

# PLANNING COMMITTEE

## 4 DECEMBER 2013

2 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*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

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**POINT BATTERY BROAD STREET PORTSMOUTH**

**CONVERSION OF ARCHES TO 13 ARTIST STUDIOS (CLASS B1) WITH 2 X ANCILLARY STORE/MANAGEMENT OFFICE, 1 X RETAIL UNIT (CLASS A1), 3 X CAFE (CLASS A3), 2 X COMMUNITY MEETING ROOM/DISPLAY AREA (CLASS D1), PUBLIC TOILETS, NEW FRONTAGE TO SUB-STATION, THE INSTALLATION OF PERGOLA TO GRADE 1 LISTED ARCHES AND ASSOCIATED LANDSCAPING**

**Application Submitted By:**

PLC Architects

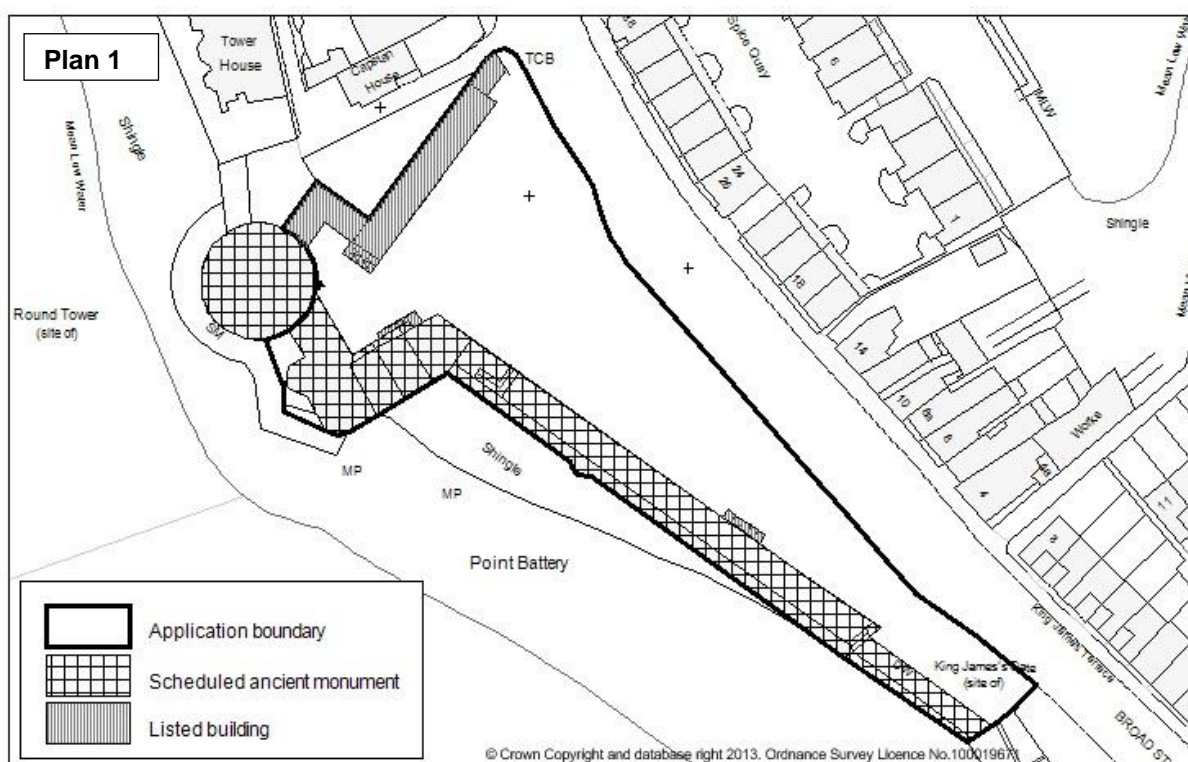
**On behalf of:**

Portsmouth City Council - Partnership &amp; Commissioning Manager

**RDD:** 17th September 2013**LDD:** 18th November 2013**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site is referred to as Point Battery and is adjacent to Broad Street. Point Battery consists of the Round Tower, the 18 Gun Battery, the Flanking Battery and Point Barracks. Please note that this application specifically excludes the Round Tower.

Point Battery, with the exception of the Point Barracks, is both a Scheduled Ancient Monument and a Grade I Listed Building. The Point Barracks are only part of the Grade I Listed Building not the Scheduled Ancient Monument. Please see Plan 1 below.



The site is also located within the Old Portsmouth Conservation Area (Conservation Area No: 4), Flood Zone 3, and adjacent to Portsmouth Harbour (a Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site) and Special Protection Area (SPA)).

The relevant planning history for this application site and the wider fortifications are as follows:

- In 2012, planning permission was granted to change the use of a store (within Point Barracks) to a sandwich kiosk within Use Class A1 (reference 12/00387/FUL). That unit is now known as the 'Hot Walls Café';
- In 2012, planning permission was granted for use of the Square Tower (which forms part of the wider fortifications but is not part of this application) for cultural, community and leisure purposes to include: wedding / civil partnership services and receptions; exhibitions & presentations; drama and music productions; educational work-shops and fayres (reference 11/01221/PLAREG), and
- In 2011, planning permission was granted to change the use of the Round Tower (which again forms part of the wider fortifications but is not part of this application) to an art / exhibition gallery (use class D1).

## **THE PROPOSAL**

Permission is sought to convert:

- thirteen (13) of the casemates (or 'arches') into artist studios (use class B1);
- the casemates within the Flanking Battery (east of the Round Tower) into a restaurant (use class A3) and public toilets;
- the Defence Electric Lights / Searchlight into an external terrace area associated with new restaurant (referred to above);
- the existing 'Hot Walls Café' (use class A1) and adjacent casemate with Point Barracks into a café with an additional seating area (use class A3);
- one of the magazines within the 18 Gun Battery into a retail unit (use class A1) and the other magazine into an ancillary storage unit, and
- the 'L' shaped flanking gallery between the Point Barracks and Round Tower into a management office (use class B1) and community meeting rooms / display areas (use class D1).

It is proposed that the new artist studios will be open between the hours of 7am and 11pm and the new restaurant and cafes uses will be open between the hours of 8am and 10pm.

Permission is also sought:

- to install a new frontage to the existing sub-station (located within the 18 Gun Battery);
- to install a pergola and associated landscaping in front of the Point Barracks, and
- to install new public seating and alter some of the ground covering to the Parade Ground. Please note that whilst the original plans submitted showed new tree planting in front of the 18 Gun Battery, following the submission of amended plans, this element has been deleted from the proposal.

In addition, this proposal will provide space / stands for 44 bicycles. This includes the replacement of the existing 'Sheffield' style cycle stands (located to the east of the casemates) to provide new stands which will accommodate 40 cycles and space for 4 cycles will be provided within the magazine to be converted to a store.

The Point Barracks are also subject to a separate Listed Building Consent application (see following agenda item).

Please note the other parts of Point Battery do not require Listed Building Consent (LBC) as it is a Scheduled Ancient Monument (SAM). SAMs are subject to a separate application process, known as a Scheduled Monument Consent (SMC). A SMC overrides the need for a LBC.

An application for SMC must be made to the Secretary of State for Culture, Media and Sport via English Heritage. English Heritage administers the consent system for SMC on behalf of the government and advises them on such applications.

Scheduled Monument Consent was granted for this proposal on 12th November 2013, please see copy attached at **Appendix 1**.

## **POLICY CONTEXT**

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay.

In addition, the NPPF (at paragraph 131) states that when determining planning applications that involve the historic environment, Local Planning Authorities should take account of:

- 1) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;
- 2) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 3) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF (paragraph 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The NPPF (paragraph 137) also states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of a heritage asset to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The relevant policies within the Portsmouth Plan would include: PCS9 (The Seafront), PCS12 (Flood Risk), PCS15 (Sustainable Design and Construction), PCS17 (Transport), and PCS23 (Design and Conservation).

The Seafront masterplan (Supplementary Planning Document - adopted in April 2013) and the Old Portsmouth, Conservation Area No: 4 - Guidelines for Conservation (January 2004, updated in November 2006) are also material planning considerations when determining planning applications on this site. The Seafront masterplan (on page 26) identifies the conversion of the casemates as one of the 'key opportunities' for new development and specifically states 'an opportunity exists to sympathetically convert the arches within Point Battery into a vibrant arts and crafts quarter including uses that 'bring life' to the street scene'. The masterplan also states

'a variety of different land uses, such as art studios / gallery space, food and drink outlets alongside new public toilets, could be accommodated in the arches' and that the 'conversion of the arches must not detract from their character'.

The Seafront masterplan and Conservation Area Guidelines also set out general design principles on a range of issues, such as planting, materials, lighting and street furniture, which applicant's should consider when detailed designs are being drawn up. The purpose of the design principles is to ensure that new development and public realm improvements are of the highest quality.

## **CONSULTATIONS**

### **The Portsmouth Society**

Give cautious support to the application. Areas of concern / comment include: (1) wish to have an archaeologist available to inspect any works involving excavation; (2) wish to see one of the arches retained to display works; (3) opening up of gun ports should be completed with caution, perhaps one at a time and all materials should respect the ancient monument; (4) number of proposed new trees might be too many, and (5) ensure no damage to the existing structure i.e. drill holes in mortar joints.

### **EPPS - Contaminated Land Team**

The contaminated land team responded with a 'no comment' on 14th October 2013. A further e-mail was sent on the 31st October 2013 to clarify that a 'no comment' generally means that the team, having looked at the details of the application, has no concerns in relation to the planning application proposals and contaminated land issues. The team has also confirmed that given the limited scope of the works in relation to ground works there was not considered a potential risk in relation to land contamination.

### **EPPS - Pollution Team**

B1 Use - The proposed use of the B1 use class as artist studios are not likely to impact on the amenity of the neighbouring residential uses as the use is not by its nature noisy. Whilst the hours of operation are until 23:00 hours, I do not consider that additional impact is likely due to the non-noisy nature of the activity. Should any issues arise from the B1 use these can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990.

Noise from the operation of security roller shutters normally occurs when the shutters are manually operated at speed. The proposed security shutters are mechanically operated and so the potential for significant noise issues arising from the manual operation of the shutters is eliminated.

A3 Use - It is accepted that the proposed cafe use (within the listed building) will have no cooking facilities, largely as a result of the lack of space at this location. However a kitchen extraction system is proposed for the larger restaurant use (within the Flanking Battery). The current proposal for the extraction is inadequate with regards to both noise and odour. Should you be minded to grant consent without further information being submitted then planning conditions are required to secure the detailed specification of the system (to address noise and odour issues).

Air Quality Impact - Portsmouth City Council's Supplementary Planning Document: Air Quality and Air Pollution includes in Appendix B a list of development types that may indicate whether air quality is a material consideration. The proposal is not a development type or of a size (in terms of traffic generation) that would indicate that air quality is a material consideration.

### **Highways Engineer**

No objection subject to conditions securing the provision of the cycle storage.

### **Environment Agency**

The Environment Agency confirms that subject to planning conditions, securing the proposed finished floor levels and the details of a surface water drainage system, the proposed development will meet the requirements of the National Planning Policy Framework (NPPF).

### **Natural England**

No objection as the proposal is not likely to have a significant effect on the interest features for which Portsmouth Harbour was classified as a Site of Special Scientific Interest (SSSI), Wetland of International Importance under Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). In addition, Natural England is also satisfied using information currently available (including survey information submitted as part of the application) that the proposal would be unlikely to affect bats (a protected species).

### **Coastal Partnership**

Has no objection to the proposed development as submitted and agrees with the following statement in the submitted Flood Risk Assessment:

'The Eastern Solent Coastal Partnership has no objections in principle from a coastal engineering perspective to the ARTches scheme and positively supports the opportunity that it offers to deliver economic growth and related opportunities in this area of the city. Future users are to be made aware of the potential risk of flooding to the area and it will be recommended to them to subscribe to the Environment Agency's Flood Warning Service to receive advance warnings of potential flooding in the area.'

### **Coastal and Drainage Team**

Agree with response from Eastern Solent Coastal Partnership and Environment Agency.

### **Queen's Harbour Master**

No response received.

### **Southern Electric**

No objection provided the substation is not compromised. The substation will be required to service the new commercial units.

### **Port Manager**

No response received.

## **REPRESENTATIONS**

At the time of writing this report 55 letters / e-mails of objection and 56 letters / e-mails of support had been received (please note these figures also include those who commented on just the Listed Building Consent as some people did not realise there were two separate applications. These figures do not include duplicates or further letters of comment received from the same person). Included in the 56 letters of support are letters from Councillor Hunt and Councillor Adair.

The Local Planning Authority has also been made aware of an online petition (hosted by a 3rd party website), in support of the application, which on the 7th November 2013 had 3,055 signatories. Members will be aware that care should be taken when considering petitions, particularly those online, and members should give them the weight they consider appropriate.

Councillor Wood has requested the application be determined by the planning committee.

Although the grounds of objection are many and varied there are nevertheless common themes which have been summarised below:

- the site is a Scheduled Ancient Monument and Grade I Listed Building so cannot be converted and should be preserved as it is;
- inappropriate development that will have a detrimental impact on an important heritage asset and on the historic character of the area;
- the external terrace is visually intrusive;
- the pergola and landscaping (new planters and changes to the paving) will have a detrimental impact on the character of the area;
- detrimental impact on the amenity of local residents in terms of noise and disturbance including inappropriate hours of opening;
- detrimental impact on local residents due to increase in traffic generated by the proposal, increased demands for parking and the proposal does not provide any additional parking;

- the proposal will increase anti-social behaviour in the area;
- loss of privacy to those residential properties in Broad Street immediately opposite the site;
- there are better alternative locations for the proposal, such as the Hard;
- loss of property values to those nearby the site;
- adverse impact on other local businesses, and
- there is no detailed business case submitted with the application / the proposal is not viable. The existing Hot Walls Café is quoted as being unsuccessful.

The common themes within the letters of support are summarised below:

- will improve the area and increase its vibrancy;
- will make the area safer and more attractive;
- good to see the council trying to support local artists and encouraging creativity;
- exciting project and will improve the city's cultural offer;
- will boost local economy, promote the area and will allow people to discover the historical character of the area;
- reuse of the building will prevent the current anti-social behaviour from occurring;
- the design is sensitive, 'in keeping' and sympathetic to the historical character of the area;
- there is already sufficient parking available in the area, and
- will contribute to the regeneration of the wider seafront.

## **COMMENT**

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

- whether the conversion is acceptable in principle given the importance of the heritage asset and other local planning policies;
- whether the alterations are acceptable in design and heritage terms (including the impact to the character and appearance of the Old Portsmouth Conservation Area);
- whether the mix of uses are acceptable;
- the amenity impact on local residents;
- whether the proposal is acceptable in highway terms (including parking);
- the impact of the proposal on flood risk, and
- the impact on natural conservation.

For the most part these issues cover the grounds of objection submitted. Those that are not included relate to the financial viability of the scheme, the potential competition to other local businesses and loss of property values. Members will be aware that the issues of competition to other local businesses and loss of property values are not material considerations when determining planning applications.

On the issue of financial viability, decision making on individual applications does not normally require the consideration of this matter. The NPPF states viability can be important where planning obligations (for example affordable housing) are being introduced which could compromise the delivery of a scheme. In these circumstances a viability assessment may be necessary to ensuring realistic decisions are made to support development and promote economic growth. This particular application is not liable for any such planning obligations therefore the submission and consideration of any viability assessment is not required.

## **Principle**

Point Battery is of special architectural or historic interest (hence its designation as a Scheduled Ancient Monument and Grade I Listed Building) however, this does not automatically prevent its conversion or adaptation to bring it back into use or to 'change' its use. As already set out in this report, national planning policy (the NPPF) specifically states that when considering applications on heritage assets, local planning authorities should take account of the 'desirability of



sustaining and enhancing the significance of heritage assets and putting them to viable use; the positive contribution that conservation of heritage assets can make; and the desirability of new development making a positive contribution to local character and distinctiveness'. In addition, the judgement to be made is whether 'substantial' or 'less than substantial' harm will be caused to the heritage asset and if 'substantial' or 'less than substantial' harm will be caused it can be outweighed by the public benefit that the proposal will create.

As previously stated, the Secretary of State for Culture, Media and Sport via English Heritage has issued a Scheduled Monument Consent for the proposal (see Appendix 1). Attention is drawn to paragraph 3 of that consent, which states that in granting the consent English Heritage 'considers the effect of the proposed works upon the monument to be works which will result in limited loss of historic fabric'. This is a material consideration when making the judgment as to whether the proposal in this planning application will cause 'substantial harm' to the heritage asset.

Whilst the proposal is not directly linked to the historical nature of the site (as a military fortification and barracks), it is considered that the principle of the proposal is seeking to sustain and enhance this heritage asset by putting it to a viable use and would lead to 'less than substantial' harm.

Furthermore, the principle of converting Point Battery into an 'arts and crafts quarter' has been established in the Seafront masterplan, supplementary planning document (adopted in April 2013, and supplements Policy PCS9 of the Portsmouth Plan, which encourages and supports the redevelopment of existing buildings for leisure and tourism uses and small scale restaurants / cafes and other uses that will diversify the leisure and cultural offer of the Seafront).

This application is consistent with the proposals set out in that masterplan and Policy PCS9 of the Portsmouth Plan, would be providing uses that are all considered compatible with the special architectural or historic interest of the building and would complement the uses already granted planning permission in the Square and Round Towers (also see the section on relevant planning history).

In light of the above, it is considered that it would be unreasonable to refuse planning permission on the grounds that the principle of converting Point Battery is contrary to the NPPF and other local planning policies. The issue of harm is also addressed further in the following paragraphs.

## **Design**

The integrity of the main structure would be preserved. The most noticeable external changes, which can be viewed on the plans, would be the installation of the new frontages, reopening the gun embrasures, the creation of the external terrace and the installation of the pergola.

These changes would be of a contemporary design and are designed to be read as modern additions to the historic building. The design has been created to be a simple and elegant addition. The introduction of large amounts of glazing, which would enable views into and through the casemates, is viewed as a positive element of the design.

It is considered that these changes would not have a significant impact or cause significant 'harm' to this important building. In particular it is considered that the reopening of the gun embrasures would make a significant positive contribution.

It is recognised that the external terrace and pergola would have a visual impact on the appearance of this heritage asset and they could be regarded as more intrusive but it is considered that the impact is not significant enough to cause concern or 'harm'. Again, with regards to the external terrace, the Scheduled Monument Consent is a material consideration when assessing its impact. The issue of the pergola is also addressed in the report for the listed building consent (see the following agenda item).

With regards to the internal alterations to create the studios and restaurant / cafe uses, as with the external changes, the Scheduled Monument Consent is a material consideration when assessing its impact. It is considered that the installation of new raised flooring and 'service walls' are an appropriate solution without having a detrimental impact on the historic fabric of the building. As with the reopening of the gun embrasures, it is considered that the removal of the render and concrete within the casemates and other rooms (installed during the 1950s and 1960s) would have a significant positive impact on the building. English Heritage will control and approve the final detailed design and alterations to the internal spaces through the Scheduled Monument Consent. The issue of the changes to the listed building element (Point Barracks) of the scheme is addressed in the report for that application (see the following agenda item).

It is considered that the overall design of the alterations and additions would not result in substantial harm to the heritage asset. The alterations planned would be sympathetic to its historic context, be relatively modest in scale, are considered to be reversible, and would not have a detrimental impact on the overall character or appearance of this important heritage asset. Having regard to the importance and sensitivity of the site, suitably worded planning conditions should be imposed to control the final detailed appearance and finish of the proposal.

### **Impact on amenity**

The site is located close to residential properties in Broad Street and Tower Street. Given the nature of the uses being proposed the development would have external activity, including comings and goings, associated with a place of work (for example artist in their studios) and would attract visitors to the studios and the restaurant and café (with their external seating areas). However, when looking at the proposed uses in combination with the fact the site is an important heritage asset which already attracts visitors in its own right and the uses already granted in the Square and Round Towers, it is considered that the proposal is unlikely to have any significant impact on the residential amenities of the occupiers of neighbouring properties or be so 'unneighbourly' to substantiate a reason for refusal.

In addition, the applicant has sought to address the concerns raised by local residents and has suggested opening hours for the studios and the other uses (7am to 11pm for the studios and 8am to 10pm for the restaurant and cafes). The opening hours suggested are considered reasonable (and are also consistent the opening times included on the planning permission for the Square Tower) and can be secured via a suitably worded condition.

On the separate issue of noise and disturbance from any of the 'artist' studios, planning permission is being sought for uses within class B1 which by their very nature do not give rise to significant noise and disturbance. The Town and Country Planning Use Classes Order 1987 specifically states that uses which fall within class B1 are of a type of use 'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. In addition, the Environmental Health Officer provides the following comments, 'the uses proposed are not likely to impact on the amenity of the neighbouring residential uses as the use is not by its nature noisy. Whilst the hours of operation are until 23:00 hours, I do not consider that additional impact is likely due to the non-noisy nature of the activity. Should any issues arise from the B1 use these can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990'.

The change of use to a Class A3 restaurant and cafe would require extraction and ventilation systems to be installed to deal with cooking odours and associated noise. The applicant has provided some information on the type and style of the system for the restaurant unit within the Flanking Battery (together with other options explored and discounted due to the potential impact on the historic fabric of the building). It is considered that the information submitted demonstrates that the type of system proposed would not cause significant harm to the historic fabric of the building and would not have a detrimental impact on historic character of the site.

In addition, following the submission of amendments and further information, the Environmental Health Officer is now satisfied that a suitable solution can be found to ensure that there is no loss of amenity with regards to odours or noise. As such, this proposal is not considered likely to give rise to any adverse impacts upon the amenities of any adjoining occupiers.

However, as the detailed design would not be finalised until decisions are made (in conjunction with English Heritage) regarding the internal surfaces and spaces of this Scheduled Ancient Monument, it is considered reasonable that the final detail of the system can be secured through a suitably worded condition.

The applicant has indicated that given the limited space within the proposed A3 café unit (within the Listed Building) it is not their intention to provide cooking facilities usually expected with an A3 use. Therefore, it is considered reasonable to impose a condition limiting the cooking facilities of the A3 café to protect adjoining occupiers and the special architectural or historic interest of the listed building.

On the issue of loss of privacy raised in some of the letters of objection, at its closest, the separation distance between the properties on Broad Street and the casemates proposed to be converted to artist studios is 25 metres. In addition, the existing tree planting, which would be retained, provides some screening between Point Battery and the properties in Broad Street. Therefore, it is considered that the proposal would not result in any significant loss of privacy to the properties in Broad Street.

### **Highways issues**

The applicant has submitted a report in support of the application demonstrating the level of parking available in nearby public car parks (Broad Street and the Camber). In addition, it must be recognised that there are also existing public (pay and display) parking spaces immediately adjoining the site in Broad Street and there is already in place a residents parking permit scheme.

The application also includes 40 short-term stay cycle stands (to be used by visitors and workers) and four long-term stay cycle stands (to be used by workers).

The application site does not benefit from off street parking and there is no scope for any to be provided. Having regard to the nature of the proposed uses and the availability of on street parking and nearby public car parks, it is considered that the proposal would not give rise to a significant increase in traffic or demand for parking that would be likely to adversely affect highway safety. In addition, the Local Highways Authority raises no objection to this application.

### **Flood risk**

Point Battery is located within the Indicative Floodplain (Flood Zone 3) and the application is supported by a Flood Risk Assessment (FRA).

The fortifications themselves form part of the flood defences in this area of the city. With the exception of the proposed new doorway onto the external terrace and reopening the gun embrasures on the seaward side (to be made into windows) the defences remain the same.

In consultation with the Eastern Solent Coastal Partnership (ESCP, who are responsible for coastal management services in the city and the wider east Solent area), the applicant accepts that the reliability of the new access door on the external terrace will be important so not to compromise the flood protection currently provided by the fortifications. Therefore, they are proposing to install a door suitable for a marine environment and withstand a flood event. ESCP support this approach and it is agreed that the proposal can be secured by a suitably worded condition.

In addition, the applicant has addressed the issue of 'residual' risk (through overtopping or breach of the defences) through the design of the scheme (such as raised floor levels) whilst accepting the constraints of this important heritage asset; the safe dry access and egress already provided by the upper floor of Point Battery (providing safe passage as far as Clarence Pier), and stating that it would sign up to the Environment Agency's flood watch scheme. This scheme would provide advance warning of a flood event allowing the various studios and restaurant / cafes to be evacuated in advance and remain closed during a potential flood event.

Both the ESCP and Environmental Agency are satisfied with the measures that the applicant is proposing (subject to conditions) and raise no objection. Therefore, it is considered that the proposal, by virtue of its scale and nature, would not give rise to any significant increase in flood risk and the applicant has demonstrated suitable measures to reduce the impact of a potential flood event.

### **Natural conservation**

As the site is immediately adjacent to Portsmouth Harbour (a Site of Specific Scientific Interest (SSSI), a Ramsar Site and a Special Protection Area (SPA)), consideration has to be given to the potential impact on nature conservation issues.

The applicant has also undertaken a separate Bat and Bird Survey to assess the likelihood of the proposal having an impact on any protected species. That report concluded that there were no signs of any bat roosts or bird nests and the building had very few features considered possible to be used by bats for roosting.

With reference to the comments received from Natural England (see the consultations section of this report), given the scale and nature of this proposal it is considered that the development is not likely to have a significant effect on the interest features of Portsmouth Harbour nor is it likely to have an impact on any protected species.

### **Conclusion**

It is considered that this proposal would create a new chapter in the life of the fortifications whilst respecting its heritage. It would make a positive contribution to the character of the local area and the wider regeneration of the Seafront and would not have a detrimental impact on the amenity of local residents. Any limited harm caused by this proposal is outweighed by securing a long term use for the building and the wider regeneration benefits.

In coming to this conclusion regard has been had to the impact of the proposal on the special architectural or historic interest of the Scheduled Ancient Monument and Listed Building, as well as the character and appearance of the Conservation Area.

## **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: 12.1891.103 P2; /-/103-1 P2; /-/103-2 P2; /-/104.1 P2; /-/104.2 P2; /-/105 P2; /-/106-1 P2; /-/108 P2; /-/111 P2; /-/110 P2, and /-/112 P1.

- 3) No development shall take place at the site, unless otherwise agreed in writing with the Local Planning Authority, until a detailed schedule (including samples as appropriate) of the proposed materials and finishes for the following elements: (a) the treatment of the exposed reveals of the re-opened gun embrasures, including details of the new glazing units, (b) the glazing design, details and fixtures of the frontages to the casemates spaces, (c) any security shutters, (d) the external terrace on the seaward side of the building, (e) the new external door to the terrace on the seaward side of the building, (f) the external glazing units to the Flanking Battery, (g) any external timber doors, and (h) any replacement external ironwork, has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 4) Before the development is first brought into use a scheme for (a) architectural lighting to enhance the appearance of the building during the hours of darkness and (b) any other external lighting shall have been submitted to and approved in writing by the Local Planning Authority; and the approved architectural lighting scheme and any other external lighting shall have been carried out in full and thereafter retained.
- 5) Prior to the first use of the development hereby permitted, facilities for the short-term (visitor) and long-term (staff) storage of bicycles shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained for those purposes at all times.
- 6) Prior to first use of the development hereby permitted, refuse and recyclable materials storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained.
- 7) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed schedule of (1) the materials and finishes to ground covering of the Parade Ground; (2) the design, materials and finishes to the new public seating, and (3) the details of the soft landscaping scheme around the pergola, which shall specify species, planting sizes, spacing and density / numbers of the shrubs to be planted; the phasing and timing of planting; and provision for its future maintenance, has been submitted to and approved by the Local Planning Authority in writing.
- 8) All planting approved as part of the landscape scheme (Condition 7 (3)) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any 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.
- 9) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by PLC Architects (dated 17 Sept 2013), and in particular the following: Finished Floor Levels (FFL's) for the external terrace are set no lower than 3.41metres above ordnance datum (AOD), FFL's for the searchlight are set no lower than 3.41m AOD and FFL's for the casemates are set no lower than 3.65m AOD, and other mitigation measures as set out in the FRA. These mitigation measures shall be fully implemented prior to the first use of the development, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 10) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed

the runoff from the site in its current state following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 11) The units hereby granted permission for purpose of B1 and D1 use shall be closed and vacated between 23:00 and 07:00 hours daily.
- 12) The units hereby granted permission for the purpose of A3 use shall be closed and vacated by customers between 22:00 and 08:00 hours daily.
- 13) At no time shall any cooking process be carried out at the café (Class A3) premises within Point Barracks hereby permitted other than the preparation of hot beverages, the toasting of bread, or the heating of food in a microwave oven, domestic oven or domestic cooking device.
- 14) Prior to the installation of any fixed plant or equipment, (1) the details of that fixed plant or equipment, and (2) a scheme for protecting neighbouring premises from noise generated by the plant or equipment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the combined noise level from all such plant (expressed as an LAeq,5minute) will be 5dBA below the measured ambient noise levels (expressed as an LAeq over one hour) representative of the quietest period of a typical week. The assessments shall be made at 1 metre from the façade of the nearest residential premises. The approved plant or equipment and scheme for protecting neighbouring premises from noise generated by that plant or equipment shall thereafter be installed and maintained.
- 15) Prior to the commencement of the A3 use within the Flanking Battery, equipment shall be installed to suppress odour and fumes emitted from cooking operations arising from this use. Details of the proposed equipment shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved equipment shall thereafter be installed and maintained in accordance with the manufacturers' recommendations.
- 16) The nine (9) windows on the west elevation (all shown on approved drawing no. 12.1891.108 P2 as 'Type-2') shall be glazed with obscured glass and shall thereafter be retained in such condition.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the aims and objectives of the National Planning Policy Framework and policies PCS12 and PCS23 of The Portsmouth Plan.
- 4) To secure the highest design quality appropriate for a building of special architectural or historic interest in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that adequate provision is made for cyclists (visitors and staff) using the premises and those facilities are to an appropriate standard to protect the special architectural or historic interest of the building, in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

- 6) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building and in the interests of visual amenity in accordance with the principles of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 8) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building and in the interests of visual amenity in accordance with the principles of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 9) To reduce the risk of flooding to the proposed development and future occupants, in accordance with the principles of the National Planning Policy Framework and policy PCS12 of the Portsmouth Plan.
- 10) To prevent the increased risk of flooding, both on and off site, in accordance with the principles of the National Planning Policy Framework and policy PCS12 of the Portsmouth Plan.
- 11) To protect the residential amenities of the occupiers of neighbouring residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 12) To protect the residential amenities of the occupiers of neighbouring residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 13) To prevent nuisance from excessive cooking odours or fumes and preserve the special architectural or historic interest of the listed building, in accordance with principles set out in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 14) To protect the special architectural or historic interest of this heritage asset and protect the amenity of neighbouring residential premises, in accordance with principles in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 15) To protect the amenity of neighbouring residential premises and protect the special architectural or historic interest of this heritage asset, in accordance with the principles of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 16) To protect the privacy of the adjoining properties and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

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**POINT BATTERY BROAD STREET PORTSMOUTH**

**EXTERNAL AND INTERNAL ALTERATIONS TO ALLOW THE CONVERSION OF ARCHES TO 13 ARTIST STUDIOS (CLASS B1) WITH 2 X ANCILLARY STORE/MANAGEMENT OFFICE, 1 X RETAIL UNIT (CLASS A1), 3 X CAFE (CLASS A3), 2 X COMMUNITY MEETING ROOM/DISPLAY AREA (CLASS D1), PUBLIC TOILETS, NEW FRONTAGE TO SUB-STATION, THE INSTALLATION OF PERGOLA TO GRADE 1 LISTED ARCHES AND ASSOCIATED LANDSCAPING**

**Application Submitted By:**

PLC Architects

**On behalf of:**

Portsmouth City Council - Partnership &amp; Commissioning Manager

**RDD:** 17th September 2013**LDD:** 18th November 2013**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This report should be read in conjunction with the report on application 13/01017/FUL.

The application site is referred to as Point Battery and is adjacent to Broad Street. Point Battery consists of the Round Tower, the 18 Gun Battery, the Flanking Battery and Point Barracks. Please note that this application specifically excludes the Round Tower.

Point Battery, with the exception of the Point Barracks, is both a Scheduled Ancient Monument and a Grade I Listed Building. The Point Barracks are only part of the Grade I Listed Building not the Scheduled Ancient Monument. Please see Plan 1 in the previous report.

Listed building consent is required for any alterations or extensions that would affect the special architectural or historic interest of the building.

The Point Barracks are only subject to this separate Listed Building Consent application. The other parts of Point Battery do not require Listed Building Consent (LBC) as it is a Scheduled Ancient Monument (SAM). SAMs are subject to a separate application process, known as a Scheduled Monument Consent (SMC). A SMC overrides the need for a LBC.

See previous report for relevant planning history.

**THE PROPOSAL**

See previous report for the full details of the proposal. The elements which are subject to this listed building consent are:

- the alterations required to convert three (3) of the casemates (or 'arches') into artist studios and convert the existing 'Hot Walls Café' and adjacent casemate into a café with an additional seating area;
- the alterations to convert the 'L' shaped flanking gallery between the Point Barracks and Round Tower into a management office and community meeting rooms / display areas, and
- the install of a pergola (which would be attached to the building) and associated landscaping in front of the Point Barracks.



## **POLICY CONTEXT**

See previous report.

## **CONSULTATIONS**

### **National Monuments Record**

No response received.

### **The Victorian Society**

Whilst the Society supports the principle of bringing part of the site back into use it feels that such an important monument requires a different architectural treatment and better preservation of some elements. Areas of particular concern can be summarised as (1) the treatment of the Victorian gun battery; (2) unsatisfying design of the pergola. It is weak in design whilst the intention is to create a light touch in this case the design should be bolder and more in keeping with the spirit of the site; (3) the opportunity for intervention lies with the Victorian accommodation battery and strongly advise that enclosure of the arches is restricted to this area.

The Society supports the opening of the gun ports and states the creation of a restaurant would do a good deal to open up and invigorate Point Battery without compromising its significance to an unacceptable extent.

### **Council for British Archaeology**

No response received.

### **The Georgian Group**

No response received.

### **SPAB**

No response received.

### **Ancient Monuments Society**

No response received.

### **English Heritage**

As you are aware the greater part of Point Battery is a Scheduled Ancient Monument and the proposed works are mostly controlled through Scheduled Monument Consent (SMC). However, the area to the north-east of the Round Tower falls outside of the footprint of the scheduled monument and is covered by listed building controls.

In the interest of consistency the conditions attached to the SMC's already granted (English Heritage references S00073054 and S00069507), which relate to materials, fixings, trial panels, repointing, measured and photographic recording, method statements, services and floor details etc., should, where relevant, apply equally to the non-scheduled but listed elements of the monument (i.e. the same conditions attached to the LBC).

Having studied the amended drawings, we do not wish to raise any objection. However, we do have concerns over the retractable fabric awning, it could quickly degrade in the harsh marine environment (and will soon look tatty and detract from the listed building) and when retracted it might look untidy. It is therefore suggested that it is removed during the winter months when not required (and is regularly renewed) and consideration might be given to it being permanently extended during the day (when there will be most visitors) during the summer.

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

### **Historic Buildings & Monuments Commission for England**

No response received.

### **The Portsmouth Society**

Give cautious support to the application. Areas of concern / comment include: (1) wish to have an archaeologist available to inspect any works involving excavation; (2) wish to see one of the arches retained to display works; (3) opening up of gun ports should be completed with caution,

perhaps one at a time and all materials should respect the ancient monument; (4) number of proposed new trees might be too many, and (5) ensure no damage to the existing structure i.e. drill holes in mortar joints.

### **Southern Electric**

No objection provided the substation is not compromised. The substation will be required to service the new commercial units.

## **REPRESENTATIONS**

See previous report.

## **COMMENT**

The sole issue to be considered in the determination of this application is whether the proposed alterations (associated with the conversion of the building to form the café and studios and associated uses) and installation of the pergola would preserve the special architectural or historic interest of the building.

### **Principle**

As set out in the previous report, whilst the proposal is not directly linked to the historical nature of the site (as a military fortification and barracks), it would be providing uses that are all considered compatible with the special architectural and historic interest of the building and would complement the uses already granted planning permission in the Square and Round Towers (also see the section on relevant planning history).

It is considered that the principle of the proposal is seeking to sustain and enhance this heritage asset by putting it to a viable use and would not cause substantial harm to this important heritage asset and it would be unreasonable to refuse planning permission on the grounds that the principle of converting Point Battery is contrary to the NPPF and other local planning policies.

### **Design**

The integrity of the main structure would be preserved. The most noticeable external changes, relative to this application, would be the installation of the new frontages, the replacement of existing glazing within the main 'arches' and the pergola. The main internal alterations include the installation of new raised floors, 'service walls' and the installation of new and replacement of existing glazing.

As set out in the previous report, the new frontages would be of a contemporary design and are designed to be read as modern additions to the historic building. The design has been created to be a simple and elegant addition. The introduction of large amounts of glazing, which would enable views into and through the casemates, is viewed as a positive element of the design.

It is considered that these changes would not have a significant impact or cause significant 'harm' to this important building and would preserve the special architectural or historic interest of the building.

It is recognised that the pergola would have a visual impact on the appearance of this heritage asset and it could be regarded as more intrusive. In discussions with English Heritage, amendments have been made to reduce the overall depth of the pergola and its potential impact on the listed building whilst still providing suitable shade to the new studios and seating areas. It is now considered that the impact of the pergola is not significant enough to cause concern or 'harm', although it is considered appropriate to include a suitably worded condition to agree the final details and to ensure the works are carried out in a sympathetic manner.

With regards to the internal alterations to create the studios and restaurant / cafe uses, it is considered that the installation of new raised flooring and 'service walls' are an appropriate

solution without having a detrimental impact on the historic fabric of the building. It is also considered that the removal of the render and concrete within the casemates and other rooms (installed during the 1950s and 1960s) would have a significant positive impact on the building. It is considered appropriate to condition the detailed method for the removal of those elements to ensure the listed building is preserved.

It is considered that the overall design of the alterations and additions would not result in substantial harm to the heritage asset. The alterations planned would be sympathetic to its historic context, be relatively modest in scale, are considered to be reversible, and would preserve the overall architectural and historic interest of this important heritage asset. Having regard to the importance and sensitivity of the site, suitably worded planning conditions will be imposed to control the final detailed appearance and finish of the various elements.

## **Conclusion**

As set out in the previous report, it is considered that this proposal would create a new chapter in the life of the fortifications whilst respecting its heritage. It would make a positive contribution to the character of the local area and the wider regeneration of the Seafront and would not have a detrimental impact on the special architectural or historic interest of this listed building. Any limited harm caused by this proposal is outweighed by securing a long term use for the building and the wider regeneration benefits.

Please note that this application has to be referred to the Secretary of State (via the National Planning Casework Unit) because it is an application submitted by the local authority.

**RECOMMENDATION:**                      **Subject to the Secretary of State not requiring the application to be referred for determination, grant conditional consent.**

## **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 12.1891.103 P2; /-/103-1 P2; /-/103-2 P2; /-/104.1 P2; /-/104.2 P2; /-/105 P2; /-/106-1 P2; /-/108 P2; /-/111 P2, and /-/112 P1.
- 3) No development shall take place at the site, unless otherwise agreed in writing with the Local Planning Authority, until a method statement for (1) any necessary repairs to the historic fabric of the building, including re-pointing of external brickwork and masonry, and (2) the removal of any cement render or paintwork from the interior surfaces of the casemates and other internal spaces, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place at the site, unless otherwise agreed in writing with the Local Planning Authority, until a detailed schedule (including samples as appropriate) of the proposed materials and finishes for the following elements: (a) the glazing design, details and fixtures of the frontages to the casemates spaces, (b) any security shutters, (c) the replacement windows within the casemates, (d) any new glazing units, (e) any timber doors, (f) any replacement ironwork, (g) the design, details and fixtures of the internal protective panels to the windows in the interpretation centre (as shown on the approved drawing no. 12.1891.105 P2) and (h) the design, details and fixtures of the pergola and retractable canopy, has been submitted to and approved by the Local Planning Authority in writing. The schedule will supplement, and where appropriate reference, the details shown on the

approved drawings and Schedule of Materials dated 5th November 2013. The development shall be carried out in accordance with the approved details.

- 5) No development shall take place at the site, unless otherwise agreed in writing with the Local Planning Authority, until the details of the materials, finishes and fixtures of any services and fittings (including lighting and flooring) within the internal spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by PLC Architects (dated 17 Sept 2013), and in particular the following: Finished Floor Levels (FFL's) for the casemates are set no lower than 3.65m above ordnance datum (AOD), and other mitigation measures as set out in the FRA. These mitigation measures shall be fully implemented prior to the first use of the development, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 7) Any replacement material shall be of a type, texture and colour which matches the original material.
- 8) Any replacement brick / stone shall be of a suitable size, and laid in courses to match the original courses and joint widths.
- 9) All fixings shall be made into the joints and not into the brick / stone.
- 10) All pointing and mortar work shall be in a mixture and finish to match the existing in composition, colour, texture and style.
- 11) All surviving historic fittings within the interior spaces of the building shall be recorded and inventoried prior to the commencement of any works, and shall, wherever possible, be retained in situ.

**The reasons for the conditions are:**

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the consent granted.
- 3) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 4) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 5) To ensure that the development is completed to an appropriate standard to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 6) To reduce the risk of flooding to the proposed development and future occupants, in accordance with the principles of the National Planning Policy Framework and policy PCS12 of the Portsmouth Plan.

- 7) In order to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 8) In order to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 9) In order to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 10) In order to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
- 11) In order to protect the special architectural or historic interest of the building, in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

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**03** 13/01040/FUL

**WARD:Fratton**

**240 Fratton Road Portsmouth**

**Construction of a new roof to form 2 flats and extension of existing stairwell (resubmission of 12/01220/FUL)**

**Application Submitted By:**  
Edward Caush Associates

**On behalf of:**  
Mr Harold Weston

**RDD:** 23rd September 2013  
**LDD:** 19th November 2013

#### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site is located on the eastern side of Fratton Road between the junctions with Alver Road and Clive Road. The site is occupied by a building that is currently part three and part single storey. The building is presently subdivided into a total of nine flats with a private members club to the rear at ground floor level, which is now vacant. The surrounding area is characterised by a mix of single, two and three storey buildings accommodating a range of uses including a community centre, sports hall, dwellings, and retail premises. The site is located outside of, but immediately adjacent to the northern boundary of Fratton District Centre.

Planning permission is sought for the construction of a new roof to form two (two-bedroom) flats and an extension of the existing stairwell to the rear of the three-storey part of the building.

The most relevant elements of the planning history of the site are applications 11/00624/FUL and 12/01220/FUL. The first of these applications (11/00624/FUL) related to the construction of a two-storey extension to form two flats above the rear of the frontage building was allowed on appeal in June 2012. The most recent application (12/01220/FUL) was for similar proposal to that the subject of this application was refused in January 2013 with a subsequent appeal being dismissed in August 2013. The reason for refusal was as follows:

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

Whilst the appeal was dismissed the Inspector considered that the proposal was acceptable in design terms. It was dismissed on the basis that the proposal "would give rise to unsatisfactory living conditions". [A copy of the appeal decision is attached as an **appendix** to the agenda.]

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

The NPPF and the Residential Car Parking Standards, Sustainable Design & Construction and Housing Standard SPDs are relevant to the proposed development.

## **CONSULTATIONS**

### **EPPS - Pollution Team**

No objection

## **REPRESENTATIONS**

Objections have been received from the owners/occupiers of three neighbouring properties on the following grounds:

- a) roof extension inappropriate and out of character;
- b) increased overlooking;
- c) lack of parking;
- d) impact/disruption of building works due to constraints of site;
- e) overdevelopment of site;
- f) sacrifice of a historic building; and
- g) stability of existing building to take proposed extension.

One of the objections also makes reference to private legal proceedings involving the applicant in relation to the site.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposed roof extension is acceptable in design terms and whether the development would adversely affect the occupiers of neighbouring properties thereby overcoming the reason for the dismissal of the previous scheme. Other issues to consider would relate to car parking and the facilities for the storage of cycles.

### **Principle**

The application site comprises a substantial building that is neither statutorily or locally listed and is not located within a Conservation area. Accordingly it is considered that the principle of adding a further storey to the building is acceptable in principle.

### **Design**

The existing three-storey frontage building is topped by a mansard roof that incorporates the second floor flats to the front elevation. This application seeks to replace the tiled upper part of this pitched roof with a flat topped mansard roof finished in slate to the front and zinc to the rear that would incorporate front and rear facing dormer windows. Whilst the proposed roof extension would have greater bulk than the existing, its overall height would only increase by 0.5 metres and remain below the height of the pediment feature to the front elevation (which would be retained). Having regard to the mixed and varied character of the streetscene and the presence of four-storey buildings in close proximity, it is considered that the principle of the proposed mansard roof extension is acceptable. The positioning of the proposed dormer windows to the front elevation is considered to relate appropriately to the existing pattern of fenestration such that they would complement with the existing building. It is therefore considered that the design of proposal is acceptable and would appear as an acceptable addition to the contextual streetscene. In his consideration of the most recent appeal for a similar scheme the Inspector was of the view that "the proposal would not harm the character of the area including that of the existing building, and the proposal is not therefore contrary to Policy PCS23, which requires high quality design of appropriate scale, appearance and materials".

### **Impact on amenity**

In considering the impact of the proposed roof extension on the occupiers of properties to the rear regard should be had to the extant planning permission for the construction of a two-storey extension at first and second floor level to provide two flats. Having regard to the impact of this development, which was ultimately found acceptable, it is considered that the current proposal would have no significant impact on the occupiers of those properties to the rear, including users of the Community Centre in terms of overlooking, overbearingness or loss of light. This is a view that was shared by the Inspector who opined that the previous proposal "would not result in any harm to the nursery". In considering the relationship of the roof extension to existing flats within the building he took the view that "the new rear windows would have the potential to look down on the outside terraces of the second floor flats immediately below" and that "given the lack of any other outside amenity space for these flats ... such potential direct and close overlooking would be prejudicial to the privacy of the occupiers of these flats". In order to address this issue the drawings submitted with the current application show the windows in the rear elevation of the proposed roof extension to be obscure glazed to a height 1.7 metres above finished floor level and be non-openable. Whilst this would mitigate the issue of overlooking and associated loss of privacy it would undoubtedly have an impact on the living conditions of future occupiers which will be discussed below.

The Inspector considered the proposals for providing additional cycle and refuse storage facilities in the communal entrance to both the flats and ground floor poker club and opined that the more intensive use of this area "would cause potential conflict between the various users of this entrance, resulting in a significant deterioration in the living conditions of residents of

existing flats and poor living conditions for the occupiers of the proposed flats". He also offered the view that "there would be insufficient room for these necessary facilities". In his conclusion on the issue of living conditions the Inspector considered that "the living conditions of occupiers of both existing flats and the proposed new flats in this building would be unacceptable in that the only entrance to the building would be subject to over intensive use and the rear terraces of the second floor flats would be subject to unacceptable overlooking" and as such the proposal "is therefore contrary to ... Policy PCS23, which requires adequate accessibility for all users, consideration of how to reduce crime through design, and the provision of a good standard of living environment for existing and future occupiers". As a response to these comments the current application includes cycle/refuse storage facilities being provided at the 'rear' of the existing communal entrance in an area which would be taken from the (currently vacant) club located to the rear of the ground floor (it should be noted that the applicant has advised that they have no intention to re-open the club). Amended drawings have also been received showing the cycle and refuse storage facilities approved in connection with the two additional flats permitted above the club. Whilst the club is currently not in operation the communal entrance would nevertheless be shared with a total of nine flats (if the current scheme was permitted) and have to provide refuse storage for the flats. The Council's Waste Management service has advised that whilst the existing five flats have black bag collections they would require that nine flats be serviced by six 360 litre bins (these are large wheelie bins). The applicant has been invited to amend their plans to incorporate such provision, but has declined to do so. Accordingly it is considered that the current application does not address the issue raised by the Inspector in respect of the over intensive use of the communal entrance and as such would fail to provide a good living environment for existing and future occupiers.

The proposed flats would meet the minimum size standard associated with policy PCS19 for two-bedroom flats. As mentioned above, the current application incorporates fixed and predominately obscure glazed windows to the rear elevation to prevent the overlooking of roof terraces serving the flats below. The rooms served by these windows would include habitable room, namely bedrooms and kitchens as well as bathrooms. It is considered that the provision of obscure glazed windows as the sole means of outlook to bedrooms would fail to provide an appropriate standard of living to the detriment of the residential amenities of future occupiers.

### **Other issues**

Having regard to the requirements of Policy PCS15 of the Portsmouth Plan it is considered that the imposition of a suitably worded planning condition could secure the construction of the dwellings to an appropriate standard of sustainability.

The site does not benefit from any off-street parking and due to the constraints of the site none can be provided as part of this application. Having regard to the location of the site at the edge of Fratton District Centre and proximity to Fratton Railway Station, it is considered that a car free development would accord with the aims and objectives of the Residential Car Parking Standards SPD.

It is accepted that most building works involve some localised noise and disturbance, however this would not represent a reason to withhold permission. The ability of the existing building to take additional development would not be material to the determination of this planning application.

## **RECOMMENDATION            Refuse**

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

The proposed development would by reason of its overintensive use of the ground floor communal entrance, use of obscure and fixed glazing to sole habitable room windows and lack of adequate refuse and recyclable storage facilities, fail to provide an appropriate standard of amenity for existing and future occupiers contrary to policy PCS23 of the Portsmouth Plan.



## PRO-ACTIVITY STATEMENT

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

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**04** 13/01071/FUL

**WARD:St Jude**

**4 Malvern Road Southsea**

**Change of use from residential dwellinghouse to boutique hotel (Class C1)**

**Application Submitted By:**

Mr Daniel Sutton

**RDD:** 30th September 2013

**LDD:** 5th December 2013

### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises the curtilage of number 4 Malvern Road, a substantial detached dwelling located close to the junction of Malvern and Florence Roads. The application site is located within the East Southsea Conservation Area and in Flood Zone 3.

This application seeks planning permission for a change of use from residential dwellinghouse (Class C3) to a boutique hotel (within Class C1).

There is no relevant history relating to the application site. Permission was granted in October 2011 for the use of number 6 Malvern Road (the adjacent property to the north and now in the ownership of the applicants) as a bed & breakfast (within Class C1).

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS9 (The seafront), PCS12 (Flood Risk), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation).

### **CONSULTATIONS**

**EPPS - Pollution Team**

No objection

**Highways Engineer**

The site is located in an area of medium accessibility to public transport and is approximately 170 metres from the high frequency bus corridor operating along Clarendon Road. The property is located within a residents' parking scheme (KC West Southsea) whereby permits are required to stay in excess of 3 hours. Malvern Road has on-street parking on one side only due to its narrow width, and no. 4 has double yellow lines (No Waiting) to the front. There is space for approximately 45 vehicles to park. The application site includes off-street parking for 2 cars within the existing rear open area fronting onto Florence Road. The property would receive four parking permits for guests use. Having regard to the off-street parking provided and the number

of parking permits that would be available to the property, it is considered that the refusal on parking grounds could not be justified.

## **REPRESENTATIONS**

Objections have been received from the occupiers of seven neighbouring properties on the grounds that an additional hotel will make existing parking problems worse and that the loss of dwelling would affect the Conservation Area.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the principle of the proposed change of use (including the loss of a dwelling); whether the proposal would preserve or enhance the character and appearance of the Conservation Area; whether the proposed use would affect the living conditions of surrounding occupiers; and whether the proposal makes adequate provision for the parking of cars.

The site is located in Flood Zone 3, however as the proposed use would be less vulnerable than the existing residential use it is considered that the proposal would not give rise to a significant risk to life or property from flooding.

Permission is sought for change of use from a residential dwellinghouse (Class C3) to a boutique hotel (within Class C1). Whilst policies within the Portsmouth Plan promote the provision of family homes within the City, recent research on behalf of Hampshire County Council (2013 Hampshire Hotel Trends Survey) has highlighted the demand for hotels in the City including the conversion of existing buildings to form boutique hotels. Having regard to the location of the site some 120 metres from the Seafront and the aims and objectives of the Seafront Masterplan it is considered that the proposed change of use represents an appropriate form of development in relation to the application site and its surroundings. The loss of a dwelling is considered to be outweighed by benefits of the provision of additional tourist accommodation and economic benefits associated with such an enterprise.

The character of the surrounding area which, although predominantly residential, includes a number of hotels and similar establishments (e.g. bed and breakfasts). It is considered that the proposal would not be likely to give rise to a level of activity that would have a significant impact on the residential amenities of surrounding occupiers. The proposal does not include changes to the external appearance of the building. Accordingly it is considered that the proposal would preserve the character and appearance of the East Southsea Conservation Area.

The site is located in an area of medium accessibility to public transport and is approximately 170 metres from the high frequency bus corridor operating along Clarendon Road. The site is located within an area covered by a residents' parking scheme (KC West Southsea) whereby permits are required to stay in excess of 3 hours. Malvern Road has on-street parking on one side only due to its narrow width, and no. 4 has double yellow lines (No Waiting) to the front. There is space for approximately 45 vehicles to park on street in Malvern Road. The application site includes off-street parking for 2 cars within the existing rear open area fronting onto Florence Road. The property would be eligible to receive four parking permits for use by guests. The applicant owns and operates a number of similar boutique hotels in the vicinity of the site and has submitted a justification for not providing more than the two existing parking spaces. The applicants submission covers the availability of off-street parking to other properties, the availability of on-street parking spaces in the evening, details of the level of parking demand associated with other similar establishments in the locality and the availability of alternate parking at other premises nearby. Having regard to the amount of off-street parking provided, the number of parking permits that would be available to the property and the likely level of demand, it is considered that the refusal on parking grounds could not be justified.

## 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: Sutton/01 and Sutton/02.
- 3) Prior to the first use of the hotel hereby permitted, bicycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and those facilities shall thereafter be retained for the continued use for that purpose at all times.

### The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS23 of the Portsmouth Plan.

### PRO-ACTIVITY STATEMENT

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

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**05** 13/01098/PLAREG

**WARD:Eastney & Craneswater**

### 6 & 7 Grand Division Row Henderson Road Southsea

**Retrospective application for the installation of carports over existing car parking spaces for 6 & 7 Grand Division Row (Resubmission of 13/00755/PLAREG)**

#### Application Submitted By:

Miss Lynda Powell

**RDD:** 7th October 2013

**LDD:** 12th December 2013

### SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

This application has been brought to the planning committee at the request of Councillor Mike Hancock.

This application relates to land used as allocated car parking spaces to the front elevation of the former St Andrews Church, now Nos. 1-10 Grand Division Row. Grand Division Row is located on the northern side of Henderson Road in between the junctions of Dunn Close to the west and Tamarisk Close to the east. The application site falls within the 'St Andrews Church'

Conservation Area (No. 26), with the former St Andrews Church being on the Local List of Buildings of Architectural or Historic Importance. There are several trees located around the application site that fall within TPO 165 (St Andrews Church, Eastney Barracks).

The character of this unusually small Conservation Area derives from the manner in which the church has been converted to residential accommodation, and the clusters of mature trees to the north of the building, adjacent to Henderson Road. The combined effect is to provide an attractive and unusual oasis amidst more unremarkable semi-suburban development. A Victorian church in the Early English style, St. Andrew's was one of a series of churches designed for the Admiralty, sometimes referred to as 'Admiralty Pattern Churches', in this instance, St Andrews Church was made with red brick, and finished with Portland and Bath stone dressings.

This application seeks to retain one double and one single carport located forward of the principal elevation of the residential units close to the northern boundary over the designated car parking spaces for No6 and No7 Grand Division Row. The single carport measures 2.5m height 2.4m wide and 4.8m in length. The double carport measures 2.5m high, 4.8m wide and is 2.4m in length. The carports are constructed of sawn timber posts with a green corrugated bitumen roof which have a slight pitch.

A planning application for the retention of carports over existing car parking spaces for 6 & 7 Grand Division Row was withdrawn in September 2013 (ref: 13/00755/PLAREG). The current application is a resubmission of this scheme.

Conditional permission was granted in August 1997 for the conversion to form 9 dwellinghouses and 1 flat, alterations to all elevations, new access from Dunn Close and associated parking/landscaping boundary railings/wall (ref: A\*36477/AA).

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework (NPPF) the relevant policy within the Portsmouth Plan would include:  
PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation) and the 'Craneswater and Eastern Parade' Conservation Area Guidelines.

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

Representations have been received in support of the application from the occupiers of four other properties in Grand Division Row stating that the materials and appearance of the carports are acceptable. Further comments supporting the materials and appearance of the carports have been received from the applicants at Nos 6 and 7 Grand Division Row.

## **COMMENT**

The determining factors in relation to this application are the design and appearance of the carports and the impact they have upon the character and appearance of the 'St Andrews Church' Conservation Area and the setting of 'St Andrews Church'. Further consideration must be given to the impact the carports have upon the protected trees.

The carports are sited in a prominent location close to the boundary with Henderson Road and given their height and overall scale are considered to result in visually inappropriate features that are incongruous and at odds with the open character of the surrounding area.

Turning to the matter of appearance, the finishing materials of the carports are not considered to be in keeping with the area and therefore, detract from the appearance and setting of the adjacent Locally Listed building. Furthermore, the carports are considered to form incongruous and overly prominent features that are harmful to the character and appearance of the 'St Andrews Church' Conservation Area. When considering the impact upon the wider streetscene, although the carports are somewhat obscured by the trees located along the front boundary, they are still considered to be unacceptable in terms of their appearance.

The carports are not considered to result in any significant harm to the adjacent protected trees (TPO 165).

**RECOMMENDATION I: Refuse**

**RECOMMENDATION II: Authority be given to pursue formal enforcement action to resolve the breach of planning control associated with the unauthorised construction of the double and single carports.**

**The reason for the recommendation is:**

The carports, by reason of their inappropriate siting, scale and appearance result in an incongruous and overly prominent addition to the streetscene. Furthermore, the carports cause significant visual harm to and fail to preserve the character and appearance of the 'St Andrews Church' Conservation Area and the setting and appearance of the locally listed former 'St Andrews Church'. The proposal is therefore contrary to the principle of good design set out in the NPPF and to policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

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**06** 13/01086/FUL

**WARD:Milton**

**Building South of Gas Engine House 199 Henderson Road Southsea**

**Change of use to day care centre for dogs; external alterations to include installation of new doors and fencing**

**Application Submitted By:**

Head Of Asset Management Service  
Portsmouth City Council

**On behalf of:**

BusyB Petcare

**RDD:** 2nd October 2013

**LDD:** 27th November 2013

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application is brought to the committee at the request of Councillor Terry Hall.

The application site lies on the northern side of Henderson Road, close to the junction with Halliday Crescent. The site is owned by the City Council and comprises a single-storey, flat-roofed, brick built building (22m<sup>2</sup> floorspace) with existing openings within the north and east elevations. Access to the building is via existing gates on the western side of the adjacent unadopted cul-de-sac.

The application site is surrounded to the north and east by buildings formerly part of Portsmouth Corporation Pumping Station. These buildings are Grade II listed buildings and designated Scheduled Ancient Monuments (No.596) and comprise a pump house, boiler house and chimney to the east (now Eastney Beam Engine Museum), the engine house to the south-east (now workshops and store) and the gas engine house approximately 4m to the north (now preserved as an industrial monument). The site to the west is occupied by Southern Water's Eastney Pumping Station and the nearest residential development is opposite at Halliday Crescent.

The area to the south has been recently cleared of rubble and vegetation in preparation for its use as an outside display area associated with the stone mason yard to the immediate north of the Gas Engine House. The building is currently full of tyres.

The application seeks planning permission to change the use of the building to a day care centre for dogs, external alterations to include the installation of new doors to the north and east elevations and the erection of 1.8m high timber fencing to enclose an outside exercise area for the dogs. The business would support Miss Mcnamara and one other staff member and offer the service to a maximum of 10 dogs at any one time.

A small Sycamore tree would have to be removed to allow for the insertion of a door within the east elevation. This tree is neither the subject of a TPO nor located within a Conservation Area. The City Council's Arboricultural Officer has previously surveyed all of the trees on the site and has concluded that they are all of poor to fair condition, the majority of which are self-sown and display weak branch unions. As such, none of the trees are considered to be worthy of retention.

The planning history relevant to this application includes:

### **ENGINE HOUSE**

Change of use of part of ground floor from training centre (Class D1) to general industry (Class B2)

(10/00801/FUL) - conditional permission 6/10/10 (personal permission and hours of use restricted to 8am-6pm Monday to Friday)

Change of use from Class D1 to metalsmith artist studio (Class B2) to include installation of flue (10/01221/FUL) - conditional permission 28/1/11 (personal permission and hours of use restricted to 8am-6pm Monday to Friday)

Use of land to north of engine house as stone masons yard (Class B2), siting of portacabin for use as office and installation of fencing (11/01270/FUL) - conditional permission 19/1/12 (personal permission and hours of use restricted to 8am-6pm Monday to Friday)

### **LAND TO SOUTH OF APPLICATION SITE**

Change of use of land from ancillary storage area to use as a display garden for the stonemasons and metal smith; installation of 3m high wrought iron entrance gates and 2.45m high wooden fencing and 3m high wooden gate to rear (12/01178/FUL) - conditional permission 21/12/12 (personal permission and hours of use restricted to 8am-6pm Monday to Friday)

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS17 (Transport), DC21 (Contaminated Land), PCS13 (A Greener Portsmouth).

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

## **CONSULTATIONS**

### **Ancient Monuments Society**

No response received

### **English Heritage**

Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of PCC's specialist conservation advice.

### **EPPS - Pollution Team**

Following a conversation with the applicant regarding the above planning application, she has informed me that she will continue to look after small breed dogs only, which she is currently doing so from her home. I can confirm that the Environmental Health Service has not received any noise complaints from the existing operation of this business. The maximum number of dogs that is being considered for day care at Henderson Road is 10 but that is dependent upon the space available in the building once it has been cleared. The outside exercise area is sufficient for this number of dogs and given the distance of this location to the nearest residential property it is unlikely that a loss of amenity will be caused. Raise no objections.

### **Highways Engineer**

The day care centre for dogs is to operate Monday to Friday 8am-6pm. Patrons to the centre could park on Henderson Road to the front, which has unrestricted parking, or reach the centre via the access road leading from the north side of Henderson Road. The proposal is unlikely to have a significant impact on the adjoining highway network. Raise no objection.

### **EPPS - Contaminated Land Team**

Given that no new services or ground works are required as part of the proposed change of use, a condition relating to land contamination is not required.

### **Langstone Harbour Board**

LHB note that the applicant proposes to exercise the dogs away from the centre and specifically refers to Eastney Beach. A recent study, The Solent Disturbance and Mitigation Project, found that the presence of dog walkers was one of the most disturbing activities affecting overwintering assemblages of birds. It is therefore requested that the applicant be requested to develop an environmental plan that recognises and trains their employees of the importance of overwintering birds and instructs their staff that when walking on Eastney Beach or the shoreline of Langstone Harbour to keep dogs on a lead and avoid walking in close proximity (~20m) of assemblages of birds between the months of October through to March.

## **REPRESENTATIONS**

Three letters of objection have been received on the grounds of: traffic congestion; dog fouling and lack of provision for disposal on site; insufficient number of people looking after the dogs; increase in number of dogs within the area will increase noise/general disturbance and create a public nuisance.

## **COMMENT**

The main determining issues in this case are whether the change of use will result in any significant loss of amenity to occupiers of nearby residential properties and whether the proposed alterations and change of use of the site are acceptable in terms of the historic setting of the nearby listed buildings and Scheduled Ancient Monuments.

The nearest residential properties are all in the form of flatted development; 1-23 (odds only) Halliday Crescent located 45m to the south, on the opposite side of Henderson Road; Bransbury Court situated 55m to the west beyond the intervening Southern Water site; and Henderson Court 60m to the east. It is noted that the dog day care centre will be located within an industrial area that already accommodates a metalsmith artist studio (who uses an anvil), an architectural steelworks (a Class B2 general industrial use involving cutting and welding of metal) and a stone masons. The applicant intends to operate her business on Mondays to Fridays, between the hours of 8am and 6pm which accords with planning permissions granted for the other three users of the surrounding Council owned buildings. With all these factors in mind, it is not considered that a maximum of 10 dogs, properly supervised, would result in excessive noise and disturbance either within the building/outside enclosure or whilst being exercised within the nearby parks and the beach.

English Heritage does not wish to offer any comments on this application and recommends that it should be determined in accordance with national and local policy guidance and on the basis of the LPA's specialist conservation advice. The building itself is not listed nor a Scheduled Ancient Monument and has no particular historic or architectural merit. The replacement of the existing door within the north elevation with glass sliding doors and the alteration of the existing window opening within the eastern elevation to accommodate another set are not alterations considered to detrimentally affect the setting of the surrounding historic buildings. The water supply to the area to the south of the Gas Engine House is already existing and the electricity supply is to be extended above ground from the Gas Engine House to the building. The proposal is not considered likely to result in any harm to the historic environment and therefore is capable of support.

## **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: Site plan and proposed elevations.
- 3) The premises shall not be used before 08:00 hours or after 18:00 hours on Mondays to Fridays or at any time on a Saturday, Sunday or Bank and public holiday.
- 4) At no time shall there be more than 10 dogs on site.
- 5) Prior to any development hereby permitted commencing, details of the provision to be made for the storage and disposal of waste from the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved details shall be implemented prior to the day care centre for dogs being brought into use.
- 6) Before the use hereby permitted commences, an environmental plan shall be submitted that recognises and trains employees of the day care centre for dogs of the importance of overwintering birds and instructs their staff that when walking dogs on Eastney Beach or the shoreline of Langstone Harbour to keep dogs on a lead and avoid walking in close proximity (no nearer than 20m of assemblages of birds between the months of October through to March inclusive. This plan shall be adhered to thereafter.
- 7) The day care centre for dogs must not be brought into use until a 1.8m high close boarded timber fence has been erected along the northern and southern boundaries of the outside exercise area. This fence must be retained thereafter.



**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 amenities of the occupiers of nearby properties in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) In the interests of protecting the amenities of occupiers of nearby residential properties in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) In the interests of the amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To minimise disturbance to overwintering birds in accordance with Policy PCS13 of the Portsmouth Plan.
- 7) In the interests of the amenities of the area and the occupiers of nearby residential properties and the setting of the adjacent historic assets in accordance with Policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

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**07** 13/01147/FUL

**WARD:St Thomas**

**34 Playfair Road Southsea**

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

**Application Submitted By:**

New Era Agency

**RDD:** 16th October 2013

**LDD:** 12th December 2013

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application is brought to the committee at the request of Councillor Wood.

The application relates to a two-storey, mid-terraced dwellinghouse located on the southern side of Playfair Road; it has a shallow walled forecourt to the front but no off-street parking provision. The property accommodates a common room, kitchen, WC and bathroom at ground floor level and three bedrooms at first floor level.

The lawful use of the property falls within Class C3 (dwellinghouse) of the Use Classes Order. This application seeks to change the use of this property from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation).

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

The planning history relevant to this application includes a two-storey rear extension (A\*34416/AA) permitted in October 1989.

## **POLICY CONTEXT**

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

In addition to the above policies, the Houses in Multiple Occupation Supplementary Planning Document (which was formally adopted on the 16th October 2012) and the aims and objectives of the National Planning Policy Framework are also material to this application.

## **CONSULTATIONS**

### **HMO Consultation Memo**

HMO (houses in multiple occupation) count data supplied.

## **REPRESENTATIONS**

None received.

## **COMMENT**

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

This application seeks permission to change the use of this property from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This would give the applicant greater flexibility to change between these two use classes.

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. Of the 66 properties located within a 50m radius of this property, 26 are currently in Class C4 HMO use (39.4%). The use of this property for purposes falling within Class C3 or Class C4 would increase this to 27 out of 66 or 40.9%. The proposed change of use would significantly exceed the 10% threshold set out in the Houses in Multiple Occupation SPD. It is therefore considered that the local area is already imbalanced by the proportion of HMOs and this application would result in the community becoming further imbalanced contrary to the aims and objectives of policy PCS20 of the Portsmouth Plan and the HMO SPD.

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, the level of activity associated with the use of any individual property as a Class C4 HMO is

unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, and given that the site is within a short walk of local transport links and local shops and services, it is considered that an objection on car parking standards could not be sustained.

There is, however, an indication on the submitted plans of an existing cycle storage facility to the rear of the property. The storage for refuse and recyclable materials would remain unchanged.

## **RECOMMENDATION            Refuse**

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

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) would fail to support a mixed and balanced community in an area imbalanced by the level of similar such uses. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document.

### **PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

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**08    13/00371/OUT**

**WARD:Paulsgrove**

**156, 158 And Land to Rear of 154-172 Southampton Road Portsmouth PO6 4RY**

**Outline application for construction of 32 no. 2- and 2½-storey houses and single-storey car ports; access road from Southampton Road (after demolition of No. 158 Southampton Road) with associated car parking and landscaping works (principles of access, layout and scale to be considered)**

**Application Submitted By:**  
Brookworth Homes Limited

**RDD:** 12th April 2013  
**LDD:** 23rd July 2013

### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This proposal relates to an area of land approximately 0.923ha in extent located on the north side of Southampton Road and comprises the rear gardens to Nos,154 and 160-172 Southampton Road and the plots of Nos.156 and 158 Southampton Road. The northern boundary of the site abuts the Portsmouth-Southampton mainline railway beyond which lies

King Richard Secondary School, and the eastern boundary abuts No.174 Farmlea Road and the reduced plot to No.154 Southampton Road. The western boundary abuts part of the rear garden to No.174 Southampton Road before it turns east along the rear of Nos.160 to 172 and then turns south along the reduced plot to No.160. Comprising rear gardens for the most part, the site contains a number of trees, mainly self-seeded and of low amenity value, with a number located adjacent to the boundaries of the site.

Outline planning permission is sought for the construction of thirty-two houses served by an estate road with a new junction onto Southampton Road to the east side of No.158 following the demolition of the existing building. The application seeks approval of the access, scale and layout. The proposed access road would have a slight double curve to the left within the former plot boundary of No.158 before culminating in a T-junction with spurs running to the east and west each shown as comprising a shared surface design with a standard width carriageway and soft verges with dropped kerbs serving car ports and hardstandings.

The north side of the proposed estate road would be fronted by a row of eighteen terraced and semi-detached houses two-and-a-half-storeys in scale with a single two-storey end-of-terrace house adjacent to the eastern boundary. Those houses would have rear gardens between 10m and 13m in length and incorporate allocated off-street parking. The south side of the estate road serves a two-storey detached house, a pair of two-storey semi-detached houses and off-street parking, while the proposed estate road leading off Southampton Road would be fronted by nine two-storey houses with off-street parking. To the west of the proposed access road a detached two-storey house would be built fronting Southampton Road following the existing pattern of development. To the east of the proposed access road the existing house at No.156 Southampton Road would be retained within a smaller plot. Overall, the proposed development would provide 64 car parking spaces. In providing vehicular access off Southampton Road the applicant's highway consultant has identified a need to provide a right turn lane for westbound traffic which would involve reducing a length of the existing two-lanes to form a single lane.

A previous application for the construction of 20 houses and 6 flats with associated parking and a new access road from Southampton Road was withdrawn in 2013.

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Head of Community Housing**

As this is an outline application at this time we can only comment on some of the elements of the development. The overall unit mix and unit sizes (in sq-mtrs) meet our minimum standards and meet our housing need. We would be looking at a 30% affordable provision which would equate to 9.6 (10 rounded up) units on a pro-rata basis of the whole development.

This would break down in to the following units: 3bed 2.5 storey houses = 6, 3bed 2 storey houses = 2, and 2bed 2storey houses = 2.

### **Arboricultural Officer**

The majority of the trees are of low quality and of young to maturing age. Many were small trees less than 5m in height and displayed poor form. Unsympathetic past management of some of

the trees would in the long term make them unsuitable for retention. Varied mix of non-native ornamental trees which do not lend themselves to the overall landscape of the site but may provide good screening potential. The majority of the trees are not visible viewed from Southampton Rd but more obvious viewed from the east in Farmlea Road. The larger more prominent trees on site (ie Lombardy poplar, ash and sycamore) are located adjacent to the northern boundary of the development site and form part of an established screening of trees running parallel with the railway line. Many self-sown sycamores and fruit trees of poor quality and offering very little in landscape value. The category B trees are of a mature age and would appear to be more prominent and potentially could be considered worthy of retention as well as future planting to mitigate for the loss of the 32 individual trees recommended for removal.

#### **Network Rail**

No comments received.

#### **Natural England**

If undertaken in strict accordance with the additional details submitted, and in particular the recommendations and mitigation in the Protected Species Walkover Survey, Reptile Survey Report and Bat Survey, the proposal is not likely to have a significant effect on the interest features for which the SSSI/SPA/Ramsar sites are designated, either alone or in combination with other plans or projects, subject to the Mitigation and Enhancement Measures set out in the above surveys and report being secured as part of any permission granted.

#### **Hants & IOW Wildlife Trust**

No comments received.

#### **Coastal Partnership**

No objection to the proposed development subject to the following conditions being included on any permission granted;-

1. The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment compiled by Stilwell Ltd reference Southampton Road, Portsmouth - P2147 Revision 6.0 dated April 2013 and finished floor levels are set no lower than 4.8m above Ordnance Datum (AOD) and a flood wall capable of withstanding floodwater loading will be constructed no lower than 4.4m above Ordnance Datum (AOD).
2. The applicant should supply further details in respect to how flood protection measures will be managed over the lifetime of the development.

#### **Hampshire Biodiversity Information Centre**

In summary, the walkover survey identified that the development had the potential to affect bats, reptiles, and nesting birds, all of which are legally protected.

The AEWC walkover report identifies that the house to be demolished exhibited features that had the potential to support bats, and that a number of bat droppings were found externally. However, subsequent bat survey visits in July and August 2012 did not identify any bats exiting the property. The evening surveys also revealed that the house is well-lit by streetlights, while there was a reasonable level of general bat activity in the rear garden areas. Consequently it is considered that the development is unlikely to result in a breach of the EU Directive with respect to bats. It is recommended that a suitably worded informative is added. The report recommends a trapping and translocation scheme, which is broadly acceptable. However, as this is an outline application, it may be acceptable to secure this as a condition.

#### **EPPS - Pollution Team**

The Environmental Noise Assessment as presented by Stilwell Limited and incorporated within this application gives a true assessment of the current noise impact from both the rail line to the north and the main road to the south of this site, and that this impact is low.

I also agree that the mitigation measures as proposed under section 6 of this report will be sufficient to prevent any loss of amenity to future residents.

The prediction of Nitrogen Dioxide concentrations are within the set objective at this location. From the Transport Statement incorporated within this application it is apparent that this development should it proceed will have no significant impact on local air quality.

#### **Highways Engineer**

The provision of 64 spaces is considered to represent a suitable level of parking to serve a development of 32 dwellings and accord with policy in the Residential Parking Standards SPD. Cycle parking will be provided in line with Portsmouth City Council's requirements i.e. 2 bicycle spaces will be provided for every unit, within bike stores located in rear gardens of the

properties. All cycle parking spaces will be secured and covered and built to conform to PCC guidelines in terms of minimum sizes, clearances etc. Highway Impact: Using the TRICS database the applicant has derived the likely traffic that would be generated by the site. The proposed housing development will have a maximum of 16 trips in the AM peak hour and 18 trips in the PM peak hour. Considering the volume of traffic on the classified A27 Southampton Road, it can be concluded that additional trips generated by the development will not have an adverse impact on highway capacity or traffic light control junction at Portway. Highway Improvements: As part of the proposed development the applicant is willing to offer number of improvements as shown on drawing TSP/BRO/P 2147/01B. The improvements include markings to indicate the merging of lanes on the westbound carriageway (50-150m east of the proposed site access). These works are considered necessary to ensure that vehicles can safely enter the site using a dedicated right turn lane.

#### **EPPS - Contaminated Land Team**

Standard site investigation/remediation conditions will be required.

#### **Environment Agency**

We consider that outline planning permission could be granted to the proposed development if the following planning conditions are included:-

1. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Stilwell Partnership (version No.6 dated April 2013) and the following mitigation measures detailed within the FRA:
  - (a) Finished floor levels of the residential units are set no lower than 4.8 m above Ordnance Datum (AOD).
  - (b) A flood wall capable of withstanding floodwater will be constructed to a minimum level of 4.4m AOD.
2. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - (a) details of how the scheme shall be maintained and managed after completion
  - (b) details of how surface water will be managed if the surface water system is tide locked during the coincidence of the 0.5% probability tidal event and the 1% probability rainfall event. It will need to be demonstrated that sufficient storage can be provided within the system to adequately manage the risk of flooding for the period of time that surface water cannot discharge freely from the site.

#### **REPRESENTATIONS**

One objection has been received from the occupiers of the adjoining property fronting Farmlea Road on the grounds that; (i) a 2½-storey house would be located adjacent to their property, but a 2 storey house would not be so bad, (ii) a wall should be put across the end of Farmlea Road to prevent access as it is a private road, and (iii) waste bins adjacent to boundary.

#### **COMMENT**

This application seeks outline permission for the proposed development with access, scale and layout to be agreed at this stage. The main issues are whether the proposed development would be acceptable in principle; whether the layout, access and scale would be acceptable, particularly in the context of its relationship to the adjoining railway; whether the proposed development would affect the living conditions of existing and future occupiers; whether the proposal would provide for affordable housing; and whether it would have an adverse impact on protected species.

## **Principle of development**

Comprising for the most part rear gardens to houses fronting Southampton Road this site is not specifically allocated for development. However, the Portsmouth Plan recognises that in order to meet its housing target, other potential housing sites outside of the strategic sites would need to be identified. These are expected to contribute around 13% of the overall housing need and would be distributed around the city. The 2010 Strategic Housing Land Availability Assessment identified a number of potential housing sites which included the area of garden land between Watersedge Park to the east and Shorehaven/Beach Drive to the west, subject to satisfactory access/egress arrangements. This application relates to approximately half of the garden land to the rear of the Southampton Road houses identified in the SHLAA.

Whilst identified in the SHLAA as a potential housing site its suitability for development would, however, be subject to satisfactory access/egress and safe refuge given the inclusion of a narrow band of the front section of Southampton Road properties and the highway itself in the floodplain.

The comments of the Environment Agency are noted in relation to flood risk. Similar to other development that has taken place to rear of Southampton Road access/egress is limited to an area that could be flooded by a tidal surge which, in this case, would also affect the proposed house fronting Southampton Road. Although the existing sea defence to the south of Southampton Road would provide some protection, it would not afford full protection across the lifetime of the proposed development. There is, therefore, a 0.5% probability that without improvements to the sea defence tidal overtopping could occur between 2055 and 2115.

In response the applicant's flood risk assessment proposes that the finished floor level for the proposed detached house fronting Southampton Road would be 4.8m AOD, which would entail a modest land raising around the building by approximately 0.5m, and a 1.3m high front garden wall would be constructed to prevent water ingress. The proposed flood alleviation measures would also include a similar garden wall to the retained house at No.156 Southampton Road with a sliding flood gate. These measures would ensure that in the event of a tidal inundation the occupiers of the proposed development would have safe refuge and residual risks are minimised.

It is therefore considered that, in principle, the proposed development of the site for residential development would be acceptable.

## **Layout, access and scale**

The proposed development would be served by an estate road that follows the T-shaped nature of the site with one element aligned north-south comprising a 5.5m width carriageway reducing to 4.8m at a raised table 17.5m north of a new bell-mouth junction with Southampton Road. 2m footpaths would be provided to each side of the road. The northern end of that element terminates in a turning head off of which run two shared surface spurs. The eastern spur serves a group of six houses and a parking court to a further three houses, while the western spur serves thirteen houses with their associated off-street parking.

Whilst the estate road and housing layout reflects the shape of the site, it is considered to cater for access/egress for pedestrians and vehicles in a satisfactory manner. The highway widths and shared surface treatments reflect the principles in 'Manual for Streets'. The proposed highway design would satisfactorily accommodate a refuse and other service vehicles, and could accommodate additional casual on-street parking without obstructing access/egresses from off-street parking facilities. It is therefore considered that vehicles would be able to satisfactorily manoeuvre within the development and would not affect highway safety.

Arranged in a T-shaped form the proposed housing layout takes on a comparatively formal arrangement. However, the main terrace of houses would be set between 11m and 13m from

the common boundary with the railway to the north and comprise three groups of three houses, two pairs of semi-detached houses and a terrace of six houses. With the exception of a two-storey end-of-terrace house adjacent to the eastern boundary the proposed houses would be 2½ storeys in height to take advantage of long views of Portsmouth Harbour. The applicant's acoustic assessment demonstrates that satisfactory internal noise levels within those houses at night would be achieved with standard double glazed windows. The remaining houses would be two-storeys in height comprising detached houses, semi-detached houses and short terraces of three and four houses with typically 10m rear gardens. Nine of those houses would front the north-south aligned access road. It is considered that the proposed layout would be consistent with the character and scale of development that has already taken place to the rear of the Southampton Road houses while the proposed detached house fronting Southampton Road would complement the existing street scene.

From the Portway traffic light controlled junction the westbound carriageway of Southampton Road has two lanes for a distance of 500m until it reduces to one lane to accommodate a right-turn lane into Shorehaven/Beach Drive. In order to ensure that vehicles travelling west can safely enter the proposed development it will be necessary to provide a dedicated right turn lane similar to those serving Shorehaven and Sedgefield Close which will require a length of new white lining to merge two lanes into a single westbound lane. It is considered that the provision of a right turn lane and associated merging of two lanes to a single lane could be accommodated without affecting highway capacity. The works to provide a right turn lane are considered necessary to ensure vehicles can safely use the access to the estate. Falling outside of the application site these works would be the subject of a s278 Highways agreement and a suitably worded planning condition precluding occupation of any part of the development until those works are completed.

Within curtilage car parking would be provided to a standard slightly in excess of the requirements of the Supplementary Planning Document on residential parking. Furthermore, the design and width of the estate road would be such that the layout provides for casual parking. It is therefore considered that, in terms of car parking and access, the proposed development would be acceptable.

### **Impact on living conditions**

Having regard to the orientation of the proposed houses to the rear of Nos.162 to 172 Southampton Road it is considered that, notwithstanding the gentle slope in ground levels across the site, the relationship between the proposed houses and existing houses would be acceptable in terms of overlooking and outlook. Similarly, given the relationship between No.160 and the proposed terrace of three dwellings to the rear, the degree to which the existing property would be overlooked would not be materially different. The rear garden to No.154 Southampton Road would abut 10m rear gardens to a pair of semi-detached houses and two terraced houses. With a separation distance of some 20m from the rear of the existing house this arrangement would be considered acceptable in terms of outlook and overlooking.

At the north-east corner of the site the applicant proposes a terrace of houses of which the house nearest No.174 Farmlea Road would be two-storeys in height, and on the proposed layout drawing is shown with a half-hipped roof. Whilst projecting 6m beyond the rear wall to No.174 it would nonetheless be set 4.5m from the flank wall of the existing building. It is considered that the proposed end-of-terrace house would, therefore, have an acceptable relationship to No.174 in terms of outlook and would not significantly increase overlooking.

The proposed layout of the development is therefore considered to provide a satisfactory living environment for future occupiers, and would not adversely affect the living conditions of the occupiers of the adjoining properties in relation to overlooking and outlook.



## **Affordable housing**

A development comprising 32 houses would ordinarily require the provision of 10 houses on a pro-rata basis as affordable accommodation. The applicant, however, submitted a viability assessment in support of the non-provision of affordable accommodation. A critical appraisal of the viability assessment indicated that site assembly costs were generous, and build costs were also higher than expected given that full details of the proposed houses did not fall for consideration at this stage. By substituting lower costs that more closely reflected existing use values [with an incentive to sell], reducing the developer's profit margin to below the industry norm, and using build costs that reflect current industry standards, independent expert advice indicated that three units of affordable accommodation could be provided as part of the development. The viability assessment demonstrated that four or more units of affordable housing could not be reasonably delivered.

The applicant has therefore revised the offer and now proposes that three of the proposed dwellings would be affordable housing units. It is considered that, at this point in time, the provision of three affordable housing units would represent the maximum that could be achieved. The viability assessment is, nevertheless, in response to present day values. Given that this application seeks outline permission and reserved matters could be submitted towards the end of the three year statutory period, with implementation a further two years from when they are approved, development may not take place until a time when market conditions are more favourable. Whilst the provision of three houses as affordable accommodation would need to be the subject of a legal agreement, in order to make the development acceptable in planning terms, it will also be necessary to secure a review of the viability assessment in the event that fewer than ten houses have reached core and shell by no later than 18 months from the date of the permission to ensure that the level of provision of affordable housing is increased as circumstances would allow.

## **Protected species**

Comprising garden land the site has the potential to offer habitat for reptiles, while the location of the site alongside the railway would contribute to a habitat for bats. Whilst bat activity was identified across the application site, there was insufficient evidence to demonstrate a roost within the building to be demolished. Nevertheless, an informative would be added drawing the developer's attention to the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). The reptile survey identified a small slow worm population that will require translocation. The County Ecologist considers that the slow worm population could be translocated to the nearby Country Park. Given that translocation would be achievable a suitably worded planning condition would be imposed.

**RECOMMENDATION 1:**      **Subject to the applicant first entering into a section 106 Agreement to secure:**

- 1. The provision of three units of Affordable accommodation [plot nos. 24,25, and 26] ready for occupation by no later than the completion of fifteen open market dwellings**
- 2. The review of the viability assessment at 18 months from the date of the outline permission if no fewer than ten houses have reached core and shell**
- 3. A commensurate uplift in the provision of affordable accommodation in the event that the viability has improved in the intervening period**
- 4. The payment of a project management fee of £1000**
- 5. A Skills and Employment Training Plan**

**Grant Conditional Outline permission**

**RECOMMENDATION 2:** That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

**RECOMMENDATION 3:** The applicant enters into a s278 Highway Agreement to secure:  
1. The creation of a dedicated right turn lane and revisions to white lining as shown on drg no. TSP/BRO/P 2147/01B to Southampton Road; and  
2. The provision of a bellmouth junction to Southampton Road

### **Conditional Outline Permission**

#### **Conditions**

- 1) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 2) Approval of the details of the appearance of the proposed building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 4) 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: 11039-101 REVB; 11039-LOC100 REV A.
- 5) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 6) 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 5(c) that any remediation scheme required and approved under the provisions of condition 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;  
(b) photographs of the remediation works in progress;  
(c) Certificates demonstrating that imported and/or material left in situ is free of contamination.  
Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

7) Prior to the commencement of development the translocation of slow worms shall be carried out in accordance with a detailed scheme, to include details of the receptor site, to be submitted to and approved by the local planning authority in writing.

8) Prior to the commencement of development precise details of a scheme to protect the proposed dwellings from noise from the adjoining railway shall be submitted to and approved by the Local Planning Authority in writing, and all works which form part of the approved details shall be completed before any of the dwellings are first occupied.

9) 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 level 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, two credits in issue Ene 7, one credit from Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority

10) 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 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, two credits from issue Ene 7, one credit from Hea 3 and two credits from issue Ene 8, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the local planning authority

11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Stilwell Partnership (version No.6 dated April 2013) and the following mitigation measures detailed within the FRA:

(a) Finished floor levels of the residential units are set no lower than 4.8 m above Ordnance Datum (AOD).

(b) A flood wall capable of withstanding floodwater will be constructed to a minimum level of 4.4m AOD.

12) No dwelling hereby approved shall be occupied until such time as the works shown on drg no. TSP/BRO/P2147/01B are completed and the dedicated right turn lane on Southampton Road has been provided unless otherwise agreed by the Local Planning Authority in writing.

13) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a drawing showing the details and positions of screen walls and fences to be erected. The approved screen walls/fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained.

15) 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.

16) 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.

**The reasons for the conditions are:**

- 1) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
- 2) In order to secure a satisfactory development in accordance with policy PCS23 of the Portsmouth Plan.
- 3) To ensure the development is implemented in accordance with the permission granted.
- 4) To ensure the development is implemented in accordance with the permission granted.
- 5) 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.
- 6) 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.
- 7) To ensure the satisfactory translocation of protected species in accordance with the objectives of policy PCS13 of the Portsmouth Plan.
- 8) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 10) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 11) To reduce the risk of flooding to the proposed development and future occupants and ensure compliance with the NPPF and policy PCS12 of the Portsmouth Plan.
- 12) To ensure that safe access/egress is provided to the development in accordance with objectives of policies PCS17 and PCS23 of the Portsmouth Plan.

13) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.

14) In the interests of the visual amenities and privacy of the neighbouring property in accordance with policy PCS23 of the Portsmouth Plan.

15) 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 PCS12 of the Portsmouth Plan.

16) In the interests of the amenities and character of the area in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

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**09** 13/01123/FUL

**WARD:St Jude**

#### **Land Rear of Portland Hotel Tonbridge Street Southsea**

**Construction of 4 storey building fronting Tonbridge Street comprising Healthcare clinic (within Class D1) to ground floor with 6 flats over and detached cycle store (resubmission of 13/00409/FUL)**

#### **Application Submitted By:**

PLC Architects  
FAO Jason Bonner

#### **On behalf of:**

The Portland Hotel Ltd

**RDD:** 11th October 2013

**LDD:** 9th December 2013

#### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises an irregular but broadly rectangular parcel of land located to the rear of the former Portland Hotel and numbers 3-7 Portland Terrace. The site fronts Tonbridge Street and is currently laid to hardstanding and used as a car park. The site is in the same ownership as the former Portland Hotel but this building lies outside the application site. The site lies within 'Owen's Southsea' Conservation Area with the adjacent former Portland Hotel and Portland Terrace being Grade II Listed buildings. The site is located on the very edge of Flood Zone 3. The site excludes the car parking spaces immediately to the rear of Portland Court which are in the same ownership as that building but are accessed through the application site.

Planning permission is again sought for the construction of a four-storey building comprising a healthcare clinic (within Class D1) to the ground floor and six flats (three one-bed and three two-bed) on the upper floors. The proposal includes the construction of a detached building to provide facilities for the storage of cycles and refuse/recyclables and the provision of five car parking spaces.

The most relevant element of the planning history of the site is application 13/00409/FUL which was refused in September 2013 and which sought permission the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six flats above. The reasons for refusal were as follows:

1) The development would by virtue of its siting, be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development out of character with the contextual streetscene. Furthermore the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

2) The proposed building would, by virtue of its scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

This refused scheme is now the subject of a current appeal.

Planning permission and listed building consent were granted in September 2013 for the use of the adjacent former Portland Hotel (which is in the same ownership as this site) as a hotel together with associated extensions and alterations.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

The National Planning Policy Framework, the Residential Car Parking Standards, Sustainable Design & Construction and Housing Standard SPDs and the Guidelines for Conservation: 'Owen's Southsea' are relevant to the proposed development.

## **CONSULTATIONS**

### **Environment Agency**

No response at time of writing

### **Coastal Partnership**

No response at time of writing

### **EPPS - Contaminated Land Team**

Recommends imposition of conditions relating to contaminated land

### **EPPS - Pollution Team**

Recommends imposition of a condition to secure the acoustic mitigation set out in the submitted acoustic report. Raises no objection to proposed healthcare clinic.

### **Highways Engineer**

Recommends refusal on the grounds of failure to provide adequate parking facilities for the proposed D1 use which would encourage parking on the highway with consequent risk of additional hazards to all users of the road

## **REPRESENTATIONS**

Objections have been received from the owners/occupiers of five neighbouring properties on the following grounds: the application is the same as previously refused; loss of light; out of

character with Conservation Area; overdevelopment; overlooking and loss of privacy; inadequate parking provision; increased security risk; inappropriate design; inadequate access for servicing; inappropriate location for D1 use; noise, disturbance and odour associated with D1 use; impact on existing parking area for Portland Court; and impact on services and utilities.

## **COMMENT**

The main issues to be considered in the determination of this application are: whether the proposal is acceptable in principle; whether it would preserve or enhance the character and appearance of the Conservation Area, thus overcoming one of the reasons for the refusal of the previous application; its impact on the setting of neighbouring Listed buildings; and whether it would have an acceptable relationship with neighbouring properties, thus overcoming the second reason for the refusal of the previous application. Other issues to consider relate to flooding, parking, space standards and sustainability.

The drawings submitted with this application are very similar to those submitted with the previously refused application. The main difference between the two schemes is a change in the proposed use of the ground floor commercial unit from a coffee shop (within Class A3) to a healthcare clinic within (Class D1).

The application site is located adjacent to the service areas at the rear of commercial properties fronting Palmerston Precinct. Tonbridge Street is in effect a service yard for these commercial premises as well as giving access to the rear of residential properties fronting Portland Road. The applicant proposes a mixed use development comprising a clinic fronting Tonbridge Street with three floors of flats above. The submitted drawings show the flats to be laid out with habitable rooms generally fronting Tonbridge Street and with bedrooms looking out over adjacent third party land. The pattern of development in the area around the site is such that surrounding buildings all have their 'backs turned' to Tonbridge Street such that it functions as a service yard. It is considered that the introduction of new development of the form proposed would be inappropriate and be at odds with the prevailing pattern of development. It is accepted that new development could be considered to have a positive impact on Tonbridge Street by introducing active uses and establishing a frontage. However it is considered that the proposed development would appear as a cramped form of development squeezed into the site and artificially creating an inappropriate streetscene.

The proposed Class D1 use (a healthcare clinic) to the ground floor would be of a size that would be below the threshold set out Policy PCS18 that would require a sequential assessment to be carried out. Having regard to the edge of centre location of the site it is considered that the principle of a Class D1 use in this location is potentially acceptable. Having regard to the wide range of uses within Class D1 (which includes nurseries and places of worship) it is considered that if the application were capable of support the range of uses and opening hours should be restricted by way of suitably worded planning conditions.

The application site was historically developed with old maps suggesting a 'hall' was removed in the late 1940s. The application suggests that this building, referred to as 'Portland Hall', may have been linked to or associated with the former Portland Hotel. Historic maps show that pre 1940 Tonbridge Street was less of a road and acted as a rear entrance to buildings fronting Palmerston Road. Whilst the site has previously been developed, the proposal cannot be considered as restoring a historic pattern of development in the context of 'Owen's Southsea' Conservation Area. This part of 'Owen's Southsea' Conservation Area dates from the later 1840s and early 1950s with the most important buildings being Portland Terrace, the former Portland Hotel and St Judes Church all of which are attributed to Thomas Ellis Owen. The setting of this part of the Conservation Area is affected by post-war developments in particular Palmerston Precinct which backs on to the application site.

The application site is unattractive and could be argued to have an impact on the setting of neighbouring listed buildings. This in itself is not necessarily a justification for development or that the site represents a development opportunity. The documentation in support of the application suggests that the proposal is appropriate as it would be subservient to neighbouring buildings, provide a continuity of family of buildings to reinforce the established pattern of development and include references to Portland Terrace without being a slavish replication. Whilst the proposed building would be subservient to the existing, it is considered to be poorly related insofar as its purpose seems only to mask the existing unsightly parking court. The use of similar materials and design is considered to represent an unimaginative pastiche that would sit in isolation and not form part of a 'family of buildings'. The design merits of the previous application were considered by the Design Review Panel who expressed disappointment about the design approach and considered that the diminishing scale and proportions of window openings were inappropriate. Notwithstanding the fundamental concerns regarding the principle of development in general planning terms, it is considered that the construction of a building of the scale and design proposed would neither preserve nor enhance the character and appearance of the Conservation Area or improve the setting of any of the adjacent Listed Buildings. The design of the proposed building is unchanged from that previously submitted and therefore the design reason for the refusal of that application has not been addressed or overcome.

The proposed building would be located to the rear of a number of properties within Portland Terrace which have been subdivided into flats. The application is accompanied by a Daylight and Sunlight Study, the purpose of which is to demonstrate that neighbouring residential properties would not be affected by the proposal. The result of the submitted study are not disputed, however the impact of a development on residential amenity is not limited to loss of light. Whilst the proposed building would be set 17 metres from the rear elevation of Portland Terrace, its four-storey scale and massing is such that it is considered that it would result in an increased sense of enclosure and outlook to the rear of Portland Terrace and as such result in a significant loss of amenity for occupiers. The scale and siting of the proposed building is unchanged from that previously submitted and therefore the amenity reason for the refusal of that application has not been addressed or overcome.

The proposed Class D1 use is indicated to be a healthcare clinic and as such would be unlikely to give rise to a level of activity that would have a significant impact on the amenities of the occupiers of neighbouring properties. As mentioned previously Class D1 includes a range of other uses that would have the potential to affect residential amenity. Subject to the imposition of conditions restricting the use of the premises and its hours of opening, it is considered that the proposed Class D1 use would not give rise to a level of activity that would have a significant impact on the amenities of the occupiers of neighbouring properties.

The site is located at the very edge of Flood Zone 3 and the application is accompanied by a Flood Risk Assessment. Having regard to the nature of the proposal it is considered that it would be unlikely to give rise to any significant increased risk to life or property from flooding.

The site is in a relatively sustainable location with good access to bus services (within 400 metres of a high frequency bus corridor) and also close to a wide range of goods and services, including retail, educational and employment opportunities within walking and cycling distance. Tonbridge Street is the subject of a residents' parking zone (KC West Southsea) and is a busy commercial area where parking in this area is fully restricted. To the front of the site there is a 24 hour loading ban in place, and opposite there are daytime parking restrictions which precludes waiting between 8 am and 6 pm Monday to Saturday. To the south of the site there is a mixture of disabled parking bays and residents' parking (with waiting limited to 3 hours and no return permitted within 4 hours for non-permit holders). The remainder of Tonbridge Street is restricted with further disabled bays and a loading ban on the western side, with the daytime parking restriction continuing on the east side (no waiting Monday to Saturday between 8am and 6pm).



The proposal includes the provision of five car parking spaces to serve the six flats. This meets the requirements of the Residential Parking Standards SPD. All servicing of the flats and commercial use would take place from Tonbridge Street as does that associated with properties in Palmerston Precinct. This arrangement is considered acceptable. A secure store would be provided for residents' long term cycle storage with each flat having its own secure space within this communal building to store two cycles. In addition three Sheffield racks are indicated to be provided on the north side of the main building providing parking for six cycles that would serve as short stay parking for residents, secure cycle parking for their visitors and for users of the clinic. This provision is also considered appropriate and could be secured through the imposition of suitably worded planning conditions. The Highway Engineer has raised an objection to the lack of any provision of car parking for the healthcare clinic and suggests that at least two spaces should be provided and allocated for doctors and staff. The Highway engineer has recommended refusal on the basis that the failure to provide adequate parking facilities for the D1 use would encourage inappropriate parking on the highway with a consequent risk of additional hazards to all users of the road. Whilst the concerns of the Highway Engineer are noted, the site is located at the edge of Southsea Town Centre in an accessible location where it is considered a refusal on highway grounds could not be justified.

The proposed flats would meet the minimum size standards associated with Policy PCS19 with most habitable rooms having an appropriate level of light and outlook. The submitted drawings indicate that the bedroom window of the one-bed flats would face towards Portland Terrace at a distance of 20 metres which is considered acceptable to future occupiers.

The applicant has submitted pre-assessment estimator in regard to the sustainable design and construction requirements associated with policy PCS15. Whilst this does not demonstrate full compliance with the policy, it does include a justification that is considered to warrant an exception being made in this case. The construction of the building to an appropriate level of sustainability could be secured through the imposition of a suitably worded planning condition.

The site is adjacent to an area of hardstanding used as car parking associated with Portland Court that shares its access with the site. The application states that "the row of car parking spaces to the north of the application site, although sharing the same access, is in the ownership of 38-40 Kent Road and is in use by residents of this building. These arrangements will continue". Any issues associated with this matter are not material to this planning application and would be a matter between the respective land owners.

## **RECOMMENDATION            Refuse**

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

- 1) The development would by virtue of its siting, be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development out of character with the contextual streetscene. Furthermore the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.
- 2) The proposed building would, by virtue of its scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

## PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, the application did not attempt to address or overcome the reasons for the refusal of the previous similar application and has been refused for the reasons outlined above.

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**10** 13/01124/FUL

**WARD:Drayton & Farlington**

### **Land Adjacent To East Lodge Playing Fields Farlington Portsmouth**

**Construction of a two-storey building (with ancillary accommodation in roofspace) to form 72 bed residential care home and car parking on northern part of site with access from East Lodge Park and change of use of southern part of site to open space**

#### **Application Submitted By:**

Atkins Global

#### **On behalf of:**

Portsmouth City Council  
Head of Adult Social Care

**RDD:** 11th October 2013

**LDD:** 13th January 2014

### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises two parcels of City Council owned land located to the north and south of East Lodge Playing Fields. The northern parcel is located at the southern end of East Lodge Park and has an area of approximately 0.7 hectares. It is designated as protected open space and is currently used for the grazing of horses. The southern parcel of land is located between the existing playing fields and the railway line, covering approximately 1.3 hectares. The site is currently unused. The southern part of the site is located in Flood Zone 3.

This City Council scheme seeks planning permission for the construction of a two-storey building (with ancillary accommodation in the roofspace) to form a 72-bed residential care home and car parking (on the northern part of site) with access from East Lodge Park, and the change of use of southern part of site to open space.

There is no relevant planning history relating to the application site.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation).

The National Planning Policy Framework and the emerging Site Allocations Document are relevant to the proposed development.

## CONSULTATIONS

### **Environment Agency**

No response received

### **Natural England**

No objection

### **Coastal Partnership**

No response received

### **Hampshire Biodiversity Information Centre**

No response received

### **Network Rail**

No objection to the principle of development. Suggest imposition of a condition relating to the provision of a security fence to prevent trespass on the railway

### **Southern Gas Networks**

No response received

### **Southern Water**

Offers comments regarding public sewers that cross the site and recommend condition relating to drainage details

### **Highways Engineer**

No objection subject to provision and maintenance of car parking and cycle storage and establishment of construction management plan

### **EPPS - Pollution Team**

No response received

### **EPPS - Contaminated Land Team**

Recommends conditions

### **Crime Prevention Design Advisor**

Comments that the proposed layout works well from a crime prevention point of view. Recommends robust boundary treatment with appropriate security features, lighting of car park and incorporation of security features within the building

### **Havant Borough Council**

No objections

### **Langstone Harbour Board**

No objection. Suggests further surveys be carried out on proposed public open space in regard to use by wading birds

## REPRESENTATIONS

Representations have been received from the occupiers of seven neighbouring properties raising the following objections:

there was a previous PCC resolution that site would remain as open space;

the proposal would increase flood risk;

the proposed drainage strategy inadequate;

the proposal would increase traffic and cause road safety issues;

potential light pollution;

scale of building out of keeping;

impact of detached refuse storage on neighbouring properties; and

proposed care home should be built at St James.

## COMMENT

The main issues to be considered in the determination of this application are whether the principle of development is acceptable, whether the design of the building is appropriate, whether the proposal would affect the occupiers of neighbouring properties and whether the proposed access and parking arrangements are acceptable. Other matters to consider relate to flooding and sustainable design and construction.

The northern part of the site is designated in the Portsmouth Plan as protected open space. Policy PCS13 sets out that green infrastructure will be protected by "refusing planning permission for proposals which would result in the net loss of existing areas of open space". The southern part of the site is unallocated. The emerging Site Allocations Document seeks to allocate the northern part of the site for the construction of a care home and the southern part of the site as protected open space to replace that comprising the northern part of the site. Having regard to both elements of this proposal in tandem, it is considered that it would result in the provision of an additional 0.6 hectares of open space over and above the replacement of that which would be lost. Subject to the provision of the replacement open space it is considered that the proposal would accord with Policy PCS13 and is therefore acceptable in principle.

During the life of the application revised drawings have been sought, amending the size and appearance of the building. The initially submitted plans were considered by the Portsmouth, Fareham, Gosport & Havant Design Review Panel who were of the view that site was appropriate for a building of this type. The Panel did express concerns about the design lacking refinement and subtlety which would result in a strong institutional feel. The Panel suggested that further consideration should be given to addressing the sombre character of the building, the relationship between the interior of the building and exterior landscaping, and the treatment of car parking. The amended drawings have reduced the scale of the building by deleting a partial third floor element and introduced a more varied palette of materials and detailing. Overall it is considered that the amended drawings represent a building of improved appearance which would respond appropriately to the site and as such is considered acceptable in design terms.

The proposed building would have a cruciform plan and be oriented with its four limbs towards the corners of the rectangular shaped northern part of the site. Having regard to the two-storey scale and positioning within the site, it is considered that the building would not have any significant impact on the residential amenities of the occupiers of neighbouring properties. Whilst the proposed care home would increase traffic along East Lodge Park, it is considered that the level of activity would not be so great as to cause significant harm to the living conditions of the occupiers of those properties.

The site is in an area of low accessibility to public transport with the nearest bus stops being located 300 metres to the west and 370 metres to the east. Vehicular access into the site will be achieved by extending East Lodge Park into the site as indicated on the Site Layout Plan. It is currently a single carriageway road and has footways along both sides. At its northern end it forms a priority T-junction with Havant Road. The eastern part of East Lodge Park currently terminates in a turning head at the northern boundary of the site. East Lodge Park has residential properties along either side of the carriageway, many of which benefit from direct frontage access onto private driveways. The proposal would involve the removal of the existing hammer head turning facility at the end of East Lodge Park to allow access into the site. The site layout includes a turning circle within the site which would improve access and egress arrangements for large vehicles along East Lodge Park (the current situation requires refuse vehicles which enter the road to reverse the entire length of East Lodge Park in order to exit the road). Vehicular access would be formed by a one-way loop which would allow vehicles to arrive at a covered drop off and pick up bay, located directly outside the main entrance, for ease of access.

The proposal provides 36 car parking spaces (2 of which are widened 'disabled' bays) and 12 cycle spaces. The Council's standards would require the provision of 33 spaces (18 for visitors and 15 for staff). Parking surveys have been carried out at the two existing PCC dementia care facilities (Hilsea Lodge and Edinburgh House), over a period of one week. The total number of residents at these existing sites is 65, and is comparable to the 72 residents that the proposal would accommodate. The maximum number of cars parked across the two sites in total at any one time was some 13 cars. Accordingly it is considered that the 36 spaces proposed at East Lodge Park would be more than adequate to accommodate all of the likely parking demand associated with its day-to-day operations. Having regard to the relatively tight nature of East

Lodge Park and the likely size of vehicles servicing the construction of the proposal, it is considered that to facilitate access by construction vehicle and to minimise disruption of existing residents a Construction Traffic Management Plan be secured by planning condition.

The application is accompanied by a BREEAM pre-assessment in respect of the requirements of policy PCS15 (Sustainable Design and Construction). The submission sets to why the full requirements of the policy cannot be met on this site. The submission is considered to be robust such that an exception to the policy has been adequately justified. The construction of the proposed care home to a suitable level of sustainability can be secured through the imposition of a suitably worded planning condition.

The use of the southern part of the site as open space is not considered to give rise to any increased risk to life or property from flooding. The application is accompanied by a drainage strategy for the disposal of foul and surface water associated with the development of the northern part of the site. This has been considered by Southern Water and the Council's Drainage Team who are satisfied that the proposal would not give rise to any drainage issues that cannot be overcome through the imposition of a suitably worded planning condition.

## **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: 5118520/A/P/PL1000; 5118520/A/P/PL1004; 5118520/A/P/PL1012; 5118520/A/P/PL1013; 5118520/A/P/PL1014 Rev.A; 5118520/A/P/PL1015 Rev.A; 5118520/A/P/PL1018; 5118520/A/P/PL1039 Rev.B 5118520/A/P/PL1020 Rev.B; 5118520/A/P/PL1021 Rev.B; 5118520/PL/P/90/4900 Rev.P1; and 5118520/LA/P/90/4901 Rev.P1 .
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study report 'Phase 1 Desk Study Report, East Lodge Farm, East Lodge Park, Ground Engineering, Ref: C12838, December 2012' and subsequent correspondence with the Contaminated Land Team in accordance with BS1 0175:2011 - 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 (3)b that any remediation scheme required and approved under the provisions of conditions (3)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 (3)b.

5) No development connected with the construction of the residential care home hereby permitted shall take place until the replacement open space on the southern part of the site has been brought into use.

6) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof of the building hereby permitted has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

8) No development shall take place on the site until details of the proposed means of surface water and foul sewerage disposal shall have been submitted to and approved in writing with the Local Planning Authority.

9) 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 a score of 59 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor, unless otherwise agreed in writing by the Local Planning Authority. The certificate confirming a score of 61, issued by BRE Global should be submitted to the Local Planning Authority no later than four months after the first occupation of the development.

10) The new access proposed onto East Lodge Park shall be constructed before the development hereby permitted is first brought into use.

11) The proposed parking and turning areas shall be marked out and made available for use before first occupation of the development hereby permitted and shall thereafter be retained and not be used for any other purpose than the parking and turning of vehicles.

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

13) Prior to the first occupation of the care home hereby permitted, the secure and weatherproof bicycle storage facilities shown on the submitted drawings (or any alternative facilities that may be submitted to and approved in writing by the Local Planning Authority), and those facilities shall thereafter be retained for the storage of bicycles at all times.

14) Prior to the first occupation of the care home hereby permitted, the refuse and recyclable materials storage facilities shown on the submitted drawings (or any alternative facilities that may be submitted to and approved in writing by the Local Planning Authority) and those facilities shall thereafter be retained for that storage at all times.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) 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 that there is no loss of open space in accordance with Policy PCS13 of the Portsmouth Plan.
- 6) In the interests of the amenities and character of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 7) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 8) To ensure appropriate infrastructure and new development is adequately drained without overloading existing provision giving rise to a risk of localised flooding during extreme weather events, to accord with the aims and objectives of policy PCS12 of the Portsmouth Plan.
- 9) To ensure the development minimises its overall demand for resources and that the sustainable design and construction standards set out in PCS15 of the Portsmouth Plan are achieved.
- 10) In order to provide satisfactory access in accordance with policy PCS17 of the Portsmouth Plan.
- 11) To ensure adequate on-site parking provision to serve the development and discourage parking on the adjoining highway in the interests of local amenity and highway safety, to accord with the aims and objectives of policy PCS17 of the Portsmouth Plan.
- 12) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.
- 13) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 14) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

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City Development Manager  
25<sup>th</sup> November 2013