

# PLANNING COMMITTEE

## 15 JUNE 2022

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

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

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# 01

20/01143/PLAREG

WARD: EASTNEY & CRANESWATER

GARAGE, 2 FURNESS ROAD SOUTHSEA PO5 2JL

RETROSPECTIVE APPLICATION FOR THE USE OF ADJACENT LAND AND GARAGES FOR PURPOSES ANCILLARY TO MAIN WORKSHOP INCLUDING REPAIRS, STORAGE AND PARKING

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=QHTYKAMOLCD00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=qhtykamolcd00&activetab=summary)

**Application Submitted By:**

Andrew R Dunks Ltd  
FAO Mr Andrew Dunks

**On behalf of:**

Mr Luke Semmens  
Semmens of Southsea Ltd.

**RDD:** 7th October 2020

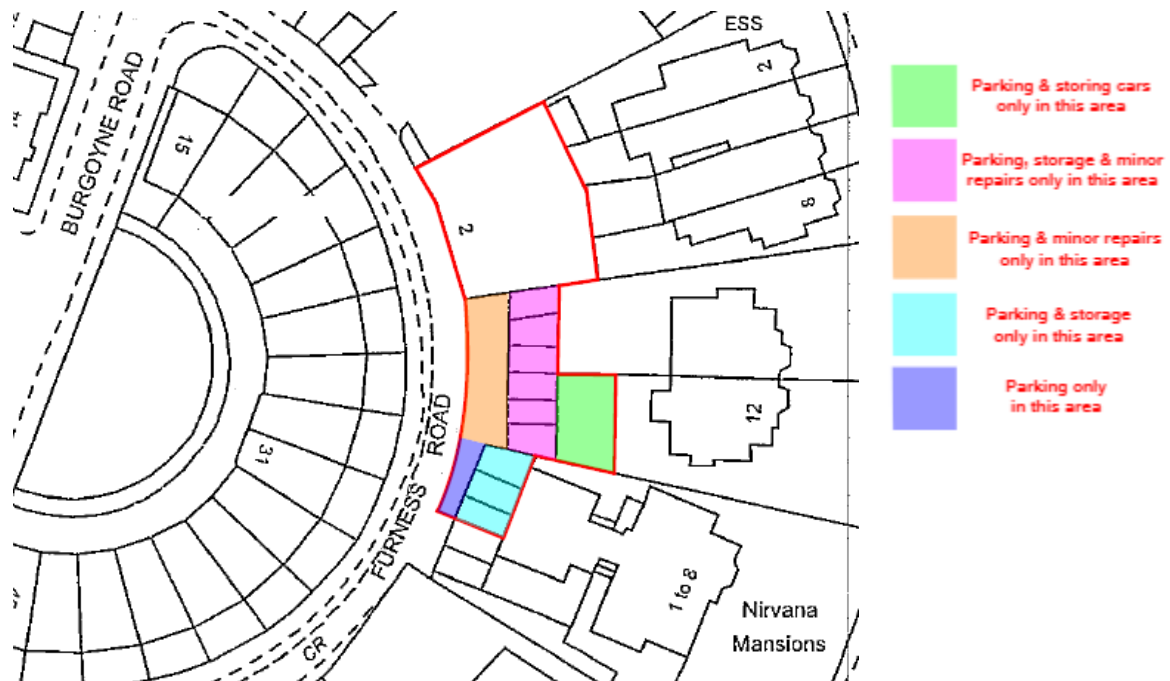
**LDD:** 8th March 2021, amended decision date 29<sup>th</sup> March 2022

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee as the number of objections received by the Local Planning Authority exceeds the limits set out with the Scheme of Delegation.
- 1.2 The main considerations in the determination of this application are:
  - Principle of Development;
  - Design and Impact on the Conservation Area;
  - Residential Amenity;
  - Highway Implications; and
  - Flood Risk
- 1.3 Site and Surroundings
- 1.4 This application relates a single-storey, commercial unit and nine attached garages located on the eastern side of Furness Road. The commercial unit is currently used as a garage (Use Class B2) and the nine garages attached to the commercial garage are currently used for storage and the parking of vehicles. The surrounding area is predominantly residential in character and consists of a combination of dwellinghouses and self-contained flats. The application site is located within the East Southsea conservation area (no.19) and flood zone 2.
- 1.5 Proposal

Planning permission is sought to use the nine garages, the forecourt forward of the garages and an area of land behind the garages for purposes ancillary to the main

workshop. These purposes would include the storage of materials, vehicles and minor repairs. No external alterations are proposed to the existing workshop and garages. A detailed plan has been submitted as part of the application which outlines the proposed uses for the garages, forecourt and land behind the garages.



1.6 Relevant Planning History

1.7 20/01144/ADV - Retrospective application for the display of non-illuminated signage. Application currently pending consideration.

1.8 A\*33317/A - Use of lock-up garages & forecourts in connection with the authorised use of the adjoining motor vehicle repair garage. Refused 30.07.1987

1.9 A\*33317 - Use of 6 lock-up garages & forecourts in connection with authorised use of adjoining garage for motor vehicle repairs. Refused 17.02.1987. This application was refused for the following reason;

*'The proposal would facilitate the consolidation of a non-conforming industrial use which is detrimental to the amenities of nearby residential occupiers and could lead to an intensification of that use by generating increased traffic movements and additional noise and disturbance'*

1.11 Following the refusal of application reference: A\*33317/A, an enforcement notice was served which was appealed by the applicant. The enforcement notice was later quashed by the Planning Inspectorate and planning permission was granted for the car parking and storing of vehicles in connection with the authorised use of the adjoining workshop, subject to the condition that the garages and forecourts shall be used only for the parking and storage of vehicles and shall not be used for the repair, servicing or paint spraying of any vehicle at any time.

## 2.0 POLICY CONTEXT

- 2.1 PCS12 (Flood Risk), PCS17 (Transport; and PCS23 (Design and Conservation).
- 2.2 The aims and objectives of the revised NPPF (2021) and the East Southsea Conservation Area Guidelines (no.19) would also be relevant in the determination of this application.

## 3.0 CONSULTATIONS

- 3.1 Highways Engineer - This is a retrospective application for the use of adjacent land and garages for purposes ancillary to main workshop including repairs, storage and parking. I have considered the documents submitted in support of the application and would make the following comments:

Furness Road is an unclassified residential street mainly providing rear access to properties along Burgoyne Road and Eastern Villas Road. Furness Road is a single carriageway with no footways on either side. Parking is restricted along the entirety of the road by double yellow lines.

No traffic assessment has been provided in support of this application, however given the small scale of the development, I am satisfied that the proposal would not have a material impact upon the local highway network.

Portsmouth City Council's Parking SPD does not give an expected level of vehicle spaces for non-residential developments rather requires applications to make an assessment of parking demand and demonstrate how this can be satisfied.

The submitted application form details that the proposal will increase the number of parking spaces by 9 spaces, providing a total of 33 parking spaces, whilst retaining the same number of employees at the site.

As a consequence I do not believe the likely traffic generation or parking demand to be materially different to that of the existing use and in that light I would not like to raise a highway objection to this proposal.

- 3.2 Environmental Health Officer - As this application is retrospective and the business has been in operation for a number of years I have searched our complaints database and can confirm that we have received complaints in relation to emissions from vehicles, emissions from the use of the oil burner and noise.

Upon investigation we did not obtain any evidence to demonstrate that there were breaches under the Clean Air Act or a statutory noise nuisance. Should further complaints of this nature be received this can be dealt with under the Environmental Protection Act or the fore mentioned legislation.

It is, however, recommend that all vehicle repairs are carried out in the workshop and that the testing of car horns are not carried out between the hours of 18:30pm - 08:00am. In summary, I wish to raise no objections to this application being granted.

- 3.3 Environmental Health Officer (further comments received 8/7/21) - With regards to the applicants request to carry out works on the forecourt to carry out minor repairs, I do not foresee this having an impact upon the amenity in relation to noise as long as no power tools are used. Would the applicant be mindful to accept a condition specifying the types of work that can be carried out on the forecourt i.e. changing light bulbs and windscreen

wipers. I would recommend that tyre changing is NOT carried out in the forecourt area, due to the hydraulic type tools that are used to remove and replace the lug nut/bolts on the vehicles wheels.

- 3.4 Arboricultural Officer - No objection, subject to a condition requiring regular maintenance.

#### 4.0 REPRESENTATIONS

- 4.1 Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in January 2021.

- 4.2 16 letters of support from 15 households have been received and can be summarised as follows;

- a) Staff are considerate and helpful;
- b) Proposal would allow the garage to be more accessible for customers with disabilities;
- c) No concerns regarding access;
- d) Supporting small businesses;
- e) Would make the business more efficient;
- f) Proposal would not have an increased impact on safety or neighbour amenity;
- g) Would contribute to the local economy;
- h) Improve parking in the area; and
- i) No concerns regarding noise.

- 4.3 1 comment has been received highlighting potential issues relating to parking and increased air pollution

- 4.4 13 letters of objection from 7 households been received and can be summarised as follows;

- a) Proposed development would be contrary to a previous appeal decision which allowed use of garages and forecourts to only be used to store vehicles;
- b) Increased volume of traffic leading to parking and access issues;
- c) Increased air and noise pollution;
- d) Storage of tyres and oil would result in a fire risk;
- e) Increase danger for employees on site as a result of increased traffic;
- f) Removal of trees on site;
- g) Query regarding land ownership and covenants;
- h) Impact on the amenity of neighbouring properties;
- i) Loss of garden land;
- j) Impact on value of neighbouring properties;
- k) The build will cause overshadowing and overlooking to neighbouring properties; and
- l) Concerns regarding adverts and impact on the conservation area.

- 4.5 During the course of the application, it came to light ownership certificate (certificate A) submitted with the application was incorrect. Consequently, the correct ownership certificate (Certificate B) was submitted and notice was served on the relevant land owner. However, following the submission of the amended ownership certificate, the consultation period was extended by 21 days. Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in May 2022.

- 4.6 4 further letters of objection from previous 2 households who have previously objected have been received and can be summarised as follows;

- a) Remain strongly opposed to the granting of any permission to park and store cars on the land shaded green on the proposed site plan;

- b) Restrictive Covenant on this piece of land requiring the land to be retained as garden land;
- c) Introduction of an industrial use on land to rear of garages would be harmful to neighbouring businesses;
- d) Consideration should be given to previous appeal decision;
- e) Increase in environmental and noise pollution would constitute a potential breach of residents' Human Rights to live in an environment not detrimental to their health;
- f) Proposal contrary to national and local green policies;
- g) Works have been carried out unlawfully.

## **5.0 COMMENT**

### **5.1 Principle of the development**

5.2 The application site is not subject to any restrictive land use policies and furthermore, this application relates to the expansion of an established use on the site. Having regard to paragraph 81 of the National Planning Policy Framework (2021) which states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, it is considered that the proposal would help improve the usability and viability for existing and future users of the business in accordance with the aims and objectives of the National Planning Policy Framework (2021).

Therefore, the principle of the development is considered to be acceptable, subject to compliance with the relevant material planning considerations which will be considered below;

### **5.3 Design, Landscaping and Impact on the Conservation Area**

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

5.5 No external alterations are proposed to the existing workshop and garages as part of this application.

5.6 In terms of landscaping, concerns were raised by the Local Planning Authority regarding the removal of a tree to the rear of the garages to create a parking area. Consequently, the applicant has submitted a landscape plan which indicates approximately a third of this part of the site would be retained for planting while the remainder would be covered in gravel to allow the parking of vehicles. The applicant is proposing to plant either field maple, strawberry, hawthorn or whitebeam trees. These options have been discussed with the Council's arboricultural officer who considers these to be suitable species for this location and has raised no objection to the landscape plan. Should planning permission be granted, a condition would imposed to secure appropriate landscaping.

5.7 This application relates to an existing garage and with the relevant conditions, the proposal is considered to have a neutral impact on the East Southsea conservation area (no.19).

### **5.8 Residential Amenity**

5.9 Policy PCS23 of the Portsmouth Plan states 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.

- 5.10 This application has been the subject of a site visit during which the impact on the amenity of all adjoining properties was considered.
- 5.11 Having regard to the previous appeal decision which granted permission for the first six garages and forecourt to be used for parking only, the applicant has confirmed repairs would be carried out in and on the forecourt of the first six garages. However, the repairs would include the checking of tyres, batteries, fluid and the changing of bulbs and windscreen wipers. Due to the minor nature of the repairs, it is not considered the works would have a harmful impact on the amenity of neighbouring properties in terms of noise. The Council's Environmental Health Team (EHT) have been consulted on the application and have raised no objection subject to a condition preventing the use of power tools on the forecourt. Furthermore, the LPA suggest a further condition is imposed restricting the hours repairs can be carried out in the garages and the forecourts.
- 5.12 Concerns have been raised in the representations regarding the impact the proposal would have on air quality. The proposal seeks to store vehicles and materials in the garages and carry out minor repairs on the forecourt and within the first six garages. Due to the nature of the proposal which would consist of minor repairs to stationary vehicles, it is not considered the development would have a significant impact on air quality.
- 5.13 With regards to concerns regarding the storing of hazardous materials on site. The applicant has confirmed tyres, oil, car parts and scrap metal would be stored in the garages. The EHT have confirmed the Health and Safety Executive would be the enforcing body with regards to hazardous materials and fire risk.
- 5.14 While the majority of repair works would still take place in the existing main workshop, it is acknowledged due to the siting of the application site in a predominantly residential area and the close proximity of neighbouring properties, the proposal may have some impact on the amenity of the occupiers of these properties and the concerns raised in the representations are noted. However, with the relevant conditions which would restrict the type of repairs that can be carried out outside the main workshop, the hours these repairs can be carried out and replacement planting to provide screening for properties to the south east, it is not considered the impact would be sufficiently harmful to withhold planning permission and would be in compliance with policy PCS23 of the Portsmouth Plan (2012).
- 5.15 Highway Implications
- 5.16 The existing site is accessed from Furness Road and this access would be retained as part of the proposal. The application site currently has approximately 24 parking spaces, 12 within the main workshop and an additional 12 within the first six garages and forecourt. As part of the proposal an additional 9 car parking spaces are proposed within the 3 garages (shaded blue on the site plan), the forecourt (shaded purple) and area of open space to the rear of the property (shaded green).
- 5.17 The three garages shaded blue on the site plan are currently used for storage and therefore the change of use of these garages is not considered to result in any loss of parking. At present, during peak times, cars often wait outside the workshop on the highway until there is space in the workshop. This application seeks permission to allow cars to park within the garages shaded blue on the site, the forecourt in front of these garages and on an area of land behind the garages. This would prevent cars waiting on Furness Road which could avoid potential highway safety and amenity issues. The Local Highways Authority have been consulted on the application and have raised no objection.



5.18 Flood Risk

5.19 The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult The Environmental Agency for minor development within Flood Zone 2 or 3, however, paragraph 164 of the National Planning Policy Framework (2021) states all applications should be supported by a site-specific flood-risk assessment but in this instance a sequential or exception test is not required. The applicant has submitted a Flood Risk Assessment as part of this application.

5.20 This application relates to a dwellinghouse which is classified as being 'less vulnerable' in the flood risk vulnerability classification set out in Annexe 3 of the National Planning Policy Framework (2021). Having regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance and the nature of the proposal, the development is deemed appropriate.

5.21 Matters Raised in the Representations

5.22 Issues relating to property covenants and property value are not material planning considerations. Furthermore, potential competition between businesses and the financial impact on existing businesses is not a material consideration

5.23 Concerns have been raised in the representations regarding the ownership of the garages. Following the submission of a new ownership certificate, the LPA is satisfied that the correct ownership certificate has been submitted and notice has been served on the relevant land owners.

5.24 Conclusion

5.25 This application seeks to improve the usability and viability of an existing garage. Whilst consideration has been given to the previous planning history and to the enforcement appeal relating to the site, officers consider that with the relevant conditions these matters have been addressed. As such, the proposal is considered to accord with policies PCS12, PCS17 and PCS23 of the Portsmouth Plan and is therefore recommended for planning permission subject to conditions as set out below.

## **RECOMMENDATION            Conditional Permission**

### **Conditions**

### **Approved Plans**

- 1) Unless otherwise 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 (dated 6.10.20); and Site Layout Plan 5477/500 Rev D.

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Restriction on Power Tools**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, only repairs to vehicles which require the use of hand tools shall be carried out in the six garages and on the forecourt (shaded pink and orange on site plan reference: 5477/500 Rev D). Repairs which require the use of power tools are not permitted outside of the main workshop.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Restriction on Operating Hours of Garages and Forecourt**

- 3) Unless otherwise agreed in writing by the Local Planning Authority, repairs to vehicles shall only be carried out in the six garages and on the forecourt (shaded pink and orange on site plan reference: 5477/500 Rev D) between the hours of 08:00 and 18:00 Monday to Saturday.

Reason: In the interests of protecting the residential amenity of occupiers of surrounding properties in accordance with policy PCS23 of the Portsmouth Plan (2012).

### **Car Horn Testing**

- 4) Unless otherwise agreed in writing by the Local Planning Authority, the testing of car horns shall only be carried out between the hours of 08:00 and 18:00 Monday to Saturday.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Landscaping**

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the soft landscaping scheme shall be carried out in accordance with the details shown on the soft landscaping plan ref: Planting Layout 5477/200 in the first planting season. Any trees or plants which, within a period of five years from the date of planning permission being granted, which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interest of visual amenity to achieve a high quality development in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012).

### **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.

20/01144/ADV

WARD: EASTNEY & CRANESWATER

GARAGE, 2 FURNESS ROAD SOUTHSEA PO5 2JL

RETROSPECTIVE APPLICATION FOR THE DISPLAY OF NON-ILLUMINATED SIGNAGE

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=QHTYKBMOLCE00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=qhtykbmolce00&activetab=summary)

**Application Submitted By:**

Mr Andrew Dunks  
Andrew R Dunks Ltd.

**On behalf of:**

Mr Luke Semmens  
Semmens of Southsea Ltd.

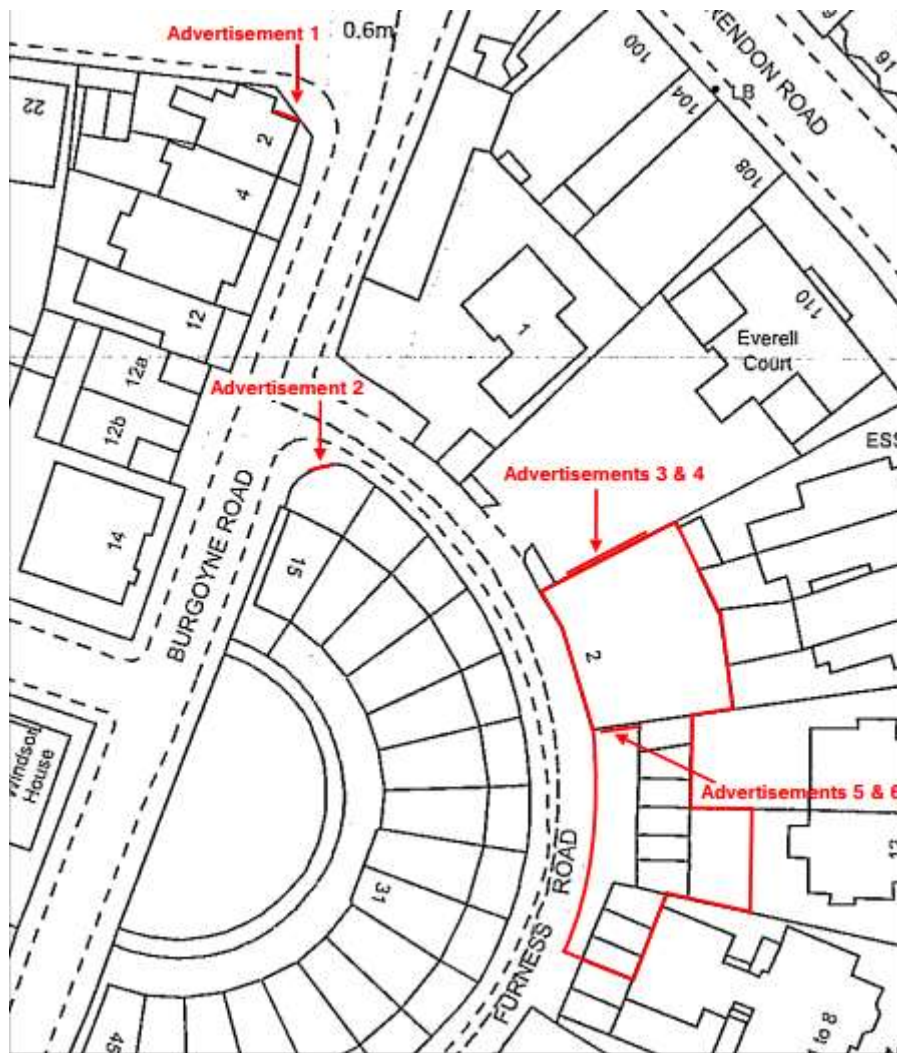
**RDD:** 7th October 2020

**LDD:** 8th March 2021

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee as the number of objections received by the Local Planning Authority exceeds the limits set out with the Scheme of Delegation.
- 1.2 The main considerations within this application:
  - Visual and Aural Amenity; and
  - Impact upon public amenity and safety.
- 1.3 Site and Surroundings
- 1.4 This application relates a single-storey, commercial unit and nine attached garages located on the eastern side of Furness Road. The surrounding area is predominantly residential in character and consists of a combination of dwellinghouses and self-contained flats. The application site is located within the East Southsea conservation area (no.19) and flood zone 2.
- 1.5 Proposal
- 1.6 Advertisement consent is sought for the retention of six non-illuminated directional signs. All signs are made of plastic with a white background and grey and blue text. The dimensions for each sign are as follows;
- 1.7 Sign 1 - 1.2m in height, 2.4m in width and the base of the sign is situated 3 metres above ground level.
- 1.8 Sign 2 - 0.6m in height, 1.2m in width and the base of the sign is situated 1.5 metres above ground level.

- 1.9 Sign 3 - 0.7m in height, 2.1m in width and the base of the sign is situated 3metres above ground level.
- 1.10 Sign 4 - 0.6m in height, 4.7m in width and the base of the sign is situated 3.9m above ground level.
- 1.11 Sign 5 - 0.8m in height, 2.5m in width and the base of the sign is situated 1.9m above ground level.
- 1.12 Sign 6 - 0.7m in height, 0.7m in width and the base of the sign is situated 3m above ground level.



1.13 Relevant Planning History

- 1.14 20/01143/PLAREG - Retrospective application for the use of adjacent land and garages and purposes ancillary to main workshop including repairs, storage and parking. Application currently pending consideration.

## **2.0 POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan (2012) would include:
- PCS17 (Transport)
  - PCS23 (Design and Conservation)
- 2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.
- 2.3 Under the section 'Achieving well-designed places', paragraph 136 of the National Planning Policy Framework (July 2021) refers to advertisements, noting that the quality and character of places can suffer when advertisements are poorly sited and designed.

## **3.0 CONSULTATIONS**

- 3.1 Local Highways Authority - No objection.

## **4.0 REPRESENTATIONS**

- 4.1 Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in January 2021.
- 4.2 4 letters of support has been received and can be summarised as follows;
- a) Signs are not intrusive, do not cause inconvenience and are helpful;
  - b) Have been in situ for some time with no formal objections; and
  - c) Not illuminated and do not pose a danger to the public
- 4.3 11 letters of objection from 4 households have been received and can be summarised as follows;
- a) Signs are unsightly and unnecessary;
  - b) Query whether applicant has permission;
  - c) Harmful to the conservation area;
  - d) Consideration should be given to previous appeal decision;
  - e) Increase in environmental pollution would constitute a potential breach of residents' Human Rights to live in an environment not detrimental to their health;
  - f) Proposal contrary to national and local green policies;
  - g) Increased levels of noise and air pollution; and
  - h) Advertisements installed and garage operated unlawfully.

## **5.0 COMMENT**

- 5.1 Visual and Aural Amenity
- 5.2 Due to the location of the application site, falling within the East Southsea conservation area (no.19), when determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.3 Whilst having careful regard to the historic character of the surrounding area, it is considered the non-illuminated advertisements do not appear obtrusive within the surrounding area. The signs have a functional design and are considered to preserve the character and appearance of the East Southsea conservation in accordance with policy PCS23 of the Portsmouth Plan (2012) and s.72 of the Listed Buildings and Conservation Areas Act 1990 (as amended).
- 5.4 Impact upon public amenity and safety
- 5.5 The signs due to their location and siting are unlikely to pose any impact upon the public amenity or safety aspects. The signs do not obstruct any highway surveillance camera, speed cameras or security cameras. The signs are non-illuminated and are not considered to distract road users or highway safety by reason of their size, scale and location. As such, the proposal is considered to be in accordance with the contents of Section 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended).
- 5.6 Matters Raised in the Representations
- 5.7 One objector has queried whether the applicant has the permission of the owners of no's 2 and 15 Burgoyne Road to display the signs outside their properties. The applicant has confirmed in their application form they do not own these properties but the relevant permission to display the advertisement has been obtained. The LPA have notified the occupiers of these properties as part of the neighbour consultation process, however, no comments have been received.
- 5.8 Conclusion
- 5.9 In the opinion of the Local Planning Authority, the display of the non-illuminated signs are considered to be appropriate in design terms and in relation to the surrounding area and therefore not harmful to visual or aural amenity. Furthermore, the display of the signs would not affect public safety. The signs are therefore considered to be in accordance with Policy PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic signal, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

**Additional Condition:**

Approved Plans

6) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings: Application form; Location Plan (dated 06.10.20); Site Layout Plan 5477/500 Rev A; Advertisement 1 drawing no. 5477/1; Advertisement 2 drawing no. 5477/2; Advertisement 3 &4 drawing no. 5477/3; Advertisement 5 &6 drawing no. 5477/4.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

# 03

21/00535/FUL

WARD: ST JUDE

73-75 MARMION ROAD SOUTHSEA PO5 2AX

**CHANGE OF USE OF FIRST FLOOR OF THE BUILDING (CLASS F1) TO FORM 3NO. SELF-CONTAINED FLATS (CLASS C3). EXTERNAL ALTERATIONS TO INCLUDE CONSTRUCTION OF PORCH TO WEST ELEVATION (RESUBMISSION OF 20/00413/FUL)**

**LINK TO ONLINE DOCUMENTS;**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=QRERXGMOI6I00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=QRERXGMOI6I00&activetab=SUMMARY)

**Application Submitted By:**

PDC Ltd

FAO Mr Peter Durrant

**On behalf of:**

Mr B Zaman

**RDD:** 11th April 2021

**LDD:** 16th August 2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections received in response to the application.

- Principle of development;
- Design and Impact on the character and appearance of the conservation area;
- Internal living conditions
- Impact on residential amenity;
- Highway Implications;
- Trees
- Waste; and
- Impact on the Solent Special Protection Area (SPA)

### 1.2 Site and Surroundings

1.3 This application site is located on a corner plot to the north of Marmion Road and to the east of Marmion Avenue. The site is currently occupied by a two storey building which was formerly used as a mosque known as the Jami Mosque. However, following the relocation of the Jami Mosque community to a larger premises, the building was used as an education institution also known as a madrassa and included one residential self-contained maisonette. While the main building has been vacant for a number of years, the residential accommodation is currently still occupied.

1.4 The 19th century building is finished in painted stucco simulating ashlar stonework with pilasters and corbels. The building occupies a large plot with a courtyard located to the rear of the building and a number of mature Lime trees along the southern boundary of the site which are subject to a Tree Preservation Order. Boundary treatment consists of



a two metre high wall surrounding the site. The character of the surrounding area is mixed with a combination of residential and commercial properties. The application site is located within the Owens Southsea conservation area (no.2) and the Southsea Town Centre secondary frontage as designated by the Southsea Area Action Plan.

### 1.5 Proposal

- 1.6 Planning permission is sought to convert the first floor of the building into three, one-bedroom self-contained flats.
- 1.7 External alterations would include the construction of a porch to the south elevation and cycle storage forward of the building. No other external alterations are proposed and the ground floor and courtyard would be retained as a prayer hall and for other community functions.
- 1.8 There are currently three pedestrian entrances to the site, two fronting Marmion Avenue and one fronting Marmion Road. The proposed flats would be accessed via the Marmion Road entrance and the remaining entrances would be retained for the ground floor use.

### 1.9 Relevant Planning History

- 1.10 20/00413/FUL - Change of use of first floor and existing ground floor extension to form 5no. self-contained flats. Application withdrawn January 2021. This application was withdrawn by the applicant at the request of the Local Planning Authority following concerns regarding the standard of accommodation being provided, provision of parking and the ownership certificate submitted with the application. To try and address these concerns the number of units being proposed has been reduced from five to three and the correct ownership certificate has been submitted.
- 1.11 A\*18192/B-1 - Continued use of premises as a prayer house. Conditional Permission July 1978.

## 2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan would include:
- 2.2 PCS10 (Housing Delivery); PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS23 (Design and Conservation),
- 2.3 The aims and objectives of the revised NPPF (2021) is relevant in the determination of this application.

## 3.0 **CONSULTEE RESPONSES**

- 3.1 Environmental Health - Further to the above application road traffic noise should not be an issue at this location therefore enhanced sound insulation measures against external noise will not be required.
- 3.2 I am unfamiliar with noise levels associated with activities within a mosque but I would suggest that to protect future residents from potential loss of amenity and also to reduce the likelihood of any disturbance within the mosque due to the activities of future residents, enhanced sound insulation measures against internal noise sources may be necessary beyond those required by Approved Document E of The Building regulations for domestic dwellings. I would therefore suggest the following condition.

- 3.3 *Prior to the commencement of the development a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor between the ground floor commercial use and the proposed first floor residential dwellings shall be submitted to the planning authority. These measures shall ensure that the separating floor can achieve a minimum standard of Dntw+Ctr 50dB. Upon approval these measures shall be implemented and thereafter maintained.*
- 3.4 Arboricultural Officer - No objection subject to a condition requiring all works to be undertaken in accordance with the submitted Arboricultural Method Statement.
- 3.5 Local Highways Authority - I have reviewed the drawings submitted in support of this application which proposes the change of use of the first floor from a place of worship to form 3 one bedroomed self-contained flats and is a resubmission of part of that development proposed in 20/00413/FUL which was withdrawn. There have been no material change in circumstances from the LHA perspective nor further information provided in respect of availability of on street car parking and I would largely reiterate the observations made on that application:
- 3.6 The site is located at the junction of Marmion Road with Marmion Avenue on that part of the road which served a mixed residential and commercial frontage. The application site is located within the 'KC' resident parking zone where the demand for on street parking opportunity significantly exceeds the space available particularly overnight and at weekends being in the order of 20% over subscribed. Parking is restricted at the Marmion Avenue frontage by double yellow lines although is permitted at the Marmion Road frontage albeit restricted for permit holders and time limited waiting only.
- 3.7 Whilst I am satisfied that the likely additional traffic generation associated with this proposal would not have a material impact on the operation of the local highway network, the proposal makes no provision for car or cycle parking and would increase the residential demand for such particularly overnight and at weekends.
- 3.8 The site does not fall within that part of the city found to be sufficiently accessible so as to allow consideration of a reduction in the parking expectation expressed in the SPD. The SPD establishes the parking expectation for a development of this scale to be 3 vehicle spaces and 3 cycle parking spaces.
- 3.9 Whilst I am satisfied that the cycle parking provision could be made on the site, no parking survey has been provided to determine whether or not there is space available to accommodate this increase in demand on street within a reasonable walking distance of the site practically, given the over subscription of the permit scheme and our knowledge of local parking demand this seems unlikely.
- 3.10 As a consequence this proposal is not compliant with the policy established in the SPD and will increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and is likely to result in increased instances of residents driving around the area hunting for a parking space. It will increase the potential for indiscriminate parking arising from this development although this is largely an issue of residential amenity rather than highway safety and you should give this due weight in the planning balance when determining the application.
- 3.11 Natural England- No objection subject to securing appropriate mitigation.

## **4.0 REPRESENTATIONS**

4.1 PCC publicity dates:

4.2 Neighbour letters sent: 21.06.2021, expiry 06.08.2021

4.3 Site notice displayed: 24.06.2021, expiry 06.08.2021

4.4 Six letters of objection has been received and can be summarised as follows;

- a) Under provision of onsite parking;
- b) Concern regarding the future of the lime trees along the southern boundary;
- c) Concern regarding appropriateness of flats above a Madrassa;
- d) Building has deteriorated and been neglected;
- e) Lack of outside storage proposed for future dwellings;
- f) Proposal would add to the ruination of the building and the immediate area;
- g) Applicant has not consulted or discussed the proposal with the wider Muslim community;
- h) Correct notice has not been served on co-owners of the site;
- i) Loss of essential facilities at the mosque;
- j) Will create a division within the Muslim community

4.5 In addition to the above letters of objection, a petition including 851 signatures has been received objecting on the following grounds;

- a) Proposal will result in the loss of a prayer hall;
- b) 73-75 Marmion Road is still registered as a place of worship but not currently open; proposal would undermine the principal use of the building;
- c) Proposed internal layout is not compatible with a place of worship, future occupiers will be affected by noise from congregational prayers;
- d) Potential anti-social behaviour issues from future occupiers;
- e) Proposal would further contribute to an under provision of mosques in Portsmouth;
- f) Building provides a much needed facility which benefits the community.

4.6 The matters raised in the representations have been addressed in the officer report below.

## **5.0 COMMENT**

5.1 Principle of development

5.2 The application site is not subject to any land use policy restrictions which restrict new dwellings on this site.

5.3 Furthermore, there is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 60 of the NPPF (July 2021) states: 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

5.4 In addition, Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas'.

5.5 National policy states (Paragraph 11. d) that 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 outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 5.6 The starting point for the determination of this application is the fact that Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development with reasonable access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.
- 5.7 Design and Impact on the character and appearance of the conservation area
- 5.8 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.
- 5.9 The proposal would include the construction of a porch to the south elevation to provide direct access to the first floor dwellings. The porch is modest in scale, measuring 1.3 metres in width, 2.4 metres in depth and 3.1 metres in height. Proposed materials would include rendered blockwork to match the existing building. Having regard to the modest scale of the external work, the proposed external alterations are considered to be in keeping with the appearance of the building and the character and appearance of the wider Owens Southsea conservation area.
- 5.10 Internal Living Conditions
- 5.11 The NPPF states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 5.12 Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the Nationally Described Space Standard (NDSS 2015)' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 5.13 Flat 1 would have a gross internal floor area of 47m<sup>2</sup>, Flat 2 would have a gross internal floor area of 50m<sup>2</sup> and Flat 3 would have a gross internal floor area of 59m<sup>2</sup>, all three flats would meet the minimum size standards set out in the Nationally Described Space Standards. In addition all of the habitable rooms would benefit from a window with a good degree of natural light and outlook.
- 5.14 Impact on residential amenity
- 5.15 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.
- 5.16 The surrounding area is mixed with a combination of commercial and residential properties and a non-residential use would be maintained at ground floor level. Concerns

have been raised in the representations regarding potential noise disturbance between the existing and proposed uses. The Council's Environmental Health Officer has been consulted on the application and having regard to the non-residential use at ground floor, has recommended a condition requiring a scheme of sound insulation measures between the two floors to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works. With the relevant conditions, it is not considered the development would have a harmful impact on the amenity of the future occupiers of the proposed development.

- 5.17 Having regard to the neighbouring residential properties surrounding the site, the footprint of the building would remain largely unaltered. The positioning of the existing first floor fenestration would not be altered and it is considered there is sufficient separation distance between the host building (12 metres at its closest point) and the neighbouring properties to the north so as not to result in any significant loss of privacy.
- 5.18 Neighbouring properties to the east, west and south of the site are considered to be sufficiently distanced from the proposed development so as not to be significantly affected by the proposal.
- 5.19 Impact on highways
- 5.20 Portsmouth City Council's parking SPD gives the expected level of vehicle and cycle parking within new residential developments. While the SPD provides some guidance to assess non-residential parking need it has no specific guidance for places of worship or education. Having regard to the existing two-bedroom maisonette on the site, the proposal would result in the net gain of two dwellings and the requirement for a 1-bedroom flat is 1 vehicle space and 1 secure cycle space per dwelling. The reduced capacity for the existing institutional/learning use will cause some, unassessed, reduction in parking demand that would also be offset against the parking demand created by the corresponding new residential use. There are no vehicular parking facilities proposed with this application and while the applicant has not provided a full assessment of likely parking need reductions arising from the reduction of the current lawful use it is however therefore the proposal would result in a minor under provision of parking.
- 5.21 The Local Highways Authority have been consulted on the application and have highlighted the proposal does not comply with the Council's parking standards, however, they recognise this is an issue of residential amenity rather than highway safety. Furthermore, the NPPF (2021) in paragraph 111 is clear that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 5.22 Having regard to the aim of paragraph 111 of the NPPF and the sustainable location of the application which is located approximately 1 mile from a train station (Fratton) and approximately 0.2 miles from a bus stop, the absence of two parking spaces it is not considered a justifiable reason for refusal or sustainable on appeal.
- 5.23 In terms of cycle storage, cycle storage for 6 bicycles is proposed to the front of the building in compliance with the Council's parking SPD. This cycle storage would be secured via condition.

## 5.24 Trees

5.25 Policy PCS13 of the Portsmouth Plan seeks to protect, enhance and develop the city's green infrastructure and requires development to achieve a net gain in biodiversity where possible.

5.26 The site hosts a number of mature lime trees along the southern boundary of the site which are subject to a tree preservation order and would be retained as part of the proposal. The City Council's Arboricultural Officer has considered the submitted Arboricultural Development Statement and advises that its content is accepted and agreed. However, a condition requiring the proposed works to be carried out in accordance with the Arboricultural Development Statement is recommended.

## 5.27 Waste

5.28 There is considered to be sufficient space within the communal courtyard to the rear of the property to accommodate refuse storage.

## 5.29 Impact on the Solent Special Protection Area (SPA) and Nitrates

5.30 The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.

5.31 The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

5.32 There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

5.33 Wading birds:

5.34 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is likely to have an impact on the management of the SPA which would require mitigation.

5.35 Based on the methodology set out within the Strategy, and taking into consideration the existing maisonette on the site an appropriate scale of mitigation for this development is £780 (net gain of two dwellings), which will be secured through a legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

5.36 The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the

designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale.

- 5.37 Nitrates:
- 5.38 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties.
- 5.39 In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.
- 5.40 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 5.41 The Council's current Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200. The applicant has provided a statement which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of an agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 5.42 Natural England have been consulted on the application and have raised no objection to appropriate mitigation being secured. Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.
- 5.43 Matters in the Representations
- 5.44 Concerns have been raised in the representations regarding the ownership certificate and whether the correct notice has been served. The Local Planning Authority is satisfied that the correct ownership certificate has been submitted and the LPA has received evidence that notice has been served on all relevant land owners.
- 5.45 The LPA appreciate the concerns raised regarding the loss of prayer facilities on this site and the wider issue of under provision of mosques in the city, however, it is understood the building has been underutilised for a number of year following the relocation of the Jami mosque community to a larger site on Victoria Road North. A site visit confirmed the main building was currently vacant and in need of significant repairs. Furthermore, it

should be noted the ground floor of the building and the courtyard to the rear would be retained as a prayer hall and for the use of the community.

5.46 As the site is not subject to any restrictive planning land use policies, the principle of a residential use on this site is considered to be acceptable.

5.47 Conclusion

5.48 Having regard to all of the material planning matters which have been explored above, the proposed development is considered to be in accordance with the relevant development plan policies and it would contribute to the Council's five year housing supply. It provide a good standard of living accommodation, of an appropriate design within the local context and would have no significant adverse effect on local amenity. It is therefore recommended that planning permission be granted subject to the conditions set out in this report.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

**1. Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

**2. Approved Plans**

Unless otherwise 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 and Elevations PDC/21/03/200/02 Rev A

Reason: To ensure the development is implemented in accordance with the permission granted.



### **3. Materials**

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.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

### **4. Sound Mitigation**

Unless otherwise agreed in writing, the development shall not be occupied/ brought into use until a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor between the ground floor commercial use and the proposed first floor residential dwellings shall be submitted to the planning authority. These measures shall ensure that the separating floor can achieve a minimum standard of Dntw+Ctr 50dB. Upon approval these measures shall be implemented and thereafter maintained.

Reason: In order to safeguard the amenity of future occupiers of the development, in accordance with Policy PCS23 of the Portsmouth Local Plan 2012.

### **5. Nitrate and SPA Mitigation**

(a) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall then be carried out in full accordance with both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### **6. Tree Protection**

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the approved Arboricultural Development Statement ref CBA115 73 V1 dated December 2021 produced by Stefan Rose of CBA Trees.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period and in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

### **7. Cycle Storage**

(a) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with drawing no. PDC/21/03/200/02 Rev A; and

(b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: 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.

**8. Refuse Storage**

- (a) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved drawing no. PDC/21/03/200/02 Rev A; and
- (b) The facilities approved pursuant to parts (a) of this Condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

# 04

21/01727/HOU

WARD: BAFFINS

187 DOVER ROAD PORTSMOUTH PO3 6JU

**CONSTRUCTION OF SINGLE STOREY REAR EXTENSION (FOLLOWING REMOVAL OF EXISTING) AND RENDERING OF FIRST FLOOR REAR ELEVATION.**

**LINK TO ONLINE DOCUMENTS;**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=R36DF3MOG6S00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=R36DF3MOG6S00&activetab=SUMMARY)

**Application Submitted By:**

Thorns-Young Architectural  
FAO Miss Christine Pawlow

**On behalf of:**

Mr & Mrs Foggie

**RDD:** 26th November 2021

**LDD:** 24th January 2022

## **1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought to the Planning Committee following a deputation request by former Cllr, Jeanette Smith.
- 1.2 The main considerations within this application are:
  - Design;
  - Impact upon residential amenity
- 1.3 Site and Surroundings
- 1.4 This application relates to a two-storey, mid-terrace property located on the west side of Dover Road. Building materials include facing brickwork, white upvc fenestrate and concrete roof tiles. The dwelling is set back from the highway with a paved forecourt forward of the dwelling. To the rear of the dwelling is an enclosed garden. The surrounding area is residential in nature and is characterised by two-storey terraced properties. However, to the rear (west) of the site is a railway line.
- 1.5 Proposal
- 1.6 Planning permission is sought for the retention of a single-storey extension to the rear following the demolition of the previous lean to. The extension measures 4.2 metres in depth and extends the full width of the dwelling, 5.5 metres. The extension hosts a flat roof and has an eaves height measuring 2.8 metres and a maximum height of 3.3 metres. The extension includes a roof lantern and bi fold doors to the rear (west) elevation. Building materials include render in the colour off white and anthracite grey fenestration.

- 1.7 Planning permission is also sought for the rendering of the entire rear elevation. The colour of the render would be off white.
- 1.8 At the time of the officer's site visit, the extension was substantially completed.



### 1.9 Relevant Planning History

- 1.10 20/00052/GPDC - Construction of single-storey rear extension that comes out a maximum of 4m beyond the rear wall of the original house with a maximum height of 2.95m and a maximum height of 2.5m to the eaves. Prior Approval Granted 2020.

## 2.0 POLICY CONTEXT

- 2.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)
- 2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

## 3.0 CONSULTATIONS

- 3.1 Network Rail - Thank you for consulting Network Rail on the above planning application. Following a review of the application, I can confirm that Network Rail have no objections to the proposal

#### **4.0 REPRESENTATIONS**

- 4.1 One letter of objection from a local resident has been received and can be summarised as follows;
- a) Loss of light;
  - b) Overbearing; and
  - c) Loss of property value
- 4.2 Officer Note: Property value is not a material planning consideration.
- 4.3 In addition a letter of objection and request for this application to be determined by the Planning Committee has been received from former Cllr, Jeanette Smith. The letter of objection can be summarised as follows;
- a) Development has been built unlawfully; and
  - b) Loss of light for neighbouring property.

#### **5.0 COMMENT**

##### **5.1 Design**

- 5.2 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city.
- 5.3 The application site is considered to be of adequate size to accommodate the development and the extension is subservient in size and height to the main dwelling. In terms of impact on the character of the area, the extension is to the rear of the property and is not easily visible from public viewpoints.
- 5.4 The rendering of the rear elevation is considered to be acceptable in design terms and would not be out of keeping with neighbouring properties, several of which have been rendered.
- 5.5 Having regard to the above, the development is not considered to be harmful to the character and appearance of the area and accords with the aims of Policy PCS23 of the Portsmouth Plan (2012).

##### **5.6 Impact upon Amenity**

- 5.7 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.
- 5.8 This application site and the neighbouring property to the north, no.189 Dover Road have been the subject of a site visit where the impact on the amenity of the adjoining properties was assessed.
- 5.9 The single storey extension has a depth of 4.2 metres and projects approximately 2.5 metres beyond the adjoining properties to the north and south, no.185 and no.189 Dover Road. Having regard to the positioning of the extension to the north of no.185 Dover Road, it is not considered the extension has a significant impact in terms of overshadowing or loss of light for the occupiers of this property.

- 5.10 Following a site visit to no.189 Dover Road, it is considered the extension does have an impact on this property due its positioning to the south and close proximity to the boundary. However, the main rooms which are affected are a kitchen and lean to which is used as a sitting area and a utility. The rooms which are affected are not considered to be main habitable rooms and therefore can be afforded less protection. Furthermore, whilst it is acknowledged there would be some overshadowing to the outdoor amenity space directly to the rear of no.198 Dover Road, the property hosts a relatively large garden with a depth of approximately 13 metres meaning a large majority of the garden is not affected by the development.
- 5.11 Furthermore, having regard to what could be constructed under permitted development, the extension is not markedly different from that which would be experienced by the fall back position of a 3m deep extension of a similar height and general design, constructed under 'permitted development'. It is noted that consent for a similar style rear extension with a maximum depth of 4 meters and maximum height of 2.95m was granted in 2020.
- 5.12 It is acknowledged the extension has some impact on the adjoining properties, in particular the property to the north no.189 Dover Road, however, the extension is not considered to result in substantial enough harm to constitute a sufficient reason for refusal.
- 5.13 Conclusion
- 5.14 Whilst the development does have a degree of impact on the occupiers of no's.185 and 187 Dover Road in terms of light, outlook and sense of enclosure, on balance, the impact is not considered such so as to warrant refusal of this application and the application is considered to be in compliance with policy PCS23 of the Portsmouth Plan (2012) and capable of officer support.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Approved Plans**

1) Unless otherwise 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 (dated 25.11.2021); Block Plan 5023.21.BT; and Rear Extension 5023.21.1 Rev D.

#### **Materials**

2) The development hereby permitted shall be constructed in accordance with the materials specified or such alternatives materials as may otherwise be agreed in writing by the Local Planning Authority.

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

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

## 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 73A of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

**LAND AT FORMER EDINBURGH HOUSE, SUNDRIDGE CLOSE, PORTSMOUTH, PO6 3JL  
CONSTRUCTION OF 3-STOREY BUILDING ACCOMMODATING 50 NO. CLASS C3 'EXTRA  
CARE' APARTMENTS TO BE PROVIDED AS AFFORDABLE HOUSING, NEW VEHICULAR  
ACCESS & TURNING HEAD, VEHICLE PARKING, CYCLE PARKING & LANDSCAPING**

**LINK TO ONLINE DOCUMENTS;**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R2ZCEGMOG3E00>

**Application Submitted By:**

Pickup Town Planning

**On behalf of:**

Portsmouth City Council (Adult Social Care)

**RDD:** 2021

**LDD:** 2022

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application has been brought to the Planning Committee because it is on Portsmouth City Council land.

1.2 The main issues for consideration relate to:

The principle of Development and Housing Need

- Affordable Housing
- Design and Layout
- Noise and Residential Amenities
- Air Quality
- Transportation and Parking
- Ecology
- Flood Risk and Drainage
- Landscaping & trees
- Sustainability and Energy
- Land Contamination
- Appropriate Assessment - Nitrates and Recreational Disturbance



## 2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located to the north of Cosham town centre on the northern side of the A3 Southampton Road, accessed off Sundridge Close which forms its western and northern boundaries. To the east of the site is the former PCC-owned PCMI building which is vacant and obtained planning permission at the April 2022 meeting for the development of a new fire station for the Hampshire and IoW Fire and Rescue Service (HIWFRS). The Harbour Vocational Centre is located on the west side of Sundridge Close with the Harbour Medical School and Portsdown Primary School immediately to the north. Two storey housing lies to the north-east (Dame Judith Way). Further to the north is the Queen Alexandra Hospital campus.

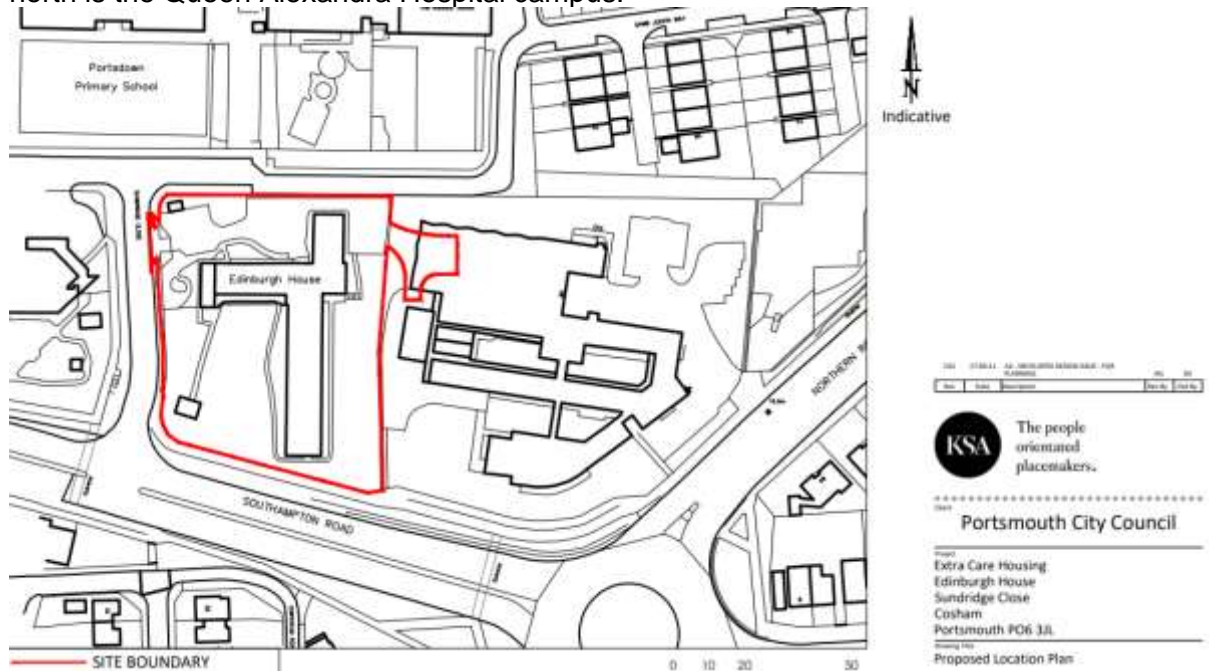


Figure 1 - Site Location Plan

- 2.2. The site covers an area of approximately 0.5 hectares and is a largely cleared site, the former care home having been demolished in 2019. Previous boundary planting remains in place. The site is sited on land rising up towards Portsdown Hill and slopes by approximately 3.0-3.5m metres from the highest part of the site to the north down to the lowest part of the site to the south.
- 2.3 There are double-yellow parking restrictions on Sundridge Close, with the exception of unrestricted parking south of the site entrance (east side only) with space for approximately 7 cars. "School Keep Clear" hatching exists on Sundridge Close to the north of the site and west of Dame Judith Way. A public subway ramps exists on the west side of Sundridge Close, providing pedestrian connectivity to facilities south of the A3 including a Tesco superstore and Cosham District Centre.
- 2.4 In terms of public transport services, the site is serviced by bus routes along the A3 between Portsmouth, Gosport, Havant, Waterlooville, and Cosham town centre to the south. This includes services 2,3,7 The Star, 8 The Star, 18 and 20 from Southampton Road. Cosham train station is only a short distance to the south of the site just off Cosham High Street. It should be noted, as part of the South-East Hampshire Rapid Transit Scheme, Portsmouth City Council is proposing improvements along Southampton Road and Northern for bus, pedestrian and cycle links.
- 2.5 It should also be noted that the application site is located close to the recently Fire Station development (ref: 21/01613/FUL) and NHS Highclere site (north-east of the

approved new fire station development), for which planning permission was granted for the construction of a new health centre (Ref: 21/01260/FUL). The image below shows all three development sites together (not necessarily reflecting the final drawing versions). Vehicular access for vehicles other than fire rescue trucks would come through the application site via a shared new access way from the site's Sundridge Close means of access. Returning emergency trucks would also enter via Sundridge Close.



Figure 2 - Composite plan for 3 Cosham sites

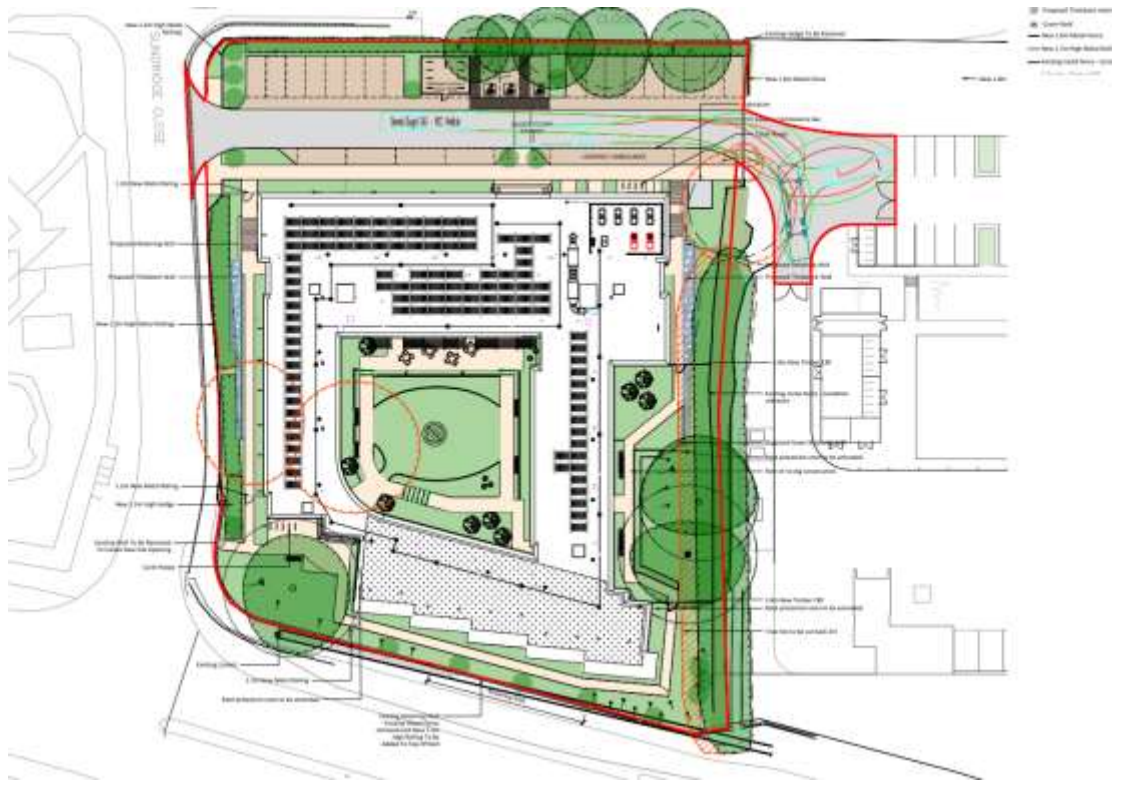
### 3.0 **PROPOSAL**

- 3.1 The former Edinburgh House facility provided care for up to 32 elderly residents. The current proposal would result in the construction of a 3-storey building accommodating 50 'extra care' residential apartments. These flats would be occupied as self-contained units and would be made available for people with varying degrees of dementia (and their partners) who are both very frail and more active, including those with physical and mental disabilities. The accommodation would provide for occupiers from the City Council's housing register.
- 3.2 The stated objective of the development is to provide the City with extra care housing accommodation that would enable people to retain or regain as much independence as their physical and/or mental conditions allows, until the end of their lives, or until they can no longer be supported by the City Council's Adult Social Care Department in their own homes. As such, the proposed extra care flats would 'bridge the gap' for people with dementia who do not need 24-hour residential care but are currently unable to manage on their own at home. The philosophy behind the development is to provide 50 self-contained flats in a non-institutional homely environment where people can interact with fellow residents, access on-site services without impediment, entertain friends and relatives and make their own choices as far as is practically possible. Future residents would be supported by staff who would be available on site to help them 24 hours a day.
- 3.3 The proposed building would be constructed with a four-sided layout enclosing a central amenity area. An additional 'woodland' or 'intimate' garden would be provided to the east of the building with the remainder of the site being landscaped. Vehicle parking would be provided to the north of a new access road formed from the existing Sundridge Close access. The applicants state that the proposed layout reflects 'best practice' layouts for extra-care facilities, referencing cases studies identified in the RTPI Guidance "Dementia and Town Planning" and Parliamentary HAPPI reports (Housing our Ageing Population: Panel for Innovation, 2009 and 2012).
- 3.4 In terms of design philosophy, the applicant states as follows:

*"The proposed building has been very carefully designed in order to ensure that it is of an appropriate scale and appearance when considered in the context of this gently sloping site on the corner formed by the east side of Sundridge Close and the north side of the Southampton Road. The building would have highly articulated west and south-east elevations which would provide visual interest to passers-by viewing the site from these respective road frontages. The palette of materials chosen would help provide the building with significant visual interest and would also be softened by the proposed complementary planting scheme. The use of a brown brick across all of the building's elevations would ensure a consistency and continuity of appearance from all viewpoints. Being set into the gradually sloping site the proposed building would appear as a three-storey structure on its south, west and east sides and two storeys at its north elevation. This elevation would be finished with a mainly brown facing brick façade, complemented by Flemish Bond brickwork with 'snapped end' panel details and an easily identified main entrance door set within a portico of white brickwork. This elevation would sit adjacent a new access road from Sundridge Close which would accommodate 24 vehicle parking spaces (6 of which would be served by electrical charging points) together with a 'pull-in' space and several planting beds.*

*The design team has been especially mindful of extra-care guidance provided by HLIN and the HAPPI reports. As such, the interior of the building would have an inclusive design, with adaptable flats, light and airy communal spaces and corridors. Externally, the building has been designed with a scale and appearance that would provide visual interest on the corner site in a manner that would complement and enhance the Southampton Road and Sundridge Close street scenes. The building would provide its future occupiers with a secure environment with all residents, staff and visitors, having to enter the building via key fob operated doorways. Additionally, the two communal amenity spaces (the central courtyard and the intimate garden) would also be secured with access only being possible through the building or via locked gates.*

*The development would provide residents with two high quality external amenity spaces. The central communal courtyard was enlarged by around 50% during the pre-application process allowing it to receive improved levels of sunlight and daylight which in turn would provide future residents with an appropriately light and airy space. As is explained by the accompanying Landscape Management Plan, this space would have a perimeter footpath framed by low hedge planting and with timber pergolas supporting scented climbers. A raised planter would frame the courtyard's dining terrace, providing opportunities for residents to benefit from gardening / horticultural therapy. A safe communal 'woodland garden' would be provided adjacent the site's eastern boundary which would reinforce and encourage wildlife, providing residents the opportunity to connect with nature."*





3.5 The proposals were subject to pre-application engagement with the local planning authority and public consultation events undertaken on 14<sup>th</sup> to 15<sup>th</sup> September 2021, attended by circa 350 people. It is understood from the applicants that 96% of 146 questionnaire respondents indicated support for the project.

3.6 The applicant attended an online Design Review Panel workshop held on the 5<sup>th</sup> January 2022 to review the three neighbouring schemes, comprising;

- Health centre on the Highclere Site (Ref: 21/01260/FUL).
- Fire Station (21/01613/FUL)
- Edinburgh House (this application)

3.7 The Panel made a number of recommendations (having regard to the originally submitted drawings for the current application) which have been taken into consideration, including;

- the lack of a masterplan for Cosham and the failure to look beyond the red line boundary of each of the application sites has resulted in three proposals that have little relation to one another in terms of architecture, landscape, or usage;
- relationship between Fire Station and Edinburgh House should be as neighbourly as possible - concerned about noise and disturbance from large vehicles and outdoor training yard;
- make the sites more permeable for pedestrians and cyclists and explore the possibilities of north-south/ east-west links;
- the main entrance should front Southampton Road rather than the car park, to reinforce pedestrian-led design;
- Western frontage to Sundridge Close could also be made more active with communal accessibility;
- Eastern planted boundary should be made clear as either private or public amenity;
- West facing units may experience over-heating;
- Some lower ground units overlook retaining walls at the rear of the site;
- Noise disturbance concerns from Southampton Road - should consider mechanical ventilation and heat recovery (MVHR) to enable windows to remain closed on noisy elevations;
- A north-south pedestrian for public use should be provided along the site's eastern boundary to further bolster pedestrian connectivity;
- explore incorporating green roofs or a photovoltaic system on the roof - reliance upon gas is unfortunate.
- Site poorly located for local services and community shopping/community infrastructure.

3.8 The applicant has responded to the Panel comments as follows:

- The building will serve vulnerable elderly residents, many disabled, who will inevitably arrive at site by car or ambulance. The logical entrance is therefore closest to these drop-off points and where noise levels are also reduced and maximum visibility and security is achievable. It would also result in more units being moved to the north-facing elevation and hence reduced sunlight. Nonetheless, a secondary pedestrian entrance has been added to the SW corner to add interest and activity to this prominent corner.
- There are no habitable room windows facing east towards the fire station yard and any associated noise source;
- Communal rooms and activity needs to be focused inwardly towards the enclosed courtyard and close to the main entry point to the building. Further dissipation of communal areas would ultimately reduce the number of feasible dwellings and impact scheme viability. It could also complicate site management arrangements;
- The provision of a north-south pedestrian corridor along the site's eastern boundary would be difficult to provide due to site levels, the need for winding ramps and consequent loss of proposed planting in this location as well as potential root damage to established trees. Additional lighting would be required and safety considerations factored in too. A pedestrian connection has nonetheless been provided through the Highclere site, providing residents to the north of alternative connectivity options;
- The eastern planting area would be private external amenity space accessed by electromagnetic gated access from the building;
- With regard to concerns about rooms facing retaining walls, it is likely the Panel were referring to one of the proposed lower ground units facing west, as no such issue applies to units facing north. Additional planting is proposed for the retaining wall in question as part of the wider landscaping strategy.
- All rooms will have MVHR and submitted noise and AQ reports confirm conditions to be acceptable.
- The site is a very short distance from Cosham High Street and the concerns of the Panel in this regard are not understood.

3.9 A copy of the Design Review Panel report was shared with the applicant (copy available on Public Access). Subsequently, based upon the Panel's recommendation, Officers sought a number of design modifications. Details on the recommended modifications and the responses from the applicant are set out later in this report under the Design section.

#### **4.0 PLANNING HISTORY**

4.1 There is no planning history to this site of relevance to the current application, other than the previous (now demolished) land use being for a 32-person care home.

4.2 The relevant planning decisions for neighbouring sites are:  
Former PCMI building - proposed Fire Station - 21/01613/FUL, approved April 2022 subject to conditions;  
NHS Highclere site - proposed new health centre - 21/01260/FUL, approved 21 April 2022

#### **5.0 POLICY CONTEXT**

5.1 Portsmouth City Local Plan 2001-2011 (adopted July 2006) (saved policies)

- Policy DC21 (contaminated land)
- Policy DC26 (access onto primary and distributor roads)

5.2 Portsmouth Plan (2012)

- Policy PCS10 (Housing Delivery)
- Policy PCS11 (Employment)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS14 (A Healthy City)
- Policy PCS15 (sustainable design and construction)
- Policy PCS17 (transport)
- Policy PCS19 (Housing mix, size and provision of affordable homes)
- PCS23 (Design and Conservation)

5.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

5.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

#### **6.0 CONSULTATIONS**

6.1 Local Highway Authority - *This site proposes access to Sundridge Close which will also serve the fire service redevelopment of the adjoining site to the east. Sundridge Close is a 4.8m wide unclassified road subject to a 20mph speed restriction with footways on either side. Sundridge Close has a priority junction to the south with Southampton Road.*

*The transport statement makes the erroneous assumption that despite demolition of the historic 30bed care home on the site this remains the extant planning use against which the development proposal should be assessed. The effect of the loss of this use arising from the earlier application for and consequent demolition of the property was made clear in the LHA observations on that application and as a consequence this proposal should be assessed against no established baseline for the site.*

*The transport statement establishes that this proposal would typically generate in the order of 184 traffic movements each day with 8 arrivals and 6 departures in the AM peak period although modifies that to reflect the intentions of the intended end user client to a total of 100 movements daily with 1 arrival and 11 departures in the AM peak period. Whilst a development of this scale could ordinarily reasonably be accessed via a footway crossing in this case a bellmouth type junction is proposed to additionally serve the fire service development to the east. Once the anticipated traffic from that development is considered the AM trip rate increases to 39 arrivals and 13 departures with a total of 284 daily trips.*

*The proposed site access is in close proximity to the junction immediately to the north which would not ordinarily be acceptable. However in this case the arrangement provides for the fire station development traffic to replace that generated from the existing development on the site to the east which accesses directly to the A3. The existing junction from that site to the A3 is substantially substandard and has a number of established safety risks.*

*On balance I am satisfied that, despite the proposed access to Sundridge Close being sub-optimal this is outweighed by the improvement to highway safety realised by the restricted use of the access to the A3 resulting from the fire service redevelopment. In that light I would not wish to raise a highway objection to the application on that basis.*

*Both the junction of Sundridge Close with Southampton Road and the pedestrians / cycling connection to the site have significant safety and capacity deficiencies given the quantum of additional traffic likely to be generated. However those would largely be resolved by the implementation of specific highway improvements funded by the TCF awarded grant funding supporting the SEHRT initiative and these are relied upon in the transport statement. Subject to a condition requiring the implementation of the pedestrian crossing improvements of the A3 to the east and safety improvement to accommodate right turning traffic into the site from Southampton Road identified in appendix B of the TS I would not wish to raise objection to the application on the basis of those deficiencies.*

*The transport statement references a draft SPD which considers Parking Standards and Transport Assessments dated April 2020. However this document has not been published and it is not clear how the applicant has procured the draft. In any event this has not yet been consulted upon never mind adopted. It does not form a part of the planning policy framework for Portsmouth and should be given no weight in the determination of this application.*

*Applying the PCC adopted SPD to determine parking expectation for nursing / rest homes suggests a provision of 23 spaces plus 2 visitor spaces would be required (TS para 6.1 refers). I think that this standard is reasonable given the expectation that the facility will be occupied by those with dementia and therefore unable to drive. However the use applied for is not so restricted in terms of the capacity of people occupying the development and more specific constraints would need to be imposed requiring that residents did not hold driving licences to justify the use of this standard. Alternatively the standard for sheltered accommodation should be utilised which would require 25 spaces + 2.5 spaces for visitors with 1 space per resident staff and 05 spaces per non resident staff. The proposal provides for 24 parking spaces plus a loading bay for an ambulance and / or deliveries. Assuming restriction on occupation as above I am comfortable that this provision should be sufficient to accommodate the likely parking demand within the site.*

*Subject to the condition / constraints detailed above I would not wish to raise a highway objection to this application.*

- 6.2 Hampshire Fire and Rescue - advisory guidance stated in terms of required fire safety equipment and regulations;



- 6.3 Coastal Partners - no objection in principle. Site is Flood Zone 1 and applicant is advised to sign up to the EA Flood Warning Service.
- 6.4 Designing Out Crime - Access to apartments from public realm areas must be prevented and apartment blocks enclosed by semi-private space with robust boundary treatment of at least 1.2m high. Lighting must be BS5489-1 (2020) compliant.
- 6.5 Natural England - No objection subject to mitigation being secured in respect of Nutrient Neutrality and the Solent Recreational Mitigation Partnership
- 6.6 Ecology - welcomes the applicant agreement to provide the necessary nitrates and recreational disturbance mitigation. The scheme would however result in a net loss of biodiversity of -10.32%. Amendments were requested to secure new habitat and green/brown walls to achieve BNG.
- 6.7 Landscape Group - No objection - pleased to see increased courtyard size since pre-application proposals. Positive choice of planting proposed and retention of mature trees, notably the Cedar in the SE corner. Requests replacement of tarmac footpath alongside north side of building, with block pavements. The location of 5No. cycle stands at the SE corner [correction: refers to SW corner] is remote from the entrance and may not be used.
- 6.8 Southern Water - tree planting to be avoided within 5m of existing sewers.
- 6.9 LLFA - supports the drainage strategy for the site. Detailed observations are: *Not sure of the purpose of S31 but probably not required. AcoDrains have a silt trap option. Could a road camber be introduced in order to replace these AcoDrains with a gully on each side to reduce maintenance liability? S5 could be brought closer to double gully and AcoDrain run reducing pipework lengths. S7A to connection point on public sewer - this 1:21 gradient would be preferably spread over the 1:180 proposed to somewhere closer to 1:100 fall ideally. Advise all manholes are kept out of direct wheeltrack tramlines e.g. in the very centre of carriageway. Also, kept out of turning circles where possible. Likely Southern Water will request MH on public sewer at connection point downstream of MH S7A. Also advisable from PCC perspective for maintenance purposes. Advise design principles to Sewers For Adoption 7th edition. It would be wise to check with the Highway Authority of requirements for the proposed adoption of the section of northern access road, if not already done so*
- 6.10 Colas - prior consultation required before commencement of works
- 6.11 Arboricultural Officer - no objections. Landscaping proposals discussed at length prior to submission.
- 6.12 Housing Enabling Officer - supports the proposed development in delivering 100% affordable extra care housing. Notes that whilst some units do not meet NDSS these do not apply to this type of accommodation. The plans show all units have wet rooms and turning circles, however, only unit types 'F' and 'G' would potentially be suitable for full wheelchair living accommodation and even then, someone in a wheelchair would not be able to access the built-in wardrobes in the bedrooms. In addition, there would need to be check that all doors have a 900mm clearance for wheelchair users. This needs to be looked at with PCC's Occupational Therapists.
- 6.13 Public Health - noise could be an issue for residents, having particular regard to the focus of these premises upon residents suffering from dementia. Also, whilst the site is not in an AQMA, there remain high levels of air pollution in this location. The submitted air quality and noise assessments do not expressly consider the nature of occupancy

and greater level of potential sensitivity to these pollutants. The LPA should seek further assurance on these points.

6.14 Contaminated Land Team - raises no objection based upon the submitted reports, subject to conditions recommended below.

6.15 Environmental Health - Comments to follow

## **7.0 REPRESENTATIONS**

7.3 A site notice was displayed with an expiry date 24.12.21 . A press notice was issued on 3<sup>rd</sup> December 2021.

7.4 Neighbour letters sent to 59 addresses date 29.11.21, expiry 24.12.21.

7.5 No representations have been received.

## **8.0 COMMENT**

8.1 The main issues for this application relate to the following:

- The principle of Development and Housing Need
- Affordable Housing
- Design and Layout
- Noise and Residential Amenities
- Air Quality
- Transportation and Parking
- Ecology
- Flood Risk and Drainage
- Landscaping & trees
- Sustainability and Energy
- Land Contamination
- Appropriate Assessment - Nitrates and Recreational Disturbance

### Principle of Development and Housing Need

8.2 The application site is located immediately to the north and just outside the defined primary and Secondary Cosham district centre as delineated in the Portsmouth Plan (2012). There are no existing site designations in the adopted development plan. However, the site is included, together with the neighbouring former PCMI and Highclere sites, within the proposed extended red line boundary for the Cosham Strategic Development site (draft policy S4) within the Reg.18 Consultation Draft Portsmouth Local Plan (Sept 2021). Whilst this policy continues to carry very limited weight having regard to the early stage of plan preparation, it does indicate potential future policy support for development of the type and quantum proposed. The draft policy seeks, inter alia, high density housing through the efficient re-development of sites and optimising the accessibility of such sites to an existing good range of public transport connections in the vicinity.

8.3 The development of 50 extra-care residential apartments on this accessible previously developed site at a density of approximately 100dph is considered to accord with the NPPF in making the most efficient use of land within the existing urban area. This would comply with the adopted policy PCS21 in delivering at no less than 40dph and nearby

the Cosham District Centre where there is a requirement of no less than 100dph. The draft Local Plan indicates Cosham District Centre supporting a minimum of 120dph and whilst the application site sits outside the district centre, it forms part of the wider Cosham strategic development allocation where it is considered such higher densities would be appropriate and necessary. The development would also contribute towards meeting the City's housing needs which amounts to circa 872 dwellings per annum (draft Reg.18 Local Plan 2021) and a shortfall from the required 5-year housing land supply remains. The inclusion of this site within the draft Cosham strategic site allocation reflects the potential contribution of the application site.

### Affordable Housing

- 8.4 It is proposed that the development would provide self-contained apartments facilitating independent living with occupants supported as necessary by the Council's Adult Social Care service. The development is not proposed to operate as an institution, but as self-contained dwellings where support staff are available on a 24-hour basis. As such, the applicants propose the development to comprise C3 dwellings and this is agreed with Officers. Such development would therefore warrant 30% affordable housing pursuant to the adopted Portsmouth Plan 2012 but it is proposed that the development would deliver 100% affordable housing, taking occupancy directly from the Council's Housing Register and be operated by the City Council's Adult Social Care Department.
- 8.5 Whilst recognising that the development is being delivered and operated by the City Council, it is considered prudent to apply a planning condition requiring no less than 30% of the permitted units (15 flats) to be permanently affordable dwellings in line with adopted policy PCS19.

### Design and Layout

- 8.6 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF, and requires that all new development must be well designed and, respect the character of the City. It sets out a number of criteria which will be sought in new development, including; excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.
- 8.6 The proposed development has been the subject of extensive pre-application discussion with officers through which improvements to the design and in particular central amenity area have been secured. The submitted Design and Access Statement outlines this process of design development and response to local context. It is to be noted that the 'wrap-around' footprint of the development is intended to respond to the needs of the proposed residents, to avoid confusion arising from dead-end corridors. The central amenity area provides a secure and protected environment, well overlooked and away from the immediate noise and visibility alongside the A3 to the south.
- 8.7 The scale of the development responds to the rising level from south to north, with a 3-storey southern elevation terminating at 2-storeys at the northern elevation. A staggered building footprint along the site's southern elevation adds visual interest whilst also reflecting similar building form to the west and responding to the gently sloping alignment of the southern boundary. A pedestrian entrance has been added to the SW corner to support pedestrian and cycle connectivity to the development whilst further adding to frontage activity. The building's principal north elevation would vary in height between 6.6m and 8.5m whilst the building's west and east elevations would have a maximum height of around 10.7m. The building's west elevation would have a width of some 40.0m onto Sundridge Close, whilst it's east elevation (adjacent the PCMI site) would have a width of approximately 59.0m. The building's south-east elevation would have sections of

varying heights between 9.7m and 10.9m. This staggered elevation, which would face Southampton Road, would have a width of approximately 48.4m (49.6m including protruding bay).

- 8.8 A carefully considered mix of building materials has been proposed. The west and south elevations of the proposed building would be constructed with articulated façades comprising a palette of materials including brown, white and light grey brickwork with panels of brown brick feature snapped end Flemish Bond in places and complementary anthracite grey window and door frames. Some of the ground floor and first floor flats would be finished with metal clad elevations. Additionally, aluminium louvred screen features would be affixed to the building's south elevation intended to maintain a comfortable internal temperature, especially during the summer months. The brown facing brickwork proposed to the buildings north façade would be enhanced with the provision of several panels of white coloured 'snapped end' Flemish Bond brickwork. The centrally located entrance portico would be constructed with white brickwork so as to clearly signpost the building's main entrance. The building's east elevation would comprise facing brickwork of contrasting brown, light grey and white - the white brick being complemented with a panel of brown snapped end Flemish Bond brickwork. The building's windows would be fitted with anthracite grey UPVC frames together with coloured infill glazing in places. Doors would also be UPVC coloured anthracite grey as would the building's external rainwater goods.
- 8.9 The site's means of access would be taken from the existing point of entry, off Sundridge Close on the site's western boundary. A 4.8m wide carriageway would support returning vehicles seeking to access the proposed fire station at the former PCMI development to the east. A turning head would be provided within the former PCMI/Fire Station site, but this also forms part of the application red line boundary and delivers the necessary turning for refuse and emergency vehicles. 24 car parking spaces are proposed, of which 3 would be dedicated disabled bays, and six electrical charging points. Additional visitor and ambulance drop off bays are provided immediately outside the main entrance to the building.
- 8.10 The Design Review Panel also made a number of other more detailed recommendations, which are summarised in section 3 above, together with the applicant's response. The scheme was amended to respond to some of the recommendations, notably a new entry point to the building in the prominent SW corner of the building. The applicant's reasons for not addressing other recommendations are considered to be reasonable having regard to the specific site usage proposed.

#### Noise and Residential Amenities

- 8.11 The Council's Public Health Officer raised concerns about the proposed Edinburgh House extra-care development and suggested that the applicant has not considered the potential wider social and psychological impact on the Edinburgh House residents by reason of the neighbouring fire station proposal. Concerns were also raised by the Design Review Panel about this relationship, the Panel recommending that the fire station training yard be shifted away from the site boundary and that offices could instead form the western boundary.
- 8.12 In response to these concerns, the applicant advised that there would be no habitable room windows facing the fire station site. In addition, this issue was considered as part of the decision to approve the new fire station at the PCMI site albeit as that scheme has now been submitted it falls to this latter scheme as the subsequent agent of change to ensure an appropriate noise environment is maintained for the proposed use. The submitted noise assessment indicates concludes that noise generated by the fire station and by the existing schools would remain within accepted level, with both internal and external space to fall within the 'No Observed Effect Level', assuming mitigation is

implemented. The main noise source is from Southampton Road. The necessary mitigation therefore comprises thermal standard double glazing, upgraded to 32dB<sub>Rw</sub>+Ctr attenuation specification for living rooms on the south elevation, closest to Southampton road. Apartments with habitable rooms facing west or south will have full mechanical ventilation heat recovery (MVHR) systems installed (system version 4.0) so that windows can remain closed. This mitigation acts to reduce the impact of noise, including that arising from the permitted Fire Station as noted by the Design Review Panel and Public Health, however the adverse impact of that noisy land use, and the wider background noise environment is obviously a negative impact on the balance of planning judgement in this case.



### Air Quality

- 8.13 An air quality assessment report has been submitted with the application. This concludes that the development site NO<sub>2</sub> levels are below the annual mean Air Quality Objective of 40 µg/m<sup>3</sup>, being measured at a maximum of 32.89 µg/m<sup>3</sup> at the boundary. Having regard to the modelling undertaken for the Transport Assessment, due to the low trip generation, the report concludes negligible air quality impacts from traffic emissions associated with the development.



- 8.14 Pollution from construction by reason of dust has the potential to have a detrimental impact upon the amenity of surrounding properties if not properly controlled, although it is noted that the existing building has been demolished. Nonetheless with ground works and additional construction activity, mitigation is required. Fugitive dust control measures have been outlined in detail in Table 17 of the submitted Air Quality Assessment, which concluded medium (earthworks) to low/negligible dust generation impacts. These findings have been assessed by the environmental health officer. Whilst dust mitigation measures are set out in the assessment report, a condition is nonetheless recommended to require the submission and approval of a full Construction Environmental Management Plan [CEMP]. The CEMP will require the developer to submit for approval method commitments not only in respect of dust suppression but also for the control of emissions from construction works/vehicles and the control of construction noise/visual/vibrations through the construction phase, including wheel wash facilities and neighbour consultation proposals. These safeguards will ensure that development particularly during construction will not impact unacceptably upon the amenities of neighbouring properties.

### Transportation and Parking

- 8.15 Policy PCS17 of the Portsmouth Plan (2012) states that *"the Council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network, which will implement highway improvements associated with the strategic sites and promote walking and cycling and improved integration with other modes"*.
- 8.16 A transport assessment and travel plan have been submitted with the application. The proposed upgraded means of access from Sundridge Close has been the subject of a Stage 1 Road Safety Audit (RSA) and amended to incorporate recommendations therein. The TA has referenced both the activity associated with the care home but in addition the returning fire station vehicles and reliance upon the turning head within the PCMI site (and application site). The transport assessment concludes as follows: *"Taking into account the proposed trip generation for the 50-bed development and the proposed trip generation for the HIWFRS development, the total anticipated trip generation for the combined development sites is 52 movements in the AM peak (08:00-09:00) and 36 movements in the PM peak (17:00-18:00). This impact would therefore be 47 vehicles in the AM peak, 36 vehicles in the PM peak. It is considered that Sundridge Close is suitable to accommodate this increase in vehicle movements. No residents will be leaving the site unattended, and it is highly unlikely they will have use of a vehicle; therefore, development trips will be made mainly by staff and visitors."* As such the TA concludes that the development would not have a severe impact upon the local highway network. The Local Highway Authority has endorsed these conclusions subject to a condition(s) being applied to ensure prior implementation of the planned A3 junction upgrades at Southampton Road/Sundridge Close and at the Spur Road roundabout. These works are required to be completed by April 2023 pursuant to the SEHRT and Transforming Cities Fund (TCF) or at latest by end 2023. Should this not happen, the proposed planning condition would place the onus upon the applicant to ensure the funding of these works within the necessary timeframe.
- 8.17 It should be noted that the construction of both the fire station development and the current proposal for the Edinburgh House site would all be dependent upon construction traffic arriving via the Sundridge Close access, representing the safer option relative to the Northern Road access, being so close to the Spur Road roundabout. This would also need to be a commitment set out in the proposed CEMP, also to be secured by planning condition.

- 8.18 The Transport Statement demonstrates, in accordance with Portsmouth Plan Policy PCS17, that the proposed development will not have a significant effect on the operation, safety or capacity of the local highway network.
- 8.19 With regard to parking, the site will provide a total of 24 car parking spaces. Of the spaces proposed, 3 would be provided as disabled bays. A loading bay would also be provided for use by ambulance, delivery and minibus vehicles. 5% of spaces would be dedicated to car sharers and 6 electric car charging spaces will also be provided. The site will also provide 18 long-stay cycle storage spaces, along with 18 short-stay cycle stands and 11 mobility parking spaces. The applicants suggest that this level of parking provision would be appropriate for a nursing home (23 spaces plus 2 x visitor spaces). However, the land use applied for is C3 (dwellinghouses - where an element of care is provided whilst supporting as much independent living as possible) - as opposed to the more specific and limited C2 residential institution or C2A (secure residential institution). The proposed use is therefore more akin to sheltered housing which would require 25 spaces plus 2.5 for visitors with 1 space per resident staff and 0.5 spaces per non-resident staff. There would be no resident staff (shift workers only) and, at the time of writing this report it is not clear how many non-resident staff would be employed at the site at any one time. This can be provided by way of supplementary matters (SMAT).
- 8.20 Notwithstanding the above, given that the site is in a highly accessible location with a high provision of pedestrian and cycle links, as well as a high provision of public transport, plus the incorporation of a Travel Plan for staff and visitors (to be secured by planning condition), the level of parking provided at the development is deemed acceptable and no concerns are raised by the local highway authority in this regard

### Ecology

- 8.21 Policy PCS13 of the Portsmouth Plan (2012) requires that new development should "*retain and protect the biodiversity value of the development site and produce a net gain in biodiversity wherever possible*".
- 8.22 The ecology reports submitted with this planning application included an impact assessment, BREEAM Ecology assessment, Nutrient Neutrality Assessment and Ecological Mitigation and Management Plan. Consideration of the impacts upon the SPA/Ramsar and SAC sites is addressed in the Appropriate Assessment below. In terms of site-specific ecology, the loss of 4 trees, tall ruderal vegetation and semi-improved grassland. New planting of meadow and amenity grass and new tree species (including silver birch, maple, hornbeam) were proposed in the initial proposals but the submission identified a -10.32% net biodiversity loss. As such the applicants were asked to review their proposals.
- 8.23 An updated Planting Strategy and Landscape Arrangement plan, together with updated ecological impact assessment have been submitted. Approximately 300sqm of brown/green roof has been added which, alongside additional hedgerow planting, would result in a biodiversity net gain of 12.92%. Bat sensitive lighting would be provided to support existing foraging, plus 4 x bat and 4 x bird boxes and fence gaps to support hedgehogs. Hampshire Ecology have been re-consulted on these proposals and a response is pending at the time of writing this report. Comments will be reported within SMAT.
- 8.24 However, notwithstanding this pending response, it is considered reasonable to require further details of these proposals by way of a recommended planning condition, including details of longer-term maintenance and management. These could be subject to further engagement with the Hampshire ecologist in due course.

## Flood Risk and Drainage

- 8.25 The Portsmouth Plan (2012) promotes "*development in lower flood risk areas first, ensuring that the siting, design and layout of developments mitigate against flooding and implementing sustainable drainage systems*" (see paragraph 2.16 of the Portsmouth Plan (2012)).
- 8.26 The application site falls within Flood Zone 1 where there is a low risk of flooding. The nearest water course feature is Portbridge Creek, located 1.km south of the site. A floor risk assessment has been submitted although not strictly required given the site area of only 0.5ha. There are no affected groundwater Source Protection Zones or abstraction licences within 250m of the site or potable water licenses within 2km. A Drainage Strategy Report submitted with this planning application and the details have been agreed with the LLFA, subject to some finer details that are considered capable of being addressed through planning condition.

## Landscaping & trees

- 8.27 Significant tree coverage exists on the site particularly adjacent to the boundaries. During pre-application discussions, the Council's Arboricultural officer accepted that the removal of trees is acceptable due to their low quality but the preference should be to retain boundary trees and where possible replacement tree planting is encouraged. The significant Cedar trees are to be retained. The City Council Landscape Group also advise that the planting proposals are well considered and raise no objection. Conditions are recommended securing full implementation in accordance with the latest submitted plans and standard maintenance and management obligations.

## Sustainability and Energy

- 8.28 All development within the City must comply with the sustainable design and construction standards set out within Policy PCS15 of the adopted Local Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).
- 8.29 The energy strategy follows the energy 'hierarchy' of 'lean, clean, green and seen' prioritising fabric first energy efficiencies for new development. There would be communal hybrid gas and air source heat pump energy for heating and hot water with supplementary photo voltaic panels to the roof. The submitted energy report finds that the development would provide in excess of 19% carbon saving over and above the building regulations and a further 10% CO2 off-set from the renewable energy proposals. Site water usage would also not exceed 110 litres per person per day in line with requirements.
- 8.30 Conditions are recommended to secure the full implementation of these measures prior to first occupation.

## Land Contamination

- 8.31 The application has been supported by a desk top study, Bund removal investigation, Phase 1 Geo-Environmental assessment and Phase 2-3 Geo-Environmental Assessment. These reports have been reviewed and agreed with the Council's Contaminated Land Team. It is noted that there are risks associated with asbestos within near-surface soils on the site and remedial works will be required. Subject to recommended conditions requiring further assessment pre-commencement and also pre-occupation, the development is considered acceptable.



## Appropriate Assessment - Nitrates and Recreational Disturbance

- 8.32 The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the designated nature conservation sites along the Solent coast will continue to be protected. Natural England advises the scheme will need to mitigate for any increase in waste water from the new housing and also against impacts to the coastal Special Protection Area(s) and Ramsar Site(s) resulting from increased recreational disturbance.
- 8.33 In line with the Solent Recreation Mitigation Strategy (December 2017) the applicant has agreed to mitigate the negative impact of recreational disturbance in accordance with the Council's Strategy.
- 8.34 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 8.35 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development, subject to availability. The submitted nutrient calculations indicate a potential nitrogen output from wastewater of 38.91kg per year into the SPA equivalent credits will need to be purchased as mitigation.
- 8.36 As this would be PCC development, use of the Council's credit bank is possible. Natural England advises that they would endorse an Appropriate Assessment conclusion of 'no adverse effect' on the basis that the necessary mitigation measures are secured, this comprising financial payments to help mitigate against recreational disturbance and an increase in nitrates in line with the adopted Strategies. The LPA as competent authority is satisfied that subject to the necessary payments being secured, a conclusion of no adverse effect upon the integrity of the national site network can be reached.

## Other issues

- 8.37 Extensive discussions at the pre-application stage considered the issue of sunlight/daylight both for habitable rooms on exterior elevations but also the interior amenity garden. One consequence of this was a circa 50% increase in the area of central amenity space compared to initial proposals (through removal of 6 flats) which has allowed for much greater ingress of sunlight and reduced shading extent. The submitted daylight and sunlight report has assessed all rooms exceeding the necessary BRE guidelines. The communal Wellness Room receives less daylight as a result of tree cover but such rooms can typically accept lower daylight levels. The same report (SRE) has also considered overheating risks for the flats which are concluded to be acceptable. Passive and active measures are provided to optimise thermal comfort conditions, including mechanical ventilation.

- 8.38 The applicants have also submitted a statement as to how the development would integrate with the wider community, including commitments to build links with local schools for educational visits, local Police and Fire Services (safety talks), public library, local entertainment (Crown Bingo), Cosham Community Centre and other local groups. In addition, it is suggested that the development could make available some of its facilities for public use, eg. Hair salon, restaurant and even social activities together with employment opportunities. These benefits are noted and do not give rise to any planning concerns.

### Conclusion

- 8.39 The proposed development would make an efficient use of previously developed land and help in addressing identified housing need within the City, providing 50 residential units for vulnerable persons on the Council's housing register overseen by Adult Social Care services. Subject to the conditions recommended below, the proposals would accord with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021). Therefore the proposals are recommended for approval.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following: Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

## **CONDITIONS**

### Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### Approved Plans and Documents

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings and specified mitigation measures (where applicable) - 1200-KSA-XX-ZZ-DR-A-PD100 Rev C01; 1200-KSA-XX-ZZ-DR-A-TD101 P03; 1200-KSA-XX-ZZ-DR-A-PD102 Rev C02; 1200-KSA-XX-B1-DR-A-TD200 P04; 1200-KSA-XX-00-DR-A-TD201 P04; 200-KSA-XX-01-DR-A-TD202 P04; 1200-KSA-XX-ZZ-DR-A-TD203 P04; 1200-KSA-XX-ZZ-DR-A-PD301 Rev C02; 1200-KSA-XX-ZZ-DR-A-PD302 Rev C02; 1200-KSA-XX-ZZ-DR-A-PD303 Rev C02; 1200-KSA-XX-ZZ-DR-A-PD400 Rev C05; 1200-KSA-XX-ZZ-DR-A-PD401 Rev C05; 1200-KSA-XX-ZZ-DR-A-TD402 P05; 1200-KSA-XX-ZZ-DR-A-TD403 P05; 1200-KSA-XX-ZZ-DR-A-TD404 P04; Landscape Drawings 1200-DDA-XX-XX-DR-L-PD101; -/102; -103; -/300; 1200-DDA-XX-XX-DR-L-TD101; -/102; Internal Daylight Analysis (SRE 1200-SRE-XX-ZZ-RP-Y-001); Design and Access Statement (Oct 2021); Energy Statement (SRE- 1200-SRE-XX-ZZ-RP-Y-001); Flood Risk Assessment (AKS Ward, Sept 2021); Landscape Management Plan (Deacon Design, ref:DD39/R01, 24.9.21); Noise Impact Assessment (Omnia, A11315, Aug 2021); Ecological

Mitigation and Management Plan (Ecosa, Oct 2021); Ecological Impact Assessment (Ecosa, May 2022); Transport Assessment (Paul Basham Assoc 1200-PBA-XX-XX-RP-D-PD001); Travel Plan (Paul Basham Assoc 1200-PBA-XX-XX-RP-D-PD002); Drainage Strategy (AKS Ward, 1200-AKSW-ZZ-XX-RP-C-002\_DSR/P02); Air Quality Assessment (1200-SRE-XX-ZZ-RP-Y-001 IAQP); Energy and Sustainability Statement (SRE 1200-SRE-XX-ZZ-RP-Y-001)

Reason: To ensure the development is implemented in accordance with the permission granted.

#### Affordable Housing

3) Notwithstanding the planned 100% affordable occupancy, the development hereby permitted shall maintain at least 30% affordable housing across the development in perpetuity in accordance with the requirements of the Portsmouth Plan 2012 and the prevailing definition of affordable housing in the National Planning Policy Framework (NPPF) or equivalent replacements thereof.

Reason: To retain affordable housing on site in line with policy PCS19 of the Portsmouth Plan 2012 and NPPF (2021).

#### Off-Site Highway Works

4) Prior to first occupation of the development hereby permitted, the off-site highway works comprising junction improvements at the Spur Road roundabout and junction of Southampton Road (A3) and Sundridge Close, as shown on drawings HWI1114/GA/02 and /03 within Appendix B and C of the submitted Transport Assessment (Paul Basham Associates, October 2021), shall be completed and ready for use pursuant to agreement with the local and strategic highway authorities.

Reason: In the interests of highway safety.

#### Sample of materials

5) Development above ground level shall not take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1m x 1m and show the proposed material, bond, pointing technique and palette of materials to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from site until the completion of the development

Reason: In the interests of the visual amenities of the area and to accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

#### Nutrient Neutrality and Bird Aware

6) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with both schemes of mitigation as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### Travel Plan

7) Prior to the first occupation of the development permitted, the measures outlined in the submitted Travel Plan listed in condition (2) shall be implemented.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### Flood Warning and Evacuation Plan

8) Prior to first occupation of the development a Flood Warning and Evacuation Plan (FWEP) should be submitted and approved by the Local Planning Authority. The FWEP should demonstrate what actions site users should take before, during and after a flood event to ensure their safety, and to demonstrate that the development will not impact on the ability of the Council and the emergency services to safeguard the current population.

Reason: To ensure that measures are in place to ensure during a flood event measures are in place to ensure the safety of future resident in accordance with the requirements of policy PCS12 of the Portsmouth Plan (2012) and NPPF.

### Construction Environmental Management Plan (CEMP)

9) (a) No works shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of:

- Site storage of construction materials/chemicals and equipment;
- Location of construction compound 56
- Movement of construction traffic/routes and delivery times
- Contractors parking area
- Wheel washing facilities
- Method Statement for dust suppression and control of emissions from construction and demolition
- Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols
- Chemical and/or fuel run-off from construction into nearby drains or watercourse(s)
- Demolition and waste disposal

(b) The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and shall continue for as long as construction/demolition is taking place at the site.

Reason: To ensure that measures are in place to ensure the amenities of surrounding areas are adequately protected during construction in accordance with the requirements of policies PCS14 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### Details of Earthworks

10) Development shall not commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the earthworks are acceptable and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

## Landscaping

11) The development shall be implemented in accordance with the landscaping drawings and management plans and planting strategies as listed in condition (2) unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

## Tree Protection

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

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

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

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

## Land Contamination

13) 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) the following in sequential order:

- a) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating asbestos delineation works, together with any additional chemical and gas analysis identified as appropriate by the conceptual model in the desk study (Phase 1 Geo-Environment Site Assessment, Former Edinburgh House, Sundridge Close, Portsmouth, PO6 2JL, Omnia Environmental Consulting, Report Ref: A11315/1.1, September 2020) and preliminary site investigation report (Phase II-III Geo-Environmental Site Assessment, Former Edinburgh House, Sundridge Close, Portsmouth, PO6 2JL, Omnia Environmental Consulting, Report Ref: A11315/3.2, October 2021) previously agreed with the Local Planning Authority. This report must be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)' as and where appropriate. 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.
- b) A remediation method statement report detailing the remedial scheme 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 (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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.

#### Land Contamination: Verification Reporting

14) 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 (i)b above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions (i)b.

Reason: 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.

#### Ecology

15) The development hereby permitted shall proceed in line with the measures detailed in Sections 5.4 - 5.7 of the Edinburgh House Ecological Impact Assessment (ECOSA, October 2021) and the Ecological Mitigation and Management Plan (ECOSA, October 2021).

Reason: To avoid impacts to protected species and in line with the NPPF and PCS13 of the Portsmouth Plan 2012.

#### Sustainable construction

16) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012).

## **INFORMATIVES**

### **PRO-ACTIVITY STATEMENT**

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

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# 06

21/00477/FUL

WARD: EASTNEY & CRANESWATER

**ROYAL BEACH HOTEL (EAST WING), 1 ST HELENS PARADE, SOUTHSEA**

**Conversion of the East Wing to form 3no. Maisonettes and 26no. flats with associated external alterations and construction of mansard roof to form additional storey.**

**LINK TO ONLINE DOCUMENTS;**

[21/00477/FUL | Conversion of the East Wing to form 3no. maisonettes and 26no. flats with associated external alterations and construction of mansard roof to form additional storey | Royal Beach Hotel \(East Wing\) 1 St Helens Parade Southsea PO4 0RN \(portsmouth.gov.uk\)](#)

**Application Submitted By:**

PWP Architects  
61 South Street  
Havant  
PO9 1BZ  
Applicant

**RDD:** 29th March 2021

**LDD:** 6th August 2021

## **1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application has been brought to the Planning Committee because a number of representations have been received and the current scheme of delegation requires applications proposing more than 10 residential units to be determined by the Planning Committee.
- 1.2 The main issues for consideration relate to:
- Principle of development
  - Housing offer
  - Affordable housing
  - Flood risk
  - Design
  - Highways & Parking
  - Biodiversity
  - Open space
  - Amenity
  - Waste

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The Royal Beach Hotel occupies a site approximately 0.33 hectares located on the north side of St Helen's Parade, opposite South Parade Pier, with frontages onto Alhambra Road to the west and Mansion Road to the north. Whilst the building forms part of an attractive facade of Victorian buildings overlooking the Promenade, it is not listed but is included in a Conservation Area.



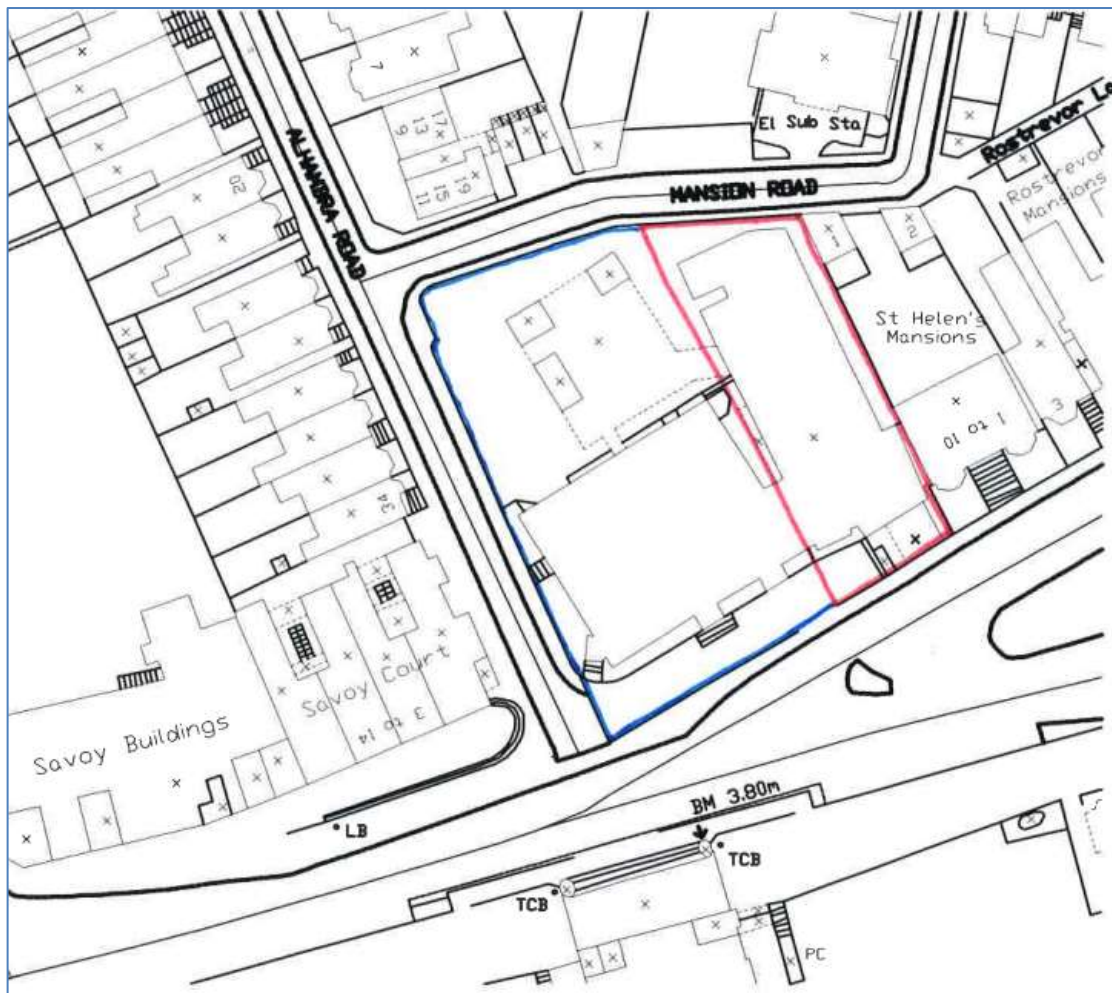


Figure 3- Site Location Plan

- 2.2 The premises comprise three distinct elements; the west wing of the Hotel, rendered with a slate mansard roof and south elevation characterised by three-storey bay windows with wrought iron balconies, a theme carried round to the Alhambra Road frontage; the flat roofed east wing is taller with full height twin square bays, rendered elevations and extends to almost the full depth of the site. The East Wing of the hotel, to which this application relates, previously provided 63 bedrooms. In terms of the character of Mansion Road and Rostrevor Lane to the east, the rear of that wing forms a visually dominant feature. The third element of the premises comprises the flat roofed function suite which is situated to the rear of the west wing and is a later addition. The ground floor of this building provides undercroft parking with access to the first floor function room.
- 2.3 To the east of the site lies St Helen's Mansions, a five-storey building comprising residential accommodation fronting St Helen's Parade with a pair of modest two-storey buildings to the rear. This particular application relates solely to the east wing of the Hotel.
- 2.4 A short length of on-street parking is available in front of part of the Ocean Hotel and St Helens Court. Characteristic of large parts of central Southsea on-street parking is at a premium within residential side roads. However, within a short walking distance on-street parking is normally available in the vicinity of Canoe Lake. In addition, the hotel is located in close proximity to public transport services.

### 3.0 PROPOSAL

- 3.1 With the forced closure of the hotel during lockdown the applicant started work in implementing the extant planning permission 10/00194/FULR to convert the East Wing of the hotel to form 9 maisonettes and 31 flats, including the construction of a mansard roof. The previously approved housing mix is set out in Table 1.0.
- 3.2 However, the applicant encountered difficulties in implementing this consent as structurally it is not technically feasible as a number of the internal partition walls shown to be removed are in fact structural walls. Changes in the building regulations also necessitated a redesign. Furthermore, the applicant has reviewed the housing offer and decided to reduce the overall number of units and increase the size of the units to be delivered.
- 3.3 When the application was originally submitted the proposals were for the conversion of the East Wing of the hotel to form 3 maisonettes and 28 flats with associated external alterations and construction of mansard roof to form additional storey (31 units). In response to objections raised by consultees the scheme was amended and now the proposal is for 3 maisonettes and 26 flats (29 units). Details on the proposed residential units are set out in Table 2.0 this report
- 3.4 No car parking will be provided on site, while secure cycle storage will be provided within the lower ground floor for 2 bicycles per residential unit.

### 4.0 PLANNING HISTORY

- 4.1 Over the years the hotel has been subject to a large number of planning applications. The previous consents relevant to the consideration of the current application are listed below.
- 10/00194/FULR - Renewal of permission A\* 16676/AH to convert East Wing to form 9 maisonettes & 31 flats including construction of mansard roof to form additional floor & external alterations (after demolition of side (west) extension & removal of bar frontage) - Approved 18<sup>th</sup> July 2013

Unit sizes	Number of units
Studio	1
One-bed	7
Two-bed	32
<b>Total</b>	<b>40</b>

Table 1.0 - Housing mix approved under 10/00194/FULR

- A\*16676/AH - Conversion to form 9 maisonettes and 31 flats including construction of mansard roof to form additional floor & external alterations (after demolition of side (west) extension & removal of bar frontage) - Approved 6th March 2007
  - A\*16676/AG - Construction of part 6-/part 5/part 4-storey building to form accommodation comprising 4 maisonettes, 37 flats and 1 studio apartment with car parking facilities for 15 vehicles (after demolition of existing two-storey building) (outline application) - Approved 6th March 2007
- 4.2 Planning conditions were agreed on 10/00194/FULR and a material start was made to the development in 2016. Works approved under 10/00194/FULR have been and continue to be carried out. The current proposal is an alternative proposal, providing 29 units, compared to that which could be lawfully completed for 40 units under the permission originally granted in 2007. As will be covered in more detail later in the report

the affordable housing requirement on this 2007/2010 permission was met off-site at the 'Casey's Bar' site.

## 5.0 POLICY CONTEXT

5.1 The relevant policies within the Portsmouth Plan (2012) include;

- PCS21 (Housing Density),
- PCS10 (Housing Delivery),
- PCS12 (Flood Risk),
- PCS13 (A Greener Portsmouth),
- PCS14 (A Healthy City),
- PCS15 (Sustainable design and construction),
- PCS16 (Infrastructure and community benefit),
- PCS17 (Transport),
- PCS19 (Housing Mix/Affordable Housing),
- PCS21 (Housing Density)
- PCS23 (Design and Conservation)

5.2 Other guidance

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments SPD (2014)
- Sustainable Design & Construction SPD (January 2013)
- Reducing Crime through Design SPD (March 2006)

## 6.0 CONSULTATIONS

### Environment Agency

6.1 In comments received 22/11/21 the EA commented that "*in the absence of an acceptable Flood Risk Assessment (FRA) we maintain our objection to this application and recommend that planning permission is refused*".

6.2 The applicant in response to the EA's objections submitted a revised Flood Assessment Report, and amended the proposals to address the concerns raised. Further comments were received from the EA on 21/12/21 who withdrew their objections and asked instead that a planning condition be imposed.

### Regulatory Services

6.3 Regulatory Services comments were received on the 17/06/21 and commented that "*as the building was constructed in the nineteenth century it is likely that the sound insulation would be insufficient for permanent residential accommodation. Approved Document E - Resistance to the passage of sound specifies acoustic performance of the sound insulation between properties where a material change of use has been carried out. Prior to occupation it is recommended that that appropriate sound insulation testing is carried out or the applicant demonstrate that compliance has been achieved*".

### County Ecologist

6.4 The County Ecologist provided comments received on 21/06/21 and does not wish to object to the proposals but has requested the imposition of the standard biodiversity enhancement condition and an informative concerning the legal protection of nesting birds.

### Waste Reduction Team

6.5 The Waste Reduction Initiative Team provided comments on 21/06/21 and raised some detailed concerns concerning waste management and collection.

### Coastal Partners

- 6.6 Coastal Partners in the comments received 21/07/21 also raised objection to the original submitted proposals on the grounds that the site was at risk from tidal flooding. They were re-consulted on the revised Flood Risk Assessment (FRA) but have not provided any further comments.

### Drainage team

- 6.7 The Council's Drainage team commented on the proposals on 09/06/21 and has asked that the applicant look further into the potential to deliver betterment of run-off rates.

### Natural England

- 6.8 Natural England commented on the proposals on 03/06/21 and advised that the scheme will need to mitigate for any increase in waste water from the new housing and also against impacts to the coastal Special Protection Area(s) and Ramsar Site(s) resulting from increased recreational disturbance.

### Housing Enabling Officer

- 6.9 There have been extensive discussions with the Council's Housing Enabling officer and in the most recent comments has stated that the best option is to allow the new application to go forward with the previously supplied affordable provision on the two old applications being transferred to the new application. If, however, the only way forward (due to structural constraints) for the owner is a new application then we should seek a new affordable provision in the form of a commuted sum payment as this is a completely new application.

### Highway Engineer

- 6.10 Noting the extant implementable permission for a greater number of units, the LHA raises no objection to the application on Highway's safety or capacity grounds and recommends a condition to ensure the provision of secure cycle parking.

## **7.0 REPRESENTATIONS**

- 7.1 Site notices were displayed 11/10/21 and expired 01/11/21

- 7.2 Neighbour letters were sent out 11/10/21 and expired 01/11/21

- 7.3 A total of 10 objections have been received including a petition. 9 of the representation raised the following concerns about the proposals;
- a) Will put additional pressure on surrounding streets for car parking in an area which is already under significant pressure particularly during the holiday season
  - b) Concerns that the proposed new mansard roof will have a detrimental effect on Right to Light in their property (Mansion Court)
  - c) Represents overdevelopment and with 5 external doors at ground floor level will result in noise and disturbance

- 7.5 Two of the persons who had previously objected to the proposals have since written in to express their support now for the proposals which means there will be fewer units in the scheme and that the granting of planning permission will mean the works are completed soon.

- 7.6 Additionally, a petition containing 26 signatures has been received supporting the latest proposals making reference to the reduction in units proposed.

## 8.0 COMMENT

8.1 The main issues for this application relate to the following:

- Principle of development
- Housing offer
- Affordable housing
- Flood risk
- Design
- Highways & Parking
- Biodiversity
- Open space
- Amenity
- Waste
- Other matters
- Conclusion

### Principle of development

8.2 The principle of the conversion of the East Wing of the hotel to residential apartments has already been established by previous planning permissions A\*16676/AH approved in 6<sup>th</sup> March 2007 and renewed in July 2013 under 10/00194/FULR. The applicant has confirmed that material start was made to the development in June 2016 and that works to implement this consent ongoing.

### Housing offer

8.3 The Council can presently demonstrate only 3.8 years supply of housing land. This proposal will therefore make an important contribution towards meeting housing needs by delivering 29 new dwellings. A schedule of the accommodation to be provided is set out in Table 2.0 and includes data on the unit sizes and the space standard requirements of the Housing Standards SPD.

8.4 Policy PCS19 of the Portsmouth Plan requires that "*developments should achieve a target of 40% family housing where appropriate*" and that the "*appropriate number of family sized dwellings on a site (will be) dependent on both the character of an area, the site and viability of a scheme*". The proposals are for 29 new residential units comprising 4 one-bed, 23 two-bed and 2 three-bed apartments. Three of the units will also be maisonettes. The proposals will therefore only deliver 2 new family housing units (15%), which does not achieve the target of 40% family housing.

8.5 The previous extant consent 10/00194/FULR permitted the mix of housing set out in Table 1.0. Although the current proposals does not meet the target of 40% family housing the proposed mix is a significant improvement on the extant consent, as it will not deliver any studios and three fewer one-bedroom units, and will also deliver 2 three-bedroom units. Taking into account the previous extant permission the proposed housing mix is considered a significant improvement on the previously consented housing offer and is therefore considered acceptable.

8.6 In terms of space standards, it can be seen to Table 2.0 that the majority of proposed residential units exceed the minimum space standards for residential development as set out in PCC Housing Standards SPD. The arrangement of flats from the first to fourth floor is identical with the majority of the proposed units exceeding the Council's standards, but with two of the proposed flats on each of the first, second, third and fourth floors below standard. It should also be noted that two of the units on each of these floors significantly exceed the required standards. Taken as a whole, the proposals will provide spacious and high-quality accommodation which satisfies Policy PCS19 of the Portsmouth Plan.

Table 2.0 - Schedule of accommodation					
Flat No	Level	Type	No. of bedrooms	Square metres (sqm)	Housing Standard SPD floorspace requirements (sqm)
1.	UGF	Flat	2-bed	139.87	70
2.		Flat	2-bed	102.87	70
3.	UGF & LGF	Maisonette	2-bed	73.86	70
4.		Maisonette	2-bed	70.88	70
5.		Maisonette	2-bed	79.79	70
6.	UGF	Flat	2-bed	74.03	70
7.	First	Flat	2-bed	109.06	70
8.		Flat	2-bed	125.94	70
9.		Flat	2-bed	62.48	70
10.		Flat	1-bed	42.86	55
11.		Flat	2-bed	71.34	70
12.	Second	Flat	2-bed	109.06	70
13.		Flat	2-bed	125.94	70
14.		Flat	2-bed	62.48	70
15.		Flat	1-bed	42.86	55
16.		Flat	2-bed	71.34	70
17.	Third	Flat	2-bed	109.06	70
18.		Flat	2-bed	125.94	70
19.		Flat	2-bed	62.48	70
20.		Flat	1-bed	42.86	55
21.		Flat	2-bed	71.34	70
22.	Fourth	Flat	2-bed	109.06	70
23.		Flat	2-bed	125.94	70
24.		Flat	2-bed	62.48	70
25.		Flat	1-bed	42.86	55
26.		Flat	2-bed	71.34	70
27.	Fifth	Flat	2-bed	113.73	70
28.		Flat	3-bed	127.17	85
29.		Flat	3-bed	131.37	85

### Affordable housing

- 8.7 The Portsmouth Plan (2012) requires under Policy PCS19 (Housing), for schemes of 15 units or more units, that 30% of the units should be affordable with a tenure mix of 70% social rented and 30% intermediate products. The Housing Standards SPG requires that any agreed off-site provision should be for 43% provision, or equivalent.

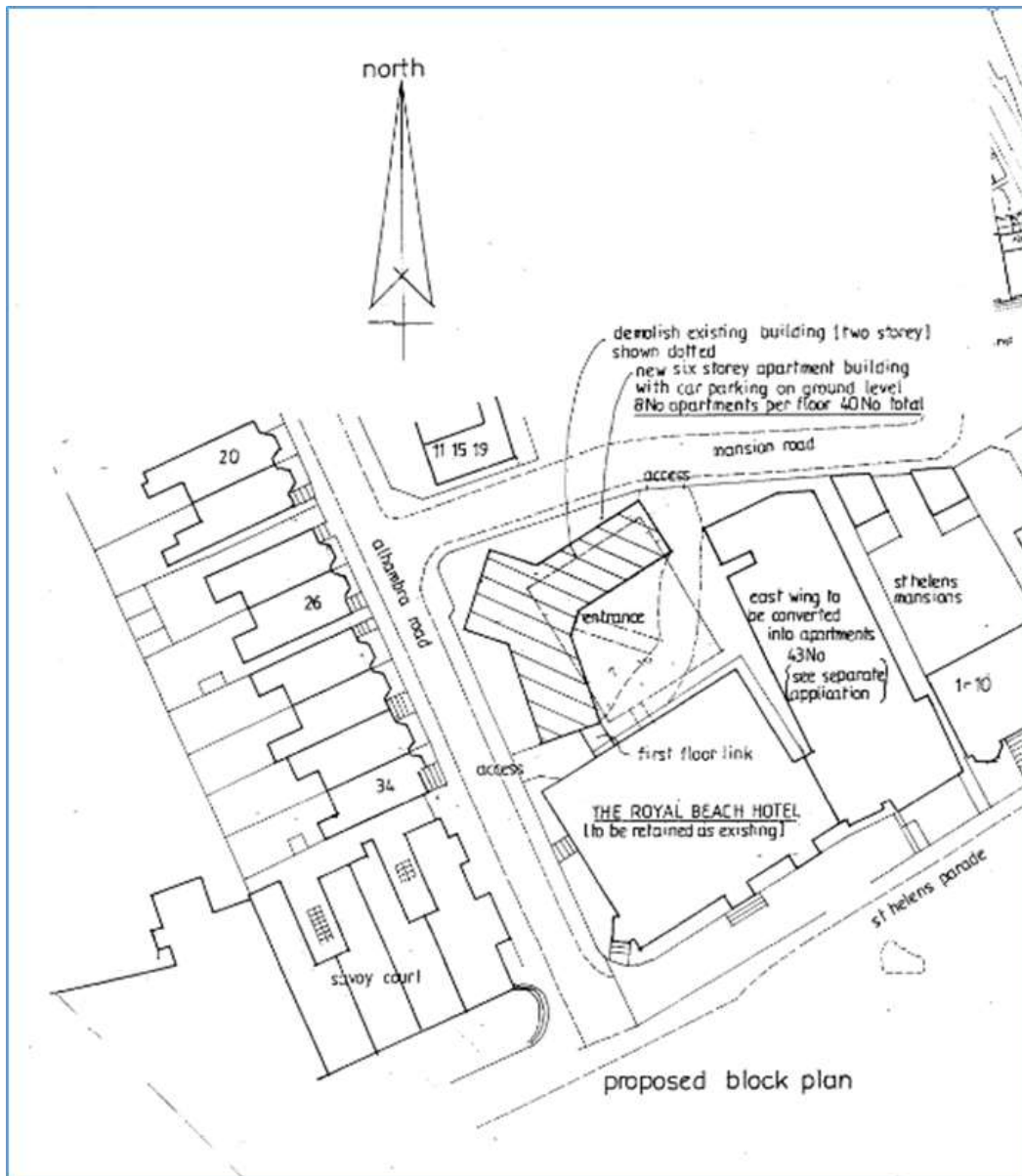


Figure 4 - Proposed Block Plan A\*16676/AG

- 8.8 Figure 2 above shows the proposed 'L' shaped, 6 storey building comprising 4 maisonettes, 37 flats and 1 studio apartment which was to be built on the corner of Alhambra and Mansion Roads approved under A\*16676/AG on the 6th March 2007. The plan also shows the East Wing which under A\*16676/AH was granted planning permission for the conversion into 40 residential units comprising 9 maisonettes & 31 flats also on 6th March 2007.
- 8.9 A joint S106 legal agreement was drawn up for the two schemes. The agreed S106 allowed for the payment of a commuted sum or on-site provision for a total of 21 AH units. A financial payment was subsequently made by the applicant and the monies were used to help fund 20 affordable housing units delivered as part of the 'Casey Bar' scheme.
- 8.10 10/00194/FULR approved in July 2013 renewed planning permission A\* 16676/AH to convert the East Wing to form 9 maisonettes & 31 flats. The report to committee casts light on the affordable housing issue and clarifies that "as part of the applicant's original proposals for the Royal Beach Hotel, which comprised the redevelopment of the area at the rear currently occupied by the function suite [under the outline permission], and the conversion and construction of an additional floor to the East Wing [the full permission],

*in order to satisfy a policy requirement for affordable accommodation a legal agreement facilitated off-site provision as an alternative to on-site provision. The applicant subsequently developed the former Casey's Bar site as the off-site provision prior to implementing either the outline permission or the full permission. The applicant effectively met the requirements of the legal agreement before carrying out the development on the application site. When the applicant agreed to the provision of an additional unit of accommodation in 2011, that requirement had regard to the outline planning permission which has since lapsed. The lapse of the outline permission has had the effect that the applicant has provided 20 flats as affordable accommodation on the former Casey's Bar site with the enabling development now limited to the forty flats and maisonettes to be created from the conversion of the East Wing of the hotel. The applicant has requested that the original requirement for the additional unit of affordable accommodation as part of the now rescinded resolution should be put aside. With the lapse of the outline permission the provisions in the original legal agreement would now be tied to solely the full permission for the East Wing. The applicant would therefore be providing 20 flats as affordable accommodation associated with the creation of 40 flats/maisonettes".*

- 8.11 Current policy requirements for off-site provision for the proposed 29 flats/maisonettes under this application, would be met by a financial contribution towards the provision of 9 units of affordable accommodation. The applicant has, however, already has provided 20 flats as affordable accommodation on the former Casey's Bar site and in effect has already delivered as the affordable housing contribution for the conversion of the East Wing of the hotel. The Council's Housing Enabling Officer has commented on this matter and has commented that the "*best option is to allow the new application to go forward with the previously supplied affordable provision on the two old applications being transferred to the new application*". Taking account of 20 affordable flats already delivered at the 'Casey Bar' being transferred to this application it will mean that the current proposals will have delivered 66% affordable housing which comfortably exceeds the requirements of Policy PCS19 of the Portsmouth Plan.
- Flood risk
- 8.12 Policy PCS12 (Flood Risk) advises that "*the Council will assess the level of flood risk in making allocations and considering planning applications, in particular by reference to strategic and site specific flood risk assessments*".
- 8.13 A Flood Risk Assessment (FRA) was submitted in support of this application. However, both the EA and Coastal Partners raised objections to the proposals. The EA was concerned that the submitted FRA had failed to provide flood risk measures to address flood risk, such as raised floor levels, resistance and resilience measures, and safe access and egress routes.
- 8.14 The hotel building is located with Flood Risk Zone 3. Any occupants of the lower ground floor would need access to the higher ground floor via internal stair access in the event of a flood event, and this route would be taken by any such occupants during a flood event and the upper ground floor area within the effected flats would be used as a "safe haven" for the duration of the flood. It should also be noted that in the longer term this area of Southsea will be protected by the proposed coastal defence protection system which will create a flood protection level up to 5.000m AOD, which is the same level as the buildings ground floor.
- 8.15 As originally submitted, there were proposed 2 x two-bedroom units at lower ground floor level. Both these units have been deleted from the current application and the revised plans indicate the spaces "created for future use". A revised FRA was submitted together with the amended plan for the lower ground floor, and the EA re-consulted. The EA has now withdrawn its objections to the proposals, and the revised proposals now satisfy the requirements of Policy PCS12 of the Portsmouth Plan 2012 and the NPPF.



### Design

- 8.16 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF, and requires that all new development must be well designed and, respect the character of the City. It sets out a number of criteria which will be sought in new development, including; excellent architectural quality, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.
- 8.17 The proposals are for the conversion of the East Wing of the hotel to residential use. The scheme also involve the construction of any additional floor. The proposed new floor will be a mansard roof construction set back from the existing parapet wall on the south elevation. This set back will help reduce the visual bulk of the new floor and provide terrace space for the top floor apartments (See Appendix A - Existing and Proposed Elevational Drawings) . It should be noted that the extant planning permission 10/00194/FULR permits the construction of an additional floor.
- 8.18 The elevational drawing in Appendix A show the proposals will utilise, for the most part, the existing window and door openings but will have new windows, 'Juliet' balconies and entrance doors fitted. Overall, the pattern of the proposed new windows is in keeping with the hotel building and will help preserve and enhance the character and appearance of this prominent building within the conservation area. To ensure the design and materials for the new windows and doors are appropriate a condition is imposed which will require the submission and approval of these features.
- 8.19 The proposed addition of an additional mansard roof and installation of new windows, balconies and doors has been sensitively designed and will help preserve and enhance the character and appearance of this prominent building within the conservation area. Accordingly, the proposals satisfy the aims of the Policy PCS23 of the Portsmouth Plan Highways and Parking
- 8.20 Policy PCS17 (Transport) of the Portsmouth Plan encourages development in areas around public transport hubs and along corridors where there is good access to public transport. The application site is located in a sustainable location with regular bus services passing in both direction along South Parade / Clarendon Road, including the Nos. 1, 3, 18 & 23 buses, which provide good public transport services across the City. The hotel also benefits from easy access onto the City's cycle network with dedicated cycle lanes along Southsea Esplanade which connect into the City's wide cycle network. The provision of a large, secure cycle store in the lower ground floor which will accommodate 2 bicycle per unit is welcomed. A condition is proposed which requires the submission and approval of the cycle storage facilities.
- 8.21 The current application and the previously consented scheme (10/00194/FULR) do not propose any car parking on the hotel site. When the previous scheme was considered the most appropriate method of determining whether there was likely to be an adverse impact from car parking was to assess the car parking requirement on the basis of the existing hotel use of that part of the hotel, and compare that figure with the level of car parking that would ordinarily have been required by the Local Plan standards.
- 8.22 Accordingly, the submitted transport statement states that the previous hotel use generated 190 traffic movements compared to the 83 movements for the proposed redevelopment. Under the current application a more appropriate comparative assessment may well be to look at the proposed 29 units as compared to the approved 31 units, a scenario reduces the parking demand from the development. The proposed redevelopment will thereby reduce pressure on the transport network by reducing the number of movements to and from the site.

- 8.23 On the basis of the cycling parking facilities to be provided on site, the public transport service in the area and the earlier acceptance of a 'car free' development the proposals satisfy the aims of Policy PCS17 (Transport) of the Portsmouth Plan. To help encourage and support the future occupants of the development to use sustainable modes of travel a condition has been added which require a travel plan and the promotion of car club.

#### Biodiversity

- 8.24 The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the designated nature conservation sites along the Solent coast will continue to be protected. Natural England advises the scheme will need to mitigate for any 37 increase in waste water from the new housing and also against impacts to the coastal Special Protection Area(s) and Ramsar Site(s) resulting from increased recreational disturbance.
- 8.25 In line with the Solent Recreation Mitigation Strategy (December 2017) the applicant has agreed to mitigate the negative impact of recreational disturbance in accordance with the Council's Strategy.
- 8.26 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 8.27 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development, subject to availability.
- 8.28 The Applicant has requested the use of the Council's Credits, and is willing to make the necessary payments. In response to The LPA awaits response to the resultant Appropriate Assessment for SPA Mitigation that it has sent to Natural England and with confirmation received that the applicant agrees to make financial payments to help mitigate against recreational disturbance and an increase in nitrates the proposed development accords with Policy PCS13 of the Portsmouth Plan (2012) and the Habitats Regulations 2017 (as amended).
- 8.29 In response to the County Ecologists request a standard biodiversity enhancement condition has been imposed and an informative concerning the legal protection of nesting birds

#### Open Space

- 8.30 Policy PSC15 of the Portsmouth Plan requires the provision of private amenity space for new residential units. It is however not feasible to provide open space within the site. It should also be noted the previously consented scheme does not provide any on-site open space.

- 8.31 The hotel is however located very close to the seafront which provides for a variety of recreational purposes. Furthermore, large areas of public open space are also located close to the application site at Southsea Common to the west and the open space at Lumps Fort to the east. CIL payments will contribute these spaces and towards improving connectivity with these areas, the rest of the seafront and the wider city.
- 8.32 The future occupants of the development will therefore have access to a wide range of publicly accessible open spaces and accordingly the proposals satisfy the aims of Policy PCS15 of the Portsmouth Plan

#### Amenity

- 8.33 Policy PCS23 (design and conservation) requires that development should protect the 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.
- 8.34 In terms of achieving a good standard of living environment for the future occupants of the development, Regulatory Services has suggested that as the building was constructed in the nineteenth century it is likely that the sound insulation would be insufficient for permanent residential accommodation and therefore has requested that a condition is imposed requiring prior to occupation that appropriate sound insulation testing is carried out demonstrate compliance with Approved Document E of the Building Regulations (2015).
- 8.35 The proposal is to convert the existing building, and to utilise existing window and door openings, which will not result in additional overlooking. The proposed new mansard roof will however increase the overall height of development, and will result in a slight increase in overlooking and cast a slighter larger shadow. However, the construction of a mansard style roof will help to mitigate these impacts, and it can be argued that overall the conversion of the use from 63 hotel rooms to 29 flats will significantly reduce overlooking. Mansion Court is located over 25 metres to the north east and it is considered that there will be a negligible impact on the properties within this housing block. Immediately adjacent to the hotel is St Helen's Mansion the main outlook of which is southwards towards the sea, and will be materially affected by the latest proposals. Officers are therefore satisfied that the proposals will not impact negatively upon the amenities of neighbouring properties and thereby satisfies Policy PCS23 of the Portsmouth Plan (2012).

#### Waste

- 8.36 Refuse and recycling facilities will be located in the lower ground floor of the building. The Waste Reduction Initiative Team have raised some detailed concerns concerning waste management and collection and so a condition will be imposed which requires the submission and approval of further details on the waste management arrangements.

#### Other Matters raised in the representations

- 8.37 It is noted that one of the objectors to the proposal has suggested that the proposals will have a detrimental effect on the 'right to light' in their living room. As commented previously there is a significant distance between the East Wing building and Mansion Court, where the objector lives) and are the proposed new mansard roof will have only a negligible impact on amount of natural light the objector will receive.

#### Conclusion

- 8.38 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following: Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

## **CONDITIONS**

### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -

- a) 1060-Proposed South Elevation
- b) 1061-Proposed North Elevation
- c) 1062-Proposed East Elevation
- d) 1063b-Proposed West Elevation
- e) 1019c-Proposed Lower Ground Floor Plan
- f) 1020b-Proposed Upper Ground Floor Plan
- g) 1021b-Proposed First Floor Plan
- h) 1022b Proposed Second Floor
- i) 1023b Proposed Third Floor
- j) 1024b Proposed Fourth Floor
- k) 1025b Proposed Fifth Floor

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Biodiversity Enhancement**

3) Prior to first occupation, details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and Policy PCS13 of the Portsmouth Plan 2012.

### **Flood Risk**

4) The development shall be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (ref: Flood Risk Assessment Report – Royal Beach Hotel, Southsea, Ref: 310443, produced by Cowan Consultancy and dated 30 September 2021) and associated plan (ref: 4694-1019-RevC), and the following mitigation measures detailed therein:

- All lower ground floor living units must each have an internal access to the upper ground floor level as specified in section 10 of the FRA and shown on submitted plan ref: 4694-1019-RevC.
- There shall be no sleeping accommodation located on the lower ground floor as confirmed by submitted plan ref: 4694-1019-RevC.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants.

### **Noise insulation**

5) Prior to first occupation the applicant shall submit to the local planning authority appropriate sound insulation testing results or other evidence to demonstrate full compliance with Approved Document E of the Building Regulations.

Reason: To protect the amenities of the future occupants of the residential units within the development and accord with the requirements of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

### **Cycle Parking**

6) Prior to first occupation of the new dwellings the proposed secure and cycle parking facilities to be provided within the lower ground floor shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, in accordance with a detailed scheme for their siting, dimensions and appearance that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and the cycle storage facilities shall thereafter be retained for the storage of bicycles at all times.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **Travel Plan & Car club**

7) Prior to the first occupation of any residential unit hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority with the aim of promoting alternative / low carbon transport options for residents. For the purposes of this condition the Travel Plan shall include the following provisions, measures and/or initiatives:

(i) A programme for its implementation;

(ii) The promotion of car sharing initiatives such as [www.liftshare.com](http://www.liftshare.com);

(iii) The promotion of a car club;

(v) Bus services operating in the vicinity of the development including service timetables and connections with any other public transport service provider;

The plan shall include suitable and measurable targets with the aim to reduce transport related emissions.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **Samples of External Materials**

8) A sample panel of the materials to be used in the construction of the external surfaces of the new build element of the scheme shall be submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample, which shall not be removed from site until the completion of the development

Reason: In the interests of the visual amenities of the area and to accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Architectural Detailing**

9) (a) precise constructional drawings of key architectural features at a 1:20 scale (or such other appropriate scale as may be agreed) shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to: - Windows: window frame profile/dimensions; method of opening; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings; - Doors: reveals, edges and corners. (b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this Condition.

Reason: To ensure a high quality of design and detailing in the interests of visual amenity in accordance with Policies PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Sustainable construction**

10) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012).

### **Disability Access Statement**

11) Prior to first occupation of the development a Disability Access Statement shall be submitted to the LPA for approval and should indicate the provision to be made for disabled people to gain access to converted hospital building and the new build housing shall have been submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: The Disability Access Statement is required to assist the Local Planning Authority with the assessment of the issues relating to disabled people and to satisfy the requirements of the NPPF.

### **Nitrate mitigation**

12) No development works other than those of demolition and construction of the buildings' foundations, shall take place until a scheme for the mitigation of the effects of the development on the Solent Special Protection Area arising from the discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality that provision shall be provided in accordance with the approved scheme before the first residential unit is occupied.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

## **Waste Management**

13) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until full details on the refuse and recyclable facilities/ arrangements have been submitted for approval to the local planning authority; and (b) the facilities/ arrangements approved pursuant to parts (a) of this Condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

## **Flood Warning and Evacuation Plan**

14) Prior to first occupation of the development a Flood Warning and Evacuation Plan (FWEP) should be submitted and approved by the Local Planning Authority. The FWEP should demonstrate what actions site users should take before, during and after a flood event to ensure their safety, and to demonstrate that the development will not impact on the ability of the Council and the emergency services to safeguard the current population.

Reason: To ensure that measures are in place to ensure during a flood event measures are in place to ensure the safety of future resident in accordance with the requirements of policy PCS12 of the Portsmouth Plan (2012) and NPPF.

## **INFORMATIVES**

### **NESTING BIRDS**

Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). Where there is a risk of breeding birds being present, it is advisable to undertake building construction works outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is no alternative to doing the work during this period then a thorough, careful and quiet examination of the flat roof of the building must be carried out before demolition starts. If occupied gull nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and construction should only recommence once the nest naturally becomes unoccupied.

### **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

### **APPENDIX A - Existing and proposed elevations drawings**



Figure 5 - Existing south elevation



Figure 6-Proposed South Elevation



Figure 7- Existing East Elevation



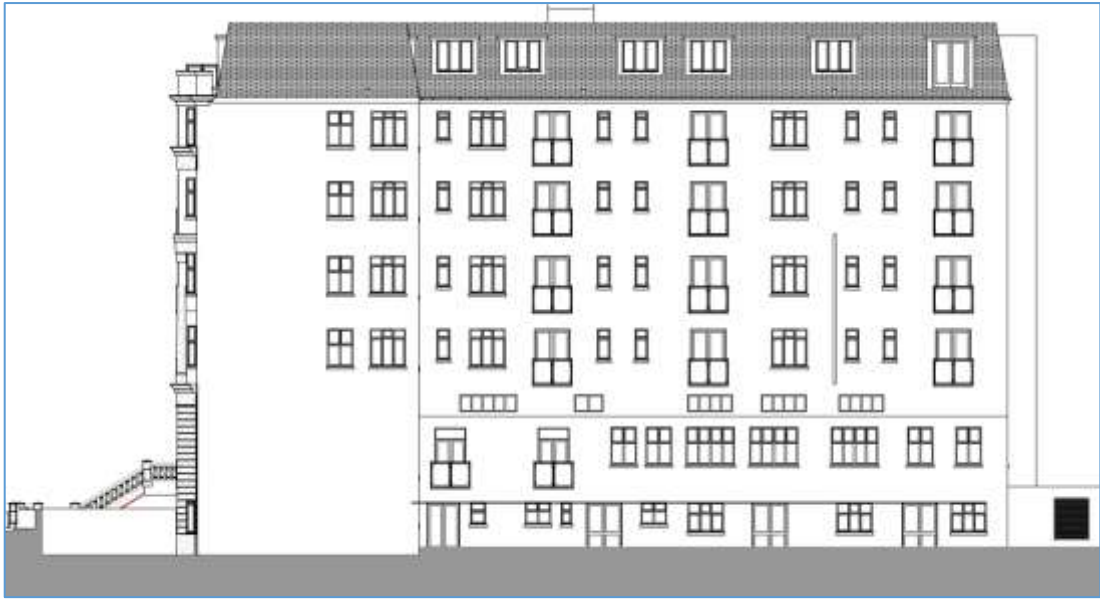


Figure 8- Proposed East Elevation



Figure 9- Existing North Elevation



Figure 10- Proposed North Elevation

# 07

21/01646/PLAREG

WARD:EASTNEY & CRANESWATER

COCKLESHELL COMMUNITY SPORTS CLUB COCKLESHELL GARDENS SOUTHSEA  
PO4 9SA

RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF TEMPORARY GAZEBO  
AND PROPOSED CONSTRUCTION OF STORAGE SHED

WEBLINK: [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R2CUFGMOFRT00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R2CUFGMOFRT00)

**Application Submitted By:**

Mrs Jayne Mills

**On behalf of:**

Mrs Jayne Mills

**RDD:** 10th November 2021

**LDD:** 1st April 2022

## SUMMARY OF MAIN ISSUES

1.1 The application is being presented to the Planning Committee due to the number of objections received by the Local Planning Authority and because the Council is the land owner.

1.2 The determining issues within the application relate to:

- \* Principle of development
- \* Design
- \* Amenity

### Site and surroundings

1.3 The application site forms part of the former Eastney Barracks playing fields and is accessed from Cockleshell Gardens. The playing fields are surrounded by residential development on all boundaries and are identified as open space under Policy PCS13 of the Portsmouth Plan.

1.4 The Cockleshell Community Sports Club (CCSC) comprises an outside sports field with a pavilion that is used for sport clubs in the local community. The playing fields (22 acres) have been made available through the Cockleshell Community Sports Club to a number of sporting organisations in the city. The area accommodates 5 football pitches, one rugby pitch, cricket pitches and nets and a Multi Use Games Area on which pupils can play hockey, netball, basketball and tennis.

1.5 The playing fields as a whole accommodate a number of buildings which are understood to have the following purposes:

- RMA Pavilion (to east of playing fields, south of Dunn Close): CCSC have no use of the building and boundary area.
- Tractor Shed (south of Tamarisk Close): this building contains the two tractors and cutting tools, fertiliser, line painting equipment and gardening tools.
- Cricket Pavilion (to east of entrance from Cockleshell Gardens): this is the newly refurbished building on site that community clubs can book and access for activities. There are two changing rooms that are accessed through the hall that is hired.
- Timber gazebo the subject of this application (to east of Cricket Pavilion): The applicant advises that this structure 'is currently used by users of the site that do not feel comfortable changing shoes etc inside. Although the omicron variant has died down and is not as dangerous it is still infectious and can make people ill. As the government stated, they strongly advise that people have the choice and hope they choose wisely. We need to continue to offer choice to site users at this time as we are unsure of what next winter will hold. We have yet to see how next winter will fare with this virus. The gazebo is currently also used by Mayville High School for pupils who need to change footwear/clothing at the site when the pavilion is being hired out by other clubs using the hall.'
- Brick shed (south of no.24 Cockleshell Gardens): storage currently used by schools and clubs at the site. This is a small storage shed for the number of clubs accessing the site, hence the application for an additional metal shed to be placed to the east of this shed.
- Rugby Pavilion (adjacent southern boundary of fields adjacent Driftwood Gardens): the applicant advises that 'this building is currently boarded up and derelict as it needs a total refurbishment. It has asbestos which needs to be removed before any work can start. The windows/doors/showers were completely vandalised during the first lockdown. The building has no live electricity as the junction box is damaged. The water supply is turned off as the toilets are smashed. This is our project for the next 3-5 years to fully refurbish the building, making it suitable for community use. Current estimate of £140K for basic refurbishment.'

## Proposal

1.4 The application seeks planning permission for an existing gazebo (to the east of the cricket pavilion) and the proposed construction of a storage shed (to be located between the northern boundary of the grounds and the hard surfaced netball and tennis courts which were permitted in 2013).

1.5 The timber gazebo for the purposes of changing facilities (installed 1/7/20) measures approximately 4.5m x 4.5m, 2.85m high (2m to eaves) and is located approximately 3.3m from the northern boundary adjacent no.12 Cockleshell Gardens.

1.6 The metal shed for storage purposes associated with sporting organisations using the fields (to be finished in Anthracite colour) would be located to the south of nos. 25 and 26 Cockleshell Gardens and would measure 2.45m wide, 4.75m in length and would have a dual pitch roof with ridge height at 1.81m.

## Relevant Planning History

1.7 There is no planning history for the cricket pavilion building itself. Historic maps show the pavilion in place in the 1930's and extended slightly by 1952.

1.8 The planning history for the whole of former Eastney Barracks playing fields is extensive but none is considered of particular relevance to this application.

## **POLICY CONTEXT**

2.1 The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth)  
PCS23 (Design and Conservation)

2.2 The aims and objectives of the revised NPPF (July 2021) would also be relevant in the determination of this application.

## **CONSULTATIONS**

Contaminated Land Team - informative suggested

## **REPRESENTATIONS**

2.3 3 representations have been received objecting to the proposal on the following grounds:

- \* gazebo has only been used a handful of times
- \* what is it to be used for? when? what times?
- \* is it to be temporary or permanent? How is temporary defined? Waiting for rugby pavilion to be refurbished could be 5 years - is this temporary? How is that enforced? Is it a Covid measure or for changing when the pavilion can't be accessed due to use by other clubs? Does this mean a permanent structure is needed?
- \* some documents on Public access do not open
- \* why no photographic image of site for new storage shed?
- \* storage facility should not be higher than adjacent residential fence
- \* gazebo not suitable for changing as is overlooked
- \* gazebo can be seen from rear windows and garden area of no.12 and obstructs view of playing fields
- \* no.12's boundary is a 1.2m timber fence with 0.6m open trellis not 6ft closed fence as stated in application
- \* concern about the retrospective nature of application

## **COMMENT**

3.1 The determining issues within the application relate to:

- \* Principle of development
- \* Design
- \* Amenity

## **PRINCIPLE**

3.2 The application site lies within land allocated as protected open space by policy PCS13 of the Portsmouth Plan. This policy states that: 'The City Council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways: Refusing planning permission for proposals which would result in the net loss of existing areas of open space and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm'. The supporting text to this policy states: 'There is a great deal of pressure on Portsmouth's green infrastructure network from increasing population numbers to climate change and the need for new development sites. The city lacks suitable spaces to provide

additional green infrastructure assets to absorb this pressure. Therefore the council's priority will be to focus resources on protecting, enhancing and linking together the existing network. There will be a presumption against any development involving the net loss of open space unless there are wider public benefits that outweigh the harm of this loss'.

3.3 The application seeks planning permission for the retention of the timber gazebo and the installation of a metal storage shed which would result in a combined loss of 31.9m<sup>2</sup> of existing open space. This is considered a modest loss in the context of the whole playing field site, and the location of the development would not inhibit the use or useability of the wider playing fields/open space. The structures are proposed to improve facilities at the playing fields for the many community sports clubs that use the site as well as Mayville School. It is also recognised that the sports and recreational facilities within the site (rugby, cricket, football, and tennis etc) also contribute to the city's healthy living strategies. As such any harm that may arise as a result of the modest loss of open space is considered to be outweighed by the wider public benefits.

3.4 Whilst the application details suggest the gazebo would be required for a temporary period (being dependant on the Covid 19 pandemic outcome/refurbishment of the rugby pavilion whilst noting the expiry of the lease agreement with PCC in 2036), consideration should be given as to whether it is *necessary* to impose a temporary time period. If the structure is considered acceptable in the short term, then would it be acceptable in the long term? In this case, it is considered that there is no planning reason why it would be necessary and reasonable to impose a temporary time period.

## DESIGN

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

3.6 The scale, height and specific location of the development are considered modest and the design solutions relatively simple, functional and appropriate in their context. On this basis the design of the development is considered acceptable.

## AMENITY

3.7 Given the modest heights of the structures, existing boundary treatments, and intervening distances to adjacent residential gardens and houses it is not considered that the proposed development results/or would result in any significant adverse impact on the residential amenities of those living immediately adjacent in terms of outlook, light or privacy. Any loss of view over the playing fields is not a material planning consideration in this case.

## CONCLUSION

3.8 The proposals are considered modest in scale and appropriate in location and external appearance. Whilst a limited loss of open space would occur it is considered to be justified for the wider benefit and no significant adverse impact upon residential amenity is considered likely. On balance, the proposal is considered to accord with policies PCS13 and PCS23 and capable of support.

## **RECOMMENDATION**

## **Conditional Permission**

### **Conditions**

#### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

2) Unless otherwise 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 and Block Plan no.229467/100048957, and Shed Illustration with measurements received 04/02/22.

Reason: 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.

5 ATALANTA CLOSE SOUTHSEA PO4 8XP

CHANGE OF USE FROM ACCESS DRIVE TO GARDEN AREA WITH NEW SIDE BOUNDARY FENCING.

LINK TO ONLINE DOCUMENTS;

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QXZEX TMOLA000](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qxzexTMOLA000)

**Application Submitted By:**

Chris Flint ASS LTD  
FAO Chris Flint

**On behalf of:**

Mr Lever

**RDD:** 17th August 2021

**LDD:** 13th October 2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee as it has received an objection from the Local Highways Authority.

1.2 The main issues for consideration relate to:

- Design;
- Impact on residential amenity; and
- Impact on highway safety.

### 1.3 Site and Surroundings

1.4 This application relates to a semi-detached bungalow located on the eastern side of Atalanta Close. The dwelling is set back from the highway with a paved parking area forward of the dwelling. To the side and rear of the property is an enclosed garden. To the north of the site is a private access road which provides access to the rear of five properties to the south of Godwit Road and a row of attached garages. The surrounding area is residential in nature and is characterised by a variety of bungalows and two-storey dwellinghouses.

### 1.5 Proposal

1.6 Retrospective planning permission is sought to retain part of the access to the north of the site as garden use.

1.7 Planning permission is also sought for the retention of closed board fencing along part of the northern boundary of the site. The fence ranges in height from 1m to 1.8 metres.

1.8 The works had been completed at the time of the officer's site visit.

1.9 Relevant Planning History

1.10 No relevant planning history.

**2.0 POLICY CONTEXT**

2.1 Portsmouth Plan (2012):

- PCS17 (Transport)
- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (2021) due weight has been given to the relevant policies in the above plan.

**3.0 CONSULTATIONS**

3.1 Local Highways Authority - This application is a retrospective application for the change of use from access drive to garden area with new side boundary fencing. I have considered the documents submitted in support of this application and would make the following comments:

3.2 Atalanta Close is a no through route residential road with the majority of semi-detached dwellings. The application site is adjacent to a single track private access road leading to a number of garages and rear garden accesses.

3.3 This application seeks to realign the existing property boundary incorporating the footway which prior to realignment of the fence provided a safe refuge for pedestrians and vulnerable users should they meet vehicles using the access.

3.4 It would appear that this footway has previously been incorporated into the forecourt of the property although I can find no consent for that.

3.5 In the absence of this footway the access road is insufficient to allow a vehicle to pass a pedestrian /wheelchair user in the event of conflict between the two.

3.6 In light of the above I must recommend that this application is refused on safety grounds.

**4.0 REPRESENTATIONS**

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

- a) Loss of footpath makes access difficult for vehicles and pedestrians;
- b) Limited access for emergency and delivery vehicles.

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

- a) Development enhances the area; and
- b) Development causes no obstruction to vehicular access as the fence is on the edge of the property and the existing roadway which is still constantly used by cars and vans of all sizes



## 5.0 COMMENT

- 5.1 The main issues for consideration relate to design, impact upon the amenity of neighbouring residents and highway safety.
- 5.2 Design and Impact on the amenity of neighbouring properties
- 5.3 The surrounding area is residential in nature and is characterised by properties set back from the highway with open front gardens. The fencing is set back approximately 10 metres from the public highway meaning the open character of the area is maintained. The closed board fencing is modest in height and it was noted during the officer's site visit there are examples of boundary treatment of a similar height within the vicinity of the site. For example, no.3 Atalanta Close and no.69 Godwit Road.
- 5.4 Having regard to the modest increase in the width of the garden (0.7m) to the side of the dwelling and the positioning of the fence back from the highway, the works are considered to keeping with the character and appearance of the area. .
- 5.5 In terms of impact on the amenity of neighbouring properties, having regard to the separation distance between the development and neighbouring properties and the nature of the development, it is not considered that the scheme would have any significant impact on the relationship of the development with neighbouring properties.
- 5.6 Impact on highways
- 5.7 Atalanta Close is an unclassified no through road which hosts nine bungalows. On the eastern side of Atalanta Close, adjacent, to the application site is a private access which provides access to the rear of five properties fronting Godwit Road and a row of garages. As a result of the works to which this planning application relates, part of the northern boundary has been extended by 0.7metres to incorporate part of the private access into the garden area of no.5 Atalanta Close. In addition, new closed board fencing has been erected along part of the northern boundary.
- 5.8 The Local Highways Authority have been consulted on this application and have raised an objection to this application on the grounds the works have reduced the width of the access which has resulted in the loss of a footpath which previously allowed pedestrians to pass any vehicles. Concerns have also been raised by the objector regarding potential problems for delivery and emergency vehicles using the access.
- 5.9 However, the main access which following the works has a width of 2.9 metres at its narrowest point and 3.5 metres at its widest point would be retained. As the works have only affected the footpath and not the main vehicular access, the works are not considered to affect vehicles accessing the garages and the rear of properties fronting Godwit Road.
- 5.10 While it is acknowledged part of the footpath has been lost to accommodate the works, the private access serves 9 garages and secondary access to five dwellings and therefore the level of activity is considered to be low. Furthermore, the fencing is set back 10 metres from Atalanta Close meaning there is a sufficient visibility for pedestrians and vehicles when using the access.
- 5.11 It is noted that there have been no recorded accidents in the last five years relating to the existing access. Furthermore, the Local Planning Authority has not been presented with any substantive evidence to demonstrate that the works have resulted in traffic incidents that have endangered the safety of vehicular and pedestrian users of this access or nearby roads.

5.12 The Local Planning Authority is not convinced that the loss of the footpath in this instance would result in such a highway danger that it would warrant withholding planning permission.

5.13 Conclusion

5.14 In conclusion, notwithstanding the concerns raised by the Local Highways Authority in respect of pedestrian safety, it is considered that refusal of permission on highway grounds would not be reasonable and as such the proposal is recommended for approval subject to conditions.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Approved Plans**

1) Unless otherwise 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: CFA FULL 01 Rev 01.

Reason: 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 73A of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

12 THURBERN ROAD PORTSMOUTH PO2 0PJ

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO DWELLING HOUSE (CLASS C3) OR HOUSE IN MULTIPLE OCCUPATION (CLASS C4)

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R880WNMOIEF00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R880WNMOIEF00)

**Application Submitted By:**

Mr Edward Kercher  
Collective Studio

**On behalf of:**

Mr Lawrence Hubbard

**RDD:** 4th March 2022

**LDD:** 2nd May 2022

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections received in response to the application.

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

## 1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

### 1.4 Site and surroundings

1.5 This application relates to a two-storey mid-terrace dwelling, which features a two-storey bay window and is located on the southern side of Thurbern Road. The property is set back from the roadway by a front forecourt and benefits from a rear garden.

### 1.6 Proposal

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - One bedroom (with an ensuite), Kitchen/dining room, Living room, WC a combined Kitchen/Dining room; and  
 First Floor - Three bedrooms (each with their own ensuite)  
 Second Floor - Two bedrooms (each with their own ensuite)
- 1.10 The submitted drawings indicate a rear dormer and single storey rear extension which are to be constructed. The applicant has confirmed that these works will be undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application relates to the use of the property only.
- 1.11 The applicant's plans state the bedrooms would be single occupancy.



1.12 Planning History

- 1.13 22/00016/GPDC: Construction of a single storey rear extension that comes out a maximum of 6m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves. General Permitted Development (Refuse) 06.04.2022.

**2.0 POLICY CONTEXT**

2.1 Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

### **3.0 CONSULTATIONS**

#### **3.1 Private Sector Housing**

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

### **4.0 REPRESENTATIONS**

4.1 5 representations have been received from the nearby residents, objecting to the proposal in the following grounds:

- a) Increased anti-social behaviour;
- b) Increase parking demand;
- c) Loss of family housing;
- d) Waste and rubbish;

### **5.0 COMMENT**

5.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

#### **5.2 Principle of development**

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

5.4 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 (October 2019), 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.



- 5.5 Based on information held by the City Council, of the 67 properties within a 50 metre radius of the application site, 0 HMOs was originally identified. 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.
- 5.6 It is noted that one property within the 50m radius have been sub-divided into flats (No. 174 Thurbern Road) additionally the 50m radius includes a but these are not HMOs and so are not part of the data count.
- 5.7 Following Officer Investigation, no further HMOs have been uncovered and none have been removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 1.49%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.8 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any

residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.

5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.

5.10 Standard of Accommodation

5.11 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, allow occupation by up to six individuals.

(HMO SPD October 2019)	Area provided:	Required Standard
Bedroom 1	12.988 sq.m	6.51 sq.m
Ensuite B1	2.7 sq.m	2.74 sq.m
Kitchen/Diner	23.246 sq.m	34 sq.m or 22.5 sq.m
WC	2.74 sq.m	1.17 sq.m
Living Room	11.267 sq.m	Not required (11 sqm)
Bedroom 2	10 sq.m	6.51 sq.m
Ensuite B2	2.74 sq.m	2.74 sq.m
Bedroom 3	11.410 sq.m	6.51 sq.m
Ensuite B3	2.74 sq.m	2.74 sq.m
Bedroom 4	11.158 sq.m	6.51 sq.m
Ensuite B4	2.74 sq.m	2.74 sq.m
Bedroom 5	10 sq.m	6.51 sq.m
Ensuite B5	3.31 sq.m	2.74 sq.m
Bedroom 6	11.23 sq.m	6.51 sq.m
Ensuite B6	2.97 sq.m	2.74 sq.m

5.12 It is considered that the ground floor kitchen/diner meets the requirements of the SPD without the additional living room space, however this area is also provided as communal space to the benefit of the internal occupiers. All of the bedrooms additionally accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018.

5.13 The combination of ensuites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.

5.14 Impact on amenity

5.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.

5.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss 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.

5.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

5.18 Highways/Parking

5.19 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 six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

5.20 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage is proposed as well as front forecourt where bicycles could be stored. This requirement can be secured by condition. The storage of refuse and recyclable materials would remain unchanged.

5.21 Waste

5.22 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

5.23 Special Protection Areas

5.24 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.25 Other matters

5.26 Neighbours have raised a number of additional objections in response to those comments, it is not considered that the proposal would result in a significantly increase in noise, anti-social behaviour, parking demand or waste.

5.27 The HMO SPD established in what situations the change of use is acceptable from family housing, in this instance the application accords with that policy.

5.28 Conclusion

5.29 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).



## **RECOMMENDATION**

## **Conditional Permission**

### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2) Unless otherwise 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: Plans - PL02; and Elevations - PL04.

Reason: To ensure the development is implemented in accordance with the permission granted.

### **External works as shown:**

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Elevations - PL04, namely the construction of the single storey rear extension, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

### **Cycle Storage:**

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 permanently retained for the parking of bicycles at all times.

Reason: 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**

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.

# 10

21/01107/HOU

WARD:EASTNEY & CRANESWATER

5 CRINOLINE GARDENS SOUTHSEA PO4 9YB

CONSTRUCTION OF TWO STOREY/SINGLE STOREY, SIDE/REAR EXTENSION

**WEBLINK:** [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QWWEBUMOKWI00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qwwebumokwi00)

**Application Submitted By:**

James Potter Associates  
FAO Mr James Potter

**On behalf of:**

Mr K Hillyard

**RDD:** 27th July 2021

**LDD:** 22nd September 2021

## SUMMARY OF MAIN ISSUES

1.1 The application is being presented to the Planning Committee due to the number of objections received by the Local Planning Authority.

1.2 The determining issues within the application relate to:

- \* Design and impact on conservation area and other heritage assets
- \* Impact on trees
- \* Amenity

### Site and surroundings

1.3 The application site comprises a two storey, end-of-terrace dwellinghouse at the western end of Crinoline Gardens (a private road, only accessible from Eastney Esplanade) located within the Eastney Barracks conservation area. The terrace was permitted in 1994 and the rest of the properties within the terrace are two and three storey. To the south of the site lies an area of open space (identified under policy PCS13), The Seafront conservation area and the Grade II Eastney Fort West. To the north-east lies the Grade II wall of Eastney Barracks and, beyond, the Grade II listed terrace known as Teapot Row.

1.4 To the west lies the late 1970's residential development of Marine Court. The terrace comprising nos.30-35 Marine Court lies to the west of the site with rear gardens running east/west.

1.5 The rear garden of No.34 Marine Court accommodates two young cherry trees as TPO replacement trees (for T.25 and T.26 within TPO no.48, red twigged Limes granted consent to fell in 2013) adjacent its eastern boundary.

1.6 No.35 Marine Court has had consent to remove TPO trees T1 and T2, both Holm Oaks in the rear garden (TPO no.166) in 2020 and 2021 respectively. Both consents imposed conditions seeking replacement Holm Oaks.

## Proposal

1.7 The application seeks planning permission for the construction of a two storey/single storey side/rear extension on the western side of the end of terraced property. The extension would provide a garage at ground floor level (the oversail of the first floor above would provide a modest covered area to the south of the garage that the drawings refer to as a carport) and a bedroom with ensuite above (with vaulted ceiling). Roof tiles and face brickwork would match existing and the ridge height would be stepped down from the extension permitted in 2006, which in turn is stepped down from the ridge of the original house.

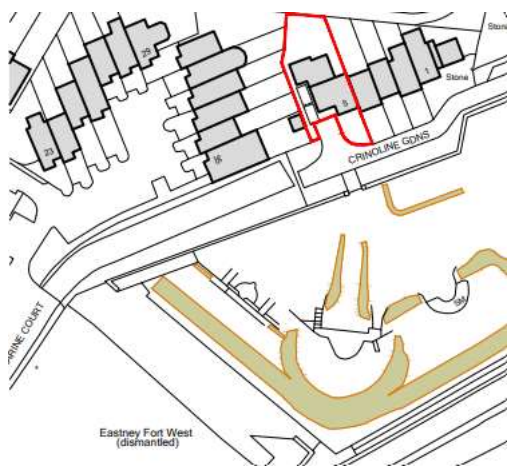


Figure 11 Location Plan

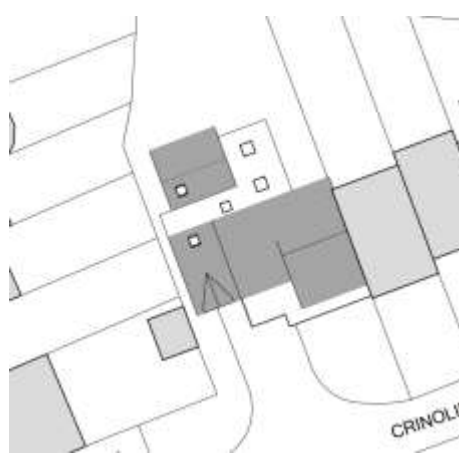


Figure 2 Proposed Block Plan

## Relevant Planning History

1.8 The application site was built under planning permission ref: A\*35552/AE for the construction of five 2/3 storey houses north of the Fort, dated 14/10/94.

1.9 No.5 Crinoline Gardens has been extended a number of times in the past, including:

- 07/02321/FUL - construction of single storey detached building to form summerhouse and installation of rear boundary fencing - permission dated 14/3/08
- A\*36475/AA - construction of single storey front extension with balcony to first floor - conditional permission dated 31/7/97
- A\*36475/AD - construction of 2 storey extension to side and front elevation with balcony, and ground floor extension with balcony to rear elevation (amended scheme A\*36475/AC) - conditional permission dated 5/5/06

## **POLICY CONTEXT**

2.1 The relevant policies within the Portsmouth Plan would include:

- PCS23 (Design and Conservation)
- PCS13 (A Greener Portsmouth)

2.2 The aims and objectives of the revised NPPF (July 2021) would also be relevant in the determination of this application.

## **CONSULTATIONS**

3.1 **Tree Officer** - Amended Tree Report accepted and agreed.

3.2 **Contaminated Land Team** - Informative recommended to advise that the proposed development is on land that was the former Eastney Barracks (for a century from c.1870). All excavations should be closely inspected, and should any unexpected materials or materials of concern be uncovered as part of the works, the developer should stop works immediately and contact this department to agree an appropriate way forward.

## **REPRESENTATIONS**

4.1 Eight representations (from 5 properties) have been received objecting to the proposal on the following grounds:

- \* concern about proximity of extension to Marine Court properties; closer than existing former garage; imposing wall, overbearing both within houses and gardens
- \* loss of light, outlook, and space; increased sense of enclosure
- \* would have adverse impact on lifestyle of nearby neighbours
- \* loss of privacy; proximity of ground floor windows to no.34 could cause overlooking; south facing first floor window could cause overlooking to garden and kitchen of no.35
- \* why does a garage need a window?
- \* concern about impact on young TPO trees in no.34's garden
- \* would be concerned about proposed gas vent on side elevation adjacent no.34
- \* general dimensions and carport element ambiguous
- \* loft conversion mentioned on drawing description - where is this?
- \* existing balcony privacy screen not shown (requirement of previous planning permission)
- \* concern about piecemeal extensions to the dwelling; overdevelopment of the property
- \* no other properties in the Marine Barracks are allowed extensions and this one would substantially alter the look of the row setting a whole new precedence
- \* proposed amendments are superficial - issues remain the same
- \* no access allowed to nos. 33 and 34 for construction
- \* loss of sea view
- \* potential decrease in property value

4.2 Loss of a sea view and/or property values are not material planning considerations in this case.

## **COMMENT**

5.1 The determining issues within the application relate to:

- \* Design and impact on conservation area
- \* Impact on trees
- \* Amenity

## Design

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

5.3 It is recognised that the terrace was designed to have a taller 3 storey central element which drops down to two storey's on either side. Amended drawings have been secured to remove an incongruous barn hip feature, ensure the ridge height of the proposed extension would be subordinate to both the previous extension and the original dwelling and a reduction in the depth of the extension to ensure it would not project southwards beyond the south elevation of the 2006 extension. A first floor feature window is incorporated within the south elevation which projects above the eaves. No other first floor windows are proposed. The proposed extension is considered acceptable in scale, massing and external appearance in terms of the impact on the recipient dwelling and the context of the wider area including the visual balance of the host terrace as a whole.

5.4 In terms of heritage assets, the application site lies within the Eastney Barracks conservation area, and is close to The Seafront conservation area to the south. The extension, as amended, is considered appropriate in the context of the appearance and character of these conservation areas and, given its subordinate roofline, would not be readily visible from Eastney Esplanade. As such (subject to a condition requiring matching materials) the extension would be considered to preserve the character and appearance of both relevant conservation areas.

5.5 Whilst the application site is within close proximity to the Grade II Eastney Fort West (to the south) and the Grade II wall of Eastney Barracks and, beyond, the Grade II listed terrace known as Teapot Row (to the east), the development is considered appropriate and acceptable within the context of its immediate surroundings and is not considered to harm the setting of these heritage assets.

## Trees

5.6 With respect to the impact of the proposed development on surrounding trees (primarily the two young Cherry trees the subject of a TPO, being replacements for two Lime trees felled in 2013), the Councils Arboricultural officer considers the amended Tree Report (Revision B) supporting the application is acceptable and agrees with the conclusion that:

- \* the proposed extension to 5 Crinoline Gardens results in no impact to the only trees proximate to the property, those within adjoining gardens;
- \* future pruning of adjacent trees need only be reasonable and sympathetic to the retention of amenity provided by the trees;
- \* works are contained within the curtilage of 5 Crinoline Gardens and as such there is no need to implement a scheme of temporary tree protection measures.

## Amenity

5.7 Given the proximity to the western boundary of the site, the proposed development would be readily visible to the occupiers of the adjacent terrace known as nos.30-35 Marine Court. However, given its subordinate ridge height, the fact that there are no proposed west or north facing first floor windows and that the two storey element would not project beyond the width of the previous side extension it is not considered that the proposed development would result in any significant loss of light, outlook or sense of space. Whilst it is recognised that the extension would be close to the boundary, stretching across the full width of no.34's garden, it is not considered that the massing, height and proximity would be so overbearing so as to justify refusal on this ground. The intervening distance between first floor levels of no.34 and the

application site would be approximately 16.7m which is considered sufficient in terms of outlook and would not create an unacceptable sense of enclosure when within the house or using the garden, particularly given the open aspect to the south.

5.8 On balance, the proposed development is not considered to result in any significant adverse impact on the residential amenities of those living immediately adjacent in terms of outlook, light, privacy or sense of enclosure.

### Conclusion

5.9 The proposal is acceptable in scale and design, and is considered an appropriate addition within its context, and would preserve the character and appearance of both the Eastney Barracks and The Seafront conservation areas. In addition, the development is not considered to result in any significant loss of residential amenity. The proposal is considered to accord with policy PCS23 and capable of support.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

2) Unless otherwise 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 and Block Plan 21031-PL-001 Revision B, Proposed Ground Floor Plan 21031-PL-002 Revision A, Proposed First Floor Plan 21031-PL-003 Revision A, and Proposed Elevations 005 Revision B.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Materials:**

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.

Reason: In the interests of visual amenity 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.











