

**STORES 28 GOODWOOD ROAD SOUTHSEA****RETROSPECTIVE PERMISSION FOR CONVERSION OF EXISTING WORKSHOP TO FORM DWELLING HOUSE; EXTERNAL ALTERATIONS TO INCLUDE CONSTRUCTION OF NEW ROOF, INSTALLATION OF NEW WINDOWS AND DOORS, CYCLE AND REFUSE STORES (RESUBMISSION OF 14/00101/FUL)****Application Submitted By:**

Ayles &amp; Associates

**On behalf of:**

Mr James Goodwin

**RDD:** 22nd July 2014**LDD:** 17th September 2014**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in land contamination terms and whether it complies with policy requirements in respect of housing standards, parking and SPA mitigation.

**The Site**

The application site comprises a two storey flat roofed building located to the rear of Nos. 26 and 28 Goodwood Road accessed by a driveway to the north of No.28. Goodwood Road is a one-way road (in a northerly direction). The building has been unoccupied for many years (its last lawful use being a builders yard/workshop) and has recently undergone internal and external works including re-roofing and alterations to existing openings. The external works have been substantially completed and are without the benefit of planning permission. The building has not, to date, been occupied as a dwelling since the alterations have taken place.

**Proposal**

The application seeks planning permission for the conversion of the existing building to form a dwellinghouse and external alterations to include the construction of a new roof, installation of new windows and doors, vertical tile cladding at first floor level and the provision of cycle and refuse stores. Access to the property would continue to be via the existing driveway off Goodwood Road allowing for two spaces enclosed by a pedestrian gate and timber planters/screening at its western end.

**Planning History**

14/00101/FUL - Conversion of existing workshop to form dwelling house; external alterations to include construction of new pitched roof, installation of new windows and doors, cycle and refuse stores and relocation of entrance gates - Withdrawn 8/4/14

A\*15382/A - Use of store as builders store/workshop and yard - conditional permission 28/7/50

Refusals of change of use applications to fish cake processing in 1950 and motor car sales in 1960.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth), DC21 (Contaminated Land), PCS15 (Sustainable design and construction), PCS19 (Housing mix, size and affordable homes), PCS16 (Infrastructure and community benefit).

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

## **CONSULTATIONS**

### **Highways Engineer**

Goodwood Road is a residential road located off the North side of Albert Road. No.28 is on the east side of Goodwood Road. The site is located in an area of medium accessibility to public transport and lies within easy reach of high frequency bus corridor and designated Albert road Local Centre with a wide range of services and amenities. Goodwood Road is a one way road (south-north) and is subject to 20 mph limit.

The proposal is to convert the existing derelict building into a 2 bedroom dwelling.

The site has been used as a builders yard in the past and has a 2.85m wide access via an existing pair of gates. The inward opening gates reduce the available width to around 2.6m. The northern and south boundaries of the access way are enclosed by a 2.5m high brick wall restrained by brick piers.

The proposal shows two cars parked in tandem. There is no room within the courtyard of the proposed building to turn the vehicles and approach the highway in a forward manner.

The on-street parking on Goodwood Road is unrestricted, but the area suffers from severe parking congestion due to the terraced housing stock and few off-road parking facilities.

The proposed use as a dwelling house would be a reduction in traffic movements that could be generated by the lawful builders yard use.

The proposal provides provision for cycle storage.

The proposal is unlikely to have a significant impact on the surrounding highway network.

Recommendation: Raise no objection subject to:

- 1) Prior to first occupation bicycle storage facilities should be provided and maintained.

### **Contaminated Land Team**

I have reviewed the above application together with information held by the Contaminated Land Team in relation to the Property and the surrounding land. As discussed previously I have some concerns with the conversion of the commercial building to residential use given the adjoining former potentially contaminative uses which have included: a former laundry, dyers and cleaners, dyeing works etc. c.1892 - 1938, a cooked meat manufacturer c.1990 and an electrical substation c.1948-present. The former use of the building itself may have also given rise to potential contamination, and as such further information was required on the exact nature of the works.

Further to my email of 16 September 2014 I was contacted by Trevor Ayles of Ayles & Associates and invited to attend site to discuss the works carried out to date and to clarify what further information is required.

I met Mr Ayles and his client, Mr Goodwin, on site this morning. I explained the concerns regarding the potential for contamination at the site. We discussed the removal of asbestos floor tiles and additional testing of materials that was carried out prior to the commencement of building works. Mr Goodwin's son has carried out some dust and materials sampling which is partially documented in Mr Ayles letter of 11 September 2014. I have asked that full details be provided from Mr Goodwin's son for our records and as part of his duty of care with regard to asbestos removal.

In addition to the above it was clarified that no new excavations are required for new services and that no in-situ soft landscaping is proposed. In this regard the thickness of hard cover that is to be placed in the courtyard garden was discussed. I highlighted the concern that future residents may be able to convert this area into soft landscaping. Mr Ayles agreed to determine the thickness of the current hard cover provided in this area. This will then be built up to finished levels where paving is proposed. Mr Ayles will also provide details of the hard cover construction. This needs to be of such a thickness that it would be difficult for a future resident to convert the area into soft landscaping - Mr Ayles and Mr Goodwin are aware of this.

On the understanding that I receive the information discussed above, I recommend the following informative be added to any planning approval granted:

The developer has been made aware that the adjoining land has been used by: a laundry, dyers and cleaners, dyeing works etc. c.1892 - 1938; a cooked meat manufacturer c.1990; and an electrical substation c.1948-present, and as such the potential for contamination to be present should not be discounted. On this basis an informative should be added, advising the developer that they should contact this department if any unexpected materials or materials of concern (such as oily, ashy, odorous or fibrous materials) are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

**Southern Electric**

No response received

**REPRESENTATIONS**

Six letters of objection have been received from the occupiers of Nos.24 and 28 and the owner of No.28 on the grounds of: (a) impact on rear elevation and courtyard of No.28 Goodwood Road - in terms of loss of outlook, view and privacy and impact on Human Rights Act (protection of property), (b) vehicle movements to and from the site have always been to a minimum and generally confined to normal working hours, concern about noise, disturbance and vibration from use of drive adjacent No.28 and use of gates; how would the gates be secured? (the gates have been subsequently removed from the scheme); (c) manoeuvring from the site is restricted due to bend in road, a tree and on-street parking; (d) concerns about contamination and odour from external bin store; (e) concern that cycle store is using the outside wall of No.28 (the plans show a self-contained shed unattached to wall); (f) applicant is not the owner of land according to Land Registry (agent has been advised of this comment and has confirmed that ownership certificate is correct); (g) concern that having withdrawn the initial application it was resubmitted following the carrying out the majority of works; (h) access a hazard for cyclists; (i) concern regarding land contamination issues; (j) concern that roof will be pitched (the current application replaces the flat roof like for like).

**COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in land contamination terms and whether it complies with policy requirements in respect of housing standards, parking, SPA mitigation and bats.

## Principle of Development

The building is set well back from the highway and is surrounded by residential development, albeit to the north there is an intervening garage court and electricity sub station. The building defines the eastern boundary of the site and has a very close physical relationship with surrounding properties but in particular those fronting Goodwood Road immediately to the west. It is acknowledged that the site has been unoccupied for a number of years and therefore residents are likely to have become accustomed to a quiet, inactive site however it should be recognised that the lawful use is as a builders yard/workshop and therefore it could be occupied as such, bringing with it daily activity, traffic movements and associated noise and disturbance. A residential use would be a more appropriate use in this location subject to an acceptable relationship with adjacent buildings and, therefore, a change of use to a single dwelling can be supported in principle.

## Impact on Amenity

The majority of openings within the building the subject of this application are confined to the front (west) elevation. There are two small openings on the narrow northern return elevation and a single first floor window within the eastern elevation. The original doors and windows have all been recently replaced and the openings in some cases have been enlarged or reduced in size in order to better suit a new use of the building.

It is acknowledged that the first floor window serving bedroom 2 is clear glazed and whilst its main outlook is along the driveway, it does afford views into the courtyard of No.28. However, it is also recognised that the existing relationship between the building within the application site and those surrounding is very close knit and that overlooking could occur from its existing lawful use.

Subject to the imposition of a suitably worded planning condition requiring obscure glazing of the first floor bathroom and ensuite windows, it is considered that the proposal would not give rise to any significant degree of overlooking although it is accepted that there may be a perception of overlooking by the occupiers of neighbouring properties given the relatively close physical relationship between the application site and surrounding properties.

The driveway can accommodate two parking spaces (the gates initially proposed have been removed from the scheme and replaced by planters and a pedestrian gate by amended plan (1173/02 Revision C). This would allow for an amenity area for future occupiers of the application site and would minimise noise and disturbance by traffic movements (generated by the proposed dwelling) adjacent the courtyard of No.28.

Overall it is considered that the proposal would not result in any demonstrable harm to the residential amenities of the occupiers of neighbouring properties which would justify the refusal of this application.

## Land Contamination

Issues surrounding the disposal of asbestos and potential ground disturbance have been resolved with the Land Contamination Team who are now satisfied with the scheme and an informative has been recommended.

## Housing Standards

The Housing Standards Supplementary Planning Document states that the minimum house size for a two bed property over two floors is 78m<sup>2</sup>; the building the subject of this application marginally exceeds this minimum standard at 79m<sup>2</sup>.

## Parking

The recently adopted Parking Standards SPD requires a two bed house to be provided with 1.5 parking spaces and 2 long stay cycle spaces. This standard would be met by the provision of two car parking spaces within the existing driveway and a secure cycle store that could accommodate 2 cycles.

## SPA Mitigation

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £172. This has been acknowledged by the applicant, who has agreed to provide the necessary mitigation. It is therefore considered that the proposal would not give rise to a significant effect on the SPAs.

It is considered that the proposal, by reason of its scale and nature, would not be likely to have any significant effect on wildlife living in the vicinity of the site.

## Bats

The original application (subsequently withdrawn) attracted a representation that suggested bats may be in the area. This was drawn to the attention of the applicant. The applicants agent has since provided the following statement:

'From the initial planning application, my client was aware of the various concerns and requirements in respect of potential bat roosts in such old buildings, subsequently he contacted Hampshire Bat Survey team and also Kieron Brown at The Bat Conservation Trust whom informed him that both internal and external inspections for bat droppings should be undertaken in search of evidence, if found work would need to stop immediately and contact a local Bat Surveyor, however none were found and work proceeded still conscious of the potential for roosts. On removal of all tiles no further evidence was found.'

## Conclusion

On the basis of the above considerations, the proposal is considered acceptable.

**RECOMMENDATION: that delegated authority be given to the City Development Manager to grant Planning Permission subject to the securing of an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD.**

## Conditions

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing number: 1173/02 (Revision C).
- 2) The first floor windows within the west elevation serving the bathroom and en-suite shower-room (as annotated on the approved floor plans) and the first floor window within the east elevation shall be glazed with obscured glass (to a minimum of Pilkington Level 3, or equivalent) and shall be non-opening to at least 1.7m above finished floor level. These windows shall be permanently maintained in that condition.

3) The facilities, as shown on the approved plans, to be provided for the storage of bicycles shall be constructed and completed before the building is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the dwelling for that storage at all times.

4) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before the dwelling is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the dwelling for that storage at all times.

**The reasons for the conditions are:**

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

2) To protect the privacy of the adjacent residential properties and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.

3) To ensure that adequate provision is made for cyclists occupying the dwelling in accordance with policies PCS23 of the Portsmouth Plan and the adopted Parking Standards and Transport Assessments SPD (July 2014).

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

**PRO-ACTIVITY STATEMENT**

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

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

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City Development Manager  
21<sup>st</sup> October 2014