
Appeal Decision

Hearing and site visit held on 19 March 2014

by M F Aldous BA (Hons) Dip Mgt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2014

Appeal Ref: APP/Z1775/A/13/2209450

93 Havant Road and 12 and 20 East Cosham Road, Drayton, Portsmouth, PO6 2JE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of Portsmouth City Council.
 - The application Ref 13/00544/FUL, dated 31 May 2013, was refused by notice dated 7 November 2013.
 - The development proposed is redevelopment to form 52 sheltered apartments for the elderly, including 1 no Lodge Manager's apartment, communal facilities (Category II type accommodation), access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment to form 52 sheltered apartments for the elderly, including 1 no Lodge Manager's apartment, communal facilities (Category II type accommodation), access, car parking and landscaping at 93 Havant Road and 12 and 20 East Cosham Road, Drayton, Portsmouth PO6 2JE in accordance with the terms of the application, Ref 13/00544/FUL, dated 31 May 2013, subject to the conditions set out in the accompanying schedule.

Application for costs

2. At the Hearing an application for partial costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. A completed unilateral undertaking was presented at the hearing which provides a mechanism for a contribution to be made, in line with locally adopted policy, to the provision of affordable housing and related matters within the local authority area. The Council confirmed that the document was acceptable to it in all respects. I am satisfied that the measures offered are relevant and are fairly and reasonably related in scale and kind to the current proposal, and as such satisfy the appropriate regulatory tests. I shall therefore make no further reference to this matter.
4. At the hearing I allowed opportunity for any representations relating to the government's 'Planning Practice Guidance' which had been published a short

time before the event to be made. I have taken account of any such comments as were made on this theme.

Main Issues

5. The main issues are:-

- i) Whether the bulk, massing, scale and overall design of the proposed building would have an acceptable impact on the character and appearance of the surrounding area; and
- ii) Whether the proposal makes adequate provision for on site car parking.

Reasons

Character and Appearance

- 6. The appeal site is large. It forms a broadly rectangular parcel of land fronting onto the northern side of Havant Road which is a significant local distributor road, and East Cosham Road which is much narrower providing access to residential areas. The site is currently occupied by a former children's nursery building which is located towards the Havant Road frontage, with much of the area behind now forming overgrown garden land. I was informed that the former nursery operation ceased about a year or so ago, since when the site has effectively become disused and is now deteriorating in condition and visual appearance.
- 7. The surrounding area is residential in nature, mostly featuring detached family houses on sizeable plots by modern standards. Many of the buildings which front onto Havant Road are large and tall, positioned on what is a reasonably well defined building line.
- 8. Almost directly opposite the site on the southern side of Havant Road there is an existing retirement apartment complex. There is another not far away, fronting onto the same road. The appeal site occupies a sustainable location close to local service centres in Drayton to the east and Cosham slightly further away to the west. It is also adjacent to a frequent bus service which provides convenient links to these areas and to Portsmouth city centre.
- 9. The appeal site is by some margin one of the largest parcels of land in the immediate vicinity. As such it represents a significant redevelopment opportunity and given the finite amount of such space available within what is essentially an urban authority, it is important that its potential in providing new residential accommodation is maximised, within the context of the area in which it is located.
- 10. On this basis, and given the nature of the surrounding area described above, I consider that it is suitable for accommodating a new building of some scale. In addition, given that there are existing similar examples close by, I do not consider that any resistance to the principal of a flatted or retirement scheme can be justified. From the Statement of Common Ground it is clear that the Council accepts these fundamental principles.
- 11. The Council and others were however concerned that the scheme was too ambitious, with the building representing an overdevelopment in terms of its bulk, mass and scale. There was also criticism of the elevational detailing of

the proposed building, particularly with regard to its Havant Road and East Cosham Road frontages.

12. The site is well suited to accommodate a large building. The proposal does this but still retains a good degree of surrounding amenity space, particularly on its eastern side, in order to provide a pleasing environment for future occupants, but also to pay due regard to the location of adjacent houses and the amenity of their residents.
13. In terms of overall site coverage, ample space would remain for landscaping to soften the visual impact of the building, and the front building line to Havant Road, where car parking would be concentrated, as under the existing arrangement, would be respected. The height of the building to Havant Road would be no higher or comparable to adjacent and nearby family houses, and although it would be wider than most existing buildings in this area, it would be narrower than other sheltered schemes which front onto this road.
14. It is not unreasonable for the proposed building to want to positively announce its presence on this frontage, as this would be the arrival point and point of entry. There is considerable variation in the design, size and scale of existing buildings fronting onto Havant Road with no general consistency in style or design which requires adherence.
15. The East Cosham Road frontage represents the longest side boundary readily visible from the public realm, and perhaps therefore the most difficult, particularly as the housing directly opposite is more modest in scale compared with much of the surrounding area. The Appellant has sought to address this issue by providing an articulated elevation and breaking the frontage into a series of smaller component units, separated but linked to the rear, with considerable design variation within these elements.
16. The net effect is to give the appearance of domestically scaled two or three storey linked houses separated by recessed gaps that mimic the spacing opposite and with varying external treatment to provide interest and variety within the street scene. In general I support the approach undertaken to provide an elevation which in terms of bulk, mass and scale is not over dominant in its context and which by design seeks to draw upon and reflect local influences thereby forming a more domestically scaled elevation that would provide visual interest.
17. Drawing these conclusions together, I consider that the proposed building would have a significant, but acceptable, effect upon the character and appearance of the surrounding area, and as such is consistent with the requirements of policy PCS23 of The Portsmouth Plan and the National Planning Policy Framework (the Framework).

Provision of on site car parking

18. The proposal would provide for 19 on site car parking spaces, effectively in the same location as existing provision within the site. The existing access onto Havant Road would be utilised.
19. The Council considers that the site falls within an area of 'low accessibility'. However, at the hearing it was concluded that this is within an overall Portsmouth context where the general accessibility to public transport, given the urban nature of the authority, is usually excellent or very good. From my

own observations and given the specific retirement nature of the proposal I consider this assessment to be slightly misleading as the appeal location is served by an adjacent and very frequent bus service with stops close by which serving local service centres and Portsmouth city centre on a regular basis.

20. The Council's adopted parking standards imply significant under provision but given my view about general accessibility and also the specific retirement nature of the facility, which is likely to be occupied by quite elderly persons, most of whom are unlikely to have a car, I consider that a more pragmatic judgement is required rather than one based on a fairly crude statistical formula.
21. There was concern by the Council that there is no legal restriction on the occupation of the proposed building to persons in the order of 79 years of age, which is what the Appellant states to be the average age of occupants of buildings of this kind. At that age and beyond it was generally acknowledged at the hearing that a genuinely low level of car ownership averaging at around 0.3 car per person could be reasonably anticipated. This was drawn from extensive survey work undertaken at many similar establishments.
22. Notwithstanding that persons from 60 upwards (or 55 if the spouse of a person over 60) could legally occupy the apartments, I find no reason to doubt the evidence provided that the average age of occupants in sheltered schemes of this kind is in the order of 78 or 79 years of age. On this basis, and applying the car ownership ratio formulated from empirical evidence gained at many similar establishments, the probable level of on site car parking provision is seen to be at around the level being offered under the proposal, and well below the level being sought by the Council. I noted that other existing retirement complexes in the area appear to feature a comparable or even lower level of provision pro rata in relation to their size. In addition, the highway authority raised no objection in these terms.
23. I am receptive to the view that given the nature of the occupants there is likely to be regular demand for parking by medical, social and other support service personnel. I am also quite prepared to accept that occasionally, perhaps when a social event is organised, the car park might reach full car parking occupancy. It is therefore reasonable to examine the availability of local on street car parking opportunity, and to consider whether any occasional increased demands of this kind might exert unacceptable pressure on roads, traffic flow or residential amenity.
24. In this case there is good car parking availability on the roads immediately adjoining or close to the site, most of which is unrestricted. I visited the appeal site at busy times and noted that particularly around school delivery and collection periods, like many other locations, local roads are busy. However, even at such times there appeared to be decent opportunity to park safely and quite close to the appeal site without interrupting traffic flow and without damage to local amenity. As such I am content that any 'overflow' car parking which might be occasionally generated can be accommodated in this manner.
25. I have broadly accepted the Appellant's evidence with regard to the level of on site car parking likely to be generated by the development proposed. I have also noted the good public transport connection available at the site and examined the possibility of any occasional overflow parking being

accommodated on local roads. My conclusion is that on site car parking arrangements are satisfactory and that given the specific nature of the proposal, there is no harmful contradiction of the requirements of policy PCS17 of The Portsmouth Plan.

Other Matters

26. Policy PCS19 of The Portsmouth Plan states that the Council will encourage the provision of sheltered accommodation. This is consistent with the Framework and the recently issued Planning Practice Guidance, which identify the need for such accommodation, given the country's ageing population, as critical. I place appropriate weight on this fact.
27. Some objectors felt that family housing would be preferable at this location. Whilst such provision might be acceptable in principle, a proposal of that kind is not before me and there is no substantive suggestion backed by policy that this site should be safeguarded or reserved exclusively for that purpose. The Appellant pointed out that sheltered schemes release under occupied family housing onto the market and contribute towards achieving balanced communities.
28. Others were critical of the potential clustering effect of retirement accommodation in this part of Drayton, hinting at undesirable social consequences. No convincing manifestations of this perceived threat were articulated and it is clear that if the scheme was implemented the proportion of retirement units within the overall housing stock would still be at a modest level within the ward.
29. With regard to the impact on neighbouring living conditions, I consider the most tangible effect to be on the occupiers of the adjoining property at 95 Havant Road. I viewed the site from this property on my site visit and noted the likely physical relationship between the proposed block and the existing house and its garden.
30. Number 95 has no windows on its side, western elevation. Whilst it does have windows to the rear, these look directly down its garden and the new building would have an oblique relationship to these openings. Critically the new building would, for the most part, be set significantly in from its eastern boundary, with the intervening area landscaped and used for amenity purposes. Any boundary treatment, like landscaping, could be controlled by the application of appropriate planning conditions.
31. As such I consider that an acceptable physical relationship would be formed. Given the set in nature of the building from its eastern boundary and also its proposed height, I do not consider that any significant level of light would be interrupted to the garden of number 95. I also note, and take comfort from, the fact that the Council found no reason to resist the proposal in terms of overlooking, overbearing impact or loss of light.
32. With regard to any potential impact on sites of local ecological value, including SPA's, I note that there is no objection of this kind from either Natural England, which was consulted on the proposal, or the Council. Accordingly, I find no reason to support the view that the provision of this kind of accommodation at this location is likely to have a harmful effect on the ecological integrity of such areas.

Conditions

33. Possible planning conditions, including those contained within the Statement of Common Ground, were discussed at the hearing. In the interest of delivering an environmentally satisfactory development that also respects local amenity considerations, conditions relating to adherence to approved plans, contamination investigation and remediation, materials of external construction, landscaping, tree protection, noise attenuation and the timing of parking provision will be employed.
34. For similar reasons, other conditions will deal with foul and surface water disposal, achievement of BREEAM housing standards, boundary treatment, footpath improvement, appropriate occupancy restrictions and arrangements for on site ecological mitigation measures are necessary.
35. I have taken the opportunity, where appropriate, to amalgamate or reword some suggested conditions in the interest of brevity and clarity.

Conclusions

36. I have concluded that this proposal would have an acceptable impact on the character and appearance of the surrounding area and that it would provide a satisfactory level of on site car parking. Furthermore, I do not consider that resistance to the proposal in terms of the provision of further retirement accommodation in this area can be sustained.
37. For the reasons given and having had full regard to all other matters raised, I conclude that this appeal should succeed, subject to the imposition of the necessary conditions which are summarised above.

Michael Aldous

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr A Burgess BA Hons, MRTPI	Churchill Retirement Living
Mr C Geddes BSc Hons, Dip TP, MRTPI	Planning Issues Ltd
Mr M Sumner BA Hons, B Arch, MA	Williams Lester Architects
Mr J Shelbourn	Planning Issues Ltd
Mr D Friel	Mott Macdonald

FOR THE COUNCIL

Mr I Parkinson MRTPI	Principal Planning Officer Portsmouth CC
Mr P Hayward B Eng Hons, C Eng, MICE	Island Highway and Transport Consultants

INTERESTED PERSONS

Mr D Wooller	Local resident
Mr J Bannell	Local resident
Mr M Lapham	Local resident
Mr M Doyle	Local resident
Mr J Wilson	Local resident
Ms J Parry	Local resident
Ms M Rothstein	Local resident
Mr C Bevan	Local resident
Cllr S Wemyss	Local member Portsmouth City Council
Cllr K Ellcome	Local member Portsmouth City Council

HEARING DOCUMENTS

Document 1	Bound set of plans
Document 2	Unilateral Undertaking dated 17/03/2014
Document 3	Mr Wilson's submission
Document 4	Cllr Wemyss' survey
Document 5	Letter from Penny Mordaunt MP 18/03/14
Document 6	McCarthy & Stone Needs Assessment Report
Document 7	Addendum to David Couttie Report
Document 8	Council's cost application rebuttal

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4799-PL-001 Rev*, 002 Rev F, 003 Rev C, 004 Rev C, 008 Rev*, 009 Rev B, 010 Rev A, 4783- PL- 005 Rev D, 006 Rev A, 007 Rev B and 008 Rev*.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place 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 on the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos 2 and 3 and BS10175:2011; and unless otherwise agreed in writing by the local planning authority
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk top study in accordance with BS10175:2011; 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 including the nomination of a competent person to oversee the implementation of such works.
- 5) No part of the development shall be first occupied until verification by the competent person approved under condition 4) above that any remediation scheme required and approved under condition 4) has been fully implemented in accordance with the approved details, unless as varied with the written agreement of the local planning authority, has been submitted to and approved in writing by the local planning authority. Such verification shall comprise drawings of the implemented scheme, photographs of the remediation works in progress and 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 approved scheme.
- 6) No development shall take place until a scheme for the safeguarding of all trees and shrubs not scheduled for removal during the course of site works and building operations, including fencing arrangements, in accordance with BS:5837 (2005) has been submitted to and agreed in writing with the local planning authority. Agreed protective measures including fencing, shall be retained and maintained during the entire

- demolition and construction period. No unauthorised access or placement of soil, materials, plant, fuels or chemicals shall take place within the fenced protection areas.
- 7) No development shall take place until a landscaping scheme to include details of trees and shrubs to be retained, new planting plans and specifications, an implementation programme and details of arrangements for the replacement of any trees or shrubs which within 5 years from the completion of site works die, are removed or become seriously damaged or diseased has been submitted to and agreed in writing with the local planning authority. Work shall be undertaken in accordance with the agreed details and thereafter retained.
 - 8) The car parking arrangements shown on the approved plans shall be completed and made ready for use before the first occupation of the building and thereafter retained solely for that purpose.
 - 9) No development shall take place until details of surface water and sewerage disposal have been submitted to and approved in writing by the local planning authority. Work shall be undertaken in accordance with the approved details.
 - 10) No development shall take place until a scheme for insulating habitable rooms against road traffic noise has been submitted to and approved in writing by the local planning authority. Work shall be undertaken in accordance with the agreed details before the first occupation of the building and thereafter retained.
 - 11) No development shall take place until evidence proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM) including two credits in issue ENE 04 and one credit from issue TRA 03 prepared by a licensed assessor has been submitted to and approved in writing by the local planning authority.
 - 12) No part of the development hereby approved shall be first occupied until a post-construction assessment with appropriate certification, prepared by a licensed assessor indicating that the development achieves a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM) including the credits set out in condition 11) has been achieved has been submitted to and approved in writing by the local planning authority.
 - 13) With the exception of the site manager/warden's accommodation, at no time shall the development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.
 - 14) No development shall take place until details of all boundary treatment has been submitted to and approved in writing by the local planning authority. Work shall be undertaken in accordance with the agreed details before the first occupation of the building and thereafter retained.
 - 15) Prior to the first occupation of any part of the development hereby approved, the new footpath shown on plan 4799-PL-002 Rev F shall be completed and ready for use by the public.

- 16) Development shall be undertaken in accordance with the measures set out in Sections 5.10 to 5.21 of the Havant Road, East Cosham Road, Drayton – Protected Species Survey Report and Mitigation Strategy (EPR September 2013). Thereafter, the compensatory bat roosts shall be permanently maintained and retained.
- 17) No development shall take place until details of noise control measures relating to any heat pumps proposed have been submitted to and approved in writing by the local planning authority. Work shall be undertaken in accordance with the agreed details and thereafter retained.