

# PLANNING COMMITTEE

## 17 AUGUST 2011

3 PM CONFERENCE ROOM A CIVIC OFFICES

### REPORT BY THE CITY PLANNING OFFICER ON PLANNING APPLICATIONS

#### ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

#### REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City 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 proposals under consideration

#### APPLICATION DATES

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

#### HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

**132 Essex Road Southsea****Installation of replacement roof****Application Submitted By:**

Mr Tahir Latif

**RDD:** 17th May 2011**LDD:** 18th August 2011**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application relates to a terrace house located on the northern side of Essex Road. The house falls within the Essex Road Conservation Area and is covered by an article 4 (2) Direction that restricts "permitted development" including altering the roof cladding on the road frontages.

Retrospective planning permission is sought for the replacement cladding of the roof from slate to concrete tiles.

This application follows an enforcement complaint.

**POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC10 (Conservation Areas).

Emerging policy PCS22 of The Portsmouth Plan (Portsmouth's Core Strategy) would also be material to this application. The policy outcome is to achieve the highest quality of design standards in development across the city and to protect and enhance the city's conservation areas, a comparable policy to saved policies DC1 and DC10 of the Local Plan.

**CONSULTATIONS**

None.

**REPRESENTATIONS**

15 e-mails of support have been received and 1 e-mail of objection on the grounds that the loss of the original slate roof goes against everything positive that came from the designation as a conservation area in 2005 and the approval of the application would send out the wrong message to other owners/occupiers within the conservation area.

These e-mails of representation were reported on the Members Information Service on 22/07/2011.

A deputation request has been received by a local resident.

**COMMENT**

The determining issues are whether the appearance of the replacement roof is acceptable in relation to the recipient house and streetscene and whether the replacement roof preserves or enhances the character and appearance of the conservation area.

The house is covered by an article 4 (2) direction that restricts permitted development including altering the roof cladding on the road frontages. It is regrettable that the roof of this property has been reclad in concrete tiles, albeit grey, particularly as it formed part of a group of 3 houses with slate roof coverings. However, 82% of the properties in the conservation area have concrete tiled roofs that are probably no more than 10-30 years old and it is unlikely that there will be much change back to slate cladding in the foreseeable future. Given the extent to which the roofs of houses within the road have been altered, the retention of concrete tiles would not significantly alter the character or appearance of the conservation area, and would be considered to at least preserve its character and appearance.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Elevations.

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

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

### **The reason for the recommendation is:**

1) In the opinion of the local planning authority it is considered that the replacement roof cladding has a satisfactory appearance in relation to the recipient building and the streetscene and would preserve the character and appearance of the conservation area. In these circumstances the roof cladding is in accordance with saved policies DC1 and DC10 of the Local Plan 2001-2011.

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

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**02** 11/00411/FUL

**WARD:Eastney & Craneswater**

**2-6 Spencer Road Southsea**

**Retention of outbuilding to rear garden**

**Application Submitted By:**  
Ken Ross RIBA & Associates

**On behalf of:**  
Aquarius Nursing and Residential Care Home

**RDD:** 27th April 2011

**LDD:** 22nd July 2011

This application has been brought to Planning Committee at the request of Ward Councillor Hall.

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises the curtilage of the Aquarius Nursing Home, 2-6 Spencer Road, a substantial two-and-a-half storey building. The site is located outside of, but immediately adjacent to the boundary of the Craneswater & Eastern Parade Conservation Area.

Planning permission is sought for the construction of a detached outbuilding located to the rear of the site adjacent to its eastern boundary with Cresta Court. The construction of the outbuilding, which has replaced a pair of smaller sheds, is substantially complete with the exterior as yet unfinished and therefore this application has been submitted under the provisions of Section 73A of the T&CPA which makes provision for planning applications to be made in respect of development that have commenced or are complete.

None of the planning history for the application site is considered relevant to the determination of this application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC10 (Conservation Areas).

Planning Policy Statement 5: Planning for the Historic Environment

## **CONSULTATIONS**

### **Tree Memo**

Protected trees located on an adjacent property would not be affected by the proposal.

## **REPRESENTATIONS**

Four letters of representation have been received raising the following objections: excessive height of outbuilding leading to loss of light and view; the visual impact on the Conservation Area; the use of the building and potential for the creation of noise or odour; and wooden construction being a fire hazard.

## **COMMENT**

The main issues to consider in the determination of this application are whether the design of the outbuilding is acceptable and whether it has an acceptable relationship with adjacent properties.

2-6 Spencer Road is located immediately to the north of the boundary of the Craneswater & Eastern Parade Conservation Area. The outbuilding to which this application relates being visible from Eastern Parade across the frontage of Cresta Court. In design terms the outbuilding is considered acceptable and subject to the imposition of conditions relating to its finished appearance would preserve the character and appearance of the Conservation Area.

The outbuilding is sited two metres from the boundary of the site with number 11 Eastern Parade (the adjacent property to the south) and approximately 8.5 metres from the nearest directly facing ground floor window in that property. The outbuilding is separated from the flats in Cresta Court by a brick wall and the width of a vehicular access leading to garages at the rear of that development. Having regard to the siting of the outbuilding relative to adjacent properties it is considered that the outbuilding has no significant impact on the living conditions of the occupiers of those properties. The applicant advises that the outbuilding would be used for the storage of maintenance equipment which is considered to be unlikely to give rise to any adverse affect on the occupiers of neighbouring properties.

The means of construction and potential fire risk is not an issue that could be used to justify the refusal of planning permission.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan and Aquarius/Southsea/2011/01.
- 2) Within 30 days of this permission a schedule of materials and finishes to be used for the external walls and roof of the outbuilding shall be submitted to the Local Planning Authority. The development shall be finished in accordance with the approved details within 60 days of their approval in writing by the Local Planning Authority.

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

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of the visual amenities of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.

### **The reason for the recommendation is:**

- 1) In the opinion of the Local Planning Authority the outbuilding does not have a significant impact on the amenities of the adjoining occupiers in terms of loss of light, overlooking or overbearing relationship. Furthermore, the outbuilding is appropriate in relation to the site and the adjacent Craneswater & Eastern Parade Conservation Area. The proposal is therefore in accordance with saved policies DC1, DC5 and DC10 of the Portsmouth City Local Plan 2001-2011.

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

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**03    A\*26996/AP**

**WARD:Eastney & Craneswater**

**Qinetiq Fraser    Fort Cumberland Road Eastney Portsmouth**

**Construct 131 residential units (totalling 13300sqm gross ext floorspace) in 3 new build blocks (A,B & C); A- part 7-/6-/5- storey; B- part 6-/5-/4- storey; C- part 5-/4-/3- storey; associated car parking, provision of access & landscaping**

### **Application Submitted By:**

GVA Grimley

### **On behalf of:**

Qinetiq

**RDD:** 28th April 2005

**LDD:** 23rd June 2005

## **INTRODUCTION**

This application was originally considered by the Committee in 2005 and, following a Committee site visit, the Committee on 30 November 2005 resolved that the Head of Planning Services should have authority delegated to him to grant outline consent, subject to detailed conditions to be formulated by him having regard to a decided list, and subject to the completion of legal agreements under section 106 of the Planning Act and section 278 of the Highways Act. The completion of those agreements was hampered at the time by issues in relation to responsibility for the ongoing maintenance of the sea defences and securing satisfactory vehicular access.

In view of the terms of the delegated authority, the Head of Planning Services cannot issue a planning permission that would be legally valid until such time as the required agreements are complete. There has been a long period of delay: the Agreements have not been settled. In addition, the lapse of time since the decision in November 2005 has the effect that important and material considerations relevant to the decision of the Council have changed or emerged. Considering the terms of the delegation, the Head of Planning Services considered that it would be improper for him to rely on the delegated authority given in 2005. The application was therefore referred to the Committee on 30th March, and the 2005 decision was rescinded.

This report is now referred to the Committee to give an assessment of the application as made in 2005, taking account of matters that remain as they were at the time of the original decision, and referring to material changes of relevant considerations that should be taken into account in determining the application at this time.

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The applicant is the freeholder 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 adjoins an area of public open space and the Southsea Caravan Park. While the land ownership of Qinetiq extends to some 4.6ha, the red line boundary encloses an area of some 4.8ha to include 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 which is owned by the Council.

The main part of the development site comprises a number of buildings of varying size, used for a combination of offices, stores, research laboratories and light industrial workshops. There are, in addition, other structures including radar masts, tanks, sheds and sub-stations. The majority of buildings are located on the western half of the site and have largely become unused. The mainly undeveloped eastern part of the site falls within the Scheduled Ancient Monument and incorporates the original main entrance to and from the Fort.

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 in 2005 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. Qinetiq and their consultants did engage at the time 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. 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. From those discussions the proposal of creating three blocks of varying height with curved facades on the western part of the site was considered to offer a way forward at that time.

This application sought outline permission 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 the outline stage in 2005 were layout, scale and access. In 2005 the reserved matters were differently defined, and they were originally siting, means of access and the scale/massing of the buildings.

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 would 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 would 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, would exclude 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 would be provided at the eastern end of the access road to mark the entrance to the development after which point the estate road going further east would remain private. The proposed access road and visibility splay would involve the loss of a strip of the open space land varying in width between 1.5m and 4m to the north of the existing access road which forms part of an area of open space and local site of nature 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 would fall within the Scheduled Ancient Monument 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 would be provided on the north side of the road within a soft landscaped area.

Of the three blocks, which would be generally orientated on a south-west to north-east axis with an elliptical style footprint, the highest [Block A] would be located adjacent to the western boundary and would be 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 the Blocks A, B, and C, would be 7,400m<sup>2</sup>, 3,500m<sup>2</sup>, and 2,400m<sup>2</sup> 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.

Whilst the proposed development would occupy the western half of the area south of the proposed access road, the remaining area to the 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 Disability Discrimination Act requirements.

From a historical perspective of this part of Eastney, the application site and Fort to the north have represented a complex 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 60 years. In relation to the previous use of the site a Lawful Development Certificate was issued in July 2004 recognising that its lawful planning use at that time was for high technology research and development purposes falling within Class B1(b) of the Use Classes Order. In recent years the premises have been largely vacated, although a security presence has been maintained.

In 2007 it was brought to the Local Planning Authority's attention that a Dartford Warbler had been found in the vicinity of the site. These birds are a protected species (being a species listed in Annex 1 of the EU Directive on the Conservation of Wild Birds, and Schedule 1 of the Wildlife and Countryside Act 1981) and their existence and the effect of development on their habitat would be a material planning consideration. When the planning application was originally submitted a Bird Survey was not undertaken as the Assessment was prepared outside the breeding season for the Dartford Warbler. However, the committee report did discuss the suitability of the habitat of the area around the application site for Dartford Warblers and other protected species.

The applicant was requested in 2007 to update the environmental information in relation to nature conservation issues and, with the publication of PPS 25 on flood risk, their flood risk assessment. Although the need for a breeding bird survey was initially challenged by the applicant, an independent ecological consultant advised that such a survey was necessary. However, notwithstanding that a methodology for carrying out that work was agreed and a survey carried out April to August 2009 the results have not, to date, been shared with the local planning authority. The report is itself now two years old, and no further information has been provided. A copy of that report is attached as **Appendix 1**.

In addition to the above, there have also been a number of other policy developments that, taken together with the now dated information on which the environmental assessment was completed, led to the item being placed before the Committee on 30 March 2011. The applicant was advised in August 2010 that the supporting environmental information submitted in 2005 required updating to meet changed circumstances and the updated information needed to be provided within a specified time frame. With no such information forthcoming the item before the Committee on 30 March 2011 sought to rescind the original resolution. The decision of the Committee to rescind led to the current and formal reconsideration of the proposal referred to by this report. The item considered in March this year generated twenty-three letters or emails of support for the matter to be reviewed. The Committee resolved to rescind the November 2005 resolution.

## **POLICY CONTEXT**

### The Development Plan

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC3 (Landmark Buildings and Features), DC5 (Amenity and Pollution), DC7 (Provision of Infrastructure), DC9 (Storage of Refuse), DC18 (Sites Local Nature Conservation Importance), DC20 (Protection of Open Space), DC21 (Contaminated Land),

DC25 (Transport Issues in New Development), DC29 (Travel Plans for Major Developments), DC31 (Employment Sites Outside Primary Areas), DC40 (Affordable Housing), DC46 (Public Open Space in New Residential Development) and DC47 (Residential density).

The Supplementary Planning Documents in relation to car parking, air quality, reducing crime through design and planning obligations would also be relevant to the determination of the proposal.

### **National policy framework**

At national level the following policy guidance would be material to the consideration of this proposal;-

Planning Policy Statement 1: Delivering Sustainable Development;

Planning Policy Statement 3: Housing;

Planning Policy Statement 5: Planning for the Historic Environment;

Planning Policy Statement 9: Biodiversity;

Planning Policy Guidance Note 13: Transport;

Planning Policy Guidance Note 16: Archaeology and Planning;

Planning Policy Guidance Note 20: Coastal Planning; and

Planning Policy Statement 25: Development and Flood Risk.

### **Emerging Policies**

The recent deposit of the Portsmouth Plan [The Core Strategy] with the Secretary of State has the effect that the following emerging policies would amount to a material consideration in a relevant case, albeit that the weight applied to them would vary in respect of the details of particular applications. The Council has decided that regard should be had to the emerging policies as material considerations in making development management decisions.

Whilst policy PCS8 relates to the seafront as a whole, it does nevertheless refer to the objectives to protect the open nature of the area around the Common and other undeveloped areas, and improving the quality of open spaces, and protecting the nature conservation value at Eastney Beach. The issue of flood risk is dealt with in policy PCS11 and reflects national guidance within PPS25. Policy PCS12 requires the provision of pocket parks on development sites of 50 dwellings or more at a standard of 1.5ha per 1000 population, and seeks to protect and enhance green infrastructure. Under the heading of 'Sustainable design and construction' policy PCS14 advocates the use of Low or Zero Carbon energy technologies (in proposals for 10 or more dwellings) to reduce carbon emissions as part of the selection of measures to meet the overall Code for Sustainable Homes level. The objective underlying this policy is to reduce carbon emissions by 10% upto the end of 2012 and 15% from the beginning of 2013 onwards. There would also be a requirement to provide private amenity space for all new build residential units, maximise solar efficiency, future proof developments so that renewable or low-carbon energy technologies can be added if none are provided at construction stage, and that development should include recycled construction material. Policy PCS15 seeks to ensure that developments provide or contribute towards community benefits related to the development and deliver infrastructure as required. Within the 'Development Management Policies', PCS18 relates to housing mix, size and the provision of affordable homes. Within that policy developments should achieve a target of 40% of family housing where appropriate, and ensure that all new dwellings and conversions should meet the minimum floorspace standards that apply to affordable housing as outlined in the document 'Providing affordable housing in Portsmouth'. Policy PCS20 requires a minimum density of 40dph, while policy PCS22 refers to design and conservation objectives. Emerging PCS23 refers to a presumption against tall buildings outside of the preferred locations unless outweighed by the particular merits of a proposal. The more specific and emerging SPD on tall buildings provides greater guidance for the application of the policy in application specific details.

## CONSULTATIONS

Given the passage of time, along with public re-notification consultees were asked to revisit their original views and give their present day comments for consideration.

### **Langstone Harbour Board**

Objection on the grounds that; (a) it will result in increased pressure on local infrastructure; and (b) high-rise buildings would be out-of-keeping with the area and would therefore have a detrimental impact on the seafront panorama; whilst also commenting that this is a unique opportunity to demolish the existing buildings and landscape the area, thereby replacing visually unattractive buildings developed in a piecemeal fashion, and public access would open up this part of the city and currently unavailable hidden views of Fort Cumberland making a welcome addition to existing open space.

### **EPPS - Pollution Team**

No consultation response has yet been received

### **EPPS - Contaminated Land Team**

Standard conditions will be required in relation to a site investigation and remediation as may be found necessary.

### **Highways Engineer**

Given the degree to which the site is accessible by public transport the proposed level and arrangement of on-site car parking is considered acceptable. It is also considered that secure cycle storage can be accommodated to meet the needs of the occupiers of the development. Whilst a financial contribution had originally been negotiated with the applicant in respect of improvements to sustainable transport, there is now a requirement under the SPD on planning obligations for a sustainable transport contribution. The new figure would result in an increase in that contribution by £24,678.31 to £94,678.13 to facilitate travel by more sustainable transport modes of benefit to occupiers of this development. In terms of traffic generation it is not considered that the proposed development would have a significantly adverse impact on the local highway network. This is corroborated by a planning appeal decision for the redevelopment of Halliday Crescent where the Inspector did not find a sustainable highways objection to the combined increase in traffic arising from the development of both that and the Qinetiq site. Subject to the construction of the new access road and improvements to a section of Fort Cumberland Road to serve the development (by agreement with the Developer) there would be no highways objection to the proposal.

### **Education/Unilateral Memo**

This property falls within the catchment areas of the following schools:

Milton Park Infant School

Milton Park Junior School

Miltoncross School.

Using the current data, at this stage, it is expected that there will be a requirement for contributions for the secondary school but not for the infant and junior schools.

### **English Heritage**

It is noted that the applicant has not provided any further information to reflect the change in circumstances since 2005. It would be broadly to the Fort's advantage to have the site cleared and de-contaminated and a residential scheme that might achieve this had to be seriously considered. Although 'balanced' support was given at that time it was heavily qualified.

It was (has been) identified that (neither) the western extremity of the Fort's actual defences, nor the subsequent military works on the site have been fully revealed or properly understood. Without this understanding it would be difficult and inadvisable to come to a final view on an actual scheme.

The views of sea forts from Fort Cumberland appeared to have been conceived narrowly in terms of a theoretical central point, and evolving guidance on the setting of heritage assets, in particular intervisibility, will be valuable. The SPD on tall buildings does not identify this site as an area of opportunity, and the masts that formed part of the operational use of the site should not be taken as a justification to permit tall buildings within an area characterised by an otherwise low profile. The policy requirements which the development must satisfy have since 2005 grown more stringent both locally and nationally.

English Heritage are, in these circumstances, unable to recommend that approval should be forthcoming.

### **Environment Agency**

In the absence of an acceptable Flood Risk Assessment the Agency the Environment Agency objects to the proposed development on the grounds that;

(a) the Flood Risk Assessment does not comply with the requirements set out in Annex E, paragraph E3 of PPS25 and, using out-of-date tide level information, does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development;

(b) the assessment and mitigation of the risks to nature conservation are inadequate in that it has not been demonstrated that the proposal would prevent harm to nature conservation interests and would, therefore be contrary to the objectives of PPS9.

The Agency also comments that the Portsea Island Coastal Strategy Study states that the defences in flood cell 2 have a residual life of 5-10 years. The continued safety of the proposed development over its full lifetime (2115) will be dependent upon the standard of protection and structural integrity of the defences to the south side of the site. Flood cell 2 is unlikely to attract government funding for the upgrading of flood defences to protect the existing community. The proposed development will need to provide any necessary flood defences as identified through a Flood Risk Assessment and demonstrate safe access and egress. Furthermore, any proposed modifications to the existing defences or conceptual designs for new defences are developed in consultation with the city council's coastal engineering team. In terms of nature conservation, there are concerns in relation to the age and quality of the ecological assessments, particularly in relation to more mobile species which have been identified within and adjoining the site, and that in these circumstances the appropriate assessment is not fit for purpose. Biodiversity gain should be an intrinsic part of the scheme and, in keeping with the objectives of PPS1 and PPS9, the ecological value of the site should be enhanced above and beyond the standard level of protection.

### **Natural England**

Has made an objection of the grounds that:

(a) there have been a number of policy developments as well as emerging studies relating to the impacts of development on the features of interest of the Solent Maritime Special Area of Conservation, the Chichester & Langstone Harbour Special Protection Area and Langstone Harbour SSSI; and

(b) the Environmental Assessment has not been updated or consideration given to emerging policy in the context of PPS9 on biodiversity and geological conservation.

### **The Portsmouth Society**

Objection on the grounds that:

(a) the site is not the most appropriate for the high structures proposed and they are contrary to the 'Tall Buildings' policy;

(b) the development will have a detrimental effect on the setting of the Fort and Listed WWII defences;

(c) a new community of this size needs to have a major element of sustainability with some on-site employment, a car share scheme, improved public transport, local shops and community facilities, grey-water recycling, photovoltaic panels and geo-thermal energy/recovery using the sea; and

(d) the exposed site will give rise to severe wind turbulence.

### **Havant Borough Council**

The submitted details provide very limited information regarding the visual impact as viewed from Hayling Island. It is not therefore possible to fully assess the potential impact, However, given the bulk, height and design of the proposal there is concern that the proposal would be prominent and have an adverse visual impact when viewed from the east.

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

Has made an objection on the grounds that it is not possible to make a proper assessment of the proposal on the basis of out-of-date environmental/ecological information. The Trust recommends that the application be withdrawn until such time as new surveys and assessment can be conducted and submitted.

### **Royal Society for the Protection of Birds**

Has made an objection on the grounds that;

- (a) the proposal now relies on out-of-date and incomplete data in relation to the potential impact of the development on protected birds and through recreational disturbance on Eastney Beach a significant proportion of SPA birds (e.g. ringed plover, turnstone and sanderling);
- (b) residential schemes that come forward of the completion of the Solent Disturbance and Mitigation Project should be treated on a highly precautionary basis; and
- (c) there is insufficient information to inform an appropriate assessment and until it can be demonstrated that the proposals will not have an adverse impact on the SPA an objection will be maintained.

The RSPB draw attention to the provisions of s40 of the Natural Environment and Rural Communities Act, (which came into effect on 1 October 2006, and) which states that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". The RSPB recommend that a full breeding bird survey be carried out of both the application site and surroundings (in particular areas of scrub, which observations have indicated supports breeding Dartford Warblers, an Annex 1 and Schedule 1 species) and the shingle beach frontage which may also support breeding ringed plovers.

### **Historic Buildings & Monuments Commission For England**

No consultation response has yet been received

### **Pillbox Study Group**

This organisation absorbed the United Kingdom Fortification Club and object on the grounds that the proposal involves the total demolition of the site and the construction of new buildings that are far too high and will overawe Fort Cumberland. It is recommended 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 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.

### **Coastal Defence Engineer**

North Solent Shoreline Management Plan has shown a Hold the Line Policy but identified the coastline adjacent to the proposed development as having "complex coastal processes", The Portsea Island Coastal Defence Strategy has recommended that the policy of Hold the Line should be implemented to a Standard of Protection of 1 in 200years. However the economic appraisal shows a low benefit costs ratio and is there unlikely to attract any Capital Grant funding from the Environment Agency. Any costs to implement the recommended policy to improve and maintain the coastal defences will need to be met by the landowners along this frontage.

The EA floodzone map shows the positioning of the proposed buildings as above Floodzone 2 Present Day; and the associated Strategic Flood Risk Assessment [SFRA] Hazard Mapping for FZ2 shows the development area as at Low Risk. Looking forward over a 100 years to 2115 and reviewing the SFRA mapsets, shows that part of the site and adjacent area will fall into Floodzone 2 and therefore appropriate future mitigation of resistance/resilience measures and safe access/egress should be considered.

Our main concern is regard to the uncertainty how the coastal processes could change over the next 100 years. This is an extremely complex frontage and there is a risk that the existing beach could suffer from erosion in the future. The potential erosion would need to be assessed by the developer to ensure the proposed buildings and infrastructure are not within the future erosion risk zones during the lifetime of the development. There is also the potential that if the beach retreated landward through erosion then this would lead to increased wave overtopping; this type of flood risk has not been assessed in the SFRA maps and should be considered in any

site specific FRA. All that said, this is a pretty difficult assessment to make, we are therefore willing to meet with the developers to discuss appropriate methods.

There is an opportunity to link the future management of the Fraser Battery frontage with our proposals along the Southsea frontage, where PCC are taking a lead role; for example a joint Beach Management Plan could be considered. We would however need the landowners/developer to fund the relevant parts affecting their frontage.

## **REPRESENTATIONS**

At the time of preparing this report 53 letters and e-mails had been received from local councillors, the Milton Neighbourhood Forum and interested members of the public objecting to the proposed scheme on the following grounds;-

- (a) it should include an element of retail provision,
- (b) the buildings would by virtue of their height be an eyesore; would adversely affect the setting of Fort Cumberland; be visually intrusive and contrary to Tall Buildings policy,
- (c) the site is inappropriate for residential use given its inaccessible location,
- (d) impact of additional traffic on the local highway network,
- (e) loss of public parking,
- (f) the use of the beach has not been resolved,
- (g) pressure on local services,
- (h) impact on nature conservation, in particular the Dartford Warbler,
- (i) impact on Heritage Assets (Fort Cumberland and WW2 defences),
- (j) scrapping of top-down housing targets and greater emphasis on addressing genuine local housing need,
- (k) flood risk,
- (l) impact on use of beach by naturists,
- (m) conflicts with coastal path access bill provisions, and
- (n) overabundance of flats in the city.

## **COMMENT**

It is now necessary to re-assess the 2005 submission in the context of current policy and changes in legislative provisions in order to allow the application to be determined. Whilst the determining issues in relation to the proposal have not significantly changed, changes in policy would have a bearing on the conclusions that are reached. In addition to considering the principle of the development, the primary issues relate to design, scale, massing and impact on Fort Cumberland; nature conservation/ecology; impact of the development in highway terms; flood risk; and the provision of affordable housing and open space. Secondary issues relate to housing mix, the use of the beach, employment provision, archaeology, sustainability objectives and whether there would be a need for an education contribution.

### **Built form**

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. In these circumstances it is concluded that the site would amount to a 'brownfield' site and capable of redevelopment. As part of the initial discussions with the applicant it was acknowledged that a constraint on built form would stem from the juxtaposition of the site to Fort Cumberland and wider nature conservation interests. The area immediately to the south of the Fort, comprising the eastern section of the site, and the area to the west of the Fort were identified as 'sensitive' while the south-west part of the site adjacent to the camping and caravan park was 'less-sensitive' and capable of redevelopment in principle. It is, therefore, considered that the developable area of the site would be limited to some 1.9ha to the south-west of the Fort and an area of 0.75ha to the west of the Fort. However, given that part of the latter falls within the Scheduled Ancient Monument its use would be restricted to open space.

The density in the proposal would provide 49 dwellings per hectare, on the basis of the developable area, which is higher than the minimum 30dpha for a low accessibility area under policy DC47 of the Local Plan. Emerging policy PCS20 of the Portsmouth Plan seeks to achieve a minimum density of 40dpha within this area, and the development therefore exceeds the emerging policy density requirement. To achieve a net density figure of around 45-50dpha on the developable area of the site would lead to a proposal for 85-95 dwellings. However, 131 dwellings are proposed in this application. To achieve any low-rise design approach, which would be more compliant with the emerging policy constraints would involve a greater area of building footprint. The low-rise approach would also 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 on a larger footprint would be of the order of three and four-storeys, a greater expanse of building would inevitably have an adverse impact on the setting of the Fort and thus, would work against the objective to protect and enhance conservation interests. The density constraint would, it is considered, be more likely to result in a flatted development.

Mindful of the comments submitted by English Heritage there is now some concern in relation to the precise location, height and orientation of the proposed buildings, and their impact on the historical setting of the Fort in relation to the sea forts. The SPD on tall buildings, which will supplement emerging policy PCS23 in the Portsmouth Plan, relates to any building 6-storeys or more, or in excess of 20m in height, and identifies areas of opportunity in which such buildings would be considered acceptable. The SPD is an emerging policy which is a material consideration to be given significant weight in determining the application because it relates to tall buildings, and as defined by the policy, two of the three buildings are in that category. The policy will be referred to in the forthcoming Examination in Public. There have been no objections to the emerging tall buildings policy from Qinetiq, or from other objectors relating to the Qinetiq site. The emerging policy should be given significant weight, and is directly relevant to the proposal being considered. There would, therefore, be a presumption against buildings in excess of those heights in such areas unless the particular merits of the proposal would outweigh that presumption.

Although the visual impact of the proposed buildings was addressed in the applicant's original submission, it did not include the amount of detail required under the SPD. Given the historic setting for this site, it is not considered that the applicant's original submission has sufficiently demonstrated that a presumption against tall buildings on this site should be put aside. This particular site does not fall within one of the areas where tall buildings may be considered acceptable. Moreover, the evidence now available does not show an exceptional design in terms of scale and orientation. The weight to be given to the benefits of the proposal, as a windfall housing site and the opportunity to gain public access, are not considered sufficient to outweigh the emerging constraints for tall buildings on the site. Having regard to the comparatively low-lying nature of this part of Eastney, it is considered that in the context of emerging policy, which in this case should be afforded significant weight, the proposal would amount to an inappropriate form of development.

### **Nature Conservation**

This site is located adjacent to two areas of local importance for nature conservation (SINC's), the Solent Maritime Special Area of Conservation, the Chichester & Langstone Harbour Special Protection Area and Langstone Harbour SSSI. The eastern part of the site, by its nature, also has some ecological importance. In the original submission the applicant agreed to enhance the eastern part of the site for nature conservation purposes, a management plan would have been required as part of a legal agreement for that purpose, and would have allowed limited public access. That would, however, have been at odds with an aspiration to achieve public access to the western side of the mouth of Langstone Harbour, in order to provide a circulatory route around Eastney peninsula, to which Natural England objected.

It is apparent that since 2005 activity on the site has decreased and, in these circumstances, there may be changes to the habitats and biodiversity within the site. Furthermore, an independent review of the ecology section of the Environmental Statement, following the recovery of a Dartford Warbler (a species listed in Annex 1 of the EU Directive on the Conservation of Wild Birds, and Schedule 1 of the Wildlife and Countryside Act 1981) revealed the presence of Black Redstart (a Schedule 1 species) and Stonechat (also a Listed species). The review recognised the importance of this area ecologically and identified the need for a full breeding bird survey to ascertain whether this site has any importance for breeding birds, and the likely impact on protected species together with requirements for mitigation measures. In these circumstances it is also considered that the implications of recreational disturbance on the SINC's that cover both Eastney Beach and the area west and north of Fort Cumberland have not been fully explored.

It is therefore considered that, given the passage of time, the submitted environmental assessment is neither up-to-date nor complete insofar as it relates to the assessment of ecological issues and cannot therefore be relied upon in the determination of this proposal. Without appropriate information to demonstrate that the proposal will not have any adverse impact on nature conservation, the development would not accord with the objectives Planning Policy Statement 9; Biodiversity and policy DC18 of the City Local Plan.

### **Highway matters**

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. It must be acknowledged that the data on which the transport assessment is based uses out-of-date information in terms of current traffic movements at various junctions on the highway network. However, no significant level of development has been undertaken during the intervening period that is considered to be likely to affect the initial conclusions.

At present the existing access to the Fraser site comprises 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 the normal range of utilities, it is necessary to reconstruct and improve the existing access to adoptable standards. It would also be 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.

Although the proposed access road involves the loss of a narrow strip of land to the north of the existing access, it is considered that those works would not have a significant impact on the open space to the north or its designation as a SINC. The County Council ecologist has carried out a survey of this strip of land and has concluded that it is of itself of little value. 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.

The Highway Consultant's transport assessment initially demonstrated 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. The Highway Engineer is satisfied that, notwithstanding that the transport assessment has not been updated, the traffic flows associated with the proposed development would not give rise to a sustainable objection in relation to its impact on the local highway network. In reaching that

conclusion the Highways Engineer was mindful that as part of the Appeal Inquiry into the redevelopment of Halliday Crescent, the Inspector considered the in-combination effect of traffic arising from that development and this proposal, and concluded that the impact was insufficient to justify withholding permission.

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 provision of on-site car parking provision at circa 1.5 spaces per dwelling would, in the context of the SPD on car parking, be considered appropriate for this site. The provision of secure bicycle storage within the development and a financial contribution of £94,678.13 towards off-site cycle network and other sustainable transport improvements will serve to ensure that the transport needs of the occupiers of the development are adequately met in accordance with Local Plan Policy.

### **Flood Risk**

The responses from the Environment Agency and the Coastal Defence Engineer identify shortcomings within the original submission in the context of current knowledge and policy.

In 2005 a greater part of the site was included within the flood plain than is now the case, and mapping is more accurate. PPS25 was introduced as national policy in December 2006. Having regard to PPS25 requirements, and taking into account improved understanding of climate change and the condition of the existing sea defences, the applicant should have submitted a revised flood risk assessment to address the issues of ensuring safe access and egress in the event of over-topping of the proposed sea defences and inundation from Eastney Lake to the north.

Given the concerns of the Environment Agency and the Coastal Defence Engineer it is not considered that the proposed scheme has satisfactorily demonstrated a safe development. Furthermore, it does not satisfactorily address the issue of the future maintenance of the existing sea defences or future sea defences built pursuant to the development. In these circumstances the objectives of emerging policy PCS11 within the Portsmouth Plan would be material to the consideration of the proposal and, given that it would complement PPS25, should be given significant weight. That policy seeks to control flood risk and mitigate residual risk. The flood risk assessment submitted in 2005 falls short of satisfactorily addressing those issues and therefore has little weight to support the proposal.

### **Affordable housing**

As part of the 2005 submission the applicant had agreed to provide a total of 33 flats (25%) as affordable accommodation distributed across each of the proposed blocks. Of the proposed 131 flats some 44% would have been 3-bedroom accommodation, 52% 2-bedroom and 4% 1-bedroom, and the affordable accommodation would have been expected to reflect similar proportions.

Since 2005 the proportion of affordable accommodation required by the Local Plan has increased to a minimum of 30% on a pro-rata basis. Although the applicant was made aware of the new requirement, no updated offer had been received at the time this report was prepared. Without satisfactory proposals for the provision of affordable accommodation as part of the proposed scheme the application would fail to address the requirements of policy DC40 of the Local Plan and emerging policy PCS18 of the Portsmouth Plan.

### **Open space**

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 would 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, should permission be granted, while its retention and maintenance would fall within the scope of a Section 106 legal agreement. The future maintenance of those areas and the play area would have to be secured in the legal agreement.

### **Secondary issues**

At the time of its submission in 2005 there were no prescriptive standards in terms of housing mix or space standards. With the submission of the Portsmouth Plan to the Secretary of State emerging policy PCS18 seeks to achieve a target of 40% for family dwellings and floorspace standards equivalent to those that previously applied to affordable accommodation. This proposal would exceed that target, and the indicative areas for the proposed dwellings would be on or around the 60sq.m. and 75sq.m. for two- and three-bedroom accommodation respectively. In this regard the proposed development would accord with the objectives of emerging policy.

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 to 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. In granting a Deed in relation to the provision of the access road the Council secured public access to the beach. Although the proposed development, together with greater access to the beach by the general public would discourage naturists, that situation, similar to 2005, would not be material to the consideration of this proposal.

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, amongst other things, 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 it is unlikely that that the continued use of the site for commercial purposes would be viable. It is also likely that an increase in the amount of commercial floorspace on the site could have an adverse impact on nature conservation interests and the setting of the ancient monument.

Turning to archaeological matters, 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, was previously accepted by the applicant. Under the auspices of English Heritage a detailed survey of WWII artefacts would be prepared and a photographic record made. In their original response English Heritage were not of the view that those artefacts are of sufficient merit to warrant retention but welcomed 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.

To the south of the site lie WW2 anti tank defences which, since March 2010, are Grade II listed structures. That line of defence comprises some 280+ concrete blocks, part of which was formerly 'Scheduled', and stretch from Henderson Road eastwards. The proposed development would not physically affect the concrete blocks, and it is not considered that, with appropriate signage, the use of the site for residential purposes with access to the beach would have an adverse impact on them. Furthermore, it is not considered that the proposed development would adversely affect their setting. The applicant had initially agreed to make a financial contribution towards the provision of a plaque within the site to reflect the historical use of the site, along with the retention of a gun emplacement.

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 how the requirements of emerging policy PCS14 would be 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. Whilst shopping policy would allow for the provision of a modest convenience store, such a facility does not form part of the application and its exclusion would not render the scheme unacceptable.

Finally, the Education Service has identified that the proposed development would generate a demand on school places that cannot be met by existing capacity. In these circumstances the applicant would, in accordance with the SPD on Planning Obligations, be required to provide a commuted sum for the provision of additional school places at Miltoncross.

## **Conclusions**

In 2005 members considered that the benefits of securing removal of the dilapidated buildings at the coast, and the ability to achieve public access and ecological benefits with improvements to the setting of the Scheduled Ancient Monument, were sufficient to allow a residential scheme comprising 3 blocks of flats overall. The resolution of the Committee could not be made effective in a timely fashion because of the intervening discussions, including consideration of the required legal agreements and framework.

Issues in relation to the provision of open space, archaeology, a plaque to reflect the historic use of the site, and a managed approach to nature conservation within the site could be controlled by way of either planning conditions or within a legal agreement, alongside the normal planning conditions appropriate to this form of development. Nevertheless, there are other issues of greater weight that would affect the assessment of the proposal.

Since 2005 there have been a number of material changes which make it necessary that a review of the original resolution to approve takes place. Those changes at a national level include Planning Policy Statements 5 (in relation to the historic environment); 9 (in relation to biodiversity) and 25 (in relation to flood risk). Furthermore, legislation in the form of the Natural Environment and Rural Communities Act 2006 places a positive duty on local authorities to conserving biodiversity in the decisions that they make. Changes in local policies include a requirement for a greater level of affordable housing provision, sustainable transport contributions to a set formula, education contributions where a proposed development would generate a requirement for school places that exceeds capacity, and minimum standards in relation to car parking. In addition, other material policy considerations in the emerging core strategy include greater control over the location of tall buildings, housing mix and space standards.

Without a satisfactory agreement in relation to, firstly, the provision of forty units of accommodation, instead of thirty-three, as affordable housing; secondly, the payment of the appropriate commuted sum in terms of sustainable transport, and, thirdly, the payment of an education contribution, the proposal would be contrary to the provisions of the SPD: Planning Obligations, and policies DC40 and DC27 of the City Local Plan.

Notwithstanding that, in principle, the redevelopment of this site would remain an option, in the context of current planning policy there are two main shortcomings in respect of the submitted proposals.

In the context of the SPD on tall buildings and the views expressed by English Heritage, there is less of a justification for buildings of this scale and footprint in relation to Fort Cumberland. This is compounded by the lack of a Heritage Statement. Without sufficient justification the proposed development would be considered contrary to the SPD on tall buildings, emerging policy PCS23 of the Portsmouth Plan, policy DC1 of the Local Plan, and the objectives of PPS5: Planning and the Historic Environment.

The environmental information that was submitted in 2005 with the application, despite requests from the local planning authority, has not been revised since the submission on behalf of the applicants. Nevertheless, the council is aware that some of that information has changed. It is now clear that there are certain bird species whose habitats may be affected by the proposed development, and without a clear understanding of those impacts it would be inappropriate to offer support to the proposal. Furthermore, with the passage of time further studies would be required in relation to the ecological value of the existing site and the potential of recreational disturbance on the local SINC's. In these circumstances the environmental information submitted with this application is not now considered sufficiently robust to enable the local planning authority come to a decision to approve the development. The environmental information on which the decision was based in 2005 has become outdated and the Council would not be able to understand the potential impact of the development on protected species and cannot, therefore, have confidence in allowing a residential scheme to proceed where information is so incomplete on such a significant consideration.

This application clearly demonstrates the pitfalls that can arise in a lengthy delay between original resolution and final determination. The changes in circumstances in this case have been such that, notwithstanding support in 2005, there are now serious shortcomings in the context of out-of-date environmental information and greater control over the location of tall buildings. These shortcomings added to the lack of an agreement in relation to the provision of affordable housing to current requirements and commuted sums weigh heavily against the scheme and, with no other material considerations of such weight to put those issues aside, the application is, therefore, considered incapable of support.

## **RECOMMENDATION I      Refuse**

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

1) In the opinion of the local planning authority the environmental information submitted with this application in 2005 is, given the passage of time, out-of-date and incomplete. In these circumstances the local planning authority has been unable to reach any reasonable conclusion as to whether the proposed development would have any adverse impact on the ecology of the locality, particularly in relation to breeding birds. The local planning authority cannot reasonably determine whether the proposed development would be contrary to the objectives of Planning Policy Statement 9: Biodiversity and Geological Conservation and policies DC17, DC18 and DC19 of the Portsmouth Local Plan.

2) The local planning authority has a duty, pursuant to s40 of the Natural Environment and Rural Communities Act 2006, to have regard to the purpose of conserving bio-diversity, including restoring or enhancing a habitat. In the absence of up-to-date and complete information as to the potential effects on the areas designated for protection adjacent to the site, and the risk of harm to protected species, the local planning authority cannot exclude on the basis of objective information the possibility that the proposals may have significant effects, and is obliged to refuse the application.

3) This site would not fall within an area of opportunity for tall buildings and the proposed development would, in the opinion of the local planning authority, be contrary to the objectives of the Supplementary Planning Document: Tall Buildings, emerging policy PCS23 of the Portsmouth Plan and policy DC1 (ii) & (xiv) of the Portsmouth City Local Plan.

4) In the opinion of the local planning authority the proposed development would have an adverse visual impact on a designated heritage asset in that the rationale for the siting and scale of the development has not been satisfactorily resolved having regard to the wider setting of Fort Cumberland and its relationship to the Solent Sea Forts. In the absence of a Heritage Statement that should address these issues it is considered that the harm to the designated heritage asset would not be outweighed by the wider benefits of the proposed development. In these circumstances the proposal would be contrary to the objectives of Planning Policy Statement 5: Planning for the Historic Environment.

5) In the absence of a satisfactory flood risk assessment, using up-to-date tide level information and proposing measures to maintain the existing defences, the city council as local planning authority is not satisfied that the proposed development would have the benefit of safe access/egress and minimise residual risk over its lifetime. The proposal would therefore be contrary to the objectives of Planning Policy Statement 25: Development and Flood Risk.

6) In the absence of a suitable agreement the development does not make provision to secure sustainable transport contributions, the delivery of affordable accommodation, open space and provisions for its future maintenance, education contributions, sea defences and a travel plan. As such the proposed development is unsatisfactory and contrary to policies DC25/DC27, DC40 and DC46 of the Portsmouth City Local Plan 2001-2011 and Supplementary Planning Document: Planning Obligations.

- 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.

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**04** 11/00269/FUL

**WARD:St Thomas**

**Former Sir Robert Peel PH Astley Street Southsea**

**Construction of 5/6 storey building to form 17 flats (resubmission of 10/00662/FUL) - AMENDED DESIGN**

**Application Submitted By:**  
Luken Beck Ltd

**On behalf of:**  
Hyde Housing Associaton

**RDD:** 21st March 2011  
**LDD:** 21st June 2011

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application relates to a cleared site bounded by Park Street to the north and Astley Street to the east. The western part of the site abuts a row of garages and incorporates a frontage onto Colpo Street. To the south, north-east and east of the site lie flat-roofed 4-storey blocks of maisonettes, while a recently refurbished 18-storey block of flats is situated to the north. To the west and south of Colpo Street lie older 4-storey blocks of maisonettes with pitched roofs.

Full permission is sought for the construction of a part 5-/part 6-storey block of seventeen flats covering the majority of the site. The taller element of the building would face the corner of Astley Street and Park Street while the lower element would have elevations to Park Street and Colpo Street to the rear. The proposed building would be characterised by the use of two complementary facing materials; a red/brown facing brick cream coloured panelled cladding. Areas of face-brick would be used for part of the 5-storey element, part of the rear elevation and the ground floor of the 6-storey element, the latter to create a plinth effect to the front elevation and part of the side. The front elevation, north-east and north-west corners to the building would comprise balconies with timber and steel balustrading while the edge of the balcony floors would be clad in panelling. Fenestration would be in powder-coated aluminium and give a horizontal emphasise to the north elevation in contrast to the full height glazing to the front elevation. Externally, the frontage to Colpo Street, between lock-up garages, would be used to provide refuse storage, and whilst the elevation to Astley Street is staggered to provide a landscaped frontage the proposed scheme would provide limited soft landscaping and amenity areas to the north and south sides of the proposed building.

The applicant previously sought permission for the construction of a part 6-/part 7-storey block of nineteen flats covering the majority of the site. Similar to the current proposal the taller element of the building would have faced the corner of Astley Street and Park Street while the lower element would have had elevations to Park Street and Colpo Street to the rear. The building was characterised by a ground floor treatment of dark face brickwork to give the effect of a plinth above which two off-white rendered blocks were connected by a common stairwell/lift tower. The proposed blocks had recessed balconies framed by off-white render to its east and part of the south sides. Part of the north elevation had similar framing but with a shallow recess comprising darker render or composite panels between full height glazing panels and brickwork. Apart from part of the Park Street elevation, which had a series of staggered openings with full height glazing [partly obscured] with separating brick panels, the remainder of the rendered elements had limited punctuation by windows. The design approach was therefore distinctly different from the current submission. That application was, however, refused permission under delegated powers on the grounds that in terms of size and design the building did not amount to an acceptable design solution for this site. That decision is currently the subject of an appeal.

## **POLICY CONTEXT**

In addition to PPS1: Delivering Sustainable Development and PPS3: Housing, the relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC21 (Contaminated Land), DC27 (Contributions Towards Transport Improvements), DC28 (Parking Standards), DC40 (Affordable Housing), DC46 (Public Open Space in New Residential Development) and ST3 (Somerstown and North Southsea Principal Regeneration Area). Furthermore, the Supplementary Planning Documents in relation to tall buildings, car parking and planning obligations would also be relevant to the determination of the proposal.

Also material to the consideration of the proposal is the Somerstown and North Southsea Action Area Plan [Submission Draft July 2010]. The Somerstown and North Southsea Area Action Plan (AAP) was submitted to Government for examination in July 2010. The Planning Inspector has notified the City Council of its intention to deal with the examination of the document by written representations. The Government's withdrawal of Private Finance Initiative (PFI) for

such schemes has left uncertainty about how the proposals in the AAP can be delivered. The Inspector agreed to suspend the examination of the AAP for six months from 23rd December 2010 in order to give the Council time to consider alternative funding strategies. This work is currently ongoing.

With the recent deposit of the Portsmouth Plan [The Core Strategy] with the Secretary of State the following emerging policies would amount to a material consideration, albeit that the weight applied to them would vary. Under the heading of 'Sustainable design and construction' policy PCS14 advocates the use of Low or Zero Carbon energy technologies (in proposals for 10 or more dwellings) to reduce carbon emissions as part of the selection of measures to meet the overall Code for Sustainable Homes level. The objective underlying this policy is to reduce carbon emissions by 10% upto the end of 2012 and 15% from the beginning of 2013 onwards. There would also be a requirement to provide private amenity space for all new build residential units, maximise solar efficiency, future proof developments so that renewable or low-carbon energy technologies can be added if none are provided at construction stage, and that development should include recycled construction material. Policy PCS15 seeks to ensure that developments provide or contribute towards community benefits related to the development and deliver infrastructure as required. Within the 'Development Management Policies', PCS18 relates to housing mix, size and the provision of affordable homes. Within that policy developments should achieve a target of 40% of family housing where appropriate, and ensure that all new dwellings and conversions should meet the minimum floorspace standards that apply to affordable housing as outlined in the document 'Providing affordable housing in Portsmouth'. Policy PCS20 requires a minimum density of 100dph, while policy PCS22 refers to design and conservation objectives. To complement the SPD on tall buildings, policy PCS23 refers to a presumption against tall buildings outside of the preferred locations unless outweighed by the particular merits of a proposal.

## **CONSULTATIONS**

### **EPPS - Pollution Team**

No Objection

### **EPPS - Contaminated Land Team**

Standard site investigation and remediation conditions received

### **Highways Engineer**

Although a car-free development the site is located within a sustainable location. With adequate provision for cycle storage no objection on highway grounds.

### **Southern Water**

No objection

### **Education**

No education contributions will be required

### **Design Review Panel**

Whilst reducing the bulk of the building in comparison to the proposal subject of the appeal, this scheme as originally submitted with its predominantly brick elevations and projecting steel balconies did not satisfactorily address the issues raised by the Panel previously. In this revised form, however, the Panel acknowledged that the scheme had improved significantly. The overall mass and height of the building were not considered inappropriate, notwithstanding that there was no clear indication as to how the proposed building would be integrated as part of the more substantial changes intended for Somerstown. There was, nevertheless, some concern over the relationship of the building to the adjoining garages and treatment of spaces between them together with the open-sided balconies, and location and style of some of the fenestration. This led the Panel to feel that whilst the scheme has moved in a positive direction it could be further improved.

## REPRESENTATIONS

At the time of preparing this report a deputation request had been submitted on behalf of PATCH objecting to the proposal.

## COMMENT

The principal issue in this case is whether, in the context of national, local and emerging policies, the scale of the proposed development would be appropriate for the site and whether the design and appearance of the proposed building would represent an acceptable solution. Other issues would include the likely impact of the development on the living conditions of existing local residents, the needs of the occupiers of the proposed building in terms of car parking and amenity, floorspace standards and whether the scheme would incorporate cycle storage and refuse storage to an acceptable standard. The applicant has indicated that the proposed building would comprise social housing in its entirety and would enter into a legal agreement to ensure that a minimum of five of the units would be retained as such in accordance with policy DC40 of the Local Plan. The requirements of policies DC27, DC46 and emerging policy PCS18 would be met in a similar manner.

National planning policy promotes the philosophy that good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable mixed communities. Good design should also positively contribute to making places better for people, and design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3 promotes an approach whereby local planning authorities should develop a shared vision with their local communities of the types of residential environments they wish to see and develop design policies that set out the quality of development that will be expected for the local area, aimed at; (i) creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain/improve local character, and (ii) promoting designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes. Whilst policy DC1 of the Local Plan seeks to achieve high quality design, emerging policy PCS22 within the Portsmouth Plan would complement that objective and should, therefore, be afforded significant weight.

This application relates to a comparatively constrained site with 4-storey maisonettes in close proximity, and forms the north-east corner of a block of properties of which the predominant architectural style is characterised by 1960's local authority housing with grassed areas to the road frontages and hard surfaced areas to the rear. The draft AAP identifies this block as an area for change with the objective of providing circa 80 houses in place of the circa 60 maisonettes as a way of improving the quality of the environment in this locality for existing and future residents. It would also provide a mechanism for the provision of a mixed community in terms of tenure in accordance with the objectives of PPS3. However, whilst the draft AAP has been through a process of public consultation and development with the local community it would be inappropriate to apply significant weight to its objectives in the consideration of this proposal.

Whilst remaining taller than the predominantly 4-storey height characteristic of this area, the nearby tower blocks of Horatia House and Leamington House being an exception, in comparison to the refused scheme the reduction in height by one-storey and different design approach to the appearance of the building is considered to be a positive response to the reason for refusal. The use of two complementary facing materials and slight set-back to the lower element to the rear would give the proposed building visual interest, and the choice of facing materials are considered appropriate to their context. In terms of legibility, the entrance door to the Park Street elevation is emphasised by an open porch and a gap in the boundary treatment. The latter would comprise a combination of brick piers, dwarf wall and black painted

railings. Being located on a corner it is considered that a building taller than its neighbours would not necessarily be inappropriate. However, in the context of the SPD on tall buildings and emerging policy PCS23, to which significant weight should be attached, this site lies to the south of an area of opportunity and there would, therefore be a presumption against a building of six-storeys or more on this site unless the particular merits of the proposal would outweigh that presumption.

In this case it is considered that whilst part of the proposed building would be six-storeys in height, sufficient progress has been made in relation to its overall design and appearance to merit support. The proposed building is considered to make a positive contribution to the area and set a minimum architectural standard for the regeneration of the Somerstown area. Whilst the Design Review Panel had some concerns, it is nevertheless considered that the scheme would not amount to a visually obtrusive feature in the street scene, and would lift the appearance of the locality. Furthermore, it would not be considered to prejudice the future redevelopment of the remainder of this part of Somerstown. In these circumstances it is considered that the applicant has satisfactorily addressed the reason the previous scheme was refused on design grounds.

Given the relationship of the proposed building to the adjoining block of maisonettes to the south and the spatial separation to the flank walls of Oldbury House and Halesowen House, it is not considered that the proposal would adversely affect the living conditions of the occupiers of those buildings in terms of loss of outlook or a loss of privacy. Furthermore, it is not considered that the proposed building would result in a loss of light or overshadowing. The proposed development is not therefore considered to have an adverse impact on the living conditions of existing nearby residents. Although this proposal would have limited incidental open space around the building, part of the area to the Astley Street frontage would be used by the occupiers of the adjoining ground floor flats and protected by shrub planting. Each of the proposed flats above ground floor level would, however, have an individual balcony 3m wide by 1.6m deep. This arrangement would be considered sufficient to meet the objectives of emerging policy PCS14 in relation to private amenity space notwithstanding that limited weight should be applied to that policy.

In terms of housing mix and space standards within emerging policy PCS18 of the Portsmouth Plan this proposal does not include the provision of three-bedroom accommodation and would, therefore, fail to meet the objective of providing 40% family housing. The proposed building would provide seven 2-bed/3-person flats and ten 2-bed/4-person flats, albeit that the floorspace of those flats would satisfy the policy requirement. The applicant has an identified need for accommodation of this size, and, whilst a material consideration, it is not considered that in the particular circumstances of this case significant weight should be given to emerging policy PCS18. Therefore, whilst the lack of three-bedroom accommodation would conflict with emerging policy, in not applying significant weight there would be insufficient justification to withhold permission in this instance.

This site is within 800m of the Portsmouth & Southsea railway station and, located south-west of the City Centre, is accessible to public transport services. In these circumstances there is a case to be made for a car-free development. As part of the documents submitted with the previous scheme the applicant's consultant identified that of the proposed flats approximately half would be likely to own or have access to a car. Surveys undertaken by the consultant of on-street parking in the locality revealed sufficient capacity within the residents' parking zones. It is acknowledged that the availability of on-street car parking within the locality would be sufficient to accommodate additional demand without significantly affecting existing local residents. In these circumstances an objection on the grounds of lack of on-site car parking would not arise. The guidance in respect of the provision of cycle storage promotes the provision of individual stores or cages capable of accommodating either one or two cycles. With the exception of one disabled persons unit the applicant is proposing to incorporate cycle storage within each of the proposed flats, with the upper floors being accessed by a lift capable of accommodating a cycle. In these circumstances the proposal would satisfy the Council's guidelines on cycle storage.

The proposed refuse storage area would be accessed by residents via the central service core and a path adjacent to the north side of the building. That facility would be serviced from Colpo Street. It is considered that the capacity of the refuse storage and servicing arrangement would be acceptable.

With the applicant willing to enter into a section 106 legal agreement in connection with the provision of affordable housing and the payment of commuted sums towards sustainable transport and open space, each element being relevant and a reasonable requirement to ensure that the proposed development is acceptable in planning terms, the proposed development is now considered capable of support.

## **RECOMMENDATION**

Subject to the applicant completing a legal agreement in relation to the provision of five units of affordable accommodation and commuted sums towards sustainable transport and open space, grant  
**Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 979-PD 01, 979-PD 02B, 979-PD 03B, 979-PD 04A, 979-PD 05A, 979-PD 06A, and 979-PD 07A.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
  - (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress;
  - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

6) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and all means of enclosures/boundary treatments. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

**The reasons for the conditions are:**

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

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

3) In order to ensure that the site is free from prescribed contaminants in accordance with policy DC21 of the Portsmouth City Local Plan 2001-2011.

4) In order to ensure that the site is free from prescribed contaminants in accordance with policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) In the interests of the visual amenities of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.

6) To improve the appearance of the site in the interests of visual amenity in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.

7) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy DC9 of the Portsmouth City Local Plan 2001-2011.

**The reason for the recommendation is:**

Having regard to the pattern of existing development in the area it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with policies DC1, DC5, DC9, DC21, DC27, DC28, DC40, DC46 and ST3 of the Portsmouth City Local Plan 2001-2011, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

**63 Elm Grove Southsea****Change of use from property management office (Class A2) to hot food take-away (Class A5); external alterations to include intake/extract vents to front elevation****Application Submitted By:**

Colliers International

**On behalf of:**

Papa John's (GB) Ltd

**RDD:** 30th March 2011**LDD:** 3rd June 2011**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises a three-storey mid-terraced property with a commercial use to the ground floor and residential accommodation above.

Planning permission is sought for a change of use from a property management office (Class A2) to a hot food take-away (Class A5) with external alterations to include the installation of intake/extract vents to front elevation.

The planning history of the site relates to alterations to the building and the display of advertisements, none of which is considered relevant to the determination of this application.

**POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC25 (Transport Issues in New Development).

Planning Policy Statement 4: Planning for Sustainable Economic Growth

The following policies contained within the emerging Portsmouth Plan are also of relevance in the determination of this application: PCS7 (District Centres), PCS14 (Sustainable design and construction), PCS16 (Transport) & PCS 22 (Design & Conservation)

**CONSULTATIONS****Licensing**

No response received.

**EPPS - Pollution Team**

To follow

**EPPS - Contaminated Land Team**

No requirement for contaminated land condition.

**Highways Engineer**

No response received.

**Crime Prevention Design Advisor**

No response received.

## **REPRESENTATIONS**

49 objections have been received from 26 addresses and from Ward Councillor Rob Wood on the following grounds: smell from kitchen and bins; noise from kitchen, bins and customers; increased anti-social behaviour associated with late night opening; increased litter; impact of bin storage of fire escape; no need for takeaway; and loss of A2 use reducing level of services.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposed change of use is acceptable in principle and whether it would give rise to any significant impact on amenity.

The application site is located outside of the western boundary of the Elm Grove Local Centre, however it does lie within the proposed boundary of the Albert Road and Elm Grove District Centre contained within the Portsmouth Plan. Having regard to the existing commercial use of the property and the emerging policy designation relating to an expanded Albert Road and Elm Grove District Centre, it is considered that the proposed use is acceptable in principle subject to its not having an adverse effect on amenity.

The application site lies within a relatively active and busy part of the City with Elm Grove being one of the main routes from the City Centre to central Southsea. The area has a mixed character with a significant proportion of commercial uses that has resulted in the emerging designation of the Albert Road and Elm Grove District Centre in the Portsmouth Plan. Accordingly it is considered that, having regard to the level of similar uses in the vicinity of the application site, the proposal would not result in an unacceptable concentration of such uses.

The applicant has submitted details of extraction, odour control and noise mitigation that have been considered by the Council's Public Protection Service who consider that subject to the imposition of necessary and appropriate conditions the proposed use could operate without having an adverse impact on the living conditions of the occupiers of neighbouring residential properties. These conditions include limiting the methods of cooking, requiring the installation of extraction and odour control systems and restricting opening hours and the use of the rear of the building for deliveries. Subject to the imposition of the recommended conditions it is considered that the proposal would be unlikely to give rise to a significant effect on the amenities of the area.

The highway to the front of the site on Elm Grove has scope for on street parking for customers such that it is considered that the proposal would be unlikely to have an adverse effect on highway safety.

The applicant has submitted details of storage facilities for waste associated with the proposed use which are considered acceptable such that the proposal would comply with saved policy DC9.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan, PJ10-southsea-yrd Rev.E, PJ10-southsea-gnd and PJ10-southsea-fr elevs.

- 3) Development shall not commence until a scheme for the control of odours associated with the use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to the commencement of the use hereby permitted and thereafter retained.
- 4) No cooking of hot food shall be carried out other than by an oven or microwave unless otherwise agreed in writing by the Local Planning Authority following the submission and agreement of a suitable odour control mechanism.
- 5) Development shall not commence until a scheme for the installation of all plant and equipment to include noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to the use commencing and thereafter retained.
- 6) Development shall not commence until a scheme for the acoustic insulation of the hot food takeaway hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried out prior to the commencement of the use hereby permitted and thereafter retained.
- 7) The premises shall be closed to and vacated by customers outside of the hours of 11 pm and 10 am the following day.
- 8) The rear access to/from the premises from Belmont Place shall not be used at any times for the delivery of food prepared on the premises and for delivery's to the premises between the hours of 7 am and 7 pm.
- 9) The use hereby permitted shall not commence until the facilities for the storage of refuse and recyclable materials associated with the use hereby permitted have been provided. The facilities shall thereafter be retained for that purpose at all times.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 4) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 5) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 6) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 7) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 8) To safeguard the living conditions of the occupiers of neighbouring residential properties in accordance with saved policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 9) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy DC9 of the Portsmouth City Local Plan 2001-2011.

**The reason for the recommendation is:**

In the opinion of the Local Planning Authority the proposed change of use is acceptable in principle and will not give rise to any significant impact on the amenities of the occupiers of neighbouring properties. The proposal is therefore in accordance with saved policies DC1, DC5 & DC25 of the Portsmouth City Local Plan 2001-2011.

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**06** 11/00470/FUL

**WARD:Eastney & Craneswater**

**Ground Floor 5 Granada Road Southsea**

**External alterations to include front elevation (after removal of existing shopfront) and conversion of ground floor to form two flats**

**Application Submitted By:**  
Knight Architectural Design

**On behalf of:**  
Mr Paul Windsor

**RDD:** 18th May 2011  
**LDD:** 26th July 2011

The application is brought to the Planning Committee at the request of Councillor Terry Hall.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

A substantial three-storey semi-detached property occupies the site that is located on the north side of Granada Road. It appears the building originally formed a shop with ancillary living accommodation. A shopfront within a ground floor front projection presents a commercial appearance to the premises. Permission for use of part of the ground floor as psychotherapist/hypno-analyst consulting rooms was granted in March 1995 ref A\*14234/AA. There are no other planning records relating to the remainder of the building, which appear to have been laid out as 3 units of living accommodation for a considerable period of time. The site is within the Indicative Floodplain (Flood Zone 3).

The consulting rooms have been vacant for some years and are described by the applicants as unlettable owing to the poor internal design, which includes a narrow link with restricted headroom created under a staircase. Other internal changes have blocked-off a corridor that would have originally linked the front and rear parts of the ground floor, acting to create a small flat at the rear. A centrally positioned staircase has at some point been partitioned off to create a separate entrance lobby to the upper floors via a side door where a self-contained flat on the second (top) floor is accessed through a common landing providing a non self-contained unit of living accommodation on first floor level.

This proposal relates to the ground floor only. The floorspace of the consulting rooms (front part) and small flat (rear part) are proposed to be rationalised to create two flats. External alterations seek to present a residential appearance, after removal of the existing shopfront. It has been the subject of amendment to the number and shape of windows to give a stronger vertical emphasis and solid-to-void proportion of windows to wall.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC25 (Transport Issues in New Development), DC27 (Contributions Towards Transport Improvements), DC46 (Public Open Space in New Residential Development).

Relevant policy is also set out in the Residential Parking Standards SPD and Planning Obligations SPD.

Other relevant guidance includes PPS25: Development and flood risk.

With the recent submission of The Portsmouth Plan to the Secretary of State some Core Strategy policies would have a bearing on the proposal, although the weight to be applied would vary according to circumstances. PCS16 relates to transport, identifying parking standards for new developments are set out in the Supplementary Planning Document and potential for development to improve accessibility for all through walking, cycling and public transport. Within the 'Development Management Policies', PCS18 relates to housing mix, size and the provision of affordable homes, and amongst other things seeks to ensure that all new dwellings and conversions meet minimum floorspace standards (that apply to affordable housing as outlined in the document 'Providing affordable housing in Portsmouth'). PCS22 requires all new development to be well designed, including protection of amenity and provision of a good standard of living environment.

## **CONSULTATIONS**

### **EPPS - Contaminated Land Team**

Given the limited scope of the works, a condition relating to land contamination is not required.

### **Environment Agency**

No comments received.

### **Highways Engineer**

The site is located in an area of medium accessibility to public transport within easy walking distance of a high frequency bus corridor, which operates along Clarendon Road.

Granada Road currently has unrestricted on-street parking. Parking is not easy due to the number of converted properties and limited on-street parking available. This road opted out of a residents parking scheme and therefore suffers to an extent with displaced parking. However, this proposal is unlikely to have a significant impact on the adjoining highway network.

There is currently a forecourt that may be capable of accommodating a single car space but at the loss of on-street provision. Secure cycle storage is capable of being provided to serve the flats. No objection raised subject to provision and retention of secure cycle storage.

## **REPRESENTATIONS**

Two representations have been received, from ward Councillor Terry Hall and The Portsmouth Society, raising objection on the following grounds: (a) better design is needed for the ground floor windows that are totally out of keeping in size, shape and proportion, do not relate to others on the frontage or neighbouring property at No7 and neither maintains nor enhances the streetscape; (b) refuse storage is described by the application as "will remain as existing" but the front forecourt is totally unsuitable for bins and historically been a dumping ground for fly tippers so bins should be stored in the rear garden and subject of control by planning condition; (c) front forecourt is neglected partly since there is no delineation between the public highway and boundary - walls should be erected to create private space; (d) there is no existing dropped kerb access to forecourt parking and if provided would remove on-street spaces that are a premium in the Granada Road area; and, (e) the rear flat does not have two doors separating the toilet and kitchen area.

## COMMENT

The determining issues are the principle of two flats at ground floor level, the appearance of the building, transport implications, flood risk and policy requirements.

The use of No5 for commercial purposes is in an out-of-centre location where alternative 'town centre' uses would not normally be appropriate. There is no policy objection to the loss of the commercial use and given that both adjoining properties are occupied by flats, the principle of the residential conversion would represent a more neighbourly land use. The proposal seeks to rationalise the floorspace of the building at ground floor level to reconfigure a part currently occupied by a small one-bedroom flat and to create a two-bedroom flat on the remaining 45sqm or so of vacant commercial space. The layout of the ground floor is compromised firstly, by the location of the staircase within the building, and secondly by its design to protect life/property against potential for tidal flooding. Consequently, the lounge/diner/kitchen of the 'front' flat would be served by a sole habitable room window proposed on the side of the building measuring approximately 2m wide by 0.7m deep. The outlook from and privacy to the lounge/diner/kitchen of the 'front' flat would be rather poor, positioned in close proximity to the flank two-storey wall of the neighbouring property at No7 (across a distance of only 1.5m to the site boundary) and to an area that also serves as the access to the 'rear' flat. The proposed one-bedroom flat represents a rationalisation of existing residential accommodation within the rear of the ground floor at 27.4sqm, while the two-bedroom flat would cover some 40.5sqm. These sizes are for the most part derived from the constraints associated with the conversion of the building and would in the context of Local Plan policy be considered acceptable. Whilst emerging policies PCS18 and PCS22 require minimum floorspace provision and good standard of living accommodation for future users of the development, there are practical difficulties in achieving these minimum standards within the building due to the constraints of its layout; further, those policies are the subject of objections and in these circumstances cannot be afforded significant weight in the determination of this proposal. The flats to be created by the conversion of the existing buildings would therefore be considered to offer a reasonable standard of living accommodation.

The proposed external alterations have been amended. The changes to the number and shape of windows on the front elevation present a stronger vertical emphasis and solid-to-void proportion of windows to wall are now considered an improvement and to offer a suitable residential appearance to the building. Other external alterations relate to window/door openings serving the lounge/kitchen/diner to each of the two flats, although they would not be publicly visible from outside of the site.

There is no on-site parking provision. A front forecourt area at the site approximately 5m deep may be capable of accommodating a vehicle if access by dropped kerb was provided but it would result in the loss of an on-street space. Adequate secure cycle storage would be accommodated within the rear courtyard and could be secured through a planning condition. The commercial use of the building as consulting rooms is likely to have given rise to some parking generation (although it is recognised that parking patterns may differ to peak residential demand typically at evenings/weekends). The views of the Highways Authority are set out in the consultation section of this report, commenting that the site is located in an area of medium accessibility to public transport within easy walking distance of a high frequency bus corridor operating along Clarendon Road. In these circumstances, the absence of parking provision (that could otherwise be accommodated on the front forecourt) in accord with the Residential Parking Standards SPD would not be sufficiently harmful to sustain refusal.

The existing building is within the floodplain, in Flood Zone 3 and at 'high risk' of flooding from tidal inundation. The application is supported by a Flood Risk Assessment, which must be considered against guidance in PPS25: Development and Flood Risk (amended March 2010). Annex D (para D15) of PPS25 advises that changes of use should not be subject to the Sequential or Exception Tests but will still have to meet the requirements for FRAs and flood risk

reduction. The reconfiguration of an existing 'rear' flat to include a new door opening at a higher level (approximately 200mm higher) is described as a slight improvement. Other measures, including floodgate barriers up to 750mm high to an entrance lobby area, seek to provide protection to the 'front' flat. Subject to the provision and retention of these measures the proposal is considered to adequately meet the guidance in PPS25.

The applicants offer to meet the planning obligation requirements towards open space and sustainable transport improvements in accordance with Policies DC27 and DC46.

## **RECOMMENDATION                      Conditional Permission Subject to securing Planning Obligations**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan on KAD/01/EX/A; and, KAD/02/PR/E.
- 3) The existing shopfront shall be removed and the proposed alterations carried out, as shown on the approved plan and to include rendered walls colour finished in cream (or such other colour as may be agreed in writing with the Local Planning Authority), before first occupation of the 'front' ground floor flat hereby permitted.
- 4) The existing front forecourt shall be enclosed by a 1.2m high rendered wall in the position shown on the approved plan before first occupation of the flats and the boundary wall shall thereafter be retained.
- 5) Prior to the first occupation of the flats refuse and recyclable materials storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing; and those facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.
- 6) Details of the appearance, height and materials of secure/weatherproof cycle storage facilities (as a pair of individual stores each capable of parking two cycles and measuring at least 2m x 1m internally) in the positions shown on the approved plan shall be submitted to and approved by the local planning authority in writing. The approved cycle storage facilities shall be carried out prior to the first occupation of the flats and thereafter retained for the storage of bicycles at all times.
- 7) The flats hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the flood protection measures set out in the Flood Risk Assessment have been implemented fully in accordance with the approved measures set out in the Flood Risk Assessment (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
  - (a) as built drawings of the implemented scheme; and
  - (b) photographs of the flood protection works in progress.The flood protection measures shall thereafter be retained.

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

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

- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to secure an appropriate residential appearance (to the previous commercial use) of the development, in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to delineate the private space from the public footway, create defensible space in the interests of safety/security, and provide an appropriate residential appearance of the development, in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy DC9 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that adequate provision is made for cyclists using the premises in accordance with policies DC1, DC5 and DC25/DC28 of the Portsmouth City Local Plan 2001-2011.
- 7) To ensure the provision of flood protection measures for the safety of the building from the risk of tidal inundation across its lifetime, to accord with the aims and objectives of PPS25: Development and Flood Risk.

**The reason for the recommendation is:**

In the opinion of the Local Planning Authority the proposed flats will represent a suitable alternative and neighbourly use and the external alterations are appropriate in relation to the recipient building and street scene. The accompanying Flood Risk Assessment and flood reduction measures meet relevant guidance and the proposal will not give rise to significant adverse impact in transport and parking terms. The proposal is therefore in accordance with policies DC1, DC5, DC9, DC25, DC27 and DC46 of the Portsmouth City Local Plan 2001-2011 and aims and objectives of PPS25: Development & Flood Risk.

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**07** 11/00523/FUL

**WARD:Eastney & Craneswater**

**Cumberland Service Station 106A Eastney Road Southsea**

**Change of use of ground floor from car showroom/garage/workshop (part sui generis/part Class B2) to shop (Class A1); including construction of single storey front extension, installation of plant, car parking and other associated works**

**Application Submitted By:**

Contour Planning Services

**On behalf of:**

Mr Roger Penney

**RDD:** 31st May 2011

**LDD:** 22nd August 2011

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site comprises the curtilage of the Cumberland Road Service Station located on the eastern side of Eastney Road, approximately 100 metres south of the boundary of the Eastney Road Local Centre. The site currently comprises a three storey building with residential accommodation on the upper floors and a mix of garaging associate with the residential use, car sales and a vehicle repair/servicing workshop to the ground floor. The frontage of the site also contains a large canopy associated with a former petrol station use.

Planning permission is sought for the change of use of the ground floor commercial floorspace from car showroom/garage/workshop (part sui generis/part Class B2) to shop (Class A1) and the construction of single storey front extension by way of the enclosure of the existing canopy together with the installation of plant, the formation of car parking and other associated works.

The most relevant element of the planning history of the site is a permission (granted in January 1998 under reference A\*19641/AA) for the use of part ground floor and part of forecourt area for the sale of vehicles, with continued use of remainder of garage premises for servicing and associated parking.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC25 (Transport Issues in New Development), DC28 (Parking Standards), DC34 (Local Shops).

Planning Policy Statement 4: Planning for Sustainable Economic Growth

The following policies contained within the emerging Portsmouth Plan are also relevant: PCS14 (Sustainable design and construction), PCS16 (Transport), PCS17 (Local shops and services) & PCS22 (Design & Conservation).

## **CONSULTATIONS**

### **EPPS - Contaminated Land Team**

Recommends imposition of contaminated land conditions

### **EPPS - Pollution Team**

Advises that if plant and equipment specified in the submitted Noise Impact Assessment be installed it would be unlikely to affect amenity subject to its operation be limited to proposed store opening hours (7 am to 11 pm daily).

Noise from deliveries should similarly be limited to prevent complaints from neighbours affected by night time deliveries.

Considers predicted noise from car park is unlikely to impact on amenity.

### **Highways Engineer**

The proposal shows 12 spaces (including one disabled space). The applicant refers to the TRICS database for a similar Retail site and the peak operational period of the site is forecast to occur between 0700- 0800 hours, with two-way flow of 94 vehicles (48 arrivals and 46 departures) predicted. With further comparisons with pass-by and diverted trips the transport statement concludes 26 new two-way trips during the AM peak (0800-0900) and up to 23 new two way vehicular movements in the PM peak (1700-1800) in addition to the current show room use trips.

Considering the above reasoning, the Highways will accept the proposed 12 spaces (including one disabled space) for this development.

It is anticipated that there will be 4 deliveries per day. The applicant suggests in his transport statement that delivery vehicles will park on the main carriageway for loading and unloading as loading and unloading vehicles are exempt from double yellow line restrictions. The applicant also states the delivery vehicle sizes can be controlled via an appropriate worded planning condition. Highways are not convinced that such a condition would be practical in this instance and it would be difficult to enforce.

This section of Eastney Road is a main arterial road carrying a high volume of traffic. Heavy goods vehicle parked on this side of the carriageway will stop the free flow traffic and queues may extend up to the signalised junction to the north of the site.

Recommends refusal for the following reasons: Any development on this site without adequate provision of loading and unloading facilities would be likely to interfere with the free flow of traffic on Eastney Road and prejudice the safety of road users

## **REPRESENTATIONS**

Ward Councillor Hall has called this application before the Planning Committee and raised the following concerns: impact on nearby businesses; road safety and traffic issues; noise issues associated with proposed air conditioning and condensing units; anti-social behaviour associated with late night opening and need for screening to adjacent property to the south to minimise noise disturbance.

12 objections have been received on the following grounds: impact on existing businesses; impact of deliveries on Eastney Road; potential for anti-social behaviour if alcohol sold; noise and disturbance from plant and equipment; and increased litter.

25 representations have been received in support of the proposal citing: a lack of choice in area when purchasing groceries; increased competition for Co-op may lead to reduced prices; the site is an ideal location for shop; proposal has adequate parking and traffic impacts would be no greater than two existing businesses; proposal would improve the appearance of the site; proposal would good for people of area; and job creation.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle; whether the alterations to the building are acceptable in design terms, whether it would adversely affect the amenities of the occupiers of neighbouring properties and whether it would give rise to any significant impact on the highway network.

The application site is located approximately 100 metres south of the Eastney Road Local Centre and therefore the establishment of a new town centre use needs to be justified in accordance with the requirements of Planning Policy Statement 4: Planning for Sustainable Economic Growth. This application is accompanied by a detailed Planning and Retail Statement that seeks to address the policy requirements of PPS4 and also makes reference to the policy framework contained within the emerging Core Strategy (the Portsmouth Plan). Draft Policy PCS17 of the Portsmouth Plan states that proposals for town centre uses that have a net floorspace of less than 280 square metres will be exempt from the requirement for a sequential test set out in PPS4. The submitted Planning and Retail Statement incorporates a sequential assessment undertaken in accordance with requirements of PPS4 that seeks to demonstrate that there is no more sequentially preferable site for a convenience store with a net tradable area of 279 square metres. Having regard to the aims and objectives of PPS4 and the provisions of Policy PSC17 it is considered that the proposal is acceptable in principle. The application states that the proposal would result in the formation of a shop with a gross floor area of 367 square metres of which 279 square metres would be the net sales area, however no floor plan has been submitted to show the layout of the proposed shop. Accordingly it is considered both necessary and appropriate to impose a planning condition restricting the net tradable area of the shop to not exceed 279 square metres.

The application includes the construction of a front extension to infill the area under the existing canopy to create the proposed shop unit. The application makes reference to the extension being finished a combination of render with a fully glazed front elevation to Eastney Road. In design terms the proposal is considered acceptable subject to the imposition of a condition relating to the approval of the external finish of the extension.

The existing commercial use of the site includes a car workshop which is a use that has the potential to generate a significant level of noise and disturbance to neighbouring residents and is not in any way restricted by planning condition though it is acknowledged that this is unlikely to occur in the evening or at night. The proposal includes the installation of air conditioning and condensing units to the south-western corner of the existing building close to the boundary of the site with properties in Eastney and Ringwood Roads. The application is accompanied by a detailed Noise Impact Assessment that seeks to demonstrate then noise generated by the

proposed plant and equipment would be unlikely to give rise to any significant impact on amenity subject to the air conditioning units not being operated outside of the proposed opening hours of 7am to 11pm. The submitted Noise Impact Assessment also addresses the potential noise impact of the proposed car park and deliveries to the development. The NIA concludes that noise associated with vehicle movement would not be significant provided no deliveries are carried out at night (between 11pm and 7am). The proposal together with submitted NIA have been considered by the Council's Public Protection who conclude that, subject to the imposition of conditions to limit the hours of use of the plant and equipment and delivery times, the proposal would not be likely to generate noise related complaints from the occupiers of neighbouring properties. Having regard to the level of noise and other activities that could be associated with the existing workshop on the site and the comment of Public Protection it is considered that the proposal would not give rise to a level of noise or disturbance that would significantly affect the living conditions of the occupiers of neighbouring properties. Whilst the suggestion for additional boundary screening is noted, having regard to the characteristics of the existing use it is considered that activities associated with the proposal would not generate such a degree of noise or disturbance that would warrant the imposition of a condition to secure additional boundary screening.

The application includes the creation of a parking area with 10 spaces located to the south of the site adjacent to its common boundary with number 106 Eastney Road with two further spaces being located to the north of the proposed shop adjacent to the entrance to the maisonettes above. The application is accompanied by the Transport Statement that seeks to demonstrate that the proposal is acceptable in parking and highway terms. The Council's parking standards would expect a shop unit of this size to have 23 spaces rather than the 12 proposed. The submitted Transport Statement has been considered by the Highway Engineer who concludes that the evidence contained within the Transport Statement justifies the proposed level of parking. The proposal makes no provision for the servicing of the site by delivery vehicles, with the Transport Statement appearing to rely on the fact that vehicles loading and unloading would be exempt from the existing double yellow line restrictions present on Eastney Road. The Transport Statement suggests that there would be a maximum of four deliveries per day and that the size of delivery vehicles could be controlled through a planning condition or service management plan. Eastney Road is considered to be an important arterial route for traffic heading to and leaving Eastney and south-western Southsea and is also a high frequency bus corridor. Having regard to the views of the Highway Engineer, it is considered that the parking on the existing double yellow lines on Eastney Road by delivery vehicles would be likely to adversely affect the free flow of traffic on Eastney Road and other surrounding roads to the detriment of the safety of users of the highway and would therefore be contrary to saved policy DC25.

## **RECOMMENDATION                      Refuse**

### **The reason for the recommendation is:**

The proposal makes inadequate provision for the servicing of the proposed shop by delivery vehicles that would be likely to interfere with the free flow of traffic on Eastney Road and prejudice the safety of road users. The proposal is therefore contrary to saved policy DC25 (vi) (vii) of the Portsmouth City Local Plan 2001-2011.

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**08** 11/00624/FUL

**WARD:Fratton**

**240 Fratton Road Portsmouth**

**Construction of two storey extension over existing ground floor accommodation to form 2 flats**

**Application Submitted By:**  
Edward Caush Associates

**On behalf of:**  
Mr Harold Weston

**RDD:** 16th June 2011  
**LDD:** 12th August 2011

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

The application site is located on the eastern side of Fratton Road between the junctions with Alver Road and Clive Road. The site is occupied by a building that is part three and part single storey. The building is subdivided into nine flats with a private members club to the rear at ground floor level.

The surrounding area is characterised by a mix of single, two and three storey buildings accommodating a range of uses including a community centre, sports hall, dwellings, and retail premises. The site is located approximately 260 metres the north of Fratton District Centre.

Planning permission is sought for the construction of a first and second storey extension above a single storey flat roofed projection. The proposed accommodation would form a pair of two bedroom flats one to each floor of the proposed extension. The proposed development would be 8.4 metres in depth, 7.5 metres in width and has been designed with an asymmetric shallow pitched roof. The overall height of the extension would be 10 metres above ground level and 5.8 metres above the level of the existing flat roof. The plans also show the provision of cycle and refuse storage at ground floor level within the lobby of number 240 Fratton Road.

This application is for a revised proposal following the refusal by the Planning Committee in July 2010 of a previous application for a similar proposal (10/00444/FUL). The previous application was refused for the following reasons:

- 1) The proposed development would, by reason of its excessive bulk and proximity to nearby properties, in particular the community centre, result in the creation of a strong sense of enclosure. The proposal would therefore be contrary to policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 2) The proposed development would have an unacceptable relationship with surrounding development resulting in an unacceptable inappropriate loss of privacy, in particular with the Community Centre and Pre-School play area, flats at 9 Trafalgar Place and, existing flats within No240 Fratton Road. The proposal would therefore be contrary to policy DC5(i) of the Portsmouth City Local Plan 2001-2011.
- 3) In the absence of a suitable agreement the development does not make provision to secure appropriate sustainable transport contributions. As such the proposed development is unsatisfactory and contrary to policies DC25/DC27 of the Portsmouth City Local Plan 2001-2011.
- 4) In the absence of a suitable agreement the development does not make provision to secure appropriate open space contributions. As such the proposed development is unsatisfactory and contrary to Policy DC46 of the Portsmouth City Local Plan 2001-2011.

The refusal was the subject of an appeal where the Inspector whilst dismissing the appeal did so solely based what he considered to be an unacceptable relationship between the proposed building and number 9 Trafalgar Place (located to the south-east of the development). The Inspectors conclusion is set out below:

"The design of the proposed development respects the character and appearance of the area. Furthermore, it safeguards the privacy and outlook of many of those who would live within sight of it. However, the mutual overlooking and loss of privacy suffered by occupiers at 9 Trafalgar Road and future occupiers of the proposed development would be significantly harmful for those concerned. This harm would conflict with the aims of saved Policy DC5 (i) and (ii) of the LP. It is sufficient on its own account to justify dismissal of the appeal."

The full appeal decision is attached as **Appendix 2** to the agenda.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC25 (Transport Issues in New Development), DC27 (Contributions Towards Transport Improvements), DC28 (Parking Standards), DC46 (Public Open Space in New Residential Development), DC47 (Residential density).

PPS1 - Delivering Sustainable Development & PPS3 - Housing

The Residential Car Parking Standards SPD and the Planning Obligations SPD are also relevant to the proposed development.

The following emerging policies within the Portsmouth Plan are also relevant: PCS14 (Sustainable design and construction), PCS15 (Infrastructure & Community Benefit), PCS16 (Transport), PCS20 (Housing Density) & PCS22 (Design & Conservation).

## **CONSULTATIONS**

### **EPPS - Contaminated Land Team**

By virtue of the nature of the development there is no requirement for a contaminated land condition.

### **EPPS - Pollution Team**

Future occupiers of proposed residential units would not be affected by existing commercial and other non-residential uses surrounding the site.

### **Highways Engineer**

No objection subject to the provision of cycle parking facilities.

### **Education**

No education contributions required.

## **REPRESENTATIONS**

Ward Councillor Scott objected to the application and requested the application be referred to the Planning Committee for determination.

Seven objections having been received on the following grounds: a) loss of privacy; b) loss of light to adjacent premises; c) access through existing building would be a violation of lease; d) proposal would utilise existing bin store which would require permission of existing residents; e) overlooking of adjacent pre-school; f) affect on usability of play area during and after construction works; g) impact of noise and disturbance during construction works; and g) objectors have been involved in legal proceedings with the applicant which required the applicant to carry out works to improve the safety and security of existing residents which has not been carried out

Two letters of support have been received from the owners of flats within the existing building

## **COMMENT**

The main issues to be considered in the determination of this application are whether the issues raised by the Inspector in dismissing the previous appeal have been addressed and whether in doing so the revised proposal would have a significant impact on the amenity of adjoining occupiers, whether the design of the proposed development is appropriate, whether there is adequate provision for parking, bin and cycle storage, and whether the relationship between commercial and further residential accommodation would be acceptable.

This revised application includes two main alterations from the previous scheme that attempt to address the Inspector's reason for dismissing the appeal against the previous refusal. These are the re-orientation of the windows in the south facing elevation which were previously angled towards 9 Trafalgar Place such that they would be flush with the south facing wall of the development and the installation of a 1.8 metre high fence around the perimeter of the section of flat roof that would be retained to the south of the proposed development. Whilst the introduction of the proposed fence would screen views to and from the south facing windows at first floor level, it would not interrupt or affect views to and from the south facing windows at ground level. It is considered that whilst the re-orientation of the windows would result in them no longer facing towards number 9 Trafalgar Place, the distance and relationship would be little changed otherwise. Accordingly it is considered that the current proposal does not fully address or overcome the harm identified by the Inspector in respect of the relationship between the proposal and 9 Trafalgar Place.

The relationship of the proposal to existing flats in Fratton Road and the Community Centre is the same as with the previous application and which was considered to be acceptable by the Inspector. Significant weight should be given to the Inspector's comments and it is therefore considered that the relationship of the proposal to existing developments to the north and west are acceptable.

In design terms the proposal is, with the exception of the changes discussed above, the same as previously considered. The design of the previous proposal was considered acceptable in design terms. The previous application made no provision for car parking and none is proposed as part of this application, however the lack of parking was not a reason for the refusal of the previous application and it is considered that having regard to the location of the application site relative to Fratton District Centre, the Lake Road high frequency bus corridor and Fratton Railway Station a car free development would accord with the aims and objectives of the SPD. The proposed cycle and bin storage arrangements are the same as the last application which were considered acceptable.

Local plan policy makes requirements for public open space (DC46) and contributions towards transport improvements (DC27). The planning obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development. The applicant has submitted a Unilateral Undertaking to secure the required contributions, however the submitted undertaking is not in a form acceptable to the Council and therefore the proposal is contrary to saved policies DC27 and DC46 and the Planning Obligations SPD.

## **RECOMMENDATION            Refuse**

### **The reason for the recommendation is:**

The proposal by virtue of its relationship with 9 Trafalgar Place would result in a significant loss of outlook and privacy for the occupiers of the flats on the first and second floors of that building and views from those flats towards the proposed development would devalue the living conditions of future occupiers of the proposed development. The proposal is therefore contrary to saved Policy DC5 (i) and (ii) of the Portsmouth City Local Plan 2001-2011.

2) In the absence of a suitable agreement the development does not make provision to secure appropriate sustainable transport contributions. As such the proposed development is unsatisfactory and contrary to saved policies DC25 and DC27 of the Portsmouth City Local Plan 2001-2011.

3) In the absence of a suitable agreement the development does not make provision to secure appropriate open space contributions. As such the proposed development is unsatisfactory and contrary to saved Policy DC46 of the Portsmouth City Local Plan 2001-2011.

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**09** 11/00656/FULR

**WARD:Charles Dickens**

### **Warehouse Cross Street Portsmouth**

**Renewal of permission 08/00142/FUL to extend time limit for construction of 6 2-storey houses, 4-storey building for 18 flats & 3 to 9-storey building for 141 flats/maisonette, with parking, cycle stores & landscaping**

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

Systemhaven Ltd

**RDD:** 23rd June 2011

**LDD:** 23rd September 2011

### **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

A substantial storage building (with rear service yard) occupies a 0.54ha 'L' shaped site located on the east side of Cross Street and north of Prince George Street. The premises are built up to the site boundary line over the majority of its perimeter including the back gardens to Nos1-9 Blossom Square (to the east) where the existing structure dominates the outlook and rear garden of these properties. Other existing properties adjoining the site are Nos19-27 Cumberland Street (to the north) and the end-of-terrace house at No38 King William Street (to the east). To the west, onto Cross Street, is the residential redevelopment (of the former historic ships car park) known as 'Admiralty Quarter'.

Policy CD10 (Allders' Warehouse) of the Local Plan allocates the site for housing.

Planning permission was granted on 10 July 2008 for residential redevelopment of the site for 165 dwellings. The scheme proposed 3 blocks, as follows:-

- \* a short terrace of six 2-storey houses (with accommodation in roof),
- \* a 4-storey building for 18 flats, and
- \* a 3- to 9- storey building for 141 flats/maisonette (with 3-storey end of the building providing 4 flats at basement level).

Basement level also accommodates car parking, which in addition to one space within the curtilage of each house would provide for a total of 107 parking spaces.

The original planning application is accompanied by a range of supporting documents including: Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Statement of Community Involvement, Housing Mix Report, Archaeology Assessment, Ground Conditions Report, Wind Environment Survey and Daylight/Sunlight Report.

The current application seeks renewal of permission for the previously approved scheme for redevelopment of the site for 165 dwellings. It is accompanied by an updated Viability Assessment for affordable housing provision.

There is no other relevant planning history for this site. On the opposite side of Cross Street is 'Admiralty Quarter' granted planning permission for "Redevelopment of site in the form of 4/5/6/7/8/9-storey buildings [including] 22-storey residential tower (total number of apartments - 569); multi deck car park (728 spaces) for residents & visitors to historic dockyard (Amended scheme)" in October 2005.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: CD10 (Alders' Warehouse), DC1 (Design Principles), DC3 (Landmark Buildings and Features), DC5 (Amenity and Pollution), DC7 (Provision of Infrastructure), DC9 (Storage of Refuse), DC21 (Contaminated Land), DC25 (Transport Issues in New Development), DC27 (Contributions Towards Transport Improvements), DC28 (Parking Standards), DC40 (Affordable Housing), DC46 (Public Open Space in New Residential Development), DC47 (Residential density), SP7 (Housing Provision).

Supplementary Planning Documents in relation to Residential Car Parking Standards, Planning Obligations and Tall Buildings are material planning considerations.

With the recent submission of The Portsmouth Plan to the Secretary of State a number of Core Strategy policies would have a bearing on the proposal, although the weight to be applied would vary according to circumstances or prove impractical to fit to renewal of permission. Map 18 within the section on Housing Delivery identifies this site as a source of new housing. Policy PCS12 requires the provision of pocket parks on development sites of 50 dwellings or more at a standard of 1.5ha per 1000 population. Under the heading of 'Sustainable design and construction' policy PCS14 advocates the use of Low or Zero Carbon energy technologies (in proposals for 10 or more dwellings) to reduce carbon emissions as part of the selection of measures to meet the overall Code for Sustainable Homes level. The objective underlying this policy is to reduce carbon emissions by 10% up to the end of 2012 and 15% from the beginning of 2013 onwards. There would also be a requirement to provide private amenity space for all new build residential units, maximise solar efficiency, future proof developments so that renewable or low-carbon energy technologies can be added if none are provided at construction stage, and that development should include recycled construction material. Within the 'Development Management Policies', PCS18 relates to housing mix, size and the provision of affordable homes. Within that policy developments should achieve a target of 40% of family housing where appropriate, and ensure that all new dwellings and conversions should meet the minimum floorspace standards that apply to affordable housing as outlined in the document 'Providing affordable housing in Portsmouth'. Policy PCS20 requires a minimum density of 100dph in this location and PCS22 requires that all new development must be well designed, and in particular, respect the character of the city.

## **CONSULTATIONS**

### **Highways Engineer**

In November 2008 Portsmouth City Council approved revised guidance on the provision of parking in residential developments in the form of Supplementary Planning Guidance. The SPD sets a baseline for parking provision but recognises that there may be circumstances where a greater or lesser provision of parking may be appropriate. Whilst the SPD does not discriminate between private housing and affordable housing, research undertaken on behalf of the Department for Communities and Local Government has confirmed that car ownership by people in affordable housing is significantly lower than that of owner-occupiers. When SPD is applied to the proposal, the car-parking requirement will be 165 spaces. The proposal provides 107 spaces.

The site is located in an area of high accessibility to public transport and within 400m of high frequency bus corridor and 800m walking distance of mainline train station. As the site is located in a very sustainable location the reduced number of car spaces for the development is

considered adequately justified. No objection raised to renewal of permission 08/00142/FUL, subject to re-imposition of previous highway conditions.

#### **EPPS - Contaminated Land Team**

Given the scale and nature of the proposed development and its location within an area of historic commercial and industrial usage condition(s) for site investigation (including remediation, as may be necessary) required.

#### **EPPS - Pollution Team**

The proposed development is shielded from road noise on Queen Street which now has a reduced road speed limit since the original application. Noise mapping software indicates this location now falls within Noise Exposure Category (NEC) A, therefore noise from the road traffic need not be a determining issue on this application. In addition there will be no significant noise impact from increased traffic flows post development from this site.

In addition, the predicted Nitrogen Dioxide and PM10 concentrations indicate that the National Government Air Quality Objective set to protect human health will not be exceeded at any façade of the development.

#### **Southern Water**

No objection to renewal of permission.

#### **Head Of Community Housing**

No objection to renewal of permission. The applicant's assertion that the development can deliver 28% as affordable housing seems reasonable (subject to review by independent consultants) based upon those 46 flats/houses being the same as that permitted in July 2008.

### **REPRESENTATIONS**

4 letters of representation have been received, including one from Portsea Action Group 99 Ltd, raising objection on the following grounds: (a) entrance to the underground car park should not be at the rear of the building on quieter side road and adjacent to the children's play area but should be located on Cross Street; (b) loss of privacy; (c) will add to noise and disturbance in Portsea that is already densely populated; (d) add to parking problems locally; (e) extra traffic will make it more dangerous when there are a lot of young children in the area; (f) add to problems of anti-social behaviour and local services where it is almost impossible to get a doctor's appointment; and (g) dust and disturbance during construction.

### **COMMENT**

The determining issue for the renewal of the previously acceptable scheme 08/00142/FUL is whether there has been any material change of circumstance since the grant of planning permission.

The material planning issues raised in the representations were taken into consideration as part of the original application. A copy of the report on the original application is attached as Appendix 3.

#### **Application scheme 08/00142/FUL**

The previous scheme was deferred from a meeting on 23 April 2008 with members raising three matters: (i) access/egress to the underground car park, (ii) parking and cycle storage, and (iii) affordable housing provision.

In relation to (i), the applicant's transportation advisers (WSP) reviewed the accesses and produced an Access Options report which set out the highway safety considerations for potential access points around the site. The report reaffirmed that the accesses are situated in the safest locations. In the report, WSP also reinforced their opinion that two separate accesses is better than one to disperse vehicular movement rather than concentrate it in one location. An independent Safety Auditor was appointed to review the accesses identifying 'reversing' of the access and egress points could further enhance highway safety. The ramp onto Prince George

Street is shorter and steeper than the ramp onto the new road to the north. Subject to this change, the audit found no outstanding safety issues associated with the accesses.

With regard to (ii), an alteration to the internal arrangements of the underground car park provided 4 extra spaces, increasing from 103 to 107 spaces. The applicant's commented that 2 more spaces could potentially be provided, for the loss of some secure cycle storage, increasing the total to 109, but since this would have be contrary to the Council's policy for minimum standards for cycle parking the amendment showed 107 spaces.

For (iii), the applicant's provided further information to justify the quantum of affordable housing and pepper-potting within the development. Policy DC40 seeks the provision of affordable housing at a minimum of 30%. Accompanying the application was a Viability Assessment to justify the provision of 26%, in this case. The Assessment Model demonstrated the affordable housing provision was optimised and what reasonable maximum proportion of a project proved capable of delivery without rendering the scheme unviable.

The housing mix provides 87 x 1-bedroom and 72 x 2-bedroom dwellings and six 3-bedroom houses. All six houses were offered for affordable housing which along with 26 x 1-bed and 11 x 2-bed made a total of 43 flats and houses, representing 26% of the 165 units overall. It had been recognised that six terrace houses may have some impact on the maximum proportion of affordable housing that the project was capable of delivering and the basement car parking may represent another unusual cost that may add to rendering the scheme unviable at 30%. The applicants remained of the view that their Viability Assessment formed a robust and clear demonstration of the viability of the affordable housing but in order to bridge the 4% shortfall offered amendment by three additional affordable housing units (for shared ownership), which then represented 28% provision (with a split of 65% rented and 35% Low cost home ownership). On the basis of the affordable housing offer equating to 28%, the proposal was considered acceptable.

### **Any change of circumstance**

The renewal application is accompanied by an updated Viability Assessment for affordable housing provision to reflect changes in the economic environment since the original assessment was submitted in 2007. These include a reduction in the achievable sales for the scheme as well as a reduction in project costs, attributable to the increased competitiveness in today's market place. The reassessment concludes that the quantum, mix and tenure split of the affordable housing originally offered remains the maximum level that can be achieved without rendering the scheme unviable. These details have been reviewed by independent consultants who consider the Viability Assessment to fairly represent the scheme viability and to agree with the applicant's view that that affordable housing proportion currently presented is the maximum likely to be achieved.

In the Policy Context section of this report reference is made to the recent submission of The Portsmouth Plan to the Secretary of State, to the varying weight to be applied to emerging Core Strategy policies and impractical fit to an application for renewal of permission. Residential redevelopment of Cross Street is consistent with Map 18 in the section on Housing Delivery that identifies this site as a source of new housing. A commuted sum for improvement to existing public open space is proposed but no on-site public open space provision sought by policy PCS12 for 'pocket parks' on development sites of 50+ dwellings, at a standard of 1.5ha per 1000 population. Under the heading of 'Sustainable design and construction' policy PCS14 advocates the use of Low or Zero Carbon energy technologies (in proposals for 10 or more dwellings) to reduce carbon emissions as part of the selection of measures to meet the overall Code for Sustainable Homes level. The objective underlying this policy is to reduce carbon emissions by 10% up to the end of 2012 and 15% from the beginning of 2013 onwards. The previously approved scheme does make provision for all new build residential units to access a private balcony or terrace and shared landscaped (private) amenity space, designed to address solar efficiency, shared boiler systems to service the whole development to be highly energy

efficient and includes green roofs for water retention, ecology and insulation. 'Development Management Policies' include PCS18 that relates to housing mix, size and the provision of affordable homes. Affordable housing is addressed elsewhere in the comments section. The scheme provides a variety of 1, 2 and 3 bed flats/maisonette and houses in 24 different types of residential units all in excess of the minimum floorspace standards (1-bed units vary between 45.1-58.5sqm, 2-bed units between 68.3-77.1sqm and 3-bed houses at 84.6sqm). The proposal does not meet a 40% target, where appropriate, for (3-bedroom or more) family housing. The density in excess of 100dph would meet policy PCS20 relevant to this location and the requirement of PCS22 for all new development to be well designed and respect the character of the city is considered to be met.

## Conclusions

The conclusion on the original application, including the concerns at (i)-(iii) above, was that: "The site is allocated for housing and the proposed development is considered to demonstrate how a high-density contemporary design solution would be capable of being accommodated on the site in a manner to would respect its surroundings and contribute positively to the townscape of Portsea. The development is considered not to have any significant adverse amenity impact on adjoining occupiers. The development would meet policy requirements for transport and open space improvements and make an acceptable affordable housing offer (having regard to comments set out above) in this case."

In the absence of any material change of circumstance of significance, the same conclusions of the originally permitted scheme would be drawn on the renewal application, subject to the independent consultant's report of findings confirming the affordable housing offer remains the maximum level that can be achieved without rendering the scheme unviable as well as a legal agreement (or deed of variation) to again secure the planning obligations.

## RECOMMENDATION

Subject to the applicants first entering into a legal agreement for off-site contributions for transport and open space improvements, payable upon implementation of planning permission, and 46 affordable housing flats/houses, grant

### Conditional Permission

## Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: A1975-001/P1; A1975-100/P1; A1975-101/P3; A1975-102/P3; A1975-104/P15; A1975-105/P15; A1975-106/P11; A1975-107/P11; A1975-107/P11; A1975-108/P11; A1975-109/P11; A1975-110/P11; A1975-111/P11; A1975-112/P11; A1975-113/P11; A1975-114/P11; A1975-120/P3; A1975-121/P3; A1975-122/P2; A1975-130/P2; A1975-140/P8; A1975-141/P8; A1975-142/P6; A1975-143/P4; .
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001;and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice;and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) The applicant shall arrange for an archaeologist recognised by the Local Planning Authority to carry out a watching brief during all stages of the development involving ground disturbance in accordance with a scheme to be agreed in writing with the Local Planning Authority before development commences. A report of the findings of the archaeologist, which shall include arrangements for the conservation and long-term storage of artefacts removed from the site, shall be submitted within a period to be agreed in writing with the Local Planning Authority.

6) Before development commences, or such other period as may be agreed in writing with the Local Planning Authority, a detailed schedule of all external facing and roofing materials (including samples, as may be necessary) shall have been submitted to and approved by the Local Planning Authority in writing; and the development shall only be carried out in accordance with the approved materials.

7) The existing wall on part of the eastern boundary shown on the approved plan as proposed to be retained and positioned at the end of King William Street shall at all times be maintained at its existing height.

8) Details of the appearance, alignment, height and materials (including colour finishes) of the railings protecting the courtyards to the basement flats fronting Cross Street and any other proposed means of enclosure to the site shall be submitted to and approved by the Local Planning Authority in writing, and the development hereby permitted shall not be occupied until those works have been completed. The railings and any other approved means of enclosure shall thereafter be retained.

9) Before development commences, or such other period as may be agreed in writing with the Local Planning Authority, a scheme for a) the layout of foul sewers and surface water drainage and b) measures to be undertaken to protect existing public sewers at the site, shall be submitted to and approved in writing with the Local Planning Authority and the development shall be carried out in accordance with the approved method of sewer and drainage layout, including protection measures for the public sewers.

10) Works pursuant to this permission shall not be commenced until a landscaping scheme, which specifies the position, species, size of planting and density/numbers at planting; the phasing and timing of planting, and provision for its maintenance, together with details of all hard surface treatments, has been submitted to and approved by the Local Planning Authority in writing.

- 11) The landscaping scheme shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) The development shall not be brought into use until the facilities shown on the approved plan for the parking of vehicles have been surfaced, marked out and made available; and those facilities shall thereafter be reserved for parking of vehicles at all times.
- 13) Prior to the first occupation of the flats/maisonette bicycle storage facilities, in the form of individual stores in the positions shown on the approved plans, shall be provided in accordance with details of the appearance, height and materials to be submitted to and approved by the Local Planning Authority in writing, and those facilities shall thereafter be retained. Prior to the first occupation of the houses details of the siting, appearance, height and materials of individual cycle stores (for two cycles per store, measuring not less than 2m x 1.2m internally) shall be submitted to and approved by the Local Planning Authority in writing, and those facilities shall thereafter be retained.
- 14) The existing accesses to the site shall be stopped up and the footway crossing reinstated before the development hereby permitted is first brought into use.
- 15) The access, including the footway crossing shall be constructed before the development hereby permitted is first brought into use.
- 16) The facilities shown on the approved plan for the storage of refuse/recyclables shall be constructed and completed before the dwellings are first occupied (for the relevant phase of development), or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for those purposes at all times.
- 17) With the exception of the areas shown on the approved roof plan for terraces the remainder of the roof structures to the flatted development shall be completed with the proposed green roof system and retained in such condition thereafter.
- 18) Development shall not commence until there has been submitted to and approved by the local planning authority a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality. Following substantial completion of the proposed building shell, and prior to occupation of the development, a report to assess the impact that the development may have upon TV/radio signals in the locality shall be submitted to and agreed in writing with the local planning authority. If the report identifies that there would be a significant adverse effect on TV/radio signals caused by the development then a detailed scheme for the mitigation of the adverse effect shall be submitted to and approved by the local planning authority in writing prior to the occupation of the development. The approved scheme shall be implemented within two months of the approval of details or within any period of time agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.
- 19) The windows on the side (south) elevations of the buildings fronting onto Prince George Street shall be both non-opening to a height of 1.8 m above the finished internal floor level and shall be obscure glazed; and the semi-enclosed balconies shall include the proposed privacy screens on the 1st to 6th floor levels, at least 1.8m in height onto the side (south) elevations. Those windows and privacy screens shall be retained in that condition thereafter.
- 20) Details of the external architectural lighting effects for the development (during the hours of darkness), including details of the siting and appearance of any luminaires, shall be submitted to and agreed in writing with the Local planning Authority; the architectural lighting shall be carried out as an integral part of the development and shall thereafter be retained.

21) Prior to first occupation of the development a Residential Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority, to include the following details: Introduction, background and assessment of the site; Travel Survey; Objectives, targets and indicators; Details of proposed measures along with a timetable/action; Clearly defined roles and responsibilities; Promotion and publicity; and a phased programme for its implementation, review processes and subsequent long term monitoring. The Residential Travel Plan should include consideration of - car club, car sharing, marketing tools (such as welcome pack, website and newsletters), measures to promote use of alternatives (use of ferry, bus train, cycling and walking) and to reduce the need to travel (eg home office provision, onsite local facilities such as retail, home delivery and on site collection/delivery lockers, laundry, crèche etc). The measures contained within the approved Residential Travel Plan shall be implemented in accordance with the approved details and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority. Within 12 months of occupation a monitoring report shall be submitted to and agreed in writing with the Local Planning Authority to identify achievement of the target reductions in private car use associated with the Residential Travel Plan for the development.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to ensure that the site is free from prescribed contaminants in accordance with policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interests of protecting and/or conserving evidence of the City's early heritage and development in accordance with the aims and objectives of PPS5: Planning for the Historic Environment.
- 6) In order to secure the highest design quality to the appearance of the development in accordance with policies DC1 and DC3 of the Portsmouth City Local Plan 2001-2011.
- 7) In order to preserve the safety and security of local residents, protecting against the fear of crime and anti-social behaviour, to accord with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 8) To secure a satisfactory appearance of the development as a whole in addition to protecting the security and maximum light penetration to the basement flats, to accord with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 9) In order to protect existing drainage apparatus and to ensure adequate provision for foul sewerage disposal and surface water drainage from increased flows for the development to protect existing properties and land from any greater risk of flooding, to accord with policies DC1 and DC9 of the Portsmouth City Local Plan 2001-2011.
- 10) In order to secure a satisfactory landscaped setting for the development in accordance with policies DC1 and DC3 of the Portsmouth City Local Plan 2001-2011.
- 11) In order to secure a satisfactory landscaped setting for the development in accordance with policies DC1 and DC3 of the Portsmouth City Local Plan 2001-2011.

- 12) To ensure that adequate on-site parking facilities are provided in the interests of highway safety and the amenities of the area in accordance with policies DC1, DC5 and DC25/DC28 of the Portsmouth City Local Plan 2001-2011.
- 13) To ensure that adequate provision is made for cyclists using the premises in accordance with policies DC1, DC5 and DC25/DC28 of the Portsmouth City Local Plan 2001-2011.
- 14) In the interests of highway safety in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 15) In order to provide satisfactory access in accordance with policies DC1 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 16) In the interests of amenity in accordance with policies DC1 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 17) In order to meet sustainability objectives for this high-density development including biodiversity, water retention, improvement of air quality and a visually attractive roofscape, to accord with policies DC1 and DC2 of the Portsmouth City Local Plan 2001-2011.
- 18) To protect occupiers of properties in the vicinity of the site from adverse impact on TV/radio reception in accordance with policies DC1, DC3 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 19) To protect the privacy of the occupiers of the adjoining properties in accordance with policies DC1 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 20) In order to secure the satisfactory appearance of this visually prominent high-density development over a period of 24 hours that will ensure demonstrable townscape benefits both the existing built environment and legibility of the area, in accordance with policies DC1, DC3 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 21) To discourage the unnecessary use of cars and facilitate and promote other means of travel in accordance with Policy DC29 of the Portsmouth City Local Plan 2001- 2011.

**The reason for the recommendation is:**

In the opinion of the Local Planning Authority, the residential redevelopment of this site allocated for housing is appropriate in land use terms and create an attractive and safe regeneration by a high-density contemporary design solution accommodated on the site in a manner to will respect its surroundings and contribute positively to the townscape of Portsea. The proposed development will not have any significant impact on the amenities of the adjoining occupiers in terms of outlook, light and privacy. The proposal is therefore in accordance with policies SP7, CD10, DC1, DC3, DC5, DC9, DC21, DC25, DC27, DC28, DC40, DC46 and DC47 of the Portsmouth City Local Plan 2001-2011.

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**10** 11/00250/OUT

**WARD:Milton**

**West Wing St Marys Hospital Milton Road Portsmouth**

**Construction of 2- & 3- storey buildings comprising 191 dwellings & a 2-storey 60 bed care home with associated estate roads/parking areas/open space & landscaping after demolition of existing buildings [Outline with all matters reserved]**

**Application Submitted By:**  
Savills Planning

**On behalf of:**  
Portsmouth Hospitals NHS Trust

**RDD:** 15th March 2011  
**LDD:** 28th June 2011

## **SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This proposal relates to some 6.6ha of land that comprises former hospital buildings within St Mary's Hospital West Wing. The site excludes the Finchdean Buildings to the north-east corner of the hospital grounds, the retained community hospital buildings on the eastern section of the site and the teaching facility at the western end of the site. The western boundary of the development site borders the retained medical teaching facility and mainline railway beyond which lies terraced houses fronting Byerley Road, while the northern boundary abuts two-storey houses forming part of the grounds of St Mary's House, the latter comprising a Listed Building. To the east of the development site lies the Finchdean buildings and retained hospital buildings, and to the south is a high boundary wall separating the site from commercial premises located at the western end of Rodney Road.

The applicant seeks outline permission for the redevelopment of the site for wholly residential purposes entailing the construction of a total of 191 dwellings and 60-bed care home. The illustrative drawings show buildings at two- and three-storey in height served by an internal estate road with accesses from both Milton Road and Rodney Road. However, the applicant has not included any of the 'reserved matters' for consideration at this stage.

Whilst there is an extensive planning history in relation to this site the most relevant comprises a current application which seeks permission for the construction of new buildings adjacent to the retained Finchdean Buildings and the conversion of the latter to provide a total of eighty-three apartments with access from the existing access road that would also serve the retained community hospital. A tree preservation order was served in May and has been recently confirmed. The Order protects sixty-eight individual trees and five groups representing some 75% of all the trees on the site.

An application for the change of use of the Education Centre, located within the south-west corner of the hospital grounds, is the subject of application reference 11/00709/FUL. The applicant seeks permission for the use of the Education Centre as Class B1(a) offices in lieu of providing employment as part of the redevelopment of the remainder of the grounds.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: MT1 (St Mary's Hospital (West)), DC1 (Design Principles), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC14 (Trees), DC21 (Contaminated Land), DC25 (Transport Issues in New Development), DC27 (Contributions Towards Transport Improvements), DC29 (Travel Plans for Major Developments), DC40 (Affordable Housing), DC46 (Public Open Space in New Residential Development) and DC47 (Residential density). Furthermore, the Supplementary Planning Documents in relation to car parking, air quality, reducing crime through design and planning obligations would also be relevant to the determination of the proposal.

At national level the following policy guidance would be material to the consideration of this proposal;-

Planning Policy Statement 1: Delivering Sustainable Development;

Planning Policy Statement 3: Housing;

Planning Policy Statement 5: Planning for the Historic Environment, and

With the recent submission of the Portsmouth Plan to the Secretary of State a number of Core Strategy policies would have a bearing on the proposal, although the weight to be applied would, as outlined further in the report, vary according to circumstances. Map 18 within the section on Housing Delivery identifies this site as a source of new housing, while St Mary's West is also identified as a source of some 9,000sq.m. of Class B1 office space within the 'Employment' section. Policy PCS12 requires the provision of pocket parks on development sites of 50 dwellings or more at a standard of 1.5ha per 1000 population. Policy PCS13 relates to a 'healthy city' and the objective of working with its partners in furthering health care. Under the heading of 'Sustainable design and construction' policy PCS14 advocates the use of Low or Zero Carbon energy technologies (in proposals for 10 or more dwellings) to reduce carbon emissions as part of the selection of measures to meet the overall Code for Sustainable Homes level. The objective underlying this policy is to reduce carbon emissions by 10% upto the end of 2012 and 15% from the beginning of 2013 onwards. There would also be a requirement to provide private amenity space for all new build residential units, maximise solar efficiency, future proof developments so that renewable or low-carbon energy technologies can be added if none are provided at construction stage, and that development should include recycled construction material. Within the 'Development Management Policies', PCS18 relates to housing mix, size and the provision of affordable homes. Within that policy developments should achieve a target of 40% of family housing where appropriate, and ensure that all new dwellings and conversions should meet the minimum floorspace standards that apply to affordable housing as outlined in the document 'Providing affordable housing in Portsmouth'. Policy PCS20 requires a minimum density of 40dph.

## **CONSULTATIONS**

### **Tree Memo**

No consultation response has yet been received

### **Unilateral Memo**

No consultation response has yet been received

### **EPPS - Contaminated Land Team**

The standard conditions in relation to a site investigation and remediation, as may be found necessary, should be applied.

### **EPPS - Pollution Team**

Air quality is not an issue at this location and that the proposed number of properties is unlikely to result in a significant increase in traffic movements within the vicinity. The noise and vibration assessment for rail and road traffic noise has identified that the majority of the site falls under NEC B when considering PPG 24. However the area of the site adjacent to the railway line (without the boundary wall) falls within NEC C. It is recommended that the minimum specification for the glazing be 4/12/4 throughout the site (including the care home) and that forced ventilation is installed into the proposed development that falls within the NEC C category.

### **Highways Engineer**

The proposed development is not considered to have an adverse impact on the highway network and could be served from both Milton Road and Rodney Road in an acceptable manner. An adequate level of on-site parking would be achievable having regard to its location in an area of medium accessibility to public transport. The draft travel plan would need to be the subject of further discussions

### **Education**

Having regard to the mix of dwellings identified within the Design and Access Statement, education contributions would need to be secured through a legal agreement.

### **Highways Authority (Colas)**

Although the Design & Access Statement seems to indicate that no major alterations to the adjacent public highway at the two points of access into the site will be made, section 278 and/or section 38 agreements may be necessary. Assuming that many heavy lorry movements are likely during the proposed redevelopment works, the applicant should be made aware of the

need to protect the adjacent public highway from damage at these two points of access and to ensure that public access along the public highway is maintained. In this respect the applicant should quantify the maximum number of lorry movements per day, provide vehicle wheel cleaning facilities on-site if non-hard surface movements are anticipated with the redevelopment site and agree a 'before and after' survey of the conditions of the approach roads with an undertaking to repair any damage which can be attributed to the extra heavy lorry movements to and from site if this is appropriate. The adoption of roads within the site may attract a commuted sum for future maintenance.

#### **Environment Agency**

No objection subject to conditions in relation to a risk assessment, site investigation and a verification plan dealing with contamination; and, surface and foul water drainage.

#### **Southern Water**

The propose drainage strategy is acceptable and it is recommended that should planning permission be granted a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal.

#### **Network Rail**

No comments received.

### **REPRESENTATIONS**

At the time of preparing this report one letter of support had been received from the occupier of a property fronting Whitcombe Gardens, while six e-mails/letters [three from the same individual] raise concerns over the loss of the majority of trees within the site, some of which may have been planted in memory of those who passed away at the hospital.

### **COMMENT**

This application seeks outline permission with all matters reserved for subsequent approval. However, in support of the quantum of development that is proposed the applicant has sought, through the Design and Access Statement and other documents, to demonstrate that the provision of 191 dwellings and a 60-bed care home could be accommodated on this site in an acceptable manner using the existing vehicular access points from Rodney Road and Milton Road. The latter would serve the retained community hospital and the re-use of the Finchdean Buildings with additional new development. In these circumstances the principal issues are whether the form of the proposed development would be appropriate in the context of policy MT1 of the Local Plan and emerging policy while having regard to a concurrent application which seeks permission for the use of the education facility adjacent to this site for office purposes, and whether the quantum of development proposed could be satisfactorily achieved given the constraints that would apply to the site.

#### **Employment land**

Policy MT1 of the Portsmouth City Local Plan 2001-2011 allocates this site for housing and employment uses, and the supporting text states that "this is another opportunity to provide a site for local employment uses, including offices, of a scale that cannot necessarily be accommodated in town centres. The ratio of housing to employment should be 65:35. Given the site's accessibility (policy DC47), it is capable of accommodating at least 200 dwellings. Such numbers would require a minimum of 0.48ha of open space ... including a children's play area." The applicant, however, has sought to justify an exception to the policy in the submission of an 'Employment Land Report' and concurrent application for the change of use of the training/teaching facility located within the south-west corner of the grounds to offices. The report covers, amongst other issues, the revised PUSH figures for employment land, the supply of existing available employment stock, housing supply and the Portsmouth/M27 market.

The 'Policy Framework for Employment Floorspace' in 2008 established a floorspace requirement totalling 287,500sq.m. for Class B uses across the city, and that figure has been used in the Employment Land Review and emerging Portsmouth Plan. Although based on the PUSH Economic Development Strategy 2006 which sought to achieve an increase in gross

added value of around 3.5% by 2026. A more recent economic strategy has been produced and adopted in November 2010 which revises the increase in gross added value to around 2%. As a result the overall employment floorspace requirements for the sub-region fell from 2 million sq.m to between 1.36 sq.m and 1.72 million sq.m. However, there has as yet been no reapportionment of floorspace between the local authorities. Therefore until a distribution is determined it is necessary to continue to use the previous figures as this will ensure there is sufficient supply into the future and provide flexibility and choice within the market. The revised Economic Development Strategy itself states that it would be prudent to ensure a supply of sites beyond 2026 to ensure enough flexibility at the end of the plan period and beyond.

In terms of Class B1 floorspace, which could potentially make up the majority of commercial floorspace on this site, there is a requirement for some 176,000sq.m. and when deducting those sites that are less likely to materialise the projected supply requirement would amount to some 146,481sq.m. Should the 14% to 32% reduction referred to above be applied to the Portsmouth figure, the employment floorspace that could be provided on this site would still form an important element of the whole in that it would sit in the range 119,680sq.m to 151,360sq.m. Within the Portsmouth Plan, St Mary's West is expected to provide some 9000sq.m. of office floorspace. The training/teaching facility provides approximately 2,870sq.m.

The applicant also suggests that a reduction in housing numbers for Portsmouth coupled together with the reduction in the PUSH economic growth rate indicates that projections for employment floorspace in Portsmouth may need to be revised downwards. A reduced housing target for Portsmouth does not necessarily mean that there needs to be a reduction in the employment targets as it was always recognised that it may prove difficult to provide the amount of housing as set out in the South East Plan. In addition to this the reduction in housing numbers for the whole PUSH area is based upon the fact that there would be less in- migration and a greater take up of job opportunities by the existing population through an uplift in skills.

Should the employment land figure be reduced at a later date then all allocated sites would be reassessed and the least sustainable sites removed. This would be achieved through a strategic reassessment rather than by way of a planning application. This site would contribute towards the identified employment floorspace requirements, it is a site that falls within a sustainable location, that is considered attractive and available to the market and, in the context of the Employment Land Review, it scores relatively well compared to other sites in the city. In these circumstances there would be a presumption in favour of the provision of employment land as part of the redevelopment of St Mary's West, unless other material circumstances are of sufficient weight to put that requirement aside.

In this case the applicant has acknowledged the requirement to provide employment floorspace, albeit on the adjoining land rather than within the site allocation. Excluding the area of open space this site would provide a developable area of some 4.5ha of which approximately 1.6ha would be for employment purposes. When taking the site area for the proposed care home, which would provide employment opportunities, and the site area of the adjoining Education Building, the applicant would provide 1.33ha of employment related land. Whilst this amount would be less than that envisaged for this site, there are nevertheless extenuating factors.

The applicant's need to maximise the financial return from this site derives from the objective to continue to meet the financial requirements implicit in the continued provision of the medical services at Queen Alexandra Hospital. Notwithstanding that the exclusion of B1(a) office floorspace from this application would, on the face of it, be contrary to policy MT1, it is considered that by providing employment opportunities through both the use of the Education Building on the adjoining site and the proposed care home, added to the limited weight under emerging policy PCS13, there would on balance be sufficient justification to support the applicant's proposals. The provision of the office floorspace to be provided by the change of use of the Education Building would need to be secured through a legal agreement.

### **Quantum of development and site constraints**

Having reached the conclusion on the first of the principal issues that, on balance, permission should be forthcoming, it remains necessary to consider whether the proposed development could nevertheless be achieved in a satisfactory manner having regard to the constraints of the site and other policy issues.

Although an indicative layout has been provided, it only serves to demonstrate that a development comprising for the most part single family houses around a centrally located area of open space with a care home could be accommodated within the site and served by the existing vehicular access/egress points. The indicative layout has taken into account an arboricultural assessment carried out by the applicant. In superimposing the tree preservation order, it is considered that an overall housing figure of 191 could be achieved in an acceptable manner without significantly decreasing the number of houses in favour of providing a higher proportion of flats or involve the loss of higher graded trees. Whilst it is accepted that the indicative figure in policy MT1 would pro rata result in a much higher figure for a wholly residential development, the assumptions underlying the indicative figure would have included a high proportion of flats. This site, similar to the recently completed 'Dickens Quarter' on part of the former St Mary's Hospital East Wing, would provide an important opportunity to meet the growing demand for single family houses in accordance with emerging policy PCS18 of the Portsmouth Plan. It is, therefore, considered that the site is capable of accommodating 191 dwellings and a care home with the associated level of open space and estate roads. It is considered that the delivery of an acceptable layout for the site, including the provision of internal estate roads and open space, would be satisfactorily dealt with as part of the reserved matters submissions.

Whilst the existing hospital buildings are not considered to hold sufficient historic or architectural merit to warrant inclusion on the Local List of such buildings, the northern boundary of the site abuts the grounds of St Mary's House. Part of that boundary is contiguous with the rear wall of a terrace of six houses that incorporates secondary windows and part forms an approximately 2.5m high wall screening comparatively modest rear gardens. St Mary's House comprises a Grade II Listed visually prominent three-storey building that was subdivided circa 1990 to form flats and maisonettes. The illustrative layout incorporates a vista on a line central to the Listed Building and minimises building mass adjacent to that boundary. It would be considered appropriate to impose a condition that would limit the height of any buildings within 15m of that boundary to no more than two-storeys given the proximity of the existing residential dwellings. Given the size and location of existing hospital buildings adjacent to the northern boundary, it is considered that the proposed development would have the potential to improve the setting of the Listed Building.

The retained hospital buildings to the east side of the site would impose their own constraint. Those buildings have a height of three and four storeys and elevations with windows in close proximity to the common boundary. The applicant has suggested through the illustrative layout that the built form of the proposed development could satisfactorily address this particular constraint, and it is therefore considered that the proximity of those buildings would not affect the quantum of development that is proposed.

Turning to the southern boundary, this would abut an open storage area and industrial buildings, the latter in particular having the potential to adversely affect the living conditions of the occupiers of any dwellings placed in close proximity. Notwithstanding that the illustrative layout shows a row of houses with rear gardens adjacent to that boundary, it would nevertheless be possible to provide greater separation without significantly affecting the overall level of development. It is, therefore, considered that this particular constraint could be addressed in a detailed layout.

With appropriate screening the retention of the Education Building in the south-western corner of the hospital grounds, and its future use as offices, is not considered to prejudice a satisfactory layout, and similarly it is not considered that the mainline railway to the west would amount to a

significant factor that would adversely affect the living conditions of future occupiers or result in a reduction of the number of dwellings sought.

### **Traffic**

The applicant has demonstrated through the submitted transport assessment that, in terms of trip generation and vehicular movements, the proposed development is unlikely to materially affect the operation and capacity of the existing and nearby junctions on the main distributor network. The overall impact on both Rodney Road and Milton Road from peak-time traffic within this reasonably sustainable location is not considered to be so great as to adversely affect highway safety or network capacity. A development of circa 190 dwellings would be expected to meet the requirements of the Supplementary Planning Document on parking standards without harming its overall appearance and character.

Whilst it is considered that the proposed development would not have an adverse impact on the highway network, the city council's travel plan officer has identified a number of shortcomings within the applicant's draft travel plan. For example, the travel plan should identify key dates such as the intended timing of first and follow up surveys and a blank copy of the survey should be included in the travel plan. Furthermore, if targets are not met, or there is no travel plan co-ordinator in post, no explanation is given as to how those situations will be addressed. The draft travel plan does not include such measures as discount bus and cycle shop vouchers, a car share scheme or car club. The completion of a satisfactory travel plan would be a matter for inclusion within the section 106 legal agreement.

Mindful that the comments of the travel plan officer could be addressed through further discussion with the applicant and the comments of the Highways Engineer it is considered that the proposed development would not give rise to a sustainable highways objection.

### **Legal agreement**

Turning to other policy issues, the applicant has acknowledged the requirement to provide 30% of the proposed housing as affordable accommodation. In the event that the application is capable of support the delivery of affordable housing consistent with policy requirements as part of the proposed development would need to be secured by a legal agreement, with the actual mix of accommodation determined by a detailed layout to be submitted as a reserved matter. Similarly, the requirement for a financial contribution towards the shortfall in the provision of school places arising from the proposed development would be secured by a legal agreement. The level of that contribution would be set by the actual mix of houses and flats to be provided on the site. A requirement would also arise in relation to a financial contribution towards sustainable transport. The actual contribution would, similarly, be determined by the eventual mix of dwelling size.

Notwithstanding that the submitted layout is for illustrative purposes, it does, nevertheless, serve to demonstrate that the proposed development would be capable of incorporating a requisite level of open space. That open space could either be transferred to the council, with a commuted sum to cover future maintenance, or retained in private ownership. In the event that the open space is not transferred the legal agreement would make provision for its use as public open space and future maintenance.

The final element that would be incorporated into a legal agreement would relate to the production and implementation of a travel plan. Although the requirement for a travel plan is acknowledged by the applicant, as outlined above the information submitted would only amount to a starting point and would need to be the subject of further discussions.

The above mentioned requirements are considered necessary to make the proposed development acceptable in planning terms, and are directly related to the proposal and reasonable in all other respects.

## Conclusion

The proposed quantum of development is considered acceptable for this site, and there is a willingness by the applicant to address those issues that would be incorporated into a legal agreement. Whilst there would be a conflict with policy MT1, and, in recommending that outline permission be granted, a departure from the development plan would occur, it is considered that as outlined above there are matters that together would outweigh the potential harm to the council's economic regeneration proposals arising from the exclusion of the provision of office development as part of the application site.

## RECOMMENDATION

Subject to the applicant entering into a legal agreement in relation to the provision of affordable housing and open space (together with its future maintenance), the payment of commuted sums in relation to sustainable transport and education, the implementation of a travel plan, and restricting the delivery of more than 65% of dwellings until the delivery of office accommodation through the implementation of planning permission 11/00709/FUL, grant  
**Conditional Outline Permission**

## Conditions

- 1) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 3) Approval of the details of the layout, scale, appearance of the proposed building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 4) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 5) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provisions of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
  - (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c).

6) Within the area shown hatched on the plan hereby attached to this notice, depicting an area adjacent to part of the northern boundary of the site, no building shall exceed a height of two-storeys.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

9) No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved by the Local Planning Authority in writing. The approved surfacing shall be completed before the adjoining buildings are first occupied.

10) No development shall take place on site until a scheme for protecting the proposed dwellings from noise from the adjoining railway has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a drawing showing the details and positions of screen walls and fences to be erected. The approved screen walls/fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained.

12) Prior to the first occupation of the proposed buildings bicycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing, and those facilities shall thereafter be retained for the continued use by the occupants of the proposed buildings for that storage at all times.

13) Prior to the first occupation of the proposed buildings refuse and recyclable materials storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing, and those facilities shall thereafter be retained for the continued use by the occupants of the proposed buildings for that storage at all times.

14) Prior to the occupation of the proposed buildings facilities shall be provided for the parking of vehicles in accordance with a scheme to be submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained.

15) The development hereby approved shall not be commenced until details of the proposed means of surface water disposal and sewerage disposal have been submitted to and approved by the local planning authority in writing. The development shall thereafter be completed in accordance with the approved details.

**The reasons for the conditions are:**

- 1) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
- 2) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 3) In order to secure a satisfactory development in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 6) In the interests of protecting the setting of St Mary's House, a Grade II Listed Building, to the north of the site in accordance with the objectives of Planning Policy Statement 5: Planning for the Historic Environment.
- 7) In the interests of the amenities and character of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 8) In the interests of the visual amenities of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 9) In the interests of visual amenity in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 10) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy DC5 of the Portsmouth City Local Plan 2001-2011.
- 11) In the interests of the visual amenity's and privacy of the neighbouring property in accordance with policies DC1 and DC5 of the Portsmouth City Local Plan 2001-2011.
- 12) To ensure that adequate provision is made for cyclists using the premises in accordance with policies DC1, DC5 and DC25/DC28 of the Portsmouth City Local Plan 2001-2011.
- 13) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy DC9 of the Portsmouth City Local Plan 2001-2011.

14) To ensure adequate on-site parking provision for the approved building(s) and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies DC25 and DC28 of the Portsmouth City Local Plan 2001-2011.

15) In order to ensure that the proposed development does not result in an increased burden on existing drainage services thereby minimising the risk of flooding in accordance with policy DC5 of the Portsmouth City Local Plan 2001-2011

**The reason for the recommendation is:**

Having regard to the pattern of existing development in the area it is considered that subject to compliance with the conditions attached to this permission and associated legal agreement, the proposed development would be in accordance with policies DC1, DC5, DC9, DC14, DC21, DC25, DC27, DC29, DC40, DC46 and DC47 of the Portsmouth City Local Plan 2001-2011, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience. It is also considered that the delivery of office accommodation through the implementation of planning permission 11/00709/FUL and employment opportunities arising from the care home would, on balance, be sufficient to enable a departure from policy MT1 of the Portsmouth City Local Plan 2001-2011.

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**11** 11/00709/FUL

**WARD: Milton**

**Education Centre St Marys Hospital Milton Road Portsmouth**

**Change of use from Education Centre (Class D1) to offices (Class B1(a))**

**Application Submitted By:**

Savills Planning

**On behalf of:**

Portsmouth Hospitals NHS Trust

**RDD:** 8th July 2011

**LDD:** 7th September 2011

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This proposal relates to the training centre for the School of Nursing located within the south-west corner of the grounds of St Mary's Hospital. The premises comprise a part two-/part three-storey building on a roughly north-south axis, with projecting elements to its east side, set within an area of approximately 0.83ha the majority of which is hard-surfaced for car parking (approximately 100 spaces). The northern and eastern boundaries are contiguous with the site boundary of the area that the applicant is proposing for residential redevelopment under application reference 11/00250/OUT. The south-eastern boundary abuts a public footpath beyond which lies a number of storage and industrial units as part of the Rodney Road industrial estate, while to the south-west there is a continuation of the footpath beyond which lies railway land. The western boundary abuts the mainline railway.

The applicant seeks permission for the use of the training centre as offices. The building has a gross floorspace of approximately 2,900sq.m.

Although an undetermined application, the proposal for the redevelopment of the remainder of the rear part of St Mary's Hospital for residential purposes would be relevant for the purposes

outlined later in this report. The education building and associated car parking facilities was granted permission in 1989.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: MT1 (St Mary's Hospital (West)), DC5 (Amenity and Pollution), DC9 (Storage of Refuse), DC14 (Trees), DC25 (Transport Issues in New Development), DC27 (Contributions Towards Transport Improvements), DC29 (Travel Plans for Major Development).

With the recent submission of the Portsmouth Plan to the Secretary of State a number of Core Strategy policies would have a bearing on the proposal, although the weight to be applied would, as outlined further in the report, vary according to circumstances. Map 18 within the section on Housing Delivery identifies this site as a source of new housing, while St Mary's West is also identified as a source of some 9,000sq.m. of Class B1 office space within the 'Employment' section.

## **CONSULTATIONS**

### **Highways Engineer**

Whilst the existing use of the building would have taken access from both the Milton Road frontage and the Rodney Road access, the proposal would primarily utilise the latter. It is not considered that the traffic generation associated with the proposed use would, in combination with the proposed residential redevelopment, have an adverse impact on the highway network or junction capacity. Given that the site falls within an area of medium accessibility to public transport the provision of on-site car parking at a ratio of circa 1space to 30sq.m. would be considered acceptable. Although a change of use application, the provision of in excess of 2,500sq.m. of office floorspace would generate a requirement for a travel plan. As part of the conversion scheme the applicant would be expected to provide facilities for cyclists.

## **REPRESENTATIONS**

At the time of preparing this report no letters of representation had been received.

## **COMMENT**

The determining issues are whether the use of the existing building for Class B1(a) office purposes would be acceptable in principle, and whether such a use would be likely to have any external impacts in terms of traffic generation and car parking. The inter-relationship between this site and the remainder of the St Mary's West would also amount to a material consideration.

Although forming part of the grounds of St Mary's Hospital this site is excluded from the allocation under policy MT1 of the Local Plan. Its exclusion would have been based upon information provided at the time the policy was being formulated and indicated that it was not expected that the training centre would become surplus to requirements. For planning purposes this site is, therefore, "white" land and a proposal would need to be considered on its individual merits.

This application has arisen from concerns that the applicant's proposals for the remainder of St Mary's West did not include any employment provision in accordance with planning policy. Located at the western end of the Rodney Road industrial estate with a boundary to the railway, it is considered that the use of the training centre for office purposes would amount to an appropriate land use. In these circumstances this proposal would, in principle, be considered acceptable. In its current form the site incorporates an extensive area of car parking with limited soft landscaping around the building accessed from the circulatory route within the grounds of the hospital which is served at the rear by an access/egress onto Rodney Road. With the redevelopment of the remainder of the site that access/egress will become the primary

access route. Mindful of the Highways Engineer's comments the level of on-site car parking would be considered acceptable, as would the potential impact on the local highway network.

Whilst the applicant's outline application for the redevelopment of the adjoining land to provide housing does not include details of layout, the supporting information would indicate that a satisfactory access/egress arrangement could be provided onto a new estate road as an extension of Rodney Road. It is also considered that the layout of the site would be able to respect the constraints imposed on the adjoining land in terms of overlooking from office windows and potential noise and disturbance from the use of the car park. In the context of policy DC5 it is not considered that the use of the training centre site for Class B1(a) office purposes would be likely to adversely affect the living conditions of the future occupiers of adjoining and nearby residential properties, should outline planning permission be forthcoming for the proposed residential redevelopment.

It is therefore considered that subject to conditions in relation to cycle storage, retention of parking and provision of a travel plan the application is capable of support.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: L/01; UD/01; 20090/004/005.
- 3) Prior to the first occupation of the building bicycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing, and those facilities shall thereafter be retained for the continued use by the occupants of the building for that storage at all times.
- 4) The development hereby permitted shall not be occupied until details of a Company Travel Plan have been submitted to and approved in writing by the local planning authority. Those details shall, as deemed appropriate by the local planning authority, include the provision of the business corporate objectives, staff transport co-ordinator, staff travel survey, car park management, car sharing scheme, free bus service to rail stations, dedicated notice boards, cycle facilities and car/cycle allowances etc, together with a phased programme for its implementation and subsequent long term monitoring. The measures contained within the approved Company Travel Plan shall be implemented in accordance with the approved details and maintained thereafter unless otherwise first agreed in writing by the Local Planning Authority.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies DC1, DC5 and DC25/DC28 of the Portsmouth City Local Plan 2001-2011.
- 4) In the interests of encouraging alternative means of travel other than by car in accordance with policies DC25/DC28 of the Portsmouth City Local Plan 2001-2011.

**The reason for the recommendation is:**

1) In the opinion of the Local Planning Authority the proposed use of the site and existing building for offices would, subject to the condition imposed, amount to an appropriate use in this location, accommodate sufficient on-site parking and would not adversely affect the occupiers of the adjoining buildings or unduly prejudice the redevelopment of the adjoining land. The proposal would therefore be in accordance with policies DC5, DC25 and DC29 of the Portsmouth City Local Plan.

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**12** 11/00486/FUL

**WARD:St Thomas**

**Victory Yard Bath Square Portsmouth**

**Construction of roof terrace with railings up to 1.1m high & installation of rooflight to west roofslope**

**Application Submitted By:**

PLC Architects

**On behalf of:**

Victory Class Ltd

**RDD:** 23rd May 2011

**LDD:** 19th July 2011

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

This application relates to a building dating from the late 19th to early 20th century. The site is occupied by a small boat storage/service yard and associated workshop. To the east of the site is West Street and to the west is Portsmouth Harbour. The site is bounded on two sides by a high brick wall with 2 workshops contained within a L shape building. The building is accessed via gates on the northern boundary. The site is within the Old Portsmouth Conservation Area.

Permission is sought for the construction of a roof terrace with railings up to 1.1m high and the installation of a rooflight to west roofslope. The roof terrace would be used in conjunction with the members room. The roof terrace would be constructed on the west elevation of the building and would measure 6.2m by 2.1m.

Conditional permission was granted in 1992 for the addition of weather boarding render coping stone to the north elevation of the building.

**POLICY CONTEXT**

The relevant policies within the Portsmouth City Local Plan 2001-2011 would include: DC1 (Design Principles), DC10 (Conservation Areas), DC5 (Amenity and Pollution).

PPS 25 Development and Flood Risk

PPG 24 Planning and Noise

**CONSULTATIONS**

**Port Manager**

No comments received.

## **Queen's Harbour Master**

No comments received.

## **REPRESENTATIONS**

12 letters/e-mails of objection have been received from nearby residents on the grounds that the proposal would result in a) the change of use of the property, b) the potential for noise and disturbance, c) a terrace in close proximity to public seats, d) an increase in activity at the site, e) pressure on the availability of the existing car parking in the area and, f) the possibility of the site requesting a drinks licence in the future. Questions have also been raised over the purpose of the canopy and whether it would be visually acceptable.

A deputation request has been received from a local resident.

## **COMMENT**

The determining issues are whether the appearance of the terrace and rooflight would relate appropriately to the existing building and whether they would preserve or enhance the character and appearance of the conservation area and whether the terrace would result in any significant loss of amenity to the occupiers of the nearby properties. The proposal is in compliance with the requirements of PPS 25 and would not make the existing flood risk any worse.

The application proposes the creation of a first floor level within the existing roofspace of the building to the west side and includes the installation of a small terraced area. Access would be gained via a staircase from the eastern side of the building. The floorspace created (including the terrace) would amount to approximately 56m<sup>2</sup> and would provide a private space for the owners and members of the boat yard. The alterations would only affect the western (seaward) elevation of the building. The terrace area would be set within the roofline of the existing building leaving a minimal profile with no protruding structure. This would prevent overlooking to and from the adjoining properties to the north and south.

The terrace would have a timber handrail and balustrade to be finished in grey. The facing infill walls to the roof terrace would be finished in white-painted render. The conservation style roof light and terrace doors would be low profile aluminium in dark grey to complement the colour of the slate roof tiles. The materials are considered to complement the traditional appearance of the building and would preserve the character and appearance of the conservation area.

The principle of the proposed development is considered acceptable. PPG24 states that noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). It seems inevitable that the roof terrace would result in some noise break out from the function room but given the modest size of the roof terrace and function room facility it is not considered that the space could accommodate such a number of people to result in any significant noise and general disturbance to nearby properties. It is however considered necessary and appropriate to impose a condition to restrict the hours that the terrace can be used. It would not be appropriate to impose a condition restricting the use of the floor space to persons who sail Victory boats as this is not considered reasonable or enforceable. Access to the floor space is through the workshop and it seems unlikely that the Victory sailors themselves would want others accessing the floor space via their workshops.

A canopy is shown on the submitted drawings but has not been included in the description of proposed works by the applicant. The applicant has confirmed that the canopy is a temporary structure and will be constructed as such. The canopy is proposed to provide shelter from the weather for people working in the boat yard. If the canopy has permanency then it would be subject to a separate planning application.

## RECOMMENDATION

## Conditional Permission

### Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 09.1677.101 P3.
- 3) The proposed balustrade shall be timber with a natural or colour finished in grey (or such other colour as may be agreed by the Local Planning Authority in writing) and retained in such condition thereafter.
- 4) The roof terrace hereby approved shall not be used for any purpose outside the hours of 7.00am and 11.00pm.

### The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to secure a satisfactory appearance for the development in accordance with policies DC1 and DC10 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to protect the amenities of neighbouring properties and in accordance with Policy PPG 24 Planning and Noise and DC5 of the Portsmouth City Local Plan 2001-2011.

### The reason for the recommendation is:

The proposed roof terrace and rooflight would by reason of its location, scale and design preserve the character and appearance of the conservation area, relate appropriately to the recipient building and would not affect the amenity of the adjoining and nearby occupiers. The proposed roof terrace and rooflight would therefore be in accordance with policies PPS 25 Development and Flood Risk and PPG 24 Planning and Noise and policies DC1, DC5 and DC10 of the Portsmouth City Local Plan 2001-2011.



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Head of Planning and Regeneration  
8 August 2011