

# PLANNING COMMITTEE

## 17 DECEMBER 2014

5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> FLOOR, GUILDHALL

### REPORT BY THE CITY DEVELOPMENT MANAGER 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 City Development Manager's report 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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**SITE OF SAVOY BUILDINGS & SAVOY COURT SOUTH PARADE SOUTHSEA****CONSTRUCTION OF PART SEVEN, PART FIVE STOREY BUILDING COMPRISING 31 RETIREMENT LIVING APARTMENTS (CLASS C3), 66 ASSISTED LIVING (EXTRA CARE) APARTMENTS (CLASS C2) WITH COMMUNAL FACILITIES, GROUND FLOOR RETAIL UNIT (CLASS A1) AND ASSOCIATED CAR PARKING AND LANDSCAPING****Application Submitted By:**

The Planning Bureau Ltd

**On behalf of:**

McCarthy &amp; Stone Retirement Lifestyles Limited

**RDD:** 26th June 2014**LDD:** 6th October 2014**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the principle of the development is acceptable in the location proposed, whether the proposal is acceptable in design and heritage terms including whether a tall building is acceptable in this location, whether it would be acceptable in highways terms, whether the proposed use would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers and whether the proposal is acceptable in flood risk terms. Other issues to consider relate to the provision of affordable housing, sustainable design and construction and whether the proposal would have a significant impact on Portsmouth and Langstone Harbour's Special Protection Areas.

## The site and surroundings

The application site covers just under ½ hectare and is bounded by roads on 3 sides. It is in a prominent seafront location at a pinch point where buildings are closest to the beach, positioned opposite and within the setting of South Parade Pier (a Grade II listed building). The site spans the South Parade frontage across some 75m between the corner junctions with Clarendon Road and Alhambra Road. To the west, at Nos38-42 South Parade, is a part 3/4-storey building (also a Grade II listed building). To the east is the imposing part 5/6-storey 'Royal Beach Hotel'. The site lies within 'East Southsea' Conservation Area (No19) and adjoins 'The Sea Front' Conservation Area (No10). The site is within the Indicative Floodplain in Flood Zone 3 (at a high risk to flooding).

It is now a cleared site. 'Savoy Court' previously occupied the eastern side of the site, which was a substantial 5-storey property. It was not a 'listed' building but had an ornate and architecturally imposing Victorian styled seafront facade that presented a significant streetscape contribution to the setting of the pier and the character and appearance of the conservation areas. 'Savoy Court' was destroyed by fire on Tuesday, 9th August 2011. 'Savoy Buildings' previously occupied the western side of the South Parade frontage. It comprised of a group of four part 2/3-storey properties but their amalgamation and remodelling at ground floor level limited the identity of different parts by the architectural detailing to upper floors only. Demolition of 'Savoy Buildings' took place in mid-2009. The site sits outside but adjacent to the boundary of the Seafront Masterplan.

## Proposal

This application seeks planning permission for the construction of part seven, part five storey mixed used development. The proposal comprises 31 retirement living apartments (within Class C3), 66 assisted living (extra care) apartments (within Class C2) together with communal facilities, a ground floor retail unit (within Class A1) and associated car parking and landscaping.

## Relevant planning history

Redevelopment of 'Savoy Buildings' was proposed in 2006 for a new building in part 4, 5 and 6 storeys. Applications 06/00497/FUL and 06/00496/CON (for demolition) sought 92 flats (58 x 1-bed and 34 x 2-bed units) and commercial units on part of the ground floor for shop and cafe/restaurant uses up to 415sqm. Car parking at basement level and surface level in a rear courtyard was to provide 70 spaces. It was refused permission in February 2007 that "by reason of its scale and unsympathetic design in relation to surrounding seafront buildings would result in an incongruous building in this prominent location" but subsequently allowed at appeal in July 2007. The appeal also allowed the related demolition application (for Conservation Area Consent).

Also in 2006 an application for 'Savoy Court' sought "Change of use of the ground floor/basement nightclub by a leisure/fitness club of up to 950sqm, construction of an additional floor (roof level) for 2 flats and alterations/conversion of first floor and part of the second floor to 7 flats, including 6-storey rear extension"; it was permitted in June 2007 (ref 06/00495/FUL). As part of the scheme, the existing tiled pitched roof was proposed to be removed and replaced by a roof extension (full width of the building) for 2 'penthouse' flats set back by south-facing private terraces. These 2 new flats and the conversion of all the first floor and the remainder of the second floor to provide 7 new flats, in addition to the 9 existing flats, proposed a total of 18 in the building.

An alternative but similar scheme (ref 09/01050/FUL) was permitted for 'Savoy Court' in April 2010. A key difference was inclusion of use of the ground floor as a convenience store (Class A1) as well as remodelling of the rear that freed up space for 7 car parking spaces in a gated rear courtyard, accessed from Alhambra Road.

In accordance with national and local policy the appeal scheme for 'Savoy Buildings' made provision for planning obligations that included 30% affordable housing, equating to 28 of the 92 flats. In June 2011 the owners submitted a request to modify the legal agreement and presented evidence in a viability assessment to substantiate a claim that the appeal scheme could not support any affordable housing at that time. The evidence was subject to independent appraisal and accepted by the District Valuer. Notwithstanding this, an alternative offer by the owners was resolved for approval by the Planning Committee for modification of the legal agreement to:

- (a) transfer of the developer contributions for open space and transport contributions of some £100,000 that has been paid towards the off-site provision of affordable housing;
- (b) a financial contribution of £400,000 towards the off-site provision of affordable housing upon re-commencement of development of the site;
- (c) re-assessment of the viability of affordable housing if the development has not reached construction to completion of all external elements after 36 months; and
- (d) extension of the payback period to 15 years (rather than the usual 5 years) for repaying monies received but not utilised for the purposes set out in the legal agreement.

The owners did not, however, complete an alternative agreement and it was withdrawn in November 2012.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would 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), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS24 (Tall buildings).

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14).

In addition, the application should also be assessed against the development management policies in the NPPF and, in particular, chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment).

The Parking Standards and Transport Assessments, Tall Buildings, Sustainable Design & Construction, Housing Standards, Solent Special Protection Areas and Achieving Employment and Skills Plans Supplementary Planning Documents are all relevant to the proposed development.

## **CONSULTATIONS**

### **Coastal and Drainage**

Notes submitted FRA is thorough and comprehensive

### **Southern Water**

Request imposition of informative relating to connection to public foul sewerage system. Advise there is currently inadequate capacity in the local network to provide surface water disposal and suggest alternative means be explored. Offer comments relating to SUDS. Request imposition of condition relating to sewerage disposal.

### **Natural England**

Agree with the conclusions of the Habitats Regulations Assessment, and therefore if mitigation as specified, and in-line with Portsmouth City Council's SPD, is secured then we are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites.

### **Portsmouth, Fareham, Gosport & Havant Design Review Panel**

The panel acknowledged that their initial comments had been partially responded to by the introduction of greater verticality in to the scheme. They commended the thorough design analysis that had been undertaken and also considered the principles brought forward in the presentation to be valid.

They were however troubled by the translation of the design rhetoric into a building on this very important site. A disconnect was noted between the scale of the elevations and the plans. It was suggested for example that they did not look like they would generate a building of this size and monumentality.

The recessed treatment of the bays was also questioned. It was noted that this approach is the antithesis of the projected modelling normally found on the seafront's larger buildings. The length of the façade, and the scale of the storey heights do not alleviate these concerns. The panel also reacted critically to the proposed ground floor of the building which was considered to lack refinement, and to be disproportionately low and 'too mean'.

The set back on the roof was recognised as positive and preferable to a mansard, but it was nevertheless still thought to lack articulation and remained overbearing in character. The poor relationship of the building to the adjacent listed building to the west was also commented on. It was suggested that the design does not respond to this important building, effectively turning its back on it, presenting a blank unmodulated length of wall.

Recommendation: Proposal not supported in its current form

### **Hampshire Design Review Panel**

The Panel expressed a number of positives in relation to the scheme. They commented on the rationale for the siting of the building, considering it to be both interesting and coherent. The panel also welcomed the clear setting back of the building and the proposed continuation of the line of Clarendon Road. To a certain extent they were satisfied that its scale could also be acceptable. In addition, the panel commended the considerable thought, skill and attention to detail that had clearly been applied to the design so far. They were, however, clear that the scheme as presented required further development in order to do justice to this highly prominent and important site.

### Principal Elevation

The Panel were concerned and disappointed at the principal seafront elevation, in particular its monolithic nature. The application of a highly rationalised classical order to generate some rhythm and verticality to this elevation was not thought to have alleviated the monolithic appearance and perhaps served to reinforce it. As a result the vocabulary of the elevation appeared to be confused, being neither contemporary nor contextual. The Panel noted the presence of the modest kink in the façade but felt that this device did not really achieve anything substantive. It was suggested that the scheme required a change in its elevational treatment and would benefit from breaking up with greater articulation and a possible change of scale at the kink delineated by a visual break in the form.

### Recessed Balconies

The recessed balconies as proposed not only impacted upon the habitable space but also restricted the outward views. In contrast, the horizontal precedent of bay windows evident along the seafront exploits the views and enhances the usable floor space.

### Roof

The Panel were not convinced with the two storey seaward facing roof accommodation which they considered too large. Its handling (particularly the side views) was regarded as an unresolved element of the design that needs rethinking. It was noted that the design did not provide any sun shading to the top floor, an oversight that could be resolved in a way that made a positive contribution to the building. It was also suggested that the scheme may benefit if the attic floors were broken up by recessing the top floor further back, and its appearance lightened through the use of glass.

### Materials

The Panel were unimpressed by the proposed use of 'Trespa' cladding for the roof and by the suggested white clay facing brick which they did not consider to be appropriate in this coastal environment. They were also not convinced by the assertion that a high quality painted or through coloured render would not be a viable option for a modern building in this location.

### Internal design

In passing they also commented on aspects of the internal design of the scheme. Concerns were expressed at the depth of the plan form, which would result in poorly lit and ventilated interiors, and the unremitting quality of the internal corridors bisecting the building. Whilst the Panel discussed this matter in detail, it was not clear how, or if, any changes in this respect would impact on the fundamental objective of improving the elevations and roof space.

Recommendation: Proposal supported subject to the design being revised to accommodate the above comments.

**Environment Agency**

Recommends imposition of conditions relating to mitigation measures set out in FRA and details of surface water drainage

**Coastal Partnership**

No objection subject to conditions relating to implementation of mitigation measures set out in FRA and the preparation of a comprehensive emergency and evacuation plan working with the emergency services.

**Seafront Manager**

No response received

**Tree Officer**

Agrees with submitted Tree Survey that none of the trees are worthy of retention. Recommends conditions and suggests inclusion of rainwater harvesting for irrigation of landscaping

**Contaminated Land Team**

Recommends imposition of full conditions relating to land contamination

**Environmental Health**

Advises that in the past noise complaints have been received in respect of the adjacent Royal Beach Hotel and suggests that this matter could be addressed under the provisions of the Environmental Protection and Licensing Acts.

Recommends imposition of conditions relating to plant and equipment serving proposed retail unit and communal kitchen and restrictions on delivery times to the retail unit and insulation of habitable rooms fronting South Parade

**Highways Engineer**

The development site on South Parade was formerly a mix of residential and entertainment uses, including parking provision to the rear. The site is bordered by Clarendon Road to the west, Alhambra Road to the east and the rear of residential properties to the north east and north.

A previous application for the site was allowed on appeal. That application was to construct a 4-6 storey building to form 92 apartments with ground floor commercial floor space for shop and cafe/restaurant uses (Classes A1 & A3), with associated parking and servicing (after demolition of existing).

Fratton is the nearest railway station, over 800m walk from the site. However bus service No1 (daytime every 10 minutes), which operates along Clarendon Road, stops at Fratton rail station.

Clarendon Road is 7.2m wide, is an arterial route and is subject to a 30mph speed restriction and features parking restrictions along its length restricting parking to permit holders (local residents) and short stay only, and prohibiting all parking along some sections. Clarendon Road is a high frequency bus link and is supported by a pair of bus stops located immediately west of the proposed development. Bus services 1, 7, 18, 19 and 23 operate along this route. The former building and car park is accessed via a vehicle crossover on Clarendon Road. Footways are provided on either side of Clarendon Road of approximately 2m in width.

The site is bordered to the south east by Alhambra Road. Alhambra Road is approximately 5.5m in width and whilst on street parking features on one side for the majority of its length, parking restrictions apply for some sections of this road. No vehicular access from or to South Parade is available from Alhambra Road. A 20mph restriction is in force along the site frontage on Alhambra Road.

South Parade borders the south of the site and is a major arterial route for both vehicles crossing Portsmouth and pedestrians accessing the beach. A wide footway is provided on the northern side of the carriageway, whilst an elevated boardwalk separating the beach and South Parade is provided to the south of the carriageway. A zebra crossing point is provided to the immediate west of the junction with Clarendon Road and a pelican crossing is provided along the site frontage. The A288 (known as South Parade along the frontage of the site) serves as

the primary route along the southern coast of Portsmouth, providing access to the A3 and M27 in the north of Portsmouth.

The Personal injury accidents data has been collected for a period of 4 years from 2009 to 2012. Nine PIAs have been recorded in the vicinity of the site, the majority of these occurring on South Parade.

### Proposed Development

The proposed development comprises of 98 retirement dwellings that would be split between Later Living (32 units) and Assisted Living (66 units) accommodation types. The proposed retail unit fronts South Parade (390sqm). The proposed site will be served by a single vehicular access point onto Clarendon Road in the form of a dropped kerb crossover.

The proposed development has been designed to minimise the carrying distance between the refuse store and the refuse vehicle with two refuse points, both of which are in close proximity to the local highway. The refuse vehicle will remain on the local highway for both refuse collection points. A service layby is proposed on South Parade to allow for the safe servicing of the convenience store. The service layby is to be used for a limited time per day and on the basis that the layby is designed to encourage pedestrians to use this area of the 'footway' when the convenience store isn't being serviced. A TRO will be required to prohibit the service layby being used by private vehicles. It will be necessary to utilise street furniture as subtle limits of the layby.

The internal layout of the site will form around the car park to the rear of the proposed development, with the convenience store forming the southern frontage of the site and a landscaped amenity space to the west. The proposed parking provision is in accordance with PCC's Active Elderly/ Sheltered Accommodation parking standards. Parking bays will be provided on an unallocated basis to be shared between Later Living, Assisted Living and staff parking areas. It is considered the proposed on-site 49 car spaces would meet the requirements of the occupiers of the development.

Cycle parking facilities are to be provided for both the Retirement Living and Convenience Store aspects of the proposed development. The level of provision proposed is informed by current demand experienced at similar McCarthy & Stone developments. Demand for cycle parking is to be continuously monitored as part of the accompanying Travel Plan.

### Trip Generation Later Living/Assisted Living:

Traffic generation data collected from applicants own sites has been utilised in order to determine a suitable trip rate. The trip rate assessment indicates a peak period trip generation of 9 vehicle trips in the AM peak (0800-0900hrs) and 12 vehicle trips in the PM peak (1700-1800hrs) and 175 vehicles during the 12hr period.

The applicant has compared the above figures with trip rates for similar establishment derived from the TRICS database. The TRICS investigation indicates that the proposed trip rates are realistic and representative of the traffic generation of the proposed development compared to TRICS traffic surveys.

### Convenience Store Trip Generation:

The proportion of vehicle trips generated by the convenience store is likely to be limited on the basis that the site is highly accessible and will not feature formal parking provisions. The adjacent KC West Southsea parking zone includes a 3-hour free parking period for non-permit holders and South Parade has Pay & Display facilities; suitable for visitors to the residential element of this scheme, and customers to the store. The Transport Assessment has



demonstrated the proposed development will not result in a notable increase in traffic on the local highway and is unlikely to have any significant impact on the surrounding junctions.

#### Travel Plan:

An indicative baseline travel modal split has been established for the proposed development site, although all measures would be reviewed and revised where necessary, and agreed with the LHA. The overall target of the TP is to create a sustainable, community driven environment for residents living within the development that promotes a range of lifestyle and travel choices and reduces reliance on the private car. Travel plan monitoring fee at a cost of £5500 over 5 year period will be required.

#### Off-site highway works:

There is a rectangular shaped area of private highway within the applicant's boundary which abuts the footway fronting South Parade. When the proposed layby is occupied by delivery vehicles this area fronting the convenience store will restrict the passage for pedestrians. This route can be very busy at certain times, and a feeling of space and good through visibility is important when it is to be shared by all users. There is a requirement to ensure good quality uninterrupted passage for pedestrians is provided at all times, and the developer has agreed to dedicate a triangular shaped piece of land in this location as public highway.

A public footway of a minimum width of 4m, clear of all obstruction, and excluding the proposed shared use layby, shall be provided along the site frontage and associated land to be dedicated as public highway. This area shall be constructed to PCC approved footway construction detail, and heavy duty detail for the loading bay, and any commuted sums are to be paid by the applicant. The developer also proposes to widen the footway at the junction of Clarendon Road and South Parade, as shown on the plans. This uses part of the existing carriageway area, currently demarked for taxi waiting. This will enhance highway safety by improving forward visibility sight lines at this junction, and improve the pedestrian provision, and will provide a defined and shorter, more convenient crossing point, complimented with tactile paving and dropped kerbs. This wide footway provision allows for easy passage along this frontage, allowing for the additional pedestrian traffic generated by this site, including the retail facility.

For the site frontage onto Clarendon Road the applicant has shown on the drawings a footpath widening to provide an overall width of 2.8m, which benefits the new residents of the development, some of whom may be dependent upon motorised buggies for their mobility, and ability to move around in the wider area.

All new areas of footway will need to be tied in with the existing provision, and a commuted sum payment made for their future maintenance.

South of access: The new areas of footpath to be constructed to adoptable standards and the bus facilities, including Kassel access Kerbing will require relocation with shelter providing better access to the adjacent bus stop provision, and aid refuse collection, reducing the risk of the road being blocked whilst a bus or refuse vehicle is stationary; currently there is a risk of clash with vehicles parked on the opposite side of the road. The developer has agreed to this and the detail is shown on the application drawings.

Dropped kerbs and tactile paving are to be provided to enhance pedestrian crossing at the top of Clarendon Road, included within the proposed build out of this application, and matching with the west side to be provided.

**RECOMMENDATION:** No objection raised, subject to the following conditions and S106/S278 agreements terms.

## Conditions

1. Notwithstanding the approved plans, details of the cycle store/parking areas, for residents and employees, and visitors to the residential element and the shop are to be agreed prior to commencement of development.
2. Notwithstanding the approved plans, details of the refuse storage area, including access and lock detail, are to be agreed prior to commencement of development.
3. Full details of the construction of all hard paved areas to be agreed prior to commencement of development, including any gates to be provided for the vehicular access to the parking area. The vehicular access is to be provided as a dropped kerb footway crossover detail.
4. Details of the materials and construction of all areas of public highway to be agreed via a Section 278 agreement, and all works to be completed prior to first occupation of the development.
5. Dropped kerb access for the bin storage area to be provided onto Alhambra Road, to aid safe and speedy refuse collection.
6. Any redundant dropped kerbs around the site perimeter to be removed and reinstated as full height kerbs, and the footway construction to be accordingly adjusted.
7. The parking areas to be surfaced in materials to be agreed, and marked out and be available for use prior to occupation of the development.
8. No surface water runoff from the site will be permitted to run across the public highway.
9. A construction management plan will be required to explain how deliveries will be handled, how drivers will be instructed to approach the site, how and where site operative will park, etc.
10. Land adjacent to the site vehicular access, and for the full length of the site boundary on Clarendon Road, and on the site frontage to South Parade shown red on the attached plans are to be dedicated as highway to permit the free flow of pedestrians. The bus stop on Clarendon Road is to be relocated as per the plans but subject to final agreement once detailed plans agreed. These areas to be constructed in accordance with PCC standard specifications, and agreed via a formal S278 agreement, and will include relevant commuted sum payments. The minimum width of footway on Clarendon Road is to be 2.8m, and on South Parade 4m (over and above the width of the loading bay). The highways works should be implemented before first occupation of the development.

## Section 106/278 requirements

1. A traffic regulation order is required to restrict the use of the loading bay, and signage/markings will be required to support this - £4500.
2. A travel Plan will be required to support the development, and a monitoring fee will be required - £5500.
3. The areas, identified again, to include the full frontage onto Clarendon Road, are of existing public footway and will require to be tied into the new construction and be finished in a suitably agreed manner. The bus stop to be reprovided with relocated shelter, and Kassel access kerbing via S278 agreement.
4. The areas coloured blue on the attached plans are to be constructed to an agreed specification, in appropriate materials, via a Section 278 agreement, and will include relevant commuted sum payments. Dropped kerbing and tactile paving to be provided to give a pedestrian crossing facility at the end of Clarendon Road on both sides, adjacent to South Parade.

### **Head of Community Housing**

The affordable housing requirement under Policy PCS19 would be for 10 units. As demand for retirement homes of this nature is typically low, a financial contribution would be appropriate. The current policy would seek a contribution of approximately £735,000.

### **The Portsmouth Society**

The Portsmouth Society strongly object to this application. In no way does this latest version 'preserve or enhance' the streetscape of this Conservation Area, and is a missed opportunity to do so. The applicant has not listened to the negative feedback from the consultation process through a number of iterations and have therefore failed to make the major design changes

which are necessary. The Council should make a stand over this prime site and recommend that the peripheral adjustments being proposed will not gain planning permission and a 'back to basics' re-think is required.

The functional front elevation with large horizontal slabs is ugly and monolithic. The overall industrial effect is unworthy of its prestigious setting and is particularly incongruous when viewed against its neighbours; the majority of whom benefit from vertical stacked bays with glazing.

The use of stacked bays extending out from the facade would both fit in with their elegant neighbours but would also provide more living space.

In addition the bays would allow some residents a much wider view of the lovely sea-scape than the narrow aspect proposed and would facilitate this from the warmth of their apartment. How many days of the year will older residents sit out in the fresh air of the 'recessed balconies' proposed?

The building would also benefit from symmetry across the frontage, possibly incorporating 'book-ends'. How can this proposed long plain front elevation, to be viewed by the thousands who promenade our seafront, be enhancing the street-scape in a Conservation Area? And lets be clear this is not just a site in a Conservation Area, it's the seafront promenade, the jewel in our crown. We want our visitors to look at this and adjoining facades and think this is a great maritime city with a promenade of lovely buildings.

A detail but nevertheless important point, if some recessed balconies are retained, to alternate with stacked bays, is the proposed use of 'yellow' glazed tiles on the balconies. Not only is this out of keeping with the rest of the interesting buildings alongside this site but will be dazzling to balcony residents with any amount of sunlight on them. Use render like everyone else and by all means a splash of colour for detailing and to brighten up the front on winter days.

Whilst commenting on an earlier version, because there has been little change, it is worth re-reading the professional and objective comments supplied by English Heritage dated 28 July.

#### **English Heritage**

The designers have clearly taken the context of the site into consideration and have proposed a building which relates well to the site in plan. The street pattern of this part of the conservation area is respected, indeed it is reinforced. The height of the building has been carefully considered too, and the height proposed is just within that which would be acceptable; certainly it could not be any higher without an adverse impact on the conservation area.

However, where this site previously accommodated two buildings of different ages and forms a single large building is now proposed. Although a building of this size would not necessarily be uncomfortable here I do believe that the elevational treatment proposed serves to accentuate the mass of the building giving a rather monolithic appearance when compared with the design of the other buildings within the conservation area. This part of Southsea is characterised by long terraces of substantial late Victorian and Edwardian houses and hotels. Although in long blocks they tend to be broken up by the regular repetition of architectural features such as gables, bays, porches, balconies etc. These features enliven the facades and give a domestic scale to these long stretches of development.

I appreciate that the front facade of the proposed building is well proportioned and indeed has a vertical emphasis created by the recessed balconies. However, by grouping the windows into broader elements this has accentuated the scale of the overall building (as is clearly evident in the drawing which shows the elevation in context). In addition the front of the building appears to be rather flat as the windows are recessed and not projected forward as is the tradition in seaside architecture. The recessed windows aside, the elevation is also on one plane, it is not broken down into bays for example. This again accentuates the scale of the building and makes it appear out of character with the conservation area. If the apparent scale of the building was

softened by a higher degree of articulation of the elevations I believe that this building would relate better to the character of the conservation area.

The recessing of the roof element reduces the impact the building has on the character of the sea front. The use of a dark, slate-like colour for the cladding is also welcomed. However, the photomontages demonstrate that the roofing element will be very visible in views and particularly where it returns at the corners it appears very plain and box-like. The ground floor elevation also very dull and lacks interest and considering this is the area of the building which will receive most attention this is very disappointing.

The plot is bounded on three sides by roads. This means that the south-west and south-east corners are very prominent within the streetscape. This can be an opportunity to give great presence to a building but I feel that this chance has not been taken in this instance as these corners are dominated by large blank areas on the flank walls. This gives a lifelessness in two key positions.

I can see that the designers have responded to the site and the context of the area in some aspect of the design. However, the key test is whether this proposal preserves or enhances the character or appearance of the conservation area. This proposal has much to commend it but it is my view that it does not quite meet this test as overall the building appears to be out of scale and it would be harmful character and appearance of the conservation area. The NPPF requires that any harm or loss be clearly and convincingly justified (para.132). I suggest that this harm could be easily overcome through the design process and therefore would not be justified. The appearance of the building could be improved by giving greater articulation, rhythm and depth to the facades and handling the elements on a more domestic scale, this would break down the massing. I am hopeful that the design can be amended to address these concerns and that an attractive modern building which meets the requirements of the end users and enhances this area of the sea front would be the result.

## **REPRESENTATIONS**

A total of 24 objections have been received from or on behalf of (mainly) the occupiers of neighbouring properties on the following grounds:

- a) unsympathetic and inappropriate design of building, excessive scale/bulk and bland and boring appearance;
- b) inadequate justification for proposed design and no justification for a tall building;
- c) siting at back edge of pavement would impact on openness of seafront;
- d) adverse impact on Conservation Area and setting of adjacent Listed Building as well as views from Royal Beach Hotel;
- e) loss of sunlight to properties at rear of site;
- f) retirement accommodation out of character with area;
- g) no need for a shop, a restaurant or wine bar should be provided;
- h) inadequate access and provision for servicing;
- i) visual impact of retail unit on seafront, which should front Clarendon or Alhambra Roads;
- j) proposed retail unit inappropriate, will give rise to noise/disturbance and lead to parking/highway problems;
- k) inadequate parking provision for both residential and retail;
- l) suggest vehicular access should be via Alhambra Road not Clarendon Road;
- m) needs for storage/charging of mobility scooters;
- n) a bus stop layby should be provided;
- o) proposal does not support needs of existing community; and
- p) site should be used as a theatre or similar entertainment venue for visitors.

18 representations have been received in support of the proposal on the following grounds:

- i) proposal will complement outlook of seafront;
- ii) redevelopment of the site will improve the appearance of the area;
- iii) design well-conceived and in keeping with the area;

- iv) housing for the elderly is much needed;
- v) provision of retirement housing will allow downsizing and free up housing stock.
- vi) proposed supermarket will be beneficial to existing residents; and
- vii) landscaping to Clarendon Road will enhance the area.

## COMMENT

The key issues in this application are:

- 1 the principle of the development;
- 2 acceptability in design and heritage terms including whether a tall building is appropriate to this location;
- 3 highways implications
- 4 any significant adverse impact on the residential amenity of future and nearby occupiers;
- 5 flood risk;
- 6 other policy implications of affordable housing provision, sustainable design and construction and whether the proposal would have a significant impact on the Solent Special Protection Areas, and
- 7 any other matters raised in representations.

### Principle of Development

The application site sits outside but immediately adjacent to the area covered by the Seafront Masterplan and is seen as a key site within the seafront. The site is located in the East Southsea Conservation Area and is immediately adjacent to the Seafront Conservation Area(No.10). The site is also adjacent to two Grade II Listed Buildings. The whole of the site lies within Flood Zone 2 with around 80% of the site also being in Flood Zone 3.

There is an extant planning permission for a mixed use development on that part of the site formerly occupied by Savoy Buildings for the construction of a 4-6 storey building comprising 92 apartments with ground floor commercial floorspace for shop and cafe/restaurant uses (Classes A1 & A3) up to 415 sqm and associated parking. As work has already commenced on this development technically work could continue at anytime without the need for further permission and therefore this is a significant material consideration. It is therefore considered that the proposed redevelopment of the site to provide a mixed use development comprising a shop and two different types of specialised residential accommodation is considered acceptable in principle.

### Design and Heritage

The application site sits in a very prominent seafront location and its development would have an impact on the following designated heritage assets: the East Southsea Conservation Area in which the application site is located, the Southsea Seafront Conservation Area which lies opposite the site and the adjacent Grade II 'listed' South Parade Pier and Nos38-42 South Parade.

Particular obligations fall upon the Local Planning Authority in determining any application which might affect a listed building or its setting or a Conservation Area. Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the authority to have "special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses". Section 72 of the same act requires that the authority pay: "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area".

In addition to these legislative requirements both listed buildings and conservation areas fall within the definition of a designated heritage asset for the purposes of the National Planning Policy Framework. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset: "great weight should

be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting..... any harm or loss should require clear and convincing justification". Paragraph 133 states: "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use. Para 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The heritage related supporting information (the 'heritage statement'), is unfortunately a little confusing. Where analysis has been undertaken, it can be regarded as satisfactory, however a number of significant errors of omission have occurred, resulting in assertions that are factually incorrect, and in comments that do not address the conservation impact of the proposal in as thorough a manner as would be desirable. It is erroneously asserted for example that the development site does not lie within a Conservation Area (para 4.4 on page 10). This is not the case, it lies within the East Southsea Conservation area (No.19). An assessment by the applicant of the impact of the proposal on this Conservation Area has not therefore been provided. Paragraph 2.6 on p.8 of the document states that: "The Council has not yet prepared a conservation area appraisal, (for the Seafront Conservation Area (No.10) despite the advice of English Heritage that local planning authorities should do so". This is also incorrect and an electronic version of the document is freely available on the Council's website. Despite the mixed quality of the written information provided, it is considered that sufficient visual material is available to allow officers to adequately assess the impact of the proposal on the designated heritage assets.

## Design

The proposed building in terms of its footprint, scale and massing appear relatively large with the mansard roof, which despite its setback stretching almost the length of the building contributing significantly to its height and sense of scale. This, certainly in relation to the adjacent three-and-a-half storey 38-42 South Parade, and the bigger 5 storey (6 bay) Royal Beach Hotel, does accentuate its mass relative to its immediate neighbours. However despite its size it is considered that overall scale and massing is appropriate in this context and would fill the gap in the seafront and provide a backdrop to the pier in a positive and coherent manner.

The two storey 'mansard' roof makes a major contribution to the appearance of the building. During the life of the application its design has been amended to introduce a substantial gap in the roofline, a 1.6 metre setback on the north-west corner, shading canopies to 6th floor apartments, and a projection at 5th floor level to articulate the roof on side elevation. Cumulatively these amendments have appreciably reduced the scale of the roof at an appropriate position along its length, and introduced a range of elements that add interest to the roofscape, and ameliorate the starkness of the original design. The proposed finish for the roof has been amended to a pre weathered zinc cladding which is regarded as a high quality material appropriate for a site such as this.

The initial design for the principal elevation of the building fronting South Parade was somewhat monolithic in appearance. The application of classical principles resulted in a design which may perhaps have been a little 'hidebound' by the conventions of this approach. As with the roof, alterations have been made to the design to break up the façade and introduce elements which add greater diversity and interest to the design. The introduction of a substantial break into the

frontage helps to visually divide the building into two separate yet clearly and coherently related elements. The introduction of railings at first floor level also helps to better integrate the design of the building with the prevailing character of the seafront. Overall it is considered that the amended design address and overcomes the concerns raised by Officers and the Design Review Panels. The amended design avoids being a pastiche, and balances contemporary and traditional elements in a way which is respectful to its surrounding context.

One of the key elements in delivering a high quality design such as that proposed is ensuring the materials and detailing are of a similar quality to the architecture of the proposal. The proposed materials have been revisited by the applicant who is now proposing higher quality materials which are required to deliver the excellence of development required on this site.

As with the previous scheme there is an active use at ground floor level, this scheme proposes an active frontage in the form of a retail unit.

The introduction of a modest strip of green space adjacent to the building on Clarendon Road is welcome. If appropriately landscaped and well maintained, it offers a significant opportunity to enhance the setting of the flank elevation of the building and of the surrounding Conservation Areas.

The East Southsea Conservation Area in which the site is located is large relatively large with its elongated and sinuous footprint extends from a line running through the centre of South Parade, which divides it from the thin strip of the Seafront Conservation Area (No.10) to the south, north up to the western end of Albert Road. The size of the area and the range of architectural styles found within its boundary make its architectural character quite diverse. The significance of the Conservation Area is derived principally from its status as an area of historic settlement within the city. The cohesiveness and studied picturesque which characterise the largely earlier nearby 'Owen's Southsea Conservation Area (No.2)' although not totally absent here is less prominent, as is the uniformity of the Victorian bye-law terraced housing which characterised the rapid 19th century expansion of the city. The designation unites a number of roads which despite the divergence of styles do share a range of urban design/townscape attributes that lie within a broad set of parameters:

The original historic street pattern has been retained, as have the domestic land uses within the area. The urban grain of the area is mixed, with a slight preponderance of Villa style properties and their related gardens which do convey a loose sense of openness, more noticeable than is typical for the city as a whole. The height of buildings generally ranges between 2-5 storeys. The scale and massing of the buildings is also diverse. A large number of individual and semidetached Villas are distributed throughout the area. These are juxtaposed with terraces, and on the seafront with the larger scale hotels and flats that this scheme seeks to integrate with. Despite the contrasts which characterise the buildings in the Conservation Area as a whole this range of these attributes do give a loose yet appreciable coherence to the area.

As might be expected the buildings within the Conservation Area which make up the South Parade frontage tend to be larger in scale, mass, footprint and height than others in the Conservation Area. Indeed, they are the largest buildings within the area. The architectural language of the seafront incorporates a series of elements/attributes that are particularly prevalent, and distinguish it from other parts of the Conservation Area. In addition to the enhanced scale of the buildings it includes: the use of white render (stucco), the prominence of heavy articulation (often in the form of multi-storey bays) to facades, the frequent presence of balconies and elaborate ironwork, and the rustication of masonry especially to ground floors. The existing buildings in the immediate vicinity of the site step up from 3 storeys for the listed 38-42 South Parade to the west, to 4 storey (plus mansard) for the Royal Beach Hotel to the east.

The acceptability of the proposed building rests in conservation terms, on the manner in which it responds to the design attributes and parameters that characterise both the seafront element of the Conservation Area, and the wider conservation area as a whole. With regard to the former, it is considered that the proposal would be appropriate within the context of the seafront element of the Conservation Area and in terms of the guidance within the NPPF it would not cause harm to this part of the Conservation Area.

In terms of the impact of the proposal on the designated heritage asset which is the Conservation Area as a whole, it is considered that the proposal would also not be harmful in this broader context. The obvious need for the scheme which responds to and harmonises with the architecture of its immediate setting (and the contrast in height, scale, massing and overall design detail which distinguish the seafront element from the remainder of the Conservation Area) are such that the scheme would not cause harm the area as a whole.

The Seafront Conservation Area encompasses the majority of the western length of Southsea Seafront. It incorporates the Common, and a number of large and important historic and leisure use buildings and sites.

The location of the site within the East Southsea Conservation Area is outside of, but immediately to the north of the boundary of the Seafront Conservation Area. As such the proposal will undoubtedly affect the setting of the Seafront Conservation Area. As discussed in the context of the impact on the East Southsea Area, it is considered that the siting, height, scale, massing and overall design approach of the scheme do not place it at odds with the overall character of the Seafront Conservation Area, or indeed the stretch of road and beach immediately south of the site that would be most impacted by the scheme. It is therefore considered that the proposal would not cause harm to the setting of the Southsea Seafront Conservation Area (No10).

In addition to the impact of the proposal on the Conservation Areas, consideration must also be given to the effect of the proposal on adjacent Listed Buildings. Number 38-42 South Parade is Grade II listed and is an attractive period villa style building, attributed to local architect of note T.E.Owen, which forms an important historic element in the fabric of the seafront. Its setting would be affected in a substantial arc south of the front of the building, but would be particularly impacted in fore and middle ground views north east from the road, promenade and beach. The proximity of the site to the listed building is such that more effort could have been made to respond to the Villa and ameliorate the impact of the scheme on its setting. However, the distance between the two sites, with the differential in height between the existing floors of the Villa, and the (lower) floors of the scheme, (which would result in a three storey increase between the two) would not be considered to result in an inappropriate or overbearing step change between the two buildings. The greatest concern relates to the blank monolithic quality of the west facing corner element of the scheme (rising four storeys from the ground floor). This element of the design was critiqued by the design review panel whose concerns have not been addressed in subsequent design changes. Depending on where the two properties would be viewed, there is potential for juxtaposition between the two buildings in a manner which could be quite uncomplimentary to the handsome and richly detailed villa. As a result it is considered that the proposal would give rise to some harm to the setting of the Grade II listed villa.

South Parade Pier is also Grade II listed and lies to the south-east of the site across the width of South Parade, The south east corner of the proposed building would be located directly north of the main entrance to the listed pier. Its setting would principally be affected in views west from the promenade and especially the beach. As with the 38-42 South Parade, it is considered that the distance between the two sites, would not result in an inappropriate or overbearing relationship between the two buildings. Indeed the siting, height, scale and massing of Savoy Court (the previous building to occupy the site), and of the consented scheme originally intended to replace it were broadly similar to the proposal.



In contrast with the recently refurbished villa to the west, the pier is a structure which despite its listed status has been subjected to major alteration in the last 40 years. The aspect presented by the proposal towards the pier would be characterised by recessed balconies and window openings, and would therefore be substantively different from that enjoyed by the villa. In light of distance between the two sites the slightly decreased sensitivities of the pier and the improved aspect presented by the scheme, it is considered that the proposal would not harm the setting of the pier.

This is an extremely important scheme for the seafront, for Southsea and for the City of Portsmouth as a whole. The site occupies a very prominent position at the southern apex of South Parade. The siting of the proposed building is such that it would form a very prominent feature, not only from the listed pier and beach, but also in axial views east, and especially west, along the parade. In considering the design merits of the proposal and its impact on the four designated heritage assets which it would effect, it can be concluded that with the exception of moderate harm caused to the setting of the adjacent grade II listed 38-42 South Parade, the proposal would not cause harm to any of the other heritage assets or their setting.

It is considered that the harm identified above is less than substantial and would be outweighed by the public benefits of regenerating this derelict site and infilling the unsightly gap in the seafront.

### Tall Buildings

The Tall Buildings Statement acknowledges the site falls outside the 'areas of opportunity' identified in the Tall Buildings SPD. It also acknowledges that the site lies some distance from any of the sensitive locations identified in the SPD. The submission highlights the location of the site adjacent to the six-storey Royal Beach Hotel, that the former Savoy Court Building was a substantial five-storey building and that there is an extant permission for a building of up to six storeys on the site of the former Savoy Buildings. It also addresses the majority of the criteria set out in the SPD in a manner that is considered appropriate.

The sensitive and prominent location of the site is such that any redevelopment of the site needs to be of a similar scale to surrounding buildings to ensure that it would complement and harmonise with the locality and make a positive contribution to the contextual streetscene. The wider context of the streetscene is characterised by buildings of between four and 10 storeys.

The site is located outside of an area of opportunity for a tall building and as such there is a presumption against a tall building unless the particular merits of the proposal outweigh this general presumption. Having regard to the context and location of this site among other buildings of a similar scale, the need to make an efficient use of this prominent and sensitive site and the justification set out in the submitted Tall Buildings Statement, it is considered that the principle of a building with a seven storey element is acceptable in this case. Furthermore it is considered that the scale, massing and architectural design of the proposal is an appropriate response to the setting of the site and would make a positive contribution to improving the character and appearance of the site and the Conservation Area.

### Impact on Residential Amenity

The proposed building would be positioned some 14 metres, at its closest point, to the nearest property at St Helens Park Court (No 133 Clarendon Road) to the north. A spatial separation of some 24 to 32 metres would be provided between the proposed building and the main rear walls to the neighbouring properties at Nos 20-34 (even) Alhambra Road. The flats in the elevation facing properties in Alhambra Road would have very modest balconies. The outlook of these neighbouring properties is currently onto the open site which was formerly a hard surfaced car park. Accordingly the proposed 5 storey element of the building would represent a dramatic change, however, the proposal would not, in our view, have any significant adverse impact on the amenities of these occupiers in terms of loss of outlook, light, privacy and sense of

enclosure to warrant refusal. Furthermore it should be noted that this element of the scheme is comparable to the extant permission which would have had a similar relationship and which was considered acceptable.

### Flooding

The Sequential Assessment submitted with the application has not identified any suitable, available or viable residential sites within the city in an area of flood risk that is lower than the application site and that could accommodate the proposed development. It is concluded that the sequential test has been satisfied, in accordance with the NPPF.

The application is accompanied by a Flood Risk Assessment (FRA). The FRA identifies the main source of flood risk to the proposed development as coming from the sea. The existing site levels are between 2.6 m (along the northern boundary) to 3.3 AOD (along the southern boundary). The existing defences close to the site are approximately 4.5 metres AOD. Based on predicted extreme tide levels, the site could experience flooding in the order of between 0.7 and 1.4 metres deep should there be a breach of the existing sea defences. The ground floor level of living accommodation within the building would be 4.56 AOD with the commercial floorspace and communal lounge being 3.3 AOD to facilitate level access from South Parade. The proposed dwellings would have a floor level 0.5 metres above the predicted 200 Year return period allowing for climate change over the 100 Year lifetime of the development. Therefore, the residential element of the scheme would not be at risk of flooding and be protected for the lifetime of the development, even if the flood defences were breached.

The Coastal Partnership and EA accept the findings of the FRA and raise no objection subject to safeguarding conditions.

### Highways implications

The proposal for 97 flats would be served by car parking to the side and at the rear of the building with 49 car spaces and separate secure cycle and mobility scooter stores for each element of the residential accommodation. No parking would be provided for the retail unit but a layby for deliveries/servicing would be provided to South Parade. There would be pedestrian entrances to the development from South Parade and Clarendon Road with the sole vehicular access/egress being from Clarendon Road.

There is a rectangular shaped area of private highway within the applicant's boundary which abuts the footway fronting South Parade. The developer proposes to widen the footway at the junction of Clarendon Road and South Parade, using part of the existing carriageway area, currently demarked for taxi waiting. This is to improve highway safety by improving forward visibility sight lines at this junction, and improve the pedestrian provision, and will provide a defined and shorter, more convenient crossing point, complimented with tactile paving and dropped kerbs. This wide footway provision allows for easy passage along this frontage, allowing for the additional pedestrian traffic generated by this site, including the retail facility. For the site frontage onto Clarendon Road the applicant has shown on the drawings a footpath widening to provide an overall width of 2.8 metres, which would benefit the new residents of the development, some of whom may be dependent upon motorised buggies for their mobility, and ability to move around in the wider area.

The Highways Authority is satisfied that the proposed parking provision is acceptable and with the proposed highway alterations would not have a significant traffic impact upon the highway network or have an adverse effect on road safety.

### Affordable Housing

A development comprising 31 dwellings within Class C3 houses would ordinarily require the provision of 10 dwellings on a pro-rata basis as affordable accommodation. The applicant has

submitted a viability assessment in support of the non-provision of on-site affordable accommodation and a reduced financial contribution towards the provision of affordable housing elsewhere in the city. An independent review of the applicants submission suggested that with some subtle changes to the assumptions within it a contribution of more than the £42,267 initially offered could be made.

Following design amendments one dwelling has been deleted from the proposal and a fresh viability assessment undertaken that also takes account of some of the comments made on the assumptions in the originally submitted assessment. This revised assessment suggests an increased contribution of approximate £110,000 is all that could be borne by the development on top of CIL and SPA Mitigation costs without making it financially unviable to construct. A further review of this submission has been commissioned, albeit at the time of writing the report a full comment from the reviewer had not been received. It is clear that the scheme is not financially viable if a policy complaint financial contribution of £630,000 were to be made. In order to facilitate the development of this important seafront site, a lesser contribution should be accepted. At the time of writing the level of contribution which could be secured has not been agreed and an update on this matter will be provided at the meeting.

The viability assessment uses present day values which over time could change thus affecting the ongoing viability of the proposal. Given that this application seeks full permission which would allow the three year statutory period to start work with no formal period set of the completion of the development it could be delayed until a time when market conditions are more favourable. Whilst the provision of a financial contribution would need to be the subject of a legal agreement, in order to make the development acceptable in planning terms, it will also be necessary to secure a review of the viability assessment in the event that the development has not reached an agreed stage (the completion of core and shell) within an agreed timescale from the date of the resolution to grant permission to ensure that the level of provision of affordable housing can be reviewed if the viability position has altered.

#### Sustainable Design and Construction

As housing is proposed for the site, the residential section of policy PCS15 of the Portsmouth Plan applies. This is expanded on by a Supplementary Planning Document (SPD) on Sustainable Design and Construction (<http://www.portsmouth.gov.uk/living/23686.html>). As the application is being considered in 2014, PCS15 requires that the dwellings achieve an overall score of Level 4 of the Code for Sustainable Homes (the Code). As part of this, further minimum standards for certain issues must be achieved to ensure compliance with the Portsmouth Plan, as summarised on page 16 of the SPD: dwelling emission rate (9 credits); private space (1 credit); and cycle storage (2 credits).

The SPD states that for full applications, such as this, "the city council expects, and strongly encourages, a pre-assessment estimator or design stage assessment and certificate to be submitted as part of the application. However this will not be required so as to give applicants the flexibility to approach the issue as they wish". The applicant has submitted an energy/sustainability statement for both the retirement living and assisted living elements of the scheme. However these do not include a pre-assessment estimator. These both commit the development to achieving Code for Sustainable Homes level 3, with an overall reduction in CO2 emissions of 51.28%, which is Code 4 standard. Indeed this is well beyond the minimum Code 4 standard, which is a 19% reduction in the dwelling emission rate over the target emission rate.

However PCS15 requires a standard of Code level 4 overall with an equivalent of Code level 5 for energy. As such, the development currently falls short of the overall standard which is required. The applicant has submitted a viability assessment, demonstrating that it would not be possible to viably provide affordable housing or the full PCS15 requirements for this scheme. This has been independently assessed and it has been found that there is sufficient headroom to comfortably achieve a Code for Sustainable Homes level 4 standard.

With regards to the remaining standards, it would not be appropriate to include a requirement for full cycle parking in a specialist retirement focussed development such as this and, unlike BREEAM, it is not possible to take account of buggy parking within the calculations. As such, the usual requirement for credits in Ene8 would not be appropriate for this scheme.

The applicant is proposing to use air source heat pumps to provide low carbon communal heat for the development. This is an entirely appropriate solution for a high density, heat intensive development such as this. Sufficient heat pumps are proposed to reduce emissions by 22%-33% per apartment. As such, they would be eligible for two credits in Ene7. The pump units themselves are located at the north of the ground floor and are placed entirely appropriately, away from any windows. As such, there should not be any noise disturbance from the units.

All of the apartments in both blocks contain private space, either in the form of a balcony or terraces on the ground and top floors. As such, these should qualify for the single credit available in Hea3, in line with the requirement in PCS15.

Overall, the development is providing a sensible energy solution given the type of development involved. The viability study does show that Code for Sustainable Homes Level 4 is entirely viable on the scheme. However at this point of course the design improvements to the scheme to achieve the Level 4 standard are not included. As such, together with the fact that a pre-assessment estimator has not been provided at this point, it is considered appropriate to impose both pre-commencement and pre-occupation conditions requiring the development to be built to Level 4 of the Code for Sustainable Homes.

#### SPA Mitigation

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the amount of protected species (such as waders and Brent Geese) that they support. Evidence shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect and therefore mitigation measures must be secured before planning permission can lawfully be granted.

The Solent Special Protection Areas Supplementary Planning Document (adopted 16th April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for residential uses result in a net increase in population, and therefore would be likely to have a significant effect on the Solent SPAs.

The proposed development consists of 31 retirement living (Class C3) apartments and 66 assisted living (extra care) (Class C2) apartments. Paragraph 3.7 of the Solent Special Protection Areas SPD sets out that development such as "sheltered accommodation (retirement housing (C3)) (self-contained accommodation for the active elderly, which may include an element of warden support and / or communal facilities), sheltered accommodation (extra care (C3)) (warden supported self-contained accommodation for the less active elderly and includes the full range of communal facilities) and nursing/rest homes (Class C2) may need to provide mitigation and will be assessed on a case-by-case basis based on an analysis of the likely impact of the residents, the level of care and other relevant issues".

The Solent Special Protection Areas SPD sets out that increases of one or more dwellings falling within Class C3 of the use classes order would lead to a net increase in population, and thus a significant effect on the SPA. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD. 31 new C3 dwellings are proposed. As such, the scale of mitigation has been calculated as  $(31 \times 172) = \text{£}5,332$ . The applicant has indicated a willingness to enter into a legal agreement to secure mitigation for the net increase in C3

dwellings as a result of the development. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from this element of the scheme.

Sections 2.4-2.11 of the Planning Statement define the type of accommodation that will be provided as the 'assisted living' element. This confirms that it is a form of extra care accommodation, which accords with the Department of Health's definition of extra care housing. This is to provide for independent living for the frail elderly with day-to-day assistance in the form of domestic help and domiciliary care. Care packages are also available for each resident. Residents are typically older than those in the retirement living element of the scheme and the applicant considers that a condition setting out a minimum age of 70 would be acceptable to them, although the average age of residents in such schemes is 83. Ultimately, this type of development falls within Class C2 (residential institutions) of the use class order. It is considered that the profile of most residents who will be living in this part of the development, their age and likely level of physical activity together with the fact that care packages are provided collectively mean that they are unlikely to be making extensive use of the SPA coast for recreation. Whilst it is possible that there could be occasional visits to the coast, such as when family visit, there is no likelihood that more disturbing forms of activity will be undertaken and visits to the coast are likely to only be occasional. As such, in line with the guidance set out in section 3.7 of the SPD, it is considered that there is no likelihood that this element of the development will result in a significant effect on the SPAs.

The findings of the Council's HRA concluded that there would be a significant effect from the C3 element of the development. The applicant has proposed a mitigation package, sufficient in scale to remove this effect. However the C2 element of the scheme, due to the level of care and the profile of residents, will not result in a significant effect on the SPAs. This approach has been reviewed by Natural England who have confirmed their agreement with the conclusions of the HRA.

It is considered that, subject to the inclusion of the mitigation package within a legal agreement in respect of the proposed Class C3 dwellings, there would not be a significant effect on the Solent SPAs and the requirement for a legal agreement to secure this mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

#### Other Policy Matters

The proposed ground floor retail unit would have a gross floor area of 391 square metres and a net floor area of approximately 275 square metres. The proposed shop unit would fall below the threshold in Policy PCS18 which would require a sequential assessment to be undertaken in respect of an out of centre retail development. The extant permission of the site includes a similar sized commercial unit for both A1 (shop) and A3 (restaurant/café) uses. The application suggests the shops trading hours would be 6 am to 11 pm Monday to Saturday and 10 am to 4 am on Sundays. The proposed retail unit is considered acceptable in principle and would represent an appropriate less vulnerable use of the ground floor in flood risk terms. Furthermore the proposed opening hours are considered acceptable, however servicing/deliveries times should be restricted in the interest of the amenities of neighbouring residential occupiers.

The Portsmouth Plan's objectives include "To develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all" and states that Portsmouth will need to raise aspirations and diversify the skills of the local workforce in order to continue to strengthen the economy and ensure local people can make the most of new job opportunities that will arise in the city. Policy PCS16 "Infrastructure and Community Benefit" seeks to achieve community benefits related to the development. Skills training can be included as a community benefit and is developed upon in the Achieving Employment and Skills Plan SPD. The SPD states (at paras 2.4/2.5) that "All new development creates employment opportunities at the construction stage therefore employment and skills plans will be requested

for the construction phase of all major development in the city, as defined [>1000sqm] ... Some development will create job opportunities at the occupation stage as well, such as retail or hotel developments. Therefore, employment and skills plans will be requested to cover the end user where the development will create 50fte jobs or more." The SPD clarifies (at para 3.1) the expectation that an Employment and Skills Plan should be submitted to the council and that its implementation would be secured through a Section 106 agreement. The applicant has offered to meet this planning obligation as part of a Section 106 Agreement, to accord with policy PCS16 and meet one of the objectives of the Portsmouth Plan to develop "employment opportunities for all".

## Conclusion

For the reasons outlined above it is considered that the proposed development would enhance the character and appearance of the East Southsea Conservation Area and would not adversely affect the setting of adjacent heritage assets or the living conditions of the occupiers of the adjoining and nearby properties. The level of on-site car parking is considered sufficient to meet the needs of future residents, and the overall level of traffic generation could be accommodated within the local highway network without detriment to highway safety.

Planning obligations (set out below) are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development. Furthermore the recommended planning conditions are considered to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**RECOMMENDATION I: that delegated authority be granted to the City Development Manager to GRANT CONDITIONAL PLANNING PERMISSION subject to the applicant first entering into a legal agreement pursuant to S106 to secure:**

- a financial contribution to be agreed towards affordable housing;
- a review of the financial viability if the development has not reached core and shell within 24 months of a resolution to grant planning permission being made;
- a financial contribution of £5332 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- a financial contribution of £4500 towards the predation and implementation of a traffic regulation order to provide a loading bay for the retail unit;
- a financial contribution of £5500 towards the monitoring of the travel plan associated with the proposed development; and
- the preparation and implementation of an Employment and Skills plan to cover the construction phase and future occupiers of the commercial unit
- the payment of a Project Management Fee of £5,000

**RECOMMENDATION II: that delegated authority be granted to the City Development Manager to add, amend or delete planning conditions as required**

**RECOMMENDATION III: that delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within three months of the date of a resolution pursuant to Recommendation I**

## Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;
- and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
- and, unless otherwise agreed in writing by the Local Planning Authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
- (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress;
  - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).
- 5) Development shall not commence until written documentary evidence has been submitted to the Local Planning Authority proving that the development will achieve a minimum of level 4 of the Code for Sustainable Homes, including two credits from issue Ene 7 and one credit from issue Hea3, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.
- 6) Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the Local Planning Authority proving that the development has achieved a minimum of level 4 of the Code for Sustainable Homes, including two credits from issue Ene 7 and one credit from issue Hea3, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the Local Planning Authority.
- 7) Development shall not commence until a schedule and samples of all external facing and roofing materials, hard landscaping and floorscape treatments around the building and to the access and rear courtyard areas, and balustrading, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed materials and details.
- 8) Development shall not commence until the detailed constructional design of key architectural features such as eaves, balconies, entrances, shopfronts, windows/doors at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. the development shall thereafter be carried out in accordance with the approved details.

9) No part of the development hereby permitted shall be occupied until boundary treatments have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials / finishes of any boundary treatment or other gate / fence / railing / barrier / bollard or similar means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority

10) The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority be carried out in accordance with the Flood Risk Assessment (FRA), produced by PBA (project ref. 30004001) and dated 23/06/2014 and the following mitigation measures detailed within the FRA:

- Finished floor levels for all residential living accommodation are set no lower than 4.56m above Ordnance Datum (AOD), as set out within section 4.1 of the FRA;

- Finished floor levels for the ground floor commercial unit and communal areas are set no lower than 3.30m AOD as set out within section 4.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

11) No part of the development hereby permitted shall be occupied until a comprehensive emergency and evacuation plan created in conjunction with the emergency services has been submitted to and approved in writing by the Local Planning Authority.

12) a) Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 30% critical storm will not exceed the run-off from the site in its previous state following the corresponding rainfall event.

b) No part of the development shall be occupied until the approved scheme has been implemented in accordance with the approved details.

13) (a) Development shall not commence, unless otherwise agreed in writing by the Local Planning Authority, until details of (i) the proposed means of foul and surface water sewerage disposal, (ii) the measures to be undertaken to protect any existing public sewers infrastructure, and (iii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) No part of the development shall be occupied until the drainage works referred to in (a) above have been carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

14) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed landscaping scheme for the external areas, which shall specify species, planting sizes, spacing and density / numbers of trees / shrubs to be planted; the phasing and timing of planting; and provision for its future maintenance, has been submitted to and approved by the Local Planning Authority in writing, and

(b) The works approved shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

15) a) At no time shall the Class C3 accommodation hereby permitted be occupied by persons under the age of 60, except in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.



- b) At no time shall the Class C2 accommodation hereby permitted be occupied by persons under the age of 70, except in the case of a couple where one person is over the age of 70, the second person shall not be under the age of 65.
- 16) The Class A1 shop hereby permitted shall have a net sales area not exceeding 279 square metres.
- 17) The ground floor shop unit hereby permitted shall be closed to and vacated of customers between the hours of 11pm and 7am the following day.
- 18) No deliveries to the ground floor retail unit hereby permitted shall take place outside of the hours of 7am to 9pm on any day.
- 19) None of the residential accommodation hereby permitted shall be occupied until they have been insulated against external noise in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.
- 20) Prior to the installation of any fixed air conditioning, refrigeration or extraction plant, a scheme for protecting residential premises from noise generated by any such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the plant or equipment being brought into use and thereafter maintained.
- 21) Prior to the installation of any kitchen extraction system, details of measures to abate and disperse odours and fumes emitted from cooking operations shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to the extraction system being brought into use and thereafter maintained.
- 22) The car parking spaces shown on the approved plan shall be surfaced, marked out made available for use before first occupation of any part of the development and shall thereafter be retained for car parking purposes.
- 23) No part of the development hereby permitted shall be occupied until the secure cycle and buggy storage facilities shown on the approved plans have been provided and made available for use. The facilities shall thereafter be retained.
- 24) No part of the development hereby permitted until the facilities for the storage of refuse and recyclable materials shown on the approved plans. The facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.
- 25) The development hereby permitted shall not be occupied until the following highway improvement measures have been completed:
- a) the dedication as public highway of land adjacent to the site vehicular access, the full length of the site boundary on Clarendon Road and on the site frontage to South Parade;
  - b) the construction of the above new areas of public highway in a manner that ties in with the existing public highway with which it would abut;
  - c) the provision of new dropped kerbs with tactile paving to provide a new pedestrian crossing facility at both sides of the end of Clarendon Road adjacent to South Parade; and
  - d) the relocation of the existing bus stop on Clarendon Road including shelter and 'Kassell' access kerbing.
- 26) The development hereby permitted shall not be occupied until a dropped kerb serving the bin storage area has been provided onto Alhambra Road.

27) Any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway

28) Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and maintained until the development is complete.

29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 24 and 25 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 7) To secure high quality external finishes to a building and to preserve the setting of the neighbouring listed buildings and the character and appearance of the Conservation Area in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 8) To secure high quality external finishes to a building and to preserve the setting of the neighbouring listed buildings and the character and appearance of the Conservation Area in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 9) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 10) To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy PCS12 of the Portsmouth Plan.
- 11) To reduce risk to additional vulnerable persons within the flood zone in accordance with the aims and objective of the National Planning Policy Framework and Policy PCS12 of the Portsmouth Plan.
- 12) To prevent the increased risk of flooding, both on and off site.

- 13) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 15) To control the occupation of the development having regard to the level of on-site car parking provision and ensuring that the occupation of the development would not have a significant effect on the nearby Special Protection Areas in accordance with policy PCS13 of the Portsmouth Plan.
- 16) To control the size of the shop in an out of centre location in accordance with Policy PCS18 of the Portsmouth Plan.
- 17) To protect adjoining and nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.
- 18) To protect adjoining and nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.
- 19) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 20) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 21) To prevent the emission of odours which could effect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.
- 22) In the interests of highway safety in accordance with policy PCS23 of the Portsmouth Plan and the Car Parking Standards SPD.
- 23) 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 PCS17 and PCS23 of the Portsmouth Plan.
- 24) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 25) To secure the package of off-site highway improvement works required to mitigate the highway impacts of the development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 26) To facilitate the safe and efficient collection of refuse and recyclable materials.
- 27) To follow.
- 28) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.

29) To ensure this prominent building and its roof space remains free of visual clutter and to reduce the impact to nearby heritage assets by any subsequent alteration / addition, to accord 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.

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**02** 14/01197/FUL

**WARD:FRATTON**

## **PARK LODGE 28 CLARKES ROAD PORTSMOUTH**

### **CONSTRUCTION OF PART 2/- PART SINGLE-STOREY EXTENSION TO FORM NEW DWELLING AT FIRST FLOOR LEVEL AND EXTENSION TO THE EXISTING NURSERY AT GROUND FLOOR TO INCLUDE INSTALLATION OF NEW BOUNDARY RAILINGS (AFTER DEMOLITION OF EXISTING PUBLIC CONVENIENCES)**

#### **Application Submitted By:**

DM Designs

#### **On behalf of:**

Mrs Elaine Burnett

**RDD:** 16th September 2014

**LDD:** 13th November 2014

## **SUMMARY OF MAIN ISSUES**

The main determining issues are: whether the principle of an extension to the existing nursery and a new self-contained flat above is acceptable; whether the design and scale of the proposed development is appropriate in the context of its surroundings and in the setting of the locally listed Lodge; whether the proposal would cause any significant loss of residential amenity; whether the proposal is acceptable in highway and parking terms; and whether the proposal complies with policy requirements in respect of SPA mitigation.

### The Site

The application site comprises the buildings at the corner of Clarkes Road and St Marys Road, occupied by the Little Learners Daycare and Preschool, and the PCC owned public conveniences (currently closed) immediately adjacent to the south. The existing nursery site occupies the former Kingston Recreation Ground Lodge (last occupied as such in 1992), a locally listed 1890 red brick building and purpose-built single storey additions to the south. The site is located within the north-western corner of Kingston Park and a three storey block of flats known as 130-154 St Marys Road lies opposite to the west. The site falls within 400m of a high frequency bus corridor and within 800m walk of a rail station.

### Proposal

The application seeks planning permission for the construction of a part 2-storey/part single-storey extension to form a new dwelling at first floor level and an extension to the existing nursery at ground floor to include installation of new boundary railings (after demolition of existing public conveniences).

The application originally included parking provision and a new vehicular access onto Clarkes Road however this has been deleted from the scheme following Highway Authority concern about the potential conflict with pedestrians.

The existing buildings comprising the nursery are permitted to accommodate a total of 22 children (by the 2007 planning permission detailed below). The applicant proposes that the nursery, as extended by this application, would accommodate an additional 20 children, giving a total on the whole site of 42 children.

## Planning History

The most relevant planning history includes:

A\*35286/AA - Use as childrens day nursery for maximum of 18 children - conditional permission 26/1/93 (conditions also limited hours of use to 8am-6pm Mondays to Saturdays).

07/00034/FUL - Change of use to childrens day nursery - conditional permission 13/3/07 (condition limited number of children to 22 at any one time and extended opening hours to 7.30am-6.30pm Mondays to Fridays)

Other relevant planning history of the site includes:

A\*35286/AB - conversion to form single dwelling including construction of single storey extension to south elevation to form living accommodation and garage; construction of 1.8m high boundary wall/fence to south and part east boundary (to replace existing); installation of velux window to existing north and west roofslopes to form accommodation in roof - conditional permission 12/8/05

07/02156/FUL - Installation of pergola, play equipment and new surfacing to garden area - permitted 4/1/08

09/00334/FUL - Construction of conservatory to front elevation - permitted 22/6/09

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), DC21 (Contaminated Land).

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

## CONSULTATIONS

### Contaminated Land Team

Given the sensitive nature of the proposed end-use, appropriate conditions are required to secure a desk top study documenting all the previous and existing land uses of the site and adjacent land, a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis and a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposal for future maintenance and monitoring. The development should not be brought into use until a verification of these matters by a competent person has been submitted and approved by the LPA.

## **Environmental Health**

As this is to be a purpose built structure it should be possible to achieve mitigation measures against noise which can be incorporated within both the residential development and the nursery in order to prevent a loss of amenity to both uses.

In the "construction notes for planning" the applicant has proposed materials for sound insulation measures way in excess of those required by the Building Regulations for the separating the ceiling/floor between the uses for airborne sound. A condition is required to ensure this is implemented.

Research indicates that noise levels within a nursery are in the region of 75dB, however this is dependent upon number of children, management and behaviour of the children, consideration should therefore be given to the acoustic design of the nursery playrooms, especially the reverberant noise content as this will help prevent noise from reflecting off hard surfaces. This can be achieved by the use of proprietary acoustic ceiling tiles and surfaces; a condition is suggested to ensure that noise from the use of the play rooms does not impact upon the amenity of nearby residential accommodation.

The outdoor play area is located approximately 20 metres away from the proposed residential dwelling on the first floor, although some noise may be heard through open windows it is unlikely to have a detrimental impact upon the occupants.

The following conditions are therefore recommended:

### **Sound insulation condition**

Prior to first occupation of the first floor the applicant shall demonstrate to the local authority that the airborne sound insulation separating the ground floor nursery and the first floor residential accommodation is a minimum of  $D_{ntw} + C$  60dB. The sound insulation shall be tested and rated as per the methodologies contained within BSEN ISO 140 - 4: 1998 and BSEN ISO 717-1:1997. The results of all tests must be submitted for approval.

### **Reverberation time**

A scheme shall be submitted to the local planning authority for approval illustrating that the reverberation time in the play room is less than 0.5 seconds. The scheme approved by the local planning authority shall be implemented before the first occupation of the first floor residential dwelling and thereafter maintained.

### **Informative**

To demonstrate compliance reverberation time measurements can be made in accordance with BS EN ISO 140- 4:1998 and all tests submitted for approval by the local authority.

### **Highways Engineer**

Following the applicants request to reconsider comments based upon the additional numbers of children being 20, not 15 as previously considered, giving a total number of children permissible on site as 42, the highways comments remain as below.

The increase in numbers will not provide additional pressures such that the application becomes unacceptable in highway terms.

It does, however, reinforce further the need for the additional parking space as proposed to be removed from the plans, which it is understood the applicant has now done. The harm created by the possibility of one additional vehicle parking on the road is offset by the improvements to pedestrian safety. The surrounding roads are covered by a residents parking scheme as previously described. Although parking near the site is limited, there is a further area of on street parking available a short distance along the road adjacent to the park. This may cause displacement parking should the flat resident apply for a parking permit, but this harm is limited. Parent drop off will be encouraged to be via sustainable modes, but car drop off and collection

times are limited in duration, and are spread over a reasonable time, and should not unduly impact on the highway network.

These issues to one side, the remaining details below still apply.

This site is located at the junction of Clarkes Road and St Marys Road within a predominantly residential area, but with parkland to the rear. Double yellow lines extend around the full site frontage, and Clarkes Road is subject to a 20mph speed limit. There is no uncontrolled parking within the area, covered by the GA permit zone, whereby non permit holders parking is restricted.

There is no highways reason for refusal of this proposal which results in the increase of child numbers by 15, subject to the following conditions:

a) Notwithstanding the approved plans, details of refuse storage provision and enclosure shall be agreed in writing prior to the commencement of development.  
This is to safeguard highway safety ensuring that the dwell time of the refuse vehicle is kept to a minimum, and to ensure every effort is made to dispose of waste appropriately.

b) Long stay and short stay cycle parking provision should be made for both staff and visitors to the site. The visitor cycle parking should take the form of one Sheffield hoop type park, on site, at the front of the building, adjacent to the entrance, and the staff parking should be in a covered and secure store and accommodate 2 cycles, within the site. Details to be agreed prior to commencement of development.

This is to encourage sustainable travel choices.

c) No new access is to be provided to the site, and no new parking provision to be made. The one existing space shall be a minimum 2.4m x 5m, and be on a suitable hard paved, non-migratory self-draining surface, and shall benefit from enhanced sight lines by the removal from the plans of any brick built piers adjacent to this access.

This is to benefit highway safety, and reduce the risk of pedestrian/vehicle conflict.

d) The applicant shall develop a Travel Plan suitable for staff and parents, to reduce risk of disruption to the surrounding neighbourhood, and assist in providing good quality information about alternative travel choices.

This is to encourage sustainable travel choices.

## **REPRESENTATIONS**

Four letters of objection and one of support have been received in connection with this application.

The objections have been received from local residents and The Portsmouth Society, on the following grounds:

(a) demolition of existing public toilets should be rejected as a loss of amenity, particularly to users of the park;

(b) the two-storey building is bland, too tall and dominates the pretty lodge and adjacent nursery, the past and proposed extensions deflect from the locally listed Lodge, are ugly/unsightly which would have an unacceptable visual impact on the neighbourhood and also when viewed from objectors rear windows/loss of natural surveillance of park;

(c) would result in the loss of a much used side gate into the park;

(d) removal of trees adjacent the site;

(e) No.3 Cuthbert Road would be overlooked or over-shadowed by first floor flat - it was understood that PCC Asset Management Service envisaged a single-storey development;

(f) add to noise disturbance from use of proposed extension that will be nearer objectors property when there is already an issue with noise coming from the existing building from children crying/screaming/banging;

- (g) noise during construction;
- (h) loss of view;
- (i) extra traffic that would be generated by extension to nursery resulting in obstruction of existing garages that already occurs by parents dropping off children;
- (j) no need for extra nursery space in the area; and
- (k) loss of recycling facilities.

One letter of support has been received from Portsmouth City Council Early Support (Education) Service providing the following justification:

- \* In September 2013 the Government introduced a new statutory requirement on all local authorities to ensure sufficiency places for 20% of 2yr old.
- \* From Sept 2014 the statutory duty rose to 40% of 2yr olds in the City (a total of 1200 children).
- \* At present the council have been working to increase the overall capacity of childcare provision in the City. There are 5 areas of the City identified where places are limited and there is a risk of not being able to place all eligible 2yr olds. Both Baffins and Milton are within the 5 areas of risk which are areas that this setting's expansion would support.
- \* The Department for Work and Pensions has identified 250 eligible 2yr olds within the 2 children's centre areas which this setting would serve.
- \* This would allow us to build on an existing, sustainable provision, removing the need for the council to identify new premises and establishing a new business.

It is noted that a number of the objections include reference to a lost public access gate and the Early Support team is content to explore (without commitment at this stage) with planning the resitting of this, with the cost being met by the Early Support team.

## **COMMENT**

The main determining issues are: whether the principle of an extension to the existing nursery and a new self-contained flat above is acceptable; whether the design and scale of the proposed development is appropriate in the context of its surroundings and in the setting of the locally listed Lodge; whether the proposal would cause any significant loss of residential amenity; whether the proposal is acceptable in highway and parking terms; and whether the proposal complies with policy requirements in respect of SPA mitigation.

### Principle

There is an existing nursery operating with the benefit of planning permission within the site and therefore the principle of extending it to meet a known need within the area is appropriate subject to it being acceptable on all other accounts. The site is outside of the boundaries of the adjacent defined open space and therefore an additional residential unit within the site does not raise a land use policy objection.

The Council has already made the decision to close these public conveniences.

The existing pedestrian access into the park to the north of the public conveniences would no longer be available however there is an existing maintenance access directly to the south of the application site that would be made available by the Council to maintain pedestrian access into the park from this end of Clarkes Road.

### Design

The proposal comprises a part single-storey, part two-storey development to the south of the existing nursery on land occupied by a public convenience building (recently closed). The single-storey link and the ground floor of the two-storey building would be used as additional nursery floorspace in order to accommodate an extra 20 children and would comprise ancillary office space, kitchen, playrooms and toilets. The first floor (accessed by an internal staircase to the



rear of the building) would accommodate a two-bedroom flat. The floor area of this flat would be in excess of 80m<sup>2</sup>, which exceeds the minimum standards as set out in the Council's Housing Standards Supplementary Planning Document.

The relationship with the locally listed Lodge within the site must be considered given that it is a recognised heritage asset. The proposed two-storey building would be situated 11.6m from the former Lodge which is understood to date from 1890 and is constructed of red brick with stone details including mullioned windows and buttresses to the corners of the building with Dutch gables and a slate roof. The proposal is a taller and bulkier building when viewed in the context of the Lodge and would be 1.7m higher than its ridge (although it is acknowledged that the Lodges chimney stacks extend far higher). The application states that the new development would be constructed of bricks to match existing (this is a matter that can be secured by a suitably worded condition) with corbels to the corners and around window openings. Annotation states the use of concrete tiles, however given the slate roof to the Lodge the use of slates on the development proposed would be considered a more sympathetic and appropriate design solution. The building gives the appearance of a fairly typical modern dwellinghouse and its scale and design offers little reference to the Lodge itself apart from the corbels and suggested matching bricks. However, the intervening single-storey contemporary additions and the distance from the Lodge reduce the impact upon its setting and it is considered that the relationship is satisfactory.

The trees within and adjacent the site were assessed by the Council's Arboricultural Officer prior to the submission of this application and not considered worthy of a Tree Preservation Order.

#### Amenity

In terms of the impact the proposed nursery extension might have on the amenities of occupiers of the flat above, Environmental Health advise that as this is a purpose built structure it should be possible to achieve mitigation measures against noise which can be incorporated within both the residential development and the nursery in order to prevent a loss of amenity to both uses, and has recommended a suitable condition be imposed to require the submission of sound insulation measures and their subsequent implementation. The outside play space associated with the nursery is located to the north of the Lodge and therefore is far enough away not to be problematic. Noise from the nursery when windows are opened cannot be overcome by sound insulation measures however future occupiers of the flat will be aware of the relationship with the nursery below and good management of the childcare facility should help to minimise disturbance.

The nearest residential properties are to the west on the opposite side of Clarkes Road. The rear of those properties fronting Cuthbert Road (with garages fronting onto Clarkes Road) are a minimum of 23m from the proposed two storey element. The proposed intervening distances and design of the building in terms of its scale, height and fenestration is not considered likely to result in any significant loss of residential amenity for surrounding occupiers by way of overlooking/loss of privacy, overshadowing/loss of light or outlook. Loss of view is in this case not a material planning consideration. Noise insulation measures incorporated within the fabric of the building should minimise any disturbance in terms of noise from childrens activity heard beyond the boundaries of the site.

#### Highway/Parking Issues

The Highway Authority have raised no objection to the proposal to increase the number of children from 22 to 42 ; the proposed parking space within the site and associated vehicular access have been deleted from the scheme following highway safety concerns. Whilst the highway comments refer to the need for a Travel Plan, given that the nursery is below 2,500m<sup>2</sup> in accordance with the Parking Standards and Transport Assessments SPD (July 2014) a Travel Plan is not required.

## 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.

## Conclusions

For the reasons set out above the proposal is considered acceptable subject to the recommended conditions set out at the end of this report.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: BURNETT 01A 2 of 2 (Revision D).
- 3) No development shall commence on site until details and samples of the slates and bricks to be used as the external materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 4) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 5) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 4c that any remediation scheme required and approved under the provisions of conditions 4c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in

advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme
- b) photographs of the remediation works in progress
- c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4c.

6) Prior to the first occupation of the nursery extension and flat above, bicycle storage facilities (long and short stay) shall be provided in accordance with the detailed scheme hereby permitted, and those facilities shall thereafter be retained for the continued use by visitors and staff of the nursery and the occupants of the flat above for that storage at all times.

7) Prior to the first occupation of the nursery extension and flat above refuse and recyclable materials storage facilities shall be provided in accordance with the detailed scheme hereby permitted, and those facilities shall thereafter be retained for the continued use by the users of the nursery extension and the occupants of the first floor flat for that storage at all times.

8) The railings to enclose the boundary of the site adjacent Kingston Park and fronting Clarkes Road shall match in height, material, design and finish those already existing on site to the west of the conservatory fronting Clarkes Road. Such railings shall be erected prior to the nursery and flat being brought into use and shall be retained thereafter.

9) Prior to first occupation of the first floor flat the applicant shall demonstrate to the local planning authority that the airborne sound insulation separating the ground floor nursery and the first floor residential accommodation is a minimum of Dntw + C 60dB. The sound insulation shall be tested and rated as per the methodologies contained within BSEN ISO 140 - 4: 1998 and BSEN ISO 717-1:1997. The results of all tests shall be submitted to and approved by the Local Planning Authority.

10) A scheme illustrating that the reverberation time in the play room is less than 0.5 seconds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the first floor residential dwelling and shall thereafter be maintained.

11) The nursery as extended shall not accommodate more than 42 children at any one time, and shall only operate between the hours of 7.30am and 6.30pm Mondays to Fridays and not at all on weekends.

12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the General Development Order 1988 or any other enactment modifying or revoking those orders, the ground floor of the development hereby permitted shall only be used as a day nursery and for no other purpose including any other use within Class D1 of the Schedule to the aforementioned Use Classes Order, other than the specific use hereby permitted.

**The reasons for the conditions are:**

1) To comply with Section 91 of the Town and Country Planning Act 1990.

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

3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan and to ensure that materials are appropriate in the context of the setting of the adjacent Lodge, a locally listed building.

- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that adequate provision is made for cyclists using the premises and to encourage sustainable travel choices in accordance with policies PCS23 of the Portsmouth Plan.
- 7) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interests of the visual amenities of the area and well planned development in accordance with policy PCS23 of the Portsmouth Plan.
- 9) In the interests of protecting the residential accommodation above from excessive noise and disturbance generated by activity in the nursery below in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) In the interests of protecting the residential accommodation above from excessive noise and disturbance generated by activity in the nursery below in accordance with Policy PCS23 of the Portsmouth Plan.
- 11) In order to control the use having regard to the amenities of the adjoining and nearby residents in accordance with policy PCS23 of the Portsmouth Plan.
- 12) In order that the Local Planning Authority may exercise further control in the interests of the amenities of the nearby properties and compatibility of other activities, having regard to the broad range of Class D1 (non-residential institution) uses, within a predominantly residential area in accordance with policies 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.

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**03** 14/01408/FUL

**WARD:HILSEA**

**CONSTRUCTION SITE BUS DEPOT SITE LONDON ROAD PORTSMOUTH**

**INSTALLATION OF SALES CABIN FOR A TEMPORARY PERIOD OF 6 MONTHS  
STARTING JANUARY 2015**

**Application Submitted By:**  
Kenn Scaddan Associates Ltd

**On behalf of:**  
First Wessex

**RDD:** 29th October 2014  
**LDD:** 30th December 2014

This application has been called to Committee at the request of Councillor Alistair Thompson

## **SUMMARY OF MAIN ISSUES**

The main issues are whether the location of the sales cabin would be appropriate, whether the cabin would be visually acceptable, and parking.

### **The Site and surroundings**

This application relates to the site of a former bus depot located on a prominent corner junction of London Road (A3) and Military Road. The bus depot has been demolished and the site is in the process of being redeveloped to provide a part 5-/part 6-storey building comprising a health centre providing 2 doctor's surgeries on the ground floor, with 59 flats over. A separate single-storey building to be situated adjacent to the northern boundary is proposed for a pharmacy. A 75 space car park would be provided to the rear to serve these uses on a shared/communal basis, with access from Military Road and egress onto London Road.

Immediately adjoining the site are commercial uses; to the north for vehicle sales/servicing and a showroom for spa baths/hot tubs, south of Military Road are the print operations of the Portsmouth News and on the opposite side of the A3 (west) is a petrol filling station with a depot behind operated by First Bus, Portsmouth Grammar School playing fields and Bastian Gardens recreation ground. To the rear (east) of the site are existing three-storey terraced houses fronting one side of a cul-de-sac, Rampart Gardens. However, between the application site and carriageway of the cul-de-sac is a city council owned earth rampart, forming part of the Hilsea Lines Scheduled Ancient Monument, covered by trees. The gun ramp also forms a boundary to 'Hilsea Lines' Conservation Area (No27). The conservation area is characterised wholly by utilitarian military architecture with a strong horizontal emphasis. The area covered by the Ancient Monument includes a Local Wildlife Site, and some 270m to the north-west of the application site is the designated boundary of the Portsmouth Harbour Special Protection (SPA)/Ramsar/Site of Special Scientific Interest (SSSI). The site is within the Indicative Floodplain (Flood Zone 3).

### **Proposal**

The applicant seeks permission for the installation of a sales cabin for a temporary period of six months. The sales cabin would be situated within a compound 6m wide by 14.7m deep adjacent to the northern boundary of the site fronting London Road, and would be bounded by a low wall and heras fencing. The compound would be hard surfaced with the 2.4m by 6m sales cabin located approximately 5.8m from the front boundary. The cabin would have an overall height of approximately 3m.

### **Relevant history**

The relevant planning history is limited to the planning permission for the redevelopment of the site to provide the building that is now nearing completion and pharmacy. A concurrent application seeks consent for the display of advertisements associated with the sale of apartments within the development.

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS17 (Transport), PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **Natural England**

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Portsmouth Harbour has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

## **REPRESENTATIONS**

Although at the time of preparing this report no representations had been received, Ward Councillor Thompson wishes to secure a more meaningful commitment in relation to the problem of parking in Military Road and Firgrove Crescent.

## **COMMENT**

The principal issues to be considered in the determination of this proposal are whether the location of the sales cabin would be appropriate in principle, whether the cabin would be visually acceptable, and whether it would otherwise affect the provision of car parking facilities associated with the development of the site for residential purposes or give rise to increased pressure on parking facilities in the locality. The sales cabin would not be considered to adversely affect flood risk within the site.

The proposed sales cabin would be situated adjacent to the northern boundary of the site within the footprint of the single storey pharmacy building that was approved under the planning permission for the redevelopment of the site. The future provision of the pharmacy would be tied to the delivery of the ground floor health centre as part of the main building over which there is some uncertainty. With no immediate need to commence construction on the pharmacy building, and having regard to the relationship of this part of the site to the adjoining commercial premises to the north, it is considered that in principle the installation of the sales cabin as proposed would be acceptable.

In visual terms the sales cabin, when set up, would have plain external finish to the back and sides, while the front opens up to create a canopy to the stepped entrance with advertising panels at each end. The underside of the south face of the cabin would be screened by panels, and the views from the adjoining public highway would be screened by 1.1m high advertising panels and a gate. It is considered that on a temporary basis the proposed sales cabin would amount to an acceptable feature in the street scene.

Situated within the footprint of the pharmacy building the proposed sales cabin would not result in the loss of car parking facilities that are required to be provided as part of the redevelopment of the site. Although developers would normally provide a nominal level of car parking for visitors associated with a sales cabin, in this case none are to be provided. However, this site is located in close proximity to public car parks either side of London Road which are considered capable of accommodating additional demand from visitors to the sales cabin during the period it will be needed. It is therefore considered unlikely that the proposed sales cabin would result in such an increase in demand on on-street parking within Military Road or Firgrove Crescent to significantly affect the living conditions of existing residents.

## **RECOMMENDATION**

### **Conditional Temporary Permission**

## Conditions

- 1) The sales cabin hereby permitted shall be removed on or before 30 June 2015 unless a further permission is granted to extend the permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 986-PD-300; STREET ELEVATION; SITE PLAN.

### The reasons for the conditions are:

- 1) To enable the Local Planning Authority to re-assess the situation given the temporary nature of the sales cabin in accordance with policy PCS23 of the Portsmouth Plan.
- 2) 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.

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**04** 14/01491/FUL

WARD:COPNOR

**ADJACENT TO PORTSMOUTH OUTDOOR CENTRE EASTERN ROAD PORTSMOUTH**

**INSTALLATION OF 3M HIGH MESH FENCING, 6NO. 15M HIGH FLOODLIGHTING COLUMNS, 3NO. PORTACABINS, 2NO. SPECTATOR STANDS, KIOSK AND DUGOUTS, PROVISION OF ADDITIONAL PARKING FACILITIES AND EMERGENCY ACCESS; AND ENVIRONMENTAL IMPROVEMENTS TO PROVIDE REPLACEMENT HABITAT**

### Application Submitted By:

Les Weymes Planning Consultancy Ltd

### On behalf of:

Baffins Milton Rovers Football Club

**RDD:** 14th November 2014

**LDD:** 12th January 2015

### SUMMARY OF MAIN ISSUES

The main issues are whether the principle of the development would be acceptable having regard to designation of the application site as protected open space and its presumption against net loss of existing areas of open space, having regard to the siting of changing facilities, spectator stands, dugouts and a kiosk covering a total of some 137sqm; whether the alterations and additions would be visually acceptable in the context of the surrounding area; whether the intensification of use at the site resulting from the proposal adversely affect the surrounding highway network; whether the proposed modular buildings and security fencing would be visually acceptable; and whether the proposal would adversely affect the nature conservation interests at the application site and the adjoining Langstone Harbour.

## The site

This application relates to a long and narrow area of protected open space located between Eastern Road, at its junction with Anchorage Road, and Langstone Harbour. The site, which is laid out as grassed sports pitches, is bounded along its western boundary by a low timber fence and a strip of early mature trees that provide a buffer to the busy main road and the commercial uses beyond. To the east the site is flanked by Tudor sailing club, including a large boat store, the Portsmouth Outdoor Centre and a private access road that runs along its length. To the north the site is separated from a further area of open space, currently used for parking, and Kendall's Quay by a grass mound. The application relates specifically to the northern extent of the open space which is currently laid out as a football pitch.

The application site is located within close proximity of habitats which form part of the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site is also located within the indicative flood plain (Flood Zones 2 & 3).

## The proposal

Permission is sought for the installation of 3 metre high fencing enclosing the site to form a football ground and the installation of: 6no. 15 metre high floodlighting columns; 3no. portable cabins to the northern extent of the site; 2no. spectator stands to the eastern side; a kiosk; dugouts (canopies) and the provision of additional parking facilities and emergency access. The proposal also incorporates an area of rough grassland further to the south which would be improved to provide replacement habitat.

## Planning history

Whilst there is an extensive planning history relating to the wider site incorporating the Portsmouth Outdoor Centre and changing rooms and car park to the south, none is directly relevant to the determination of this application.

Planning permission was granted in June 2014 (ref.13/01369/FUL) for the use of the land immediately to the north as a freight transport depot and parking area with the siting of two single storey modular buildings and the installation of 15no. 5 metre high lighting columns.

## POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within Portsmouth City Local Plan 2001-2011 would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport), and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2001-2011 would also be a material consideration.

## CONSULTATIONS

### **Langstone Harbour Board**

Comments not received at the time of writing.

### **Hants & IOW Wildlife Trust**

Comments not received at the time of writing.

### **Contaminated Land Team**

Comments not received at the time of writing.

### **Leisure/ArbOfficer**

None of the trees on site or adjacent to Eastern Road are considered to be of sufficiently high amenity value to merit protection by tree preservation order.



The foundations for the floodlights (1metre square by 1.3metres deep) are to be a minimum of 1.5m away from any trees and are required to be hand dug. Where roots less than 50mm diameter are encountered they are to be cleanly sawn through using a pruning saw. Where larger roots are encountered the advice of the Arboricultural Officer is to be sought before any roots are severed.

The trench for the electricity cables will be placed approximately 5 metres away from any trees with cables leading to each of the flood light bases. Trenches are to be hand dug and care taken to avoid root damage. Alternatively no dig mole techniques are to be used.

The guidelines in Volume 4 NJUG Guidelines For the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees are to be followed.

Where it is necessary to remove any branches over hanging the pitch works are likely to be minimal.

In order to allow the construction of a 3 metre high fence along the western boundary of the site it may be necessary to remove some low hanging branches, works are likely to be minimal however care is to be taken when digging post holes to minimise root damage. Where roots less than 50mm diameter are encountered they are to be cleanly sawn through using a pruning saw. Where larger roots are encountered the advice of the Arboricultural Officer is to be sought before any roots are severed.

The trees that require removal to facilitate the construction of the stands are of low amenity value and probably self-seeded. There will be no requirement for replacement planting.

Article B of Rule 25 Ground Grading Requirements requires a 1m hard stand on one side of the perimeter barrier to be of bonded material. On the western boundary of the pitch adjacent to the trees on Eastern Road this is to be of no dig construction utilising a geocellular membrane and porous surfacing.

#### **RSPB**

Comments not received at the time of writing.

#### **Sport England**

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Paragraph 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England.

Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:

- E1 An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport;
- E2 The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches;
- E3 The Development only affects land incapable of forming part of a playing pitch and the would lead to no loss of ability to use/size of playing pitch
- E4 Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility;
- E5 The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

The application proposes works to the northern football pitch which are necessary to support the progression of the Baffins Milton Rovers Amateur Football Club to a step 6 Club in order to play in the Sydenhams Football League.

The application would result in the loss of two areas on the playing field. The area of playing field to the north would be lost to accommodate the portable cabins and the land to the south east of the pitch would also be lost to create the emergency access.

The development is considered an exception to Sport England's policy. In particular Exception Policy E2 which states: The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use. This being the case, Sport England does not wish to raise an objection to this application, subject to the inclusion of conditions relating to the layout and standard of the pitch.

#### **Crime Prevention Design Advisor**

Comments not received at the time of writing.

#### **Natural England**

Natural England do not raise an objection to the application as long as the following conditions are applied to any planning permission:

- No construction works to take place within 90 minutes of a high tide during the bird overwintering period (October to March inclusive) to avoid impacts to the SPA functional habitat within which the application site is located.
- The enhancement area to the south of the application site should be provided and managed as set out in the Planning Statement Including Design and Access Statement and Flood Risk Considerations and retained in-perpetuity. A management agreement in support of the above should be agreed in writing with the landowner.
- A methodology for monitoring of the use of the development area by brent geese for the period 1 October 2015 to 31 March 2016 to be agreed in order to demonstrate whether geese continue to utilise the football pitch. Should no evidence of use be found then the 3 meter high fence along the southern boundary must be removed and replaced with a lower impact boundary to be agreed by Portsmouth City Council and Natural England.

#### **Ecology**

The application site is adjacent to Chichester and Langstone Harbours Special Protection Area (SPA), the Solent Maritime Special Area of Conservation (SAC), as well as Langstone Harbour Site of Special Scientific Interest (SSSI), which underlies part of the SAC / SPA designation. SPAs and SACs are legally protected under domestic and EU law and as such need to be fully considered in the planning process.

The SAC is designated for the habitats and plant communities it supports. The SPA is designated for a range of bird populations it supports at various times of year, including breeding, passage and over-wintering birds.

The nearby Portsmouth Harbour SPA is also designated for overwintering Brent Geese, and while that particular SPA is further away, there may be some interchange between Portsmouth Harbour, Langstone Harbour and the application site.

A formal assessment of the potential effects of the application on the designated sites is presented in the appended HRA record. In summary this has concluded:

- The application would result in changes to an existing playing field identified as being used by Brent Geese, which are part of the qualifying features of Portsmouth Harbour and Chichester and Langstone Harbours SPAs.
- The proposal will result in a net increase in the extent of suitable Brent Goose foraging resource at the site, with this increase being located closer to the designated site and thus more accessible to Brent Geese.
- The project will result in an increase in the formalised sports use of the site but a reduction overall in disturbance arising from informal use over longer time periods on the new sports field.

- The proposals will thus not reduce the functioning of the site for Brent Geese.
- The proposals will not result in any direct or indirect impacts to the designated sites themselves.
- It is therefore considered that the project would not have a likely significant effect on any European designated sites.

It is advised that Natural England are consulted on this, and that certain conditions are added to any planning permission to ensure construction activity avoids the sensitive over-wintering period and that the management plan for the enhancement area is implemented.

#### Legally protected species

The site was identified as having some low potential to support general bat foraging / commuting activity, due to the presence of trees and wooded boundary features. The majority of the site, being amenity grass, does not present good quality bat foraging habitat.

The wooded features to the north and south will be unlit, while the eastern boundary will be illuminated when the new floodlights are in use. However, this treeline is already well lit due to the presence of the main Eastern Road. Given the presence of the existing lighting, generally low value foraging habitat and the highly urban nature of the surroundings, it is not considered that the proposals would have a significant adverse effect on bats. No concerns are raised over this issue.

#### **Highways Engineer**

Comments not received at the time of writing.

#### **Coastal and Drainage**

Small gravel traps along the edges of any hard surfacing such as the pathways and the vehicular access will help keep these routes free of standing water.

#### **Environmental Health**

There are no residential properties within the immediate vicinity of the proposed development, and the design of the lighting scheme indicates that there should be little upward lighting or light spillage from the floodlights. Therefore no objection is raised.

#### **Environment Agency**

No objection raised.

### **REPRESENTATIONS**

None received at time of writing.

### **COMMENT**

The determining issues in this application are:

1. Principle of the proposed development;
2. Visual impact;
3. Impact on residential amenity;
4. Highways/parking implications;
5. Impact on nature conservation interests;
6. Flood risk;
7. Other including matters raised within representations

The application has been submitted by Baffins Milton Amateur Rovers Football Club which was established in 2003. The applicant's Design & Access Statement provides background to the setting up and community roots of the club, which has seen successful rise up the Wessex League and now the club has the opportunity to enter to the Sydenhams Football League (Wessex). However, to meet requirements for league entry the club must meet a number of criteria, including the use of a Category G ground (of the National Ground Grading).

In order to meet this requirement, the club seek planning permission for a number of alterations and additions to the northern football pitch to form their new home ground. This would include the enclosure of the site with a fence (up to 3 metres in height), the installation of six 15 metre high floodlights, a 1.1 metre high barrier and 1 metre wide concrete path around the perimeter of the playing surface, the provision of two covered spectator stands for up to 100 spectators (each 6.6m wide, 2.9m deep, 2.9m high), two team dugouts, a small ticket kiosk and three portable cabins (9.7m wide, 3.1m deep, 2.4m high) to provide home and away team dressing rooms, storage and toilet facilities. A new pedestrian access path to the north and an emergency vehicular route to the south would also be created.

#### Principle of the proposed development

The whole of the grassed area at the application site and that to the south is allocated as protected open space by policy PCS13 (A greener Portsmouth) 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'.

Section 8 the National Planning Policy Framework (NPPF) highlights the role the planning system can play in facilitating social interaction and creating healthy, inclusive communities. Paragraphs 73 & 74 state: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required....Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.

Whilst the application site is currently unfenced and open to use by the general public, it is noted that with the exception of organised sporting events, including use by the applicant, the site is used infrequently for more informal recreational activities other than dog walking. This is likely to be as a result of the site's disconnected location with limited crossing points from residential neighbourhoods to the west across the busy Eastern Road (A2030), and the provision of other recreational facilities (including grassed sports pitches) within Anchorage Park. Therefore, the enclosure of the application site is unlikely to have a significant impact on informal recreational activities that take place across this wider area of open space.

Furthermore, whilst the site is allocated as protected open space, it should be noted that the policy does not, at any point, refer to public open space. There are a number of areas of protected open space across the city that are not readily open to the general public (free of charge) and are allocated due to the contribution they make to natural habitats, green corridors and the visual relief they provide to the dense urban environment in which they are located.

Though it is acknowledged the site would remain as open space (with the exception of the new structures) after enclosure by installation of fencing the role would change but would make some contribution towards the City's green infrastructure network.

The only physical loss of open space would be from the siting of the portable cabins, spectator stands dugouts and the kiosk amounting to approximately 137sqm. However, having regard to their scale comparative to the size of the site and the contribution they would make towards improving the sporting facilities and supporting local football within the local community, it is considered that the wider public benefits of the proposal would outweigh the presumption against the loss of protected open space as required by policy PCS13 of the Portsmouth Plan. The proposal is therefore, considered to be acceptable in principle.

Sport England have confirmed that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). However, on the basis that the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use, no objection is raised.

### Visual Impact

Whilst the southern football pitch is more prominent when viewed from the west, much of the application site is screened from view by early mature trees and hedgerows that flank the Eastern Road. A narrower strip of trees also extends around the eastern side of the site, providing a buffer to the adjoining boat store, effectively enclosing the northern section of the ground.

The portable cabins and the kiosk, which would be positioned along the northern boundary, are not considered to be of the highest quality in design terms. However, it is accepted that they are of a relatively modest scale and would be comparable to other supporting facilities found elsewhere within the city. On the basis that they would be positioned to the northern extent of the site and would be screened to a significant degree by vegetation, it is considered that they would be acceptable in visual terms and would not detract from the verdant open character of the area.

The application site would be enclosed by a fence up to 3 metres in height. As a result of its position against the backdrop of the trees, it is considered that much of the fencing would not appear particularly prominent. The exception would be the southern section of fence line, extending east to west across the open space, which would be more apparent, particularly when viewed from the south. However, having regard to the specific type of fencing proposed (chain link) which does not appear as solid as alternative means of enclosure, it is considered that its limited visual impact would not detract from the overall character of the site.

At a height of 15 metres, the six floodlighting columns would be visible from a considerable distance although their slender design and location against the backdrop of Kendall's Quay, a boat store and commercial uses to the west, would not be considered to represent overly prominent features of the skyline. Their impact would inevitably be most obvious when the floodlights are in use, having regard to the less urbanised character and appearance of the east side of Portsea Island; however, tall columns potentially maximise direction of floodlighting toward the pitch and thereby minimise light spillage. The remaining supporting facilities in terms of the dug outs, barriers and spectator stands are of a typical design associated with the use of the site as a football ground and would be acceptable in visual terms.

### Impact on residential amenity

The application site is located approximately 350 metres from the nearest residential dwellings and separated by the Eastern Road and a number of other commercial uses. In addition, the submitted floodlighting study indicates that there would be little upward lighting or light spillage

from the floodlights. Therefore, it is considered that the proposal is unlikely to have a significant adverse impact on the amenity of the occupiers of the nearest residential properties.

#### Highways/parking Implications

Access and egress to the site would be from the traffic controlled junction with Eastern Road to the north, and a council-owned access road that serves the Tudor Sailing Club and the Portsmouth Outdoor Centre. It is noted that as part of a recent permission at the adjoining site to the north (to enable its use as a freight transport depot ref.13/01369/FUL) phasing modifications are proposed to the traffic lights to enable safer access and egress. However, this permission has yet to be implemented and improvements to this junction cannot be relied upon as part of this application.

Although the site is already laid out as sports pitches, the proposal will inevitably result in an intensification of use generating additional vehicular movements on the surrounding highway network and increasing the demand for parking. However, it should be noted that the physical use of the sports pitches is not under consideration as part of this planning application and the existing use could operate more intensively, albeit at a lower standard than that proposed by the applicant, without the need for planning permission.

In acknowledgment of the increase in activity resulting from additional spectators and visiting teams, the applicant proposes the creation of additional parking areas (17 spaces) to the east and west of the private access road, and the provision of bicycle storage facilities within the ground itself. It is also highlighted that the football club currently play their home games on the pitch immediately to the south using the existing changing facilities and car park without significant impact on the surrounding highway network. Additional parking facilities would also be available at the Portsmouth Outdoor Centre when activities do not clash with the timings of football matches.

The application has been considered by the City Council's Highways Engineer who advises that the proposal is unlikely to have a significant adverse impact on the surrounding highway network. The constrained nature of the site and presence of the Eastern Road would effectively prevent parking spilling over onto the surrounding highway.

#### Impact on nature conservation Interests

The proposed development lies within 100m of the Chichester and Langstone Harbours SPA/Ramsar and Solent Maritime SAC boundary (although part of the application site is adjacent to the SPA / SAC / Ramsar, the majority is separated from these designated sites by existing marine use) and approximately 3km from Portsmouth Harbour SPA / Ramsar.

There is no likelihood of a significant effect on the SAC or Ramsar designations, due to the nature of the designations themselves and the effects the designations are vulnerable to.

The application site itself, together with the cricket pitch and additional football pitch to the south are noted as an 'uncertain' high tide Brent goose feeding site (site P11) in the Solent Waders and Brent Goose Strategy. As such, the site supports the function of the nearby SPA designations. To explore the use of the site by the SPA species, the applicant commissioned a Brent goose survey. This was also supplemented by further site visits in the winter period towards the end of 2014. This work explored the level of use of the site and importantly the distribution of goose use across site. The applicant has also identified an area of land to the south of the site which is currently not suitable for use by Brent geese. Through the Brent Goose Refuge Management Plan, it is proposed to prepare and maintain the site in such a way that it would be suitable.

Following the results of the survey work in its entirety it can be concluded that site P11 as a whole is valuable to Brent Geese. There will be a loss of 450 square metres of grassland,

however the area to be enhanced is approximately 1000 square metres. Additionally, this gain will be more favourably located adjacent to the SPA rather than towards the more northern part of the site affected by the project. This northern area - although used by the geese - is a narrower section of the site and is closer to existing disturbances from the car park, roads and sports activities. The preparation and maintenance of the Brent Goose Refuge can be secured through an appropriately worded condition.

Overall, it is considered that there will not be a net loss of extent or structure of the Brent Goose habitat, indeed there would be an increase in habitat. However there would be a permeant change in distribution of the species across site P11. However the increase in area of available foraging habitat and the proximity of the enhanced area to both the SPA and the more frequently used southern section of site P11 mean that the distribution of the habitat is somewhat improved. Thus it is concluded that the change in distribution would not be likely to lead to a significant effect on the nearby SPA designations.

However it is likely that construction activities in this location would lead to a loss of effectiveness of site P11 as a Brent goose high tide feeding site due to the presence of disturbing activities. However this can be avoided by not undertaking construction activity during the high tide period, when the geese are likely to be using the site. This can be secured through an appropriately worded condition.

As the Government's statutory advisor on nature conservation, Natural England have been consulted on the development and raise no objection as long as the conditions referred to above, together with a separate condition requiring further monitoring, are attached to any planning permission. The city council, as a competent authority under the Habitats Regulations, has also undertaken a Habitats Regulations Assessment as part of the determination of this application. The assessment concluded that there is no likelihood of a significant effect on any European designated nature conservation sites through the development.

#### Flood risk

The site is located within the indicative flood plain (Flood Zones 2 & 3). However, the proposal is for ancillary facilities to support existing recreational facilities which are considered to be a less vulnerable use in flood events. On that basis, it is considered that the proposal would not result in an increased risk of flooding at this or adjoining sites.

City Council's engineers have suggested minor design modifications in the form of gravel traps along pathways and the use of alternative permeable materials to aid surface water drainage and help keep access routes free of standing water.

#### Other including matters raised within representations

The site contains a number of trees which could be affected by the proposed development, particularly the need for trenches to supply electricity to the floodlights, the foundations for the floodlights, the construction of the fence and the spectator stand. However if works are undertaken in line with the appropriate guidelines then any harm to the trees will be avoided. Similarly, if the advice of the Arboricultural Officer is followed in relation to the installation of the fence, harm to the trees in this location will be avoided. It is considered that the trees which will need to be removed to allow the spectator stands to be installed are of low amenity value. Nonetheless, the correct procedure for addressing arboricultural issues should be secured through an appropriately worded condition.

#### Conclusions

The proposed development would lead to a loss of designated open space and a reduction in the multifunctionality of the space as a green infrastructure resource. However the development will substantially improve the quality of sports facilities on the site and the contribution that the

development would make to supporting local football in the community and so the proposal is considered to be acceptable in principal. The development would not lead to any adverse effects on the amenity of local residents or on the local highway network. The proposal has been considered in light of legal obligations on the city council from the Habitats Regulations and it is considered that there is no likelihood of a significant effect on any European sites.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 8406 01 Rev-D, Portable Cabin Floorplans, Portable Cabin Elevations, LT EX 03, Fence & Dugout Elevations, Floodlight Details and Sheffield Cycle Stand Details.
- 3) The enhancement area to the south of the application site should be provided and managed as set out in the Planning Statement Including Design and Access Statement and Flood Risk Considerations and retained in-perpetuity. A management agreement in support of the above should be agreed in writing with the landowner.
- 4) No construction works shall take place within 90 minutes of a high tide during the bird overwintering period (October to March inclusive).
- 5) The floodlights hereby permitted shall be installed in accordance with details provided within the 'Baffins Milton Rovers FC Lighting and Spillage Assessment' (produced by Highlights Floodlighting Ltd. dated 02.06.2014) and shall be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.
- 6) The boundary fence (including supporting structure) hereby permitted shall be colour treated in green or such other colour as may be agreed in writing with the Local Planning Authority and shall be permanently retained in that condition.
- 7) Prior to the first use of the portable cabins hereby permitted, the additional parking spaces shall be provided in accordance with approved drawing 8406 01 Rev-D. The spaces shall thereafter be retained for the parking of vehicles at all times unless otherwise agreed in writing with the Local Planning Authority.
- 8) Prior to the first use of the portable cabins hereby permitted (unless otherwise agreed in writing), the bicycle storage facilities shall be provided in accordance with approved drawing 8406 01 Rev-D and details within the Design and Access Statement. The facilities shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.
- 9) The works to erect the floodlights must be done in line with Volume 4 NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees
- 10) To avoid disturbance impacts to Brent Geese and to protect the biodiversity value of the site in accordance with Policy PCS13 of the Portsmouth Plan.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.



- 3) To conserve and enhance biodiversity with respect to European designated sites and in accordance with Policy PCS13 of the Portsmouth Plan.
- 4) To avoid disturbance impacts to Brent Geese and to protect the biodiversity value of the site in accordance with Policy PCS13 of the Portsmouth Plan.
- 5) To avoid disturbance impacts to Brent Geese and to protect the biodiversity value of the site in accordance with Policy PCS13 of the Portsmouth Plan.
- 6) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To ensure that adequate provision is made for the parking of vehicles following the intensification of use at the site as a result of the improved facilities, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Residential Parking Standards SPD.
- 8) To ensure appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car following the intensification of use at the site as a result of the improved facilities, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 9) To ensure the continued protection of the existing trees on the site in accordance with Policy PCS13 of the Portsmouth Plan.
- 10) To avoid disturbance impacts to Brent Geese and to protect the biodiversity value of the site in accordance with Policy PCS13 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 pre-application process to achieve an acceptable proposal without the need for further engagement.

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City Development Manager  
8<sup>th</sup> December 2014