

PLANNING COMMITTEE

14 JANUARY 2015

5 PM EXECUTIVE MEETING ROOM,
3RD 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>

INDEX

Item No	Application No	Address	Page
01	14/00790/FUL	Site Of Savoy Buildings & Savoy Court South Parade Southsea	PAGE 1
02	14/01345/FUL	15 Harbour Ridge 163 Queen Street Portsmouth	PAGE 28
03	14/01100/FUL	Cadgwith Place Port Solent Portsmouth	PAGE 32

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 & Stone Retirement Lifestyles Limited

RDD: 26th June 2014**LDD:** 6th October 2014

This application was considered by the Planning Committee at its meeting on 17th December 2014. Members resolved to defer the application and invited the applicant to consider further design amendments to the scheme. The applicant has requested that the application be determined on the basis of the amendments that have already been made and have provided comments setting out the reasoning behind this request, which are set out in **Appendix 1** to this agenda.

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 Seafrost 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.

Design Review Panel

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 run off 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 shown yellow on the attached plans (again, to include the full frontage onto Clarendon Road) are areas 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 27 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; and
- 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.

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 any time 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 to 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 No's 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. It is however clear that the scheme is not financially viable if a policy complaint financial contribution of £630,000 were to 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. Following a review of the applicant's updated submission, a potential underestimation of sales values and an overestimation of other contribution has been identified. The applicant has accepted this and as a result an additional £170,000 has been offered towards affordable housing. Together with the previous additional contributions the applicant is now offering a total affordable housing contribution of £267,779.45 together with other Section 106 contributions totalling £20,332.00. These contributions are accepted as being the most that could be achieved on the site without making the scheme financially unviable and consequently preventing the redevelopment of this important site.

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 as does the advice contained within the Supplementary Planning Document (SPD) on Sustainable Design and Construction. 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 results 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 [$>1000\text{sqm}$] ... 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".

The planning permission which was granted on appeal for redevelopment of the Savoy Buildings site was accompanied by a unilateral legal undertaking securing planning obligations which became binding when the permission was implemented. There is a remaining obligation to provide affordable housing on site. If the development to which the current application relates were to be implemented, the remaining obligation of the previous legal undertaking would no longer serve a planning purpose, because the provision for affordable housing will be off-site with a developer contribution. Accordingly it is recommended that the legal agreement securing the planning obligations that are reasonable and necessarily related to the current proposal should also discharge the 2007 planning obligation in respect of provision of affordable housing (but not otherwise) under the provisions of Section 106A of the Town and Country Planning Act 1990 (as amended).

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 of £267,779.45 towards the off-site provision of affordable housing;
- a review of the financial viability if the development has not reached shell and core within 24 months of the planning permission being granted;
- a financial contribution of £5332.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- a financial contribution of £4500.00 towards the preparation and implementation of a traffic regulation order to provide a loading bay for the retail unit;
- the implementation of the travel plan associated with the proposed development;
 - a financial contribution of £5500.00 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 £5,000.00

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 it's 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 affect 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) In the interests of enhancing the safety and convenience of users of the adjacent highway.

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.

02

14/01345/FUL

WARD:CHARLES DICKENS

15 HARBOUR RIDGE 163 QUEEN STREET PORTSMOUTH PO1 3HT

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

Application Submitted By:

Mrs Wenan Lu

RDD: 14th October 2014

LDD: 16th December 2014

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

The Site and its Surroundings

This application relates to a fourth floor flat located within an eight-storey block to the northern side of Queen Street, just to the east of its junction with Cross Street. The flat currently comprises two bedrooms, a bathroom, a kitchen and a living room with access to a balcony. The surrounding area is predominantly residential in character with a small parade of shops to the west with flats above and a park to the east. The site is located within the 'Portsea' locality of the City Centre as defined by policy PCS4 of the Portsmouth Plan.

Proposal

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at

least a kitchen and/or a bathroom. The lawful use of the property is as a dwellinghouse within Class C3.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document would also be material to this application.

CONSULTATIONS

City Centre Consultation

No comments received.

Private Sector Housing

The property is suitable to be used as a HMO. The bedrooms (2) and bathroom are all of adequate size to accommodate at least 2 persons.

If the current living room is converted into a bedroom, then the size of this room would be enough to allow it to be used for a couple, who form a single household and therefore taking into account these rooms the property could be used for 4 person, who form 3 household or alternatively the property could be used to house 3 persons, who form 3 households.

However, the kitchen at 6.84 m² is just below the standards that we would be looking for shared accommodation. This however, would not prevent the property being used as a HMO if the kitchen had a usable layout and food preparation and cooking for all persons living in the property could be undertaken in a safe way.

With regard to the current requirement for a licence under Part 2, Housing Act 2004, the property could be licenced for 4 persons, who form 3 households.

REPRESENTATIONS

19 letters of representation have been received from owners and occupiers of properties within Harbour Ridge and on behalf of First Wessex, who lease the adjoining block, and the management agents (the Old Brewhouse Residents limited) of Harbour Ridge. Their objections can be summarised as follows: (a) The proposal would change the character of the building; (b) Building unsuitable for use as HMOs; (c) The proposal could result in 4 bedsits with 8 occupants; (d) There would be no communal area within the flat if used as a HMO; (e) Increase in refuse; (f) Parking; (g) Increase in noise and disturbance; (h) Increase in anti-social behaviour; (i) Increased demands on water and sewerage systems; (j) Fire hazards; (k) Increase maintenance costs to other leaseholders within the block; (l) Building Insurance would be invalidated; (m) Proposal would breach freeholder/leaseholder covenants; (n) Impact on property value; and (o) Post boxes will need to be rearranged.

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3).

Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use.

In identifying the area surrounding the application property, 7 of the 81 properties within a 50 metre radius were identified as being in Class C4 use. It is noted that of the 7 properties identified, the use of three (57, 45b and 46c Queen Street) was not entirely clear and investigations are on-going to establish the lawful use of these properties. However, even if it is established that all of these properties are in lawful use as HMOs, the number of HMOs as a percentage would be 8.64%, rising to 9.88% if permission was granted, below the 10% threshold set out within the HMO SPD. It is therefore considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

Impact on Amenity

The representations refer to the potential increase in noise and disturbance and anti-social behaviour resulting from the use of the property as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not a significant concentration of HMOs within the surrounding area or within Harbour Ridge itself, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

The City Council's Private Sector Housing Team has confirmed that in addition to planning permission, a licence under the Housing Act would also be required. It has been confirmed that the property and supporting facilities (bathroom and kitchen) are of a sufficient size to accommodate a maximum of four persons occupying either the two bedrooms or the two bedrooms and the existing living room.

It is acknowledged that the use of all three rooms as bedroom accommodation would result in the absence of any communal living space other than the small kitchen. However, whilst this is not considered to be an ideal solution, and the living conditions of future occupiers would be

compromised as a result, on the basis that the property is of a sufficient scale under the Housing Act to accommodate up to four persons, it is considered that an objection on the internal living conditions of future occupiers could not be sustained.

Whilst any planning permission for a Class C4 use would effectively allow the property to be occupied by up to six individuals, in light of the comments of the Private Sector Housing Team, the reality is that the property could not physically be used to its full potential in planning terms. The concerns raised within representations that the proposal could result in creation of 4 bedsits with 8 occupants is therefore, unfounded.

Car Parking & Bicycle storage

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on parking grounds could not be sustained.

The flat does not benefit from the use of any external amenity space other than a small balcony. Therefore, bicycle storage required by the Parking Standards SPD to encourage the use of more sustainable modes of transport cannot be provided. However, given that the proposal is considered to be acceptable in all other respects, the level of occupation would not be materially different to the current lawful use, the wider block already benefits for communal bicycle storage facilities and additional storage cannot physically be provided, an objection in this respect could not be sustained.

Other Matters including those raised in representations.

The storage of refuse and recyclable materials would remain unchanged.

Given that the level of occupation would not be materially different to the current lawful use, it is considered that the proposal would not place significant additional pressure on water and sewerage systems, communal areas within the building or present an additional fire hazard.

Whilst concerns raised in respect of increase maintenance costs, building insurance, freeholder/leaseholder covenants, impact on property value and arrangements relating to post boxes are noted, these are not material planning considerations and cannot be offered any weight in the determination of this application.

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: Location Plan and Proposed Floorplans.

The reasons for the conditions are:

- 1) Approval of the details of the layout, scale, appearance of the proposed building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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.

03

14/01100/FUL

WARD:PAULSGROVE

CADGWITH PLACE PORT SOLENT PORTSMOUTH

INSTALLATION OF TRAFFIC ISLANDS AND PARKING BAYS IN CADGWITH PLACE PARKING COURT

Application Submitted By:

Martin Critchley Architect

On behalf of:

POSOL, C/O Countrywide

RDD: 22nd August 2014

LDD: 27th October 2014

SUMMARY OF MAIN ISSUES

The main issues are whether the principle of the development would be acceptable, whether the proposal would be visually acceptable in the context of the surrounding area, whether the proposal would result in any significant highway issues and whether it would have a significant adverse impact on the amenity of the occupiers of adjoining and nearby residential properties.

The Site

This application relates to an open square within Cadgwith Place at Port Solent which forms part of the adopted highway. The square is bounded by residential dwellings and front driveways to the north and east and provides access to a garage court to the north-east. Parking bays flanking the side elevations of dwellings on Cadgwith Place and Carbis Close are located to the south and west respectively. The cul-de-sac also provides pedestrian and bicycle access to Carbis Close and the Marina basin. Due to the provision of hardstandings across the full width of many dwellings, soft landscaping is limited to a small number of front gardens and a few small raised planters around the perimeter of the square. The site falls within the indicative floodplain (Flood Zone 2) and an SSSI consultation area.

The Proposal

Permission is sought for the installation of traffic islands and parking bays within Cadgwith Place.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS2 (Port Solent), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth) PCS17 (Transport) and PCS23 (Design and Conservation).

CONSULTATIONS

Highways Engineer

The proposed scheme would organise the central parking in an appropriate manner. At present with no central designated parking areas in the square the disorganised parking can make vehicular manoeuvres difficult, including access to the driveways.

There are no on-street parking restrictions in the vicinity of the proposed parking bays. The proposal aims to increase parking availability in an organised manner.

The applicant has amended the layout (Drawing no. 1448-214D) to show the space available around the island is adequate for refuse vehicle to manoeuvre in a safe manner.

The whole square area forms part of the adopted highway. The works can be carried out under Sec 50 licence. Any works on the adopted highway should be carried out in consultation with Colas Ltd.

Natural England

The application site is in close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special protection Area (SPA) Natural England advises 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 the LPA 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. It is therefore advised that this SSSI does not represent a constraint in determining this application.

Contaminated Land Team

Given the relatively limited scope of the works a condition relating to land contamination is not required. However, the developer should be made aware that the area upon which Cadgwith Place is located was reclaimed from the sea. A site investigation report produced by LBH Wembley recommended the provision of gas membranes within the floor construction of the new houses (now known as Cadgwith Place) in order to protect the buildings from anticipated relatively high CO₂ levels on the site, and from the perceived risk of methane migration. The ground itself is not thought to be potentially contaminated, as the land was created by filling with compacted chalk fill, however the potential for contamination to be present should not be completely discounted.

Given the above an informative should be added, advising the developer that they should contact the Contaminated Land Team if any unexpected materials or materials of concern (such as oily, ashy, odorous or fibrous materials) are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

REPRESENTATIONS

13 letters of representation have been received from property owners, occupiers and users of the Port Solent area objecting on the following grounds: (a) The proposal would result in a loss of parking; (b) The proposal would push parking problems elsewhere within Port Solent; (c) The

proposal would restrict the use of a multi-functional space; (d) The proposal would restrict manoeuvring space for larger vehicles including refuse vehicles, removal vans, delivery lorries etc.; (e) Proposal not required; (f) Cost implication to residents through service charges/maintenance charges; (g) Proposal would restrict visitor parking for users of remote berths; and (h) There are better solutions to provide parking and landscaping.

23 letters of representation have been received from property owners, occupiers and users of the Port Solent area in support of the proposal. Their comments can be summarised as follows (a) The square is currently used for the chaotic and inconsiderate parking of vehicles often blocking other vehicles and access for emergency vehicles/refuse lorries etc.; (b) Disorganised parking visually blights the area; (c) The area is currently abused by non-residents with vehicles left for long periods over the weekend; (d) The proposal would improve access for larger/emergency vehicles; (e) The proposal would improve safe manoeuvring from driveways; (f) The proposal would organise parking within the area; and (g) The proposal would create a consistent appearance across Port Solent.

Two additional letters raising general comments in respect of the issues above have also been received from local residents.

COMMENT

The determining issues in this application are:

1. Principle of the proposed development;
2. Highways/parking Implications;
3. Visual Impact;
4. Impact on residential amenity;
5. Flood Risk;
6. Other including matters raised within representations.

Permission is sought for the installation of a traffic island to provide six formal parking spaces to serve residential properties within the vicinity of the site.

Principle of the proposed development

The application site forms the termination point of a residential cul-de sac and is designated as adopted highway. In addition to creating an area of open space which offers some relief from the enclosed built environment, the square provides access to residential driveways, eight existing parking spaces located against the flank walls of Nos.19 Cadgwith Place and 27 Carbis Close, a garage court to the north-east, a pedestrian/cycle route to Carbis Close and pedestrian access to the marina basin via gates to the south-east.

Although the central section of the square is not formally laid out for parking, it has been highlighted within the representations, and confirmed through site visits, that the area is frequently used informally as a parking court. However, due to its scale and lack of formal markings, parking is often on an ad-hoc basis with unorganised and inconsiderate parking resulting in friction between local residents, restricted manoeuvrability, and resulting in visual clutter.

As the area is adopted highway and is currently used informally for the parking of vehicles, it is considered that the principle of formalising the parking situation would be acceptable, subject to detailed consideration of any highway impacts, visual appearance and residential amenity.

It is considered that any formalisation of parking within the central part of the square would not detract from the multi-functional use of the area highlighted within representations.

Highways/parking Implications

The proposal has been amended from that originally submitted following concerns raised by the City Council's Highways Engineer in respect of access for larger vehicles and the isle width between the existing parking spaces and private driveways. The amended proposal which shows the provision of six parking spaces orientated at approximately 45 degrees to the existing spaces is supported by a swept path plan demonstrating that a 10.3 metre long refuse vehicle (or similar) could perform a similar manoeuvre to which it currently performs without encroaching upon the new spaces, landscaping, or the adjoining private driveways.

The amended proposal has been considered by the City Council's Highways Engineer who has concluded that the revised layout (Drawing No.1448-214 rev-D) demonstrates that there would be adequate space for vehicles to manoeuvre around the newly created island in a safe and convenient manner without restricting access to the existing parking spaces or private driveways. A reduced isle width of 5.2 metres (from the suggested 6 metres) between the new island and the existing spaces is considered to be sufficient in this instance due to the orientation of the spaces at 45 degrees to one another. A formalised parking would also offer the benefit of ensuring that turning spaces for larger and emergency vehicles are kept available at all times and is not reliant on all users parking in a responsible manner.

As the existing space is not formally laid out for parking, the proposal would technically result in a net increase of six parking spaces, and would address the current regime of unorganised and inconsiderate parking that has resulted in access problems in the past. The proposal would also act as a deterrent for users of remote berths at Port Solent, who often leave vehicles within the square due to the absence of any formal parking restrictions, and gently encourage such users towards the larger visitor car parks within the commercial development to the south. It should be noted that the residential neighbourhoods of Port Solent were not designed to accommodate visitors using the remote or private berths associated residential dwellings. In this respect all properties within the Port Solent development are the subject of a planning condition restricting the independent use of the moorings from residential properties in order to discourage extraneous traffic from residential areas. It is considered that the proposal would not result in significant additional parking issues elsewhere within the Port Solent Development.

The City Council's Highways Engineer has also confirmed that the proposed works can be carried out through a Section 50 (Road Opening) and any future maintenance costs are considered to be insignificant. Therefore, a contribution towards the on-going maintenance of the area is not sought as part of this application.

Visual Impact

The application site and the surrounding square are uncharacteristic of the wider Port Solent development where culs de sac are often terminated with small landscaped visitor parking areas or garage courts. The scale of the existing block paved space does appear forgotten and somewhat incongruous in relation to the adjoining properties when empty. However, when used for informal parking, the space can appear untidy and somewhat cluttered detracting from the generally consistent character of the surrounding area.

The proposal would introduce three small landscaped beds, the largest of which would be positioned to the south-east corner which would be most prominent to vehicles entering the square from the south. Whilst the proposal would result in a formalised parking, which in itself would not be particularly attractive, the areas of landscaping would add interest to the square helping to soften the large expanse of block paving and the properties beyond. Therefore, subject to a suitably worded planning condition requiring the submission of a detailed landscaping scheme for consideration, the proposal would be acceptable in visual terms and would not detract from the open character of the square.

Impact on residential amenity

Given that the square is already used informally for parking and the proposal is unlikely to result in an increase in activity, it is considered that the creation of the parking spaces and associated landscaping is unlikely to have a significant adverse impact on the amenity of the occupiers of the adjoining properties.

Flood Risk

It is considered that the proposal would not result in an increased risk of flooding at the site. Furthermore, given that the area is already hard surfaced, the proposal is unlikely to affect surface water drainage within the area. Indeed, areas of soft landscaping could potentially reduce the amount of surface water run-off.

Other including matters raised within representations

A number of representations suggest that the proposal is not necessary and more appropriate solutions for providing parking within the square should be considered. However, it should be noted that the Local Planning Authority must consider the proposal before it which, as highlighted above, is considered to be of an acceptable design given the specific site constraints.

The cost of implementing the proposal through increased service/maintenance charges to the residents of Port Solent are not material planning considerations and should be offered no weight in the determination process.

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: 201 and 1448-214 Rev-D.
- 3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the first use of the parking spaces. 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 similar size and species.

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 policies PCS13 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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City Development Manager
5th January 2015