

22/01032/FUL

WARD: EASTNEY & CRANESWATER

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

Conversion of the East Wing to form 3 maisonettes and 26 flats including construction of mansard roof to form additional floor, and external alterations

LINK TO ONLINE DOCUMENTS;

[22/01032/FUL | Conversion of the East Wing to form 3 maisonettes and 26 flats including construction of mansard roof to form additional floor, and external alterations \(resubmission of 21/00477/FUL\) \(AMENDED PLANS RECEIVED\) | Royal Beach Hotel \(East Wing\) 1 St Helens Parade Southsea PO4 0RN \(portsmouth.gov.uk\)](#)

Application Submitted By:

PWP Architects
61 South Street
Havant
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Applicant

RDD: 19th July 2022

LDD: 13th October 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application has been brought to the Planning Committee as the proposals are of the Major category of development.

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 of approximately 0.33 hectares located on the northern side of St Helen's Parade, opposite South Parade Pier with frontages onto Alhambra Road to the west and Mansion Road to the north as shown in **Figure 1** below. Whilst the building forms part of an attractive facade of Victorian buildings overlooking the Promenade, it is not listed but is included in the East Southsea Conservation Area.



Figure 1 - 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, and; the low rear wing.

- 2.3 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.

- 2.4 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.

- 2.5 A short length of on-street parking is available in front of part of the Ocean Hotel and St Helens Court, east of the application site. 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 The proposal to convert the East Wing of the hotel to form 9 maisonettes and 31 flats, including the construction of a mansard roof, were approved in July 2013 under planning permission 10/00194/FULR. A material start was made on this permission in June 2016.
- 3.2 With the forced closure of the hotel during the Covid lockdown, the applicant continued work on implementing the extant permission. However, the applicant encountered difficulties 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 reviewed the housing offer and decided to reduce the overall number of units and increase the size of the units to be delivered to improve the overall quality of the units proposed.
- 3.3 A subsequent planning application was made under 21/00477/FUL for 3 no. Maisonettes and 26 no. flats (4 x one-bedroom; 23 x two-bedroom; and 2 x three-bedroom), which was refused by the Council in June 2022.
- 3.4 This application under consideration at today's Planning Committee is a re-submission of planning application 21/00477/FUL for the conversion and roof extension, with some changes to room sizes and configuration to form 3 maisonettes and 26 flats (8 x one-bedroom; 19 x two-bedroom; and 2 x three-bedroom). It seeks to address the previous sole reason for refusal relating to the standard of accommodation proposed.
- 3.5 Revisions have been made to the size of a number of the proposed units with the layout of all the floors in the north west corner of the 'East Wing' being redesigned as discussed in further detail in the '*Housing Offer*' section below.
- 3.6 During the course of the application, minor amendments have been made to the proposed lower and upper ground floor plans and elevations to visually improve the appearance of the development and to address the fire safety comments raised by the Health and Safety Executive, as set out in paragraph 6.3 below.
- 3.7 The proposed external alterations include the construction of an additional floor, in the form of a mansard roof extension, and external alterations to the fenestration of the building, including the insertion of 'Juliet balconies' and entrance doors on the southern, eastern and western elevations of the building.
- 3.8 No car parking will be provided on site, while secure cycle storage is proposed within the lower ground floor for 2 bicycles per residential unit (a total of 58 cycle spaces).

4.0 PLANNING HISTORY

- 4.1 The following planning history is directly relevant to the application site proposal:

Application Site

- 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 - Refused 16/06/2022 for the following reason:

- 1) *The Development by virtue of the size of flats 9,10; 14, 15; 19, 20; 24, and 25 being below the adopted space standards described in the Portsmouth Housing Standards SPD and therefore fails to provide a good standard of living as required by Policy PCS23 of the Portsmouth Plan 2012.*
- 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 and external alterations (after demolition of side (west) extension and removal of bar frontage) - Approved 18/07/2013.

The following unit sizes were approved:

Unit sizes	Number of units
Studio	1
One-bed	7
Two-bed	32
Total	40

Table 1 - 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 06/03/2007.
 - 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 06/03/2007.
- 4.2 The conditions relating to planning permission 10/00194/FULR have all been discharged and a material start was made to the development in 2016. The works approved under this permission 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. The affordable housing requirement on this 2007/2010 permission was met off-site at the 'Casey's Bar' site referenced below.
- 4.3 The implementation of planning permission 10/00194/FULR is at an early stage and were the current application to be approved, this new scheme would be constructed instead.
- Casey's Bar, 15 Common Street, Portsmouth, P01 1QS**
- A*27943/AA - Construction of part four/five storey building to form 20 flats with associated cycle/refuse store (after demolition of existing building) - Approved 02/03/2007.
- 4.4 This permission has been implemented and the 20 affordable housing units built are known as 'Harley Court'.

5.0 POLICY CONTEXT

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- 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)

Other guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- Sustainable Design & Construction SPD (January 2013)

6.0 CONSULTATIONS

Environment Agency

6.1 No objection subject to a condition being attached to any permission granted requiring the development to be carried out in accordance with the Flood Risk Assessment Report and drawings submitted.

Natural England

6.2 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.

Health and Safety Executive

6.3 No objection. Following a review of the updated information provided in the planning application to address the fire safety concerns previously raised, the Health and Safety Executive are now satisfied with the fire safety design to the extent that it affects land use planning.

Coastal Partners

6.4 No objection. The applicant has submitted a Flood Risk Assessment (FRA), compiled by Cowan Consultancy and revised in July 2022, which adequately assesses how tidal flood risk at the site will be mitigated.

Hampshire Constabulary - Designing Out Crime Officer

- 6.5 The Designing Out Crime Officer has raised the following matters:
- A request that the security of the lower ground floor dwellings be protected by a private garden;
 - The bicycle store be fitted with door locks, third-party certificated to PAS24:2016 and fitted with a locking mechanism that conforms to British Standard 8621 and cycle anchor points; and
 - Concern that the development may place an additional burden on existing street parking, request on-site secure parking provision.

Hampshire Swifts

- 6.6 Request swift bricks to be incorporated, by condition.

Regulatory Services

- 6.7 No objection, noise and sound insulation conditions requested.

County Ecologist

- 6.8 No objection subject to a condition relating to biodiversity enhancement and an informative concerning the legal protection of nesting birds.

Waste Management Team

- 6.9 Some detailed comments concerning waste management and collection have been raised relating to the size and intended access to the refuse store. Overall, the refuse provision is sufficient for the 29 residential units proposed.

Drainage team

- 6.10 No objection.

Housing Enabling Officer

- 6.11 No response received.

Highway Engineer

- 6.12 No objection subject to a condition for the provision of secure cycle parking.

Contamination Team

- 6.13 No objection subject to an informative relating to pre-screening for asbestos.

7.0 REPRESENTATIONS

- 7.1 In response, one representation objecting to the proposed development and one representation of support and a petition in support have been received.

- 7.2 The one representation of objection raises the following concerns:

- overcrowding
- increase in pollution
- inadequate infrastructure
- Increase in traffic
- Increase in existing parking problems in the area

- 7.3 The one representation of support makes the following point:

- The proposal will have less of an impact on parking availability in the area than the extant permission given the planned unit (flat) number is lowered from 40 to 29 planned units and will replace 50+ hotel rooms.

7.4 The petition of support is from the Mansion Court Residents' Association Committee and includes 28 signatures. The residents of Mansion Court are very keen for the conversion work to be completed and the reduction in the number of units from that previously granted is seen as a practical step.

8.0 COMMENT

8.1 The main determining 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 raised in the representations
- 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 6th March 2007 and renewed in July 2013 under 10/00194/FULR. The applicant has confirmed that a material start was made to the development in June 2016 and that works to implement this consent are ongoing.

Housing offer

8.3 The Council can presently demonstrate only 3.8 years supply of housing land, the requirement is for 5 years. This proposal will therefore make an important contribution towards meeting housing need by delivering 29 new dwellings. The provision of new housing weighs heavily in favour of granting planning permission, especially given the Council's housing land supply. A schedule of the accommodation to be provided is set out in **Table 2** below 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 8 one-bedroom, 19 two-bedroom and 2 three-bed apartments. Three of the units would be maisonettes. The proposals would therefore only deliver 2 new family housing units (6.9%), which does not achieve the target of 40% family housing.

8.5 The previous extant planning permission 10/00194/FULR permitted the mix of housing set out in **Table 1** above. Whilst the current proposals do not meet the target of 40% family housing, the proposed mix is a significant improvement on the extant permission, as it will not deliver any studios, and 2 three bedroom units are now

proposed while before there were none. Taking into account the previous extant permission and the recently refused application 21/00477/FUL where the Planning Committee accepted a 6.9% provision, the proposed housing mix is considered a significant improvement on the previously granted housing offer and is therefore considered acceptable. It is also note that the conversion of (historic) buildings may well also reduce flexibility, compared to new build.

- 8.6 In terms of space standards, **Table 2** below shows that the majority (24 of the 29) of proposed residential units would exceed the minimum space standards for residential development as set out in the Nationally Described Space Standards, 2015 (NDSS). The NDSS replaced those within the Council's Housing Standards SPD, the SPD standards were incorrectly referred to by the case officer in his committee report on the previous and refused planning application 21/00477/FUL.
- 8.7 When compared with the extant permission where 21 of the 40 units approved would now fall below the minimum floorspace requirement set out in the Nationally Described Space Standards, the proposal is a significant improvement.
- 8.8 In addition, when compared with the previous 2021 application which had shortfalls in 8 flats of between 7.14sqm and 7.52sqm , the proposal is also a significant improvement. Given the proposal seeks to convert part of an existing historical building, these minor shortfalls are considered to be acceptable and would not compromise the quality of accommodation proposed.
- 8.9 The majority of the proposed units exceed the Nationally Described Space Standards, with only five of the proposed flats now falling very marginally below standard (by 0.16sqm in the case of one flat (Flat 4) and by 1.09sqm in the case of four flats (Flats 9, 14, 19 and 24). It should also be noted that thirteen of the units (Flats 1, 5, 7, 8, 12, 13, 17, 18, 22, 23, 27, 28 and 29) significantly exceed the required standards.
- 8.10 Taken as a whole, the proposals will provide spacious and high-quality accommodation which satisfies Policy PCS19 of the Portsmouth Plan.

SCHEDULE OF ACCOMMODATION						
Flat	Level	Type	Bedrooms	Size (sqm)	Nationally Described Space Standard (minimum)	Pass/ Notes
1	Upper ground	Flat	2	83.00	70	Pass
2	Upper ground	Flat	2	74.68	70	Pass
3	Upper & lower ground	Maisonette	2	73.32	70	Pass
4	Upper & lower ground	Maisonette	2	69.84	70	Fail by 0.16sqm
5	Upper & lower ground	Maisonette	2	87.69	70	Pass
6	Upper ground	Flat	2	74.03	70	Pass
7	First	Flat	2	111.22	70	Pass
8	First	Flat	2	127.82	70	Pass
9	First	Flat	1	48.91	50	Fail by 1.09sqm
10	First	Flat	1	53.03	50	Pass
11	First	Flat	2	71.33	70	Pass
12	Second	Flat	2	111.23	70	Pass

13	Second	Flat	2	127.84	70	Pass
14	Second	Flat	1	48.91	50	Fail by 1.09sqm
15	Second	Flat	1	53.03	50	Pass
16	Second	Flat	2	71.33	70	Pass
17	Third	Flat	2	110.93	70	Pass
18	Third	Flat	2	126.99	70	Pass
19	Third	Flat	1	48.91	50	Fail by 1.09sqm
20	Third	Flat	1	53.03	50	Pass
21	Third	Flat	2	71.34	70	Pass
22	Fourth	Flat	2	110.93	70	Pass
23	Fourth	Flat	2	126.99	70	Pass
24	Fourth	Flat	1	48.91	50	Fail by 1.09sqm
25	Fourth	Flat	1	53.03	50	Pass
26	Fourth	Flat	2	71.34	70	Pass
27	Fifth	Flat	2	113.73	70	Pass
28	Fifth	Flat	3	127.17	95	Pass
29	Fifth	Flat	3	131.37	95	Pass

Table 2 - Schedule of Accommodation

Affordable housing

8.11 The NPPF requires Affordable Housing provision from developments of ten units upwards. Policy PCS19 of the Portsmouth Plan requires 30% of the proposed units as affordable housing, which in this instance would be 9 units (rounded up from 8.7).

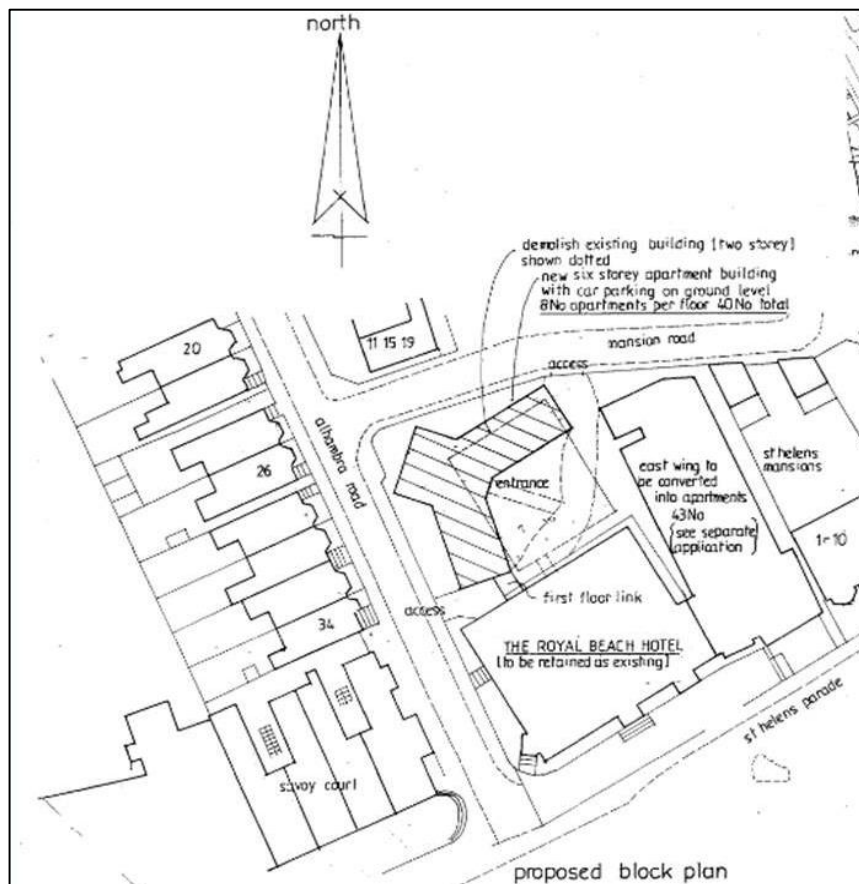


Figure 2 - Proposed Block Plan approved under planning permission A*16676/AG

- 8.12 As shown in the block plan extract provided in **Figure 2** above, planning permission A*16676/AG approved on the 6th of March 2007 included a 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 Road and Mansion Road. The plan also shows the 'East Wing', the subject of this current application, which under planning permission A*16676/AH was granted permission for conversion into 40 residential units comprising 9 maisonettes & 31 flats.
- 8.13 A joint s106 legal agreement was drawn up for the above two schemes. The agreed s106 allowed for the payment of a commuted sum for on-site provision for a total of 21 affordable housing units. A financial payment was subsequently made by the applicant and the monies were used to help fund the delivery of 20 affordable housing units as part of the 'Casey's Bar' scheme at 15 Common Street.
- 8.14 The current policy requirement for off-site provision for the proposed 29 flats/maisonettes under this application would be met by way of a financial contribution towards the provision of 9 units of affordable accommodation. The applicant has, however, already provided 20 affordable housing units on the former 'Casey's Bar' site and in effect has already delivered an affordable housing contribution for the conversion of the 'East Wing' of the hotel, in excess of the requirement that the current proposal would generate. Your Planning Committee accepted this (positive) outcome when considering the previous application, 21/00477/FUL.

Flood risk

- 8.15 Policy PCS12 of the Portsmouth Plan 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*".
- 8.16 The hotel building is located within Flood Risk Zone 3 (the highest risk zone). 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 5m AOD, which is the same level as the buildings ground floor.
- 8.17 A Flood Risk Assessment (FRA) has been submitted in support of this application which fully assesses how tidal flood risk at the site will be mitigated. The Assessment confirms that there will be no sleeping accommodation on the Lower Ground Floor (as shown in the Appendix of the Flood Risk Assessment, and the Proposed Lower Ground Floor plan (drawing no. 1019 Rev F)).
- 8.18 Both the Environment Agency and Coastal Partners having reviewed the proposal and have raised no objections. Subject to a condition securing the mitigation measures required to address flood risk, such as raised floor levels, resistance and resilience measures, and safe access and egress routes, and no sleeping accommodation on the lower ground floor, as set out in the Flood Risk Assessment submitted, the proposal satisfies the requirements of Policy PCS12 of the Portsmouth Plan 2012 and the NPPF.

Design

- 8.19 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF and requires that all new development 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.
- 8.20 The proposals are for the conversion of the East Wing of the hotel to residential use. The scheme also involves the construction of an additional floor and external alterations to the building. The proposed new floor will be a mansard roof construction set back from the existing parapet wall on the southern elevation. This set back will help reduce the visual bulk of the new floor and provides a terrace space for the top floor apartments. It should be noted that the extant planning permission 10/00194/FULR permits the construction of an additional floor, and the proposed mansard is similar in scale and design to that previously proposed in the 2021 application to which no objection was raised.
- 8.21 The proposal will utilise, for the most part, the existing window and door openings but will have new windows, 'Juliet' balconies and entrance doors fitted on the southern, eastern and western elevations. 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 would be attached to any permission granted requiring the submission and approval of these features.
- 8.22 The proposed mansard roof addition and installation of new windows, balconies and doors have been sensitively designed and will help preserve and enhance the character and appearance of this prominent building within the conservation area. No harm to heritage matters is identified (NPPF Chapter 16). Accordingly, the proposal is in accordance with the aims of the Policy PCS23 of the Portsmouth Plan.

Highways and Parking

- 8.23 Policy PCS17 of the Portsmouth Plan encourages development in areas around public transport hubs and along corridors where there is good access to public transport.
- 8.24 The application site is located in a sustainable location close to many shops and services, employment and with regular bus services passing in both directions along South Parade / Clarendon Road, including bus Nos. 1, 3, 18 & 23, which provide good public transport services across the City. Fratton train station and the hovercraft terminal for the Isle of Wight are both just over a mile away. 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 wider 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 prior to the first occupation of the development.

- 8.25 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 to compare that figure with the level of car parking that would ordinarily have been required by the Local Plan standards.
- 8.26 Accordingly, the submitted transport statement states that the previous hotel use of the East Wing 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 40 units, a scenario which 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.
- 8.27 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 proposal satisfies the aims of Policy PCS17 of the Portsmouth Plan. To help encourage and support the future occupants of the development to use sustainable modes of travel, a condition would be attached to any permission granted requiring the submission and approval of a travel plan and the promotion of a car club.

Biodiversity

- 8.28 Policy PCS13 of the Portsmouth Plan 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.
- 8.29 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, the Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 8.30 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. Earlier this year, the Council has established a Second Credit Bank, by

the purchase of credits from the Wildlife Trust. This second bank is where Major-category developments are expected to secure the appropriate mitigation unless they wish to do so on the open market.

- 8.31 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 will not increase nitrate levels and will instead result in a decrease in nitrogen of 4.52 kg/tonne/year when comparing the existing 52 bedrooms (4 singles and 48 double bedrooms) of the hotel with the 29 residential units proposed. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in increased level of nitrate discharge. As such, no mitigation is considered necessary, subject to agreement by Natural England.

With respect to recreational bird disturbance, a Hotel is usually deemed to have limited or no effect, as most tend to prohibit customers bringing their dogs. Therefore, allowing new flats would introduce an impact that would need to be mitigated. However, the extant planning consent is a material consideration that may constitute a fallback position, meaning no mitigation should be sought with this new development. The matter will be considered further, including consultation with Natural England. As the matter may not be resolved prior to your Committee meeting, along with Natural England replying to the nitrates matter set out above, a further Resolution is proposed to allow Officers to conclude the matter post-Committee, should the application otherwise be found acceptable by the Committee.

- 8.32 In response to the County Ecologist's request, a standard biodiversity enhancement condition has been imposed and an informative concerning the legal protection of nesting birds.

Open Space

- 8.33 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.
- 8.34 The hotel is, however, located 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 Canoe Lake and Rose Gardens 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.
- 8.35 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

- 8.36 Policy PCS23 of the Portsmouth Plan requires that the development 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.

- 8.37 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 be attached to any permission granted requiring prior to occupation that testing be carried out to demonstrate compliance with Approved Document E of the Building Regulations (2015).
- 8.38 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. The areas at the rear and sides of the site are already overlooked by substantial development at and surrounding the application site, so it is not considered there would be any material loss of amenity from an extra storey of windows. Similarly, while area of shadow would be increased, that is in the context of a densely developed urban environment with seafront buildings typically of five and six storeys already, and it is not considered the effect would be unduly significant.
- 8.39 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 to the east is St Helen's Mansion the main outlook of which is southwards towards the sea and will not be materially affected by the latest proposal. 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.

Waste

- 8.40 Refuse and recycling facilities will be located in the lower ground floor of the building. The Waste Management Team have raised some detailed comments concerning waste management and collection and so a condition will be attached to any permission granted which requires the submission and approval of further details on the waste management arrangements.

Other matters raised in the representations

- 8.41 The Designing Out Crime Officer has requested that the security of the lower ground floor dwellings be protected by private garden areas. A condition would therefore be attached to any permission granted requiring details of private garden areas for the lower ground floor units (Units 3, 4 and 5) to ensure no loss of privacy occurs to these future occupiers of the development.

Community Infrastructure Levy (CIL)

- 8.42 The development would be CIL liable as there would an increase of 495sqm in the Gross Internal Area of the application property.

Human Rights and the Public Sector Equality Duty ("PSED")

- 8.43 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.44 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

Conclusion

- 8.45 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:

- (a) satisfactory completion of any Legal Agreement necessary to secure the following:
Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and/or nitrates) by securing the payment of a financial contribution prior to first occupation; and
- (b) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment.

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:

- 1100 Rev A - Site Location Plan
- 1101 Rev A - Block Plan
- 1060 Rev B - Proposed South Elevation
- 1061 Rev B - Proposed North Elevation
- 1062 Rev B - Proposed East Elevation
- 1063 Rev D - Proposed West Elevation
- 1019 Rev F - Proposed Lower Ground Floor Plan
- 1020 Rev E - Proposed Upper Ground Floor Plan
- 1021 Rev D - Proposed First Floor Plan
- 1022 Rev D - Proposed Second Floor
- 1023 Rev D - Proposed Third Floor
- 1024 Rev D - Proposed Fourth Floor
- 1025 Rev D - Proposed Fifth Floor
- 1026 Rev B - Proposed Roof Plan
- 1064 Rev A - Firefighting Stair Section
- 1102 Rev A - Fire Service Plan

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 Flood Risk Assessment ('Flood Risk Assessment Report', ref: 310443, Rev A, dated 12 July 2022, by Cowan Consultancy) and the Proposed Lower Ground Floor drawing/plan (project no: 4694, drawing no: 1019, rev: E) and the following mitigation measure detailed therein:

- There shall be no sleeping accommodation on the Lower Ground Floor (as shown in the Appendix of the Flood Risk Assessment, and the Proposed Lower Ground Floor drawing/plan (project no: 4694, drawing no: 1019, rev: E)).

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 Impact Assessment

- 5) Prior to first occupation the applicant shall submit to the local planning authority a noise impact assessment in accordance with British Standard BS4142:2014 identifying any potential noise sources emanating from the hotel that could have an adverse effect upon the proposed occupants and identify any mitigation required to protect proposed occupants. Upon approval, all specified measures to mitigate any identified observed adverse effect levels due to the noise from the commercial uses shall be implemented and thereafter retained.

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 National Planning Policy Framework (2021).

Noise insulation

- 6) 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 National Planning Policy Framework (2021).

Cycle Parking

- 7) 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, including confirmation that the facilities will be fitted with door locks third party certificated to PAS24:2016 and fitted with a locking mechanism that conforms to British Standard 8621 and cycle anchor points, 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 National Planning Policy Framework (2021).

Travel Plan & Car club

- 8) 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;
 - (iii) The promotion of a car club; and
 - (iv) 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 National Planning Policy Framework (2021).

Samples of External Materials

- 9) A sample panel of the materials to be used in the construction of the external surfaces of the new build element of the scheme, including windows and doors, 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 National Planning Policy Framework (2021).

Architectural Detailing

- 10) (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).

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 National Planning Policy Framework (2021).

Waste Management

- 12) 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 (2012).

Swift Bricks

- 13) Prior to first occupation of the development, details of swift bricks to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained thereafter.

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

Private Gardens

- 14) Prior to the occupation of the development, private garden areas shall be provided for the three maisonettes (Units 3, 4 and 5) at lower ground floor level on the eastern elevation of the building in accordance with details which shall have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained thereafter.

Reason: To protect the amenity of future occupiers of the development in accordance with PCS23 of The Portsmouth Plan (2012).

INFORMATIVES

Nesting Birds

- 1) 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.

Pre-screening for asbestos

- 2) Unless it is confirmed that asbestos is not present, the developer must pre-screen the building for asbestos. The building's asbestos register must be obtained, and an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. Any mitigation scheme to control risks to future occupiers must be implemented.