



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 1 OCTOBER 2014 AT 5.00 PM

EXECUTIVE MEETING ROOM - THE GUILDHALL

Telephone enquiries to Joanne Wildsmith 0239283 4057

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Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Colin Galloway, Stephen Hastings, Lee Mason, Les Stevens, Sandra Stockdale and Gerald Vernon-Jackson

Standing Deputies

Councillors Alicia Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New, Darren Sanders, Rob Wood, Paul Godier, Stuart Potter and Julie Swan

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests are accepted. Contact: Julie Watson 023 9283 4826 or planning.reps@portsmouthcc.gov.uk

AGENDA

- 1 **Apologies for absence**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of Previous Meeting - 3 September 2014 (Pages 1 - 12)**

The minutes of the previous meeting of the Planning Committee held on 3 September are attached for approval.

RECOMMENDED that the minutes of the Planning Committee held on 3 September 2014 are approved as a correct record and signed by the Chair.

4 Updates provided by the City Development Manager on previous planning applications

5 14/01156/PAMOD - Request to modify legal agreement attached to planning permission 11/00409/FUL relating to land at 100 Copnor Road (Pages 13 - 14)

The purpose of the City Development Manager's report is to request Members consider the applicants request to modify the legal agreement attached to planning application 13/00005/FUL in relation to the tenure of the affordable housing provision.

RECOMMENDATION: To approve modification of the legal agreement to vary the tenure of the affordable housing to affordable rent from low cost shared ownership.

6 Appeal decision at 44A Craneswater Park, Southsea (Information Item)

The City Development Manager wishes to advise the Committee of the outcome of the appeal that was allowed (there is no separate report).

RECOMMENDED: That the report is noted.

Background: A planning application was considered at the Planning Committee meeting of the 29th January 2014. The application sought planning permission for the construction of three dormer windows to the rear roof slope, each 2.2m wide and 1.05m to the eaves of a hipped roof with an overall height of 2.5m; a pair of dormer windows to the front roof slope of similar dimensions; and the construction of a side/front extension to enlarge the integral garage.

The application was recommended for conditional permission. This recommendation was overturned and the application refused with the reasons for refusal relating to impact on residents of Craneswater Mews by virtue of overlooking and a loss of privacy.

The Inspector noted that Craneswater Mews, together with development on the west side of Craneswater Park forms a high density residential complex with one of its main features being the mutual overlooking between dwellings. Furthermore, the proposed dormers would overlook the open plan front

curtilages of the dwellings in Craneswater Mews where there is already little or no privacy, as the area is used to gain access to the individual properties. The proposed bedroom windows would for the most part not overlook the much more private rear courtyards and gardens of houses in the Mews.

The Inspector carefully noted concerns of a number of local residents but concluded that the proposal would not have an adverse effect on the living conditions for the occupiers of the properties in Craneswater Mews as regards privacy.

The Inspector was also of the view that, in terms of scale and appearance, the roof alterations are of appropriate proportions and design to preserve the appearance of the townscape of the Craneswater and Eastern Parade Conservation Area.

Subject to the imposition of the following conditions the Inspector upheld the appeal and granted permission.

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 2013/02/A;
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

7 Appeal decisions relating to 287 New Road (Information item)

The City Development Manager wishes to advise the Committee of the outcome of the appeals, which were dismissed. (There is no separate report.)

RECOMMENDED that the report is noted.

Background: A planning application was considered by the Planning Committee at its meeting on 8th January 2014. The application, for the continued use of part of the dwelling for dog boarding (day time boarding (day care) and overnight boarding), was recommended by Officers for refusal. This recommendation was agreed and authorisation was given to take formal enforcement action to secure the cessation of the unauthorised use. The reason for refusal and for taking enforcement action related to the use of the property for dog boarding giving rise to an unacceptable level of noise and disturbance to the detriment of the residential amenities of the occupiers of neighbouring properties.

The Inspector concluded "that the continued use of the premises for a dog

boarding business would give rise to significant concerns that the living conditions of occupiers of nearby residential properties would be harmed with regard to noise and disturbance". The Inspector noted "the employment generated by the business use and the service provided to local people in need of animal care" but agreed with the Council that "this does not outweigh the harm to the living condition of occupiers of nearby properties by reason of noise and disturbance".

As part of their appeal against the Enforcement Notice, the appellant argued that the one month compliance period was too short to find alternative premises. The Inspector considered the competing private interest of the business to secure alternative premises against the public interest of bringing harm to the living conditions of occupiers of nearby residential properties to an end without unnecessary delay and concluded that a period of two months would strike an appropriate balance. The appeals were dismissed with the Notice varied to extend the compliance period from one month to two months.

8 Section 106 Monitoring Charging (Pages 15 - 20)

The purpose of the report by the City Development Manager is to inform the Planning Committee of the proposed charges for monitoring S106 Legal Agreements.

RECOMMENDED that the Planning Committee notes the proposed charging scheme.

Planning Applications

Report by the City Development Manager attached.

- 9 14/00506/FUL - Store r/o 85-87 Castle Road Southsea - Conversion to form single dwelling (report item 1) (Pages 21 - 42)**
- 10 14/00591/FUL - 21 Allens Road Southsea - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House) (Report Item 2)**
- 11 14/00918/ADV - 107 Havant Road Portsmouth - Display of 2.44m high hoarding adverts to boundary of site and display of 2 non-illuminated 5.8m high pole mounted stack board signs fronting Havant Road (Re-submission of 14/00473/ADV) (Report item 3)**
- 12 14/01097/ADV - 93 Havant Road Drayton Portsmouth - Display of 3 non-illuminated 2.4m high hoardings, 4 non-illuminated flag poles and 1 non-illuminated monolith stackboard (Report Item 4)**
- 13 14/00963/FUL - Car Park Cornwall Road Portsmouth - Change of use of existing car park to car sales (Sui Gengris) to include installation of a**

portable cabin office (Report Item 5)

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 3 September 2014 at 5.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
David Fuller
Colin Galloway
Stephen Hastings
Robert New (Standing Deputy)
Lee Mason
Les Stevens
Sandra Stockdale
Gerald Vernon-Jackson

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The chair, Councillor Gray, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

93. Apologies (AI 1)

These had been received from Councillor Ken Ellcome, who was represented by Councillor Robert New as his standing deputy.

94. Declaration of Members' Interests (AI 2)

Councillor New declared a personal, non-pecuniary interest on planning application item 11 as two of his close friends work for Remarkable.

Councillor Vernon-Jackson advised with regard to planning application item 5, that he had been in extensive conversations with the some of the neighbours about this application. He therefore made the decision to leave the room when this application was discussed.

Councillor Jonas advised with regard to planning application item 5, that his Grandson has recently signed to Pickwick Football Club. He therefore made the decision to leave the room when this application was discussed

95. Minutes of Previous Meeting held on 6 August 2014 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the meeting of the Planning Committee held on 6 August 2014 were agreed and should be signed by the chair as a correct record.

96. Updates Provided by the City Development Manager on Previous Planning Applications (AI 4)

There were no updates.

Planning Applications

The chair asked that the order of items to be considered be varied due to the number of people wishing to make a deputation on planning application item 6, 149 Albert Road, therefore this item was taken first. It was also agreed to move those items with no deputation requests to the end of the agenda.

97. 14/00854/FUL - 149 Albert Road, Southsea (AI 6)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager's supplementary matters report explained that 46 additional representations including those from Councillors Andrewes, Hunt, Adair and Winnington, had been received objecting to the proposals on the grounds outlined in the report.

A petition with 50 signatures opposing the proposals has been submitted by the Albert Road Traders Association.

29 additional representations, the majority in a standard form, have been received in support of the proposals requesting that the application be considered on its individual merits rather than moral objections.

An on-line petition objecting to the proposals, instigated by Cllr Andrewes, had collected 320 signatures, a copy was attached as an Appendix to the list. A further six have since signed the petition as at 4:30pm today.

The following deputations were heard:

Ms Dracke, attending to represent the Solent Feminist Network whose points included

- The vast majority of local residents are against this application.
- A lap dancing club is not appropriate for Albert Road.
- Lap dancing clubs promote the wrong message that women's' bodies can be sold.

- It would intimidate some women and girls and may create a fear of going near that part of Albert Road, particularly at night.
- The proposed location is in close proximity to two schools which is not appropriate.

Ms Dillon, attending to represent Aurora New Dawn Ltd whose points included

- Fully endorses the Council's Sex Establishment Policy and the council's preliminary conclusion that there is no place within Portsmouth in which it would be appropriate to licence a sex establishment.
- A woman's body is not a commodity to be bought and sold.
- Albert Road is used by families therefore inappropriate use for area.
- The club owners provide escorts for the dancers to their vehicles at the end of the night, highlighting there is a risk of attack.
- The proposed site is located next to Wedgewood Rooms, who have under 18's nights therefore wholly inappropriate for them to be near this activity.
- It would be contrary to licensing policy.

Ms Catlow, attending to represent the Albert Road traders whose points included

- Local traders fear being 'leered' at by the customers of the club.
- Worries that the traders will have to pay for policing of the area due to potential increase of antisocial behaviour.
- Albert Road contains a diverse mix of shops bringing added interest to the city and a lap dancing club would spoil this.

A deputation was made by Mr Weymes, the applicant's agent whose points included:

- The Council's Environmental Health Officer had received no reports of noise for the applicant's other two clubs located in the city. There was no reason why the environmental impact of the club in its new location would be greater.
- He was convinced that the management style will ensure that noise complaints would be minimal.
- The property was formerly occupied by Southsea Conservative Club and has never been used for retail use.

A deputation was also heard from adjacent ward Councillor Michael Andrewes who included the following points in his representations:

- Concern that if the proposal is accepted this will change the nature of Albert Road and would set a precedent for other clubs wanting to move to the area.
- Important to keep a mix of shops on Albert Road.
- Concern on the effect of the club on the two nearby schools for example homework clubs and parents evening which may be going ahead whilst the club is open.
- Detrimental effect on the Wedgewood Rooms next door.
- Albert Road traders, residents and ward councillors do not want this to be approved.

A deputation was also heard from adjacent ward Councillor Matthew Winnington who included the following points in his representations:

- This application should be treated as an individual planning application and should not be viewed as the moving of a business from one part of Southsea to another as the SEV licence is non transferrable.
- The city took a decision to allow no further lap dancing clubs in the city.
- The applicant has asked for a later license than the Wedgewood Rooms, which would add to the noise levels and mean there would be noise later into the night.
- Proposed entrance to the club is near to the residential areas of Beatrice Road and Harold Road.
- Surprised there have been no highways objections. Elegance nightclub has lots of taxi traffic and if this were approved the increase in traffic would cause issues as the club is near to the Albert Road/Waverley Road traffic lights, opposite a bus stop and adjacent to the Wedgewood Rooms who frequently have cars stopped outside with people dropping off equipment.
- This application is not in the right location, will have a negative impact on residents and will be contrary to the council's PCS23 policy.

A deputation was also heard from the Cabinet member for Planning, Regeneration and Economic Development, Councillor Luke Stubbs, who included the following points in his representations:

- Parking is an issue at the club's current location and this would be a concern if the club relocated to Albert Road.
- Very little noise at the existing club.
- The city centre would be the best location for the club.

A deputation was also heard from ward councillor Lee Hunt, who included comments from Councillor Margaret Adair. He included the following points in the representations:

- Increased cars parking near the club will cause disruption.
- PCS8 is an excellent policy which serves Albert Road well. It is therefore vital to comply with this policy.
- If approved it would harm the reputation of the area.
- Next door to a new upmarket bridal shop, the owners of which are against this application.
- Out of keeping with the area and inappropriate.
- Important to grow the retail side of Albert Road.
- Only one letter of support received.

Members' Questions

In response to a question regarding what grounds the committee could refuse the application on, the City Development Manager advised that where recommendations are made in her name they should be regarded as sufficiently robust to withstand an appeal. Officers ensure that they are satisfied they can defend the decision made. PCS8 is a robust policy under which to refuse this application, if the committee were

mind to do so. In answer to a question regarding the use of the existing club, if permission were granted and the club relocated, the Senior Solicitor (Planning) advised that officers could not extinguish the use of the club's existing premises without it having any new use (there could not be a "vacant" use). She added that the offer that the existing premises in the City Centre would close was not relevant to the decision on the application, which had to be decided on its own merits. The move of business premises that was proposed was not something the committee should give any weight to when making their decision.

Members' Comments

Members agreed that this type of business is highly inappropriate for this location. Albert Road has a unique mix of shops which needs to be preserved.

RESOLVED that permission be refused for the reasons set out in the City Development Manager's report.

98. 14/00706/FUL - Pitches Alexandra Park Northern Parade Portsmouth (AI 5)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

Councillors Frank Jonas and Gerald Vernon-Jackson withdrew from the room due to their declarations of interest.

The City Development Manager reported that since publication of the Planning Committee reports, 25 letters of representation had been received in support of the proposal on the following grounds: (a) The proposal would be to the benefit of the local community; (b) The proposal would support the largest community football club within the city; (c) The proposal would provide important recreational facilities for young people; and (d) The proposal would benefit the bid to become the City of Football.

In addition, it has been brought to the attention of the Local Planning Authority that members of the public were unable to register their support for this application online. It is known that there have been technical issues with the online registration system over the past few dates and measures have been put in place to rectify this issue. Unfortunately it is not known how many people were unable to make representations on this application during this period of unavailability.

A deputation was heard from Mrs Lovell, objecting to the application, who included the following points in her representation

- This is the wrong development in the wrong place.
- Acknowledgement that there is a need for the football club to find an alternative venue.
- Procedural concerns were raised that the supporting comments were submitted past the deadline, yet still considered. Also that the planning application was not advertised enough and the posters omitted the proposal for a portable toilet.
- Concerns that the condition of the pitch will deteriorate.

- The area of the pitch the application relates to often becomes waterlogged in the winter.
- Concerns how the lorries will be able to access the portable toilet to empty this, particularly when the ground is soft.
- Suggestion that the proposal could be located on the overflow car park which would not have an effect on the SSSI.
- The temporary storage containers may attract vandalism as the area is poorly lit.

A deputation was heard from Mr Gibson MBE, objecting to the application, who included the following points in his representation

- Aware of the importance of sport and sympathetic that the club have been displaced and need to find a new venue.
- Concerns raised on the design and overbearing appearance of the proposal.
- This is the worst possible location in the park for this proposal as this is the most used part of the park. There are two other sides of the park where this would be better suited.
- Concerns over the smell of the portable toilet.

A deputation was heard also from Mr Scott who spoke on behalf of the applicant and raised the following points in his representation

- The area was chosen as it is convenient for the car park, easy to reach and suits their need.
- Acknowledged that it is not ideal to have a portable toilet on the site, however there was no other toilets nearby they were able to use.
- Their permanent solution is to use part of the stadium and would seek permission from the Council to refurbish the toilets just inside the stadium.
- Aware of the flooding issue and if approved they will look to improve the drainage on the site which will benefit local residents using the park.
- He advised he would arrange to meet with residents to discuss their concerns.

A deputation was heard also from Ms Knight who spoke on behalf of the applicant and raised the following points in her representation

- The site previously used by the club at the Roko fitness club, had also suffered from waterlogging. The club had spent a large amount of money developing the site so it was fit for football.
- The storage containers had been sited at Roko for three years and there had never been an issue with vandalism.
- Pickwick football club will help towards tackling the issue of child obesity, which is prevalent in the city.

With regard to the reference made in one of the deputations to the neighbourhood consultations, the City Development Manager advised that the council's policy is to notify neighbours in the immediate location of the site by letter. The green planning application posters contain the basic information of the proposal and should encourage people to either look online or call into the offices to view the details of the application. It is lawful for the committee to consider letters of representation

which have been received up to the start of the meeting.

The City Development Manager reminded the committee to look at the planning merits of the case and not simply the number of letters from residents.

Members' Questions

No questions were raised.

Members' Comments

Members' agreed that it was vital to support the club and wished it every success. It was agreed that there were better places in the park for this proposal due to the issue of waterlogging.

RESOLVED that conditional temporary permission be granted subject to the conditions outlined in the City Development Manager's report.

99. 14/00661/VOC - 54th Portsmouth Scout HQ, Paignton Avenue, Portsmouth (A18)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported that The East Solent Coastal Partnership had commented on the proposal as follows:-

The site is shown to be within the Flood Zone 3 of the Environment Agency's Flood Maps. The site lies within the Portsea Island North flood cell as identified in the Portsea Island Coastal Defence Strategy. This area is covered by the Interim Position between Portsmouth City Council and the Environment Agency for the provision of flood defences in this cell. This agreement assumes that the flood risk management infrastructure will be provided to at least the 1:200 year standard of protection by the time that it is required.

Mr Penfold, Group Scout Leader at the 54th Scout Group, made a deputation and included the following points in his representation

- The Scout Group had done a great deal of work recently improving the premises including a new floor and unisex toilets.
- He had met with neighbours who had all said they had no objections to the increase in the number of children but had some concerns on the safety of the pre-school children when arriving and leaving the premises.
- There is a private walkway and if parents used this route this would resolve the concerns.
- Allowing 12 extra children would not mean there would be 12 extra cars and lot of children walk there with their parents.
- The Scout Group want to ensure the safety of the children.

Councillor Sanders, made a deputation as ward councillor and included the following points in his representation

- He had spoken to local residents and reported that everyone spoken to had agreed that there is an issue with the access to the premises; however

nobody wanted to stop the pre-school from being allowed to increase the number of children.

- There is an issue with parents parking in front of resident's garages to drop off their children and also people parking overnight in this area and this issue needs to be addressed. The pre-school will write to parents to ask them not to park in front of garages.
- He suggested that double yellow lines be painted on the roadside of the garages to stop parking here and also a mirror be placed on the bend of the access road to increased visibility for drivers.

The City Development Manager advised the committee that if members considered that it was necessary to refuse the application unless the suggested conditions put forward by Councillor Sanders were imposed, that the application would need to be deferred to examine whether such a scheme could be agreed, as it is not possible to grant an application subject to these being put in place when they had not been considered fully.

Members' Questions

Members asked whether the entrance way was wide enough to place bollards to create a separate walkway alongside the road. Officers advised that there would not be sufficient space for bollards as this would restrict access for residents wishing to access their garage with their car.

With regard to the ownership of the drive, officers advised that the road was not an adopted highway. The Council had an interest but as the Planning Committee is not responsible for the decisions of the Council as highway authority, it was not within the powers of the Planning Committee to consider or to decide whether or not to put double yellow lines in the location. Officers advised there was nothing to stop the two parties discussing putting measures in place to stop people parking in front of the garages.

Members' Comments

Members agreed they would like to see improvements to the access of the premises and suggested that the Council and those with ownership and interest in the land should work together to seek a solution to this.

RESOLVED that conditional permission be granted subject to the conditions set out in the City Development Manager's report.

100. 14/00875/FUL - 47 Eastern Parade, Southsea (AI 7)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager introduced the report.

Mr Knight made a deputation as the applicant's agent and raised the following points in his representation

- The property had previously been divided into three flats and the proposal was to create five high quality flats.
- There is space for cars around the property and unrestricted on street parking available.

- An area had been identified to use for bin storage.

Councillor Stubbs made a deputation as ward councillor and raised the following points in his representation

- The property had a lot of character which it was important to preserve.
- He had no objections to the sub division of the property.
- Some of the neighbours had raised concerns about parking provision; however the applicant proposed to have parking at the front of the property which was out of keeping in a conservation area.

Members' Questions

Members asked whether the front was completely paved as there was concern regarding the run off pressure on drains. It was confirmed that approximately 90% of the front would be paved. Members' agreed that an additional condition should be included that a permeable membrane be used. Members sought clarification that the windows and doors would be a like for like replacement, which officers confirmed.

RESOLVED that the application be granted conditional permission subject to the conditions set out in the City Development Manager's report and an additional condition relating to surfacing of the parking area.

101. 14/00771/FUL - Land at Dugald, Drummond Street/Greetham Street, Portsmouth (AI 11)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that having regard to the provision of policy PCS19 in respect of the provision of affordable housing and minimum space standards, the provision of policy PCS17 and the Parking Standards and Transport Assessments SPD, and the terms of the proposed Section 111 agreement (to secure the planning obligations) in this particular case, it is considered that a planning condition to restrict occupation of the 836 study bedrooms in the Halls of Residence to 'temporary residential accommodation for a student during his or her period of study' (unless otherwise agreed in writing with by the Local Planning Authority), is necessary to make the development acceptable in planning terms and would be both directly related to the development and be fairly and reasonably related in scale to the development.

Mr Bhogal of Unite Group plc made a deputation. He was joined by Mr Cooley of Cooley Architects, Mr Ford of WSP Group and Mr Roe of CgMs Consulting who were present to answer any questions. Mr Bhogal made the following points in his deputation:

- The Unite Group provide high quality, secure accommodation for accommodation for 41,000 students within the UK.
- Detailed pre application discussions had taken place prior to submitting the proposal.
- The site is currently underused and is ideal due to its proximity to the university campus and to transport links.
- The layout of the student rooms had been agreed by Portsmouth University.
- If approved this would enhance the local economy.

- The building would be highly sustainable with a BREEAM standard of excellent.

Councillor Stubbs made a deputation as Cabinet Member for Planning, Regeneration and Economic Development. He made the following points in his representation:

- Portsmouth City Council should support the University of Portsmouth as one of the major employers in the city.
- There is a housing shortage in the south east and creating 836 additional bedrooms for students would free up properties for the private rented sector.
- Most first year students would choose to live in halls of residence. Therefore more halls of residence are needed in the city to provide enough rooms to offer all first years a place in halls to allow the university to compete against other universities.
- The proposed location is ideal for a tall building and it is not too near a residential area.
- Only one objection from the public that referred to competition to private landlords, but that is not a planning consideration.

Prior to members debating the application, the City Development Manager reminded members that they needed to set aside any consideration of Council's ownership of the site, and members should only consider the planning merits of the case.

Members' Questions

Members' raised concerns over the number of cycle spaces the applicant had proposed compared to the number of students living in the halls. Officers advised that for the building to have enough cycle spaces the proposal would have to be significantly altered. Officers felt that the ratio of spaces to the number of students is sufficient. Officers advised that Unite were considering a cycle hire scheme to alleviate this issue.

A question was also raised about evacuation plans due to the height of the building. Officers advised that this was not a planning consideration, but would be a matter for control through building regulations. Hampshire Fire and Rescue had not objected to the application. There would be a sprinkler system in place. Members also queried the soundproofing arrangements for the ground floor student accommodation that would be adjacent to the storage containers. Officers advised that there were different levels of glazing and the Head of Environmental Health had not objected to the application. The applicant confirmed that the halls of residence would be for students in all years. In response to a question about the development being car free, the City Development Manager informed members that the University encouraged students not to bring their cars, however they could not enforce this.

Members' Comments

Members' felt the proposed location was ideal for student accommodation due to its central location and proximity to the University. In addition, the scheme would bring additional jobs and have a positive economic impact. There was a mix of views on the proposed design of the building; some felt this was a

superior design whereas others had concerns that the building was not in keeping with the Portsmouth master plan. In addition concern was raised that other buildings in the city with a similar type of cladding had begun to look tired shortly after the buildings had been completed.

RESOLVED

(1) That delegated authority was granted to the City Development Manager to grant Conditional Permission subject to the prior completion of a contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued;

(2) - Delegated authority was granted to the City Development Manager to add / amend conditions where necessary;

(3) - Delegated authority was granted to the City Development Manager to refuse planning permission if the contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) has not been completed within one month of the date of the resolution, and

(4) - Once the applicant has secured a legal interest in the land, delegated authority be granted to the City Development Manager to complete legal agreements pursuant to Section 106 of the Town & Country Planning Act 1990 and Section 278 Highways Act 1980 with principal terms as outlined in the report and such additional items as the City Development Manager considered reasonable and necessary having regard to material considerations at the time the planning permission was issued.

102. 14/00711/HOU - 14 Dene Hollow, Portsmouth (AI 9)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported that since the committee report was published, one further representation had been received. This claims that the main objection to this application amongst a number of residents of Dene Hollow is based on the potential for any future occupiers of this property to have children. This representation argues that this is not a valid planning reason upon which to base an objection.

Members' Questions

In response to a question on why this was a resubmission, officers explained that the previous application had been described incorrectly therefore could not be determined.

Members' Comments

No comments were raised.

RESOLVED that permission be granted subject to the conditions outlined in the City Development Manager's report.

103. 14/00837/FUL - 22-30 Fratton Road, Portsmouth (AI 10)

(TAKE IN REPORT FROM THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that as set out in the report the planning agent acting for the applicant has indicated a willingness to make the required contributions to mitigate the significant effect on the Solent Special Protection Areas which would result from the development. However no mechanism for the securing of the mitigation has been suggested or agreed. Accordingly it is considered appropriate that a second recommendation be added to allow the application to be refused in a timely manner if the mitigation is not secured in a reasonable timescale.

Members' Questions

No questions were raised

Members' Comments

No comments were raised.

RESOLVED that:

(1) Delegated authority be granted to the City Development Manager to grant conditional planning permission subject to securing of an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD.

(2) Delegated authority be granted to the City Development Manager to refuse planning permission if mitigation measures in connection with the Solent Special Protection Areas SPD are not secured within one month of the resolution.

The meeting concluded at 8.10 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray

Agenda Item 5



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: 14/01156/PAMOD - Request to modify legal agreement attached to planning permission 11/00409/FUL relating to land at 100 Copnor Road

Report by: City Development Manager

Wards affected: Baffins

Key decision (over £250k): No

1 Purpose

The purpose of the report is to request Members consider the applicants request to modify the legal agreement attached to planning application 13/00005/FUL in relation to the tenure of the affordable housing provision.

2 Recommendation

Approve modification of the legal agreement to vary the tenure of the affordable housing to affordable rent from low cost shared ownership

3 City Development Managers comments

The applicant obtained planning permission in August 2011 for the redevelopment of the site (the former Swan PH) by the construction of a part two, part three storey building containing 13 flats. The permission was subject to a legal agreement requiring the provision of three units of affordable housing.

The original S106 agreement was for the tenure of the affordable housing to be Shared Ownership (intermediate tenure). At that time the developer and then owner of the site was working with a particular Registered Provider. Since the grant of planning permission the site has been bought by Affinity Sutton, who are currently developing the whole site to provide affordable housing. However for the development to be financially viable the development needs to be an Affordable Rent tenure rather than Shared Ownership.

It is considered that the change in tenure of the three units of affordable housing covered by the legal agreement will assist in the delivery of a further 10 units of much needed affordable housing in the City.

4 Representations

Community Housing (CABS) fully support the change of tenure on this development.

5 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

6 Legal Services' comments

The City Solicitor is satisfied that it is within the City Council's powers to approve the recommendation as set out.

7 Head of Finance's comments

None

.....
Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
National Planning Policy Framework (March 2012) Community Infrastructure Levy Regulations 2010 Planning Obligations SPD (September 2008) Providing Affordable Housing in Portsmouth (May 2012)	



Title of meeting: Planning Committee
Date of meeting: 1 October 2014
Subject: S106 Monitoring Charges
Report by: City Development Manager
Wards affected: All
Key decision: No
Full Council decision: No

1. Purpose of report

- 1.1 To inform the Planning Committee of the proposed charges for monitoring S106 Legal Agreements.

2. Recommendation

- 2.1 That the Planning Committee notes the proposed charging scheme

3. Background

- 3.1 The city council regularly enters into S106 Legal Agreements with developers as part of the development management process. These legal agreements most commonly bind the developer to take particular actions, to deliver infrastructure relevant to the specific development, or to make payments to the city council at certain points during the development. Occasionally, agreements will place restrictions on the future use of the development.
- 3.2 They bring with them the need to monitor compliance, which has resource implications for the city council. It is now common for local authorities to charge a fee for the monitoring phase of these agreements. To date charges for these costs have been made on a case by case basis in Portsmouth. This is not efficient in terms of resources, neither does it give applicants any certainty as to the likely costs.
- 3.3 It is therefore proposed that a charging scheme should be published, which makes clear the monitoring charges that will apply to different types of terms in S106 agreements. Charges are based on an estimate of the officer time spent to monitor each agreement and a cost recovery basis.

3.4 It may be necessary from time to time to update the charges. The revised charges will be published on the city council's website.

4. Reasons for recommendations

4.1 The current system of negotiating monitoring charges for S106 agreements is inefficient in terms of resources and not transparent for applicants. Publishing a charging schedule will make clear to all parties involved in the process what the charges will be.

5. Equality impact assessment (EIA)

5.1 The proposed S106 monitoring charges standardise a system of charging which is already in place. As such, there is no change in policy, and therefore an EIA is not required.

6. Legal Implications

6.1 Requiring a developer to make a payment commensurate to the cost to the Council of monitoring compliance with the requirements of a Section 106 Agreement is justified and lawful because it reduces the cost to the Council of permitting development applications subject to Section 106 obligations. The transparency afforded by publishing the charging schedule ensures that the process of making such charges is fair in itself.

7. Finance Comments

7.1 The S106 monitoring charges proposed reflect the full cost to the Council of providing this service. The charges will be reviewed annually and updated as necessary.

.....
Signed by:

Appendices: Proposed S106 Monitoring Charges

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by:

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Planning Committee report - S106 Monitoring Charging

Monitoring Charges for S106 Agreements		
Obligations Monitoring Category	FEE	Notes
Solent SPAs Mitigation	£0	Monitoring costs are already included in the charge made
Financial Contributions with commencement trigger	£310	Based on 1 day of officer time
Financial Contributions with future trigger	£620	Based on 2 days of officer time
Obligations governing construction timing or the management of the site during construction and/or occupation eg <ul style="list-style-type: none"> • Provision for viability re-assessments • Restriction of occupation (eg student accommodation) • Shared car parking • Employment & skills plans • Other management plans / strategies 	£620	Based on 2 days of officer time
On-site provision eg <ul style="list-style-type: none"> • Open Space • Affordable Housing • Highway works 	£620	Based on 2 days of officer time
Travel Plans NB very large or complex developments may require a longer monitoring period with commensurate monitoring charges	£5400	Based on 2 days of officer time at a rate of £50 for the initial appraisal, plus 2.5 days p/a over 5 years for an annual review and administration
Minor alterations to Legal Agreements Changes to existing agreements where no new elements are being introduced	£84	Based on 2 hours of officer time
Major alterations to Legal Agreements Changes to agreements where new elements are being introduced	As per fees for new obligations	
<p>Notes</p> <p>Charges are based on the full cost recovery rate for officers involved in this process for 2014/15, which is £42 per hour (with the exception of travel plans). The charges reflect officer time involved in general correspondence, billing, ensuring compliance, and recording collection & spend. All agreements will require some of these elements, even if they are simple financial contributions paid on commencement. The higher charges reflect the more complex nature of some agreements, in particular the need to monitor progress on site during development or the management of the site during development or occupation, which is likely to require site visits.</p> <p>Fees will apply per obligation in a legal agreement. The total monitoring fee charged will be the sum of the fees for all obligations in an agreement. If the agreement is exceptionally complex it may be necessary to request a contribution above the sum of these standard fees. Where the purpose of the agreement is to impose a restriction, e.g. preventing use of the development except for a specific use, the nature and duration of the restriction will be considered and it may be necessary to request a contribution specific to the extent of monitoring that may be required into the future.</p> <p>The fee will be payable on completion of the legal agreement.</p>		

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Agenda Item 9

PLANNING COMMITTEE

1 OCTOBER 2014

5 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

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

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *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>

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STORE R/O 85-87 CASTLE ROAD SOUTHSEA**CONVERSION TO FORM SINGLE DWELLING****Application Submitted By:**

Bizzy Blue Design Ltd

On behalf of:

Mr Mike Baker

RDD: 6th May 2014**LDD:** 21st October 2014**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in heritage terms and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in flood risk terms and whether it complies with policy requirements in respect of housing standards, parking and SPA mitigation.

The Site

The application site comprises a substantial part three, part two-storey building located to the rear of numbers 85-87 Castle Road (the recently closed Sabre Sales military surplus store). The building has been historically used for the storage and display of goods associated with the shop fronting Castle Road and is in the process of being taken into separate ownership. The site comprises a locally listed building and is located within the Castle Road Conservation Area, the Castle Road Local Centre and Flood Zone 3. The site also lies adjacent to the Grade II Listed Portsmouth High School for Girls and to the north of a terrace of Grade II Listed Buildings (3-13 Kent Road).

Proposal

Planning permission is sought for the conversion of the building to form a single dwelling together with associated alterations to facilitate the proposed use. Pedestrian access would be via an existing passage way from Castle Road and vehicular access from the parking court to the rear of numbers 89-91 Castle Road (the two recently constructed townhouses adjacent to the former Wheelbarrow PH).

Planning History

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

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation).

The NPPF and the Parking Standards, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

CONSULTATIONS

Environment Agency

Raise no objection and recommend proposed flood resilience measures be incorporated into development

Coastal and Drainage

No response received

Coastal Partnership

No response received

REPRESENTATIONS

Objections have been received from the occupiers of five neighbouring properties on the northern side of Kent Road on the following grounds:

- a) overlooking and loss of privacy from roof terrace;
- b) proposed screen incongruous and out of keeping;
- c) adverse impact on residential amenities of occupiers of neighbouring properties;
- d) increased noise and disturbance;
- e) diminish character and appearance of Conservation Area and setting of adjacent Listed Buildings;
- f) potential loss of a tree;
- g) possible impact on bat colony resident in and around the neighbouring school; and
- h) lack of direct neighbour notification.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in heritage terms and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in flood risk terms and whether it complies with policy requirements in respect of housing standards, parking and SPA mitigation.

Principle of Development

The application site is located within the Castle Road Local Centre. Policy PCS18 seeks to ensure that Local Centres continue to fulfil their role to provide for the local top-up shopping needs of nearby residents with residential uses being discouraged at ground floor level. The application site comprises a store located to the rear of the recently vacated shop fronting Castle Road being excluded from the application site and being in different ownership. As the proposal would not affect the continued operation of a retail use of the shop, it is considered that it would not conflict with the aims and objectives of Policy PCS18. The principle of the use of the site for residential purposes is therefore considered acceptable.

Heritage & Design Considerations

The application site is located within the Castle Road Conservation Area, is adjacent to the Grade II Listed Portsmouth High School for Girls and to the north of a terrace of Grade II Listed Buildings (3-13 Kent Road). Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area Guidelines relating to the Castle Road Conservation Area note that the southernmost section of Castle Road is narrow and retains retail uses with old shopfronts. The eastern side of the southern end of Castle Road include a mixture of two and three storey shops many with original or matching shopfronts. Specific mentions is made of no. 83 "Castle News" with its white ceramic tiles and an interesting bay with semi-circular ends and decorative iron pilasters at first floor level, and the early 20th century nos. 85 and 87 with original shopfronts and shallow curved bays above. The application site is located to the rear of these latter properties. The Guidelines to not include any specific guidance relating to the conversion of buildings.

The site which was built and used for many years as a bakery, comprises a substantial two-storey building located behind numbers 85 and 87 and is accessed via a passage alongside number 83. The building has in recent years been used as a store for the specialist retailer which has recently vacated the frontage building. The proposed conversion would involve some external alterations and substantial internal alterations to facilitate its use as a dwelling. The most apparent of the alterations would be at roof level where an existing flat roof would be lowered to form a roof terrace above the southern part of the building.

The alterations to the building would include a mix of traditional and contemporary elements which would reflect the older nature of the much of the built development in the areas but also the modern townhouses and bungalow that have been recently built on the former beer garden of the old Wheelbarrow PH. The proposed use of the building as a single dwellinghouse, and the associated alterations are considered to be such that they would preserve the character and appearance of the Castle Road Conservation Area.

The alterations proposed to the building would not be readily discernable from the Listed School and as such is considered the proposal would have no significant effect on the setting of this Listed Building. To the south of the site are a terrace of Listed houses fronting Kent Road. The proposed alterations to the building would be read in the context of the recent development of two four-storey townhouses and a bungalow which lies between the application site and the Listed terrace. Having regard to the contemporary context of the intervening development and the appropriateness of the limited alterations to the south elevation, it is considered that the proposal would preserve the setting of the Listed terrace.

Impact on Amenity

The building to which this application relates is single aspect with all of its windows facing back towards the buildings fronting Castle Road. The internal layout of the proposed conversion has been designed to use existing windows and where possible to position habitable room windows opposite non-habitable room windows of the flats above 85 and 87 Castle Road in order to minimise the scope for a overlooking and loss of privacy to both existing and future occupiers. One of main alterations to the building would be to the southern elevation where three windows are proposed at first floor level over the courtyard and parking area serving numbers 89-93 Castle Road. In recognition of the potential overlooking of the rears of properties in Kent Road the submitted drawings show these windows to be obscure glazed. The other alteration to the building would be the creation of the roof terrace and the access thereto. The alterations to form the access to the roof terrace would be of a size and scale that would not have any significant impact on the amenities of the occupiers of neighbouring properties. The submitted drawings indicate the roof terrace being screened by an opaque glass panel which would extend to a height of 1.8 metres above floor level. Subject to the approval of the height, appearance and materials of the screen, which can be secured though the imposition of a suitably worded planning condition, it is considered that the proposal would not give rise to any significant degree of overlooking although it is accepted that there may be a perception of overlooking by the occupiers of neighbouring properties. Overall it is considered that the proposal would not result in any demonstrable harm to the residential amenities of the occupiers of neighbouring properties which would justify the refusal of this application.

The proposed dwelling would be of a size that would exceed the minimum floor space standards set out in Policy PCS19. As discussed above external facing habitable room windows have where possible been arranged to not face existing habitable room windows in the adjacent building and those that would be shown to be obscure glazed. Other rooms would face an internal courtyard to gain light and outlook. This arrangement does result in one bedroom being served by windows which would all be obscure glazed as such have a poor outlook. Such an arrangement is considered less than ideal in terms of the quality of accommodation being provided for future occupiers. However the building is of a substantial size and is severely constrained by its relationship with adjacent properties. The relationship with neighbouring residential properties is such that in order to protect the amenities of the occupiers these windows should be obscured. On balance it is considered that a low intensity residential use as proposed is the most appropriate use of the building and that in this instance the less than ideal layout can be accepted on the basis that it would be a practical design solution to the constraints of the building and represent an efficient use of the site.

Other Matters

Flooding

The application site is located in Flood Zone 3 and as such the application is accompanied by a detailed Flood Risk Assessment. Furthermore the layout of the building has been arranged to enable only non-habitable accommodation to be provided to the ground floor. Subject to the conversion being carried out in accordance with the recommendations set out in the FRA it is considered that the proposal would not give rise to significant risk to life or property from flooding.

Parking

The recently adopted Parking Standards SPD requires a three bed house to be provided with 1.5 parking spaces. The constraints of the site are such that only one space (within an integral garage) can be provided. There would therefore be a shortfall of one parking space. Having regard to the need to find an appropriate future use for the building and the physical constraints of the site it is considered that a refusal on parking grounds would not be warranted.

SPA Mitigation

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £172. This has been acknowledged by the applicant, who has provided the necessary mitigation. It is therefore considered that the proposal would not give rise to a significant effect on the SPAs.

It is considered that the proposal, by reason of its scale and nature, would not be likely to have any significant effect on wildlife living in the vicinity of the site. The consultation carried out in respect of the application exceeded that required to be undertaken.

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:
**** * .
- 3) No development shall commence on site until details (including samples where appropriate) of the types and colours of the materials to be used for all external alterations (including all fenestration) hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.
- 4) The windows labelled on the drawings hereby permitted as being fitted with opaque glass shall, prior to the first occupation of the dwelling, be glazed with glass obscured to at least level 3 on the Pilkington scale (or any other equivalent standard that may be agreed in writing with the Local Planning Authority). The windows shall thereafter be retained in that condition thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the flood resilience measures set out in the submitted Flood Risk Assessment (prepared by the town planning experts) or any other alternative measures as may be agreed in writing by the Local Planning Authority have been carried out.
- 6) Prior to the first occupation of the dwelling hereby permitted, the garage shall be made provided and thereafter retained for the parking of a car and the storage of cycles.

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 the proposal preserves the character and appearance of the Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To prevent overlooking in the interest of protecting the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that the development is not at risk from flooding over the life of the development.
- 6) To ensure that appropriate provision is made for the parking of cars and for cyclists using the premises in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

21 ALLENS ROAD SOUTHSEA**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Danny Moore

RDD: 27th May 2014**LDD:** 8th August 2014**SUMMARY OF MAIN ISSUES**

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

The site and its surroundings

This application relates to a two-storey mid-terraced dwelling located on the northern side of Allens Road, between its junctions with Waverley and Welch Roads. The property is set back from the highway by a small forecourt and comprises two reception rooms, a bedroom, kitchen, and toilet to the ground floor level, with three bedrooms, bathroom, toilet and shower room at first floor level with a further bedroom located within the roofspace.

The proposal

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

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and the Houses in Multiple Occupation (HMOs) Supplementary Planning Document (adopted in October 2012) are also material to the consideration of this application.

CONSULTATIONS

None.

REPRESENTATIONS

Objections have been received from 8 neighbouring properties and from Ward Councillors Hall, Stubbs and Winnington on the following grounds: proposal would exceed threshold for HMOs in road; exacerbation of parking problems; unknown nature of future occupiers; impact on community; area suffers anti-social behaviour; need for more family homes; loft conversion illegal; and no site notice displayed. The representations also includes the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD.

COMMENT

This application was deferred by the Planning Committee at its meeting on 6th August to allow for further examination of the concentration of houses in multiple occupation within this area. Since the deferral no further HMOs have been identified. Accordingly the main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

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

Principle of HMO Use

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

In identifying the area surrounding the application property, it has been established through investigations that four of the 71 residential properties within a 50 metre radius were in use as HMOs. The granting of permission would increase the proportion of HMOs to 7% of the residential properties in the area around the site. The proportion of uses would fall below the 10% threshold set out in the SPD and as such it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

Representations have referred to the level of HMO's in surrounding streets and have identified other alleged HMOs. Of the HMOs referred to by objectors, many fall outside of the 50 metres radius and as such their existence should not be given significant weight in the determination of this application. Of the five properties identified which are located within the 50 metre radius, four (1, 9, 11 and 16 Allens Road) are known or suspected to be HMOs and are those referred to in the preceding paragraph. This leaves one property (8 Gains Road) which has been occupied as separate flats for over 20 years and therefore is in planning terms not a HMO.

Impact on Amenity

A number of the representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the property as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. Having regard to the low number of HMOs in the area, it is considered that the impact of one additional HMO would not give rise to significant harm to amenity.

Car Parking

There is no off street parking provision at this property and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse and that the property is located within a short walk of local transport links, shops and services, it is considered that the proposal would not result in any significant additional demand for parking or affect highway safety.

Other Matters

No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property.

The storage for refuse and recyclable materials would remain unchanged. Given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that the proposal would not result in significant waste management issues.

The consultation and advertising of this application was carried out in accordance with the requirements of the relevant legislation and the Council's normal practice. Issues associated with whether the loft conversion benefits from an approval under the Building Regulations would not be material to the determination of this application. The representations also include the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD. Such a deferral would be inappropriate as the failure to determine this application in a prompt manner would give rise to a right of appeal that if exercised would result in the application being determined by the Planning Inspectorate rather than by the Council.

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 and Floor Plans.
- 3) Prior to the first occupation of the property as a Class C4 House in Multiple Occupation (or such other alternative timescale as may be agreed in writing with the Local Planning Authority), secure and weatherproof cycle storage facilities shall be provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained for use by the occupants of the property.

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 provision is made for cyclists to promote the use of sustainable modes of transport in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

03 14/00918/ADV

WARD:DRAYTON & FARLINGTON

107 HAVANT ROAD PORTSMOUTH

DISPLAY OF 2.44M HIGH HOARDING ADVERTS TO BOUNDARY OF SITE AND DISPLAY OF 2 NON-ILLUMINATED 5.8M HIGH POLE MOUNTED STACK BOARD SIGNS FRONTING HAVANT ROAD (RE-SUBMISSION OF 14/00473/ADV)

Application Submitted By:

The Planning Bureau Limited

On behalf of:

McCarthy And Stone Retirement Lifestyles Ltd

RDD: 24th July 2014

LDD: 10th October 2014

This application has been referred to the Planning Committee by Councillors Wemyss and Ellcome

SUMMARY OF MAIN ISSUES

The main issue is the effect of the hoardings and advertisements, in respect of size and location, on the appearance of the locality and the streetscene of Havant Road and Carmarthen Avenue in particular.

The site and surroundings

This application relates to a plot of land located on the north side of Havant Road adjacent to its junction with Carmarthen Avenue and is occupied by a 1930's style detached house. To the rear of the plot are single-storey outbuildings. The site has a frontage of approximately 36.5m to Havant Road and approximately 62.4m to Carmarthen Avenue. The site has a vehicular access/egress onto Havant Road at its south-east corner and onto Carmarthen Avenue at its north-west corner. As part of making the site secure the applicant has installed temporary hoardings adjacent to the existing boundary wall. Those hoardings comprise green painted panels within a black painted framework to which information panels have been recently attached.

Proposal

The applicant seeks consent for the installation of 2.44m high hoardings to the Carmarthen Avenue and Havant Road frontages incorporating advertising material and conjoined advertising panels with a height of approximately 3.4m attached to supporting posts facing Havant Road. The proposed advertising hoardings would be placed against the existing boundary walls and comprise a series of plain green panels with three 4.88m wide panels carrying images and six 2.44m wide panels carrying white letters and site information to the Carmarthen Avenue frontage.

A similar approach would be adopted for the Havant Road frontage which would comprise two 4.88m wide panels carrying images and seven 2.44m wide panels carrying white letters and site information. The remainder of the frontage would comprise five 2.44m wide plain green panels.

The conjoined panels would each measure 2.1m wide and are shown elevated to appear above the proposed advertising hoardings fronting Havant Road.

Relevant planning history

A previous application for advertising hoardings to the Carmarthen and Havant Road frontages was withdrawn prior in June 2014 prior to determination. That application did, however, propose a significantly higher proportion of advertising material.

Planning permission was granted on appeal on 2 April 2014 for the redevelopment of the site to provide 27 later living apartments with associated car parking facilities.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:PCS23 (Design and Conservation).

In addition to the above policy, the aims and objectives of the National Planning Policy Framework are relevant.

Under the section requiring good design, paragraph 67 of the National Planning Policy Framework relates to advertisements, noting that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

CONSULTATIONS

None

REPRESENTATIONS

At the time of preparing this report 7 representations have been received from local residents objecting to the application on the following grounds:-

- a) the period of time that the hoardings are to be in place is excessive,
- b) the extent of advertising on the proposed hoardings is excessive, an eyesore and out of character with the area [particularly along Carmarthen Avenue],
- c) in the interests of vegetation on the site the hoardings should only be in place from one month prior to the start of building works and removed one month following practical completion,
- d) the submitted drawings show panels stepped down whereas the existing hoardings are not,
- e) the applicant has shown no consideration for local residents,
- f) it is bad enough having to live with a totally inappropriate building without having to be confronted by huge adverts
- g) contempt for the planning process should not be allowed,
- h) it is nothing more than macho corporate marking of territory
- l) the Planning Department should clamp down on these cowboy builders/developers as residents are powerless to stop them.

COMMENT

The National Planning Policy Framework states that 'control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

By default advertising consent is granted for a period of five years, after which advertising would benefit from deemed consent, unless a reduced period could be justified. In this case the proposed advertising forms part of site hoardings which will serve to secure the site during building operations. In these circumstances, should the form and style of advertising be considered acceptable, it is considered that a condition requiring the removal of the advertising hoardings no later than three years from the date of the consent or completion of the development, whichever is the sooner, would be appropriate given the predominantly residential character of the area.

Amenity

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Carmarthen Avenue is a tree-lined residential side road with wide soft verges contributing to the perception of openness. Prior to the installation of the temporary hoardings on the footpath the Carmarthen Avenue boundary to the application site comprised timber fence panels between posts on a low painted concrete wall. The wall and panels step up the Carmarthen Avenue frontage to accommodate the slope in ground level. Soft vegetation projects upwards behind the boundary wall/fencing and hoarding panels which contributes to the verdant character of the area.

Of the eight 4.8m wide panels, three would comprise images, and half of the 2.4m wide panels would carry lettering. Having regard to the role of the hoardings to provide site security in addition to the inclusion of promotional advertising it is considered that the proportion of advertising to the Carmarthen Avenue frontage would be reasonable for a residential redevelopment site.

The Havant Road frontage would incorporate two 4.8m image panels and seven 2.4m wide information panels in addition to the elevated conjoined panels. Comprising a wide main road that carries traffic across the northern part of the city, it traverses residential and retail frontages. Although this particular site falls within a primarily residential frontage, immediately to the east lies a car showroom with its own advertising.

It is considered that the form and proportion of advertising displayed as part of the hoardings would draw attention to the site without amounting to visually obtrusive features. The elevated conjoined panels would be located towards the eastern end of the site frontage. Having regard to the adjoining car showroom it is considered that the south-eastern corner of the site would be less sensitive than the corner adjacent to Carmarthen Avenue, and the proposed location of the elevated conjoined panels would be considered appropriate in these particular circumstances.

It is therefore concluded that the proposed advertising to be incorporated as part of the site hoardings would be considered acceptable in amenity terms.

Public safety

All advertisements are intended to attract attention but advertisements that are illuminated or carry moving images at points where drivers need to take more care are more likely to affect public safety.

In this case the advertising panels to Carmarthen Avenue and Havant Road would not be considered to prove a distraction to drivers or other users of the highway. Furthermore, given the height and form of the existing boundary treatment, the advertising panels and hoardings would not affect sight lines. It is therefore considered that the advertising panels and hoardings would not adversely affect public safety.

RECOMMENDATION Conditional Consent

Condition

1) The advertising hoardings hereby approved shall be removed and the existing site boundary treatment made good by no later than the expiry of a period of three years from the date of this consent or the completion of the development whichever the sooner.

The reason for the condition is:

1) In the interests of the visual amenity of the area in accordance with the objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

93 HAVANT ROAD DRAYTON PORTSMOUTH**DISPLAY OF 3 NON-ILLUMINATED 2.4M HIGH HOARDINGS, 4 NON-ILLUMINATED FLAG POLES AND 1 NON-ILLUMINATED MONOLITH STACKBOARD****Application Submitted By:**

Planning Issues Ltd

On behalf of:

Churchill Retirement Living

RDD: 21st August 2014**LDD:** 23rd October 2014

This application has been referred to the Planning Committee by Councillors Wemyss and Ellcome.

SUMMARY OF MAIN ISSUES

The main issue is the effect of the hoardings and advertisements, in respect of size and location, on the appearance of the locality and the street scene of Havant Road and East Cosham Road in particular.

The site and surroundings

Located on the north side of Havant Road with a return frontage to East Cosham Road this site comprises the former Mulberry Children's Nursery together with the former curtilages of No.20 East Cosham Road and No.12 East Cosham Road. The site has a frontage to Havant Road of approximately 37m and extends approximately 105m northwards along East Cosham Road.

To the west of the site lies East Cosham House, which comprises a Grade II Listed Building occupied as a care home, and a row of six detached houses set within modest plots. To the north of the application site the east side of East Cosham Road is fronted by detached properties of varying styles set within long plots while the west side of the road is primarily characterised by semi-detached houses built in the 1930's. Havant Road to the east of the site comprises detached properties set back from the highway, while opposite the site lies Court Lane which separates Atkinson Court from houses fronting East Court.

Proposal

The applicant seeks consent for the installation of advertising hoardings to the Havant Road frontage which comprises 2.4m high panels facing the splay adjacent to East Cosham Road and two sections of hoardings fronting Havant Road either side of access gates. A 1.845m wide by 4m high stackboard would be attached to posts adjacent to the site access to an overall height of 5m, and three 7.4m high flagpoles are placed adjacent to the Havant Road frontage and one 7.4m flagpole adjacent to the East Cosham Road frontage approximately 6m north of the corner with Havant Road. As originally submitted consent was sought for an additional stackboard adjacent to East Cosham Road and four further flagpoles. However, those elements have been deleted from the application.

Relevant planning history

Planning permission was granted on appeal on 2 April 2014 for the redevelopment of the site to provide 51 sheltered apartments and a managers flat with associated car parking facilities.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

In addition to the above policy, the aims and objectives of the National Planning Policy Framework are relevant.

Under the section requiring good design, paragraph 67 of the National Planning Policy Framework relates to advertisements, noting that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In relation to designated heritage assets the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

CONSULTATIONS

None

REPRESENTATIONS

At the time of preparing this report 2 representations have been received from local residents on the grounds that;

- a) the advertising is ugly and excessive,
- b) contempt for planning process should not be allowed,
- c) the period of time that the advertisements are to be displayed is excessive,
- d) the display is out-of-character with the area and impairs visual amenity.

COMMENT

The National Planning Policy Framework states that 'control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. In this case the application site lies opposite a Grade II Listed building and relevant factors would encompass the provisions of s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 which places a duty on the Council to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

By default advertising consent is granted for a period of five years, after which advertising would benefit from deemed consent, unless a reduced period could be justified. In this case the proposed advertising forms part of site hoardings which will serve to secure the site during building operations. In these circumstances, should the form and style of advertising be considered acceptable, it is considered that a condition requiring the removal of the advertising hoardings no later than three years from the date of the consent or completion of the development, whichever is the sooner, would be appropriate given the residential character of the area.

Amenity

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The impact on the designated heritage asset is addressed below.

Comprising a main road that carries traffic across the northern part of the city, Havant Road traverses residential and retail frontages. This section of Havant Road, however, is characterised by its residential frontage and lack of advertising. East Cosham Road is a comparatively narrow road with buildings on its western side set closer to the frontage. In this context the applicant has limited advertising to its southern end immediately adjacent to its junction with Havant Road. It is considered that such an arrangement would minimise its impact on the appearance of East Cosham Road.

The Havant Road frontage would for the most part comprise advertising hoardings displaying lettering. Two picture images are displayed on part of the hoardings between the site entrance and East Cosham Road. A stackboard, with an overall height of 5m would be displayed adjacent to the site entrance along with one of four flagpoles.

Having regard to the width of Havant Road and angles from which the advertising hoardings, stackboard and flagpoles are viewed it is considered that the form of advertising would amount to features appropriate to a residential redevelopment site within a residential area. In these circumstances the scale, form and appearance of the advertising would be considered acceptable in amenity terms.

Heritage asset

Listed in 1953, East Cosham House is a late C18 house of two-storeys altered C20 and noted for its stone paved veranda across the ground floor with arched wood trellis supported by timber columns. The building is, however, screened by existing vegetation including several trees protected by TPO No.8. The East Cosham Road frontage opposite East Cosham House largely comprises plain red/brown painted panels set behind a future widened footpath. Advertising is limited to a 10m section immediately adjacent to the Havant Road corner and comprises a list in white letters of features to be provided as part of the development. One flagpole is located at the northern end of the panel. The Havant Road frontage with two image panels and similar information panels would have sufficient separation to minimise any impact.

It is considered that the form, scale and temporary nature of the advertising in closest proximity to the listed building would be such that it would preserve the setting of the listed building in terms of its historical and architectural importance.

Public safety

All advertisements are intended to attract attention but advertisements that are illuminated or carry moving images at points where drivers need to take more care are more likely to affect public safety.

In this case the advertising panels to Havant Road would not be considered to prove a distraction to drivers or other users of the highway. Furthermore, the advertising panels and hoardings would not affect sight lines. It is therefore considered that the advertising panels and hoardings would not adversely affect public safety.

RECOMMENDATION

Conditional Consent

Condition

1) The advertising hoardings hereby approved shall be removed by no later than the expiry of a period of three years from the date of this consent or the completion of the development whichever the sooner.

The reason for the condition is:

1) In the interests of the visual amenity of the area in accordance with the objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

05 14/00963/FUL

WARD:FRATTON

CAR PARK CORNWALL ROAD PORTSMOUTH

CHANGE OF USE OF EXISTING CAR PARK TO CAR SALES (SUI GENERIS) TO INCLUDE INSTALLATION OF A PORTABLE CABIN OFFICE

Application Submitted By:

Mr Nasi Ali

RDD: 30th July 2014

LDD: 8th October 2014

This application has been brought to the Planning Committee at the request of Fratton Ward Member Councillor David Fuller.

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the use is acceptable in the location proposed, whether the development would be acceptable in design terms, whether it would have a significant adverse impact on the residential amenity of adjoining occupiers and whether it would be acceptable in highways terms.

The Site and surroundings

The application relates to a vacant Portsmouth City Council owned car park located to the corner of Cornwall Road and Nancy Road. The site is enclosed on its south and west frontages by weld mesh fencing, its north and east elevations by residential dwellings and benefits from a single access onto Nancy Road. Parking at the site was previously restricted by the City Council's Corporate Assets department to Victory Business Centre and Nancy Road South Light Commercial permit holders only. The surrounding area has a mixed character comprising residential uses to the north, south and east, a further car park to the north and a range of commercial and light industrial uses associated with the Fratton Road District Centre, the boundary of which terminates on the opposite side of Nancy/Claremont Road.

The proposal

Permission is sought for the change of use of the existing car park to car sales (sui generis) and the siting of a portable cabin office.

Relevant planning history

Conditional outline permission was granted in April 2000 for the construction of five 2-storey houses with associated parking facilities.

Conditional temporary permission was granted in 1996 for the continued use of the land for the siting of a temporary office building and storage shed.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport) and PCS23 (Design and Conservation).

CONSULTATIONS

Highways Engineer

The necessary steps have already been taken to relocate the commercial vehicles previously using this car park into the adjacent underused Nancy Road car park immediately to the north. The use of the car park for car sales is unlikely to have a significant impact on the adjoining highway network.

More information was required in respect of on-site staff and customer parking provision which has subsequently been provided by the applicant.

Environmental Health

No objection is raised to the principle of the change of use. However, it is suggested that conditions are imposed to control ancillary activities such as car repairs and vehicle washing/valeting due to the proximity to residential properties.

REPRESENTATIONS

Three letters of representation have been received from Fratton Ward Members Councillor Julie Swan, Councillor Eleanor Scott and Councillor David Fuller. Their objections can be summarised as follows: (a) Existing parking problems within the area; (b) Lack of customer parking for local businesses including Venture Tower and Victory Business Centre; (c) Lack of staff and customer parking associated with the proposed use; (d) The site should be used for residential parking; and (e) the portable cabin/site office is not in keeping with the prevailing residential character of the surrounding area.

COMMENT

The determining issues in this application are:

1. Principle of the proposed development;
2. Design;
3. Impact on residential amenity;
4. Highways/Parking Implications;

Principle of the proposed development

The site is not subject to any site specific policy restrictions and is located just outside of the Fratton Road District Centre. On the basis that car sales (a sui generis use) would not constitute

a 'town centre use' and having regard to the previous use of the site as a car park, it is considered that the principle of the proposed use would be acceptable in this location.

Design

As submitted, the applicant proposed the siting of a shipping container to the north-east corner of the site to form a site office. However, following negotiations with the applicant, amended drawings showing an alternative secure portable cabin office set in approximately 14 metres from the western boundary have been provided. The amended cabin would be finished in timber cladding to improve its visual appearance whilst maintaining the security benefits of a shipping container. No other alterations are proposed by this application.

As highlighted above, the surrounding area has a mixed character with residential properties to the north, south and east of the application site. However, the western side of Nancy Road comprises a number of service yards and entrances associated with commercial uses fronting Fratton Road. The western side of Claremont Road, just to the south of the application site, includes a number of light industrial uses including vehicle repairs, type fitting, vehicle washing and ancillary uses associated with commercial units on Fratton Road.

Having regard to the lawful use of the site as a car park, it is considered that the display of vehicles for sale would not appear significantly different within the street scene to vehicles parked within a car park. Therefore, the only significant change in appearance would result from the siting of the portable cabin office.

Whilst the siting of a storage container on an open site within close proximity to residential dwellings would not normally be considered an appropriate design solution on a permanent basis, with the inclusion of timber clad finish and its placement away from the site boundary, it is considered that the structure would have an acceptable appearance and would not appear particularly prominent or incongruous within the street scene. In addition, and having regard to its modest height, it is considered that much of the structure would be obscured by vehicles displayed for sale at the site. It should be noted that timber cladding solutions have been accepted elsewhere in the city where small scale secure accommodation is required, including sites within conservation areas.

The display of any advertisements at the site is likely to require the submission of a separate application for advertisement consent.

Impact on residential amenity

The site is bounded to the north and east by domestic properties with further residential uses on the opposite site of Cornwall Road. However, having regard to the lawful use of the site as a car park that could be operated continuously throughout the day, it is considered that the day to day operation of the site for the display and sale of vehicles is unlikely to result in any additional noise and disturbance. It could be suggested that, as many of the vehicles would remain static until they are sold, the proposal could result in fewer vehicle movements to and from the site when compared to a car park used to its full potential.

Whilst not detailed within the application, it is acknowledged that many car sales sites offer ancillary services such as vehicle repairs, car washing and valeting which could have a significant impact on the occupiers of the adjoining properties. Therefore, in the absence of any details to demonstrate that any ancillary uses would not result in an increase in noise and disturbance, it is considered necessary and reasonable to impose a condition restricting the use of the site for the display and sale of vehicles only.

Highways/Parking Implications

The car park previously provided 31 car parking spaces associated with Victory Business Centre and Nancy Road South Light Commercial permit holders. However, the City Council's Corporate Assets Team have highlighted that the car park was under used and its continued operation and maintenance in its current format was no longer a viable option. It has been confirmed that existing permit holders have already been transferred to the adjoining Nancy Road car park immediately to the north of application site.

The proposal has been considered by the City Council's Highways Engineer who has confirmed that, having regard to the sites existing lawful use as a car park, the proposal is unlikely to have a significant impact on the adjoining highway network. However, in order to limit any potential impact on existing on-street parking provision, the engineer has suggested that adequate parking is provided on site for staff and customers. In response, the applicant has provided an amended drawing showing the provision of five parking spaces for staff and customers adjacent to the main entrance on the Nancy Road frontage. It is considered that the proposed level of parking provision is acceptable having regard to the scale of the site and the number of staff and customers likely to be associated with the use. The retention of these spaces can be controlled through the imposition of a suitably worded planning condition.

Whilst concerns in respect of the potential impact on residential parking and businesses within the District Centre are noted, on the basis that the car park was restricted to permit holders only, it is unlikely that the proposal would affect footfall during the day time or residents parking during the evenings and weekends.

Other legislation beyond the planning system is available to control illegal parking within the area.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Site Plan and Proposed Elevations dated 09.09.2014.
- 3) The portable cabin office hereby permitted shall be finished in accordance with the approved drawings (Proposed Elevations dated 09.09.2014) within three calendar months of its delivery to the site and thereafter retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 4) The five parking spaces shown on the approved site plan and highlighted in red shall be used for no purpose other than the provision of parking for staff and customer at all times unless otherwise agreed in writing with the Local Planning Authority.
- 5) The use hereby permitted shall be for the sale or display for sale of motor vehicles only and no other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.
- 6) The site shall remain closed and vacated by members of the public outside of the hours of 9.00 am and 5.30 pm Monday to Saturday (excluding any Bank Holidays), and 10.00 am and 4.00 pm on Sundays and any recognised Bank or public holidays.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate on-site provision is made for the parking of vehicles in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Residential Parking Standards SPD.
- 5) To enable the Local Planning Authority to control the precise nature of the use in the interests of protecting the amenities of the occupiers of nearby residential properties and visual impact on the street scene in accordance with policy PCS23 of the Portsmouth Plan.
- 6) In the interests of residential amenity having regard to the sites location in close proximity to residential properties in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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City Development Manager
22nd September 2014