

---

# NOTICE OF MEETING

---

## PLANNING COMMITTEE

WEDNESDAY, 12 AUGUST 2015 AT 5.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lucy Wingham 0239283 4662

Email: [lucy.wingham@portsmouthcc.gov.uk](mailto:lucy.wingham@portsmouthcc.gov.uk)

---

### Planning Committee Members:

Councillors Aiden Gray (Chair), Stephen Hastings (Vice-Chair), Jennie Brent, Ken Ellcome, David Fuller, Colin Galloway, Scott Harris, Hugh Mason, Sandra Stockdale and Gerald Vernon-Jackson

### Standing Deputies

Councillors John Ferrett, Margaret Foster, Hannah Hockaday, Suzy Horton, Lee Hunt, Donna Jones, Lee Mason, Robert New, Darren Sanders, Linda Symes and Rob Wood

---

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

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

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

## AGENDA

- 1 **Apologies for absence**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of previous meeting - 22 July 2015 (Pages 1 - 8)**

**RECOMMENDED** that the minutes of the Planning Committee held on 22 July 2015 are agreed as a correct record and signed by the Chair.

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

**Planning Applications**

- 5 DA:15/00244/FUL: Myfanwy House 14-16 Magdala Road Portsmouth PO6 2QG - Demolition of existing 3 storey building and construction of a part 2-/part 3-storey building to form a home for the elderly (within use Class C2) for 14 persons with staff sleepover unit, office, communal facilities and associated refuse/buggy storage, landscaping and parking (report item 1) (Pages 9 - 32)**
- 6 DA: 15/00544/FUL: 1 Plymouth Street Southsea PO5 4HW - Conversion and extension of former public house (Class A4) to sixteen bedroom house in multiple occupation (sui generis) (report item 2)**
- 7 DA: 15/00895/FUL: 1 North End Avenue Portsmouth PO2 9EA - Change of use from builders store to mot station and repair garage and installation of replacement roof covering and re-cladding to part of front elevation (amended scheme) (report item 3)**

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

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 22 July 2015 at 5.00 pm in the The Executive Meeting Room - Third Floor, The Guildhall

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

### Present

Councillors Aiden Gray (Chair)  
Stephen Hastings (Vice-Chair)  
Jennie Brent  
Ken Ellcome  
David Fuller  
Colin Galloway  
Scott Harris  
Hugh Mason  
Sandra Stockdale  
Darren Sanders (Standing Deputy)

Also in attendance  
Councillors D Ashmore & L Stubbs

### 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.

### 69. Apologies (AI 1)

Councillor Gerald Vernon-Jackson had sent his apologies for absence and was represented by his Standing Deputy, Councillor Darren Sanders.

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

The following non-pecuniary interests were declared at the meeting:

Councillor Hugh Mason declared that whilst he had previously objected to an application for 22 Inglis Road he was keeping an open mind on the revised plans and would take part in the discussion.

Councillor David Fuller reported that people had spoken to him about 106 & 108 Queens Road but he had directed them to Councillor Ashmore and not discussed the application with them.

Councillor Ken Ellcome reported that regarding the B&Q application at the Pompey Centre he had been involved in previous discussions on the site as Cabinet Member for Traffic & Transportation which he did not believe relevant to this application (this application was not discussed by the committee at this meeting, being dealt with under delegated powers).

Councillor Sandra Stockdale withdrew from the room for 5 St Andrews Road/18 St Ursula Grove having objected to the application.

**71. Minutes of Previous Meetings - 24 June & 7 July (special) 2015 (AI 3)**

**RESOLVED that the minutes of the Planning Committee meetings held on 24 June and 7 July 2015 be approved as correct records and signed by the Chair.**

**72. Updates from the City Development Manager on Previous Planning Applications (AI 4)**

There were no updates on previous planning applications.

**73. Savoy Buildings (AI 5)**

Claire Upton-Brown, City Development Manager, presented her information report which set out the Inspector's consideration of the committee's reasons for refusal before concluding that the appeal be allowed. Work would soon be starting on revising the Portsmouth Plan which would address the allocation of sites.

Councillor Sanders welcomed paragraph 3.5 of the report which explained why this site was not in the Seafront Masterplan. The Chairman requested that this report be made available to all members of the City Council.

**RESOLVED that the report be noted.**

**74. 15/00821/FUL - Zurich House Stanhope Road Portsmouth PO1 1DU - Change of use of existing 'Zurich House' building from offices (Class B1A) to 405-bed student accommodation (Halls of residence Class C1); construction of a part 9/11/12 storey extension to the existing building (known as Zurich House) to form 595-bed student accommodation (Halls of residence Class C1) with 186sqm of retail floorspace (Class A1) on the ground floor; the provision of surface and basement level car parking and the creation of a landscaped pedestrian link from Stanhope Road to Victoria Park & other associated landscaping (Report item 1) (AI 6)**

Deputations were made, firstly by Mr Jillings as the applicant's agent in support of the application, whose points included:

- this application was in line with planning policy framework
- there had been extensive pre-application discussions in which the applicant had sought to respond to comments
- the design respected the landmark building and key gateway site and would improve the city centre

- there had been a public consultation exercise in November where there was support expressed for student accommodation at this site to help free up housing elsewhere in the city

Councillor Luke Stubbs, the Cabinet Member for Planning, Regeneration & Economic Development then spoke to make comment, whose points included:

- this site had been the subject of 2 previous applications which had been the subject of criticism, however this represented a better design solution
- this would make a positive contribution to the city centre and would bring back into use a derelict building
- there is not the demand for office use although employment use would be welcomed
- student use would free up housing elsewhere and would help the University of Portsmouth to compete
- he was critical of the current CIL regulations which meant that via a loophole there would be less return from this site (£1.7m rather than £3m)

### Members' Questions

Members asked if the 29 car parking spaces would be sufficient for the development for 1000 students; it was reported that development was located in perhaps the most accessible part of the city with good bus and rail links and in close proximity to the main university buildings. Tenants would be advised that there is no parking available to them and, given the local on-street parking controls, limited alternative parking facility. Policy provided for the approval of car-free developments within this locale although spaces were to be provided to meet the demands of students with mobility needs and for staff parking. The species of replacement tree (it was suggested this be evergreen) was queried and their location in the park.

Members asked about the city-wide student accommodation provision and the University's desire for providing hall accommodation for all 1<sup>st</sup> year students and it was reported there is also a demand for 2<sup>nd</sup> and 3<sup>rd</sup> year students, and in 2014 it was calculated that only 75% of 1<sup>st</sup> years were in halls, but there were other schemes with approval, some of which were under construction, so the current estimate was for 90% in hall.

The Traffic Engineer was questioned about the likely traffic generation and impact on the Unicorn Gate junction, especially on the student change-over days; in response it was reported that it was estimated that the student use would generate less traffic in peak periods than the previous office use and was well related to sustainable transport modes. Whilst there was a concern regarding student changeover this is a relatively infrequent occurrence and a specific management plan with contingency arrangements had been requested and would form part of the Section 106 agreement.

In response to questions regarding whether the amenity harm to Victoria Park could be a reasonable reason for refusal the City Development Manager reminded members that this was a judgement of balancing the perceived harm with the benefits of the whole scheme. The movement and layout of pathways within the park was also questioned; two paths were being re-sculptured to tie in with the new access path.

The impact on local health services and the uncertain future of the Guildhall Walk walk-in centre was raised, as well as the capacity of the sewerage services.

The acceptability of the design was explored and the complementary nature of the two buildings and its junction; the design had evolved from the 3 options that had been consulted upon.

#### Members' Comments

Whilst members were supportive of the application there was discussion regarding whether to add extra conditions. They welcomed the bringing back into use of the currently derelict building which was an eyesore. There were some concerns regarding sewerage, traffic on changeover days and the impact on the pathways if needed to be realigned within the park. It was reported that the developer would pay for the access to the park and the changes to the footpaths around the focal tree and that the Parks Manager did not support an additional footpath change that would be at the expense of the local authority. The committee wished to register its displeasure at the CIL restrictions which limited the financial benefit of the scheme.

Members welcomed the use of the site for student accommodation which would free more homes for families in the city and felt that the benefits of the scheme outweighed any negative impact on the park. The conditions were not amended but the City Development Manager undertook to alert members regarding the discharge of conditions relating to the sewerage.

#### **RESOLVED:**

- (1) That delegated authority be granted to the City Development Manager to grant Conditional Permission\* subject to first securing the completion of a legal agreement (pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980) with principal terms as outlined in the report and such additional / amended items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the legal agreement is issued;**
- (2) That delegated authority be granted to the City Development Manager to add / amend conditions where necessary:**
- (3) That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement, pursuant to Section 106 of the Town and Country Planning Act 1990, has not been completed within six weeks of the date of the resolution pursuant to Resolution 1.**

\*(Conditions as set out in the City Development Manager's report.)

- 75. 15/00286/TPO - 5 St Andrews Road And 18 St Ursula Grove Southsea PO5 1EP - Within Tree Preservation Order 210 - felling of Sweet Chestnut (T1), and removal of all basal and epicormic growth to the main stem and deadwood to Sweet Chestnut (T2) (report item 2) (AI 7)**

Councillor Stockdale withdrew from the room due to her declaration of interest.

The City Development Manager's Supplementary Matters List reported that one further representation from a neighbour has been received. This representation suggests amendments to the recommended conditions set out within the committee report to include changes to the standard timescales for implementation, a requirement for the agreed replacement tree to be satisfactorily established prior to felling of T1, and the re-instatement of the boundary wall.

The timescales already suggested are appropriate for this type of application; the retention of T1 until its replacement has been planted and is satisfactorily established would prohibit the planting of the replacement tree within the same vicinity; a requirement for the re-instatement of the boundary wall is outside the remit of a TPO application.

Deputations were made, firstly by Ms Mair, objecting, whose points included:

- She represented 31 people objecting in the neighbourhood on the grounds of quality of life and the environment
- The tree should be respected and should have 10 years of life left in it
- Other trees in the road had already been lost and there are benefits from trees acting as the 'lungs of a city' and their importance is reflected in the Portsmouth Plan
- As there is a need for a replacement tree could this go in first to be established

Mr Cross then spoke to also object, whose further points included:

- A replacement tree should be nearer the corner of the road and he also asked that it be put in before the diseased tree was removed as the report said this had 10 years life.
- The applicant had felled a previous tree and there is the need to ensure a replacement is provided.

Mr Harmer the applicant spoke in support of his application whose points included:

- The primary concern is of public safety and the recommendations of experts were being followed to fell the tree which overhangs public highway and presents danger to the nearby building
- Neighbours were able to plant trees in their own gardens
- If it stayed and caused damage who would indemnify him?

#### Members Questions

It was asked regarding the suitability of replacement species and whether a semi-mature sweet chestnut could be specified. Also what would be the best location in the road; the condition specified that the best location was to be agreed, so this could be moved further to the East. The Arboricultural Officer explained the technical terms used within the report and his assessment of the condition of the tree which had showed a problem at the root, giving instability. The Legal Adviser advised that the legal responsibility was with the owner of the land and the City Development Manager explained that should there be further deterioration the tree could be required to be removed and the owner can request an assessment of its condition by the local authority.

Members' Comments

Members understood the concern of residents for the loss of this tree and the need for a replacement to be enforced. They were mindful of the dangerous condition of the current tree and asked that the officers ensure a suitable replacement species and location.

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

- 76. 15/00544/FUL - 1 Plymouth Street Southsea PO5 4HW - Conversion and extension of former public house (class A4) to sixteen bedroom house in multiple occupation (sui generis) (report item 3) (AI 8)**

The City Development Manager's Supplementary Matters report updated the committee that the applicant had requested that consideration of this application be deferred and therefore this item was withdrawn from the agenda.

- 77. 15/00595/FUL - Unit 4 The Pompey Centre Fratton Way, Southsea - Sub-division of Unit 4 (B&Q) into not more than four retail units, of a minimum size of 2,000 sqm net, of which not more than 2,100 sqm net shall be used for the sale of food and convenience goods, and not more than 4,200 sqm net shall be used for the sale of household goods in addition to the goods specified in Condition No.17 of planning permission Ref A\*37086/AA dated 7th March 2001 (report item 4) (AI 9)**

The City Development Manager's Supplementary Matters list reported that this application had been withdrawn from the agenda. She explained that this application would have been dealt with under delegated powers but Councillor Vernon-Jackson has requested it come to committee but he had since withdrawn his request to deputise on this, so determination would proceed under delegated powers, with the agreement of the Chair. It was however requested that members of the committee be informed of why reservation 17 regarding foodstores had been dealt with, and the City Development Manager undertook to write to the committee members with this information.

- 78. 15/00686/FUL - 106 &108 Queens Road Fratton Portsmouth PO2 7NE - Construction of part 2/3-storey building to form 7 flats including rooflights, rear dormer window and roof alterations to adjoining house at no 108 Queens Road with associated cycle/refuse stores (after demolition of existing building) Re-submission A\*38988/AA (report item 5) (AI 10)**

Councillor Dave Ashmore made a deputation to represent the objections of local residents, whose concerns included:

- impact on the drainage system
- the potential for anti-social behaviour caused by occupants of a HMO
- the impact of demolition works
- inaccurate information on parking demand in the area as parking was the main concern of residents in this densely populated part of the city, and



- should be appropriate to the size of development and residential use would generate more parking demand than the previous commercial use of the site
- loss of light, overlooking and loss of privacy caused by this taller building
  - the larger frontage being out of character with the area
  - the contaminated land team should undertake a desk-top survey.

#### Members' Questions

Questions were raised regarding the access route and layout for the cycle storage through the building and the proximity of windows to adjacent buildings which may cause overlooking; it was reported that properties were approximately 10m away and the windows were at 45 degree angle so should not cause overlooking.

#### Members' Comments

Members were mindful of the previous planning permission which had been allowed by the Inspector and its similarity to this application.

#### **RESOLVED:**

- (1) That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £1,218 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.**
- (2) That delegated authority be granted to the City Development Manager to refuse planning permission if the agreement referred to in Resolution 1 have not been secured within two weeks of the date of the resolution pursuant to Resolution 1.**

#### **79. 15/00863/FUL - 22 Inglis Road Southsea PO5 1PB - Construction of 2 semi-detached dwelling houses after demolition of existing building (Amended Scheme) (report item 6) (AI 11)**

A deputation was made by Mr Oliver as the applicant's agent in support of the application, whose points included:

- This was an improved application with the building moved further away from the other buildings by making it a squarer building
- There was therefore less overlooking and obscure glazing was being used
- The application was for needed family accommodation with 3 bedrooms

Mr Brown was due to make a deputation to object but was not present at the meeting when this was discussed. No questions were raised by members.

#### Members' Comments

Members felt that this application represented an improvement and would therefore support it.

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

**80. Date of next meeting (AI )**

It was agreed that the next meeting be brought forward from the original date of 19 August to the new date of Wednesday 12 August.

The meeting concluded at 7.45 pm.

.....  
Signed by the Chair of the meeting  
Councillor Aiden Gray

# Agenda Item 5

## **PLANNING COMMITTEE**

**12 AUGUST 2015**

**5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> FLOOR, GUILDHALL**

### **REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS**

#### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

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

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

#### **REPORTING OF CONSULTATIONS**

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

#### **APPLICATION DATES**

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

#### **HUMAN RIGHTS ACT**

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

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

## INDEX

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	15/00244/FUL	Myfanwy House 14-16 Magdala Road Portsmouth PO6 2QG	PAGE 3
02	15/00544/FUL	1 Plymouth Street Southsea PO5 4HW	PAGE 13
03	15/00895/FUL	1 North End Avenue Portsmouth Hampshire PO2 9EA	PAGE 18

**MYFANWY HOUSE 14-16 MAGDALA ROAD PORTSMOUTH PO6 2QG**

**DEMOLITION OF EXISTING 3 STOREY BUILDING AND CONSTRUCTION OF A PART 2- /PART 3-STOREY BUILDING TO FORM A HOME FOR THE ELDERLY [WITHIN USE CLASS C2] FOR 14 PERSONS WITH STAFF SLEEPOVER UNIT, OFFICE, COMMUNAL FACILITIES AND ASSOCIATED REFUSE/BUGGY STORAGE, LANDSCAPING AND PARKING**

**Application Submitted By:**

Kenn Scaddan Associates Ltd  
FAO Mr Daniel Knight

**On behalf of:**

Abbeyfield Solent Society Limited  
FAO Mr Trevor Biddle

**RDD:** 17th February 2015

**LDD:** 21st April 2015

**SUMMARY OF MAIN ISSUES**

The main issues in this case relate to the principle of redevelopment [including any impact on protected species], whether the proposed replacement building would represent an acceptable design solution, whether the proposed development would have an adverse impact on the living conditions of the occupiers of the adjoining properties, whether satisfactory facilities would be provided for the transport needs of future occupiers, and whether the development would have any impact on the Special Protection Areas.

**The Site**

Myfanwy House comprises a pair of extended part three-/part two-storey semi-detached houses situated on the south side of Magdala Road adjacent to its junction with Dorking Crescent and is occupied as a home for the elderly. Although this pair houses were built between 1870 and 1898, some years after Cosham Park House and the former Dorking House [since demolished], they date from a period when this part of Cosham became more widely developed. The building is not however included within either the Statutory or Local List of historic buildings. There are two trees adjacent to the Magdala Road frontage, of which one [a sycamore] is protected under Tree Preservation Order No.81, and one multi-stemmed tree is situated adjacent to the southern boundary.

The adjoining property to the south comprises a comparatively modern end-of-terrace two-storey house with a modest rear garden backing onto a garage court. To the east lies a two-storey detached house with an aspect to the side, across the application site, and south to the rear garden. The opposite side of Magdala Road comprises a terrace of two-storey houses, while the opposite side of Dorking Crescent comprises the flank wall and yard of a two-storey house and rear service areas to two- and three-storey commercial premises that front the High Street.

**The Proposal**

Following discussion with the applicant the scheme has been amended with those amendments relating to the proposed external finishes, height of the building, its proximity to the southern boundary, and the installation of obscure glazing to the east and southern sides.

The applicant seeks full permission for the redevelopment of the site to provide a new home for the elderly providing modern facilities for its residents. The proposed replacement building would have part three-/part two-storey elevations with pitched roofs running down from areas of flat roof. The two-storey elements would be situated to the south and east sides of the building. Whereas the footprint of the existing building is at an angle to the Dorking Crescent/Magdala Road frontages, the proposed building would be aligned so that the east and south elevations are closely parallel to the common boundaries with the adjoining properties. The east side of the proposed building would be set 12m away from the side wall of No.18 Magdala Road and the south wall 2.6m away from the flank wall of No.1 Dorking Crescent.

External finishes would comprise red facebrick with projecting elements to the north and west sides in a contrasting buff facebrick. Corners to the north and west sides of the building would have reconstituted stone quoins while each elevation would have a reconstituted stone string course between ground and first floor levels and a plinth at ground floor level. Fenestration and doors would comprise grey upvc. A single-storey buggy store would be provided at the south-eastern corner of the site adjacent to lock-up garages, and the existing dropped kerbs on Magdala Road and Dorking Crescent would be extended to provide a total of four on-site car parking spaces, one of which would be reserved for a disabled person. Both trees on the Magdala Road frontage would be retained, whilst some new planting would mitigate the loss of the existing tree adjacent to the southern boundary.

#### Planning history

The relevant planning history for this site is summarised below;-

1967 - A proposal for the construction of a 3-storey house between Nos.16 and 18 Magdala Road was refused on the grounds of overdevelopment and potential loss of parking;  
1968 - Permission was granted for the use of No.16 as an Abbeyfield Home for the elderly;  
1979 - Permission was granted for alterations/extension to No.16;  
1982 - Permission was granted for the use of No.14 as an Abbeyfield Home for the elderly in conjunction with No.16;  
1983 - Permission was granted for the insertion of new window and doors to No.16; and  
1995 - Permission was granted for the construction of a single-storey side extension [facing Dorking Crescent].

#### **POLICY CONTEXT**

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2001-2011 would also be relevant.

The Supplementary Planning Documents in relation to Car Parking, Sustainable Design and Construction, and the Solent Protection Areas would be material considerations.

#### **CONSULTATIONS**

##### **Ecology**

The ecological report submitted with the application identified that the main building presents low to moderate potential to support bats. The presence of a protected species is a material consideration. When a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, it is essential that the presence or otherwise of the protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted.

Whilst the applicant's report includes a mitigation strategy, the Council's ecologist advises that notwithstanding the principles within it appear to be sound; he cannot support them in the absence of additional survey work. It was, nevertheless, noted that the report makes sensible

recommendations regarding the presence of Japanese knotweed at the site and other ecological features such as invertebrates.

The submission of a further report on behalf of the applicants (FOA Ecology, July 2015) covering the emergence surveys represents the current conditions at the application site. No bats were seen to emerge from or enter the property during the survey work, which was carried out to appropriate professional standards.

Having considered the further information that has been provided and survey findings, the Council's ecologist considers that the development is unlikely to result in a breach of the law protecting bats and therefore now raises no concerns but comments that -

"The survey report recommends that demolition is carried out in a sensitive manner as a precaution in the unlikely event that bats are present. As there is no likely impact at this stage, it may not be appropriate to secure this recommendation through a planning condition. However I would advise that the following informative note be added to any planning permission:

'Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist. The ecology report recommends that precautionary demolition measures are employed (e.g. soft-strip, contractor awareness) and it is advised that this is followed.'

#### **Tree Officer**

The Council's arboriculturalist visited the site on 5 March 2015, the weather conditions were dry and warm with occasional sunny spells, and made the following observations:-

This area falls within the boundary of TPO 81, the Sycamore identified in the Arboricultural Report dated November 2014 as T2 is TPO81 T2.

The other two trees identified are not currently protected by TPO81.

I agree with the comments of the (applicant's) arboricultural consultant; T1 and T2 are worthy of retention and can be adequately protected during the development.

T3 although beginning to flower is diseased and should be removed.

#### **Recommendations**

If the recommendations of the Arboricultural Report are followed and adequate protection measures undertaken the application may be granted consent.

#### **Landscape Group**

The Council's Landscape Architect has reviewed the landscape proposals for the Myfanwy House scheme in Magdala Road and comments that they look very thorough and well-presented. It is a full "garden" scheme, with a lot of attention to shrub planting, so providing it is properly maintained it should be very attractive for the residents. The landscape specification and maintenance schedule is very clear and worthy of support.

#### **Contaminated Land Team**

The Council's Contaminated Land officer has reviewed the application and supporting desk study and given the limited evidence of pollution but relatively sensitive nature of the proposed development, only an exploratory site investigation as detailed in British Standard 10175:2011+A1:2013 is required. The following conditions, or similar are therefore requested:

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A exploratory site investigation report documenting the ground conditions of the site and incorporating chemical and consideration of ground gas in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,

b) 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.

(ii) 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 (i)b that any remediation scheme

required and approved under the provisions of conditions (i)b 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 (i)b.

### **Environmental Health**

The Council's Environmental Health Officer considers that given the location of the proposed development road traffic noise should not be an issue and standard thermal glazing systems should ensure internal noise levels are within recommended guidelines.

Despite the proximity of commercial premises it is not envisaged that any conflict of use would arise given that the existing building is a residential use and there has been no history of any complaints.

Consequently no objections or recommendations are raised in terms of noise or air quality.

### **Highways Engineer**

The following comments have been received from the Council's highway engineer:-

The site is located within a High Accessibility Zone and lies within 800m of Cosham train station and 400m of bus stops on Cosham High Street.

**Car Parking:**

The proposal provides 4 on site car parking spaces. Currently the site benefits from a dropped crossing onto Dorking Crescent. This dropped crossing is extended to provide 3 car spaces off Dorking Crescent and the 4th space off Magdala Road. Both Magdala Road and Dorking Crescent are unclassified residential roads.

The proposed level of car parking would adequately meet the needs of the staff at the site.

**Cycle parking:** The proposal would require 3 cycle storage facilities for the staff which can be accommodated within Buggy shelter provided to the south east of the site layout.

The submitted drawings do not indicate the provision of cycle storage facilities and should be secured through the imposition of a suitably worded planning condition.

**Refuse:** The amendments to access the refuse store is satisfactory.

**Informatives:**

**Drop Kerb Informative:** Please inform the applicant that a separate application must be submitted to Colas at Walton Road (Fred Willett - 023 92 310951) for vehicle crossing should the planning permission be granted.

**Waste Informative:** The bin store doors shall open outwards and have a minimum opening width of 1.4m, level access, and a path with shallow gradient of no more than 1:12, to access the rear of the refuse vehicle via a dropped kerb access. The store shall have illumination when doors are open, be provided with adequate ventilation, and a tap and wash down gulley provided. Walls, stanchions, conduits and pipework shall be suitably protected against damage by moving bins. The refuse collectors will access the store by coded keypad entry system, to be agreed.

**Recommendation:** Raise no objection subject to:

- The development shall not be brought into use until the car parking spaces shown on the approved drawings have been provided. The spaces thereafter retained and not to be used for any purpose other than the parking of vehicles unless otherwise agreed by the Local Planning Authority.
- The development shall not be brought into use until secure and weatherproof bicycle storage facilities have been provided in accordance with a detailed scheme ( to include location, size appearance and security) to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.
- The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before any of the rooms first occupied, and shall thereafter be retained for the continued use by the occupants of the flats for that storage at all times.



## REPRESENTATIONS

At the time of preparing this report four representations had been received from or on behalf of the occupiers of No.18 Magdala Road, two representations had been received from the occupiers of No.1 Dorking Crescent, and a further four other representations had been received from residents of Magdala Road. Councillor Gray had also requested that the application be referred to the Planning Committee for determination.

Although one representation, from occupiers opposite the site, raised concerns over the implications arising from the demolition of the existing building, the remainder object to the proposal on the following grounds;

- (a) the proximity of the building to adjoining properties and loss of outlook and light,
- (b) overlooking and loss of privacy
- (c) noise from use of adjoining garden by children would be detrimental to future occupiers,
- (d) loss of the building is detrimental to the history of Cosham,
- (e) demolition and construction will adversely affect the structure of adjoining buildings,
- (f) future use is uncertain and may be occupied as social housing,
- (g) loss of property value, and
- (h) covenants prevent development,

Residents also seek restrictions on hours of work, dust control, contractor's parking, prevention of mud and debris on road, and comment on Knotweed and need to ensure the building/site is secure when vacated.

In response to the submission of further information the occupier of the adjoining property wishes to contest the applicant's bat survey and request that the council conduct a totally independent survey.

## COMMENT

The main issues in this case relate to the principle of redevelopment [including any impact on protected species], whether the proposed replacement building would represent an acceptable design solution, whether the proposed development would have an adverse impact on the living conditions of the occupiers of the adjoining properties and whether satisfactory facilities would be provided for the transport needs of future occupiers. Other issues relate to sustainable design and construction, and potential impact on the nearby Special Protection Areas.

### Principle of redevelopment

Originally comprising a pair of three-storey houses which were combined in the mid 1980's to form an Abbeyfield Home, the property was later extended on the west side of the building. The facilities provide accommodation for up to eleven elderly persons. Occupying a large corner plot the premises are situated within a residential area to the east of Cosham High Street. Although it is a building that dates from the early period of development of Cosham it is neither statutorily listed nor included within the local list. The building has had replacement roofing and windows which, together with the side and rear extensions, reduces its value in architectural and historic terms.

Comprising a building of some age, the applicant's initial ecological appraisal identified a potential for the presence of bats and recommended further survey work. The results of that further survey work revealed that no roosting bats were identified (observed or detected) to emerge from the building during the dusk detector survey on the 21 May or the dawn re-entry survey on the 3rd July. The detector survey work, alongside the already completed building inspection, confirms that roosting bats are unlikely to inhabit the building. Incidental pipistrelle bat (foraging and commuting) activity was, however, encountered during the detector surveys and the applicant's ecologist has recommended a precautionary approach to the demolition of the building, an approach supported by the Council's ecologist.

The redevelopment of the site to create a building which maintains a mainly three storey scale, albeit with a larger footprint, that would also provide residential accommodation would be consistent with the character of Magdala Road. In these circumstances the demolition of the building to facilitate the proposed redevelopment of the site would be considered acceptable in principle. Any concerns in relation to the impact of the demolition works on residential amenity would be addressed through environmental legislation.

#### Design and appearance

Prior to the submission of this application the redevelopment of this site to create a new Abbeyfield Home was considered by the Design Review Panel. The Panel considered that the [original] design did not satisfactorily relate to its domestic setting being more bulky and having an 'office' like appearance. The applicant, in response, altered the appearance of the building and reduced its height. The elevational treatment takes its cue from the existing building with predominantly red face-brick and feature buff brick to projecting elements, stone quoins and reconstituted Portland stone banding and cills below a reconstituted slate roof.

Whilst the main part of the building adjacent to the Magdala Road/Dorking Crescent junction has a three-storey building mass, its scale is reduced to two-storeys for the projecting elements to the east and south sides. Although the southern projecting element would have an eaves level higher than the adjoining terrace of houses in Dorking Crescent, it would nonetheless be considered to provide a satisfactory transition between the three-storey mass of the main building and the existing terrace of houses. Although a comparatively modest part of the whole building the two-storey projection to the east side would afford some relief to the east elevation and provide an acceptable transition between the slightly higher two-storey eaves level to the adjoining house and three-storey height of the main part of the building. It is therefore considered that, in terms of massing and appearance, the proposed building would amount to an acceptable design solution for this corner site.

#### Residential amenity

Given the spatial separation between the proposed building and the houses on the opposite side of Magdala Road, together with the extent to which the retained trees will screen the building, it is considered that the proposed development would not harm the living conditions of the occupiers of those properties in terms of loss of outlook or overlooking. Whilst the properties on the opposite side of Dorking Crescent comprise for the most part commercial uses, the corner property comprises a house with a pair of windows facing east. The proposed building would be situated 11m from that elevation. This relationship would not be considered to significantly affect mutual overlooking, and would be sufficient to ensure that outlook would not be adversely affected.

The end-of-terrace house to the south of the site has a blank gable wall, set just off the common boundary, with a 6m rear garden of which approximately 2.9m has been taken up with a single-storey rear extension. The garden is adjoined by a pair of garages. The nearest part of the three-storey building to the adjoining property would be 10m to the north and would align with the rear wall of the house. The two-storey element, with an eaves level of 5.7m, would be situated 4m away from the gable wall of the house and project 1.6m beyond the rear wall. That part of the proposed building would contain one secondary window to a bedroom and would be fixed and obscure glazed. Part of the two-storey element would step out towards the gable of the house leaving a gap of approximately 2.6m and also contain a secondary window that would be obscure glazed and fixed shut. With such an arrangement, and safeguarding conditions in relation to the windows, it is considered that the living conditions of the occupiers of No.1 Dorking Crescent would not be affected by overlooking. Furthermore, the mass of the proposed building and its relationship to the adjoining property to the south would be such that it would not give rise to a loss of outlook.

To the east of the site lies a detached 2-storey house with an aspect across the application site. That house currently faces a three-storey wall across a distance of between 11m and 12.5m

which has an external steel staircase serving fire doors. In comparison the proposed building would have a two-storey wall parallel to the adjoining house set 12m away while the three-storey element would be set approximately 15.4m away. Although there would be a single window at ground and first floor levels these are secondary and serve living rooms. Both would be fixed and obscure glazed. A rooflight high up the catslide roof to the two-storey element would serve staff accommodation. First floor windows to the rear of the three-storey elevation serve a stairwell and landing, and although not annotated as being obscure glazed this can be secured by way of a planning condition.

In these circumstances it is considered that the proposed building would not significantly affect outlook from the adjoining property to the east, loss of light or significantly affect overlooking.

#### Transport issues

The existing Abbeyfield Home has a paved yard to the rear that is capable of accommodating three or four cars in a tandem arrangement with a dropped kerb onto Dorking Crescent. The applicant proposes three car parking spaces served by a widened dropped kerb onto Dorking Crescent, and a further space at the north-east corner of the site with access/egress to Magdala Road from widening the dropped kerb that serves No.18 Magdala Road. A buggy/cycle store 7.8m long by 2m deep would be provided adjacent to the southern boundary facing a residents' patio area. The buggy/cycle store would be accessible from Dorking Crescent, while visitor hoops would be provided adjacent to the main entrance to the proposed building.

Located within an area of high accessibility to public transport and services it is considered that the provision of four on-site car parking spaces would be sufficient to meet the transport needs of future occupiers, staff and visitors. The provision and retention of those facilities would be secured by planning conditions.

Refuse storage containers would be provided within an enclosure adjacent to the south wall of the proposed building, and rolled to the Dorking Crescent frontage via a 1.5m wide access path for collection. This is considered to be an acceptable arrangement.

#### Sustainable Design and Construction

Under policy PCS15, it is necessary to meet certain standards of sustainable design and construction. Housing specifically for the elderly and care homes can sometimes be assessed as residential. However in situations where there is a reasonable level of communal facilities, it is more appropriate to use the Building Research Establishment's Environmental Assessment Method (BREEAM). It is considered that it is entirely appropriate for the proposal here to be assessed under BREEAM.

The pre-assessment sets out that the development can achieve the excellent standard. The scheme is targeting a score of 73.92% and has achieved all of the mandatory requirements. It is considered that the strategy which is being used to achieve the target score is sensible and appropriate for this kind of development in this location. The applicant has shown a clear appreciation for sustainable design and has put together a development which embraces energy efficiency and sustainability. It is therefore proposed to ensure compliance with the objectives of Policy PCS15 by way of suitably worded conditions.

#### Recreational Disturbance

This proposal seeks to re-provide an Abbeyfield Home for the Elderly on this site, albeit increasing the level of occupation from eleven to fourteen persons. Occupation of the building would be limited to older people living relatively independently in a communal environment in need of very sheltered accommodation, this use falling within Class C2 [Residential institutions]. Should client needs dictate more specialised accommodation, as in a nursing or care home, assistance in relocation would be provided. No pets would be allowed unless with the express consent of the applicant, housekeeper and other residents.

Due to the precautionary approach required by the Conservation of Habitats and Species Regulations 2010 it is necessary to demonstrate that the development will not adversely affect the Special Protection Areas before it can lawfully be authorised. The Regulations require an initial 'screening stage' to determine whether the proposal is likely to have a significant effect on a European site. This assessment needs to identify the interest features of the European sites and whether the plan or project would cause harm to them. If necessary, avoidance or mitigation measures could be included in development proposals to prevent or remove the harm which otherwise would have occurred.

The application site is approximately 2km away from habitats which form part of the Langstone Harbour SSSI, which is part of the Chichester and Langstone Harbours SPA and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is 2.5km from the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site.

This proposal would effectively result in three additional elderly people being accommodated on the site. Those occupiers, by virtue of their circumstances, are unlikely to have access to a private car and are more likely to remain in the vicinity of the site. The proposed sleepover unit would be controlled by a planning condition to ensure it would remain as ancillary accommodation and not occupied as a flat. It does not represent a net increase in residential dwellings. It is therefore considered that the proposed development would not have a likely significant effect on the interests for which Portsmouth and Langstone Harbours are designated.

#### Conclusion

For the reasons outlined above the proposed redevelopment of the site would be considered acceptable in terms of its design, setting and relationship to the adjoining properties, and would amount to a sustainable form of development in the context of the National Planning Policy Framework.

## **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: 1024-PD-101D; 085-5300; 085-5400; 1024-PD-102C; 1024-PD-103D; 1024-PD-104D; 1024-PD-105D; 1024-PD-106 1024-PD-107; 1024-PD-112.
  
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) An exploratory site investigation report documenting the ground conditions of the site and incorporating chemical and consideration of ground gas in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA.
  - b) 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 (i)b that any remediation scheme required and approved under the provisions of conditions (i)b 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 condition (3)b.

5) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04, demonstrating a 10% improvement in the Building Emission Rate over the Target Emission Rate through the use of low or zero carbon energy technologies, and one credit from issue TRA 03, which evidence shall be in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

6) Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04, demonstrating a 10% improvement in the Building Emission Rate over the Target Emission Rate through the use of low or zero carbon energy technologies, and one credit from issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason for both conditions: to ensure the development has minimised its overall demand for resources.

7) The car parking facilities and associated dropped kerbs, as shown on the drawings hereby approved, shall be completed and made ready for use prior to the first occupation of any part of the building, and shall thereafter be retained.

8) The facilities for the storage of buggies and cycles, as shown on the drawings hereby approved, shall be completed and made ready for use prior to the first occupation of any part of the building, and shall thereafter be retained.

9) The facilities for the storage of refuse, as shown on the drawings hereby approved, shall be completed and made ready for use prior to the first occupation of any part of the building, and shall thereafter be retained.

10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

12) Unless otherwise agreed in writing by the Local Planning Authority the following windows shall be obscure glazed and fixed shut prior to occupation of the building;

- (i) Ground floor apartment 2 east elevation;
- (ii) First floor apartment 9 east elevation;
- (iii) First and second floor stairwell east elevation
- (iv) First floor apartments 3 and 4 south elevation

Those windows shall thereafter be retained in that condition.

13) At no time shall the staff sleepover accommodation be used as a separate unit of living accommodation or occupied independent of the use of the building as home for the elderly.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure the development has minimised its overall demand for resources in accordance with policy PCS15 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources in accordance with policy PCS15 of the Portsmouth Plan.
- 7) To ensure the adequate provision of car parking facilities in accordance with policy PCS17 of the Portsmouth Plan.
- 8) To ensure the adequate provision of buggy/cycle storage facilities in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To ensure the adequate provision of refuse storage facilities in accordance with policy PCS23 of the Portsmouth Plan.
- 10) In the interests of the amenities and character of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 11) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 12) In the interests of protecting the amenity of the occupiers of the adjoining properties in accordance with policy PCS23 of the Portsmouth Plan.
- 13) To ensure that the proposed development would not be likely to have a significant effect on the Langstone Harbour and Portsmouth Harbour Special Protection Areas in accordance with policy PCS13 of the Portsmouth Plan.

## PRO-ACTIVITY STATEMENT

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

---

# 02

15/00544/FUL

WARD: CHARLES DICKENS

1 PLYMOUTH STREET SOUTHSEA PO5 4HW

**CONVERSION AND EXTENSION OF FORMER PUBLIC HOUSE (CLASS A4) TO SIXTEEN BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

Derek Treagus Associates  
FAO Derek Treagus

**On behalf of:**

Mr P Ojla

**RDD:** 10th April 2015

**LDD:** 22nd July 2015

### SUMMARY OF MAIN ISSUES

This application has been brought to Committee at the request of Ward Councillor Godier.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

#### The Site

The application site, located on the south-east corner of the junction of Plymouth Street with Hyde Park Road comprises the curtilage of the now vacant Cabman's Rest Public House. The site lies adjacent to Charter Academy, to Ladywood House (a 24 storey block of 135 Flats) and a communal garden associated with Ladywood House.

#### Proposal

This application seeks planning permission for the conversion and extension of the former public house (a Class A4 use) to sixteen bedroom House in Multiple Occupation (a sui generis use). The proposed extension would be part first floor, part two-storey and part single storey in scale and be added to the south of the existing building fronting Plymouth Street.

#### Planning History

None of the planning history of the site is considered relevant to the determination of this application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and Houses in Multiple Occupation, Parking Standards and Solent Special Protection Areas SPDs are also relevant to the determination of this application.

## **CONSULTATIONS**

### **Contaminated Land Team**

I have reviewed the above application and as the site has been used by coal dealers, public house and also mineral water manufacturers; there is scope for fuel storage to have been present although our records do not confirm this. Given the sensitive end-use but limited garden use after conversion, a watching brief is requested to contact this office if any indications of pollution or industrial artefacts are present.

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS1 0175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

### **Highways Engineer**

There is no unrestricted on-street parking near to the site. The first 30 metres of Plymouth Street is public highway fully restricted with double yellow lines (the remainder is land owned by Portsmouth City Council and restricted to permit holders only). Hyde Park Road has double yellow lines adjacent to No.1 Plymouth Street, residents' parking bays and 2-hour limited wait operational Monday-Friday 9am-5pm. A maximum of 2 permits for the Hyde Park zone is allowed for the residents at no.1 Plymouth street.

The site is located within a highly accessible area (being easy reach of bus and rail stations) close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a public house it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

The submitted drawings indicate provision being made for the parking of cycles and the storage of refuse and recyclable materials however no details are provided. The site is capable of accommodating the provision of cycles which can be secured by the imposition of suitably worded planning conditions. Similar condition can be imposed to secure the provision of suitable facilities for refuse and recyclable materials.

Please note the applicant should provide 16 cycle spaces for the proposal. The Parking Standards SPD recommends 4 spaces per dwelling for a 4+ bed HMO, providing 1 cycle storage space for each individual. This HMO is much larger HMO at 16 bedrooms, some of which would be capable of accommodating two people. Effectively at 16 beds, this HMO is the equivalent of 4 x 4+ bed HMOs and so there is justification to require 16 cycle spaces, particularly given that the number of individuals living in the building could be far higher than 16. This would then be the equivalent of requiring 4 spaces for a smaller 4+ bed HMO as it is providing 1 cycle space per individual and would more accurately reflect the size of the accommodation proposed.

Informative:



Drop Kerb Informative: Please inform the applicant that a separate application must be submitted to Colas at Walton Road (Fred Willett - 023 92 310951) for vehicle crossing should the planning permission be granted.

Recommendation: Raise no objection subject to:

1) The development shall not be brought into use until secure and weatherproof and well surveilled bicycle storage facilities have been provided in accordance with a detailed scheme (to include location, size appearance and security) to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

2) The development shall not be brought into use until refuse and recyclable storage facilities have been provided in accordance with a detailed scheme is submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

3) The bin shed will need to be able to hold 2 x 1100 refuse and 1 x 1100 recycling.

The bin store doors shall open outwards and have a minimum opening width of 1.4m, level access, and a path with shallow gradient of no more than 1:12, to access the rear of the refuse vehicle via a dropped kerb access. The store shall have illumination when doors are open, be provided with adequate ventilation, and a tap and wash down gully provided. Walls, stanchions, conduits and pipework shall be suitably protected against damage by moving bins. The refuse collectors will access the store by coded keypad entry system, to be agreed.

4) No doors shall open over the highway

5) A dropped kerb will be provided adjacent to the access for the bin store.

### **Private Sector Housing**

Informally advise property could be licensed for occupation by around 20 persons

### **Environmental Health**

The proposal location is a mix of residential use with a school, Charter Academy, located to the north of Plymouth Street. The proposed use is, according to the Design Statement, an HMO for student use. It is unlikely that the proposed use will be more disruptive to the local area than the previous use (a public house). Should issues arise, these can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990.

With regards to local air quality, the development is 'car-free' as only cycle storage (as opposed to car parking) has been proposed. It is unlikely that there will be a negative impact as a result of the proposed use and indeed may actually result in a marginal improvement as a result of reduced car journeys.

As mentioned above, the neighbouring uses are residential with a school to the north of Plymouth Street. Whilst it is unlikely that there will be zero impact from the school, we have no complaints from the other residential uses and it is unlikely that the impact will be above what would normally be expected as a result of living adjacent to a school.

## **REPRESENTATIONS**

Objections have been received from 6 local residents on the following grounds:

- a) lack of parking
- b) impact on amenities of local residents using adjacent communal garden
- c) impact of building works
- d) uncertainty about who future occupiers would be
- e) inadequate public consultation

A petition has been submitted opposing the proposal signed by the occupiers of 31 flats within Ladywood House

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

## Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use.

Following a review of residential properties within the 50 metres radius in accordance with the methodology set out in the HMO SPD, it has been established that there does not appear to be any existing HMOs. The Houses in Multiple Occupation SPD states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. As this proposal would not result in the threshold being exceeded ( $1/158 = 0.3\%$ ) through the granting of permission, it is considered that the proposed use of the site as a HMO would not give rise to an imbalance of such uses.

Whilst there may be no existing HMOs in the locality of the site, this would not be a reason to withhold permission. Policy PCS20 and the SPD seek to create mixed and balanced communities that comprise differing types of residential uses (e.g. single dwellings, family houses and HMOs).

## Design

The proposed extension would be part first floor, part two-storey and part single storey in scale and be added to the south of the existing building fronting Plymouth Street. Architecturally the extension would replicate the form and appearance of the existing building and be of an appropriate scale. The proposed extension is therefore considered acceptable in design terms.

## Impact on Residential Amenities

Regard must be had to the lawful planning use of the site as a public house (a Class A4 use) which would inevitably result in a level of late night activity associated with patrons entering and leaving the building. Whilst the proposed use as a HMO would have a level of activity associated with it, it is considered that the proposed use would not result in a demonstrably greater level of activity, noise or disturbance that could be associated with the use of the site as a pub.

Concerns have also been raised in respect of who may occupy the property, whilst the application makes reference to occupation by students, this is not an application for a student halls of residence. The social or economic status of prospective occupiers cannot be given weight in the determination of this planning application.

The proposed extension would result in the creation of two habitable room windows at first floor level which would overlook the communal garden of Ladywood House. Having regard to the existing openness of the communal garden it is considered that any increased actual or perceived overlooking would not be so great as to justify the refusal of this application. Other windows in the extension would face the flats on the opposite side of Plymouth Street, however it is considered that they would not have any significant impact on the occupiers of neighbouring properties.

## Car Parking and Cycle Storage

The site does not benefit from off-street parking. On street parking in the area is available, albeit that it is time limited or restricted to holders of a residents permit. The occupiers of the proposed HMO would be limited to a maximum of three residential parking permits. The Car Parking SPD sets out that a sui generis HMO (with more than 6 bedrooms) should be served by 2 off-street spaces. The lawful use of the site (including landlord's accommodation) would be likely to attract

a demand for parking which could not be accommodated on the site. Regard should also be had to the sites proximity to the City Centre, the services and amenities located therein and also its accessibility to public transport. Having regard to the foregoing it is considered that a refusal on parking grounds could not be sustained successfully in the event of an appeal.

The submission includes the provision of facilities for the storage of cycles, however little detail is provided. It is considered that the site is capable of accommodating appropriate facilities and that a planning condition can be imposed to secure the provision and retention of them. Similarly a condition can be imposed to secure the provision of suitable facilities for the storage of refuse and recyclable materials.

#### SPA Mitigation

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Solent Special Protection Areas (SPAs), as is described in more detail in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document. The development is not necessary for the management of the SPA. The applicant has agreed to provide mitigation based on the methodology in section 3 of the SPD with the scale of mitigation being calculated as £522. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

#### Other matters raised in representations

The publicity undertaken for this application was done in accordance with the statutory requirement and the Council's normal procedure. Each planning application must be considered on its own individual merits and the granting of permission for a particular proposal for a particular site would not mean that similar proposals would be considered acceptable.

**RECOMMENDATION A: That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £522 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 agreement referred to in Recommendation A have not been secured within two 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:  
\*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\* \*\*\*\*
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until secure and weatherproof cycle storage facilities have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.

5) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until facilities for the storage of refuse and recyclable materials have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore 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) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure that provision is made for cyclists to promote the use of sustainable modes of transport in accordance with Policies PCS14 and PCS23 of the Portsmouth Plan.
- 5) To ensure that appropriate facilities are provided for the storage of refuse and recyclable materials in the interests of the amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan and the Houses in Multiple Occupation SPD.

**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**

**15/00895/FUL**

**WARD: NELSON**

**1 NORTH END AVENUE PORTSMOUTH HAMPSHIRE PO2 9EA**

**CHANGE OF USE FROM BUILDERS STORE TO MOT STATION AND REPAIR GARAGE AND INSTALLATION OF REPLACEMENT ROOF COVERING AND RE-CLADDING TO PART OF FRONT ELEVATION (AMENDED SCHEME)**

**Application Submitted By:**

Robert Tutton Town Planning Consultants Ltd  
FAO Mr Robert Tutton

**On behalf of:**

Mr D. Wiltshire

**RDD:** 4th June 2015

**LDD:** 11th August 2015

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it would have any significant impact on the amenities of the occupiers of neighbouring properties and whether the proposal would affect the safety or convenience of users of the adjacent highway.

## The Site

The application site comprises a large single storey building located on the southern side of North End Avenue close to its junction with London Road. The site is located in a predominantly residential area with some of the properties to the east (fronting London Road) being in commercial use.

## Proposal

This application seeks planning permission for a change of use from builders store to MOT station and repair garage and installation of replacement roof covering and re-cladding to part of front elevation.

## Planning History

Relevant elements of the planning history of the site are permission A\*17186/B (July 1964) for the reinstatement of and alterations to existing furniture and bedding warehouse and permission A\*17186 (April 1951) for a change of use from auction rooms to furniture repository. The lawful use of the property would appear to be for purposes falling within Class B8.

A previous application (14/00776/FUL) for a change of use from builders store to MOT testing centre was withdrawn prior to determination. A further application (14/01468/FUL) for a change of use from builders store to MOT testing centre was refused in January 2015. The sole reason for refusal was:

The proposed use of the building would, by reason of the noise and disturbance associated with it, be likely to give rise to an unacceptable loss of residential amenity to the detriment of the occupiers of neighbouring properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS17 (Transport).

## **CONSULTATIONS**

### **Environmental Health**

I have reviewed the above planning application for the change of use from a builders store to a MOT Testing Centre and repair garage and given consideration for the potential release of noise from this property.

The frequency and the duration of the noise will be dependent upon the number of vehicles tested each day, however the applicant has specified that their opening hours will be 08:00 to 17:30 Monday to Friday and 08:00 to 12:00hrs, therefore no sleep deprivation will be caused to the local residents in the area.

Airtight Noisecheck Ltd has used the BS4142:2014 - Methods for rating and assessing industrial and commercial sound to carry out the noise assessment. This method takes into consideration factors of the introduction of a noise source into an area in comparison to the existing background noise levels and the likelihood of the new noise source having an impact upon sensitive dwellings.

Due to the existing premise being used as a builders store, Airtight Noisecheck Ltd have carried out noise measurements at an operational MOT station to obtain an example of prospective noise levels of the process.

The report illustrates that background noise levels have been monitored at the proposed development location, at the entrance door of the unit and at the Eastern façade of the unit.

The acoustic consultant has summarised their predictions and calculations of the proposed noise levels, whilst taking into consideration the distance between the source of the noise and

the residential properties, the duration of the noisiest aspects of the MOT/repair work and they have also included a +9dB (A) (for removal of wheel nuts) and a +6dB (A) (for MOT repair work) additional acoustic correction (BS4142:2014 section 9.2) for the impulsivity of the noise source. The report concluded that the proposed general activity associated with the MOT/repairs will have little or no adverse impact on the residential dwellings in the area.

In addition to this the applicant has also specified that they will be carrying out works to the structure of the building to improve the acoustic installation in order to further mitigate the noise levels emanating from the building.

In summary the predicted and calculated noise levels are equal to or below the existing background noise levels on Northend Avenue and also fall below the World Health Organisation for external noise levels (55dB(A) for the impact upon gardens). The opening/closing hours will not cause any sleep deprivation, in addition to this the applicant is carrying out additional measures to the building to mitigate noise levels further. Subsequently to this it is unlikely that a loss of amenity will be caused to local residents from the MOT testing/ repairs of road vehicles. I therefore wish to raise no objections to this application being granted.

#### **Contaminated Land Team**

Recommends imposition of conditions

#### **Tree Officer**

TPO 67 T4 sits outside the curtilage of 1 North End Avenue on an adjacent property at 225 London Rd. Unless the proposal includes a requirement to construct an inspection pit or the installation of a 2 or 4 post vehicle lift no risk is posed to T4. Following a telephone discussion with the agent there currently exists no plan to include an inspection pit. If a lift is required and the floor substrate is of insufficient depth or strength then it is to be reinforced.

#### **Highways Engineer**

No response received.

### **REPRESENTATIONS**

32 Objections have been received from neighbouring properties on the following grounds:

- increased noise, fumes and pollution;
- parking;
- impact on highway safety;
- no need for further business of this type in locality;
- loss of property value;
- there is a nearby protected tree;
- nearby offices to be converted to flats;
- impact on human rights; and
- increased risk of fire

One representation has been received in support of the application.

### **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it would have any significant impact on the amenities of the occupiers of neighbouring properties and whether the proposal would affect the safety or convenience of users of the adjacent highway.

#### **Principle**

This application seeks planning permission for an industrial use in what is a predominantly residential area. The building on the site has been used for commercial purposes falling within Class B8. Whilst the site and building are limited in size, the proposed use of the building is likely to have a different impact on the area and on the occupiers of neighbouring properties. The use of the site for B8 purposes could involve a comparable level of vehicle movements to the proposed use, but would be unlikely to generate noise from activities within the building. The

proposed use for MOT testing would involve engines running within the building and the sounding of horns. Whilst these noise generating activities may not be continuous their intensity could not be controlled through planning conditions. Furthermore this application seeks permission for a use which by its nature is potentially noisy. The site is restricted in size which would limit the level of activity or operations which could take place within it; however the building is located very close to a number of residential properties. The relationship of the site to neighbouring properties is such that any noisy activity is likely to result in an unacceptable level of noise and disturbance to the detriment of the living conditions of the occupiers of those neighbouring properties.

### Impact on Amenity

This applicant is accompanied by a noise assessment undertaken in accordance with relevant guidelines and explores the impact of introducing a noise source into an area in comparison to the existing background noise levels and the likelihood of the new noise source having an impact upon sensitive dwellings. As the application site comprises a builder's store, noise measurements have been taken at an operational MOT station to obtain an example of prospective noise levels of the process.

The content and conclusions of the Noise Assessment that the proposal would not give rise to a loss of residential amenity are accepted by colleagues in Public Protection. Whilst a precautionary approach was taken when refusing the previous application, weight must be given to the submitted evidence relating to noise and the views of the Head of Public Protection. The proposed use of the site would inevitably result in the generation of some noise which would be audible to the occupiers of neighbouring properties. However the available evidence demonstrates that any such noise would not be likely to be of a duration or intensity that would have a significant impact upon the residential amenities of the occupiers of neighbouring properties. A planning condition could be imposed to restrict the hours of use of the proposed use to prevent noise and disturbance outside of usual working hours. A planning condition could also be imposed to secure the implementation and retention of a heavy plastic curtain referred to in the application and noise assessment.

It is considered that the proposal would not give rise to a significant increase in pollution associated with the running of engines.

### Parking

The recently adopted Parking Standards SPD places the onus on an applicant to demonstrate that parking provision would be appropriate for any given non-residential development. The submitted supporting statement makes no reference to parking. The lawful existing use of the site for purposes falling within Class B8 is unlikely to give rise to any significant demand for long-term parking but may attract a level of servicing/delivery parking, however the restricted size of the site would however limit the level of the demand. The proposed use is potentially more likely to generate some demand for parking by employees, however the site is in an area considered to be highly accessible by public transport (being close to North End District Centre and adjacent to a high frequency bus corridor). On street parking is available on North End Avenue, however there is a demand for these spaces from occupiers of residential properties along the street. Notwithstanding this it is considered that the existing demand for parking is greatest in an evening and at weekends with daytime visits suggesting there is on-street parking available during the working day when demand would typically be greatest from the proposed use of the application site. Accordingly it is considered that the proposal would not be so prejudicial to the safety or convenience of users of the highway to justify a refusal on highway grounds.

## Other Matters

The proposed external alterations to the building are considered acceptable in design terms and would improve its current appearance.

The loss of property value is not a material planning consideration and as such cannot be given any weight in the determination of this application. The presence of other similar premises in the area could not be a legitimate reason to withhold permission in the absence of specific policy restriction. The premises benefit from lawful use for commercial purposes, it is therefore considered that any increased risk of incidents affecting neighbouring properties would not justify refusing this application.

It is considered that the proposed works to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely fanciful, or concerned with risk of future interference. In addition, the Council is given responsibility for determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function, and the rights protected by the ECHR may be subject to derogation where it is lawful in a democratic society, and necessary in the public interest. Even where an individual victim could make a valid assertion that a particular right had been interfered with to his or her specific detriment, it is possible for an authority to be justified if a decision has been taken having regard to such interference and balancing the public interest.

It is considered that the proposal is unlikely to have any effect on the protected tree located in the garden of a neighbouring property.

## **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: 1 Issue A; and 7153:14.
- 3) The MOT station and repair garage hereby permitted shall not operate outside of the hours of 08:00 and 18:00 hours daily.
- 4) The use hereby permitted shall not commence until the acoustic insulation measures referred to in the submitted 'Acoustic Resting Report' (prepared by Airtight & Noisecheck Ltd dated 10/3/15) have been installed in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority.  
The approved acoustic insulation measures 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 protect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.



4) To protect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

---

Assistant Director of Culture & City Development  
3<sup>rd</sup> August 2015

This page is intentionally left blank