

PLANNING COMMITTEE

11 SEPTEMBER 2019

1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 report by the Assistant Director - Planning and Economic Growth 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 relevance to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

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MAYFIELD SCHOOL MAYFIELD ROAD PORTSMOUTH PO2 0RH

CONSTRUCTION (INCLUDING PART RETENTION) OF PART TWO/PART THREE STOREY SCHOOL BUILDING (TO THE EAST OF THE SITE); SINGLE STOREY EXTENSION TO EXISTING DANCE STUDIO TO FORM NURSERY; WITH ASSOCIATED LANDSCAPING, LAND REMEDIATION, BOUNDARY TREATMENTS, PARKING AND CYCLE STORAGE (FOLLOWING PHASED DEMOLITION OF EXISTING SCHOOL BUILDINGS UPON COMPLETION OF THE NEW SCHOOL)

Application Submitted By:

Mr Daniel Wiseman
Gillings Planning

On behalf of:

Mr David Timms
Kier Construction Southern

RDD: 5th June 2019

LDD: 5th September 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

The main issues for consideration are:

- * The principle of the proposed development;
- * Design and local character
- * The amenity of adjoining occupiers
- * The local highway network
- * Ecology and trees
- * Other matters raised in representations.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYThe site

The application relates to Mayfield School which is bounded by Mayfield Road, Hewett Road, Kensington Road and Randolph Road. The existing site (edged by the blue line on the submitted location plan) is approximately 3.79 hectares (ha) and benefits from a form of access (pedestrian and vehicular) from all the surrounding roads. The main entrance is currently from Mayfield Road. The school buildings form a rectangular footprint with two internal courtyard areas. The school sits within a large residential area in north Portsmouth, of attractive housing, typically good-sized terraced properties with two-storey front bays.

The site comprises the main school building, which is positioned centrally and extends the depth of the site, and two large open grassed playing fields to the east and west. The school's impressive, long, institutional-character façade onto Mayfield Road, which is set back by a landscaped lawn area, makes a very significant contribution to the character of the streetscene. Other elevations are less impressive and views of them are partially restricted by the existing boundary treatments. To the north of the site are small areas of hardstanding used for

sports/recreational activities and for associated parking of school vehicles. The site is currently owned by the Department for Education (DfE) and has been an operational school since 1932. There is a slight level change across the site - it is essentially flat. The surrounding area is predominantly residential in character in the form of two-storey, terraced housing.

Whilst the existing school building is not a statutorily listed building, or a locally listed building, it is considered that the existing school should be viewed as a non-designated heritage asset. The site is not located in a conservation area and there are no listed buildings, non-designated heritage assets or scheduled ancient monuments in close proximity to the site. The site is not considered to be of archaeological importance. The site is not subject to a Tree Preservation Order (TPO). The school is located in an area described as 'very low risk' with regards to flooding (Environment Agency - Category 1).

The only car parking on site is in the form of two accessible spaces located off Mayfield Road. The current cycle provision comprises 92 covered spaces and 6 uncovered cycle stands.

Proposal

The application comprises the development of the existing Mayfield School site to replace the existing school building with a modern, purpose built, 'all-through', school building, which would retain the existing school numbers. The new school would provide a total of 1,480 places for primary and secondary age children (540 primary and 940 secondary). Pupil and staff numbers would remain the same as existing. The new school would cater for existing and future pupils aged between 4 and 16 years, with a separate nursery facility on the site. The entrance on Mayfield Road would be retained, to ensure the continuity of the development in line with the existing building. The nursery building will be increased in size, but its capacity (i.e. children numbers (50) and staff (8) will not increase).

The new school building would be constructed on the school site, to the east of the existing school, whilst the existing buildings are retained during construction to enable continued curriculum delivery. Upon completion of the new school building, the pupils and staff will decant into the new facility enabling demolition of the existing school buildings and provision of the replacement playing fields and sports pitches. The playing field and sports pitches would occupy the majority of the western part of the site. The scheme includes the following elements:

- The proposed new school building;
- The proposed refurbishment and extension of an existing building to be used as the nursery;
- The demolition of the existing school building;
- The remediation of contaminated land on site; and,
- Landscaping associated with the proposal.

The new school building would be mostly three storey, in a upside down 'U' shape in plan form. The eastern arm would have a two-storey element closer to Kensington Road, and the sports hall to the north of the building, facing Hewitt Road, would be two-storey equivalent. The building would be flat-roofed to 12.5m maximum height. The proposed location of the new school would be 18.2m from the southern boundary, relative to the properties in Mayfield Road, 6.3m (at its closest point) to 14.5m to the eastern boundary relative to the properties in Kensington Road, and 9.4m to the northern boundary relative to the properties on Hewett Road.

The building would be split by floors, with Primary on the ground floor, Secondary on the second floor and the STEAM (Science, Technology, Engineering, Arts and Maths) Centre on the third floor. The proposal would comprise a central courtyard concept, with the 'wings' creating a south facing courtyard and the entrance creating a natural division between infant and primary spaces. In addition to the teaching spaces, the school building will provide a Performing Arts and Sports Facilities at ground floor, to allow access for the community and for ease of access for parents.

The proposed school would be positioned within the eastern part of the site and whilst, the footprint of the proposed school is smaller than that of the existing, it is arranged in a more efficient way with accommodation set over 3-storeys. This allows for the creation of a substantially larger outdoor play and sports facility for the school and also reduces the expanse of built form along the Mayfield Road frontage. The project has been designed to ensure the existing school can continue to operate, whilst the new school is constructed. The total area of the scheme is 9796m² (9590m² new build school and 206m² nursery refurbishment and extension). The design of the new school would be contemporary in appearance and would be largely constructed from brick, metal cladding, curtain walling and glazed features. The final details of the building can be secured by condition. The design would also seek to re-use the following existing features:

- The existing portico which will be retained in situ with the stone plinth creating an external performance area for the school.
- The existing clock which would be repositioned on the new front facade overlooking the main central courtyard.
- The existing Bath Stone will be re-used to create plinths on the approach to the new main entrance which will display artwork from the school.
- The existing parquet flooring and external decking will be re-used in external areas.

The nursery building on the northern side of the site would be extended on its western side. The extension would measure approximately 10.5m in length, 8.4m in depth and would have a gently sloping roof with a maximum height of 3.7m to match the existing building. Materials for the extension would comprise of red brick for the walls, felt roof and white UPVC windows as per the existing building. Canopies would also be constructed on the north and south sides of the building to provide covered entrances / walkways.

The site would be extensively landscaped with appropriate facilities for the school, including social spaces, play areas and maintenance access. The proposal retains the existing tree line along Mayfield Road and introduces additional trees around the site to provide further screening for the proposed development. Mayfield School would be funded and delivered by the DfE as part of the Priority Schools Buildings Programme (PSPB2), which addresses the needs of schools most in need of urgent repair.

The on-site parking will remain the same and there would be 30 covered cycle stands for the primary schools, 60 covered scooter spaces for the primary school and 100 cycle spaces for the secondary and 24 covered cycle spaces for staff.

The proposed sports (particularly the use of a spinning studio), dining, kitchen and main hall facilities will become available for community use outside core school hours.

The proposal will be built to BREEAM Very Good standards and will employ measures to reduce carbon emissions.

Relevant planning history

There is an extensive planning history associated with the site which dates back to the late 1940s, none of which is considered relevant in the determination of this current application.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) would also be a material consideration.

Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Reducing Crime Through Design SPD (March 2006)
- Achieving Employment and Skills Plan (July 2013)
- Parking Standards and Transport Assessments (July 2014)
- Sustainable Design and Construction SPD (January 2013)

CONSULTATIONS

Hampshire Fire & Rescue Service

No objection.

Portsmouth Water

No comment received.

Southern Electric

No comment received.

Environment Agency

No comment received.

Natural England

No objection in relation to the impact on the Protected Sites (harbours and Solent).

Further information required with respect to impact on Protected Species - the Ecological Appraisal notes that there is a confirmed bat roost in the building and recommends further surveys to determine the importance of the roost. Natural England advise that these surveys are completed before any decision is made.

Recommends the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), to address matters including nesting birds, ecological enhancements, any new lighting (with respect to bats).

Sport England

No objection - meets exception 4 of our adopted Playing Fields Policy, subject to conditions relating to the construction details of the new playing field and its use for outdoor sport only.

OFSTED - Office For Standards In Education

No comment received.

Southern Water

Southern Water can provide foul sewage disposal to service the proposed development. Require a formal application for a connection to the public sewer. No objection, subject to drainage conditions.

Eastern Solent Coastal Partnership

No comment received.

Ecology

No objection, subject to conditions for ecological and biodiversity enhancements.

Leisure/Arb Officer

No objection, subject to conditions for tree protection and new landscaping.

Early Years & Childcare

No comment received.

Landscape Group

Very comprehensive approach, should help ground the new building well in its surroundings, good to see only a small number of tree losses. Further details requested on landscape habitat planting details.

Waste Management Service

No comment received.

Highways Engineer

The following have been noted and/or assessed: existing and proposed pupil and staff numbers, the new access to Kensington Road, existing and proposed traffic movements, local highway and parking conditions. This includes peak school parking demand and peak residential parking demand, which do not overlap. Given the absence of parking provision on the school site the parking demand on these roads frequently exceeds the space available with little scope to accommodate any increased requirement either from an expansion of the school or introduction of the new nursery. This issue will be exacerbated by the creation of the new access to Kensington Road which will need to be protected by school keep clear markings.

Overall, I am satisfied with the replacement primary and secondary components, further information is required in respect of the nursery.

Environmental Health

No objection, subject to conditions.

Contaminated Land Team

No objection, subject to conditions.

Coastal And Drainage

The layout appears acceptable in principal, details requested on the following matters: impermeability, attenuation, filtration, connection between surface water and foul water network, above or below-ground storage, flow control devices, the drainage of the outdoor PE area.

Crime Prevention Design Advisor

No comment received.

REPRESENTATIONS

Letters of objection received from seventeen individuals and 'Save Britain's Heritage', whose contents are summarised as follows:

- (a) The school is outstanding both aesthetically and architecturally and should be upgraded and preserved instead of demolished;
- (b) The design of the new school is uninspiring and the proposed materials are not in keeping with the area;
- (c) Position, height and scale is out of keeping with the character of the area and too close to residential properties;
- (d) Loss of light and overbearing impact, loss of views;

- (e) Increased overlooking and loss of privacy;
- (f) The proposal will increase the current flood risk;
- (g) The proposed development (new build and demolishing stages) would generate significant increased sources of air, noise, vibration, light, odour, water and other pollution;
- (h) Loss of open space and sports fields;
- (i) Loss of trees;
- (j) The proposal is not sustainable and will produce many tonnes of carbon and use unnecessary tonnes of non-renewable resources;
- (k) The proposal is not an efficient use of public/government funds;
- (l) Damage to stability of properties from excavation and piling work;
- (m) Demolition will disturb embedded materials such as asbestos, contaminated land;
- (n) Traffic will increase and the parking situation will worsen. This will make the surrounding roads more dangerous;
- (o) Bats and trees will be affected;
- (p) House prices will be affected;
- (q) The old school has had a lot of money spent on it over the last few years and is still fit for purpose;
- (r) Works appear to have already started;
- (s) The air ambulance will not be able to use the east field to land.
- (t) Cladding is highly flammable.

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key considerations in the determination of this application relate to:

- (a) The principle of the proposed development;
- (b) Design and local character
- (c) The amenity of adjoining occupiers;
- (d) The local highway network;
- (e) Ecology and trees;
- (f) Other matters raised in representations.

The principle of the proposed development

- New school

The Government's Priority School Building Programme (PSBP2) is focussed on rebuilding and refurbishing school buildings in the worst condition across the country.

In August 2014, the Council submitted a bid in relation to the poor condition of Mayfield School. In February 2015, the Council was advised that the bid had been successful. Since then, the Council and the Headteacher/Governing Board from Mayfield School have been meeting with the Education and Skills Funding Agency (ESFA) providing information to support research about the site and the development of options for the school.

Initial scoping studies are undertaken on all successful PSBP2 projects. The key findings at Mayfield School were as follows:

- The main block was constructed in 1932;
- Stone and concrete cladding - in need for major repair, including stone lintels and cills, and parapet capping stones;
- The flat roof coverings are in poor condition and causing numerous leaks;
- The down water pipes and gutters are corroded and beyond repair;

- Internal floor finishes are worn and damaged;
- Stair balustrades are corroded and are causing movement and cracking to masonry;
- Ceilings are in poor condition due to the water damage from the roof leaks;
- There are potential Health & Safety risks with the condition of the heating and water system, which is now beyond its design life;
- Thermal performance is poor and uneconomic;
- Significant structural work is required to the roofs, guttering, windows and brickwork;
- Internally, significant refurbishment is also needed to floors, plaster work, electrics, heating and communication systems;
- It would not be cost effective to address these issues through a renovation programme.

In addition, whilst the building was developed originally for school use, over the last 80+ years, education and the way pupils are taught has evolved significantly. The layout and spaces provided are no longer suitable for the modern teaching standards of an 'all-through' mixed sex school for the 21st Century.

In July 2017, the ESFA concluded the initial feasibility work in terms of options and proposed a complete rebuild, providing a new purpose-built school building on the East Playing Field. Once complete, the existing school building would be demolished to re-provide the required sports pitches and outside space.

The Council had hoped that a hybrid option could be considered which would protect the façade at the front of the building and investment made in 2014 in the primary provision (indoor and outdoor space). A hybrid option could have included a significant refurbishment for part of the school building, with a new build block replacing other parts of the school. However, as the scheme is entirely funded by the ESFA and they carry the risk for the financial management of the scheme, following a full site survey and having undertaken an options appraisal that considered a number of possibilities, including the renovation of the existing building, the option to build a replacement new school on the site was their preferred choice.

The application site is already used for educational purposes. The existing school has established itself within the Copnor community and the extension of the existing nursery and the proposed replacement school building in this location is considered to be appropriate and acceptable in principle.

- Demolition

Whilst the existing school building is not a scheduled ancient monument, a designated listed building, or a locally listed building, it is considered that the existing school should be viewed as a non-designated heritage asset. Paragraph 197 of the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Despite the qualities of its principal façade, the wider building has been subjected to major change (principally through later extension). The level of change that has occurred leaves the building far from pristine, and it is not considered that either the site as a whole or the front elevation in isolation is sufficiently 'special' either architecturally, or in terms of its historic interest. Although the building has 'significant presence', and shows qualities in terms of its architectural design and level of decoration, it is not considered that it can reasonably be regarded as of national significance in terms of its interest level.

The assessment of the heritage value and criterion for assessing local interest concludes that the building is of a low to moderate level of historic and architectural significance. It is noted that the proposed development seeks to retain key features of the existing building including the war

memorials, clock, mosaic and quoins. All of these features will be used in an interpretive way to provide a link to the past.

The Council, the school's Governing Body and the school's leadership have worked together to closely examine the options. The decision to opt for a complete rebuild and the demolition of the existing building was not taken lightly. The Governing Body have been thoroughly involved during the feasibility stage and support the 'new build' option.

Following the options appraisal undertaken by the ESFA and detailed consideration by the School's Governing Body, Leadership Team and Portsmouth City Council, it was agreed that the least disruptive and most cost effective option is the construction of a modern purpose-built 'all through' school on the east field of the Mayfield site. This option was chosen to minimize the disruption to current pupils in the school and offer the school an opportunity to be housed in a purpose built 'all through' building with state of the art facilities.

In October 2017, the Council and the Governing Body visited the Ryde Academy on the Isle of Wight to see the finished construction of a similar new build under the PSBP2 programme. The Governing Board considered the options and their findings from the Ryde Academy visits at their meeting on 18th October 2017, and voted in favour of Option 1 - New build with complete demolition of the old school.

Once the new school is ready, the pupils and staff will move to the new building. The old school building will then be demolished, and the land will provide the new building with green space for sports and recreation. The benefits that the new school will provide include:

- Faster delivery, less disruption for current school;
- Retain the current nursery and pre-school;
- Brand new 'fit for purpose' building;
- Joining together of play and sports spaces;
- Opportunity to reshape the feel of the school;
- More energy efficient and environmentally suitable;
- Cheaper maintenance and running costs;

The principle of development and expansion of schools is provided through Paragraph 94 of the National Planning Policy Framework (NPPF) which states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and, (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.

The Local Planning Authority has worked with school promoters to resolve key planning issues in relation to this proposal.

For the reasons outlined above, on balance, it is considered the proposals meet the local and national tests and would provide public benefits that outweigh the (regrettable) loss of the non-designated heritage asset.

- Playing fields

Playing fields should not be built on unless an assessment is undertaken of the land being surplus to need, or, equivalent provision will be provided in a suitable location, or the needs clearly outweigh the costs.

This proposal has the support of a Planning Statement that makes the case that the scheme would not result in any long-term reduction in the playing field provision on the site, but would in fact result in a net gain of 13,743m² of greenspace (soft outdoor PE). It is acknowledged that the construction period would result in a short term impact which will be remedied once the existing school buildings are demolished and the site re-profiled for the recreational use.

In this regard the proposal would satisfy the provisions of Paragraph 97 of the NPPF. Sports England are a statutory consultee and advise, in summary, that the proposal is considered to meet exception 4 of Sport England's adopted Playing Fields Policy, and therefore raise no objection, subject to conditions relating to the construction details of the new playing field and its use for outdoor sport only. For completeness, I do not consider this last element necessary and as such I do not attach it as a condition.

In conclusion, considering the principles set out above for demolition, a new school, and effects on playing fields, the existing school buildings are no longer able to meet current education standards. The development of the new school will meet the educational vision of the City Council as education authority in line with national policy. It will afford significantly improved opportunities for community use of the facilities provided and meet the requirements of the Disability and Discrimination Act. Demolition of an historic and prominent building is regrettable but its significance and harm due to its loss is not deemed sufficient to outweigh the public benefits of a new school situated in well-designed, modern, efficient new buildings. The site's playing field provision will continue into the future, for the physical and mental well-being of the pupils. The proposal in principle is therefore considered to be acceptable, in accordance with the aims and objectives of the NPPF and the Portsmouth Plan.

Design

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: 'support strong, vibrant and healthy communities, by fostering a well-designed and safe built environment with accessible services and open spaces'. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should ensure that they function well and add to the overall quality of an area; developments are visually attractive; developments are sympathetic to local character and history; developments should establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The limited size of the site, proximity of surrounding residential development and the need to maintain the existing education facility whilst building works proceed; mean that the space for re-development is constrained and that the options available for locating the new school building are severely limited. Accordingly, the school building is shown on the eastern part of the site with the playing fields located to the west.

The proposed building is contemporary in style with elevations largely finished with a mixture of brickwork, aluminium, metal cladding and glazed features. Although of course of a very different scale to the surrounding housing, the new building is broadly of the same scale and impact as the existing, albeit re-located.

The building has been designed to accommodate the required number and type of spaces needed to achieve a modern education facility maximising natural light, ventilation and functional circulation spaces. The design of the building is of a high quality which will contribute positively to its surroundings.

The proposal will be built to BREEAM Very Good standards and will employ measures as identified above to reduce carbon emissions. The new building would be surrounded by hard and soft landscaped areas including re-organised hard play areas, new planting, and grass playing areas (sports field). The combination of sports-based and passive outdoor spaces are rationally organised around the site to allow for supervision and passive surveillance.

Much of the school boundary fencing/walling will be retained in the new design. Where new fencing is provided it would be set back from the street boundary with a planting area between to reduce the visual impact of the new fencing. New weld mesh fencing will be provided along Mayfield Road to link up two existing lengths of fencing at the access point by the portico. This fencing will be 1.8m high to match the existing.

Along Hewett Road, existing 3m high boundary fencing located on the west side of the existing school building will be reinstated and will run east from the service yard, returning to the south of the site at the corner where Hewett Road meets Kensington Road. New 2.4m high weld mesh fencing will also be installed along the remainder of the Kensington Road boundary to ensure it is made secure to meet the requirements of the school.

The proposal retains the existing tree line along Mayfield Road and introduces additional trees around the site to provide additional screening for the proposed development. A condition can be attached to any planning permission requiring trees and hedges not directly affected to be retained and protected during construction.

The proposed single-storey extension to the existing nursery is considered to be of a suitable scale in relation to the recipient nursery building. Further to this, the use of matching brick work is considered to be high quality material which would help integrate the extension with the recipient building and its surroundings. Its mono-pitched roof also adds a contemporary element to the design that adds interest to the structure. Therefore, the design of the extension is considered to be acceptable by virtue of its scale and use of materials.

In conclusion, the limited size of the site, proximity of surrounding residential development, and the need to maintain the existing education facility whilst building works proceed, dictate the proposed location of the new school buildings. The scale and form of building, produced in response to the site constraints, is appropriate in its context. The proposal will include a range of sustainability features and rationalised outdoor sport and learning spaces. The proposal is therefore considered acceptable in design terms, in accordance with the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

- Physical structure

The predominantly three-storey structure is suitably located on the site in a way which minimises the impacts of residential amenity. The building, at its nearest point would be approximately 6.3m to 14.5m off the eastern boundary, 9.4m to the northern boundary, and 18.2m from the

southern boundary. Houses on Hewett Road, Kensington Road and Mayfield Road would typically be some 22m to 33m from the new school building.

At the buildings, nearest point, a separation distance of 22.4m to 30.9m would be retained to the eastern boundary from the proposed school to the residential properties located on Kensington Road. Between the residential properties and the proposed building will be a mix of soft and hard landscape features, and the local roads.

The main volume of the building is centred towards the middle of the new building, with the section closest to neighbouring properties in the south-east corner dropping to two storeys, reducing the impact on the surrounding residential properties. By articulating the 'eastern wing' as non-parallel to the boundary, it helps to reduce the impact of the flank elevation on the boundary and also assists in opening up the pupil entrance area. Furthermore, it is noted that the retention of the existing perimeter trees, and their augmentation with new trees and shrubs, would significantly help to soften and screen the new building to residents.

The solar shadow diagrams submitted with the application indicate a minor degree of overshadowing from the proposed building on the residents to the east in the late afternoon and early evening for a majority of the year. The impacts from loss of sunlight are not considered to warrant refusal of the application.

The proposal would introduce a large building in an otherwise open school playing field. The distances between the new building and surrounding residential properties reduce its impact to an acceptable level. The building is articulated in a way that avoids large facades overlooking or dominating the outlook from residential properties. The proposal is modern in its design and located such that it will sit comfortably in the wider residential context.

Given the location and nature of the proposed extension to the existing nursery, it is considered that this element of the scheme would not unduly impact upon residential amenity.

Some disturbance from the demolition and construction is inevitable with any development. The Environmental Health Team (EHT) therefore suggest that a condition is imposed to minimise the impacts from disturbance during the demolition and construction phase. Subject to conditions the EHT raise no objection to the proposal.

- Use

The proposed scheme would not result in any significant increase in the number of pupils and Full-Time Equivalent (FTE) staff. However, the new build element may have the potential to cause adverse impact on the amenity of adjoining residents by way of noise and light impacts. The degree of impact and the proposed mitigation are considered below.

- Lighting

The external lighting plan submitted with the application indicates that no floodlighting is proposed for the sports pitches. However, the proposal would include several light fittings around the building. The EHT have assessed the proposal and advise that a condition is imposed requesting further detail regarding the proposed lighting design to ensure any light spill does not impact upon local residents.

- Noise and odour from associated plant or equipment

The submitted ventilation/extraction statement provides an overview of the proposed ventilation strategy. However, at this stage of design the specific detail regarding the actual plant to be employed or the associated acoustic/noise control measures is unstipulated. In light of this the EHT suggest a condition be imposed to ensure a satisfactory working environment for future

users of the development and in the interests of protecting residential amenity from excessive noise and disturbance.

With regards to the kitchen odour control, the strategy and drawings indicate that the kitchen extraction system would vent at roof level. The EHT do not therefore raise concern with regards to kitchen odour control.

- Site contamination

Having regard to the scale of development together with the sensitive nature of the proposed end-use, the imposition of planning conditions for site investigation, remedial strategy and its subsequent implementation/verification of any approved remediation are considered to be reasonable and necessary. The conditions published are standard conditions and will need to be amended to account for the particular development phasing proposed at this site, your Committee will be updated accordingly.

In conclusion, the development will not cause an unacceptable impact on neighbouring amenity. The scale, massing, and location of the built elements of the development will not impact unacceptably on the amenity/privacy of the residents. Provided that appropriate conditions are attached, the use of the school, nursery and sports facilities will not give rise to unacceptable impact on the amenity of occupants of adjoining residential properties, in accordance with the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

Highways

The site is set in the context of a network of residential streets with the primary access, Mayfield Road, feeding off London Road and Copnor Road. In common with most other school sites, the surrounding residential streets experience varying degrees of congestion during peak pick-up and set-down times.

The existing school operates with 46% of the 160 staff travelling to work by car. There are no on-site parking facilities excepting that provided for a minibus and two accessibility spaces, it is assumed that staff vehicles are parked in the surrounding residential streets. The proposed school will accommodate 940 secondary age children, 540 primary age, totalling 1,480 (as existing). The nursery's numbers (50 children and 8 staff) will not increase. The application from explains that there will be no increase in staffing capacity. The Local Highways Authority (LHA) are satisfied that the primary and secondary elements of the school are likely to generate similar traffic movements to the existing facility and to that degree will not have a material impact on the operation of the local highway network.

Pedestrian access into the site is located on Mayfield Road and Kensington Road. Access to the main reception and primary school will be from a new access gate installed within the existing brick wall on Mayfield Road. The existing access gates that are located by the main building will be retained within the new scheme and can be used by the school as an alternative entrance point for the school. A new entrance for the secondary school pupils has been created off Kensington Road. This entrance point utilises an existing field maintenance gate.

The only car parking on site is in the form of two accessible spaces located off Mayfield Road. Access to these spaces will be provided via an existing vehicular gate. The on-site parking will remain the same and there would be 30 covered cycle stands for the primary schools, 60 covered scooter spaces for the primary school and 100 cycle spaces for the secondary and 24 covered cycle spaces for staff.

The proposed vehicular access onto the site remains at the four entrance points that currently exist; two from Mayfield Road, allowing access into the accessible parking spaces and at the existing main entrance to the existing building, which will now only be used for pedestrians.

The existing entrance from Randolph Road will be retained to access the playing fields and the existing access from Kensington Road will be widened and used as the senior entrance and for emergency fire tender access. The existing vehicular access on Hewett Road will be moved to allow access into the proposed delivery and service yard. It will also be used for fire tender access onto the site.

Emergency access for fire and ambulance can be achieved via the service yard through to the playground areas on the west side of the building, where there is space for an emergency vehicle to turn around. In addition, an emergency access route has also been provided from the service yard along the north elevation of the building with an exit via the gates on Kensington Road.

Access for fire appliances to 50% of the building perimeter has been achieved in the design. The playing field maintenance gates on the western boundary also provide emergency access for an ambulance directly onto the playing fields.

The roads surrounding the site are characterised by terraced housing with no off-street parking provision. The school buildings establish a significant non-residential frontage and the peak school parking demand in the daytime and at the beginning and end of the school day does not conflict with the peak residential parking demand in the evenings at weekends. However, the LHA note that given the absence of parking provision on the school site, the parking demand on these roads frequently exceeds the space available with little scope to accommodate any increased requirement either from an expansion of the school or introduction of the new nursery. This issue will be exacerbated by the creation of the new access to Kensington Road which will need to be protected by school keep clear markings.

Whilst the concerns of the LHA are acknowledged, the ESFA operate to national standards and have clear rules on the minimum space requirements for pupils, which means that there is not sufficient space for a car park on the new site. Whilst, there is an existing area of 'grasscrete' which could physically be used as a car park, it is not designated as one, thus the school does not have an existing car park. Furthermore, the proposed school will be for the same number of pupils, therefore there will be change to the parking requirement.

In conclusion, the LHA has raised no objection in terms of highway capacity and safety. The proposal does not represent a change in pupil and staff numbers and is acceptable in terms of the degree of traffic the site will generate and the on-site cycle parking provision.

Ecology and trees

A Method Statement has been submitted as part of the Bat Survey Report. This sets out the requirements for:

- Pre-works survey and sensitive demolition methods with hand stripping of features;
- Ecological supervision of these activities and measures in place if bats are discovered;
- Mitigation measures incorporated into the new building to replace the lost roost (two bat tubes (such as 1FR Schwegler type) installed within the walls at eaves height, located on the southern and eastern elevations; one Schwegler 2F or similar type bat box will be erected on one of the mature trees to the east of the building, prior to works commencing);
- Timing of the works and close monitoring of weather conditions to ensure works will not take place during inappropriate conditions;
- Sensitive lighting for the site.

Provided that the agreed mitigation proposals are implemented, the County Ecologist would have no concerns over the proposal. In addition, the submitted information makes reference to biodiversity enhancement. Details of ecological enhancements could be secured under planning condition. The further bat roost survey work requested by Natural England has been submitted

by the Applicant, and forwarded to the consultee. Any further comments from Natural England will be reported to your Committee.

The submitted plans would see the retention of all the existing mature boundary trees. With only trees which are of limited amenity value being removed due to their location within the site. The application is supported by an arboriculture report and method statement (Wynne-Williams Associates, May 2019) which has been accepted and agreed with the Arboricultural Officer. A condition would be applied to ensure the works would be carried out in accordance with the report. In addition, it is noted the planting of new trees on site will see the tree cover almost doubled. Therefore, it is considered that the proposed development would not have an impact on the trees, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Other representations received

A number of objection comments not yet addressed in the above report are now addressed as follows:

Damage to stability from excavation and piling work:

Damage to the stability of property from excavation and piling work is not a material planning consideration.

House prices will be affected:

The value of property and the ability to sell property is not considered a material planning consideration.

Loss of views:

The loss of a view is not a material planning consideration, although residents' amenities are and this is addressed earlier in this report..

Works appear to have already started:

The Agent confirmed that an asbestos survey of the site had commenced during the summer, but this was not work which required planning permission.

The air ambulance will not be able to use the east field:

The air ambulance will be able to use the west field.

Cladding is highly flammable:

This aspect would be covered by the Building Regulations.

Other matters

On (non-domestic) development of 1000sqm or larger, an employment and skills plan will ordinarily be requested. However, this publicly-funded investment includes a contractual requirement for an employment and skills plan by the EFSA. On this basis, duplication through the requirement of an employment and skills plan through a planning obligation is not considered necessary.

Conclusion

The proposed development relates to an existing educational site within the built-up area. The development proposed is in accordance with the relevant development plan policies. It will provide Mayfield School and the local area with a needed, modern education and community facility to facilitate the delivery of the national curriculum and support community development. It is of an appropriate design within the local context, acceptable with regard to highway capacity and safety, and would have no significant adverse effect on local amenity.

It is recommended, therefore, that planning permission be granted subject to the conditions set out in this report.

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: 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 Location Plan (Z0329-NOV-Z1-ZZ-DR-A-PL001/REVP1.1); Proposed Site Plan (Z0329-NOV-Z1-ZZ-DR-A-PL002/REVP1.1); Proposed Ground Floor Plan (Complete) (Z0329-NOV-Z1-00-DR-A-PL003/REVP1.1); Proposed Ground Floor (Sheet 1) (Z0329-NOV-Z1-00-DR-A-PL004/REVP1.1); Proposed Ground Floor (Sheet 2) (Z0329-NOV-Z1-00-DR-A-PL005/REVP1.1); Proposed First Floor Plan (Complete) (Z0329-NOV-Z1-01-DR-A-PL006/REVP1.1); Proposed First Floor Plan (Sheet 1) (Z0329-NOV-Z1-01-DR-A-PL007/REVP1.1); Proposed First Floor (Sheet 2) (Z0329-NOV-Z1-01-DR-A-PL008/REVP1.1); Proposed Second Floor Plan (Complete) (Z0329-NOV-Z1-02-DR-A-PL009/REVP1.1); Proposed Second Floor (Sheet 1) (Z0329-NOV-Z1-02-DR-A-PL010/REVP1.1); Proposed Second Floor (Sheet 2) (Z0329-NOV-Z1-02-DR-A-PL011/REVP1.1); Proposed Roof Plan (Complete) (Z0329-NOV-Z1-03-DR-A-PL012/REVP1.1); Proposed Roof Plan (Sheet 1) (Z0329-NOV-Z1-03-DR-A-PL013/REVP1.1); Proposed Roof Plan (Sheet 2) (Z0329-NOV-Z1-03-DR-A-PL014/REVP1.1); Nursery Existing/ Proposed Ground Floor & Roof Plans (Z0329-NOV-Z0-00-DR-APL022/REVP0.1); Proposed Elevations (Sheet 1) (Z0329-NOV-Z1-ZZ-DR-A-PL018/REVP1.1); Proposed Elevations (Sheet 2) (Z0329-NOV-Z1-ZZ-DR-A-PL019/REVP1.1); 3D Views Internal (Z0329-NOV-Z1-XX-VS-A-PL017/REVP1.1); 3D Views External 1 (Z0329-NOV-Z1-ZZ-VS-A-PL015/REVP1.1); 3D Views External 2 (Z0329-NOV-Z1-ZZ-VS-A-PL016/REVP1.1); Proposed Bay Section & Bay Elevations (Z0329-NOV-Z1-ZZ-DR-A-PL020/REVP1.1); Proposed GA Building Sections (Z0329-NOV-Z1-XX-DR-A-PL021/REVP1.1); Nursery Proposed Building Elevations (Z0329-NOV-Z0-XX-DR-A-PL023/REVP0.1); Nursery Proposed Building Sections (Z0329-NOV-Z0-XX-DR-A-PL024/Z0.1); Site Security Strategy (1866/WWA/V4/XX/DR/SIP/L/0002/REVPL0); Site Demolition Plan (1866/WWA/V4/XX/DR/SIP/L/0003/REVPL0); Landscape Sections (1866/WWA/V4/XX/DR/SIP/L/0016/REVPL0); Swept Path Analysis (1866/WWA/V4/XX/DR/SIP/L/0015/REVPL0); External Access and Circulation Strategy (1866/WWA/V4/XX/DR/SIP/L/0007/REVPL0); Emergency Access Strategy (1866/WWA/V4/XX/DR/SIP/L/0008/REVPL0); Vehicular Access and Circulation Strategy (1866/WWA/V4/XX/DR/SIP/L/0013/REVPL0); Landscape - BB103 Area Measure (1866/WWA/V4/XX/DR/SIP/L/0009/REVPL0); External Sports Strategy (Summer) (1866/WWA/V4/XX/DR/SIP/L/0010/REVPL0); External Sports Strategy (Winter) (1866/WWA/V4/XX/DR/SIP/L/0011/PL0); Cycle provision (1866/WWA/V4/XX/DR/SIP/L/0012/REVPL0); External Materials Key Plan (1866/WWA/V4/XX/DR/SIP/L/0005/REVPL0) Planting Plan Sheet 1 - East (1866-WWA-00/ZZ-DR-L-0300); Planting Plan Sheet 1 - West (1866-WWA-00/ZZ-DR-L-0301); Tree Survey (wwa_1866-AL_701/REVP00); Tree Protection and Removal Plan (wwa_1866-AL_702/REVP00); External Service (xxxxx-RAM-ZZ-00-M3-MEP-4.8-44/REV2); External Lighting (xxxxx-RAM-ZZ-00-M3-MEP-4.8-45/REV2); Proposed Drainage Connections (555/REVB); Proposed Impermeable Areas (552/REVB); and, Proposed Building Drainage Layout (505/REVB).

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

(a) A desk study (undertaken in accordance CLR11* following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, with network diagram) showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth; and, unless otherwise agreed in writing by the LPA;

(b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA;

(c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person‡ to oversee the implementation and completion of the works.

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3(c) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 3(b) above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

5) (a) Prior to the commencement of construction works associated with the development hereby approved, precise details of the proposed means of foul and surface water sewerage disposal including the layout, flow calculations and its planned future maintenance shall be submitted to and approved by the Local Planning Authority in writing; and, (b) The development shall then be completed in accordance with the details approved pursuant to part (a) of this condition and thereafter permanently retained.

6) The playing field and pitches shall be constructed and laid out in accordance with the site plan drawing no.PL002 Rev P1.1 and with the standards and methodologies set out in the guidance note 'Natural Turf for Sport' (Sport England, 2011), and shall be made available for use within 12 months of first occupation of the main school building hereby permitted.

7) (a) no works shall commence on site, other than the installation of site protection fencing and hoardings, prior to the agreement in writing by the Local Planning Authority of a Construction Environmental Management Plan (CEMP) . The CEMP shall include, but not limited to, details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction and demolition work; and, (b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

8) The development hereby permitted shall not be first occupied until; (a) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority. (b) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part (a) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (a). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

9) (a) Prior to the installation of any fixed plant or machinery, an assessment of the cumulative impact of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report shall be submitted to the Local Planning Authority for approval in writing; and, (b) The appropriate measures approved pursuant to part (a) of this condition shall be fully implemented to mitigate any identified observed adverse effect levels due to the operation of the plant prior to first occupation of the development and shall thereafter be permanently retained.

10) (a) No development above ground floor slab level shall commence until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples and finishes to be used for the external walls, roofs, windows, doors, rainwater goods, fencing, surfacing materials (including paths, hard play areas/courts, car park and access roads) and other architectural detailing of the proposed development have been submitted to the Local Planning Authority for approval; and, (b) The development shall thereafter be carried out using the approved materials and finishes pursuant to part (a) of this condition.

11) (a) Prior to occupation of the development hereby permitted, details of an updated School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring; and, (b) the measures approved pursuant to part (a) of this condition shall be fully implemented and thereafter permanently retained.

12) Prior to commencement of the development or any preparatory work hereby permitted, retained trees shall be protected in accordance with BS5837:2012 and the details described within the submitted arboricultural reports and plans, unless otherwise agreed in writing with the Local Planning Authority.

13) (a) Prior to occupation of the development hereby permitted, a detailed landscaping masterplan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall specify: areas of new hard and soft landscaping to be re-instated further to the demolition of the existing school building. The scheme for soft landscaping shall include such matters as; species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting/re-instatement works; and provision for future maintenance. The scheme for hard landscaping will include construction details, materials, drainage and existing and proposed levels; and, (b) The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is the

sooner; and, (c) Any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

14) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the development hereby permitted the bicycle/scooter provisions shown on the approved drawing 1866/WWA/V4/XX/DR/SIP/L/0012/RECPL0 shall be provided and shall thereafter be retained for the parking of bicycles/scooters at all times.

15) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied until facilities for the storage or refuse and recyclable materials have been provided in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority; and, (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

16) (a) The development hereby permitted shall be carried out in accordance with the measures set out in Sections 5.2.3, 5.2.4 and 5.3 of the submitted Ecological appraisal and phase 1 & 2 bats report (Lindsay Carrington Ecological Services Ltd, August 2019) unless varied by a European Protected Species (EPS) license subsequently issued by Natural England; and, (b) Thereafter, the replacement bat roosts shall be subject to a post-completion compliance check by the ecologist with a report submitted in writing to the Local Planning Authority and permanently maintained and retained in accordance with the approved details.

17) (a) A scheme for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority; (b) the approved biodiversity enhancements shall be carried out before the development is first brought into use and a verification report shall be submitted to and approved in writing by the local planning authority that the approved biodiversity enhancements shall have been carried fully in accordance with the approved scheme; and (c) these biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 5) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 6) To ensure the quality of pitches is satisfactory and to guarantee the timely delivery of the playing field, in accordance with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

- 7) To minimise the potential for conflict with users of the surrounding highway network and in the interest of amenity, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 8) To safeguard the amenities of the area, to reduce light spillage and to comply with Policies PCS23 and PCS15 of the Portsmouth Plan.
- 9) To ensure a satisfactory working environment for future users of the development and in the interests of protecting residential amenity from excessive noise and disturbance, in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 11) To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accordance with the aims and objectives of the National Planning Policy Framework and Policies PCS17 & PCS23 of the Portsmouth Plan.
- 12) To ensure the health and amenity of the trees continues into the future and are not affected by the development hereby permitted in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.
- 13) To ensure a high quality setting for the development in the interests of the visual amenity of the area in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.
- 14) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 15) To ensure that adequate provision is made for the storage of refuse and recyclable materials, in accordance with Policy PCS23 of the Portsmouth Plan.
- 16) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 17) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

PRO-ACTIVITY STATEMENT

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

FONTENOY HOUSE GRAND PARADE PORTSMOUTH PO1 2NF

CONSTRUCTION OF ADDITIONAL TWO STORIES TO FORM ONE DWELLINGHOUSE (CLASS C3); EXTENSION TO EXISTING EXTERNAL FIRE ESCAPE; AND ALTERATIONS TO EXISTING BUILDING TO INCLUDE INSTALLATION OF REPLACEMENT WINDOWS, JULIET BALCONIES, NEW BRICKWORK AND RAISING OF PARAPET WALLS

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Mr & Mrs Jason and Kate Phillips

RDD: 1st October 2018

LDD: 27th November 2018

SUMMARY OF MAIN ISSUES

This application is being presented to the Planning Committee due to a Councillor request and deputation requests.

The main issues for consideration are:

- The principle of development;
- Heritage matters;
- Impact upon neighbouring amenities;
- Highway matters;
- Ecology.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYThe Site

Fontenoy House, the building to which this application relates, occupies a prominent corner plot at the junction between Grand Parade and High Street. It was built in the mid-20th century and comprises a three storey block of flats. It is constructed from red brick with white uPVC window frames and has a flat felt roof with chimney stacks that protrude above the parapet. The principal elevation, main entrances and communal garage are on Grand Parade. There is a fire exit door located on the High Street elevation which leads to a small yard where the bins are kept.

It is within the Old Portsmouth Conservation Area (No.4) in one of the city's most sensitive areas in terms of its proximity to numerous designated heritage assets and protected trees (TPO 58).

It is within the immediate setting of the Square Tower, a Scheduled Monument and Grade I Listed Building, and it is within the wider setting of a number of other heritage assets of great significance, namely the Scheduled Monument and Grade I Listed Long Curtain and Kings Bastion.

Immediately opposite is the Grade II Listed Building 60 Grand Parade, a late 18th/ early 19th century white rendered neo-classical building with a fourth storey mansard roof and much smaller 5th storey. Further east are the Grade I Listed St Thomas of Canterbury Cathedral and the Grade II Listed buildings nos. 53, 54, 59/60 and 63 High Street

To the south is the Grade II Listed Royal Garrison Church and other Grade II Listed buildings including 3-5 Grand Parade and 106-108 Penny Street .

Grand Parade is a cobbled square open to both the north and south and currently used as a car park. The residential buildings on the west side adjacent to and including the application site are 3 storey. The residential buildings on the east side of the square are predominantly 4 storey with small additions at 5th storey height. To the north on the opposite side of the High Street are three storey post war residential blocks.

The site is within the defined boundaries of The Seafront as identified by policy PCS9 (The Seafront) of the Portsmouth Plan. It is also within the indicative flood plain (flood zone 3).

Proposal

The application is for 2 storey addition to the roof comprising a mansard roof with approximately the same size footprint as the existing flat roof and an addition to create a 5th floor to the building which would be set back approximately 2.5 m from the north and east edges and following the same line as the west (rear) edge of the building with a set back approximately 10 m from the southern edge of the building to accommodate a terrace. It would be constructed of zinc and glass with a frameless glass balustrade around the top storey.

The proposal would increase the height of the existing building by approximately 5.5 m from 8.8 m to 14.3 m and would add 311 square metres of floor space to the building.

The duplex would have 3 en-suite bedrooms, a utility room, a bathroom and a lobby on the lower floor and an extensive kitchen/dining/ living area above.

There would be obscure glazing on the windows facing west (on the rear elevation) to the utility room and en-suites. The bedrooms would have their main aspect to the south and east. The north, east and south elevations on the upper level would be mainly glazed and there would be skylights in the roof.

A lift is to be installed within the building serving both the new flat and the existing. The existing fire escape at the rear would be extended up to the new third floor (fourth storey).

Alterations to the existing elevations comprise:

- dark grey render to the ground floor
- brick slips to the existing brickwork at first and second floor
- zinc canopies over the existing doors on the east elevation
- replacement windows with dark frames
- Juliette balcony to the windows on the north and east elevation
- extension of existing balconies at the rear along the entire width of the building
- refurbishment and landscaping of the yard area to the rear

Relevant Planning History

In terms of relevant planning history, the following planning applications are of note:

A*16233/E: Permission (1954): Construction of block of eight flats

13/00989/FUL: Refused (2013) Allowed at appeal: Single storey extension to form two flats

17/00566/FUL: Conditional Permission (2017): Single storey extension to form two flats

In respect of the current proposal, a number of options were put forward for consideration through the pre-application process which were considered by officers to be poor in design terms and incongruous in the street scene and to have an unacceptable impact on the listed buildings and scheduled monuments in the area. The addition of two storeys was thought to add excessive bulk and appear top heavy and unbalanced and not relate well to existing buildings. The approach of a tiered arrangement was one of the options although at the pre-application stage the proposal was considered to have an excessively bulky form that would dominate the street scene and have a harmful impact on the designated heritage assets in the vicinity, both as a result of the proximity to the Square Tower and due to its high visibility along the seafront. These views were set out by officers in a letter to the applicant dated 11 April 2018. In response the applicant prepared other design options which were explored through a series of meetings with officers, including the Conservation officer. The option which has been submitted was considered by officers to be

"the least visually harmful in terms of the relationship of the proposed building on the character and appearance of the old Portsmouth Conservation area and the setting and special architectural/historical features of Listed Buildings and Scheduled Ancient Monuments in close proximity to the site."

These comments were given without prejudice to the future decision of the Local Planning Authority on any formal application.

POLICY CONTEXT

In addition to the NPPF the relevant policies within the Portsmouth Plan include: PCS10 (Housing delivery), PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

CONSULTATIONS

Historic England

The proposals seek to essentially rebuild the existing building, with the addition of a stepping back double mansard roof extension. The building is not listed but sits on a prominent corner site within the Old Portsmouth Conservation Area.

Historic England's locus is to comment on designated heritage assets that fall within our statutory remit. In this particular case, our single area of interest regarding these proposals is the impact of the development on the setting of the Scheduled Monument and Grade I listed Square Tower and wider Point Battery. The development's impact on the character and appearance of the Old Portsmouth Conservation Area does not fall within Historic England's remit to comment and therefore has not been assessed as part of this advice letter. We would urge you seek the views of your conservation officer on these matters.

In this regard, Historic England does not consider the proposals would have a serious impact on the setting of the Square Tower; however note that views of the heritage asset from along the High Street may be impacted, in which the Square Tower is the terminating and focal feature. No clear visualisations have been provided from along the High Street to identify the proposals impact in these kinect views; therefore we are unable to comment in detail.

The NPPF states that any harm or loss to the significance of a designated heritage asset, including from development within its setting should require clear and convincing justification

(Para 194). It also requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Para 196 of the NPPF requires the harm to be weighed against the public benefits of the proposal.

On the basis of the information provided, the introduction of a double storey mansard would present an increase in height within the immediate setting context of this Scheduled Monument and Grade I listed building, which could cause a degree of harm to the setting of the Square Tower in kinetic views from the High Street. In accordance with the NPPF, your council will need to consider this impact on the historic environment and weigh this harm against the public benefits of the proposals as part of the planning balance.

Highways Engineer

Planning application 13/00989/FUL for the construction of a single storey extension to the roof of the property to form 2 flats was allowed at appeal. The inspector found that the additional parking demand from the 2 dwellings would not result in severe residual impacts on the surrounding area and would not result in unacceptable harm to the living conditions of neighbours. This proposal would have a lesser parking demand than the two flats and there having been no material change in the availability of on street parking spaces since the previous appeal. In light of the inspector's decision in that case I would not wish to raise an objection to this application subject to providing for cycle storage as was required by the inspector when allowing the previous appeal. It is not immediately clear how such cycle parking is to be accommodated within the development and this should be clarified with the applicant. In the absence of such parking and in the light of the inspector's previous decision I must recommend that the application be refused.

Environmental Health

Due to the location of the proposed site and the information supplied about the nature of the proposed development, air quality is not a material consideration in this case.

I am concerned about the potential impact of noise but particularly odour on the proposed future residents from the extraction system which serves The Wellington PH. The extraction system discharges vertically at above eaves level of the two-storey building it is attached to, approximately 9 metres from Fontenoy House. This will place the efflux point some way below the proposed third and fourth floor construction at Fontenoy House. In addition, the prevailing West / South-Westerly winds places the efflux point upwind of the development effectively meaning that odour discharged from the extraction system will be blown towards the proposed construction. The proposal includes a number of doors and windows on the western façade which, when open, increases the risk of odour impacting on the amenity of the future residents. In addition, the fourth floor external terrace is directly west of the efflux point and the impact from odour on the amenity of this space is in question.

No information has been presented concerning the likely odour or noise impacts arising from the extraction system at the Wellington PH on the amenity of the proposed future residents. I am particularly concerned that kitchen odour and smoke will impact on the amenity of the future residents, leading to complaints to this service which may lead to enforcement action. The National Policy Framework paragraph 182 addresses this issue:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Without further information available, it is my concern that the proposal could be subject to a significant adverse impact from the cooking operations of the Wellington PH. For this reason I am unable to support the application.

The Portsmouth Society

The Portsmouth Society Executive Committee wishes to object to the above Planning Application.

We believe that the proposed increase in height and the bulkiness of the additions would mitigate against the general character of Old Portsmouth Conservation Area especially in view of its prominent position.

Natural England

The development is in proximity to the Portsmouth Harbour SPA, Chichester and Langstone harbours SPA and Southampton Water SPA. Mitigation of the in combination effects is required.

Recreational Disturbance:

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Deterioration of the water environment

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question, because of the 'offset' against the existing lawful use of the property. Provided the Council as competent authority is satisfied that the approach will ensure the proposal is nutrient neutral, Natural England raises no further concerns on this aspect.

Ecology

Concerns that this development would affect any locally designated sites of wildlife importance or any legally protected notable habitats or species. The increase in dwellings in this location will however contribute to impacts on statutory designated sites.

The development is in proximity to the Portsmouth Harbour SPA, Chichester and Langstone harbours SPA and Southampton Water SPA. Mitigation of the in combination effects is required though the SRMP strategy following an Appropriate Assessment. For a 3 bedroom dwelling the sum required is currently £653.

Archaeology Advisor

As the proposal appears to involve no ground disturbance, then there are no archaeological issues that I would wish to raise in this instance.

Design Review Panel

The panel were unconvinced by this proposal, suggesting that a clumsy rectangular box had simply been placed on top of another large rectangular box. The resulting double mansard style roof is top heavy and 'lumpen', giving the building the character of an office. (This impression is accentuated by the dark materials that have been selected for the roof).

The panel were also unconvinced by the current floor plans for the scheme, suggesting they are driving a quantum of accommodation that is problematic in terms of its impact on the area's roofscape. The mansard's footprint is forced to the outside of the property, and a scale, mass/bulk and height is generated that the panel considered excessive within the scheme's sensitive context.

The top floor in particular has generated a solution which is top heavy, lacks elegance and is over dominant, pushing the scheme 'over the edge' in terms of its impact. Visually, a 'layer cake' has been produced which adds nothing to the character of the host building or the surrounding conservation area, and the mass and bulk added by the scheme give no advantage in celebrating the surrounding space.

The panel were not convinced that the quality of the proposed architecture befits the nature of the place. It was suggested that Old Portsmouth deserves better, and that the scheme needs to be reconsidered. Recommendation of the panel - scheme not supported in its current form.

REPRESENTATIONS

46 representations have been received objecting to the development for the following reasons:

- proposed development would be out of place in relation to surroundings and detract from the street scene
- the scale of the proposed development is excessive and out of keeping
- the design does not complement existing buildings in the area
- poor relationship with roofs of adjacent buildings
- the design is ugly - 2 black boxes on top of a brick building
- the development would not be sympathetic to the character and appearance of the Conservation Area
- the development can be viewed from several positions on High Street and from the Hotwalls
- materials do not match the existing and are out of keeping with the area
- the development would spoil the roof scape of the surrounding area
- granting permission would set a precedent for the area
- impact on skyline and associated impacts on tourism in the area
- highly visible and prominent in the streetscene
- the development would have an unacceptable impact on the character and appearance of Grand Parade
- existing building blends into the fabric of the surrounding area and the proposed development does not
- Juliet balconies are an incongruous addition
- the proposal represents an over development of the site and would be a blot/carbuncle on the landscape;
- if planning permission is granted this would be inconsistent with other developments that have been recently refused in the surrounding area
- existing building does not compete with other buildings like the Square Tower
- significance of nearby Scheduled Monuments and other designated assets such as the Square Tower and the Garrison Church will be diminished
- existing building is part of the time line of Old Portsmouth Conservation Area development
- does not take into account views into the Old Portsmouth Conservation Area
- five stories is excessive and contrary to Conservation Area Guidelines
- the development has the appearance of an industrial use/ office block
- view of the proposed development from the seaward side of the island would have a negative impression on visitors to Portsmouth and those arriving by sea and would block views of the Cathedral

- impact on prospective residents from odour from adjoining Public House and the inability to disperse odours
- the development would result in overlooking and a loss of privacy
- noise and disturbance associated with construction
- the development would result in a loss of natural light and a greater sense of overshadowing
- the proposed development would have a dangerous impact in terms of down draughts from prevailing winds
- the development would result in the loss of views to the south
- the historical storey height of previous buildings are no longer relevant
- commercial enterprise not a home

In addition to this, 28 representations have been received in support of the development for the following reasons:

- well thought out scheme
- location requires a bold design
- contemporary design appropriate
- the proposed building has a sleek design
- high quality materials
- enhances whole building
- improvement to the existing building which is of little architectural merit
- balances height and size of surrounding buildings
- improvement on permitted scheme
- development would be sympathetic to the Old Portsmouth Conservation Area
- the characteristics of the area are diverse and the proposal would be sympathetic to this mix
- development would restore and enhance the Grand Parade gateway
- Enhances approach to Hotwalls studios
- the proposal would revamp the area economically and aesthetically
- applicant has worked with the community

COMMENT

This application is being presented to the Planning Committee due to a Councillor's request and deputation requests.

The main issues for consideration are:

- The principle of development;
- Heritage matters;
- Impact upon neighbouring amenities;
- Highway matters;
- Ecology.

Principle of Development

On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) regarding housing needs and housing supply. The NPPF now states that for applications involving the provision of housing, the adopted plan policies should be considered to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, proposed development should be considered on the basis of whether it represents sustainable development or not.

Following the recent changes, the Council has confirmed that it can only demonstrate 4.7 years of housing land supply. As such, the above principle of the NPPF should be followed as stated in Paragraph 11.d, which states:

"permission should be granted unless

- (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) Any adverse impacts of granting permission would significantly and demonstrably be outweighed by the benefits, when assessed against the Policies in the NPPF taken as a whole".*

The starting point for the determination of this application is therefore the fact that the Authority does not have a 5 year housing land supply, and that the principle of the proposed development is acceptable as it would make a net contribution towards meeting local housing needs. However, in accordance with the NPPF, the proposal must also be assessed against test (i) and test (ii) as referenced above, and in this instance it is considered that the development would fail both. In the case of test (i) it is the Local Planning Authorities view that the proposal would have a detrimental and unacceptable impact on the historic character and environment of the Old Portsmouth Conservation Area, and that of the nearby listed buildings, and in the case of test (ii) it is not considered that the public benefits arising from the development - amounting to the provision of a single dwelling unit contribution to the Council's 5 year housing land supply, would significantly or demonstrably outweigh the adverse impacts to the historic environment.

Heritage matters

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PCS23 of the Portsmouth Plan requires excellent architectural quality in new buildings and changes to new buildings, development that relates well to Portsmouth's history and protection and enhancement of important views and settings of key buildings.

The application site is within the setting of two Listed Buildings/scheduled monuments of the highest importance for Portsmouth's historic environment, namely the Square Tower and the Kings Bastion which are the most sensitive categories of individual buildings that are designated heritage assets. Inappropriate development within the setting of such heritage assets can result in a loss of significance and should therefore be resisted unless the public benefit can be demonstrated to outweigh the harm.

The principle view of the Square Tower is from the High Street when approaching from the north. This direction and aspect places the Square Tower as the terminating and focal feature of the environ. Currently, Fontenoy House does not compete with either the simplicity or the height of the Scheduled Square Tower in this view, due to its lower height and unassuming and rather bland facade. The Square Tower is also the dominant building in the view when approached

from the east. The introduction of a double storey mansard will, as a result of its height and inappropriate design, create a visual distraction which will draw attention away from the view of the Square Tower from both directions. The over fussy alterations to the front elevation will also detract from views of the Square Tower when viewed from the north.3xxxx

The form, bulk, massing and additional height of the proposed roof extension would also draw the eye within the familiar and well established view north/west from the Scheduled King's bastion. This view (which contributes to the significance of the asset), is framed by listed buildings (and later post-war additions) which in form, scale, height and palette lie within parameters that constitute a harmonious vista. These buildings in the view do not compete with one another, albeit there are variations in scale. In contrast, despite the distance between the Scheduled Monument and the application site, the proposed development by reason of its height, bulk and incongruous design and materials will compete with the other buildings in the view and disrupt the existing harmony.

It is the consideration of the Local Planning Authority, that the resulting general outcome would to some degree, compromises the setting of both listed buildings.

The NPPF states that any harm or loss to the significance of a designated heritage asset, including from development within its setting should require clear and convincing justification (Para 194). It also requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Para 196 of the NPPF requires the harm to be weighed against the public benefits of the proposal.

In the case of the setting of both the Square Tower and the King's Bastion it is accepted that the harm is less than substantial. However, there is no clear or convincing justification which would outweigh this harm. There is an extant permission for two 2 bed flats in a single storey addition to the existing building which would make a greater contribution to the 5 year housing land supply than the current proposal.

Turning to the impact on the conservation area, Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As a conservation area is a designated heritage asset the provisions of paragraph 196 of the NPPF also apply in consideration of an application which has the potential to affect the character and appearance of a conservation area.

The Old Portsmouth Conservation Area (No.4) Appraisal guidelines address in particular the question of extensions and notes:

'large roof additions can spoil the appearance of a house and look incongruous in the general street scene,careful thought needs to be given to ensure that roof additions do not dominate the roofs cape'

The existing building, although not in itself of any particular architectural merit, fits in well with the current composition of the square. Although there were originally 3 taller buildings in this location they were lost in the war and the decision was taken to replace them with a wider building changing the emphasis on both the building and the streetscape from vertical to horizontal. The west side of the square is now predominantly 3 storey as are the buildings directly to the north on the other side of High Street. The lower height and the plain facade of the existing building on the application site is commensurate with the neighbouring buildings to the south and the buildings opposite in the High Street and does not compete with the more decorative buildings to the east on the opposite side of the square

The addition of two storeys in the form of one large rectangular box on top of the other is an architecturally clumsy solution, driven by the needs of the proposed accommodation rather than the architectural context of the surrounding buildings and spaces. It not only increases the

height of the building so it appears over dominant, but also emphasises the utilitarian appearance of the existing building, which is accentuated by the proposed materials giving the appearance of an office block so that it appears incongruous within the context of this historic residential square. Whilst the design seeks to emulate the building opposite, which does have a mansard roof with a smaller 5th storey, the proportions are very different. The design of the proposed extension does not have the same elegance, appearing even more clumsy in comparison. The glass balustrade would also have a reflective quality which will further draw attention to the extra height of the building.

Therefore, in addition to its impact on the setting of the Scheduled Monuments and Listed Buildings referred to above, the proposed development would neither preserve nor enhance the Old Portsmouth Conservation Area (No.4).

Bearing in mind that the development will result in the net loss of a dwelling when compared with the scheme allowed on appeal there would not be any public benefits resulting from the proposed development that would outweigh the harm to the historic environment. Even if that line of argument were not taken, and it was considered there is one net addition of a dwelling to the existing situation on-site, I still do not consider the benefit of that one extra dwelling would outweigh the harm to the historic environment.

The harm to the Old Portsmouth Conservation Area and to the settings of Grade I Listed Buildings and Scheduled Ancient Monuments has been identified above. These are the 'assets' that the NPPF refers to, as set out earlier in this report with respect to the 5 year housing supply. The NPPF sets out that permission should be granted unless either of its two tests are met.

The NPPF's historic environment policies provide a clear reason for refusing the development proposed. Test (i) is not met as there would be harm to very important heritage assets and test (ii) is not met as there would be no public benefit to outweigh this harm, because the development would result in a net loss in terms of contribution to the 5 year housing land supply (when compared to the extant permission).

Residential Amenity

The building has been designed to limit any impact on the residential amenity of the occupiers of surrounding property. The windows on the west elevation are to be obscure glazed and can be conditioned as such. The windows on the north and east elevations look out over public streets. There are existing balconies on the rear of the premises and whilst they will be extended along the building it will not result in a significant increase in overlooking. Due to the orientation and existing separation of the building from its neighbours there will not be an unacceptable loss of light/overshadowing or loss of outlook. The loss of view is not a planning consideration.

However, the Environmental Health officer has concerns that the extractor equipment at the Wellington public house will have an unacceptable impact on the living conditions of future occupiers from noise and cooking fumes. The previous scheme for the addition of a single storey addition was considered to provide a more acceptable living environment due to the following differences:

- a fixed-shut window on the south-west façade serving the central lounge/diner replacing the double sliding doors;
- replacement of double sliding doors on the other lounge-diner with a single door;
- no other openable windows on this façade serving habitable rooms;
- Incorporation of intermediate doors to the kitchens to prevent ingress to habitable rooms of any noise/odour associated with the Wellington PH. Moreover the additional storey would further reduce the dispersal of odour and so increase the risk of odour impact.

In addition, since permission was granted for the single storey addition the NPPF has been revised and included the following advice:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Therefore the adverse impacts of granting permission would significantly and demonstrably outweigh the benefit of the proposal when assessed against the test ii of Paragraph 11.d of the NPPF. As such, and notwithstanding the lack of 5 year housing supply in Portsmouth the application should be refused.

Transportation

There was no objection to the traffic and parking arrangements/implications of the previous scheme, allowed on appeal. With one less unit now proposed, that position remains the same. Were consent to be granted, the provision of cycle parking could be considered.

Whilst concerns have been expressed about the arrangement of the rear yard and the accommodation of bins and cycle stores, it is considered that there is sufficient space within the site to provide both.

Sustainable Construction

The applicant was asked about sustainable construction/energy consumption. They advised that the high level of glazing will be offset in terms of energy use by large areas of well insulated solid wall and roof. In addition the roof overhang will shade the glass and much of the glazing is on the north facing elevation. The roof lights will open automatically and will help to create a heat stack through the lower levels.

Ecology: Habitats Regulation Assessment

The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and is for an additional dwelling. As such there are potentially 2 impacts.

First, there is the impact of increased recreational activity. An Appropriate Assessment has been carried out as required by Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations') and it is considered there will be a likely significant effect though bird disturbance which could be mitigated by a contribution of £653 in compliance with the Solent Recreation Mitigation Partnership Definitive Strategy. In the absence of mitigation the application is recommended for refusal on this point.

Secondly, Natural England has recently advised that increased residential development is resulting in higher levels of nitrogen and phosphorus input into the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. However as there is currently an extant permission for two 2 bed dwellings on the site this proposal for one 3 bed dwelling would result in net reduction in the number of dwellings permitted on the site and as such a reduced impact. An Appropriate Assessment has been carried out by the LPA and assessed by Natural England, who accept the fallback position and therefore consider the development as being 'nitrate neutral'. As such, there is no need for nitrate mitigation and there is no objection on this aspect.

Conclusion

The proposal is an inappropriate form of development which will not preserve the setting of important Grade I Listed Buildings/Scheduled Monuments, namely The Square Tower and Kings Bastion nor preserve or enhance the character and appearance of the Old Portsmouth Conservation Area and is likely to provide unsatisfactory living conditions for future occupiers. As such it is contrary to policy PCS23 of the Portsmouth Plan and paragraphs 182 and 196-196 of the National Planning Policy Framework.

In view of the extant permission for two additional dwellings, the proposal would also not provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5 year requirement.

The occupiers' amenity would be harmed by proximity to the public house, and there is no mitigation for additional recreational activity causing harm birds in the Protected Harbours/Solent.

As such it is considered that this harm is not outweighed by any public benefit. The NPPF therefore requires that the application should be refused.

RECOMMENDATION Refuse

For the following reasons:

- 1) The additional bulk/mass/height and associated increase in vertical emphasis, together with the alterations to its façade would make the building a visually intrusive and discordant feature in views toward and from the nearby Square Tower and associated Kings Bastion, thereby detracting from their setting and causing harm to their significance. Both structures are Grade I listed and Scheduled Monuments, and as such heritage assets of the highest national significance. Whilst this harm is less than substantial there is considered to be no public benefit to the proposal which would outweigh this harm. The proposal is therefore contrary to the principles set out in paragraphs 193-196 of the NPPF and PCS23 of the Portsmouth Plan
- 2) The proposed roof extension, by reason of its incongruous design, excessive height and bulk, and massing would be an over-dominant feature with an unsympathetic relationship to adjacent and nearby properties and would fail to complement the street scene and therefore neither preserve or enhance the character and appearance of the Old Portsmouth Conservation Area (No.4). Whilst this harm is less than substantial there is considered to be no public benefit to the proposal which would outweigh this harm contrary to paragraphs 193-196 of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan
- 3) No information has been submitted to demonstrate there will not be an adverse impact on the amenity of future residents from odour or noise impacts arising from the extraction system at the Wellington public house. The proposal is therefore contrary to paragraph 182 of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.
- 4) Without appropriate mitigation the development would be likely to have a significant effect through recreational disturbance on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

3

19/00960/FUL

WARD:COPNOR

42 BEAULIEU ROAD PORTSMOUTH PO2 0DN

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE).

Application Submitted By:

Miss Nuria Perez Alcantara

On behalf of:

Miss Nuria Perez Alcantara
Granada NG Developments Ltd

RDD: 20th June 2019

LDD: 16th August 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to the receipt of twenty-two objections from local residents.

The main issues for consideration are:

- The concentration/balance of such uses in the area;
- Impact on neighbouring living conditions;
- Standard of accommodation;
- Highway matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The Site

The application site is a two-storey mid-terraced property with a ground floor bay window. Its external appearance is a grey painted render with white upvc fenestration, where it is slightly set back by a gate and small front garden area, and a back garden to the rear. The wider area is residential: densely-developed terraced streets typical of many part of Portsmouth, with heavy on-street parking.

Proposal

Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). The property has a linked living-dining room, kitchen and wc at ground floor, and three bedrooms and a bathroom at first floor. The application proposes to revert the linked living-dining room into two rooms, with the living room to the front, and a bedroom to the rear. Otherwise, the property would remain as existing, so it would be a four-bedroomed residence.

Relevant planning history

None

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and houses in multiple occupation SPD would also be a material consideration.

CONSULTATIONS

Private Sector Housing

Based on the layout and sizes provided, the property would not be required to be licenced under the Part 2 of the Housing Act 2004.

REPRESENTATIONS

22 letters of objection received, summarised as:

- a) Parking issues
- b) Increase in noise
- c) Overdevelopment
- d) Insufficient space for refuse/ storage
- e) Pre-commencement of works

COMMENT

The main considerations in the determination of this application are;

- (a) The concentration/balance of such uses in the area;
- (b) Impact on neighbouring living conditions;
- (c) Standard of accommodation;
- (d) Highway matters.

The concentration/balance of such uses in the area

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change 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 adopted Houses in Multiple Occupation SPD (as amended 21 November 2017), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Based on information held by the City Council, there are a potential of 2 HMOs within a 50m radius of the application site. These sites require further investigation as to their use. Within the 50m radius there are 82 properties, so the two would amount to 2.4% of properties. If approved, this application would increase the number to no more than 3, which would be 3.7%, falling well within the 10% policy threshold.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Beyond its own data sources, no additional HMOs have been brought to the attention of the LPA.

A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: "An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

This proposed development would not conflict with these detailed policy points.

It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Impact on neighbouring living conditions

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a Class C4 house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. It discusses the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

In dismissing an appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance.'

I note the property would be little-changed in layout either, with just the current living room being proposed for use as a bedroom. I do not consider this would materially impact on the adjoining neighbour's amenity beyond that as the current family dwellinghouse living room.

Having regard to these material considerations, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C4.

Standard of Accommodation

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below. The Applicant has confirmed that all of the four bedrooms would be single occupancy.

HMO SPD - JULY 2018	Area Provided (m ²)	Required Standard (m ²)
Bedroom 1	14	7.5
Shared Bathroom	3.2	3.74
Bedroom 2	8.2	7.5
Bedroom 3	10.1	7.5
Living/Dining	14.6	11
Bedroom 4	8.4	7.5
WC	1.2	--
Kitchen	13.1	7

Each bedroom exceeds the SPD minimum size.

The kitchen is at the rear of the property, exceeds the SPD minimum size, would be of suitable layout, and has a small dining table/breakfast bar indicated. The living room is at the front of the property, exceeds the SPD minimum size, would be of suitable layout, and has a small dining table indicated. Also, although separated by a hallway, the combined size of the living room and kitchen amounts to 27.7 sqm, which exceeds the SPD standard of 24 sqm for a combined facility.

For a HMO accommodating 4 no. persons the property must provide a bathroom and wc, which the application proposes. The shared bathroom at first floor falls short of your guidance size by half a square metre. I note it is the same bathroom as currently provided for the existing dwelling, and that no extensions are proposed for the property and the proposed occupation is for four persons only. I also note the recent appeal decision at 37a Stanley Road, where the Inspector found a 0.4 sqm shortfall acceptable, noting the shortfall was marginal and the room was deemed of acceptable size and layout. In this particular instance at 42 Beaulieu Road, I also find the bathroom would provide suitable space and layout and do not propose to withhold consent on this minor point.

Where required space standards have not been fulfilled' an on-balance decision has been reached. This is also the stance that inspectors have been taking. Within dismissed appeal decision referenced "APP/Z1775/W/18/3201261" at 4 Princes Street the inspector concluded that the kitchen/dining area, separate to the living room would accumulate to an area over the required standard, thus meaning the standard of accommodation would be satisfactory.

To conclude, given the reasons above, the property is considered to provide an adequate standard of living accommodation to facilitate up to 4 persons sharing. That maximum number of inhabitants would be controlled by condition.

Highway matters

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with 4+ bedrooms.

Numerous objections have been received with specific regards to the parking provisions. From a site visit, it was apparent that properties along Beaulieu Road rely on on-street parking, as no property has the provision for off-street parking. As no off-street parking could be provided at this site, given that this is the same scenario as for the current Class C3 use, a reason for refusal on the basis of parking grounds could not be sustained.

In terms of cycle parking, the submitted drawings indicate this provision would be located in the back garden, this is secured by condition.

To conclude, given the above, the application is acceptable on highway matters.

Waste

The storage of refuse and recyclable materials would be located to the frontage of the site, as is normal and acceptable.

Lastly, an objection point refers to a pre-commencement of works. It is understood some refurbishment may have taken place already, but until and unless actual change of use has occurred there is no breach of planning control. In any event, the application must be determined on its merits.

Conclusion

It is considered that matters of local community balance, residential amenity, standard of accommodation, and highway matters are all acceptable. Therefore, having regards to all material considerations, raised representations and planning policy, it is concluded that the development may be approved, subject to conditions.

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: 001, 002, and 003.
- 3) The premises shall not be occupied by more than four persons.
- 4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles 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 accommodation is provided for the inhabitants, in accordance with PCS20 of the Portsmouth Plan.
- 4) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and 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.

LAND TO REAR OF 76 VERNON ROAD PORTSMOUTH PO3 5DS**CONSTRUCTION OF SEVEN GARAGES AND ONE STORAGE BUILDING (FOLLOWING DEMOLITION OF EXISTING OUTBUILDINGS) AND THE CONSTRUCTION OF A FENCE****Application Submitted By:**

Patton Architecture & Development Ltd
FAO Mr Tom Patton

On behalf of:

Mr Chris Harris

RDD: 26th March 2019

LDD: 11th June 2019

SUMMARY OF MAIN ISSUES

The application is being heard at committee due a call in by one of the neighbouring residents.

The main issues for consideration are:

- The principle of the use;
- Design;
- Neighbouring amenities;
- Highway matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYThe Site

The site is located within a primarily residential area, characterised by rows of similar two-storey terrace dwellings. The site is located to the rear of Vernon Road and Glenthorne Road and relates to a parcel of land located to the rear of the gardens of Nos 64-76 Vernon Road and Nos 45-55 Glenthorne Road. This area of land forms part of the curtilage and ownership of No.76 Vernon Road and comprises a rear garden incorporating single-storey outbuildings and a small group of trees on/near the southern boundary. Vehicular access is via Glenthorne Road to the east, or Vernon Road to the west. Another parcel of 'backland' lies to the immediate south

The adjoining rear gardens to the Vernon Road houses have a typical length of between 7.5m and 9m, while the rear gardens to the Glenthorne Road houses have a typical length of 19m including outbuildings. The eastern boundary of the site abuts a comparatively narrow unmade private rear access way leading out onto Glenthorne Road..

Proposal

Planning permission is sought for the construction of seven garages and one storage building (following demolition of existing outbuildings). The proposed buildings would measure 2.4m in height, 2.6m in width and 5.9m in depth. They would be finished in brick with flat roofs and steel garage doors. The site would be covered with a permeable paving. To the north, south and west of the site a boundary fence would be installed to a height of 1.8m.

Relevant Planning history

There is no relevant planning history associated with the application site.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

Environmental Health

No objections raised.

Highways Engineer

No objections to the scheme.

REPRESENTATIONS

Four representations have been received by neighbouring residents objecting to the proposed scheme on the grounds of:

- (a) Concerns about how the demolition of the existing outbuildings and construction of the new would proceed and affect neighbours, access especially;
- (b) the condition of the existing access to the site and its upkeep;
- (c) issues around crime and safety of the rear of the properties;
- (d) concerns around the risk of fire;
- (e) noise and pollution;
- (f) potential uses for the garages; and
- (g) loss of privacy.

One representation has also called the application in to be heard at planning committee.

I note that reference has been made to a petition and Member call-in, but at the time of writing I have not been able to see any such details.

COMMENT

The determining issues in this application are:

- The principle of the use;
- Design;
- Neighbouring amenities;
- Highway matters.

Principle

The area of land is not recognised under any specific policy constraint and as such the principle of developing this parcel of currently derelict or surplus land is considered to be acceptable,

especially given the provision of sizeable garages at the rear of the majority of surrounding properties.

Design

Policy PCS23 of the Portsmouth plan states, amongst other things that all new development must be well designed and, in particular, respect the character of the city.

The site is not readily visible from the public realm further it is considered that the proposed outbuildings are of an appropriate size as to not over dominate the site or appear intrusive in their setting. They would be of a simple design. Given the prevailing character of outbuildings in the vicinity the proposed flat roofed garages/storage unit are considered acceptable in design.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The majority of the properties to the east of the site (No 45-55 Glenthorne Road) feature rear garages/outbuilding at the end of their garden that would mitigate most of the views towards the proposed garages. Given this intervening built form and the approximate distance of 22m from rear elevations to the proposal buildings, it is not considered that the proposed development would not give rise to any significant impact upon the amenities of the occupiers to the east.

The rear elevations of the neighbouring properties to the west (Nos 64-76 Vernon Road) are located approximately 7m from the site, or another two metres or so if single storey later extensions are excluded. The proposal would include the construction of a closed board fence along the western boundary. It would only be built up to a height of 1.8m and it is not considered to be inappropriate in its scale. Given the layout of the proposed garages, their modest height, and the prevailing local character of rear garages, they are not considered to present any significant impact upon the visual amenity of the neighbouring occupiers.

Representations have raised concerns around the potential use of the garages by commercial enterprises, which residents fear could cause additional noise and disturbance. Given the limited size of the garages, I do not believe any small scale commercial use is likely, nor would necessarily be any noisier than a non-commercial use. Any number of the surrounding garages may be used for elements of incidental commercial storage, associated with small businesses for example. I do not consider the use of garages at this location would be likely to adversely affect residential amenity. I note the lack of objection from the Environmental Health Officer.

Highway matters

The garages are proposed to be accessed via the private service road which provides access to the existing garages at the rear of Vernon Road and Glenthorne Road with access from both roads. The resident demand for parking in these roads frequently exceeds the space available particularly overnight and at weekends.

It is not anticipated that the proposal would be likely to generate such a quantum of traffic so as to have a material impact on the operation of the wider local highway network

Whilst adequate visibility is available at each of the accesses to the rear service yard, they are too narrow to allow cars to pass each other and as a consequence in the event of conflict a car wishing to enter the service road would have to stand in the carriageway obstructing the free flow of traffic to allow another to exit. However both Vernon and Glenthorne Roads are relatively quiet residential access roads and this activity would unlikely materially compromise the intended road function, especially with this pattern of garaging already well-established.

Adequate space is proposed to allow vehicle to turn on site and so enter and leave the public highway in a forward gear

This proposal will increase the local residential parking opportunities making it more convenient for local residents to find a place to park with the consequent improvement in residential amenity and will result in both reduced instances of vehicles being parked indiscriminately raising highway safety concerns and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.

As a consequence no objection has been raised by highways.

Other issues

During the course of the application surrounding residents raised concerns around fire safety and the potential for an increase in crime in the area. As part of the application, Building Control have been consulted in regards to fire safety and the application has been amended to address concerns raised by Building Control (when an informal, verbal opinion was sought by the Case Officer). As such the number of garages has been reduced from 10 to 7 to allow them to be spaced further away from each other to reduce the risk of fire spreading. Following the revision to the scheme, Building Control does not hold any objection to the scheme on fire safety grounds.

In regards to a potential increase in crime, a boundary fence has been added to the scheme to limit any access to the rear gardens of the properties to the west, further it has been agreed that the site will feature lighting at each unit and this will be secured by condition.

Conclusion

As set out above, I consider the effect of the application on matters of principle, design, amenity and highways are acceptable, that the scheme would comply with policy, and that planning permission may therefore be granted.

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: Proposed Plans - PAD171/03; and Location Plan - PAD171/01.
- 3) Prior to the first occupation of the garages/storage buildings, details of the type and location of the lighting to be installed at the site shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details, and maintained as such during the lifetime of the development.
- 4) Prior to the first occupation of the garages/storage buildings, details of the type and location of boundary treatment site shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details, and maintained as such during the lifetime of the development.

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 and to reduce overnight opportunities for crime and anti-social behaviour.
- 4) To protect the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan

PRO-ACTIVITY STATEMENT

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

13 LOWER DRAYTON LANE PORTSMOUTH PO6 2EL

SINGLE STOREY REAR EXTENSION TO TERRACED HOUSE.

Application Submitted By:

Roger Clark (Architectural Services)
FAO Roger Clark

On behalf of:

Mr Justin Butcher

RDD: 26th April 2019

LDD: 2nd July 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

The main issues for consideration are:

- The principle of development;
- Design;
- Impact upon neighbouring amenities

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The Site

This application relates to a two storey, mid terrace dwelling situated on the east side of Lower Drayton Lane. Existing building materials include facing brickwork, render and slate roof tiles. The dwelling is set back from the highway with an open garden and driveway forward of the dwelling. To the rear of the dwelling is an existing single storey sun room which provides access to an enclosed garden. Boundary treatment consists of a brick wall and closed board fencing. The surrounding area is residential and is characterised by a variety of terraced and semi-detached properties which host a range of extensions to the rear which vary in depth and height.

Proposal

Permission is sought for a single storey extension to the rear following demolition of the existing conservatory. The extension would measure 4 metres in depth, 3.5 metres in width and would have a maximum height of 3.4 metres. Proposed building materials would include slate roof tiles, render and upvc windows to match the existing.

Amended plans were received on 16/07/19 to reduce the height of the extension following concerns raised by the officer regarding the relationship with the neighbouring property to the north (no. 11).

Relevant planning history

19/00009/HOU - Construction of single storey rear extension. Refused 19.03.2019. This application was refused on the grounds that the extension would be detrimental to the amenities of the occupiers of No.11 in terms of loss of outlook and light, increased sense of enclosure and overshadowing.

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

Three letters of objection (two of which are from the same person) and three additional comments (two of which are from the same persons) have been received raising the following concerns:

- a) Loss of light;
- b) Loss of outlook;
- c) Contractor vehicles/deliveries/material storage blocking a private access; and
- d) Damage to drainage pipes under the private access.

COMMENT

The main considerations in the determination of this application are;

- a) Principle of development
- b) Design
- c) Impact upon neighbouring amenities

For this application it is also necessary to consider whether the reason for refusal of the previous scheme (reference: 19/00009/HOU) has been addressed. The new application has been submitted with a reduction in the depth of the extension, by one metre.

Principle of development

The application relates to an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

Design

Policy PCS23 of the Portsmouth plan states, amongst other things that all new development must be well designed and, in particular, respect the character of the city.

The proposed extension would be subservient in size to the main dwelling and would have a similar roof form to the existing rear projection. Furthermore, proposed building materials would comprise of facing brickwork and slate roof tiles which would match the existing dwelling.

With regards to impact on the character of the area, the extension would be to the rear of the property and would not be readily visible from public viewpoints. It is therefore considered that the extension would not affect the street scene or have a significant impact on the character of the area.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The closest neighbouring property to the proposed development would be the neighbouring property to the north, 11 Lower Drayton Lane. The extension would be situated approximately 0.1 metres from the boundary shared with 11 Lower Drayton Lane. Concerns have been raised by the neighbouring resident regarding loss of outlook and light caused by the extension. Following amendments to this proposal during the course of the application (a reduction of 0.4 metres maximum height), the extension would have a maximum height of 3.4 metres (2.2 metres to eaves) and would project approximately 1.8 metres from the rear elevation of the neighbouring property. This represents a 1 metre reduction in depth from the previous scheme. Having regard to the reduced depth and modest height of the proposed extension, and the good-sized back gardens, it is not considered that it would result in a significant loss of light or outlook to the occupiers of the neighbouring property, notwithstanding its position to the south of no. 11. The previous reason for refusal is therefore considered to have been addressed.

With regards to the neighbouring property to the south of the site, 15 Lower Drayton Lane is situated approximately 2.5 metres from the proposed extension. Having regard to this distance, the extension is considered to be adequately distanced so as not to be significantly affected by the proposed extension.

Other points raised in the objection not addressed

Concerns have been raised regarding access and damage to the private driveway to the rear of the site during the construction period. It is accepted that there could be an element of disruption during construction works, however, this would be for a short period of time and would be a private matter between the concerned parties. Issues regarding private rights of way is also a private matter beyond the planning remit. The Building Control regime will address any structural concerns.

Conclusion

For the reasons stated above, the single storey rear extension is considered to represent an acceptable level of development that would be in keeping with the existing building, would not harm the amenity of neighbouring properties and would preserve the character of the wider area and therefore would be in compliance with Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

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

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Amended Location and Site Plan; 24464/1; and 24464/2.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

12 GLENTHORNE ROAD PORTSMOUTH PO3 5DN**RETROSPECTIVE APPLICATION FOR THE RETENTION OF OUTBUILDING TO REAR GARDEN (DESCRIPTION AMENDED 27/06/19)****Application Submitted By:**

Mr Matthew Hawnt

On behalf of:

Mr Matthew Hawnt

RDD: 2nd May 2019**LDD:** 17th July 2019**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

The main issues for consideration are:

- The principle of development;
- Design;
- Impact upon neighbouring amenities

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYThe Site

This application relates to a two storey, end of terrace property situated on the east side of Glenthorne Road. The dwelling is set back from the road with a small forecourt separating the dwelling from the highway. To the rear of the dwelling is an enclosed garden which includes a raised terrace and a number of outbuildings, including the outbuilding being applied for. Boundary treatment consists of 1.8 metre closed board fencing and mature vegetation. The surrounding area is predominantly residential and is characterised by properties of a similar size and design. Directly to the east of the site is a train line and Victory Trading Estate.

Proposal

Retrospective planning permission is sought for an outbuilding to the rear of the property. The outbuilding measures 4.3 metres in depth, 3.6 metres in width, has an eaves height of 2.5 metres and maximum height of 3.68 metres. Building materials include red cedar cladding, black hexagonal felt tiles and white upvc windows. The outbuilding is situated approximately 0.4 metres from the southern boundary and approximately 2.2 metres from the eastern boundary. The outbuilding is used for accommodation, ancillary to the main dwellinghouse.

Relevant Planning History

No relevant planning history.

POLICY CONTEXT

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

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

CONSULTATIONS

Network Rail

'No comments to make'.

Contaminated Land Team

No objection, no conditions required.

REPRESENTATIONS

Four letters of objection have been received from the same person raising the following concerns;

- a) Outbuilding does not comply with the permitted development criteria
- b) Poor design
- c) Seeking clarification on the extent of neighbour consultation due to letters being sent to neighbours who cannot be affected.

One letter of support has been received and can be summarised as follows;

- a) Outbuilding does not impact neighbouring properties.

COMMENT

The main considerations within this application are:

- Principle of Development
- Design
- Impact upon Neighbouring Amenities

Principle of Development

The application relates to an existing residential property where outbuildings are considered acceptable in principle subject to relevant material considerations.

Design

Policy PCS23 of the Portsmouth Plan states amongst other things that all new development must be well designed and, in particular respect the character of the city.

The outbuilding is situated approximately 10 metres from the host dwelling. This distance and the single storey height of the outbuilding would ensure the development is subservient to the host dwelling. Whilst it is noted that there are a number of outbuildings on the site, it is considered that the site is of an adequate size to accommodate the outbuildings including the proposal.

Building materials include cedar cladding and felt tiles, these are considered to be appropriate materials for this type of development. Within the local context, there is a variety of material treatments to outbuildings and extensions to properties in this area. Overall, the design of the outbuilding is considered to be acceptable.

The outbuilding would be visible from public viewpoints due to the train line situated to the east (rear) of the site. However, as previously mentioned, there are a number of outbuildings and extensions to properties within the vicinity of the site. Therefore, having regard to the existing character of the area, it is not considered that the outbuilding forms an inappropriate form of development which would be harmful to the character and appearance of the area.

Impact upon Neighbouring Amenities

In terms of neighbouring amenity, the outbuilding is situated approximately 0.4 metres from the boundary shared with the neighbouring property to the south, 10 Glenthorne Road, however, the outbuilding is not considered to be obtrusive nor does it have an overbearing impact to the neighbouring property as the garden spaces of these properties are reasonably deep. The rear elevation of 10 Glenthorne Road is situated approximately 9 metres from the outbuilding. Furthermore, boundary treatment in the form of closed board fencing and a trellis along the shared boundary screens a large proportion of the outbuilding and prevents the development from appearing overbearing.

It is noted that there are windows to the south elevation which are oriented towards 10 Glenthorne Road. However, the windows are largely blocked by the boundary fence, trellis and an outbuilding belonging to 10 Glenthorne Road, it is therefore considered that there would be no material overlooking.

With regards to the neighbouring property to the north of the site (no. 14), measuring from the closest point of the outbuilding to the closest point of no. 14, the outbuilding is situated approximately 13 metres away. This is considered to be an acceptable distance so as not to impact the amenity of the occupiers of the neighbouring property.

Directly to the east of the site is a train line, and there is no residential development further to the east of the site which would be affected by the development. Network Rail were consulted on the application and raised no comments.

Other objection points not yet addressed

One objection letter received raises concern that the outbuilding does not comply with permitted development criteria set out under Class E, Part 1, Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended). An outbuilding which has a maximum height of 2.5 metres and is within 2 metres of a boundary could be built without planning permission. However, in this instance the height of the outbuilding exceeds 2.5 metres, therefore an application for retrospective planning permission was submitted.

Secondly, one objection letter seeks clarification on the neighbour notification process. The Council is required to consult all adjoining neighbouring properties and all adjoining neighbouring properties have been consulted. In addition to this, neighbouring properties opposite, to the west of the site, have been consulted. The Council has met and exceeded its statutory duty in respect of notifying neighbouring properties of this application.

Conclusion

Taking into consideration the scale and design of the proposal and its limited impacts on the surrounding properties and surrounding area, it is considered that the development would be in accordance with Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION

Conditional Permission

Conditions

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Block Plan; Site Plan (showing after layout); North Elevation; South Elevation; Rear Elevation; Front Elevation; and Floor Plan.

The reasons for the conditions are:

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

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.

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

13 BOSTON ROAD PORTSMOUTH PO6 3LG

**CONSTRUCTION OF PART SINGLE STOREY/PART TWO STOREY REAR EXTENSION
AFTER REMOVAL OF EXISTING REAR EXTENSION.**

Application Submitted By:

Mr Roger Clark
Roger Clark(Architectural Services)

On behalf of:

Mr Ivor Aivaras Capas

RDD: 20th June 2019

LDD: 16th August 2019

SUMMARY OF MAIN ISSUES

This application has been brought to Planning Committee for determination following a call in request by Councillor Atkins.

The main issues for consideration are:

- The principle of development;
- Design;
- Impact upon neighbouring amenities

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The Site

The application relates to a two-storey semi-detached dwellinghouse, that features a front driveway/forecourt. The area surrounding the application site is primarily residential and characterised by rows of similar two-storey semi-detached properties. The dwelling is located on the western side of Boston Road, north from its junction with Peterborough Road and features ground that slopes down north to south.

Proposal

Planning permission is sought for the construction of a part single storey/part two storey rear extension (following the removal of an existing rear extension).

The ground floor aspect of the development would measure 2.7m in height, 5m in width and 6.2m in depth. The ground floor aspect would feature one side (south) facing obscure glazed window and a set of bi-folding doors to its rear (west) elevation.

The proposed first floor aspect of the development would be sited to the south of the rear of the property and would be separated from the neighbouring property to the north (No15 Boston Road) by an approximate distance of 1.5m. The proposed first floor extension would measure 3.3m in depth, 3.5m in width with a pitched roof to a maximum height of 6.6m and an eaves height of 5.5m. The proposed extension would feature one rear (west) facing window serving a bedroom.

The proposed extension would be finished in render at ground floor level and pebbledash at first floor level to match the existing property.

Relevant Planning history

There is no relevant planning history associated with the application site.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

No consultations.

REPRESENTATIONS

The application has been called in to committee at the request of Councillor Atkins. No neighbour representations received.

COMMENT

The main considerations within this application are:

- Principle of Development
- Design
- Impact upon Neighbouring Amenities

Principle of Development

The application relates to an existing residential property where extensions are considered acceptable in principle subject to relevant material considerations.

Design

Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city.

The proposed first floor aspect of the development is considered to relate well with the existing dwelling given its harmonious roof form, set down from the main ridge height and its subservient width. While the ground floor extension would have a significant scale overall, it would not be substantially larger than the existing rear projections that it would replace. Furthermore, the development would be constructed of materials to match the dwelling and would therefore blend well with the appearance of the existing property. The design of the proposed extension is therefore considered acceptable in accordance with Policy PCS23 of The Portsmouth Plan.

Amenity

PCS23 of the Portsmouth Plan echo the principles of sustainable development set out within the National Planning Policy Framework which includes ensuring the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

While the neighbouring property to the south (No.11 Boston Road) is located downhill from the application site, it is also separated from the proposed development by an approximate distance of 3m. This distance is considered to be sufficient as to negate any significant impact upon this neighbour through a loss of light or an increased sense of enclosure. The development does include one additional side facing window that would overlook the site, however this would be an obscure glazed window and a condition would be imposed on any permission to ensure its installation and retention. As such, it is not considered that this window would result in any significant level of overlooking to the neighbouring property.

The neighbouring property to the north (No 15 Boston Road) has an existing single storey rear projection to a matching depth as the proposed. As such it is not considered that the single storey extension would have any significant impact in terms of loss of light, outlook or privacy towards this property.

No. 15 Boston Road features one first floor rear window that is sited approximately 1.5m from the common boundary. Given the modest depth and location of the proposed first floor extension, which would be set away from the common boundary by 1.5m, it is not considered that the proposal would have a significant impact on light or outlook to the neighbouring window.

The neighbouring dwelling also features a skylight within the existing single storey rear projection, which is also sited approximately 1.5m away from the common boundary with No.13 Boston Road (approximately 3m in total separation from the proposed first floor extension). While the first floor aspect of the extension may have an impact on direct light to this skylight, there are other windows to the rear/side of the neighbouring property that provide light to the same internal space. It is therefore not considered that the proposed extension would have a significant impact on the neighbouring property in terms of loss of light.

Conclusion

The proposed development is considered to be suitable in both its design and impact upon residential amenity and is therefore in accordance with Policy PCS23 of The Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 24465/5; Block Plan - 24465/1; Proposed Elevations - 24465/4; Floor Plans - 24465/2; Floor Plans - 24465/3; and Section - 22465/6.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) The proposed ground floor window on the south (side) elevation of the extension hereby approved shall be glazed with obscured glass and shall be permanently retained in that 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) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the privacy of the adjacent property and to prevent overlooking 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.