.2 metres wide by 1.5 metres high and would be topped by a shallow mono-pitched roof. The applicant has indicated that the dormer would be finished in lead effect GRP (glass reinforced plastic) with full width and height uPVC windows.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; relate well to the geography and history of Portsmouth and protect and enhance the city's historic townscape and its cultural and national heritage.

When determining applications the Local Planning Authority (LPA) must consider what impact a proposal would have on both designated and non-designated heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 131 of the NPPF requires that Local Planning Authorities should, amongst other matters, take account of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF also places an obligation on an applicant to describe the significance of any heritage assets affected, and indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Portsmouth City Council's Design Advice Note No.3 states that dormer extensions should not dominate or overwhelm the roof and should respect the existing features of the property. It is accepted that the proposed dormer has been positioned centrally within the roof slope, set in from the roof edges (0.8m), the eaves and the ridge. However, it is considered that the dormer would, as a result of its height and width, dominate the rear roof slope of the building. Notwithstanding the inclusion of a very shallow mono-pitched roof, the dormer would retain a utilitarian 'railway carriage' style appearance that would normally be discouraged wherever the Local Planning Authority has control, and would fail to relate to the existing features of the building that have a strong vertical emphasis.

Whilst the existing roof is finished in a brown concrete tiles, the applicant proposes the use of a lead effect GRP to the face and cheeks of the dormer with white uPVC window frames. Whilst lead is not an uncommon material used to face dormers within conservation areas, this would

normally be to much smaller dormer features where the roofs are finished in slate. Therefore, given the variation in materials it is considered that the proposed finish would increase the incongruous nature of the proposal.

The City Council's Conservation Area guidelines for the 'Owen's Southsea' Conservation Area state that: 'Where there is a precedent for dormer windows, they should match existing dormer windows in design, materials, bulk and size'. It is noted that a number of properties to the north of Auckland Road East and the southern side of Villiers Road incorporate dormers at roof level. However, these are all of a much smaller scale and are of a dual-pitched roof design. Larger dormers are found further afield although these are not directly comparable to that proposed or viewed within the same context.

Notwithstanding the location of the site within a conservation area, it is noted that the rear elevations of the buildings fronting Auckland Road East do not necessarily reflect the wider character and appearance of the conservation area, and have been subjected to a number of unsympathetic alterations. By contrast, properties located immediately to the north of the application site (2-20 Villiers Road), comprising large semi-detached and detached villas, are all Grade II listed and make a significant contribution to the character of the area. Although the proposed dormer is considered to be of an excessive scale in comparison to the recipient building, it would represent a relatively modest enlargement in the context of the adjoining structures. Therefore, whilst the proposal would be considered harmful to the overall character of the building, it is considered that the harm to the character and appearance of the conservation would be 'less than substantial'. However, other than providing a modest enlargement to the applicant's dwelling, there would be insufficient public benefit associated with the proposal to outweigh the harm that would be caused.

Having regard to the existing visual appearance of the rear elevations of properties fronting Auckland Road East, it is considered that the addition of a dormer window extension would not detract from the setting or any features of special architectural or historic interest associated with the Grade II listed buildings that abut the application site to the north.

Impact on residential amenity

The application dwelling is sited directly onto the common boundary with properties to the north. Windows at first and second floor level serving bedrooms offer direct views into the adjoining properties with a degree of separation of just 9 metres between the buildings at the closest point. However, a small recess from the northern building line does prevent views towards the north-east.

Immediately to the west, a terrace of four larger properties (sub-divided into flats), has a similar relationship with properties to the north and incorporate windows at 1st, 2nd and 3rd floor levels within the northern elevation offering views into the adjoining properties to the rear. This terrace also includes an external fire escape to the rear; however, this does not appear to provide the main means of access to any of the flats.

A five storey block of flats located immediately to the west of the application site also incorporates windows within its northern elevation overlooking properties to the rear. However, it is noted that this building is positioned slightly further forward within its plot offering a greater degree of separation to properties to the north (13m between buildings at its closest point).

It is accepted that there is an extremely unusual relationship between properties within this particular area with a significant degree of mutual overlooking between individual properties and gardens. As a result, none of the dwellings within this particular block benefit from any private external amenity space. Whilst careful regard has been given to this existing relationship, it is considered that the introduction of a large window at a higher level (on the application dwelling) would introduce wider panoramic views of the area that could feel significantly more intrusive to neighbours than currently experienced through the smaller openings. This would exacerbate the existing poor relationship which would not be in the interests of good design and is likely to result in a further loss of privacy, both perceived and actual, from overlooking.

Outside of conservation areas, dormer window extensions to a rear roof slope are often regarded as permitted development (PD) not requiring the express permission of the Local Planning Authority (LPA) (subject to certain conditions). This is perhaps an indication that the introduction of a window at roof level is unlikely to result in a significant loss of privacy, particularly where windows already existing on a rear elevation. The effect of removing such PD rights in Conservation Areas is to allow LPAs to consider the specific design of structures by requiring specific and detailed applications. However, as highlighted above, the application dwelling and its surroundings are far from typical, and due to the absence of any curtilage to the rear, and the minimal degree of separation to adjoining gardens (2.5m) and habitable room windows (approx. 13m), it is considered that the potential impact from a large dormer window at an increased height would be significantly more harmful than in typical situations.

Other matters

It is considered that the proposal would not result in an increased risk of flooding at the site.

RECOMMENDATION Refuse

The reasons for the recommendation are:

1) Notwithstanding the inaccuracies on the submitted drawings, the proposed dormer extension would, by virtue of its combined height, width, utilitarian shallow pitched roof design, alignment with existing fenestration and use of materials, appear as an unduly prominent feature that would dominate the existing roof slope and fail to relate in an appropriate manner to the recipient building. Furthermore, the proposal would neither preserve nor enhance the character and appearance of the 'Owen's Southsea' Conservation Area contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.

2) Notwithstanding the inaccuracies on the submitted drawings, the proposed dormer would, by virtue of its combined height, width, quantity of glazing and position in close proximity to the curtilage of the dwelling, offer direct panoramic views directly into neighbouring properties to the detriment of residential amenity in terms of loss of privacy, both perceived and actual. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, and that having been unsuccessful through negotiation to secure such amendments as to render the proposal acceptable, the application has been refused for the reasons outlined above

02

15/00317/HOU

WARD: ST THOMAS

8 CHADDERTON GARDENS PORTSMOUTH PO1 2TE

CONSTRUCTION OF BALCONY AT FIRST FLOOR LEVEL TO FRONT ELEVATION

Application Submitted By:

Pario Consulting Limited
Mr Neil Stantiall

On behalf of:
Mr Dave Clare

RDD: 4th March 2015

LDD: 29th April 2015

This application has been brought to the Planning Committee at the request of St Thomas Ward Member Councillor Rob Wood.

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the proposed alterations would relate appropriately with the recipient building, the adjoining properties and the wider street scene and whether the proposal would have any significant adverse impact on the amenity of the occupiers of the adjoining properties.

The site and surroundings

This application relates to a three-storey mid-terrace townhouse located on the northern side of Chadderton Gardens, just to the west of its junction with Blount Road within Pembroke Park. The property is set back from the highway by an open front garden and incorporates an integral garage with a two-storey square bay projection above. The property forms part of a verdant 1970s estate on the former site of the Duchess of Kent and Victoria Barracks with development set out on a series of cul-de-sacs. The central section of the estate is characterised by three-storey townhouses of a similar design to the application property within eight separate terraces. A degree of uniformity and consistency in appearance is apparent throughout. This is less apparent to the east of the application site where detached houses of varying styles are more characteristic.

The proposal

Permission is sought for the creation of a balcony to the front elevation at first floor level replacing the existing bay window.

Planning History

Conditional planning permission was granted by the Planning Committee in February 2012 (ref.11/01202/HOU) for the construction of a balcony almost identical to that proposed by the current application to the front elevation of the building at first floor level. This permission was not implemented and has now lapsed.

Conditional Permission was granted in June 2008 (ref.08/00630/FUL) for the construction of construction of single storey rear extension.

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing, seven letters of objection have been received from neighbouring residents and the Pembroke Park Residents Association Co Ltd. Their objections can be summarised as follows: (a) Visual impact on the intrinsic appearance of the terrace, the townscape and the estate; (b) Loss of privacy; (c) Overlooking; (d) Increased noise and disturbance; (e) The proposal would set a precedent for future developments; (e) The proposal contravenes a restrictive covenant on the estate preventing alterations to the architectural style of properties; (f) Impact on property values; and (g) Impact on community relations within the estate as a result of disputes over the acceptability of proposed development.

In addition, one letter of representation has been received in support of the proposal on the following grounds: (a) The proposal is sensitively designed and aesthetically pleasing; (b) The area is already overlooked by a number of balconies; and (c) a number of other properties have been modified from their original design concept.

COMMENT

At the time of writing, seven letters of objection have been received from neighbouring residents and the Pembroke Park Residents Association Co Ltd. Their objections can be summarised as follows: (a) Visual impact on the intrinsic appearance of the terrace, the townscape and the estate; (b) Loss of privacy; (c) Overlooking; (d) Increased noise and disturbance; (e) The proposal would set a precedent for future developments; (e) The proposal contravenes a restrictive covenant on the estate preventing alterations to the architectural style of properties; (f) Impact on property values; and (g) Impact on community relations within the estate as a result of disputes over the acceptability of proposed development.

In addition, one letter of representation has been received in support of the proposal on the following grounds: (a) The proposal is sensitively designed and aesthetically pleasing; (b) The area is already overlooked by a number of balconies; and (c) a number of other properties have been modified from their original design concept.

COMMENT

The determining issues in the application are:

1. Design
2. Impact on residential amenity
3. Other matters raised within representations

Planning permission is sought for the creation of a balcony at first floor level replacing the lower section of a two-storey square bay window. The balcony would retain the same dimensions as the bay it replaces maintaining its alignment with the upper section of the bay window above. The proposed balcony would be enclosed by simple metal railings/balustrade similar to those used to enclose balconies on adjoining properties to the south and west within Chadderton Gardens, and would be accessed via bi-fold doors from a first floor living room.

Planning permission was previously granted by the Planning Committee in February 2012 (ref.11/01202/HOU) for the construction of a very similar balcony to that proposed by the current application. However, this permission was not implemented and has now lapsed. The only difference between the previously permitted scheme and the current proposal would be the means of access to the balcony from the main building. The original permission (11/01202/FUL) incorporated a set of patio doors with a fixed glazed panel to one side, whereas the current proposal incorporates a set of fi-fold doors across the full width of the opening.

Whilst the Local Planning Authority is not bound by the previous decision, it is a consideration which must be regarded as material when determining a subsequent application which is so similar in character and significant weight must be offered to it during the determination process, unless there are any significant changes in circumstance. This could result, for example, from

changes in planning policy or other developments that have taken place within the vicinity of the application site since the original permission was granted.

Design

The application property forms part of a terrace of seven townhouses (2-14 Chadderton Gardens) that maintain a significant degree of consistency in appearance with only the colour of the front doors varying between each unit. To the south, a terrace of six similar townhouses (1-11 Chadderton Gardens) alternate between having two-storey bay windows and recessed balconies at first and second level above integral garages on the front elevation. This pattern of bays and balconies is repeated to the rear of properties fronting Woodville Road which forms the western backdrop to Chadderton Gardens. Notwithstanding the degree of consistency across this particular section of the Pembroke Park, it is noted that the site does not form part of a Conservation Area.

It is accepted that the proposal would have an impact on the consistent appearance of the terrace and the rhythm between properties. However, it is considered that the proposed balcony would be sympathetic to the character of the building, matching the footprint and alignment of the original bay, and would incorporate railings/balustrade similar to other balconies found elsewhere within Chadderton Gardens. As the application site is located at the centre of the terrace, the proposal would also retain a degree of symmetry to the east and west. Therefore, having regard to the modest scale of the proposal, the sensitive design and presence of similar features within the immediate area, it is considered that the balcony would not result in demonstrable harm to the visual integrity of the terrace.

In determining the application, the 'fall back' position is also a material consideration: that is, what development would have deemed permission, as works that could take place as permitted development without the express permission of the Council as Local Planning Authority (LPA). None of the planning conditions attached to the original planning permission restrict other alterations and additions that would normally be permitted to dwellinghouses (outside of conservation areas) without the express permission of the LPA. On that basis, it is considered that the bay window could be removed and replaced with patio or bi-fold doors and a 'Juliet Balcony' as permitted development. Members must have regard to the fact that such an alteration would be permitted and could arguably be more disruptive to the appearance of the building and the wider terrace than the alteration proposed by the application.

Impact on residential amenity

There is a significant degree of mutual overlooking within Chadderton Gardens as a result of open front gardens, balconies and windows at first and second floor level. This gives residents little privacy at the front of their properties. On that basis it is considered that the introduction of a small balcony to replace an existing bay window at first floor level is unlikely to significantly change the degree to which the surrounding area is overlooked. There is also considered to be a sufficient degree of separation between residential properties across Chadderton Gardens (30m) to prevent a loss, or perceived loss of privacy within rooms located directly opposite the proposed balcony. As a result of its scale, the balcony would not offer direct views back into first floor windows of the adjoining properties.

Whilst there have been significant changes in planning policy since the preceding lapsed permission was given in February 2012, the principles of design and protecting residential amenity have remained unchanged. Therefore, having regard to the very modest changes in appearance from the scheme previously permitted, the previous decision of the Local Planning Authority and the absence of any change of circumstance since the previous decision, it is considered that an objection on design or amenity grounds could not be sustained.

Given its modest scale it is considered that the introduction of a balcony in the location proposed would not give rise to a significant increase in noise and disturbance.

Other matters raised within representations

A number of the representations refer to restrictive covenants imposed on properties within the Pembroke Park Estate preventing unsympathetic changes to the architectural style and appearance. This is considered to be a private legal matter and would not form a material consideration of this application, nor would potential impact on property value.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 08016/001P.
- 3) The bi-fold doors hereby permitted shall be colour treated in white and permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.
- 4) The balcony railings/balustrade hereby permitted shall be colour treated in black and permanently retained in that condition unless otherwise agree in writing with the Local Planning Authority.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity having regard to the colour of the existing fenestration in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) In the interests of visual amenity having regard to the predominant colour of balcony enclosures within the estate in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

03

15/00345/PLAREG

WARD:DRAYTON & FARLINGTON

22 DOWN END ROAD PORTSMOUTH PO6 1HU

RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF A NEW GARAGE, FRONT BOUNDARY WALL WITH SLIDING GATE (ADDITIONAL VEHICULAR ACCESS) AND RETAINING WALLS TO FRONT OF PROPERTY (RE-SUBMISSION OF 14/00552/PLAREG)

Application Submitted By:

Mr Brandon Lashley

On behalf of:
Mr Barry Lashley

RDD: 9th March 2015

LDD: 5th May 2015

SUMMARY OF MAIN ISSUES

The main issue to be considered in the determination of this application is whether the proposal would have an appropriate visual appearance in relation to the recipient building and wider contextual street scene having particular regard to the reason for the dismissal of the recent appeal for a similar proposal.

The Site

The application site comprises a detached residential dwelling located on the northern side of Down End Road. The site is elevated above the road and properties to the south. Properties on the north side of Down End Road are on markedly sloped ground which runs downhill toward the road. Properties are characterised by a mix of single and two-storey detached dwellings located some distance from the highway with spacious front gardens. As a result the north side of Down End Road has an open and spacious character.

The application

This application seeks planning permission for the construction of a new garage (which has been partially completed), a front boundary wall (which has been built) with sliding gate (across an additional unformed vehicular access) and retaining walls to front of property. The garage and walls are constructed from matching brick whilst it is proposed that the garage roof be finished with a hipped roof with front facing gable. The boundary wall is 1.2m high with a series of pillars 1.4 metres height. It is proposed that the sliding gate be approximately 1m high, but no details regarding materials have been included with the application. The retaining wall runs parallel to the garages driveway and are of the same design and height as the boundary wall, although the east side does step up in height to accommodate the slope of the land and ends approximately 0.3m further than the rear elevation of the garage. The submitted drawings indicate that the garage would have a maximum height of 3.75m high measured to the front of the garage with the eaves being approximately 2.3m above the level of the driveway on the front elevation of the garage. To the rear elevation, the garage eaves are broadly level with natural ground level. The garage is 4.9m wide and 5.7m deep, it is set back from the highway at a slight angle between 5.0m and 5.5 m. The existing driveway has been widened to approximately 5.4m and lies between the two retaining walls.

Planning History

The most relevant part of the planning history of the site is application 14/00552/PLAREG which sought (retrospective) permission for the construction of a new garage, front boundary wall with sliding gate (additional vehicular access) and retaining walls to front of property. This application was refused in July 2014 with a subsequent appeal being dismissed.

In dismissing the appeal the Inspector noted "that a garage was previously located at the appeal site and it was situated in a similar position to the garage which is under construction. However, the previous garage had a flat roof and was smaller in size than the garage which is partially built. As a result of its scale, bulk and prominent position towards the front of the site the garage that is being constructed would result in an incongruous and visually dominant building that would have a detrimental impact on the street scene".

In their appeal statement the applicant made reference to a number of similar garage developments. In response to this the Inspector opined that "a number of these garages are less prominent as they are partly screened by vegetation. Furthermore, in my view, some of the

garage developments only serve to demonstrate how unsatisfactory the partially constructed garage would be if it was completed."

The Inspector concluded that "the proposal would unacceptably harm the street scene within Down End Road. As a result there would be a conflict with Policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy which aims to ensure, amongst other things, that new development is well designed and of an appropriate scale, density, layout, appearance and materials in relation to the particular context. The proposal would also conflict with paragraph 64 of the National Planning Policy Framework which sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

POLICY CONTEXT

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

CONSULTATIONS

Highways Engineer

No objection

REPRESENTATIONS

None received

COMMENT

The main issue to be considered in the determination of this application is whether the proposal would have an appropriate visual appearance in relation to the recipient building and wider contextual street scene having particular regard to the reason for the dismissal of the recent appeal for a similar proposal.

Due to location of the development it is considered that it would not have a significant detrimental impact on the residential amenities of neighbouring occupiers in terms of overlooking, increased sense of enclosure or overbearing impact.

This application has been submitted following the dismissal of an appeal for the completion of the garage with its current partially constructed roof form. The applicant was offered advice about what alternative roof structure could be considered acceptable but has chosen to submit an alternative proposal. The only difference between the current scheme and that previously found to be unacceptable is a reduction in roof pitch which would result in the ridge of the garage being 0.5 metres lower than in the refused scheme. The application also makes reference to additional planting but no details have been provided.

Having regard to the harm identified by both the Local Planning Authority and the Planning Inspector, it is considered that the proposed reduction in height of 0.5 metres would not significantly reduce either the bulk or visual impact of the garage and as such it would remain as an incongruous and unsympathetic feature in the contextual street scene and be detrimental to the visual amenities of the area. It is considered that the addition of unspecified additional landscaping would not mitigate the impact of the proposal and that planning conditions could not properly be imposed that would address the harm. As the current proposal does not adequately address or overcome the visual harm identified this application cannot be considered capable of support.

As with the previous scheme, the boundary wall, widened driveway and retaining walls are considered to be of an acceptable appearance and relate satisfactorily to the recipient site and wider street scene.

RECOMMENDATION Refuse

The reason for the recommendation is:

1) The garage, by reason of its prominent siting, excessive scale and bulk and unsympathetic appearance, would represent an incongruous and visually dominant feature, out of character with the area and detrimental to the visual amenities of the streetscene. 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.

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, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

04

15/00426/HOU

WARD: COSHAM

80 Highbury Grove Portsmouth PO6 2RT

CONSTRUCTION OF FRONT DORMER WINDOW AND FRONT PORCH

Application Submitted By:

Thorns-Young Ltd
FAO Mr Chris Curnow

On behalf of:

Mrs Hannah Hockaday

RDD: 19th March 2015

LDD: 26th May 2015

This application is presented to the Planning Committee for determination as the applicant is a Councillor

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of the application are whether the design of the porch and dormer window are appropriate in the context of the recipient house, and, whether the development would be likely to result in any significant loss of residential amenity to occupiers of adjacent properties.

The Site

The application site is a mid-terrace, bay fronted dwelling on the southern side of Highbury Grove, just east of its junction with Pitreavie Road. This residential road is strongly characterised by blocks of 6 terraced properties with each end-of-terrace house possessing a gable end fronting the highway. The site falls within the indicative area at risk of flooding (zone 2 and 3).

Proposal

The application seeks retrospective planning permission for a porch to the front (substantially completed) and a front dormer window (under construction).

Planning History

There is no planning history relevant to additions to the front of the property.

The box dormer to the rear shown on the submitted plans does not form part of this application and is likely to fall within permitted development tolerances and a single storey rear addition was the subject of a prior approval procedure (14/00077/GPDC) which concluded that prior approval was not required on 14/1/15.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS12 (Flood Risk),

In addition to the above policies the aims and objectives of the National Planning Policy Framework are relevant.

CONSULTATIONS

None.

REPRESENTATIONS

None received

COMMENT

The main issues to be considered in the determination of the application are whether the design of the porch and dormer window are appropriate in the context of the recipient house, and, whether the development would be likely to result in any significant loss of residential amenity to occupiers of adjacent properties.

Whilst the site falls within an indicative area at risk of flooding, the construction of a porch and a dormer window to facilitate conversion of roof space to ancillary living accommodation is not considered to render the property or its occupiers any more vulnerable to flood inundation than at present.

Design

The principle of constructing a dormer window to the front of this property is considered acceptable providing it is modest in size and appropriate in its appearance and use of materials ensuring that it would sit comfortably within the roofslope. There are examples, albeit not many, of box front dormers within the surrounding residential roads of Chatsworth Avenue and Hawthorn Crescent.

The dormer under construction is designed to incorporate a pitched roof with a ridge height to match that of the main dwelling and is set back significantly from eaves level. Its position is offset to the west in order to sit directly above the double height bay windows at ground and first floor level. This dormer is already under construction and the information submitted states that it would be clad in concrete tiles. A condition is recommended that the tiles used match those of the existing roof.

The porch constructed is not identical in size and design to that initially submitted for consideration. The plans are in the process of being revised to reflect the situation on site. The porch exceeds permitted development tolerances only in terms of its height, being 17cm higher than that allowed under householder rights. Its walls are rendered externally and it has a slate roof. Whilst the design of the porch, in terms of its height and appearance, does not appear to take any particular reference from the design of the original dwelling, given its modest scale and size and taking into account of the permitted development that could proceed as "fall-back"

development in the event of refusal, the porch is no considered of sufficient harm to justify a refusal on this ground.

Residential Amenity

The dormer window faces a public highway and does not cause any significant loss of privacy to occupiers of properties adjacent or opposite. Neither the dormer nor porch gives rise to any significant impact on the residential amenity enjoyed by neighbours in terms of available light or outlook. No representations have been received.

Conclusion

The proposal is considered to accord with policies PCS23 of the Portsmouth Plan and is capable of support subject to the recommended conditions.

RECOMMENDATION Conditional Permission

Conditions

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 7226.14.1Revision B.
- 2) The materials to be used in the construction of the external surfaces of the front dormer window hereby permitted shall match, in type, colour and texture those on the existing roof.

The reasons for the conditions are:

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

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

05

15/00176/FUL

WARD:CHARLES DICKENS

EUROPA HOUSE HAVANT STREET PORTSMOUTH PO1 3PD

CHANGE OF USE FROM OFFICES (CLASS B1) TO HALLS OF RESIDENCE (CLASS C1) AT LEVELS 6-18 OF EUROPA HOUSE AND THE ANNEXE BUILDING TO FORM 262 STUDY/BEDROOMS WITH COMMUNAL FACILITIES; EXTERNAL ALTERATIONS OF LEVELS 6-18 OF EUROPA HOUSE AND THE ANNEXE BUILDING TO INCLUDE NEW WINDOWS AND RENDER

Application Submitted By:

Boyle+Summers Ltd
FAO Mr Angus Law

On behalf of:

Stuart Properties Ltd
FAO Mr Terry Murch

RDD: 6th February 2015

LDD: 15th April 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 the alterations to the building would adversely affect the setting of nearby heritage assets and whether the proposal would be likely to adversely affect the amenities of local residents.

The Site

The application site is occupied by a prominent 18-storey tower constructed as 12 floors of offices above a 6-floor (11 split-levels) multi-storey car park. The office and car park date back to the mid-1960s. The car park contains 408 spaces. The 4-storey office annex formed a later addition in the 1970s. The (office) floorspace of the tower and annex extends to approximately 6300 square metres. The building was vacated at the end of March 2012 when the former occupiers PALL Europe relocated to North Harbour. The site is bounded by roads on all four sides, Clock Street to the south, Havant Street to the east, Wickham Street to the west and Old Star Place to the north. The tower is a significant landmark at The Hard, although its utilitarian architecture contrasts unfavourably with more recent tall buildings in the surrounding area, such as Admiralty Quarter and No1 Gunwharf Quays. The site immediately adjoins but is outside of the boundary of 'HM Naval Base & St Georges Square' Conservation Area (No22). Having regard to the wider setting of other heritage assets, to the south at No 15/16 The Hard and No 50 Havant Street are Grade II Listed Buildings.

The Proposal

This application seeks permission for the change of use of floors 6 to 18 of Europa House (the tower) and the annexe building from offices (within Class B1) to a halls of residence (within Class C1) comprising 262 study/bedrooms with communal facilities and for external alterations to the tower and annexe building to include replacement windows and the rendering of the exterior.

Planning History

Permission was granted May 2012 (under reference 12/00405/FUL) for the change of use of the sixth to eighteenth floors from offices to a 170 bedroom hotel and for external alterations to levels 6 to 18 of the tower, the cladding of the car park at ground floor to level 5, the demolition of the 4 storey annexe building, the construction of new ground floor hotel lobby and the installation of railings up to 2m high.

POLICY CONTEXT

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

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

CONSULTATIONS

Highways Engineer

The site is located midway along Havant Street close to a public transport interchange in "The Hard" and is within an area of high accessibility to public transport. The majority of the roads in the vicinity of this site are restricted with double yellow lines due to their narrow width. There is parking space for just 8 vehicles on Havant Street, which is inadequate for existing residents. These spaces fall within the JA Portsea residents' parking scheme, which is subscribed to

capacity and therefore permits are not available to residents of new developments. Accommodation for 262 students is unlikely to have an impact on public highway parking as there is very little space available. Whilst the area is serviced by excellent public transport routes, experience shows that new residents continue to bring cars and find they are unable to park on-street or obtain permits. The proposal will allocate 7 no. car spaces on level 5 for staff. The disabled access is from car park level 5, and it is possible for access into the lift core of the accommodation.

Cycle spaces - The proposal provides 116 cycle storage spaces for the proposal. The level of cycle parking provided at 2 other student accommodation blocks within the city of Portsmouth, run by UNITE provide cycle parking provision at a ratio of 1 space per 4 students. At this ratio the proposal would require 66 spaces. The proposal provides 116 spaces which is acceptable. Refuse - The proposal provides a total of 14 euro bins. The Council's refuse department advises the proposal would require 16 bins including: 10 refuse bins (emptied twice per week); 5 recycling bins (emptied once per week) and 1 glass bin. The applicant should show the above number within the refuse enclosure area. The refuse store proposed opening on to Old Star Place requires a dropped kerb to be constructed and no doors should open outwards over public highway.

Management Plans - The applicant is to submit a Travel Plan or demonstrate that this development will fall under the University of Portsmouth's own Travel Plan, which discourages car ownership by students. A Refuse Management plan is required to know how students will be required to separate waste for recycling, how the waste is transferred to the communal bins, and how the bin store is managed, and how collection day is managed. Also, end of term generates large amounts of refuse which results in bin stores being inundated with refuse, and it is necessary to know how this is managed to prevent the problem from arising. A student intake management plan will be required to enable us to understand how the arrival and departure of new residents to the block are managed. A Construction Management plan will identify where deliveries can occur, and at what times. It will also identify how contractor parking is managed, and transporting operatives to site.

No objection subject to planning conditions to secure the following:

- the provision and maintenance of the proposed parking
- the provision and maintenance of secure/weatherproof bicycle storage facilities for occupiers
- details and provision of the refuse storage area
- Prior to first occupation dropped kerb adjustment requirements to be done to PCC standards under licence for refuse collection purposes
- No doors to open outwards over public highway
- The submission and approval of a travel plan and refuse, student intake and construction management plans

Environmental Health

Although the proposal would potentially result in a high concentration of students, there is no evidence to support the view that such properties attract an increased number of noise complaints or are the subject of regular enforcement action. In the absence of any such evidence I would suggest that it would be difficult to argue that the proposed use can be inherently associated with noise when the alleged impacts occur as the result of the behaviour of individuals and not the behaviour of students as a whole. As such, any attempt to mitigate the perceived issue or object to the proposed development on these grounds might be seen as inappropriate or excessive, particularly as such impacts will be difficult to quantify or predict in terms of the significant observed adverse effect level required by The National Planning Policy Framework and it is probably more appropriate to rely upon statutory noise nuisance legislation to deal with such issues.

However notwithstanding this I note that the building is detached from any residential properties with a minimum horizontal separation distance of 15 meters and all the accommodation is situated on the 6th - 18th floors, therefore I would suggest the potential for disturbance from residents activities within the building is minimal and the presence of a reception office on the ground floor would indicate there will be an element of management control within the building, but it may be prudent to ensure this is provided.

REPRESENTATIONS

Objections have been received from two local residents on the grounds of increased anti-social behaviour, increased demand for parking, increased noise and disturbance, increased demand on local GP practice.

COMMENT

The main issues to be considered in the determination of this application are whether the proposed use is acceptable in principle, whether the alterations to the building would adversely affect the setting of nearby heritage assets and whether the proposal would be likely to adversely affect the amenities of local residents. Other issues to consider include parking and SPA Mitigation.

Principle of Development

In terms of the principle of the proposed use, there are two elements to consider: firstly the loss of the offices for employment purposes; and secondly the proposed use as a specialist form of residential accommodation.

The Hard SPD identifies this site as a potential redevelopment site and suggests that appropriate uses would include retained office use and residential, hotel and leisure uses as part of a mixed use redevelopment. The tower is designated as "employment land" by the Portsmouth Plan it is subject to policy protection in PCS4 (Portsmouth city centre) and PCS11 (employment land).

The site has been vacant for some time and its intended vacancy was known for some time prior to it occurring. Between January 2010 and early 2012 the site/offices were the subject of extensive marketing which failed to attract significant interest from prospective office tenants. In permitting the previous application for a change of use to a hotel (which remains capable of implementation until late June this year) it was accepted that there was no realistic prospect of re-letting the office accommodation in the short, medium or long term. Furthermore it should be noted that permitted development rights now exist which would allow the offices to be converted to residential without the need for express planning permission. Having regard to the foregoing it is considered that the loss of the offices could not be resisted.

The Student Halls of Residence SPD sets out that "new halls of residence should be located close to the University or other educational establishments in order to ensure that journeys are made by foot or bicycle and therefore reduce the need for a car" and highlights that "the preferred location would be the city centre or locations within walking / cycling distance". Having regard to the location of the site within the wider City Centre and close to The Hard Interchange 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 Heritage Assets

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. Section 66 of the Act also places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The existing building is utilitarian in its appearance and contrasts unfavourably with more recent tall buildings in the surrounding area (such as Admiralty Quarter and No1 Gunwharf Quays). As such it cannot be argued to have anything other than a negative effect on the setting of the Conservation Area and nearby Listed Buildings. The proposed external alterations comprise the rendering of the gables of the tower and the replacement by powder-coated windows and coloured panels, to break up the mass and monotony of the existing building. Overall, it is considered that the external alterations would represent an improvement to the appearance of

the building both from distance and from street level which would represent an enhancement to the setting of both the Conservation Area and nearby Listed Buildings.

Impact on Amenity

The proposed use of the building would be different in nature than the former office use of the building in that the activity would be greater by extending into hours outside of a typical working day. 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. Having regard to the level of activity which could be associated with the permitted use of the site as a hotel, it is considered that the level of activity which could be associated with the proposed use as a halls of residence 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 residential properties.

Parking

Whilst the wider site includes a multi-storey car park located below the tower, only seven parking spaces (including one disabled space) would be allocated to the proposed use. The site is in an area of high accessibility, very close to a public transport interchange. The application indicates that 116 cycle parking spaces would be provided (a little under one per two bed spaces). Whilst the proposed level of cycle parking provision would not accord with the requirements of the adopted Car Parking SPD, having regard to the highly accessible location of the site, walking distance of the city centre campus and very close proximity to a public transport interchange, it is considered that the proposal is acceptable in highway terms.

Due to the restricted opportunities for on road parking in the vicinity of the site and the level of traffic which could be associated with the proposal it is considered that the imposition of planning conditions to secure the submission, approval and implementation of a travel plan and refuse, student intake and construction management plans is necessary and reasonable.

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 $(262/5 \times £172/2) = £4506.40$. The applicant has indicated a willingness to provide the necessary mitigation and 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, which would not be applied in the case of a specialist form of residential accommodation and the demand for car parking which could be associated with a more general form of residential accommodation, it is considered that a Legal 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; and
- a financial contribution of £4506.40 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the City Development Manager to refuse planning permission if the planning obligations have not been secured 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: 13037-P01; 13037-P17-A; 13037-P17-A; 13037-P18-A; 13037-P19-A; 13037-P20-A; 13037-P21-A; 13037-P22-A; 13037-P23-A; 13037-P24-A; 13037-P25-A; 13037-P26-A; 13037-P27-A; 13037-P35-A; 13037-P36-A; 13037-P38; and 13037-P39 .
- 3) Development shall not commence until details of the materials and finish to be used for the external alterations hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented using the approved details.
- 4) 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 be submitted to and approved by the Local Planning Authority in writing. The facilities shall thereafter be retained for the continued use by the occupants of the building for that purpose at all times.
- 5) 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. The facilities shall thereafter be retained for the continued use by the occupants of the building for that purpose at all times.
- 6) The halls of residence hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing with the Local Planning Authority setting out the measures to discourage car use and ownership by student occupiers. The approved Travel Plan shall thereafter be implemented and the measures within it maintained unless otherwise agreed in writing with the Local Planning Authority. Alternatively the applicant can demonstrate that the development will fall under the provisions of the University of Portsmouth's own Travel Plan, which discourages car ownership by students.
- 7) The halls of residence hereby permitted shall not be occupied until a Student Intake Management Plan, setting out how the arrival and departure of students at the beginning and end of terms will be controlled in the absence of dedicated parking for drop offs/collections, has been submitted to and approved in writing with the Local Planning Authority. The approved Student Intake Management Plan shall thereafter be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority.
- 8) The halls of residence hereby permitted shall not be occupied until a Refuse Management Plan, setting out how occupiers will be required to separate waste for recycling, how refuse and recyclable materials will be transferred to the communal bins, how the refuse storage areas will be managed, and how large amounts of refuse and recyclable materials generated at the end of

term will be managed, has been submitted to and approved in writing with the Local Planning Authority. The approved Refuse Management Plan shall thereafter be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority.

9) 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) To ensure that the alterations to the building improve its external appearance and enhance the setting of neighbouring heritage assets in accordance with policy PCS23 of the Portsmouth Plan.
- 4) 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.
- 5) 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.
- 6) To minimise the use of cars by occupiers and to promote the use of sustainable modes of transport to avoid congestion in the adjacent roads and to prevent inconvenience and danger to users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.
- 7) To ensure that the arrival and departure of occupiers is managed to avoid congestion in the adjacent roads and to prevent inconvenience and danger to users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.
- 8) To ensure that refuse and recyclable materials generated by the use hereby permitted will be managed in an appropriate manner in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.

1) 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.

06

15/00319/FUL

WARD: ST THOMAS

67 ST ANDREWS ROAD SOUTHSEA PO5 1ER

CONVERSION TO FORM 4 FLATS INCLUDING CONSTRUCTION OF EXTENSIONS TO REAR ELEVATION AND TWO DORMER WINDOWS IN REAR ROOF SLOPE (RE-SUBMISSION OF 14/01396/FUL)

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Mr John Garrett

RDD: 4th March 2015

LDD: 30th April 2015

SUMMARY OF MAIN ISSUES

The main issues are whether the conversion of the building would be acceptable in principle, whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers, whether the proposal would adversely affect the living conditions of existing residents, whether the proposed extension and dormer windows would relate appropriately to the recipient building, and whether the proposal would adequately address the transport needs of future occupiers.

The Site

Situated on the west side of St Andrews Road between its junctions with Pains Road and Playfair Road this property comprises a large terraced house with a 3.3m deep forecourt and 12m rear garden. The house provides two floor levels to the front section and three to the rear with an overall original floorspace of approximately 183sqm. A part two-/part single-storey extension has been added to the rear. The rear garden has access to a narrow pedestrian path leading onto Playfair Road that runs between the flank wall/boundary of 42 Playfair Road and rear boundaries of 69 and 71 St Andrews Road.

Planning History

This property has an authorised use as a single dwelling. The applicant previously sought permission for the construction of a three-storey rear extension and conversion of the building to form four flats. With a recommendation to refuse permission, on the basis that the proposed rear extension amounted to an unacceptable design solution and part of the proposed accommodation fell below floorspace standards, the application was withdrawn. In 2004 permission was granted for a dormer window to the front roof slope, although was never implemented, and the existing rear extension was approved in 1985.

The Proposal

Permission is sought for the construction of a part single-storey/part two-storey rear extension to the rear of the house, following the removal of the existing part two-/part single-storey rear extension, the construction of a pair of pitched roof dormers to the rear roof slope, and the conversion of the enlarged building to form two 1-bedroom flats at ground floor level, 45sqm and 47sqm in area, a split level 1-bedroom apartment at first/second floor levels 56sqm in area, and a split level 2-bedroom maisonette 77sqm in area at first/roof levels.

The ground floor element of the proposed rear extension would span the width of the plot and have a depth of 4.85m incorporating a section of lean-to glazed roofing to give the appearance of a conservatory, while the first floor would be set in 0.8m from the common boundaries for a depth of 2.1m, and a further 0.8m for a depth of 0.8m. The inset arrangement as proposed would ensure that no part of the first floor element projects beyond a line extending outwards at 45 degrees from the nearest windows in the adjoining houses. The proposed dormer windows would be built off the external wall with an overall width of 1.7m and have hipped roofs.

Externally, the applicant is proposing to subdivide the garden into four distinct areas with a central path leading to an area at the rear that would accommodate five cycle stores. The

refuse bin enclosure originally proposed would now be provided within the front forecourt similar to other subdivided properties in the locality.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation), DC21 (Contaminated Land),

The Supplementary Planning Documents in relation to Housing Standards, Parking Standards and Transport Assessments, and the Solent Special Protection Areas would also be material considerations.

CONSULTATIONS

Highways Engineer

The site is located with a residential street where nearby properties have also be converted. The area is covered by the LB parking zone, and allows up to 3 hours parking by non-residents during the daytime. Take up of residents parking permits within this area is high. Additional parking generated by this proposal does not create a highway safety problem, although the amenity of adjoining residents may be affected.

The proposal is acceptable in highway terms subject to changes to the refuse collection and storage points as follows:

1. Notwithstanding the approved plan, the refuse bins shall be kept within the property frontage and shall be collected from St Andrews Road. A suitable enclosure shall be provided for that purpose.
2. Details of the secure, lockable and waterproof cycle storage shall be provided and agreed prior to occupation of the development.

Informative: Refuse bins shall be supplied by the developer and contact with PCC refuse team is advised 8 weeks prior to occupation via the City Help Desk on 02392834092

REPRESENTATIONS

At the time of preparing this report Councillor Rob Wood had forwarded an objection from the occupiers of the end-of-terrace property in Playfair Road together with a request that the application is referred to the Planning Committee should it be recommended for approval.

The objection from the nearby resident raises the following concerns;

(a) there is nowhere on Playfair Road to hold refuse containers and they are not wanted outside their property,

(b) the increase in the number of households using the access way would result in noise and disturbance, particularly from slamming the gate and its reverberation through the house wall,

(c) the gate, for which there are currently 4 key holders, needs to be kept locked for the purposes of insurance and the proposal does not clarify how this will be monitored and enforced,

(d) Playfair is already overwhelmed by student accommodation, many of whom cause problems through lack of care of rubbish leading to vermin.

(e) no details are provided in relation to future maintenance of the access way,

(f) increased demand for on-street car parking,

(g) there is no control over the type of occupation and the property could become a student residence and a C4 dwelling of multiple occupation in practical terms but not in name,

(h) with a high density of students in the area the proposal would increase the impact of these issues and raise a wider issue in relation to the regulation controlling the level of students in the area.

COMMENT

The principal issues in this case are whether the conversion of the building would be acceptable in policy terms, whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers, whether the proposal would adversely affect the living conditions of existing residents, whether the proposed extension and dormer windows would relate appropriately to the recipient building, and whether the proposal would adequately address the transport needs of future occupiers. Other issues include recreational disturbance on the Special Protection Areas from the increase in number of dwellings, and the provision of refuse storage.

Principle of conversion

The SPD on Housing Standards sets out the Council's approach to the subdivision of existing houses to provide smaller dwellings. Proposals for the sub-division of existing single dwelling houses will be permitted provided that the property has, or had, a minimum gross floorspace of 140sqm as originally constructed, or as existed on the 1st July 1948, whichever is the earlier. Subdivision of 'original' properties whose floorspace fall below 140sqm will only be permitted in exceptional circumstances. The city needs to make the best possible use of its existing stock and find the right balance between housing needs, ensuring adequate standards of accommodation, protecting residential amenity and maintaining the supply of family housing.

As originally built the existing house, comprising six bedrooms at first and mezzanine levels, exceeded 140sqm. Furthermore, St Andrews Road is characterised by similar large properties, a proportion of which have been subdivided, while the more modest properties fronting the side roads are similarly characterised by a mix of single family houses and multiple occupation. Comprising a comparatively large property within an area characterised by flats, HMO's and single family houses, in the context of the SPD its subdivision would therefore be considered acceptable in principle.

Standard of accommodation

The SPD on Housing Standards also sets out the minimum floorspace standards for new accommodation. In this case each of the proposed dwellings meet or slightly exceed the floorspace requirements for one- and two-bedroom accommodation, and it is considered that each of the proposed dwellings would have an acceptable outlook from habitable rooms. In terms of external amenity the two ground floor flats would each have direct access to modest patio gardens, while the upper units would each have a dedicated amenity area accessed from a central pathway leading to the rear of the plot and access to cycle stores and the rear access way onto Playfair Road. The amenity areas would be typically 4m by 3.5m with dividing fences.

It is considered that the proposed flats and split level maisonette would, in terms of their sizes, internal arrangement and provision of dedicated amenity areas, create an acceptable standard of living environment for future occupiers.

Impact on amenity

The proposed rear extension would have the potential to affect the living conditions of the occupiers of the adjoining properties in terms of loss of outlook and overshadowing. At ground floor level the proposed extension would not project any further than the existing 6.2m deep flat-roofed ground floor extension situated on the common boundary to the south, while it would project a further 2m from the line of the existing rear extension adjacent to the property to the north. In these circumstances the ground floor element would have no impact on the property to the south. Although the proposed extension would project a further 2m adjacent to the common

boundary with the property to the north, it is considered that the additional building bulk would not significantly affect the outlook from the adjoining habitable room window.

As a general guide, to ensure that the impact of a first floor extension on outlook and overshadowing would be minimised, such an extension should not project beyond a line extending at a forty-five degree angle from the nearest adjoining windows. In this case the proposed extension has been designed so as to achieve that objective with the provision of inset corners. The resulting wall nearest the common boundaries would project no further than 2m from the existing rear wall. It is considered that such an arrangement would adequately protect the outlook from the adjoining bedroom windows, and by reducing building bulk on the common boundaries would minimise overshadowing.

Whilst the proposed dormer windows to the rear roof slope would increase the number of windows at upper floor levels, the rear gardens to this terrace already experience a degree of mutual overlooking and, in these circumstances, it is considered that neither the proposed dormers nor extension would result in an unacceptable increase in overlooking.

It is therefore considered that the proposed extension would not adversely affect the living conditions of the adjoining occupiers.

Design

The proposed dormer windows would be built off the rear wall and sit above the lean-to slate roof of the first floor extension. They are comparatively modest in size and are considered to relate in an appropriate manner to the rear roof slope and appearance of the building as a whole. With an overall width of 7.1m narrowing to 5.5m the first floor element of the rear extension would span most of the rear elevation and sit above the wider ground floor element. The latter would have a section of flat roof either side of the first floor and a lean-to glazed roof over the remainder of the ground floor.

Finished in face brickwork and with fenestration to match the existing house the proposed extension, whilst a large addition, is considered to relate appropriately to the recipient building and the wider terrace of extended houses. Furthermore, comprising the central house in the terrace the proposed extension would appear as a visually acceptable feature when viewed from the residential side roads to the south and north.

Transport needs

The proposed conversion scheme would generate a requirement for 5 spaces as outlined in the SPD on parking standards. This would be off-set by 2 spaces associated with the existing use of the building as a single dwelling, giving rise to a notional increase in parking demand for three spaces. It would not be practicable to provide additional car parking within the curtilage of the site. The site is, nevertheless, within an area of medium accessibility to public transport and a short walk from the Elm Grove/Albert Road Local Centre.

In support of the proposal the applicant points to the size of the existing dwelling and its occupation by a large/extended family which may have a parking requirement similar to that of the proposed flats and maisonette. Nonetheless, it is considered that the proposed conversion scheme is likely to give rise to some increased pressure on on-street parking for which permits are available. Notwithstanding the likely increase in demand for on-street parking it is considered that a highways objection would not be sustainable. The applicant has included the provision of cycle storage to the required standard and in a satisfactory manner.

Other issues

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). This has been acknowledged by the applicant who has indicated that the matter will be dealt with by

way of a direct payment under section 111 of the Local Government Acts to provide the necessary mitigation. The Solent Special Protection Areas Supplementary Planning Document 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 (3 x £172) = £516. With the provision of the requisite s111 forms and financial payment it is considered that with mitigation satisfactorily addressed the proposed development would not have a significant effect on the SPAs.

As originally proposed refuse storage was to be provided within an enclosure in the rear garden. The enclosure would have accommodated 2no. 360l bins for ordinary refuse and 1no. 360l bin for recyclables. Each bin is 109cm high, 62cm wide and 85cm in depth and would have been wheeled out onto Playfair Road on collection day. Following discussion with the Council's Waste Management Service this arrangement has been amended and refuse storage would be accommodated within a suitable enclosure to the front of the property similar to other subdivided buildings in St Andrews Road. Although refuse storage within front forecourts would ordinarily be discouraged, the revised provision in this case would balance aesthetic and practical needs whilst addressing a concern expressed by the occupiers of the Playfair Road property over which the Council has control.

The occupiers of that property have also raised a number of other issues that involve private legal matters which are not material to the planning consideration of the proposed development. These include maintenance and management of the access way. Whilst it is acknowledged that student accommodation can be found in this area, this proposal relates to the provision of four Class C3 dwellings. As such the proposal would contribute to the provision of a balanced community.

RECOMMENDATION Conditional Permission

Conditions

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

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 47_14_P_02 G; 47_14_P_10 G; and 47_14_P_12 G.

- 3) Prior to first occupation of the dwellings;
 - (a) precise details of the proposed cycle stores shall be submitted to and approved in writing by the local planning authority, and
 - (b) shall be provided in accordance with the approved details and thereafter retained.

- 4) The facilities shown on the approved drawings for refuse storage shall be completed and made ready for use prior to first occupation of the dwellings, and those facilities shall thereafter be retained.

The reasons for the conditions are:

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

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

- 3) To ensure that adequate provision is made for the storage of cycles in accordance with policy PCS23 of the Portsmouth Plan.

- 4) To ensure that adequate provision is made for the storage of refuse in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

07

15/00380/FUL

WARD:ST JUDE

ELECTRICITY SUB STATION WESTERN PARADE SOUTHSEA

CHANGE OF USE OF PART OF BUILDING TO FORM CAFE (CLASS A3) TO INCLUDE EXTERNAL ALTERATIONS AND SINGLE STOREY EXTENSIONS AFTER REMOVAL OF EXISTING CANOPY

Application Submitted By:

Markaz Ltd

On behalf of:

Markaz Ltd

FAO Mr Thomas Ponsford

RDD: 13th March 2015

LDD: 14th May 2015

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed, whether the development would be acceptable in design terms, whether it would preserve or enhance the character and appearance of the 'Seafront' and 'Castle Road' Conservation Areas, whether it would preserve the setting of Southsea Common which is included on the Register of Historic Parks and Gardens, whether it would have a significant adverse impact on the residential amenity of adjoining occupiers, whether it would be acceptable in highways terms and whether the proposal would result in an increased risk of flooding at the site.

The Site and surroundings

This application relates to an electricity sub-station located to the north-west corner of Southsea Common on Western Parade, just to the south of its junction with Castle Road. Whilst much of the building is vacant and has fallen into a poor state of repair, the northern section remains in use as an electricity sub-station. Although relatively functional in its design, the building incorporates a simple open colonnade along its western elevation giving a pavilion style appearance. As a result of its scale, position and colourful murals to each of its elevations dedicated to Rachel Lyons, the building represents a prominent feature of this part of the seafront.

To the south and west the common is characterised by wide open spaces with views out towards The Solent. A number of mature holm/turkey oaks immediately adjacent to the application site soften the backdrop to the Common which is formed by striking 5/6-storey Victorian terraces. Of the three roads behind the Common, it is noted that Western Parade has retained the most consistent character making a significant contribution to the character and appearance of the 'Seafront' Conservation Area in which the application site is located and the adjoining 'Castle Road' Conservation Area.

The site is also located within the indicative flood plain (Flood Zones 2 & 3).

The proposal

Planning permission is sought for the change of use of part of the building to form a café/restaurant (Class A3) to include external alterations and single-storey extensions, following the removal of the existing canopy.

Relevant planning history

Conditional permission was granted by the Planning Committee in August 2010 (ref 10/00660/FUL) for external alterations to the building including the installation of louvres and shutters beneath the existing canopy to form two Class A1 kiosks. An application to renew this permission was also granted planning permission by the Planning Committee in September 2013 (ref 13/00712/FULR). This permission has not been implemented but is still extant.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS9 (The Seafront), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport) and PCS23 (Design and Conservation). Saved policy DC21 of the Portsmouth City Local Plan 2001-2011, The Seafront Masterplan Supplementary Planning document (SPD) and Conservation Area appraisals for the 'Seafront' and 'Castle Road' Conservation Areas would also be material to the determination of this application.

CONSULTATIONS

Garden History Society

Formal comments not received at the time of writing.

Coastal Partnership

No objection raised subject to the implementation of the Flood Risk Assessment prior to first use of the premises. It is suggested that the developer considers additional flood resistance and resilience measures within the design and sign up to the Environment Agency's flood warning service to ensure they are aware of flood risks and have ample warning of any extreme flood events.

Environment Agency

Formal comments not received at the time of writing.

Coastal And Drainage

Formal comments not received at the time of writing.

Contaminated Land Team

The current substation has been present from 2001, and previously a substation has been present on the site since the 1950s. The building itself overlaps an older building plinth indicating earlier usage of the site. As such there is the likely use of PCBs and the potential for contamination to be present on this site. Records from Scottish and Southern Electricity also indicate there may be live wires inside the building and so they should be consulted on the implications of work to both the building and ground in the vicinity of the substation, and upon any impacts of the current substation on concurrent usage of the building.

Given the history of development on this site conditions relating to land contamination are requested.

Highways Engineer

The proposal for the change of use of this structure to a café is generally acceptable in highways terms. However, issues which have raised concern involve the servicing of the site.

The proposal is to convert the building into a café/restaurant, to be open daily from 8:00am to 6:00pm for most of the year, and up to 9:00pm in the summer months. The building has good pedestrian accessibility, and the bus service 19 operates along Southsea Terrace and Western Parade. Western Parade falls within the KC residents' parking zone. The echelon on-street

parking adjacent to the site currently includes a 3-hour free parking period for non-permit holders and there is Pay & Display available on all roads surrounding Southsea Common.

It is the preference of the highways officer to remove two parking bays and provide a dropped kerb crossing as part of this planning process, however, due to the complexities of the Traffic Regulation Order (TRO) process, there is a potential risk that this could jeopardise the planning permission if the TRO proves incapable of delivery. It has therefore been agreed that a condition be imposed to require a Servicing Management Plan to be drawn up by the applicant and agreed prior to the premises being opened for business. This plan can restrict servicing and delivery times so that disruption to traffic is minimised, and highway safety risk is also minimised.

No objection raised, subject to the imposition of conditions for: 1 The cycle parking shown on the plans to be available for use by staff and customers prior to the commencement of use; 2 The refuse/recyclables store shown on the plans to be provided prior to commencement of use; 3 A servicing management plan to demonstrate the delivery/servicing times, method and type of deliveries, and how they are managed and coordinated be submitted and approved prior to commencement of use.

Environmental Health

Formal comments not received at the time of writing.

Southern Electric

Formal comments not received at the time of writing.

Tree Officer

Formal comments not received at the time of writing.

REPRESENTATIONS

At the time of writing five letters of representation had been received from local residents, three in objection and two in support of the proposal.

The objections can be summarised as follows: (a) Loss of protected open space; (b) Increase in noise and disturbance; (c) Parking disruption; (d) Smells, odours and noise from cooking processes and extraction equipment; (e) Design would not deliver 'excellent architectural quality'; (f) No need for an additional café/restaurant in the area given the existing uses in Castle Road; (g) Increase in litter due to the lack of refuse bins on the Common; (h) Increase in anti-social behaviour from alcohol consumption on the premises; (i) Benefits of the proposal do not outweigh the harm; (j) The proposal would remove changing facilities within the open colonnade; and (k) Work has already commenced.

The support comments can be summarised as follows: (a) This part of the Common has little offer in the way of refreshments; and (b) The building in its current form is attraction anti-social behaviour and illegal activities.

COMMENT

The determining issues in this application are:

1. Principle of the proposed development
2. Design, including impact on the character or appearance of 'The Seafront' and 'Castle Road' Conservation Areas and the setting of Southsea Common
3. Impact on residential amenity
4. Highways/Parking Implications
5. Flood risk
6. Other matters including those raised within representations.

Permission is sought for the change of use of the building to form a café/restaurant (within Class A3) with extensions to the east, south and west following the removal of the existing open colonnade. A new footpath would link the building to existing footpaths immediately to the south and at the back edge of the carriageway.

Principle of the proposed development

The application site is located on Southsea Common which provides much of the seafront with its open character, and is an important part of the city's network of 'green infrastructure'. The application site is designated as protected open space by policy PCS13 of the Portsmouth Plan, although a building has clearly existed in this location for a considerable period of time. With the addition of extensions to the east, west and south elevations, the proposal would result in a net loss of approximately 80sq.m. of protected open space.

Policy PCS13 of the Portsmouth Plan states that: 'The City Council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways: Refusing planning permission for proposals which would result in the net loss of existing areas of open space and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm'. The supporting text to this policy states: 'There is a great deal of pressure on Portsmouth's green infrastructure network from increasing population numbers to climate change and the need for new development sites. The city lacks suitable spaces to provide additional green infrastructure assets to absorb this pressure. Therefore the council's priority will be to focus resources on protecting, enhancing and linking together the existing network. There will be a presumption against any development involving the net loss of open space unless there are wider public benefits that outweigh the harm of this loss'.

Policy PCS9 and the supporting Seafront Master Plan Supplementary Planning Document seek to ensure that all new development contributes towards the revitalisation of the Seafront, tourism and wider regeneration strategy for Portsmouth. This will be achieved by, but not limited to: encouraging and supporting the redevelopment of existing buildings for leisure and tourism uses; encouraging and supporting proposals for small scale restaurants, cafes and other uses that will diversify the leisure and cultural offer without detracting from the open character of the seafront; and protecting the open nature of the area around the Common and other undeveloped areas.

The applicant has highlighted that the existing building has been vacant for a considerable period of time and as a result of neglect, has fallen into a poor state of repair. The western side of the building beneath the canopy of large mature trees is often in shade, and as a result of the ground conditions, includes little in the way of grass cover. Representations have also highlighted that as a result of the secluded and dark nature of the open colonnade to the eastern elevation, the site frequently subjected to anti-social and illegal behaviour which has a negative impact on the perception of community safety within the area.

As part of the wider community benefit required by policy PCS13 of the Portsmouth Plan, the applicant has also designed additional toilet capacity into the building with the aim of opening the facilities up to the general public and not just paying customers. In order to remove the apprehension of using a toilet within a café/restaurant, the applicant has also indicated that the facilities would be included with the Portsmouth City Council's Community Toilet Scheme that are advertised for public use.

Whilst the loss of any protected open space is not ideal in any circumstance, careful regard is made to the long term vacant nature and condition of the building, the usability and quality of the open spaces immediately adjacent to it, the impact of anti-social behaviour as a result of its condition and current use, any the positive benefits arising from the regeneration of the site including the positive visual improvements (explored below), the provision of publicly available conveniences and the introduction of a use and activity that would deter anti-social behaviour around the building.

Having regard to the policy requirements of PCS13 of the Portsmouth Plan and the provisions of the NPPF, it is considered that the wider public benefits of the proposal, as highlighted above, would outweigh the presumption against the loss of protected open space and would contribute towards the wider objectives of the Seafront Masterplan in providing a vibrant mix of leisure and

tourism uses within the area. Therefore, the principle of the proposed use is considered to be acceptable.

Design, including impact on the character or appearance of 'The Seafront' and 'Castle Road' Conservation Areas and the setting of Southsea Common

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; relate well to the geography and history of Portsmouth and protect and enhance the city's historic townscape and its cultural and national heritage.

In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Due to the inclusion of the Common on the register of Historic Parks and Gardens, the same statutory duty of consideration would apply. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The existing building is of a relatively functional design lacking the historic or architectural quality of the grand Victorian terraces immediately to the north and east. The building is lifted along its western elevation by a simple open colonnade and incorporates a colourful mural dedicated to Rachel Lyons. Overall however, the building has a tired and neglected appearance and has fallen into a poor state of repair detracting from the character and appearance of the conservation area and the seafront. As a result of its prominent location and the open nature of the Common, long distance views of the building can be achieved from a number of locations to the south and west. Therefore, any alterations and additions need to be sympathetic to the character of the area reflecting its prominent location and the quality of the historic backdrop to the Common as set out within 'The Seafront' Conservation area guidelines.

The proposal would involve alterations to the larger section of the existing building with two extensions to the east, west and southern elevations incorporating two separate design solutions and following the removal of the existing colonnade. On the basis that the original colonnade represents the only part of the original building with any architectural quality and charm, the applicant seeks to replace it with a larger extension that would hint at the form of the original structure by incorporating painted brick columns with recessed full height glazed panels and a slender roof form that projects slightly beyond the building façade. This element of the extension would wrap around the south-west corner of the building incorporating an existing lower brick projection on the southern elevation. In order to integrate the existing larger sub-station building with the extension it is proposed that the existing painted brickwork would be colour treated to match.

In order to improve legibility and direct customers to a single entrance, the south and west elevations have been deliberately designed without any obvious entrance features, instead directing customers to the west of the building along the existing footpaths. A second extension to the western elevation would incorporate a different design solution to provide contrast and help break a large expanse of painted brickwork. This would be clad in painted timber with an enlarged entrance feature and projecting canopy above a bicycle storage area.

The applicant has taken a relatively simple and modern approach to extend a large unwieldy building resulting in a crisp contemporary structure that reflects elements of the original building and elements of the larger Victorian terraces behind. It is considered that the subtle details, such as the recessed windows, full height glazing and slender roof will help elevate the proposal from being a good design to an excellent design and a significantly positive addition to the backdrop of Southsea Common.

As a result of the site constraints and the need to provide appropriately designed refuse stores and toilet facilities, the western elevation of the building is less successful in design terms. However, it is still considered to be of a standard that reflects the quality and character of the area, providing a contrast to the other elevations of the building and reflecting its position below the canopy of a number of mature trees.

It is inevitable that café/restaurant use is likely to involve the installation of extraction and cooling equipment somewhere on the building. The applicant has attempted to position this equipment as close to the centre of the roof as possible in order to reduce its visual impact. Having regard to its position on the higher roof behind a small parapet it is considered that the equipment would only be visible from long view and from an increased distance would not appear overly prominent or obtrusive given the scale of the building and the back drop. To the west, views of the equipment on the roof from residential windows would be reduced to a degree by the large mature trees.

Overall it is considered that the proposal would represent a significant improvement to the building in visual terms and would represent a positive and sympathetic addition to the backdrop of the Common with the trees and Victorian Terraces beyond. As a result, it is considered that the proposal would enhance the character and appearance of 'The Seafront' Conservation Area, the adjoining 'Castle Road' Conservation Area and the setting of Southsea Common which is included on the Register of Historic Parks and Gardens.

On the basis that the proposal would be considered to enhance the setting and character of the designated and non-designated heritage assets within the area, the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

Impact on residential amenity

The application site is situated in close proximity to residential properties located on the opposite side of western Parade. It is accepted that the introduction of a café/restaurant in this location would inevitably result in an increase in activity within the area and a noticeable increase in comings and goings to the building itself. However, the application site is located just to the south of the Castle Road Local Centre and provides one of the key routes to and from the seafront. In combination with the recreational facilities provided by the large areas of open space it is considered that residents would be accustomed to a certain degree of activity, particularly during peak summer months and when events are held on the Common.

The applicant has indicated that the hours of operation would be between 8am and 9pm during summer months and 8am and 6pm during winter months. This is considered to be reasonable, avoiding noise and disturbance at unsociable hours and broadly reflecting the periods in which activity on the Common is at its greatest.

Therefore, given the surrounding character of the area and the city's wider objectives of introducing a vibrant mix of leisure and tourism uses to the seafront that will attract people all year round, it is considered that the proposal would not have a significant adverse impact on the amenity of adjoining residents and any limited impact would be outweighed by the positive benefits of the proposal highlighted above. The hours of opening and timings of deliveries can be controlled through the inclusion of a suitably worded planning condition.

The proposal indicates that extraction and cooling equipment would be located at roof level. On the basis that the visual impact of this equipment is considered to be acceptable and there is a technical solution to ensure that this equipment would not have a significant adverse impact on the amenity of the occupiers of the adjoining properties (from noise, smells, fumes, odours) it is considered that the finer technical specification of this equipment can be controlled through the inclusion of a suitably worded planning condition.

Highways/Parking Implications

Western Parade provides on road parking facilities for local residents and users of facilities on the Common and Castle Road. Parking within parallel parking bays to the eastern side of Western Parade and echelon parking bays to the western side of Western Parade are restricted to 3 hours for non-residents.

The views of the Highways Authority are set out in the consultations section of the report.

The proposal incorporates a refuse store to the south-east corner that has been designed into the fabric of the building, and is located in close proximity to the link path to allow ease of passage to the back edge of the carriageway. However, it is noted that there is no dropped kerb in close proximity to the application site and no breaks within the echelon parking spaces to the western side of Western Parade. This will prevent the refuse bins from being loaded directly from the building to the rear of any refuse collection vehicle.

Careful consideration has been given to the implications of such an arrangement and various alternative methods of collection have been considered. In order to avoid the loss of any parking spaces on Western Parade through an amendment to the Traffic Regulation Order, the applicant has agreed to produce a Servicing Management Plan (SMP). This would set out how refuse will be transferred from the building to an awaiting vehicle and goods could be delivered to the building safely and without affecting highway safety or parked vehicles. The provision of a SMP could be required through the inclusion of a suitably worded planning condition.

Whilst this is not considered to be an ideal solution, having regard to the wider benefits of the proposal highlighted above and the short periods in which refuse collection is likely to take place (approximately three times per week), it is considered that this would be the most appropriate solution resulting in the least disruption on the adjoining highway. It is also noted that other than during peak periods (weekends and school holidays) and evenings when resident parking at its greatest demand, there are often spaces within the vicinity of the application site to allow passage from the pavement to the carriageway. The applicant has indicated that collections would not take place during the weekends where there is the greatest demand for parking.

Flood risk

The application site is shown to be located within the indicative flood plain (Flood Zones 2 & 3 of the Environment Agency's Flood Maps). However, the site is also located within the Southsea flood cell as identified in the Portsea Island Coastal Defence Strategy. This area is covered by the Interim Position between Portsmouth City Council and the Environment Agency for the provision of flood defences. This agreement assumes that the flood risk management infrastructure will be provided to at least the 1:200 year standard of protection by the time that it is required.

The proposal has been considered in line with paragraphs 100-108 of the NPPF which seeks to ensure that inappropriate development in areas at risk of flooding is avoided where possible by directing development away from areas at highest risk. Having regard to Policy PCS12 (Flood Risk) of the Portsmouth Plan, there is no requirement in this instance for the applicant to apply the sequential test, which would identify more suitable sites within areas of the city at lower risk of flooding. However, there is a requirement for the exception test, that seeks demonstration that a development will provide wider sustainable benefits that outweigh flood risk and that the development will be safe across its lifetime and will not increase flood risk elsewhere, to be applied.

In this respect, the wider sustainable community benefits of the proposal have been demonstrated and given the proposed 'less vulnerability use', it is considered that the proposal would not result in an increased risk of flooding at this or the adjoining sites.

The application is supported by a brief Flood Risk Assessment (FRA) that seeks to demonstrate that the development and its occupiers would be safe from flooding and could possibly reduce

the risk of flooding at the site. With the inclusion of the flood resilient measures highlighted within the FRA, that can be controlled through the inclusion of a suitably worded planning condition, it is considered that the proposal is acceptable in flood risk terms.

Other matters including those raised within representations

The application is supported by an Arboricultural Impact Assessment and Method Statement (AIA) that assesses the quality of the adjoining trees and identifies their position, root protection areas and the location of the proposed protective fencing during any construction works. Unfortunately no further details have been provided to demonstrate how footings or footpaths could be constructed without damaging the health and stability (including root system) of the trees. However, following discussions with the City Council's Arboricultural Officer and further site investigation work, it has been established that there would be a technical solution to deliver the proposal without impacting the trees.

In the absence of further details, but in the knowledge that a technical solution is available, it is considered that further details can be required through a suitably worded planning condition to ensure that amenity value afforded by the trees is continued into the future.

A number of representations highlight that work has already commenced on the building. Whilst the applicant has been on site, it is considered that the works that are currently taking place (internal works, roof repairs test holes) do not require the express permission of the Local Planning Authority and have been carried out entirely at the applicant's own risk.

The City Development Team have been working with the applicant and the family of Rachel Lyons to design an alternative form of commemoration based on Rachel's artwork that could be incorporated into the proposal following the removal of the existing mural.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 01 Rev-B (received 15.04.2015), 03 Rev-A (received 29.03.2015), 04 Rev B (received 29.03.2015), 05 Rev-A (received 29.03.2015), Fascia details (received 29.04.2015), Extraction equipment section (received 15.04.2015) and Extraction overhead detail (received 15.04.2015).
- 3) Development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, 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 conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

5) Development shall not commence until details of all materials to be used in the construction of the areas of hard surface has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

6) Notwithstanding the submitted details, no development shall commence on site until a scheme for the safeguarding of all trees on and immediately adjoining the application site from damage as a result of proposed works in accordance with British Standard:5837 (2012) has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

7) Prior to first use of the café/restaurant (Class C3) hereby permitted, equipment shall be installed to suppress and disperse any odours and fumes emitted from cooking operations arising from this use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The equipment shall then be installed in accordance with the approved details and shall be permanently retained in that condition.

8) Prior to first use of the café/restaurant (Class C3) hereby permitted, the refuse store shall be provided in accordance with the approved drawings and permanently retained thereafter.

9) Prior to first use of the café/restaurant (Class C3) hereby permitted bicycle storage facilities shall be provided in accordance with the approved drawings (or any alternative facilities that may be submitted to and approved in writing by the Local Planning Authority). Those facilities shall thereafter be retained for the storage of bicycles at all times.

10) The café/restaurant (Class C3) hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, incorporate the flood resilience measures set out within the submitted Flood Risk Assessment.

11) The café/restaurant (Class C3) premises hereby permitted shall remain closed to and vacated by members of the public outside of the hours of 8:00am-9:00pm on any day.

12) No deliveries shall be carried out outside of the hours of 8:00am and 9:00pm Monday to Saturday and 10:00am and 6:00pm on Sundays and any recognised Bank or public holidays.

13) Prior to first use of the café/restaurant Class A3) hereby permitted a servicing management plan shall be submitted to and approved in writing by the Local Planning Authority; and servicing shall then be carried out in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and or re-enacting that Order with or without modification) the application site shall not be used for any purpose other than as a café/restaurant within Class A3 without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and or re-enacting that Order with or without modification) no enlargement, improvements or other alteration permitted by Part 7 shall be carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

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) In the interests of visual amenity having regard to the sites location within a conservation area in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To ensure the trees are adequately protected from damage to health and stability throughout the construction period to ensure the continuity of their significant amenity value having regard to their position within the 'Seafront' Conservation Area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.
- 7) In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 8) To ensure that adequate visually acceptable provision is made for the storage of refuse and recyclable materials having regard to the sites location within a conservation area in accordance with policies PCS15 and PCS23 of the Portsmouth Plan.
- 9) To ensure that adequate provision is made for cyclists in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 10) To minimise the risk from flooding in accordance with policy PCS12 of the Portsmouth Plan.
- 11) In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 12) To protect the amenities of the occupiers of neighbouring residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 13) To accommodate practical and efficient delivery/collection of goods/supplies and refuse/recyclable materials in the interests of the safety and convenience of users of the highway network in accordance with the aims and objectives of policies PCS17 and PCS23 and the NPPF.
- 14) In order that the Local Planning Authority may exercise further control of potential uses having regard to the specific judgement that has made in respect of the wider public benefits of the proposal which outweigh the presumption against the loss of protected open space; and to control any further alterations and additions having regard to the sites designation as protected open space and its location within the 'Seafront' Conservation Area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the Seafront Masterplan SPD.

15) In order to control any further alterations and additions having regard to the sites designation as protected open space and its location within the 'Seafront' Conservation Area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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City Development Manager
20th March 2015

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