

N/13/0011

PORTSMOUTH CITY COUNCIL

PORTSMOUTH

AGENT: PORTSMOUTH CITY
COUNCIL

OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING UP TO 163 DWELLINGS IN TWO, THREE AND FOUR STOREY BUILDINGS AND ONE 10 STOREY BUILDING WITH ASSOCIATED LANDSCAPING AREAS AND PARKING, A FLOOD DEFENCE BARRIER AND CONSTRUCTION OF UP TO 18094 SQM OF FLOORSPACE IN BUILDINGS FOR USE CLASS B1, B2 AND/OR B8 PURPOSES, FOLLOWING THE DEMOLITION OF EXISTING BUILDINGS WITH ACCESSES FROM HAMILTON ROAD (PRINCIPLE OF ACCESS TO BE CONSIDERED) (RESUBMISSION OF 12/00998/OUT)
TRAFALGAR WHARF HAMILTON ROAD PORTSMOUTH HANTS PO6 4PX

Report By

Richard Wright x2356

Introduction

Members will recall that this authority was consulted in October 2012 on a proposed major mixed use development of the Trafalgar Wharf site which lies a short distance to the east of the Fareham Borough boundary within the administrative area of Portsmouth City Council. Whilst Portsmouth City Council were the determining authority, Fareham Borough Council were formally invited to express views on the submitted application (our reference N/12/0006, Portsmouth CC reference 12/00998/OUT).

It was resolved by Members at the Planning Committee meeting on 21st November 2012 to raise a formal objection to the proposed development in relation to six issues. The formal response read:

Fareham Borough Council objects to the proposed development on the grounds that:

- a) it would, by virtue of the inclusion of a twelve storey tall building on the site, detract from the townscape character of Portchester and would be harmful to both the setting of Portchester Castle and the character and appearance of the Castle Street conservation area;
- b) insufficient detail has been provided to demonstrate that the increase in vehicular movements to and from the site as a result of the development would not have unacceptable adverse implications on the wider strategic highway network;
- c) in the absence of improvements to pedestrian and cycle links between the site and Portchester centre the development would have an unacceptable impact on the safety and convenience of users of the highway network and would fail to contribute towards the provision of sustainable transport options;
- d) insufficient information has been submitted to demonstrate that the development would not have unacceptable implications for the risk of flooding in the locality or that the proposed financial contribution towards off-site flood defences would offset any such adverse effects;
- e) in the absence of a satisfactory and robust sequential assessment the proposal is held to

be harmful to the vitality and viability of Portchester District Centre;

f) the development would fail to protect and enhance nearby designated protected habitats and species.

Following the end of the formal consultation period the applicant engaged Portsmouth City Council and a range of other statutory consultees and agencies in discussions to address the issues raised by various parties, including those of Fareham Borough Council. The application was subsequently withdrawn by the applicant prior to making a revised submission on 9th September 2013.

Portsmouth City Council have once again written to the Council inviting any comments to be submitted to them as the determining authority by 11th October 2013. The revised submission is therefore presented for Members' consideration of this Council's response as a neighbouring authority and the key planning issues are set out in the below report. Given the very tight timescale in which Officers have had to prepare this report it is intended that detailed technical advice on certain matters will be provided to Members shortly before the meeting in the form of an update.

Site Description

The Trafalgar Wharf site lies approximately 60 metres due east of the borough boundary in Portsmouth. The site occupies a prominent waterside location within the Paulsgrove ward and on the southern side of the main distributor road A27. The red-edged area of the site is predominantly made up of marine based industrial and commercial employment uses with various large scale buildings present including a large "dry dock" building. Along the northern boundary of the site is a two storey office building (Trafalgar House), a former petrol station now in use as a hand car wash, a row of semi-detached houses and a hot food takeaway on the corner of Hamilton Road which also forms part of the application site. The fish and chip restaurant Mother Kelly's is not included within the site. The reclaimed land to the south of the site on which stands the largest "Drystack" building is not included within the area proposed for development.

Description of Proposal

Outline planning permission is sought from the local planning authority Portsmouth City Council for a mixed use development following the demolition of existing buildings, and comprises the following elements:

- Up to 164 dwellings in two, three and four storey buildings and one 10 storey residential apartment building
- A flood defence barrier;
- Up to 18,094 sq m of floorspace in buildings for Class B1, B2 and/or B8 purposes.

The outline application asks for the principle of access from Hamilton Road to be considered, with the parameters for all other matters to be set, but full details reserved.

The resubmitted scheme differs from that previously proposed in that:

- The proposed tall building has been reduced from 12 storeys to 10 ten storeys;
- A retail shop previously proposed on Southampton Road has been removed;
- Restaurant/cafe facilities at the lower levels of the tower building have been removed;
- Access to the northern residential part of the site is to be via Hamilton Road only and no new access from Southampton Road is now proposed;
- The layout of the site has been revised including increased provision of open space.

The resubmission is also accompanied by updated supporting information including a revised Environmental Statement and reports relating to highways, ecology and flood risk management matters.

Representations

Publicity of the application has been carried out by the local planning authority Portsmouth City Council.

Consultations

Comments have been invited from internal consultees within Fareham Borough Council to inform this report and the Council's response to Portsmouth.

The following comments are awaited and it is intended that relevant points will be summarised in an update to Members before the committee meeting:

Director of Planning & Environment (Highways);
Director of Planning & Environment (Ecology);
Eastern Solent Coastal Partnership.

The following responses have already been received:

Director of Planning & Environment (Strategic Planning) -

The proposal includes a twelve storey residential tower which would become a visual focal point for the development and the surrounding area. There are very few buildings over two storey in height in the surrounding area, the most notable ones that are include Portchester Castle and the very large industrial unit adjacent to the site.

The Townscape and Visual Impact Assessment submitted with the planning application acknowledges that the new building will be taller than anything existing, but claims that: "The proposed building is... located within an area to create a clustering of large buildings and away from the neighbouring built form. The new building will, however, be a new element in the local townscape, taller than the existing by just under 10m, it will essentially replace the existing large scale, land mark ship building shed, with a new taller building but of reduced scale and mass." It is not accepted that the building will be "clustered" with other large buildings, as the only existing large building of any similar scale is almost 20m lower than the tower proposed. It is also not accepted that the new tower would replace the existing shed, as the height proposed would make it far more visually obtrusive.

The Tall Building Statement that accompanies the planning application also makes reference to the "clustering" impact of tall buildings. As previously mentioned this tower, alongside the existing buildings cannot be considered a "cluster" and would set a dangerous precedent for further "clustering" in the future. One of the main reasons for proposing the 10 storey height appears to be to provide views over the existing industrial unit to the south to the Solent beyond. Ensuring that the building would "enjoy" views over an existing structure, which would in turn increase its profitability, cannot be a planning consideration.

The views from the South would be particularly sensitive to this proposal as the new building would breach the ridgeline from these views. This is acknowledged in the Tall Building Statement (page 155): "The proposed tower will readily identify the Site from this location. The proposed tower is likely to breach the skyline in views from this location and

result in the Church tower of Portchester Castle and a key heritage asset of the local townscape, becoming more subservient in this view." Making the Portchester Castle tower more "subservient" cannot be considered a positive outcome, given its heritage status and importance within the local skyline.

Portsmouth City Council has an adopted Tall Buildings SPD, which is derived from a Tall Buildings Study. The SPD sets out "areas of opportunity" for tall buildings, which is based on the recommendations from the Study. The Trafalgar Wharf site does not sit within an "area of opportunity", and so the following statement in the SPD applies "There is a presumption against tall buildings outside of the areas of opportunity unless the particular merits of a proposal outweigh this general presumption. Those parts of the city that have not been identified as appropriate for tall buildings have been excluded for a number of reasons including the presence of low rise housing, conservation areas, open space and for other townscape reasons that are explored in the accompanying urban characterisation of the city". As referenced in this text there are a number of factors included in the Study which "may discourage the siting of tall buildings". Of particular relevance to this proposal are:

1. The potential for siting in conservation areas or in proximity to listed buildings. The site is in close proximity to Castle Street conservation area.
2. The presence of a ridgeline (On Portsdown Hill). As mentioned previously the proposal would breach this ridgeline, which is seen as an important feature.
3. The presence of particularly sensitive existing buildings. The previous reference to Portchester Castle tower becoming "subservient" is surely of importance here.
4. Areas characterised by low rise housing. The surrounding area is characterised by two storey homes.

Taking into account the four issues above, it is understandable why this location was not considered to be an "area of opportunity" in the Study or the SPD and as such the presumption against permitting tall buildings, such as that included in the proposal, must remain.

The proposal would see a loss of around 2,500sq.m of employment floorspace. The Portsmouth Plan, in policy PCS11, makes reference to the importance of the marine based economy and specifically mentions the Trafalgar Wharf site. The policy states that "the loss of existing B1, B2, B8 uses in those areas highlighted on the proposals map will be resisted" and "Marine and defence employment will be particularly encouraged, especially on waterfront sites and where operations already exist (eg Trafalgar Wharf; Portsdown Hill)". It is therefore considered important to highlight that the loss of employment land, especially in a location so suitable for valuable marine based employment, should be resisted in line with these policies.

Director of Planning & Environment (Landscape Architect) -

I have no further comment to make other than to support the comments made by the Director of Planning and Environment (Strategic Planning) concerning the adverse visual impact of such a tall building in this location.

Director of Planning & Environment (Urban Design) -

I have examined the additional material relating to a reduction in the height of the tower having regard to the Conservation Officer's original comments. I am of the opinion that the judgement to be made is whether a reduction in the number of stories from 12 to 10 makes

a materially sufficient change to the impact of the proposal such that the Conservation view should be withdrawn or amended.

The submission contends that following an assessment of the reduced height through a Townscape and Visual Impact Assessment (TVIA), (also as summarised in the Design and Access Statement), the significance of impact on important views of Portchester Castle and the Conservation Area (Table 1-8 of TIVA) are regarded as either 'Major Beneficial' (from A27) minor adverse (Portsdown Hill) (M275) or moderate adverse (Browning Avenue, North Portchester). See description of impact from the TIVA:

"1.254 In terms of views from the wider townscape, in particular viewpoint 10, illustrating a representative view from the residential streetscene of Browning Avenue and adjacent residential properties to the north of the site, the proposed development, in particular, the new tower, will be evident in this view. The view is currently funnelled across the site towards the Church tower of Portchester Castle. The proposed development is predicted to maintain the views of the Church tower in this view, however, the new tower which will be located broadly to the left of the Church tower in this view will create a new landmark feature from this location, resulting in the Church becoming more subservient in this view. The sensitivity of this receptor is considered to be medium/high. The magnitude of change is predicted to be medium. Effects of the proposed development on this visual receptor are therefore considered to be long term, permanent, direct and of moderate adverse significance.

1.255 There will be intermediate and long distance views of the proposed development, where it will form a small part of the wider, developed panorama of both Portchester and Portsmouth, will occur from the collection of views from the local landscape (Viewpoint 11 and 13 from the public rights of way and car park on Portsdown Hill to the north-east). The sensitivity of these group of receptors is considered to be medium / high and the magnitude of change predicted to be low, where the site forms a small part of the wider developed panorama and for the majority, a transient view. Effects on these long distance receptors is therefore considered to be long term, permanent, direct and of minor adverse significance.

1.256 There will be long distance views of the proposed development from Viewpoint 14 from the M275 road corridor south-east at Tipner, where the proposed development will be seen as part of a transient view, set in the context of the existing large scale ship building shed and Portchester Castle. The proposed tall building will sit above the existing built form, resulting in a new landmark to the harbourside in this view. The sensitivity of this receptor is considered to be medium and the magnitude of change to be low. Effects overall are therefore considered to be long term, permanent, direct and of minor adverse significance, where the new tallest element would be visible sitting above the existing rooflines.

Mitigation Measures

1.257 No other mitigation measures are proposed over and above those designed into the scheme.

Residual Impacts

1.258 As described above, the sensitivity of the collection of visual receptors ranges from medium to high. The magnitude of change is predicted to range between high to neutral, depending on the predicted change to the character of the available view. There are therefore likely to be long term, permanent, direct impacts of major beneficial significance on the collection of existing visual receptors identified along Southampton Road. Long term,

permanent, direct effects of moderate to minor adverse significance are predicted to occur to those collection of views from the elevated vantage points to the north of the site; those from the south-east and those to the south. Neutral effects are considered to occur from the visual receptors along Hamilton Road."

Modelling work seeks to demonstrate the impact from various locations, including Port Solent (p165 of the DAS (part 6), but there appears to be no modelling from Brownwing Avenue, other parts of the harbour or Portsdown Hill, where longer views are important.

The issue of impact is to a degree one of judgement. Despite the reduction in height and the significant level of information seeking to justify the proposal, I do not find the information sufficiently compelling or the reduction to be significantly material to warrant a change to the Conservation Officer's original objection on conservation area and listed building grounds.

It should be noted that to allow this proposal will establish another location for tall buildings within the harbour, setting a precedent for further erosion of the prominence and setting of Portchester Castle, a Grade 1 listed building and scheduled monument, and the conservation area within their strategic harbourside location

Director of Planning & Environment (Conservation) -

I agree with the comments of Director of Planning and Environment (Urban Design); the reduction from 12 to 10 storeys does not overcome my previous objections and my previous comments still apply.

Planning Considerations - Key Issues

Members resolved to raise an objection to the previously submitted scheme (our ref N/12/0006, Portsmouth CC ref 12/00998/OUT) on six grounds which set out why the proposal was considered to adversely affect the interests of Fareham. The resubmitted scheme raises no additional considerations and so these six matters are set out below for members to consider whether the issues raised are still relevant insofar as they relate to the revised proposal.

a) The development would, by virtue of the inclusion of a twelve storey tall building on the site, detract from the townscape character of Portchester and would be harmful to both the setting of Portchester Castle and the character and appearance of the Castle Street conservation area.

Officers consider that the previous objection has not been satisfactorily addressed in relation to this matter.

The resubmission proposes a ten storey residential tower the effect of which on the nearby conservation area and Portchester Castle would be little different to that of a twelve storey building. A detailed analysis of the submitted information in relation to this tower is included in full in the above consultee section in the comments provided by the Strategic Planning, Landscape Architect, Urban Design and Conservation Officers.

b) Insufficient detail has been provided to demonstrate that the increase in vehicular movements to and from the site as a result of the development would not have unacceptable adverse implications on the wider strategic highway network.

Officers consider that the previous objection has not been satisfactorily addressed in relation to this matter.

The revised Transport Assessment (TA) submitted does not anticipate there being a major adverse impact on congestion of the wider highway network between Portchester and Fareham. As outlined previously however, it is contended that the use of Paulsgrove Ward data as the basis for predictions on the distribution of traffic is questionable. The Council previously expressed concern over this matter however no clarification or revision to either the proposal or the supporting information to address this issue has been provided by the applicant in order to satisfy Officers over the potential adverse implications on the strategic highway network. Final comments from the Director of Planning & Environment (Highways) on this matter are awaited.

c) In the absence of improvements to pedestrian and cycle links between the site and Portchester centre the development would have an unacceptable impact on the safety and convenience of users of the highway network and would fail to contribute towards the provision of sustainable transport options.

Officers consider that the previous objection has not been satisfactorily addressed in relation to this matter.

The submitted TA identifies a notable increase in inbound and outbound vehicles using the Trading Estate Road to access the new employment space to be created in the southern half of the development site. Final comments from the Director of Planning & Environment (Highways) on this matter are awaited as work is done to assess the impact of this increase in the context of the revised proposal.

Previously it was considered that the increase in vehicle movements would be harmful to the safety and convenience of users of the highway in that there would be no associated improvements in pedestrian and cycle links to that particular part of the site from Portchester and its railway station.

d) Insufficient information has been submitted to demonstrate that the development would not have unacceptable implications for the risk of flooding in the locality or that the proposed financial contribution towards off-site flood defences would offset any such adverse effects.

Officers consider that, subject to the comments received from the Eastern Solent Coastal Partnership, the reasons behind the previous objection have been overcome in relation to this matter.

It is understood that the applicant has entered into extensive discussions with Portsmouth City Council and the Environment Agency in regards to the required on and off-site flood defences and in relation to the funding of extended off-site flood defence work. Final comments from the Eastern Solent Coastal Partnership are awaited in relation to this matter in order to provide detailed advice on the revised proposal and to confirm the funding arrangements concerning contributions towards off-site coastal defences in the Portchester area.

e) In the absence of a satisfactory and robust sequential assessment the proposal is held to be harmful to the vitality and viability of Portchester District Centre.

Officers consider that the reasons behind the previous objection have been overcome in relation to this matter.

The previously proposed retail convenience store and restaurant/cafe facilities have been removed from the resubmitted scheme. There would therefore no longer be a requirement for a sequential assessment in regards to this point.

f) The development would fail to protect and enhance nearby designated protected habitats and species.

Final comments from the Director of Planning & Environment (Ecology) are awaited on this matter.

The application site is close to two Sites of Importance for Nature Conservation (SINCs) that are within the Fareham boundary. Previously it was considered that the increase in visitors to these areas from the new residential development would only be partially offset by alternative sites for recreational use. Officers understand that work has been undertaken by the applicant in regards to these concerns and those raised by Portsmouth City Council and they are currently assessing the revised supporting information submitted.

Recommendation

Subject to comments from:

- a) Director of Planning & Environment (Highways);
- b) Director of Planning & Environment (Ecology);
- c) Eastern Solent Coastal Partnership;

Fareham Borough Council objects to the proposed development on the grounds that:

- a) it would, by virtue of the inclusion of a twelve storey tall building on the site, detract from the townscape character of Portchester and would be harmful to both the setting of Portchester Castle and the character and appearance of the Castle Street conservation area;
- b) insufficient detail has been provided to demonstrate that the increase in vehicular movements to and from the site as a result of the development would not have unacceptable adverse implications on the wider strategic highway network;
- c) in the absence of improvements to pedestrian and cycle links between the site and Portchester centre the development would have an unacceptable impact on the safety and convenience of users of the highway network and would fail to contribute towards the provision of sustainable transport options;

Fareham Borough Council requests that Portsmouth City Council formally reconsult this authority if any further information is received in respect of points a) to c) above.

Background Papers

N/13/0011; N/12/0006; (Portsmouth City Council references 13/00993/OUT & 12/00998/OUT)

Map

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Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.



Key

- Planning Application Boundary
- Ownership outside planning application boundary

03	Issued for Planning	LC 28/04/21
02		28/04/21
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Client Name
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Site Name
Trafalgar Wharf, Portchester

Drawing No
Site location Plan

Scale
1 : 2500 @ A1, 1 : 5000 @ A3
14478 01-DW-411-021 03
APPROVAL