

DEVELOPMENT CONTROL COMMITTEE

30 NOVEMBER 2005

2 PM CONFERENCE ROOM A CIVIC OFFICES

REPORT BY THE CITY PLANNING OFFICER ON PLANNING APPLICATIONS

ADVERTISING AND CONSIDERATION OF APPLICATIONS

All applications have been included in the Weekly List of Applications which is sent to City Councillors, Local Libraries, Citizens Advice Bureaux, Residents' Associations etc, and is available on request. All applications are subject to the City Council's 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 provisions of the Development Plan and due regard has been paid to their implications on 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 the Amenity Bodies) will be included in the City Planning Officer'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 proposal under consideration.

APPLICATION DATES

The two dates shown at the top of each report/schedule item are the application's registration date - 'RD' and the last date for determination (8 week date) - 'LDD'.

THE HUMAN RIGHTS ACT

The Human Rights Act 1998 requires the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevance to planning decisions are *Article 1 of the First Protocol – The Right to the Enjoyment of Property*, *Article 6 – The Right to a Fair Hearing* & *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.

PHOTOGRAPHS

IN ORDER TO FACILITATE PUBLICATION AND EASE OF USE ON THE WEBSITE, ANY PHOTOGRAPHS CONTAINED IN THIS REPORT HAVE BEEN DELETED

1

DA: A*14117/AD

43 EASTERN PARADE SOUTHSEA

CONSTRUCTION OF FIRST FLOOR AND SECOND FLOOR TO EAST/WEST/FRONT AND REAR ELEVATIONS WITH BALCONIES TO FRONT AND REAR AND DETACHED GARAGE TO REAR

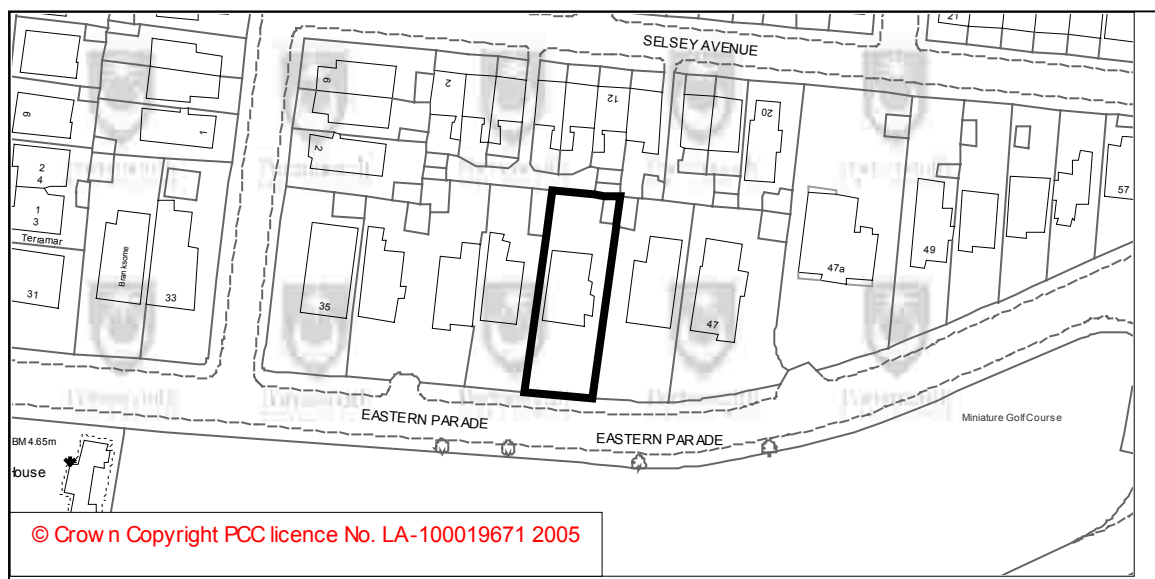
submitted by:
PWP ARCHITECTS LTD

RD: 14/09/2005
LDD: 22/11/2005

on behalf of:
MR & MRS HIBBERD

THE SITE

1. The application relates to a chalet bungalow on the north side of Eastern Parade, opposite the Miniature golf course. The dwelling is sited within a row of larger detached dwellinghouses, which are predominantly two-storey. This form of development characterises this part of Eastern Parade. The area to the north is also predominantly residential. The site falls within Conservation Area 29: Craneswater and Eastern Parade, as designated in April 2005.



PLANNING HISTORY

2. Planning permission was granted in May 1997 for alterations to the dwelling, to include an increase in the height of the eaves level from 3.1 to 5.5m, and the replacement of the existing roof to accommodate enlarged first floor accommodation (ref. A*14117/AA). The approved roof had a maximum height of 8m.
3. Planning permission was granted in November 1997 for an amended scheme of the above application (ref. A*14117/AB). The amendment included a new replacement roof structure with a maximum height of 10.7m. The eaves height remained the same as the previous proposal.
4. The above permission was renewed in 2002 (ref. A*14117/AC).

PROPOSAL

5. Planning permission is sought for alterations and enlargement of the dwelling.

POLICY CONSIDERATIONS

6. The relevant policies in the Portsmouth City Council Local Plan are E2 (General Environment), E20 (Conservation Areas) and H17 (Dwelling Extensions).
7. The relevant policies in the Portsmouth City Local Plan Review: Proposed Modifications are DC1 (Design Principles), DC5 (Amenity and Pollution) and DC10 (Conservation Areas).

CONSULTATIONS

8. None.

REPRESENTATIONS

9. Twelve letters of objection have been received from local residents, one from Councillor Terry Hall and one from Blake Laphorn Solicitors, objecting on the grounds of: (a) loss of light to neighbouring properties, and to properties in Selsey Avenue to the rear; (b) excessive bulk; (c) that the resulting building would be too large; (d) 'oppressive' impact on neighbouring properties; (e) overlooking and loss of privacy from balconies; (f) the front elevation would protrude beyond the existing building line, out of keeping with surrounding properties; (g) overdevelopment of the site; (h) design out of keeping with the Conservation Area; (i) loss of view from housing in Selsey Avenue; (j) proposed garage too large.

COMMENT

10. The determining factors in this application are whether the proposed alterations and extensions would have any significant impact on neighbouring properties in terms of loss of outlook, light or privacy, and whether the design of the building would preserve and enhance the character and appearance of the Conservation Area.
11. A scheme to alter and enlarge the property was permitted in 1997 and renewed in 2002. This scheme has not been implemented but is still valid. It is therefore also relevant to consider the extent to which the proposed scheme would differ from the existing permission.
12. In the proposed scheme, the building would measure a maximum of 10.266m in height (5.6m to eaves), 16.3m in depth and 11.5m in width. The footprint of the building in terms of the maximum depth and width would remain the same as existing. Two balconies are proposed on the front elevation, which would extend beyond the front wall of the house by 1.5m, to approximately the same level as the existing front bay window. In comparison with the scheme previously permitted, the maximum height would be reduced from 10.7m to 10.26m, but the bulk of the roof would be increased. The eaves height would be increased by 0.1m. Given that the pitched roof would slope away from the neighbouring properties, it is not considered that this scheme would result in a significant impact in terms of loss of light or outlook to the neighbouring properties.
13. In terms of loss of privacy, the current scheme originally proposed a rear balcony, but this has since been removed. The same amount of windows are proposed on the side (east and west) elevations as permitted in the previous scheme. A condition would be attached to the decision to require that these windows are obscure glazed to prevent overlooking into bedroom windows of the neighbouring properties. Rooflight windows are proposed within the roofslope but due to their high level they would not result in any significant loss of privacy to the neighbouring properties. The front balconies, which would overlook the front garden of the property, are also not considered to give rise to an unacceptable loss of privacy.

14. The application site now lies within the Craneswater and Eastern Parade Conservation Area, designated in April 2005, and it is therefore necessary to consider whether the proposed development would preserve and enhance the character and appearance of the Conservation Area. The surrounding area is characterised by large detached dwellings with pitched roofs, and the staggered building line of the properties in this part of Eastern Parade is also considered to be an important characteristic. The proposed front balconies would protrude forward of the front wall of the house to approximately the same level as the existing bay window, therefore the staggered building line would not be affected. In terms of its visual appearance, the Conservation and Design team are satisfied that the pitched roof design would relate well to the surrounding properties and the visually important gaps between the buildings would be maintained. A condition would be attached to the decision notice to require samples of bricks and roof tiles to be approved by the Local Planning Authority before construction.
15. Other grounds of objection from local residents relate to the size and location of the proposed garage and loss of view for residents of Selsey Avenue to the rear. The garage has been removed from the scheme and the loss of a view is not a material planning consideration.
16. In conclusion, when the proposed development is compared with the extant permission, it is not considered that it would result any significant additional impact on the neighbouring properties in terms of loss of outlook, light or privacy. Furthermore, the design of the development is considered appropriate to preserve and enhance the character and appearance of the Conservation Area.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions - windows on east and west elevation at first floor level to be obscure glazed; samples of materials to be submitted and approved by the Local Planning Authority.

BACKGROUND PAPERS

14 Letters of Objection

2 **DA:** A*20079/AF

16-18 GROVE ROAD SOUTH SOUTHSEA

CONVERSION OF GROUND/FIRST/SECOND FLOORS TO FORM 14 FLATS INCLUDING ALTERATIONS TO ALL ELEVATIONS WITH ASSOCIATED PARKING, CYCLE AND REFUSE STORAGE FACILITIES; CONSTRUCT NEW BOUNDARY WALL TO NELSON ROAD/GROVE ROAD SOUTH AND NEW ACCESS TO NELSON ROAD

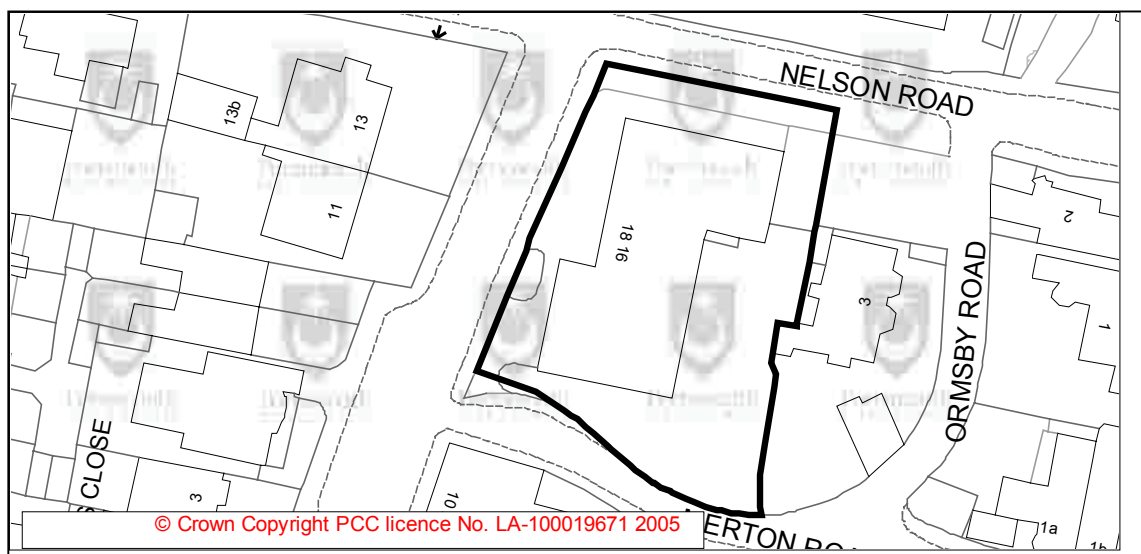
submitted by:
PLC ARCHITECTS

RD: 09/09/2005
LDD: 14/11/2005

on behalf of:
WILLOW BROOK PROPERTY SERVICES LTD

THE SITE

1. The application site is an essentially rectangular shaped plot covering 0.15ha fronting Grove Road South but with return frontages onto Nelson Road and Merton Road. A 1970's 3-storey office building just under 13m high (developed in 2 phases) occupies the site. Mature trees line the southern boundary and south-west corner of the site. To the east is an existing two-storey house known as 'Dalton Cottage', with front and side garden areas.
2. The site is within 'Owen's Southsea' Conservation Area (No2) and the trees within the site are included in a Tree Preservation Order.



PLANNING HISTORY

3. Outline permission was granted for a 3-storey block of 12 flats on the northern half of the site in March 1968.
4. However, a 3-storey block comprising 10,000sqft (930sqm) of offices was similarly permitted in February 1970 on this north part of the site. Further, a 3-storey office block of 7,500sqft (700sqm) was granted outline permission as an extension to the existing offices (following demolition of No1 Merton Road) in February 1975 on the remainder of the site. Open parking areas are presently located at the rear of the office building and on an adjoining area of land (within the ownership of the applicant but not included in the application site).
5. In November 2003 a planning application for residential redevelopment of the site sought a building in part 3 and part 4-storeys to form 30 flats (as amended). Accessed from Nelson Road, a basement parking level proposed space for 18 cars and secure cycle storage. A 1.8m high boundary wall was proposed to enclose the site. The application was refused permission in July 2004 but allowed at Appeal in April 2005.
6. An application for alteration and conversion to form 12 flats within the existing fabric of the office building only was permitted in March 2005 (following amendments deleting the construction of an additional floor, by an extension at roof level, to accommodate a thirteenth flat).

PROPOSAL

7. This proposal seeks external alterations and conversion to form 14 flats, again within the existing fabric of the office building only.
8. A gated parking court with 14 bays is proposed to the rear of the building to be accessed via a new dropped kerb formed onto Nelson Road. A new 1.8m high panelled wall is proposed onto Nelson Road and Grove Road South.

POLICY CONSIDERATIONS

9. Relevant policies in the Portsmouth City Local Plan would include: E2 (General environment), E19/E20 (New development in conservation areas), T18 (Parking standards) and ED5 (Loss of land used for Class B1 uses not normally permitted).
10. Relevant Local Plan Review (Proposed Modifications) policies would include: SP2 (Design and Heritage), SP7 (Housing Provision), DC1 (Design Principles), DC5 (Amenity and Pollution), DC6 (Flood Protection), DC9 (Refuse storage), DC10 (Conservation Areas), DC14 (Trees), DC21 (Contaminated Land), DC25 (Transport Issues in New Development), DC28 (Parking Standards) and DC47 (Residential Density).

CONSULTATIONS

11. English Heritage is a statutory consultee and state that they do not wish to offer any comments.
12. Southsea Town Council raises no objection.
13. Environment Agency raises no objection.
14. The Head of Public Protection comments on the need for conditions to secure insulation of the building against external noise protection and site investigation (including any remediation, as necessary).
15. The Highways Authority comment that the proposed conversion provides one space per flat and subject also to provision of secure cycle storage, raise no objection.
16. The Crime Prevention Design Advisor comments that poor layout/access arrangements provide increased risk rather than design-out consideration of tackling crime. The scheme has subsequently been amended.

REPRESENTATIONS

17. Three letters have been received – one considers 14 flats better than the previous (appeal) scheme for 30 flats, a second considers space for electric buggies equally as important as cars (the lack of provision in nearby 'Holmbush Court' is described as giving rise to difficulties) and the third, expressing concern that nothing is ever done, 2½ years it has been derelict with unsightly boarded windows and it collects rubbish.

COMMENT

18. The main issues are the principle of alterations and residential conversion for 14 flats, the impact on the character and appearance of the conservation area, parking/highways implications and the impact on surrounding development.
19. Alternative residential use of the site within a predominantly residential area is, in principle, acceptable. Five flats per floor (at ground and first floor levels) and four flats on the second floor would provide 13 x 2-bedroom and 1 x 3-bedroom unit within the 1630sqm of existing floorspace. Ranging in size between approximately 70sqm and 140sqm, the dwellings are thereby not considered an overintensive use of the site or building.
20. The existing office block is unattractive and does not make a positive contribution to the character and appearance of 'Owen's Southsea' Conservation Area. Retaining existing

buildings is normally a first preference within a conservation area. However, the existing 1970's office block does not contribute positively to the conservation area and a replacement building would, in my view, present a better opportunity to secure improvement. The proposed external alterations seek to give the existing unattractive office building a more residential appearance. The existing stair core would be retained and a second introduced to provide two entrances onto the two main facades of Grove Road South and Nelson Road. Curved stainless steel canopies and render panels lifted slightly higher than the existing parapet lines, with new fenestration either side, would mark these entrances. The contemporary design solution seeks to add some interest to the main elevations and replacement windows in powder-coated aluminium (in grey) would present quality materials.

21. The existing site does not define the public/private space well. Attractive and robust boundary treatment, as proposed as a panelled wall, would be sympathetic. Boundary walls are an important existing townscape characteristic in the locality and would only enhance the setting and special amenity value of the existing TPO trees on the site. Additional tree planting is indicated on the site layout plan, a detailed scheme for which would be covered by condition.
22. The provision of one car parking space per flat is proposed to serve the development. The new access onto Nelson Road is designed to provide vehicular access/egress clear of new entrance gates. These gates would be set back some 6½m from the back edge of the pavement and designed with railings on the east side to maintain visibility when leaving the site. The Highways Authority raises no objection on the highways/transport implications.
23. Conversion wholly within the envelope of the existing building would not bring built-form any closer to adjoining properties. External alterations would act to reduce the amount of glazing compared to the existing office building. The conversion would thereby not give rise to any greater overlooking than from existing windows (provided the roof is not utilised as a sitting out/roof terrace area) although the timescale of typical office usage may be different (recognising that 24-hour call centre operations erode the convention of 8am to 6pm Monday-to-Friday office working hours). The proposed conversion is not considered to give rise to any significant adverse impact on occupiers of adjacent properties. An annexed part of the site in the ownership/control of the applicant, immediately adjacent 'Dalton Cottage', remains excluded from the application site; it may present a development opportunity but appears capable of piecemeal development in isolation, without prejudicing this proposed conversion for the remainder of the site.
24. In previously granting planning permission for alteration/conversion to 12 flats it was recognised that there are sustainability arguments for reusing existing buildings, where practicable. I conclude, once again, that the proposed external alterations would not detract from the character and appearance of the conservation area. Further, in the wider context of the new boundary wall (subject to careful detailing and quality materials) and landscape improvements would arguably enhance the setting of this unattractive building within the conservation area.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions - Details of the hard and soft landscape scheme to be agreed and implemented; proposed railings, walls and gates to be constructed and retained; details of any other means of enclosure to be agreed; details of noise insulation scheme to be agreed and implemented; refuse and secure cycle stores to be provided and retained; site investigation/remediation; TPO trees to be protected during works on site; 14 parking spaces to be provided and retained; roof not be used as a sitting out area/terrace; detailed appearance of boundary wall/piers/copings to be agreed and brick (to new walls) to match existing; detailed schedule of other external materials/finishes to be agreed and external alterations to be carried out (before first occupation) in accord with agreed materials.

BACKGROUND PAPERS

3 Letters of Objection
Letter of no objection from Southsea Town Council

Consultation response from Highways Authority
Consultation response from Head of Public Protection
Consultation response from Crime Prevention Design Advisor

3 **DA:** A*21668/AA

196-204 ALBERT ROAD SOUTHSEA

CONVERSION OF REAR PART OF GROUND FLOOR TO FORM THREE FLATS, CYCLE AND REFUSE STORE; INFILL AT FIRST FLOOR LEVEL TO ENLARGE EXISTING FLAT (NO 3); CONSTRUCTION OF ADDITIONAL FLOOR OVER PART OF BUILDING TO CREATE THREE FLATS AND ONE MAISONETTE AND ALTERATIONS TO REAR PROJECTION TO PROVIDE LEAN-TO ROOF

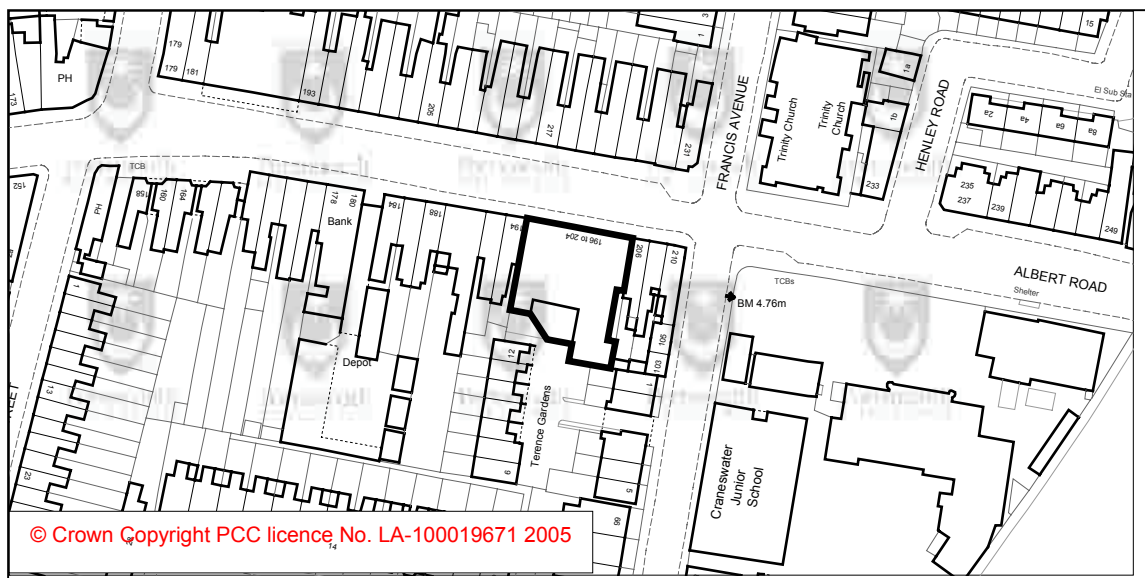
submitted by:
PLC ARCHITECTS

RD: 06/10/2005
LDD: 01/12/2005

on behalf of:
TRISTMIRE LTD

THE SITE

1. The application site comprises a two-storey building located on the north side of Albert Road. The ground floor is divided into fourteen small retail units which are accessed from Albert Road. At first floor level there are six flats, which are accessed from Albert Road with a staircase to the rear. To the rear of the site is a courtyard area.



2. The southern boundary of the site abuts the properties in Terrence Gardens; a 1.8 metre high fence forms this boundary along with an existing 3.7 metre high building forming the boundary with No 1 Terrence Gardens. There are residential properties to either side of the application site at first floor level. The site is within the Albert Road Local Centre as identified in the Local Plan.

PLANNING HISTORY

3. None relevant in the last five years.

PROPOSAL

4. The application seeks planning permission to change the use of part of the ground floor to create three flats. Eight retail units will remain within the ground floor albeit in a different configuration.
5. The scheme also proposes changes to the first floor to create a further flat to the front of the site and a maisonette to the rear of the site. In terms of alterations to the elevations, the proposal results in a first and second floor extension to infill the gap to the front of the existing building. This results in a three-storey element to the front of the site.
6. Alterations and an extension are also proposed to the rear of the site. Currently on the boundary with No 1 Terrence Gardens there is a 3.7 metre high building. The scheme seeks to remove this and construct a single storey element, 2 metres of the southern boundary. The scheme also involves the construction of a mansard roof above the existing two-storey flat roof element to the rear. The proposed first floor element and mansard roof are set away from the boundary with No 1 Terrence Gardens by 5.8 metres. Cycle and refuse storage is provided at ground floor level.

POLICY CONSIDERATIONS

7. The relevant policies within the Portsmouth City Local Plan 1995 are; E1 and E2 (Quality of the Environment); E40 (Site Investigation); H4 (One and Two bedroom dwellings); and T18 (Car Parking).
8. Turning to the Local Plan Review: Proposed Modifications the relevant policies are DC1 (Design Principles); DC5 (Amenity and Pollution); DC9 (Storage of Refuse); DC21 (Contaminated Land); DC25 (Transport Issues in New Development); DC28 (Parking Standards); DC33 (Local Centres); DC34 (Local Shops); and DC47 (Residential Density).

CONSULTATIONS

9. The Head of Public Protection recommends the normal conditions in relation to site investigation and remediation measures as may be found necessary along with conditions to protect the future residents against noise.
10. The Transport Policy Team comments that the site is located within an area of medium accessibility to public transport and the site is highly accessible to a wide range of goods and services. The requisite cycle storage has been provided to the rear and no objection is raised to the principle of the proposal.

REPRESENTATIONS

11. Ten letters of objection have been received; these include comments from Councillors Terry Hall and Irene Strange and Southsea Town Council. The comments received relate to; (a) overbearing impact; (b) loss of light; (c) loss of privacy; (d) overintensive use of property; (e) increased noise and disturbance in the access alleyway; (f) increased amount of rubbish to be left on the pavement; (g) fire risk; (h) this development would set a precedence for similar sites along Albert Road; (i) low cost housing is not welcomed in the City; (j) the development will exasperate car parking problems in the area; no toilets are provided for the proposed ground floor retail shops; and the development will be out of character with the predominant height of buildings along Albert Road.

COMMENT

12. The main issues relate firstly, to the principle of the creation of further residential accommodation at the site, secondly, the impact on the neighbouring residential properties, the proposed design of the extensions in relation to the host property and the Albert Road streetscene and finally, the proposed alterations to the retail element of the premises.
13. Turning to the first issue of the principle of further residential development within the site, the proposal would result in a further six flats on the site, resulting in twelve in total. Four of the flats on the site are to remain as existing, and of those proposed by this development, six would be two bedroom flats and two would be one-bedroom flats. The proposed flats have an average floorspace of 49 square metres and in this respect the scheme is considered to be acceptable. The ground floor flats have direct access to a communal courtyard area to the rear of the site.
14. Turning to the issue of the residential amenity of neighbouring properties, the immediate neighbours are those to the rear of the site in Terrence Gardens and the flat above No 206 Albert Road and No 194 Albert Road. The properties in Terrence Gardens are three storeys and the rear garden of No 1 Terrence Gardens abuts the southern boundary of the application site. There is currently a single storey outbuilding directly on the boundary between the application site and No 1 Terrence Gardens. This existing building is to be demolished as part of the proposal and a single storey building constructed to accommodate one of the ground floor flats. The proposed single storey element would

be located 2 metres away from the southern boundary with No 1 Terrence Gardens and would have a height of 2 metres at the eaves.

15. Currently there are two large windows to the southern elevation, the internal layout would be altered and this would result in the elevation being amended to incorporate three smaller windows to serve the proposed maisonette. As there are windows at first floor level I do not consider the proposed alterations to the first floor accommodation would have any significant impact on the neighbours in Terrence Gardens. The proposal also includes the construction of a mansard roof above the existing two storey flat roof. The proposed mansard roof, facing Terrence Gardens features three rooflights and two dormer windows are proposed to the west elevation. The proposed mansard roof would be 5.8 metres from the boundary with No 1 Terrence Gardens, given the gap retained between the application site and the proposed mansard roof, and considering the location of the rooflights I am of the view that this element of the scheme would not result in any overlooking of the neighbouring properties nor would the development have an overbearing impact on No 1 Terrence Gardens.
16. To the east and west the application site is bounded by No's 206 and 194 Albert Road, both of these properties have a ground floor commercial element with residential accommodation at first floor level. No alterations are proposed to the eastern elevation of the property and there is no impact on No 206 Albert Road. At the eastern boundary of the site the premises abut No 194 Albert Road. At present, there are a series of two storey projections, which accommodate the existing flats with windows in the east elevation, which serve the existing first floor flats. The existing windows have direct views into the garden area of No 194 Albert Road. The application seeks to increase the height of part of the existing two storey projection to create the mansard roof, this will result in a two storey projection of 4.5 metres and where the mansard roof element is proposed the height increases to 8.5 metres for a length of 9 metres. The proposed east elevation would retain the two windows of the existing flat at first floor level and also proposes two further windows, which would serve landing areas. The two proposed landing windows can be conditioned to be obscure glazed and would therefore not result in any additional overlooking. In terms of the impact of the additional floor, at the nearest point to No 194 Albert Road the scheme remains two storeys. Where the mansard roof is proposed this element is 4.5 metres from the main window of the first floor flat. The whole building remains set in off the boundary by 1.6 metres, which retains a degree of outlook to No 194 Albert Road and does not result in an overbearing impact.
17. The third issue for consideration is the design of the proposed extensions. To the rear of the site, there are a series of unsympathetic additions some of which would be remodelled as a result of this development. The alterations to the rear are considered to be acceptable in terms of the design. Turning to the front elevation, the scheme proposes to retain the two storey elements of Nos 196 and Nos 204 Albert Road. The central element of the building would be increased to three storeys, increasing the overall height at this point to 10 metres. The main part of the proposed building is set back from the Albert Road frontage by 2.3 metres at the first and second floors. The scheme also proposes a three-storey projection, which features a gable end to the Albert Road frontage. In terms of the design of the building I am of the view that the proposal would work well with the recipient building, and the wider Albert Road streetscene. Whilst the majority of buildings along this section of Albert Road are two storeys there are some three storey buildings, including No 190 Albert Road and the Trinity Church on the corner of Albert Road and Francis Avenue. Given the character of the area and the existing three storey buildings I am of the view that the scheme would work well in terms of the relationship with the Albert Road streetscene.
18. Finally, the site is identified as being within the Albert Road Local Centre (DC33). The application would reduce the amount of retail floorspace on the site, however it is only

the shops to the rear of the site that are to be lost. The retail frontage to Albert Road would be retained and the scheme is considered to accord with Policy DC33.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions - details of materials, scheme to protect future occupants against noise, cycle and refuse store to be provided and retained, site investigation/remediation, landing windows in east elevation to be obscure glazed, boundary treatment with No 1 Terrence Gardens

BACKGROUND PAPERS

- 10 Letters of Objection
- Letter of objection from Southsea Town Council
- Consultation response from Transport Policy Team
- Consultation response from Head of Public Protection

4 **DA:** A*26996/AP

QINETIQ FRASER FORT CUMBERLAND ROAD EASTNEY

REDEVELOPMENT OF SITE WITH 131 RESIDENTIAL UNITS (A TOTAL OF 13,300SQM GROSS EXTERNAL FLOORSFACE) ACCOMMODATED IN THREE NEW BUILD BLOCKS; BLOCK A - PART 7, PART 6 AND PART 5 STOREY (7,400SQM); BLOCK B - PART 6, PART 5 AND PART 4 STOREY (3,500SQM); AND BLOCK C - PART 5, PART 4 AND PART 3 STOREY (2,400SQM); TOGETHER WITH CONSTRUCTION OF ASSOCIATED CAR PARKING, PROVISION OF MEANS OF ACCESS (INCLUDING ACCESS ROAD FROM FORT CUMBERLAND ROAD) AND LANDSCAPING WORKS (INCLUDING ESPLANADE)

submitted by:
GVA GRIMLEY

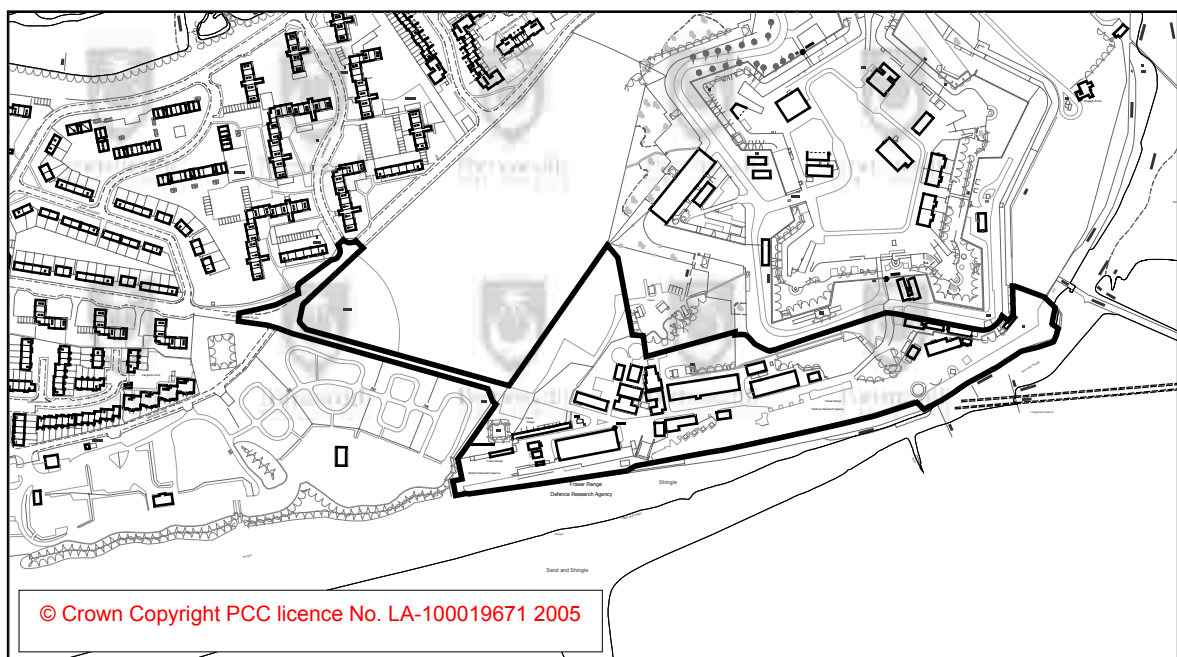
RD: 28/04/2005
LDD: 23/06/2005

on behalf of:
QINETIQ

THE SITE & SURROUNDINGS

1. Qinetiq are the freeholders of an area of land located at the south-eastern corner of Portsea Island, incorporating a shingle beach down to mean high water mark, previously known as Fraser Range. The northern boundary of their premises abuts Fort Cumberland, a Scheduled Ancient Monument incorporating Listed Buildings, and a small section of land within the ownership of Southern Water Services Ltd. The north-west/west boundary abuts an area of public open space and the Southsea Caravan Park [part of which is used for the laying up of boats/yachts]. The area subject of this application, however, includes part of Fort Cumberland Road, and the access road that connects Fort Cumberland Road to the Fraser site together with a narrow strip of the adjoining land [owned by Portsmouth City Council]. While the land ownership of Qinetiq extends to some 4.6ha, the red line boundary encloses an area of some 4.8ha.

2. The main part of the development site comprises some 24 buildings of varying size, used for a combination of offices, stores, research laboratories and light industrial workshops. There are, in addition, ten other structures including two tall radar masts, tanks, sheds and sub-stations. The majority of buildings are located on the western half of the site and, with redeployment of staff to Portsdown Technology Park [Qinetiq's other landholding within the City], have largely become unused. The occupation of parts of the site by AMS, for the purposes of radar tracking trials to fulfil MoD contracts, and Associated British Ports, who operate a radar from the western lattice tower for the purposes of monitoring shipping movements within the eastern part of the Solent, under lease agreements will be terminated. Notice to quit was served on ABP in September 2005 requiring their vacation of the site by 28 March 2006. The AMS lease expires in 2008 by which time they would have made alternative arrangements to carry out testing at their main site. The mainly undeveloped eastern part of the site falls within the Scheduled Ancient Monument and incorporates the original access to and egress from the Fort.
3. Until the late 1950's/early 1960's the area east of Henderson Road as it turns south leading to Eastney Beach was dominated by MoD uses but remained comparatively open in character. The only significant structures in existence at that time was the Fort itself, a complex of buildings within Fraser and a large concrete and timber barrier at the south-western end of a firing range, the latter has since been demolished and falls within the site of the Camping and Caravan Park. In the 1960's the MoD built blocks of four-storey maisonettes and two-storey houses on land to the south and north of Fort Cumberland Road, to form married quarters, and some twenty years later the area to the north-east was developed [Horse Sands Close] with a combination of houses and flats of similar scale while Southsea Marina was created as a separate commercial venture. Since that time the former Married Quarters Stores facility situated between Henderson Road and Melville Road was redeveloped to provide fifty-three houses and forty-seven flats.
4. Taking an historical view of this part of Eastney, the application site and Fort to the north has represented a nub of development that has seen buildings and structures added or removed to meet the changing circumstances of its defence related occupiers, while the areas to the west and north have become urbanised within the last half century. Only the areas to the north-east and east of Fort Cumberland have retained a flavour of the original openness that once characterised this part of Portsea Island.



PLANNING HISTORY

5. Fraser had been used by the MoD as a firing range and for gunnery training for a significant period of time following the 2nd World War. In comparatively recent times the emphasis on training waned in favour of research and development of electronic and radar detection systems complementing the DERA facility at Portsmouth. Many of the existing buildings and structures were constructed at a time when operational development was the subject of a consultation process pursuant to Circular 18/84 and its 1969 predecessor.
6. In relation to the use of the site a Lawful Development Certificate was issued in July 2004 recognising that its lawful planning use is for high technology research and development purposes falling within Class B1(b) of the Use Classes Order.
7. Since the privatisation of the Defence and Evaluation Research Agency and subsequent formation of Qinetiq in its place, the latter have sought to make more effective use of the corporate estate. As part of that process Qinetiq activities on the Fraser site have been redeployed to Portsmouth Technology Park and the site has been declared surplus to requirements. Although the site and existing buildings could continue to be used for commercial purposes Qinetiq had explored alternative uses before deciding to seek outline permission for its redevelopment for residential use. Prior to the submission of the application the consultants acting on behalf of Qinetiq sought a formal Scoping Opinion pursuant to the Environmental Assessment Regulations to clarify those issues that should properly be dealt with in the submission of an Environmental Assessment as part of the application for planning permission. The City Council's response to the Scoping Report was given on 20 April 2005. In addition to the preparation of that Report, Qinetiq and their consultants were engaged in extensive pre-application discussions with the Planning Service and other third parties to establish the quantum of development that could reasonably be provided on the site and its most acceptable form. It is fair to say that the proposed 131 dwellings to be provided through this application is significantly less than Qinetiq had originally considered possible. The architects for Qinetiq explored, with the Planning Service, a number of options in relation to built form ranging from low-rise buildings set out in a linear fashion through to the creation of an iconic tower block, the latter of similar scale to the East Side Plaza tower at Gunwharf. Through those discussions, however, the ideology of creating three blocks of varying height with curved facades on the western part of the site was considered to offer an acceptable solution. Prior to the submission of the application Qinetiq held a public consultation exercise over a two-day period during which local residents and other interested parties were afforded the opportunity to walk the site. Whilst the feedback was generally positive a number of issues and/or concerns were raised in relation to parking; traffic generation; the likelihood of a future developer seeking to achieve a greater scale of development; scale and orientation of the blocks; precedent for development of adjoining land; and likelihood of anti-social behaviour. Qinetiq have sought to address those issues within the formal application.

PROPOSAL

8. Outline planning permission is sought for the redevelopment of the Fraser site to create a total of 131 flats (1, 2 & 3-bedroom) within three blocks of varying height, the provision of an access road (including improvements to Fort Cumberland Road), and the provision of associated car parking and landscaping works, the latter including a 5m wide esplanade adjacent to the beach/sea defences, footpaths and a viewing area at the eastern end of the site. Although submitted in outline form given the comparative sensitivity of the site the matters to be considered at this stage are siting, means of access and the design/scale/massing of the buildings. As a result only external appearance and landscaping would be considered at the reserved matters stage along with such other matters normally dealt with by conditions.

9. The short section of Fort Cumberland Road between its junctions with Melville Road and



Lumsden Road has been included within the application site in order that the proposed development and associated utilities are accessible from a publicly adopted highway. At present Lumsden Road comprises the nearest adopted highway. The works to that section of Fort Cumberland Road entail the creation of a mini-roundabout at its junction with Melville Road and the proposed access road, an over-run area on the north-west side of the junction and its improvement up to adoptable standards. To serve the proposed development the existing access road connecting Fort Cumberland Road to Fraser will be reconstructed to an adoptable standard within a corridor 9.5m wide for its western section reducing to 9m wide for its eastern section. That corridor, however, excludes the provision of visibility splays to a new access/egress to the existing car park adjacent to the new mini-roundabout junction. A turning area is to be provided at the eastern end of the access road to mark the entrance to the development after which point the estate road will remain private. Those works involve the loss of a strip of land varying in width between 1.5m and 3.5m to the north of the existing access road which forms part of an area of open space and local site of conservation interest. The access road will extend into the development site for a further length of some 220m terminating in a turning area, a small part of which falls within the SAM boundary, providing access to areas of semi-basement car parking to the west of and partly under each of the three proposed blocks of apartments located on the south side of the road. Further parking facilities are to be provided on the north side of the road within a soft landscaped area. Of the three blocks, which are generally orientated on a south-west to north-east axis with an elliptical style footprint, the highest [Block A] is located adjacent to the western boundary and would have a mass seven-storeys in height adjacent to the beach stepping down to five-storeys adjacent to the access road. The second block [Block B] would have a height of six-storeys adjacent to the beach stepping down to a height of four-storeys, while the third block [Block C] would have a height of five-storeys adjacent to the beach stepping down to three-storeys adjacent to the access road. The gross floorspace of each block will be 7,400m², 3,500m², and 2,400m² respectively enabling the provision of 131 apartments with associated stairwells, lifts, corridors, refuse/cycle stores and service ducts. The alignment and variation in heights are designed to, firstly, emphasise a sense of perspective while reducing the scale of the development as it nears Fort Cumberland and, secondly, retain important views out from the Fort in relation to the Sea Forts.

10. Whilst the proposed development would occupy the western half of the area south of the proposed access road, the remaining area to the east and south of Fort Cumberland and the area to the north of the access road to the west of the Fort would become open space. The latter would afford informal recreational use to meet the needs of the

occupiers of the development, in addition to the provision of a children's play area located between Blocks A and B, while the area to the east of Block C and south of the Fort would form an open grassed area with the intention of enhancing conservation interests. Pedestrian activity within that area would be limited to a curvilinear footpath running adjacent to the southern boundary terminating in a viewing area at the eastern end of the site above the existing sea defences. The section of the original access road within the site serving the Fort would be retained and would be linked to the turning area at the eastern end of the proposed access road with a new access drive. The proposed 5m wide esplanade, located behind enhanced sea defences, would have a length of approximately 190m and be linked to each of the three blocks and have one single point of access to the foreshore incorporating a ramp to comply with DDA requirements.

POLICY CONSIDERATIONS

11. In addition to Planning Policy Statement 1 and Planning Policy Guidance Notes in relation to Housing, Transport, The Coast, Nature Conservation [and its re-draft in the form of PPS9], the Historic Environment, Archaeology, Floodrisk and Open Space the Hampshire County Structure Plan 1996-2011 (Review) and the 1995 Portsmouth City Local Plan provide a set of statutorily approved policies against which the proposed development is to be assessed. The Proposed Modifications of the City Local Plan First Review 2001-2011 contain a further set of policies that reflect current National Policy and accordingly carry weight in the determination of the application. Furthermore, the document 'By Design – Urban Design in the planning system: towards better practice' provides advice in achieving quality in the built environment.
12. The HCSP 1996-2011 Review promotes urban regeneration by the redevelopment of derelict, outworn, or underused land or buildings to achieve an appropriate mix of land uses and activities while ensuring that such development is appropriate in design and scale, layout and density to its surroundings (policies UB1 and UB3 refer). Policy E14 refers to archaeology while Policies H1 and H2, in relation to housing provision, are carried through into the City Local Plan and its Draft Review. Policy H11 relates to windfall sites for housing. Finally, Policies E3 require the Local Planning Authority to consider the need to maximise energy efficiency as part of assessing the design and orientation of new development, and C4 in relation to development on the built-up coast, have a bearing on the determination of the proposals.
13. Turning to the Adopted Local Plan the relevant policies comprise; E1 and E2 (Quality of the Environment); E3 (Nature Conservation); E21 (removal of unsuitable features in relation to SAM); E24 (SAM's); E28 (tall buildings); E30 (landscaped setting); E39 (archaeology); E40 (site investigation); ED5 (retained employment); H4 (provision of one- and two-bed accommodation); H5 (affordable accommodation); H6 (mobility housing); OS1 (open space); OS4 (open space); and T18 (parking).
14. The relevant policies of the Local Plan Review: Proposed Modifications are; SP1 (Urban renaissance); SDP2 (Design & Heritage); SP3 (Natural Environment); SP7 (Housing); DC1 (design principles); DC2 (landscaping); DC3 (landmark buildings); DC5 (amenity); DC6 (flood risk); DC7 (infrastructure); DC9 (refuse storage); DC15 (archaeology); DC18 (sinc's); DC20 (loss of open space); DC21 (site investigation); DC25 (transport issues); DC28 (parking standards); DC29 (travel Plan); DC31 (employment land); DC40 (affordable accommodation); DC46 (open space); and DC47 (residential density).

CONSULTATIONS

15. The Head of Public Protection raises no objection subject to the imposition of a condition requiring a site investigation and remediation strategy.
16. A number of issues were raised by the City Council's Archaeology Officer that are also covered by the response from English Heritage. In summary, a RCHME Level II record would need to be made of the WW II gun emplacements, and it is recommended that a

geophysical survey would need to be undertaken particularly as there is insufficient information regarding the impact of the development on any surviving underground remains of the Fort and its earlier phase of development. A developer funded watching brief will be required for the remainder of the site.

17. Although landscaping is a matter reserved for future consideration the City Council's Landscape Architect, whilst expressing some initial concern, comments that greater consideration needs to be given to streetscape issues at the detailed design stage, and careful use of materials and detailing of the buildings should go some way towards reducing the visual impact, particularly the use of a stepped or more dramatic roof line and carefully placed mounding and native planting around the base of each block. Whilst the proposed landscape zones are a sensible and practical design suggestion, the 'promenade' with its degree of formality would be better designed with some variation in its width. As part of a future reserved matters scheme, the developer would need to produce a scheme that complements its location in terms of materials, colours and textures.
18. The Countryside Agency, as a statutory consultee, raises no objection to the proposals.
19. The United Kingdom Fortifications Club reluctantly oppose the application on the grounds that it involves the total demolition of the site and the construction of buildings that are far too high and will overawe Fort Cumberland. The Club also recommends that (a) approximately 1ha of land on the eastern part of the site be sold to English Heritage to include in the Ancient Monument; (b) that the existing buildings are converted to residential use; (c) that representatives of the UKFC, Palmerston Fort Society, The Fortress Study Group, Historical radar Archive, the HMS Collingwood Museum and HMS Sultan Museum be invited to examine the site; (d) at least six gun emplacements should be preserved to give future interested persons a fuller understanding of the site and its contribution to the UK Naval, Aviation and Military Heritage over 100 years of active service; and (e) no account has been taken of flooding or threat from terrorist attack.
20. Whilst English Nature expressed a number of concerns in relation to the proposed development as originally submitted, subsequent meetings and the submission of amended details has satisfactorily addressed those concerns. The amended details related to the restriction of access to the beach to a single point, the deletion of a cycle/pedestrian route leading out of the site at its south-west corner, and the deletion of a circulatory pedestrian route at the north-east corner of the site. Those amendments will minimise any impact on roost sites. English Nature also confirm that an Appropriate Assessment pursuant to the Habitats Regulations would not be required, and that in a wider context conservation interests of the SSSI are unlikely to be affected. It is, however, recommended that a contingency plan/Section 106 agreement is put in place to protect roost sites in the event that access routes and desire lines are not having the necessary affect, and a condition is imposed to avoid disturbance to SPA birds.
21. The Langstone Harbour Board consider this a unique opportunity to demolish the existing buildings and landscape the area, thereby replacing visually unattractive buildings that have been developed in a piecemeal fashion over the years. Public access to the site, opening up views of Fort Cumberland, would be a welcome addition to those areas of open space that currently exist. The proposed development, however, is seen as being out-of-keeping with the scale of other buildings in the area and would therefore have a detrimental impact on the seafront panorama. Furthermore, the resulting increase in population will result in increased pressure on local infrastructure, and the upgrading of the sea defences would need to be explored in the context of coastal processes.
22. In response to the scheme as originally submitted the Hampshire & IoW Wildlife Trust expressed some concerns over the likely impact on existing sensitive areas and suggested ways of overcoming those concerns. The issues raised by the Trust were

echoed by English Nature in their initial response, and the amendments negotiated with English Nature have satisfactorily addressed the concerns of the Trust.

23. Having regard to the locational characteristics of the site the Transport Policy Team acknowledge that the provision of on-site parking at a standard of 1.5 spaces per dwelling, the maximum standard in this case, would be appropriate. Whilst the width and alignment of the adoptable section of the proposed access road is considered acceptable. However, the precise design of the road, including traffic calming measures, would need to be the subject of detailed discussions between the developer, the City Council and Colas as part of a reserved matters submission/Section 278 Agreement. Given the gross floorspace of the proposed blocks secure cycle storage can be accommodated to meet the needs of their occupiers. However, the provision of visitor cycle storage would be the subject of a condition and in order to encourage the use of transport modes other than the private car it is considered appropriate to seek a contribution of £70,000 to be expended on the Seafront cycle route or other measures to facilitate travel by more sustainable transport modes of benefit to occupiers of this development as determined by the Director of Environment and Transport.
24. Although initially objecting to the proposed development the Environment Agency have reviewed the subsequent amendments to the scheme and, subject to those changes proving acceptable to the City Council, is satisfied that the requirements of PPG25 have been met. Their objection has accordingly been withdrawn and a number of planning conditions are recommended along with matters that could be included within a section 106 legal agreement.
25. English Heritage, whilst being generally supportive of the redevelopment raised a number of issues that have been the subject of subsequent discussions. Those issues and the applicant's response were as follows;
 - Archaeological potential/need for further investigations - situation has been acknowledged within the ES and a planning condition is expected
 - View assessments, design and massing - clarification of viewing cones from the Fort between the proposed buildings establish sea forts will remain visible from previously identified locations; the roofscape will be the subject of a reserved matters application as will external finishes to ensure buildings do not coalesce when viewed from a distance
 - Parking - allocated/visitor numbers need to reflect location of the site but visual impact will be minimised through detailed landscape design
 - Access road design and lighting - Whilst the width of the access road and lighting needs to meet specific design standards further thought will be given to achieving a more pedestrian/cyclist friendly solution; lighting within the development area will need to be low-key and sensitive to the Fort's setting, the precise details will need to be the subject of a planning condition and considered at the reserved matters stage.

English Heritage have since confirmed that they are now satisfied with the submitted details and accordingly raise no objection.

26. Havant Borough Council raise no objection to the proposed development.
27. Although not submitted with details of external appearance the scheme was, nevertheless, referred to the Architects Panel for comment in relation to its built form. The Panel considered that the redevelopment of the site offered an opportunity to create either a more organic low-rise built form with greater footprint or a single landmark building utilising a 'pavilion in the park' approach. The proposed scheme fell between the two and would not contribute to the openness and permeability that characterises this part of Eastney. Whilst it was acknowledged that stepping down the height of the buildings west to east emphasised perspective and endeavoured to minimise visual

impact on the Fort, it was nevertheless considered that the scheme involved the creation of buildings too big and too high for this important setting.

28. Southern Water Services Ltd are satisfied that the proposed development would not require improvements to existing foul and surface water sewers. They have, however, identified a surface water sewer that crosses the site and which may be affected by the easternmost block. It will be necessary for a developer to ascertain the precise location of the sewer in order to establish whether a local diversion would be practicable.

REPRESENTATIONS

29. Consultants acting on behalf of Associated British Ports have expressed concern that, given the important role of the existing radar facility on this site in terms of monitoring shipping movements in the East Solent, the applicant has not dealt with its replacement in a satisfactory manner.
30. One e-mail has been received from a resident of Eastlake Heights supporting the proposed scheme commenting that it would amount to a very good use of the site and more preferable than a larger number of less striking buildings. In addition, an e-mail from a resident of Horse Sands Close supports the scheme insofar as it relates to Blocks B and C, but feels that Block A is too large and high.
31. Twenty-one letters and e-mails (including a letter from Friends of the Earth) have been received from local residents and residents from other areas of the City opposing the scheme. The grounds of objection relate to:-
- The scheme will be approved so that income from Council Tax will pay for the blunders of the Spinnaker Tower;
 - Increases in traffic and noise on local roads;
 - Safety of children in the Melville Road/Fort Cumberland Road play area and on the local road network generally;
 - Visual impact on shoreline;
 - Increased pressure on local services/infrastructure;
 - There is no more room for housing in Eastney;
 - Blocking off of the footpath between the site and the Camping and Caravan Park;
 - Detrimental to conservation interests;
 - Flooding;
 - The quality of life at the quieter end of Eastney will suffer;
 - The area should be left in its natural state or used as a park;
 - Overdevelopment;
 - Loss of an area of outstanding beauty;
 - Loss of views;
 - Size of the buildings;
32. The Portsmouth Society objects to the proposed development on the following grounds:-
- The development needs to be fully sustainable, and as close to zero energy consumption as possible;
 - The development needs to include grey-water recycling, photovoltaic panels and allow for geo-thermal energy;

- The new community needs to be sustainable – working on-site, car sharing and provision of public transport to shops and schools (particularly for social housing);
 - The development needs to provide private open amenity space (in the form of courtyards);
 - Wind turbulence.
33. The Milton Neighbourhood Forum object to the proposed development on the grounds that it will have an adverse and unacceptable effect upon the environment of the Milton Forum area, particularly;
- the impact of increased traffic movements on Eastney Road, Milton Road, Goldsmith Avenue and Velder Avenue, together with other recent developments, has not been taken into account within the transport assessment; and
 - no employment opportunities have been provided, a rule that has been stringently applied in the past.
34. In addition to the representations referred to in the above paragraphs I have also received eighteen letters from residents of Portsmouth and other areas of England in relation to the use of the beach by naturists. There is widespread concern among those naturists who use the beach that the proposed development will result in the loss of that facility which some consider to be their legal right.

COMMENT

35. As with any development the scheme submitted on behalf of Qinetiq has given rise to a number of issues. In addition to considering the principle of the development, the primary issues relate to design, scale, and massing, the impact of the development in highway terms, conservation interests, infrastructure, affordable housing and open space. Secondary issues relate to the use of the beach by naturists, employment provision, the removal of the ABP radar facility, archaeology and the sustainability objectives expounded by The Portsmouth Society.
36. As outlined in paragraph 7 above, the proposed redevelopment of this site has been the subject of extensive pre-application discussions, the submission of an Environmental Assessment, the contents of which was informed by a Scoping Opinion, and a public consultation exercise. In the context of PPG3 this site amounts to previously developed land and is recognised as forming part of the built-up coast in planning policy terms. An assessment of development constraints, mainly arising from the relationship of the site to Fort Cumberland and the SAM boundary, indicates that out of a total site area of 4.8ha the Net Developable Area amounts to 2.65ha. Both PPG3 and policy DC47 refer to minimum densities guided by the degree of accessibility to public transport. In general terms local planning authorities are encouraged to provide for developments of between 30 and 50dpha, and while the aim will be to maximise development potential, proposals must be consistent with the objectives of other local plan policies. Higher densities would only prove acceptable on the basis of high quality design and living environments. In this context I am satisfied that the redevelopment of this site at a density of approximately 49dph in the manner proposed would be acceptable in principle. I am also satisfied that in the context of national planning policy the redevelopment of this site for wholly residential purposes would amount to an appropriate alternative use. Having established that the proposed development would be acceptable in principle I now consider the primary issues.

Built form, siting and design

37. Although located at the eastern extremity of Eastney, this site does, nevertheless, form part of the built-up coast and is characterised by a combination of large and small buildings and structures which overall provides a utilitarian backdrop to the beach,

reflecting their previous naval/research uses. Furthermore, those buildings and structures contribute little to the setting of Fort Cumberland. The redevelopment of this site needs to balance the ambitions of the applicant, to achieve a viable quantum of housing against the objectives of improving the setting of Fort Cumberland Road and enhancing conservation interests. The latter have directly affected the desired built form.

38. I do not feel that one single 'iconic' building, as advocated by the Architects Panel, would necessarily prove to be the most appropriate solution. Whilst such a building would prove acceptable in the context of other buildings, such as at Gunwharf, a tall building of some 15-storeys or more would look significantly out of place and dominate Fort Cumberland. Such a building would, in my view, also cause significant harm to the appearance of this part of Eastney when seen from a distance. On the basis of achieving a net density figure of 49dpha a low-rise design approach would involve a greater area of building footprint. Such an approach would place undue pressure on the whole of the Fraser site with buildings in front of and to the west of the Fort. Whilst it is likely that the height of such a development would be of the order of three to four-storeys, a greater expanse of building would inevitably have an adverse impact on the setting of the Fort and work against the objective to protect and enhance conservation interests on the site in accordance with approved policy. In preparing this scheme the applicant's consultants had identified a number of constraints the consequence of which restricts development to the south-west part of the site. The areas to the south of the front elements of the Fort and to the west of the 'south-west ravelin' of the Fort should, ideally, be kept free of buildings. Using the same analysis it is clear that the eastern part of the developable area is most sensitive, given its proximity to the Fort, while the western part, adjacent to the Camping and Caravan Park is less sensitive in terms of building height and scale. This is consistent with the design approach adopted by the applicant's consultants.
39. Having concluded that the extent of the developable area as shown on the applicant's submission is acceptable it is then necessary to explore whether there should be two or three buildings and whether the adoption of an elliptical footprint, storey heights and staggered roof form represents a satisfactory design solution. With a net developable area of some 2.65ha the applicant is seeking to achieve a density figure of 49dpha. That figure is slightly in excess of the minimum density appropriate to an area of medium accessibility outlined in policy DC47. However, whilst this site falls within an area of low accessibility, in the context of PPG3 a higher density figure could be justified on the basis of good design. Although the provision of two buildings rather than three would, in terms of building footprint, increase the degree of separation from the Fort, in order to achieve the desired density level their overall height could be increased by another two or three floors. Buildings of that height would, in my view, begin to have an adverse impact on the Fort and represent over-dominant features in the landscape. By proposing three buildings the quantum of development sought by the applicant is better achieved without adversely affecting the setting of the Fort or detracting from the appearance of this part of Eastney.
40. Rather than provide buildings of a rectangular footprint the applicant has sought to achieve a design that will complement the maritime nature of the site and minimise visual impact when viewed from Fort Cumberland and areas to the west and north-west. By stepping the building mass down from south-west to north-east and reducing the overall height of the buildings from west to east, the proposed buildings will generate visual interest while respecting their setting in relation to Fort Cumberland. The use of an elliptical footprint, and curved facades to the buildings punctuated with balconies will further add to visual interest, and satisfactorily maintain views of the sea forts from Fort Cumberland.

41. In these circumstances I am able to conclude that in terms of built form and design the proposed scheme represents a satisfactory solution, and that the siting of the proposed buildings would not adversely affect the setting of Fort Cumberland.

Highway matters

42. These matters include access/egress to the development, traffic generation, and whether the transport needs of the occupiers of the development can be satisfactorily accommodated.
43. At present the existing access to the Fraser site comprising a comparatively narrow access road with no formal junction arrangement to Fort Cumberland Road. In order to facilitate a means of access that satisfies the normal design requirements for a residential access road, and thereby accommodate gas, water, electricity and telecommunication services, it is necessary to reconstruct and improve the existing access to adoptable standards. It is also necessary to upgrade part of the existing highway between Melville Road and Lumsden Road to an adoptable standard. The cost of those works will be borne by the developer and the general design details have been agreed in consultation with Colas. The junction layout with Fort Cumberland Road and Melville Road allows for the possible closure of the latter as part of providing improved cycle links to the seafront. Although the proposed access road involves the loss of a narrow strip of land to the north of the existing access, those works would not have a significant impact on the open space to the north or its designation as a SINC. The new access road involves the provision of a new access/egress to the casual car parking area at the south-western corner of the open space, and the provision of a 3m wide segregated footpath/cycleway connecting Fort Cumberland Road with the existing [and retained] public access to the beach adjacent to the western boundary of the proposed development.
44. The Highway Consultants transport assessment demonstrates that whilst traffic flows out of the site during peak hours are the reverse of typical traffic flows into the site in the context of its existing commercial use, the change in the characteristics of those flows would not adversely affect the operation of the junctions of Henderson Road/Fort Cumberland Road; Bransbury Road/Eastney Road; and Henderson Road/Highland Road. The assessment of wider impact on traffic flows in Eastney and Milton, which incorporated projected flows arising from the Milton Campus and St James Hospital developments, indicated that the proposed development would be unlikely to significantly affect or alter overall traffic volumes. As local highway authority the Transport Policy Team is satisfied that the redevelopment of the site to create 131 dwellings, in place of the existing commercial use, would not give rise to a sustainable objection in relation to its impact on the local highway network.
45. Turning to the transport needs of the occupiers of the proposed development, it must be acknowledged that this part of Eastney has limited access to public transport services with most bus services found on Highland Road, Eastney Road, Milton Road/Goldsmith Avenue. In these circumstances the Transport Policy Team consider that on-site car parking provision approaching the maximum 1.5 spaces per dwelling would be appropriate for this site. The provision of secure bicycle storage within the development and a financial contribution of £70,000 towards off-site cycle network improvements will serve to ensure that the transport needs of the occupiers of the development are adequately met.

Conservation interests and visual impact

46. These issues include the impact of the development on, firstly, flora and fauna and opportunities to improve habitats, and secondly, the visual appearance of the area.
47. In its originally submitted form English Nature raised a number of concerns, primarily in relation to the impact on bird roosts arising from greater public access to the foreshore.

Currently this part of the foreshore experiences lower levels of disturbance by the general public and the indicative details of the proposed esplanade would have significantly affected that situation with circulatory access to the area east of the Southern Water Services landholding, and greater use of the area in front of the Fort. As outlined in paragraph 22 those issues have been satisfactorily addressed with the submission of amended drawings, and in accordance with English nature's request the management of the eastern part of the site will be included within the Section 106 legal agreement.

48. Visually, the character of this site stems from the piecemeal nature of its development, encompassing low quality post-war buildings, radar towers and two larger buildings with high floor-to-ceiling heights, and security-driven boundary treatments. Fort Cumberland to the north is comparatively low lying and views of the Fort from publicly accessible locations are limited. The Camping and Caravan Park and adjoining public open space to the north/north-west acts as a buffer between the area occupied by the Fort and Fraser Range and the built-up area to the west and north-west emphasising a more open and natural setting around the Fort. The four-storey buildings to the north of Fort Cumberland Road, however, forms a backdrop to the Fraser site when viewed from the Solent and dominates views from the north side of Eastney Lake. An assessment of the City's coastline indicates that it is not one of simple progression from built-up frontages to natural or partially influenced areas, but a more complex arrangement of building frontages and open spaces. The redevelopment of the Fraser site would not, therefore, prove unacceptable in principle, but its geography emphasises the need to achieve a high quality design solution that respects its setting.

Infrastructure

49. Although in outline form, it is likely that the proposed development will comprise some sixty-two 3-bedroom apartments, forty-three 2-bedroom apartments and twenty-six 1-bedroom apartments. The final mix, however, will be determined as part of a reserved matters submission. Nevertheless, in the context of overall education and welfare provision and projected housing growth for the City, utilising typical occupation rates the proposed development is unlikely to have an adverse impact on the demand for school places while pressure on existing GP facilities will be monitored by the Primary Care Trust.
50. The construction of a new access road and upgrading to part of Fort Cumberland Road will ensure that public utilities can be satisfactorily accommodated, while the provision of a combined footpath/cycle way will meet the needs of the occupiers of the development and visitors to the site. Southern Water Services are satisfied that the existing drainage network in this part of Eastney can accommodate the proposed development.

Affordable housing

51. The applicant is aware of the need to provide an element of affordable housing within the proposed development. Of the 131 apartments a total of 33 (25%), with a proportion in each of the proposed blocks, will be affordable. Nineteen will comprise social rented properties, eleven for shared ownership and three for intermediate/key worker occupation. Furthermore, of those 33 apartments, thirteen will comprise 1-bedroom with a minimum floorspace of 47m², thirteen will comprise 2-bedrooms with a minimum floorspace of 65m², and seven will comprise 3-bedrooms with a minimum floorspace of 78m². Whilst their precise location within the Blocks would be determined as part of a reserved matters submission, there is sufficient information to meet the requirements of policy DC40 of the Local Plan Review and enable the formulation of clauses within a Section 106 legal agreement.

Open space

52. By limiting development to the western part of the site, in order to meet previously identified constraints, a significant part of the site (approx. 2ha) will become open space. The area to the east of the proposed buildings and south of Fort Cumberland will be landscaped in such a manner as to preserve and enhance conservation interests, while the area to the north of the buildings and west of the Fort will become an amenity area. Whilst the applicant has indicated that the areas of open space will not be transferred to the City Council for adoption/maintenance, it is acknowledged that public access and management of the area in front of the Fort will need to be included within the Section 106 legal agreement. To meet the needs of the occupiers of the proposed development a play area is to be provided in the area between Blocks A and B, the precise details of which would need to be the subject of a planning condition while its retention and maintenance would fall within the Section 106 legal agreement. The future maintenance of those areas and the play area would need to be the subject of a bond.
53. I now turn to the secondary issues outline in paragraph 36.

Use of the beach

54. The area of beach east of the Camping and Caravan Park was formerly owned by the Ministry of Defence until it became the freehold of Qinetiq. That area was the subject of limited public access when Fraser was used for gunnery training, indeed the MoD operated a red flag system to ensure the public did not venture into the foreshore area while the gun battery was in use. With the demise of gunnery training the foreshore became more accessible to bathers and walkers alike. However, as access around the south-east tip of the sea defences was limited to comparatively short periods at low tide that part of Eastney beach effectively became a cul-de-sac that discouraged extensive use by the public. That situation provided naturists an opportunity to use part of the beach which the general public did not ordinarily seek extensive use. The use of the foreshore, above mean high water mark, by naturists was tolerated by the MoD and, subsequently, Qinetiq as freeholder. The City Council arranged for the display of signs to advise the public that naturists used the eastern end of the beach. Naturists do not, therefore, have an occupational right in property law. Whilst I am sympathetic to their concerns that the proposed redevelopment will significantly change the nature and type of occupation on the site, and that the occupiers of the proposed development may be less tolerant of naturism than the MoD or Qinetiq, the subsequent inability of naturists to use the beach would not amount to a sustainable planning objection.

The ABP radar facility

55. The use of the western lattice tower to monitor shipping movements in the east Solent is the subject of a private lease agreement. As freeholders of the site Qinetiq have the legal right to secure the termination of that lease agreement, and ABP were served with the requisite papers. ABP had, therefore, the opportunity to challenge the termination of the lease or endeavour to secure an alternative location that would meet their operational needs. With little opportunity to satisfactorily accommodate a new radar facility on City Council owned land in the immediate vicinity of the site the onus has been upon ABP to secure an alternative location should they be unable to negotiate the retention of that facility as part of the redevelopment scheme. It should also be borne in mind that the loss of what is undoubtedly an important radar facility does not fall within the control of the City Council as local planning authority. Should planning permission be refused for the proposed redevelopment, Qinetiq would still be able to pursue the termination of the lease agreement and remove the facility from the site. Whilst it is regretful that this situation has arisen from the transfer of land from what was effectively public ownership to a privately held freehold, the reluctance of Qinetiq to commit a future freeholder/developer to accommodating that facility would not be sufficient to withhold permission.

Employment

56. Milton Neighbourhood Forum in their representations referred to the City Council's stringent application of a rule that requires the provision of employment opportunities as part of residential redevelopment. The consideration of an application for the redevelopment of land is guided by planning policy, and in this case while the existing use is one of employment the site is not identified as forming primary employment land. Furthermore, policy DC31 states that, *inter alia*, the redevelopment of employment sites outside the primary areas for housing will be permitted where the loss of the employment use would be outweighed by environmental benefits, or where the site would be inherently unsuitable for continued employment use. Given the nature of the existing buildings, the location of the site and current employment land supply within the primary areas I am sceptical that its continued use for commercial purposes would be viable. I would also be concerned that an increase the amount of commercial floorspace on the site could have a deleterious impact on nature conservation interests and the setting of the ancient monument. The redevelopment of the site in the manner proposed for residential purposes would, on the other hand, serve to improve both nature conservation interests and the setting of Fort Cumberland. The principle of the proposed development would not therefore run counter to the objectives of policy DC31.

Archaeology

57. This issue largely falls within the remit of English Heritage. The requirement for a developer funded watching brief and adoption of two approaches to areas within and outside of the Scheduled Ancient Monument boundary, particularly in relation to possible remains of an earlier fort, is accepted by the applicant. Under the auspices of English Heritage a detailed survey of WWII artefacts will be prepared and a photographic record made. English Heritage are not of the view that those artefacts are of sufficient merit to warrant retention but welcomes the retention of a gun emplacement. In terms of its contribution to naval history this site is not held to be so important as to justifiably prohibit or severely limit redevelopment.

Sustainability

58. The concerns of the Portsmouth Society in relation to energy use and sustainability are noted. At the detailed design stage it will be necessary for the architects of the proposed buildings to demonstrate that the requirements of the building regulations are met in terms of thermal insulation and energy usage. The use of photovoltaic cells within the fabric of the building would be a matter of detailed design, as would any possibility of using geo-thermal energy, the latter requiring significant geo-physical examination and which does not form part of the applicant's submission. In addition there are no specific planning policy requirements in relation to incorporating, for example, grey-water systems within the proposed buildings. Those issues will, in time, be addressed by the building industry and government with the latter more likely to introduce regulatory control through the building regulations rather than specific local plan policy. In the context of current local authority control a prospective developer can only be encouraged, through the detailed design stage, to incorporate energy saving initiatives in accordance with policy DC1 of the Local Plan Review.

Conclusions

59. In my view the redevelopment of the former Fraser Range site in the manner proposed represents an acceptable built form while preserving and enhancing nature conservation interests without detracting from the setting of Fort Cumberland. The scheme provides for the needs of its occupiers in terms of open space and play, and would accommodate on-site parking to a suitable standard and secure bicycle storage. Furthermore, the provision of a commuted sum will encourage the occupiers of the development to use cycles as a means of transport. The proposed access road and junction improvements

to Fort Cumberland Road will meet the requirements of the highway authority, and the loss of a comparatively narrow strip of land from the adjoining open space would not adversely affect its use or designation as a local SINIC.

60. The matters to be included in the section 106 legal agreement are; (i) the provision/retention of 33 units of affordable housing as outlined in this report; (ii) a financial contribution of £70,000 towards off-site cycle network improvements (that sum to be payable on first unit occupation of any part of at least two of the blocks); (iii) improvements to flood/sea defences to be completed before first occupation of any part of the development and thereafter maintained; (iv) the provision and management of the area south of Fort Cumberland (to include controlled public access); (v) the provision and maintenance of open space to the west of Fort Cumberland and play area between Blocks A and B. Points (iv) and (v) would need to be the subject of a bond to ensure future maintenance.
61. A section 278 agreement pursuant to the Highways Act will also be required in relation to the construction of the access road, the junction with Fort Cumberland Road and improvements to Fort Cumberland Road as outlined on drg no. QF/OPA/CORE07.

RECOMMENDATION I - That on completion of a **section 106 planning agreement** and **section 278 highways agreement**, in accordance with the details outlined in this report, authority be delegated to the Head of Planning Services to grant outline planning permission subject to detailed planning conditions to be formulated by him covering the matters listed below together with any amendments or additions that he considers necessary

Conditions - Site investigation/remediation/validation; addendum to site investigation; archaeological survey for area outside of the SAM; non-intrusive archaeological survey within area of SAM; scheme for surface water drainage (including parking areas incorporating oil interceptors); no soakaway or SuDs; method of piling; details of – external appearance (RM); hard and soft landscaping/play area, footpaths and the esplanade (RM), existing and finished ground levels, provision/future maintenance of soft/hard landscaping/play area and esplanade, design of internal access road/lighting, parking/turning/loading/unloading of vehicles, all means of enclosures, cycle storage, refuse storage, all facing and roofing materials, and fenestration; sea defence works; provision of access road, cycleway/footpaths and parking; ex'g access road to Fort to be protected during demolition and building operations; no percussive piling or works with heavy machinery to occur within waterfowl over-wintering period 1 October to 31 March..

RECOMMENDATION II - That the Committee confirm in their decision that they have taken into account;

- The environmental information as required by Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) regulations 1999,
- All matters referred to in the Head of Planning Services Report, and
- All other material considerations.

BACKGROUND PAPERS

42 Letters of Objection
2 Letters of Support/Part Support

Consultation response from Highways Authority
Consultation response from Head of Asset Management (Design Group) (Landscape)
Consultation response from Head of Public Protection
Consultation response from Head of Economy, Culture & Community Safety
(Museums & Records) (Archaeology)
Consultation response from Director of Improving Health & Quality (PCT)
Consultation response from Disability Access Advisors
Consultation response from English Nature
Consultation response from English Heritage
Consultation response from Southern Water Services
Consultation response from Environment Agency
Consultation response from Havant Borough Council

5 DA: A*39207/AA

1A MUNSTER ROAD & LAND R/O 187 LONDON ROAD NORTH END

**CONSTRUCTION OF 2-STOREY BUILDING WITH DORMER WINDOWS TO REAR
ROOFSLOPE TO FORM 7 FLATS WITH ASSOCIATED LANDSCAPING/BIN & CYCLE
STORES (AFTER DEMOLITION OF EXISTING) (OUTLINE APPLICATION)**

submitted by:
BARTLE ASSOCIATES LTD

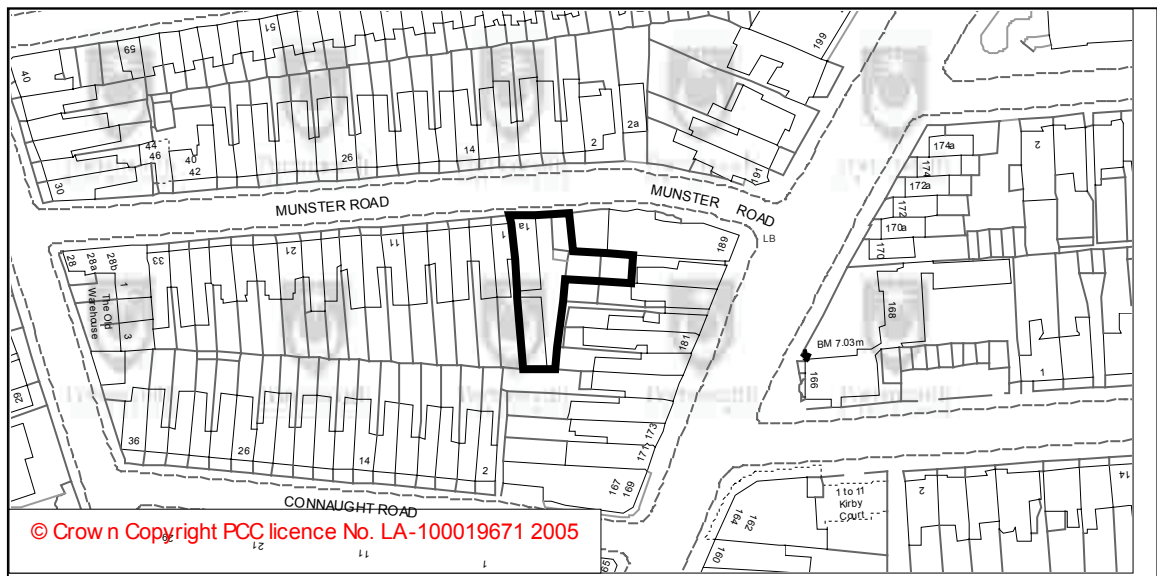
RD: 26/08/2005
LDD: 21/10/2005

on behalf of:
TOWER ASSETS LTD

THE SITE

1. The application site comprises part of the rear yard area of 189 London Road that is currently occupied by a single storey store, a yard to the west which includes a two storey workshop/store, known as 1A Munster Road. This two storey store adjoins no 1 Munster Road, the first in a row of terrace houses on the south side of Munster Road. The site also includes a single storey flat roof store area adjacent to 1 Munster Road and to the rear of 179-285 London Road and a part single/part two storey store to the rear of 179 London Road.

- The London Road properties to the east of the application site consist of predominantly shops at ground floor level with residential properties above and to the rear. The area is largely characterised by two/three storey buildings on London Road and two storey dwellings on Munster Road.



PLANNING HISTORY

- Following a recent appeal, planning permission has been granted in October 2005 for the construction of a two/three/four storey building to form 13 dwellings (comprising two houses and eleven flats). The site area of this application also included 189 London Road.
- No. 1A Munster Road has received a succession of planning permissions to extend the storage area, which has resulted in the single storey storage area to the rear of 179-187 London Road. Planning permission was refused for a first floor extension to an area adjacent to the boundary of 1 Munster Road to the rear of 1A Munster Road. Planning permission was granted for the conversion of the two storey store adjacent to 1 Munster Road to two flats in 1988, utilising an existing external staircase.

PROPOSAL

- This is an outline application for the demolition of the existing store buildings and construction of a two storey building to form 7 flats (the application has been amended since originally submitted reducing the number of dwellings from 9 to 7). The applicant requires the matters of siting and access to be determined under this outline application. Although elevation details have been provided, these are indicative only. Full details would be assessed in reserved matters applications should outline permission be granted.
- The application proposes a similar footprint to neighbouring properties on Munster Road with amenity space to the rear of the building adjacent 1 Munster Road and to the side, at the rear of 187 London Road.

POLICY CONSIDERATIONS

- The relevant policies in the Portsmouth City Local Plan 1995 would include E1 and E2 (Quality of natural and Built Environment), E40 (Contaminated Land), H4 (One and two bedroom housing), T18 (Transport Issues).
- The relevant policies in the Portsmouth City Local Plan First Review 2001-2011 Proposed Modifications (August 2005) would include DC1 (Design Principles), DC5

(Amenity and Pollution), DC9 (Storage of Refuse), DC21 (Contaminated Land), DC25 (Transport Issues), DC28 (Parking Standards), DC47 (Residential Density).

CONSULTATIONS

9. The Head of Public Protection has been consulted and requires a condition to be imposed in relation to site investigation/remediation.
10. The Transport Policy Team has been consulted and comment that side entry cycle stores are not ideal and an alternative solution should be sought.
11. The City Council's Disability Access Advisers have been consulted and their advisory comments are to be forwarded to the applicants should planning permission be granted.

REPRESENTATIONS

12. Four letters of representation have been received from or on behalf of the occupiers of nearby residential properties objecting to the application on the following grounds:- (1) sense of enclosure; (2) loss of light; (3) loss of outlook; (4) lack of parking; (5) loss of privacy; (6) out of character; and (7) noise.

COMMENT

13. The determining issues in this outline application relate to the siting of and access to this two storey building to form 7 flats, whether there would be a significant impact on residential amenity in terms of loss of privacy and sense of enclosure and whether the proposed flats would be in keeping with the character of the area and have an acceptable relationship with existing development.
14. The size of the building follows similar site coverage as neighbouring properties to the west, with the main part of the building having a depth of 8 metres with a rear projection with an additional length of 8.5 metres set 2 metres from the boundary with 1 Munster Road, representing a similar footprint to the terraced housing adjacent. The proposed building also has a similar relationship with properties behind, to the north with its 16 metre garden backing onto the side boundary of 177 London Road. The flats would have their main outlook to the front (towards Munster Road) or rear, as do the existing neighbouring properties on Munster Road.
15. Having regard to the relationship with neighbouring properties I consider the main impact on residential amenity would be to 187 London Road to the east and 1 Munster Road to the west. Following concerns expressed to the applicants about the relationship a ground and first floor flat with outlook to the east will have on the rear bedroom window of the first floor flat at 187 London Road with regard to the issue of privacy for existing and future occupiers, the application has been amended to delete the two storey projection to the east adjacent to the rear of 187 London Road, reducing the number of units from 9 to 7, providing additional amenity space for these units and achieving a distance of 17 metres from the east elevation to nearest window at 187 London Road. The deletion of this element of the proposal would result in a marked improvement to the relationship the existing structures would have with neighbours in London Road and Munster Road.
16. The siting of the building has been designed to minimise the impact, as far as practicable on neighbouring properties. In this respect I consider that the footprint of the building, with similar depth and scale to neighbouring properties to the west following the established building line along Munster Road with a forecourt frontage, would be in keeping with the pattern of development in the area. Although there would be some potential overlooking from a first floor window towards 1 Munster Road, the main outlook of these flats would be from the south elevation and so only oblique views diagonally across and down to the garden of 1 Munster Road may be available. I am satisfied that, taking into account that this is a common relationship the Munster Road properties have

with their neighbours, first floor windows on the rear projection would not pose a significant threat to residential amenity in terms of loss of privacy and the rear projection would not cause an overbearing impact, in terms of sense of enclosure, on neighbouring properties.

17. Amenity space has been retained at the front, rear and side (east) to allow for communal garden areas and bin/cycle storage. Amended plans have been received showing revised proposals for cycle storage with individual stores for each flat in the side amenity space accessed via the communal hallway. These stores meet the requirements of the Transport Policy Team and the City Council Guidelines. 22. No parking is proposed as part of the scheme. Having regard to the location of the site in an area of medium accessibility, the provisions of PPG13 and Local Plan Policy, a refusal on parking grounds cannot be sustained.
18. In terms of the density of the development, the proposal represents approximately 118 dwellings per hectare (7 units on 0.059ha site). Again, having regard to the footprint of the building, its height at two storeys, forecourt frontage and its relationship to neighbouring properties on Munster Road I consider that the proposal would be in keeping with the character of the area.

RECOMMENDATION

CONDITIONAL OUTLINE PERMISSION

Conditions - site investigation, reserved matters applications for design, landscaping and external appearance to be submitted.

BACKGROUND PAPERS

- 4 Letters of Objection
- Consultation response from Transport Policy Team
- Consultation response from Public Protection
- Consultation response from Disability Access Advisors

6 **DA: B*22261/AC**

LAND REAR OF 30 MORGAN ROAD MILTON

CONSTRUCTION OF ONE, ONE-BEDROOMED BUNGALOW WITH ASSOCIATED REFUSE AND CYCLE STORAGE (AFTER DEMOLITION OF EXISTING BUILDING) (REVISED SCHEME B*22261/AB)

submitted by:
ELMWOOD DESIGN

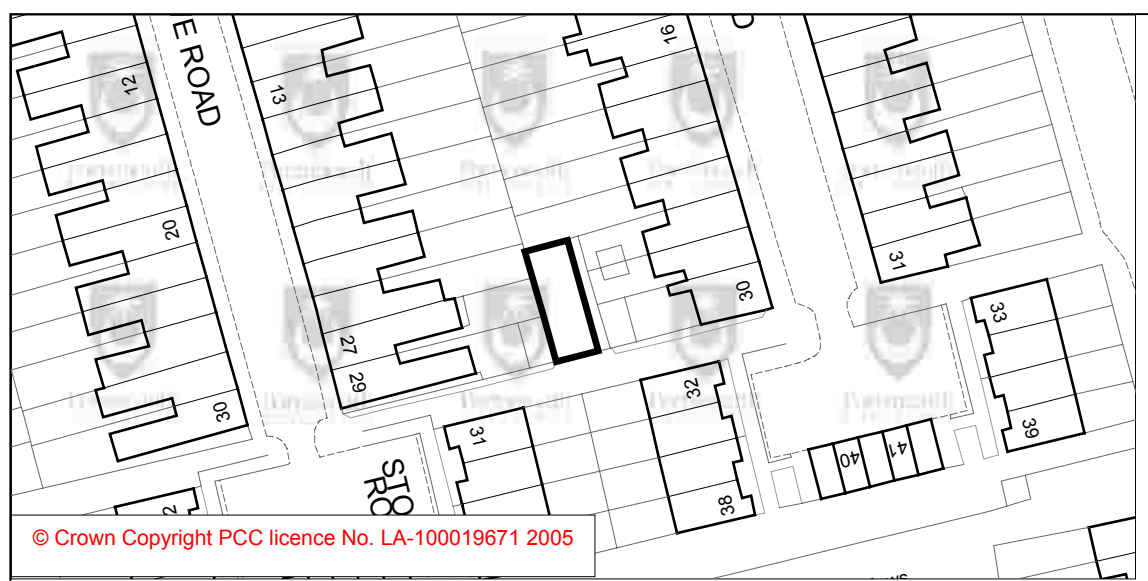
RD: 11/10/2005
LDD: 06/12/2005

on behalf of:
MR AND MRS HUNTER

Councillor Vernon-Jackson (Milton Ward) has requested that this application be presented to the Development Control Committee

THE SITE

1. The site relates to a single storey workshop/warehouse located to the rear of No's 26-30 Morgan Road and 25-29 Stowe Road, fronting onto the old towpath of the former canal. The surrounding area is predominantly residential in character, the site as stated is flanked to east and west by residential gardens and private garages, to the north the site is enclosed by the garden of No.24 Morgan Road. Whilst the properties within Stowe Road and Morgan Road are of a more 'traditional design' opposite the site across the towpath is a modern housing development on the site of the former canal. The towpath is closed to vehicular traffic at its junction with Stowe Road by a barrier.



PLANNING HISTORY

2. Planning permission was sought in May 2004 for the conversion of the existing workshop to form one, two bedroom bungalow with associated refuse storage. This application was withdrawn prior to determination.
3. Planning permission was refused in November 2004 for the construction of one, two bedroom bungalow, following demolition of the existing building, with associated refuse storage. The reason for refusal was:-

“Having regard to the large footprint of the building and relationship to neighbouring properties, in the opinion of the Local Planning Authority the proposal represents a poor standard of living accommodation, notable in terms of limited amenity space and outlook, and as such would be incompatible with modern living standards. The proposal is therefore considered contrary to policy E2 of the Portsmouth City Local Plan 1995 and policies DC1 and DC5 of the Portsmouth City Local Plan First review 2001-2011: Proposed Modifications July 2004”.

PROPOSAL

4. Planning permission is sought for the construction of a one-bedroom bungalow following demolition of the existing building with associated cycle and refuse storage. The applicant has been subsequently amended to provide a door onto the main frontage (the

towpath), ornament to the front elevation and address overlooking from the proposed kitchen window.

POLICY CONSIDERATIONS

5. The relevant policies within the Portsmouth City Local Plan 1995 include:- E2 (Quality of the Built Environment); E40 (Contaminated Land); H2 (New Housing in Urban Areas) and T18 (Parking Standards)
6. The relevant policies within the Portsmouth City Local Plan First Review 2001-2011: Proposed Modifications (August 2005) include:- DC1 (Design Principles); DC5 (Amenity and Pollution); DC9 (Storage of Refuse); DC21 (Contaminated Land); DC25 (Transport Issues in New Development) and DC28 (Parking Standards).

CONSULTATIONS

7. The Transport Policy Group raise no objection to the proposed development subject to conditions securing the provision of the proposed cycle and refuse storage. The transport policy officer notes that in accordance with the principles of PPG13, whilst the applicants would be encouraged to consider the potential parking needs of future residents it is not appropriate to require a transport statement or an informative relating to existing or future parking schemes.
8. The Head of Public Protection has reviewed the application and whilst raising no objection notes the potential for contamination to exist given the sites former use and proximity to the former canal. The Head of Public Protection therefore requires conditions to be imposed, should permission be granted requiring the applicant to conduct site analysis and remediation should possible sources of contamination be identified.
9. The Disability Access Advisors have commented on the application, a copy of their comments will be forwarded with the decision notice should planning permission be granted.

REPRESENTATIONS

10. Forty Letters of objection have been received predominantly from residents of Stowe Road and Morgan Road, their concerns relate to:-
 - a) The removal of the existing building in terms of an asbestos roof and party walls;
 - b) The construction of the proposed building in terms of parking of contractors vehicles, site access and the location of scaffolding;
 - c) The temporary closure of the Towpath as a result of the construction works;
 - d) Invasion of privacy by builders overlooking the adjoining gardens;
 - e) The lack of allocated parking associated with the proposed bungalow, intensifying the existing parking situation;
 - f) The demolition of the building resulting in open access to six rear gardens leading to a loss of security;
 - g) The approval of the proposal resulting in an inappropriate precedent;
 - h) Increase in noise and disturbance to adjoining properties;
 - i) Increase in overlooking of the adjoining properties and increased overlooking of the occupants of the proposed property;
 - j) Loss of security by virtue of the increased use of the shared rear access;

- k) Intensification of the building by internal alterations to form two bedroomed accommodation;
- l) Implications of the proposal in relation to a covenant on the deeds of 26-30 Morgan Road requiring the reinstatement of the land into the rear gardens of these properties should the building be demolished;
- m) Lack of amenity space leading to children playing on the towpath;
- n) Pollution from lights left switched on in error and;
- o) The proposal, as part of overall building works in the vicinity, leading to an overdevelopment of the area and a detrimental effect to highway safety.

COMMENT

11. The determining factors in this case are whether the existing use of the building could be more harmful than the proposed use; whether the proposed development would produce an acceptable unit of living accommodation and impact on adjoining dwellings.

Continued Use of the Existing Unit

12. The existing building enjoys an appointed day use as a builder's store (Class B8) and is as such a non-conforming use within a residential area. Given that there is no planning permission and therefore no conditions relating to the continued use of this building as a store, the Local Planning Authority would have no control if this use was to be reinstated or intensified. Furthermore the dimensions of the existing building are such that a permitted change to a more intensive B1(c) Light Industrial Use could take place without planning permission under the provisions of the General Permitted Development Order (1995). I am of the opinion that this type of use could have a greater impact to adjoining dwellings in terms of additional noise and disturbance than the proposed residential use. The proposal would remove this non-conforming use and the potential impact that an unmediated intensification of operations could cause.

13. The existing building covers almost 100% of the site allowing space for a shared access to the east for access to the rear gardens of 26-30 Morgan Road. The pitched roof design with north/south facing gables follows the building line of adjoining properties set onto the former Towpath. The proposed building design (discussed further at paragraphs 14 and 15) seeks to remove some of this existing bulk by reducing the building footprint and would be an improvement to the current situation.

Layout of the Proposed Building

14. The reduction in footprint requires the building design to make more efficient use of available space. The result is a bungalow with a traditional front to back arrangement with a front door onto the former towpath, providing an active frontage, and rear patio doors into a rear yard area. Both bedroom and living room would be of an adequate size, with light and ventilation from the front and rear windows and doors. The Kitchen would be served by the only window within the side (east) elevation. This window would be obscure glazed and non-opening to a height of 1.8 metres preserving the privacy of adjoining residents. The provision of a rear yard area would provide some outdoor amenity space on-site and is sufficient in size to store refuse and cycles adequately. The design incorporates the shared side alleyway as part of the scheme and maintains this resource for access to rear gardens only.

Impact on Adjoining Properties

15. The existing building design has an effect on the amenities of adjoining and surrounding occupiers in terms of building bulk on the common boundaries and loss of outlook from rear windows. The proposed reduction in footprint and therefore building bulk would improve this situation for the occupants of 25 Stowe Road and 26 Morgan Road, the

incorporation of a hipped end would allow additional sunlight to penetrate into the surrounding garden areas. I am therefore satisfied that the proposed dwelling (maintaining a traditional front and back relationship) would not have any further significant effect to residential amenity in terms of loss of light, outlook and privacy than the existing workshop building.

16. Notwithstanding this, in order to control further extensions to the proposed dwelling, I consider it reasonable to remove the Permitted Development Rights associated with detached houses.

Highway Safety

17. The resurgence of the appointed day use of this property as a builders store could carry with it the need for heavy goods vehicles to access the site in order to deposit or remove items from it. Any intensification of this activity would result in increased demand for on-street car parking spaces or congestion on the towpath itself. I consider that the construction of a one-bedroom dwellinghouse would have significantly less impact to the safety of Morgan Road or Stowe Road than the current appointed day use.
18. As stated by the Transport Policy Officer, Paragraph 51 of PPG13 states "Local Authorities should...not require developers to provide more spaces than they themselves wish" Considering the size of the site the applicant is unable to provide off-street car parking within the site. The proposal seeks to place cycle and refuse storage within the rear yard, which is considered acceptable and demonstrates accessibility to a mode of transport other than the private car. I am therefore satisfied that the proposal is acceptable on highway safety grounds

Other Considerations

19. A number of the objections by third parties raise issues outside the control of the Local Planning Authority, these include:- the construction methods employed by the developer; the overlooking of properties by the builders themselves; the parking of vehicles on the towpath; the siting of containers or skips necessary for building work on the towpath and implications to a covenant relating to the existing property.
20. Having regard to the relevant material considerations, the reason for the previous refusal and the amendments secured by negotiation I am satisfied that the proposal is acceptable.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions - provision of storage of cycles and refuse prior to occupation; a desk top study /a site investigation report/ a detailed scheme for remedial works and measures; verification by the competent person that any remediation scheme has been implemented fully; details of all external facing and roofing materials (including samples) to be submitted to and approved by the Local Planning Authority in writing; removal of permitted development rights; no doors/windows over the public highway; no additional windows within north west and east elevations.

BACKGROUND PAPERS

40 Letters of Objection

Consultation response from Transport Policy Team
Consultation response from Head of Public Protection
Consultation response from Disability Access Advisors

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Head of Planning Services
17 November 2005