

AMENITY AREA THE HARD PORTSMOUTH PO1 3PU**CONSTRUCTION OF MEMORIAL OBELISK**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RTAWY8MOI8V00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RTAWY8MOI8V00)

Application Submitted By:

Mr Carl Leroy-Smith
Carl Architect Ltd

On behalf of:

Gareth Derbyshire
HMS Royal Oak Association

RDD: 19th April 2023

LDD: 15th June 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination as the development would be located on PCC Land.

1.2 The main issues for consideration are:

- Design and impact on the Conservation Area and nearby Heritage Assets;
- Impact on residential amenity;
- Trees;
- Human Rights;
- Equality Act; and
- Other Issues.

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**2.1 Site and surroundings**

2.2 The application site is located on the western side of The Hard on a slightly raised area of hardstanding. The area features four large London plane trees along its eastern edge and is located to the south-east of the Mudlarks Memorial. Further to the west of the site is Portsmouth Harbour and HMS Warrior. The site is separated from the shore by a handrail. The area includes a number of benches and other street furniture. To the north of the site is the entrance to the Historic Dockyard.

2.3 The site is located in the HM Naval Base St George's Square Conservation Area (No.22). To the north of the site is the Grade II Listed Former Detention Centre (Building Number 1/2). There are a number of other Heritage Assets within the wider area, though the majority of these are contained within the Historic Dockyard and screened from the site by the high walls of the Dockyard.

2.4 Proposal

2.5 Planning Permission is sought for the construction of a memorial obelisk in order to commemorate the sinking of the HMS Royal Oak. The HMS Royal Oak Association currently holds an Act of Remembrance annually in Portsmouth. The proposed obelisk would measure 2.637m in height and 0.575m in width and depth at its base. The base

measures 0.1m in height and 0.9m in width and depth. The obelisk would be on a raised plinth and be completed in abbey grey granite.

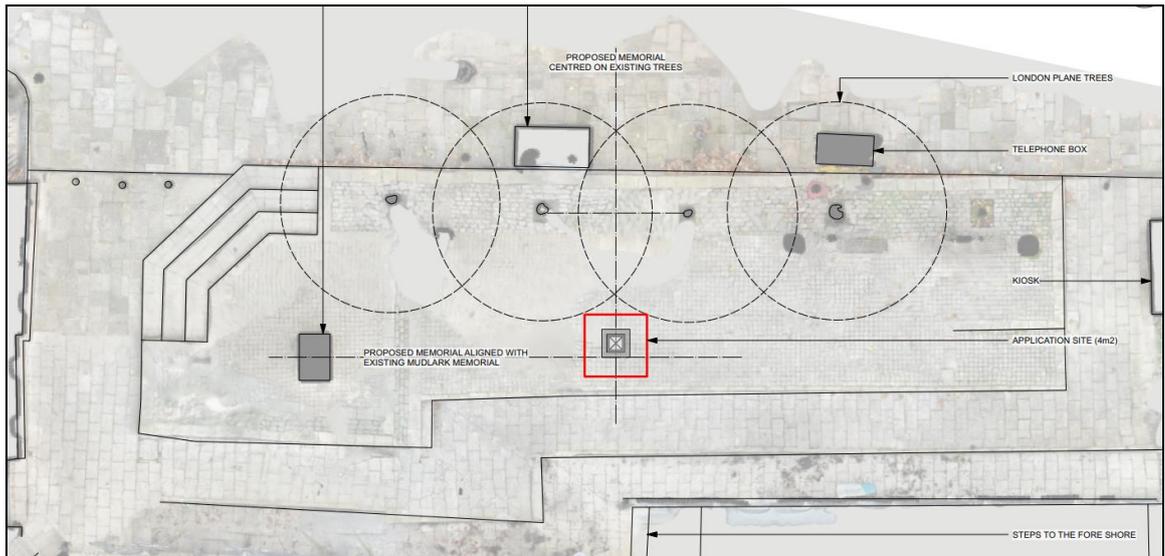


Figure 1 Proposed Site Plan

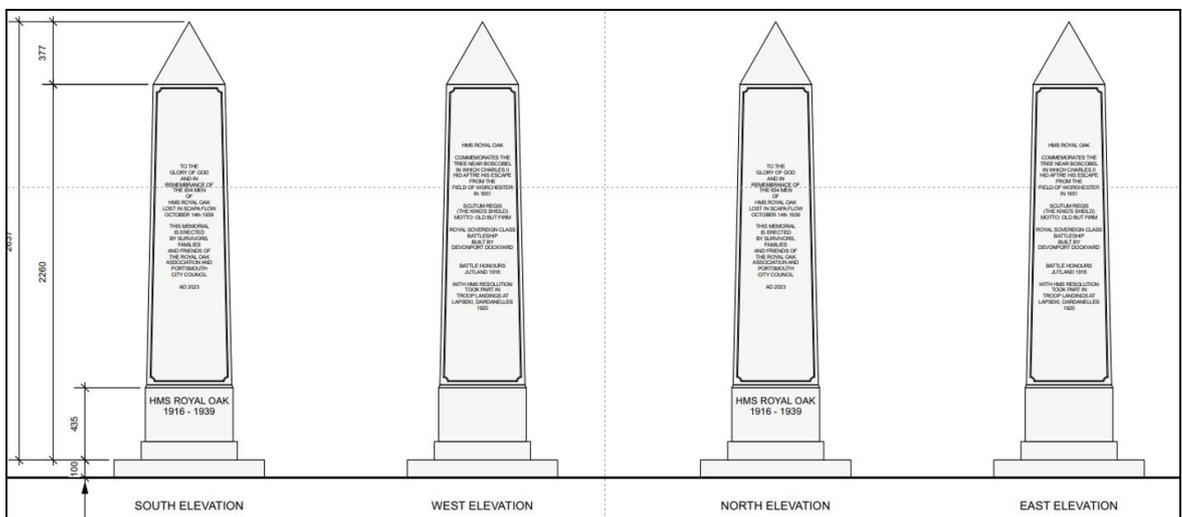


Figure 2 Proposed Elevations

2.6 Planning History

2.7 None relevant.

3.0 **POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS13 - Greener Portsmouth
- PCS23 - Design & Conservation

4.0 **CONSULTATIONS**

4.1 Conservation Officer - No objections, capable of support.

4.2 Tree Officer - Request for a Tree Protection Report to be submitted and approved. This has been included as a pre-commencement Condition.

5.0 REPRESENTATIONS

- 5.1 One representation has been received from the Portsmouth Society, objecting on the following grounds:
- a) Choice of location is prominent and should be used for a more important naval memorial;
 - b) Question the relevance of the Royal Oak to Portsmouth (built in Devonport, mostly based elsewhere, and sunk in Orkneys);
 - c) Concerns over the material choice;
 - d) Too much writing proposed and not optimal hierarchy of size and use of font; and
 - e) Errors with the submission.
 - f) In summary, with the greatest respect to the families and friends of the Royal Oak Association, we would hope that something with more craft and consideration could be created

6.0 COMMENT

- 6.1 The main issues for consideration are:

- Design and impact on the Conservation Area and nearby Heritage Assets;
- Impact on residential amenity;
- Trees;
- Human Rights;
- Equality Act; and
- Other Issues.

6.2 Design and impact on the Conservation Area and nearby Heritage Assets

- 6.3 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development, appropriate scale, density, layout, appearance, and materials in relation to the particular context.

- 6.4 In addition, when determining planning applications, the Local Planning Authority (LPA) must also 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. The NPPF considers the matter of assessing (any) harm to heritage assets.

- 6.5 The proposal is a relatively modest and discreet memorial and is similar to other memorials within Portsmouth. The use of abbey grey granite is appropriate. Given the character, nearby to the Historic Dockyard, such a memorial would not be out of place. Overall, the proposal is considered to be acceptable and would preserve the character and appearance of the Conservation Area. No harm has been identified to the surrounding heritage assets and the development would be in accordance with Policy PCS23 of the Portsmouth Plan (2012). The concerns of the Portsmouth Society are noted but they mostly do not amount to material planning considerations.

- 6.6 The development would result in a minor and extremely localised block of the view out to water and HMS Warrior, but this is completely normal and therefore accepted with a shore-side memorial, as seen elsewhere in the city or any park.

6.7 Impact on residential amenity

- 6.8 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

6.9 Given the nature of the proposal it is not considered that it would result in any harm towards neighbouring amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

6.10 Trees

6.11 The proposal during installation and due to its weight could result in an impact upon the nearby Conservation Area Trees. This has been discussed and reviewed by the Councils Arboricultural Officer and a condition will be imposed requiring a Tree protection plan and method statement to the approved prior to work going ahead.

6.12 Human Rights

6.13 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.

6.14 Equality Act

6.15 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 don't. 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.

6.16 Conclusion

6.17 The proposal is considered to preserve the character and appearance of 'The Hard' Conservation Area. The proposal therefore constitutes sustainable development and should be granted planning permission.

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

Location and Site Plans - 0001B;

Proposed Plan - 0200B; and
Proposed Elevations - 0202C.

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

Details and materials

3) No development shall commence on site until details (including samples) of the types and colours of external materials; as well as the joints/junctions, and lettering to be used, has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure a suitable quality of development is achieved to preserve the Conservation Area and surrounding heritage assets, in accordance with Policy PCS23 of the Portsmouth Plan.

Tree Report

4) Prior to the installation of the obelisk, an Arboricultural Assessment and if necessary, a Method Statement, shall be submitted to and approved in writing by the Local Planning Authority to ensure the retention of and safeguarding of the health of the four trees to the north-east of the site. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure the protection of trees during construction in accordance with Policy PCS13.