



NOTICE OF MEETING

PLANNING COMMITTEE

THURSDAY, 23 MAY 2019 AT 11.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Democratic Services: 023 9283 4060

Email: jane.didino@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Steve Pitt, Suzy Horton, Lee Hunt, Donna Jones, Terry Norton, Luke Stubbs and Claire Udy

Standing Deputies

Councillors Chris Attwell, Jo Hooper, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Lynne Stagg, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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

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AGENDA

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of Previous Meetings - 20 February and 10 April 2019 (Pages 3 - 18)**

RECOMMENDED that the minutes of the Planning Committee meetings

held on 20 February 2019 and 10 April 2019 be approved as a correct record to be signed by the Chair.

4 Updates on previous planning applications

To receive any updates on Previous Planning Applications by the Interim Assistant Director for City Development

Planning Applications

5 19/00160/FUL - 29 Marmion Road, Southsea PO5 2AT (Pages 19 - 38)

Installation of extractor duct to rear elevation

6 19/00295/CS3 - 45A High Street, Portsmouth, PO1 2LU

Replacement of asbestos roof; replacement of communal stairs windows and replacement of boundary railing

7 19/00215/FUL - 35 Kingsley Road, Southsea, PO4 8HJ

Change of use from Dwellinghouse (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

8 19/00518/FUL - Fratton Park, Frogmore Road, Portsmouth, PO4 8RA

Relocation of 34M lattice column within secure enclosure

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 February 2019 at 1.00 pm in the Council Chamber - The Guildhall

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

Present

Councillors Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Jo Hooper
Suzy Horton
Donna Jones
Gemma New
Steve Pitt
Lynne Stagg
Luke Stubbs
Claire Udy

Also in attendance

Councillor J Smith

(Cllrs G Vernon-Jackson and D Sanders had been present at the start for the St. James's hospital applications before they were deferred)

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

22. Apologies (AI 1)

There were no apologies for absence with all committee members present.

23. Declaration of Members' Interests (AI 2)

Councillor Pitt and Councillor Horton made personal, non-pecuniary and non-prejudicial interests in that they knew a consultant who works for the applicant for the former Kingston Prison site.

Councillor Smyth made a non-pecuniary and non-prejudicial interest due to the involvement of Vivid housing association for the former Kingston Prison application in that she had previously been a board member of First Wessex.

Councillor Stagg stated that both application sites were within her ward, but this is not a declarable interest.

24. 18/00288/OUT - St. James' Hospital, Locksway Road, Southsea PO4 8HW - Outline application for the construction of 107 dwellings including provision of vehicular and pedestrian access, public open space and hard and soft landscaping (principles of access, layout and scale to be considered) (AI 3)

Councillor Mason, as Chair, reported that he had been advised by officers the previous evening that there was information which was pertinent to consideration of this item. Sim Manley expanded on the advice, as set out in the Interim Assistant Director of City Development's Supplementary Matters report which stated:

"In response to the representations being received in relation to the status of the villas on the site being curtilage listed, by reason of them being within the grounds of a listed building and pre-dating 1948, further advice has been sought. The advice received is that the buildings in question are likely to be curtilage listed structures and for this reason their removal would require Listed Building Consent (LBC).

For this reason the Council is not in a position to consider the outline planning application in the absence of a LBC application and therefore it is recommended that the application be deferred until such time as a LBC application has been submitted and can be properly considered in conjunction with the outline planning application."

The Supplementary Matters report also updated that:

"The Highways Authority comment that route 13 was reintroduced in January, subsequent to earlier representations on this application. It has an hourly service Monday - Saturday and 2 hourly on Sundays. The stops on Locksway Road are much closer and, in that light, the LHA would not wish to maintain an objection on the basis of the accessibility of the site to/by public transport.

The Chairman of the Milton Neighbourhood Planning Forum comments that a deputation request has been made for applications to both the St James' Hospital and Prison sites, however, exceptionally asks for the deferral of the Planning Committee for the reasons set out in an Appendix A to the update sheets."

The Chair asked for comments relating to the issue of possible deferral only. Members were surprised that the issue of the listed curtilage status of the villas had not been cleared at the time of their briefings, when this had previously been raised by local campaign groups. The Chair apologised to those who had registered to speak at this meeting, or who had attended to watch, but that in light of the recent advice it was necessary to defer this item at this point for future consideration.

RESOLVED that consideration of this item be deferred.

25. 18/00475/LBC - Solent NHS Trust St. James' Hospital, Locksway Road, Southsea - Partial demolition of boundary wall and construction of brick pier (AI 4)

This item was linked to the previous item which needed to be deferred as set out above.

RESOLVED that consideration of this item be deferred.

- 26. 18/01868/FUL - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS- Redevelopment of former prison comprising conversion of listed buildings to provide 76 dwellings and a commercial unit (Use Class A1 or A3; retail or cafe/restaurant), construction of five buildings ranging from three to seven storeys and construction of two additional storeys to B-Wing to provide 191 dwellings, part-demolition of listed prison wall, formation of new vehicular accesses to Milton Road and St Marys Road, and provision of car parking and associated landscaping and other works. Amended proposals following planning permission 16/00085/FUL (AI 5)**

The report of the Interim Assistant Director, City Development, was presented by Simon Turner, who highlighted the updates on the Supplementary Matters report which stated:

"A number of updates are required, summarised as follows:

- (i) A further objection comment, concerning air quality;*
- (ii) Officer consideration of the principle of the proposed small commercial unit;*
- (iii) Officer consideration of the effect of Block J on amenities of residents to the south;*
- (iv) Clarification on tree removals;*
- (v) Clarification on traffic movements;*
- (vi) Extra/amended conditions;*
- (vii) Confirmation of off-site Public Open Space sum;*
- (viii) Update on Affordable Housing Review Mechanism;*
- (ix) Response on the NHS request for a S.106 contribution.*

(i) A further objection comment, concerning air quality Milton Neighbourhood Forum object again about air quality, especially taken in conjunction with the development proposed at St James' Hospital. In summary, the Forum considers neither application takes account of pollution at AQMA9, and notes the requirement for the Council to take urgent action in the city. The Forum considers the application would compromise the Local Air Quality Plan, and that there should be an AQ assessment for this development as it exceeds the SPD levels for car parking spaces proposed (300) and increase in traffic flows (5%). The Forum considers the Planning Committee does not have the necessary information to make an informed judgement.

The air quality challenges the city faces does not automatically mean that there should be a moratorium on new development. New residential development is also a significant planning objective, to assist in meeting a pressing housing need. The city's forthcoming air quality plan will take account of new development in its target-setting and actions. Lastly, the previous consent provides a fallback position of 230 dwellings, there are a further 37 proposed now, which has been considered by your Public Protection Officer and deemed acceptable.

(ii) Officer consideration of the principle of the proposed small commercial unit The Officer Report has not clearly set out a consideration of the principle of the proposed 39 sqm Class A1/A3 (shop or café/restaurant) unit. It is deemed acceptable in principle, given its small size, location on a main road, complementary

function or the new development, and the previous, extant planning permission for the same use.

(iii) Officer consideration of the effect of Block J on amenities of residents to the south

The Officer Report has not clearly set out a consideration of the effect of Block J on the amenities of residents to the south, the difference between the consented scheme and the proposed scheme has been set out instead. The properties in question are bungalows whose address is Whitcombe Gardens but which back onto St Mary's Road, opposite Block J. There would be some 32m distance between the existing and new dwellings. In between is the c. 3m tall brick wall to the bungalows' back gardens, St Mary's Road, and the 5m tall prison brick wall. While the new building would be perceived from Whitcombe Garden properties, the combination of distance and boundary wall screening is important and would significantly mitigate the effect on the neighbours' amenity (outlook, sense of enclosure), in my opinion. The distance is too great to materially influence daylight, and would not affect direct sunlight being located to the north of the existing residents. The top storey (6th Floor) (to 22m height) is amended from the consented scheme, with more floorspace and the colonnade feature removed, but otherwise the building is broadly the same as consented, and is in the same position. It would be c. 0.5m shorter than the approved scheme, due to the slightly compressed floor-to-ceiling heights. The former large workshop building occupied approximately the same position as the proposed Block J, though that building has already been demolished. I conclude that the relationship of Block J to nearest residential occupiers would be acceptable.

(iv) Clarification on tree removals

The Committee report should be corrected from stating two trees would be removed at the site's front south-east corner, to four. They are a single Category B cherry, and a group of three Category C cherries. For completeness, a line of small cherry trees also run east-west across the northern third of the site, which were consented for removal as part of the approved scheme. There is no objection to these tree removals, due to lack of their current importance, and the significant new landscaping that the re-development would provide.

(v) Clarification on traffic movements;

The Committee report set out that a maximum of 18 extra movements are predicted in the pm peak period. I would like to clarify that is in comparison to the consented scheme. Compared to the current site circumstances, there would be a maximum of 115 extra movements predicted in the pm peak period, i.e. there were 97 predicted for the consented scheme. It is those 97 extra movements that lead to the provision of junction improvements concentrated around the roundabout at St Mary's Rd-Milton Rd-Baffins Rd with the consented scheme. The 18 extra movements beyond the consented scheme are not considered significant to warrant further highway measures, so the development would still deliver the same package of highway improvements as with the previous scheme, along with a new Travel Plan to encourage walking, cycling and public transport use.

(vi) Extra/amended conditions;

The Applicant and Local Planning Authority have already carried out extensive work on the consented scheme's conditions. Most of the conditions have already been approved, and so those approved details will be pulled-through into amended conditions for the new development. These amended conditions will address the matters set out in the Committee Report, and the control of parking and outdoor surface/boundary treatments to protect the setting of the listed buildings. There will

be three extra conditions, to address lighting and security measures, finished building levels, and tree protection.

(vii) Confirmation of off-site Public Open Space sum;

The Committee report set out that this matter was having its final details resolved. Those are now agreed with the Applicant as £59,953 to be spent on improvements to the perimeter of Baffins Pond, and/or other public open space purposes in the Baffins Ward.

(viii) Update on Affordable Housing Review Mechanism;

The Committee report notes that the provision of an Affordable Housing Review Mechanism in the S.106 legal agreement may conflict with Homes England's grant funding rules. This matter has been considered further in the week since report publication, and alternative clauses proposed by the LPA. To provide certainty for your Committee, Officers remain of the view that the Review Mechanism will still be necessary, in order to account for any possible surplus this large scheme may ultimately yield. This is agreed with the Applicant.

(ix) Response on the NHS request for a S.106 contribution.

The Committee report noted that the NHS request for £83,560 Section 106 contribution was still being considered by officers. The same report also later set out that the request could not be supported, principally because the request is for staff funding, not infrastructure spending. As such, it does not meet the requirements of planning legislation and so the request cannot be met in its current format. The LPA will, however, engage constructively with the Portsmouth Hospitals NHS Trust should it pursue the matter with other development proposals across the city."

As a result of the supplementary matters the officer's recommendation was unchanged but with amended conditions and extra conditions.

Deputations are not minutes in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-20Feb2019>

The deputations were as follows:

- i) Rod Bailey, objecting raising concerns including the over-intensive impact on a busy highway and air pollution concerns (as well as submitting a written deputation from Milton Neighbourhood Forum which requested a deferral)
- ii) Janice Burkinshaw, objecting for Milton Neighbourhood Forum regarding the impact on their adjoining ward, including traffic and air quality concerns as well as the impact on health facilities
- iii) Kimberly Barrett, spoke objecting also regarding the impact on the wider area and local services and challenging the sustainability of the development
- iv) Richard Winsborough spoke on behalf of the applicant City & Country (with Linda Bonnin of Vivid Homes in attendance) in support of their application and explained the changes made since the previous application, that PCC's Highways Engineer had indicated was satisfied with the scheme, the Air Quality assessment still applied, and he spoke of the viability assessment and provision of affordable homes.

- v) Councillor Jeanette Smith welcomed the involvement of Vivid but was also concerned about the impact on the local infrastructure with increased traffic, air pollution and strain on doctors' surgeries, also commenting on the scale and design, accident risk at St Mary's Road bridge and the use of Section 106 monies where it was needed in the ward.

Members' Questions

Members asked questions which included the following issues:

- Ecological impact on the harbours - this would be far enough away to be an indirect impact to be mitigated by the Bird Aware Programme.
- The safety of access/egress arrangements to St. Mary's Road - Peter Hayward as Highways Engineer confirmed that the new access arrangements complied with design standards and there was an improved roundabout capacity and it had been calculated that the development would add less than 30 extra trips an hour so could not be considered a material impact at this level, and improvements were being made to the traffic flow and the application needed to be assessed against the baseline of the existing consent.
- Why Savills had been appointed to provide the independent assessment - it was confirmed it was to look at the viability of this application.
- Why such a large application was not going to deliver social housing on site? The review mechanism was explained to address the non-provision, during 3 years of the phased construction and 4 years to the last sale to test the viability to see if affordable housing would be realised (and this was referenced in the Section 106 agreement in the conditions).
- The use of off-site public spaces monies via the Section 106 was examined and this was referred to in the supplementary matters giving some flexibility for use in Baffins ward.
- How the NHS infrastructure money could be spent as this cannot be spent on extra staff, so meetings would be held with to discuss this further.
- How air quality concerns could be met - this would be via the wider mitigation strategy for the city and it was confirmed that this had been assessed and was not calculated to be at a scale that could sustain refusal of the application.
- How the design of the scheme harmonised with the listed buildings - the heritage asset had been considered and the complementary and matching materials required, whilst a pastiche design had not been invited but a plainer design than the existing Victorian building.

Members' Comments

- Members wished to see the viability statements on the estimated £11m deficit, which officers confirmed had been agreed by reputable surveyors, giving their professional opinion. (The Vivid representative stated that she had not seen the viability statement, with this being dealt with as a windfall but challenging site with grant sought from Homes England to use for additional affordable

homes and they were currently in negotiations with City & Country to buy the land and were out to tender to inform construction costs and viability for the scheme - the City Solicitor stated that Vivid's intentions were not part of the application and could only be considered as background information).

- It was asked that air quality concerns were addressed through condition - and it was confirmed that this could be reflected in the travel plan or in the Section 106 agreement, and there should be encouragement of sustainable transport links
- As well as incorporating electric charging points, solar panels should be considered (depending on the visual impact on the listed building) to improve the environmental aspects of the scheme.
- Members were concerned that affordable housing was not being provided on site for such a large development.
- The design quality was subjective but may not enhance the listed buildings setting
- Members wished to see the land values that were core to the viability of the scheme - the case officer reported that rules had changed the previous summer so that viability assessments should be published, so this was a public, published document (in November/December 2018), and surveyors had since been appointed by PCC for an independent assessment of the sums provided (as summarised in the report)

Members of the committee asked for an adjournment during the meeting to allow consideration of the viability reports (the BNP Paribas report was circulated and non-confidential parts of the Savills report was then made available to view as the meeting resumed to avoid a potential deferral). Members were then able to see the value of the site and comparisons with residential land values as well as the views given on construction costs. Members questioned the profit margin of 20% and asked for a breakdown of what was included in holding costs (which included security of the site). It was reiterated that review points of the phased development would allow for challenging the viability and non-provision of affordable housing.

Members, having examined the construction costs were mindful to support the application with the updated conditions, including electric vehicle charging points within the Section 106 agreement, and in the knowledge that there would be review points for challenging the viability assessment on affordable housing provision.

RESOLVED that conditional permission be granted (with amended and extra conditions) as set out in the report (recommendations A, B & C), the supplementary matters report and with electric vehicle charging points being included as part of the Travel Plan required by the Section 106 Agreement.

27. **18/01632/LBC - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS - Conversion and alteration of listed buildings to provide 76 dwellings (Use Class C3) and a commercial unit (Use Class A1 or A3: retail or cafe/restaurant), construction of two additional storeys to B-Wing to provide a further 8**

dwellings, and part-demolition of listed prison wall. Amended proposals following Listed Building Consent 16/00086/LBC (AI 6)

The Assistant Director of City Development's supplementary matters report gave an update on the wall removal at Block N "*The Committee report noted that amended plans had not been received, this remains the case, so officers respectfully request they are granted delegated powers to resolve this relatively limited matter after the Committee meeting*".

There had been debate and deputations on the linked, previous application.

RESOLVED that conditional approval be granted, and delegated authority was given to the Assistant Director of City Development, to conclude the arrangements for the listed wall and Block N.

The meeting concluded at 4.47 pm.

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Signed by the Chair of the meeting
Councillor Hugh Mason

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 10 April 2019 at 1.00 pm in the 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 Hugh Mason (Chair)
Donna Jones
Steve Pitt
Lynne Stagg
Luke Stubbs
Claire Udy

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

35. Apologies (AI 1)

Apologies for absence had been received from Councillors Judith Smyth, Jo Hooper, Gemma New and Suzy Horton.

36. Declaration of Members' Interests (AI 2)

Councillor Donna Jones did not have pecuniary interests, but declared non- personal and non-prejudicial interests that for 65 Marmion Road she know one of the deputees Mr Sparkes through a professional capacity at the courts, for 84-90 Palmerston Road she also knew the owner of the site in a professional capacity only and for 58 Cromwell Road she was working with the agent Mr Pickup (who was a depute) on a completely different application.

Councillor Claire Udy made a non-pecuniary declaration in that she had worked at Mr Pickwicks (142 Milton Road) over a decade ago; it was reported that this item was withdrawn from the agenda.

37. Minutes of Previous Meetings - 20 February and 6 March 2019 (AI 3)

The minutes of the meeting of 6 March 2019 only had been circulated with the agenda for consideration.

RESOLVED that the minutes of the Planning Committee meeting held on 6 March 2019 be approved as a correct record to be signed by the Chair.

38. Updates on Previous Planning Applications by the Interim Assistant Director for City Development (AI 4)

There were no updates.

Planning Applications

Deputations are not minuted in full but can be viewed as part of the webcast of the meeting here:

<https://livestream.com/accounts/14063785/Planning-10Apr2019/videos/189813280>

39. 19/00259/FUL 63 Bedhampton Road Portsmouth PO2 7JX - Change of use from Dwellinghouse (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) (report item 1) (AI 5)

The Planning Officer introduced the report and drew members' attention to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Deputations were made in support of their application by Gary Seneviratne and Nuria Alcantara, who described their experience in managing HMO properties of a high quality suitable for young professionals.

Members' Comments

There being no questions raised, the need for more work to be done on the database of HMO properties in the north of the city was commented upon to ensure accurate data. It was acknowledged that this application was well below the 10% policy threshold.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of City Development's report.

40. 18/02089/FUL 142 Milton Road Portsmouth PO4 8PN - Construction of a 4 storey residential block to form 12 flats; to include 13 car parking spaces with associated bicycle and refuse storage (following demolition of public house) (report item 2) (AI 6)

The Chair announced that the Assistant Director of City Development had withdrawn this item from the agenda, so this was not considered at this meeting.

- 41. 17/02064/FUL 65 Marmion Road Southsea PO5 2AX - Conversion of all floors of no.65 to form single dwelling house, external alterations to include demolition of single storey extension (former shop front) fronting Marmion Road, reinstatement of ground floor bay window, construction of dormer to west facing roofslope and erection of front boundary wall and piers with new access onto Marmion Road; demolition of single storey structures/workshop to rear; construction of a single storey extension to rear of no.65 and a new detached 1 bedroom single storey dwelling to rear (north) of site (report item 3) (AI 7)**

The Planning Officer introduced the item and referred to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Deputations were made:

- i) Mr Sparkes, whose objections as a nearby resident included the impact of Unit 2 on neighbouring properties due to scale and loss of light and on being out of character in the Conservation Area.
- ii) Mr Bone, as the applicant's agent spoke in support of the application and referred to discussions with officers, submission of the sun study undertaken by an independent company and the cost of development and an improved outlook at the rear as well as previous planning permission.

Members' Questions

Clarification was given on the increased height of Unit 2 over the existing structure, at 0.7m on the boundary and 1.1m the other side.

Members' Comments

Members welcomed the improved streetscene for the main frontage of the scheme and it was acknowledged that there is already a structure at the rear.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of City Development's report.

42. 18/01456/FUL 141 Highland Road Southsea PO4 9EY - Construction of 4-storey building to form 2 dwellinghouses (Class C3) following demolition of existing building (Report item 4) (AI 8)

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

On the understanding that concerns in respect of the party wall will be addressed through the Party Wall Act and the Building Control regime, Councillor Vernon-Jackson has formally withdrawn his objection to the proposal.

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

A deputation was made by Mr Morris, the applicant's agent, in support, regarding the enhancement of the terrace through the design elements and meeting national space standards.

Members' Questions

Clarification was sought on the Highway Engineer's comments regarding the shortfall on parking spaces - it was reported whilst it was not a safety issues at the site there would be more driving around to search for parking, with associated pollution. It was asked if a condition requiring no cars could be imposed, and the legal advice given was that it would not be reasonable to restrict the occupiers' use of the highway and was unenforceable.

Members' Comments

The application was seen to enhance the streetscene and address housing need. Some discussion took place regarding parking provision on site but additional parking spaces could not be imposed on this application.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of City Development's report.

43. 18/02061/FUL 58 Cromwell Road Southsea PO4 9PN - Conversion of existing building to form 4 self-contained flats and construction of 1 dwellinghouse (following demolition) with associated parking and refuse and cycle store, to include installation of boundary fence and relocation of dropped kerb (re-submission of 18/01143/FUL) (report item 5) (AI 9)

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

One representation has been received relating to items 1-6 (inc) from a Southsea resident. It raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and to think to the future and need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

The Chair referred to the issues raised in the briefing immediately prior to committee regarding the new changes to the National Planning Policy Framework.

A deputation was made by Mr Pickup, the applicant's agent, in support of the revised application, who explained the adjustments to the layout on site and change in design such as the sliding sash windows, which had not met with objections from residents or the Highways Engineer.

Members' Comments

There being no questions raised, members welcomed the changes that had been made to meet previous objections and the 5 parking spaces were seen as good provision.

RESOLVED that conditional permission be granted, subject to the conditions within the Assistant Director City Development's report.

- 44. 18/02058/FUL 14 Wisborough Road St Jude Southsea PO5 2RE - Change of use from purposes falling within a C4 (House in Multiple Occupation) to 7 person 7 bedroom House in Multiple Occupation (Sui Generis) (Resubmission of 18/00728/FUL) (Report item 6) (AI 10)**

This item was discussed at the end of the meeting, having no deputations to be heard by the committee.

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household

size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Members' Questions

The headroom in bedrooms 5 & 6 were examined and the amount of usable space.

Members' Comments

Members were concerned regarding the suitability of this property to house 7 bedrooms but were also mindful of comments on appeal by the Inspector and the national policy on space standards. They believed that this may be a case where harm caused by the additional occupant and over-intensification could be found in an area which already had a high number of HMOs. As the committee were mindful to consider rejection it was decided that a deferral would allow further legal advice to be sought in case of further appeal.

RESOLVED that consideration of this item be deferred.

- 45. 18/01939/FUL Public House 84-90 Palmerston Road Southsea PO5 3PT - Change of use of upper floors with associated external alterations to form a hotel (Class C1); construction of lift enclosure and pergola with pitched glazed roof and installation of balustrading and acoustic screen associated with the use of the roof at first floor level as a seating terrace (Report item 7) (AI 11)**

The Chair referred to a written deputation by Mr Bilton who had not been able to attend the meeting and this was referred to in the Supplementary Matters List which reported further information from Environmental Health and 4 suggested additional conditions:

Since writing the report the Environmental Health Officer has responded to further information and a revised acoustic report and advised that having modelled the proposal he is satisfied with the mitigation and conclusions. Whilst there will be some impact on the neighbouring residential use there will not be a significant impact on amenity. He has recommended an additional condition requiring detail of the acoustic screen and canopy.

The acoustic report referred to in the report under 'Consultations Environmental Health Noise' and 'other matters' bullet point 2 should be RK2615/17239/Rev3 dated 12.03.2019.

Whilst the exit to the rear of the terrace is labelled a fire exit on the proposed plans for the avoidance of doubt an additional condition is proposed to ensure it is not used for general access and egress by customers.

The Licensing officer has confirmed that the use of the first floor roof as a seating area in association with the ground floor will require a variation of the premises licence.

To further address concerns of occupiers of nearby residential properties regarding noise the 2 additional conditions are proposed: to restrict the playing of amplified

music and to require the doors and windows of the internal seating area on the first floor to be closed between the hours of 9pm and 8am.

The recommendation remains Conditional Permission with four additional conditions relating to details of the materials of the acoustic screen and canopy, prohibiting the use of the fire exit for general access and egress by customers, prohibiting the playing of amplified music on the first floor and requiring the doors and windows of the internal seating area on the first floor to be closed when the terrace is not in use as follows:

5. Details of the materials of the acoustic screen and canopy shall be submitted to and approved by the Local Planning Authority in writing and the development shall be constructed in accordance with the details as approved.

The reason for the condition is:

To mitigate the impact of the development on the amenities of occupiers of surrounding residential properties to comply with policy PCS23 of the Portsmouth Plan.

6. The exit at the rear of the terrace to the fire escape shall only be used as a potential means of escape in an emergency and at no time shall there be publicly available access to or from the premises from Ashby Place.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

7. No recorded or amplified music shall be played in any area on the first floor.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

8. The doors and windows of the first floor seating area shall be closed between the hours of 21.00 and 08.00.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

The following deputations were made:

- i) Mr Ferguson, objecting on behalf of Mr Bilton, not against the hotel development but the roof terrace due to concerns of noise and disturbance generated from it to the detriment of nearby residents and as part of a heritage asset.

- ii) Mr Cairns, objecting regarding overlooking and the noise travelling and not being contained in the building, and against the 2100 hours feeling this too late for the open drinking area due to the impact on residents.
- iii) Mr Sellars the architect on behalf of the applicant in support of their application outlining the parking availability, the currently unused upper areas of the pub and explaining that the roof terrace itself does not need planning consent, just the physical works and 2100 hour closure was also to mitigate noise concerns, and this development would boost tourism.

.....

Members' Questions

Members were advised that the roof terrace could not be taken out of the application at this stage, but that they should look at the whole application and were able to consider conditions. It was confirmed that the roof terrace could be used as part of the current pub but it was planned to take out some equipment and install the balustrade.

The planning and licensing issues were examined and there would need to be a variation of the existing licence for the use of the upper floors (which was under the auspices of the Licensing Committee and a planning decision would be communicated to the Licensing Manager). The applicant clarified that the bar was downstairs so any drinks would be taken upstairs via the lift/stairs. It was reported that this was not in but was adjacent to a Conservation Area. The Environmental Health Officer had considered the acoustic report and was satisfied that the level of noise generated was unlikely to be significant.

Members' Comments

Members were mindful that the terrace area could be used and currently had no screening, and wished to make the proposal improved by ensuring screening was in place and by requesting that this area only be used once the hotel use was progressing as this would help mitigate any noise concerns. Members also felt that 2100 was too late for the roof terrace use and asked for conditions to reflect a restricted use to 0900 - 2100 hours. (The applicant's agent also reported that there would be CCTV linking to the roof terrace to help with its management.)

There was a brief adjournment to allow officers to consider the wording of additional conditions to reflect the intentions of members, and on reconvening the Legal Adviser suggested that the restriction could be via an obligation so that the roof terrace not be used until such time as the hotel has been brought into use.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director City Development's report with the additional conditions and subject to the satisfactory completion of a unilateral obligation the roof terrace shall not be used until the hotel is brought into use.

The meeting concluded at 3.55 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

Agenda Item 5

PLANNING COMMITTEE 23 MAY 2019

**11 AM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 report by the Assistant Director - City Development 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, 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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29 MARMION ROAD SOUTHSEA PO5 2AT**INSTALLATION OF EXTRACTION DUCT TO REAR ELEVATION****Application Submitted By:**

Pike Planning
FAO Mr John Pike

On behalf of:

Mr Sam Arabbetou

RDD: 31st January 2019

LDD: 15th April 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the Owen's Southsea Conservation Area and the amenities of adjacent occupiers.

This application relates to a three-storey end of terrace building (ref.A*10768/L), located to the north side of Marmion Road, at its junction with Wilton Place to the west. The ground floor comprises of a commercial unit, which was granted permission for a Class A3 Use in February 2017 (ref.16/01937/FUL) and residential to the above floors (Climaur Court). The application relates specifically to the rear (north) elevation of building, which acts as the main entrance to Climaur Court. Climaur Court consists of 14 residential units with access to a rear courtyard and garages fronting Wilton Place. Marmion Road is characterised by shops, cafes and restaurants. Furthermore, the site is located within the Southsea Town Centre Area Action Plan (STCAAP) and is shown as being in the Primary Frontage and Principal Retail Area that comprises of commercial uses at ground floor level with a mix ancillary and residential accommodation above. Whilst the application site is neither a statutory nor locally listed building of architectural or historic interest, it is located within the 'Owen's Southsea' (No.2) Conservation Area. The site is also located within an indicative area of flooding (Zone Three).

Planning permission is sought for the installation of an extraction duct to the rear elevation.

Relevant planning history

18/01882/VOC: Application to vary condition 3 of planning permission 16/01937/FUL to amend the opening hours to 08:00 - 22:30 Monday to Saturday and 09:30 - 22:00 on Sundays and bank holidays. Conditional permission (21.01.2019).

16/01937/FUL: Change of use from shop (Class A1) to restaurants and cafe (A3). Conditional permission (09.02.2017).

A*10768/L: Erection of 3 storey building comprising 2 shops and 6 flats and 2 storey building comprising 1 flat and 4 garages. Conditional permission (07.08.1985).

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policy within the Portsmouth Plan would include: PCS23 (Design and Conservation). The saved policy Southsea Town Centre Area Action Plan (adopted July 2007) would also be a material consideration in the determination of this application. Additionally, the 'Owen's Southsea' Conservation Area guidelines would also be relevant.

CONSULTATIONS

Environmental Health

The application is accompanied by a report detailing odour extraction with a covering letter dated 8/1/19. I have reviewed the details and I am satisfied that it is an appropriate system at that location with proposed efflux point.

With regard to noise, no information has been submitted with the application. I have, however, a report from Airtight and Noisecheck (Test/Job No: 17039A) which has been submitted to discharge Condition 3 of permission 18/01882/VOC. This contains the information I require to assess the noise from the proposed extraction system. I have assessed this information and am satisfied that a significant impact on amenity is unlikely.

In summary, should the application be approved, the proposed extraction system is unlikely to cause significant harm to the amenity of neighbouring residents.

REPRESENTATIONS

Five individual objections and a petition of objection containing 12 signatures have been received on the following grounds:

- (a) The ducting is located on the front of Climaur Court and will be an eyesore for residents and neighbours.
- (b) Noise and disturbance created by refuse lorries and from the restaurant use (e.g. from smokers).
- (c) Extract will be unsightly on an attractive building within a conservation area.
- (d) Extract will be noise and smelly.
- (e) Extract will reduce property value.
- (f) The existing courtyard (with patio areas) is a valuable asset to the residents and will be spoilt by the extract.
- (g) The original design and layout of the flats and underlying shops does not allow room to accommodate deliveries, the storage of waste and the venting of odours and fumes.
- (h) The proposed extract is in close proximity to windows and doors serving habitable rooms.
- (i) The proposed drawings are of a poor quality.
- (j) The extract will create vibrations which will affect local residents.
- (k) It is unclear at this stage what foods may be cooked on the premises both now and in the future.
- (l) It is unclear if the applicant has undertaken air modelling or any detailed engineering.
- (m) Cladding or other means to disguise the vent or blend it into the building have not been considered.
- (n) There is not room or facility to store or collect waste beyond domestic style bins within the courtyard.
- (o) Late night customers will be intimidating for residents.
- (p) It is not clear if customers will use the resident's car park.
- (q) Access is required at all time to the rear (to access parking spaces and garages) and waste/rubbish may impede access.
- (r) Unclear how extract will be maintained and how this will be enforced.

COMMENT

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the Owen's Southsea Conservation Area and the amenities of adjacent occupiers.

Design and impact on the Owen's Southsea Conservation Area

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.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The proposal would include the installation of an extraction system to the rear elevation of the building fronting Marmion road (No.29), which acts as the front elevation and main entrance of Climaur Court. The extract would be attached to a three-storey, north facing elevation. The flue and associated extraction system would be located approx. 2.5m above ground level and would be a wall mounted system. The overall height of this equipment is approx. 9.6m high (width 0.5m and depth 0.5m). The extraction duct would project approx. 0.1m above main ridge height and would sit centrally between the existing windows. The submitted plans detail that the proposed extract system and vent would be separated from the existing windows by a gap of 0.7m to 0.8m.

Although the extract system would be to a residential frontage and would be visible from Wilton Place, it is noted that it would serve a commercial unit which was recently granted an A3 Use Class (ref. 16/01937/FUL, February 2017). Furthermore, the application site is a modern, mid-1980s building and is neither a statutory nor locally listed building of architectural or historic interest.

Paying careful regard to the significant historic character of the surrounding area, it is considered that given that the proposed development would serve a commercial building within a largely retail area, the proposed development would not appear obtrusive in relation to the recipient building or the wider streetscene. Furthermore, given the location of the extract system to the rear of the modern building, within a semi-enclosed courtyard it would not be readably visible from the Marmion Road frontage. In addition it is noted that the proposed extraction duct would project a mere 10cm above the main ridge height. Furthermore, a suitably worded planning condition would be imposed to ensure an acceptable appearance was adhered to, in regards to the colour and treatment of the ductwork.

For the reasons stated above, and in this particular instance, the proposed extraction system is considered, on balance, acceptable in design terms and would preserve the appearance of the 'Owen's Southsea' Conservation Area, in accordance with Policy PCS23 of the Portsmouth Plan.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The Environmental Health Team are satisfied that the proposed extract plant and additional information (proposed extraction system, noise levels from the fan, performance of the silencers and the ambient noise levels in the vicinity) provided regarding the extraction system are adequate to control the odour and noise generated from the Class A3 use. Furthermore, a planning condition would be imposed to ensure the kitchen extraction system would be fully implemented and permanently retained in accordance with the submitted details.

For the reasons stated above, the Environmental Health Team are satisfied that the existing use can operate without significant impact, in accordance with Policy PSC23 of the Portsmouth Plan.

Other matters raised in representations

- Matters surrounding impact from A3 Use/waste/deliveries/parking

The current application relates to the proposed extraction duct and cannot therefore consider matters relating to the impact from an A3 Use, waste, deliveries and parking.

- Property value

The ability to sell property and impact on property value is not a material planning consideration.

- Drawing quality

It is considered that the submitted drawings are of an acceptable standard upon which a decision can be made.

Conclusion

Subject to conditions, the proposed development is considered, on balance, to be acceptable to the building and would preserve the appearance of the 'Owen's Southsea' Conservation Area and have no undue effect on local residential amenity, in accordance with Policy PCS23 of the Portsmouth Plan.

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 (100047474); and, proposed elevations (001 A).
- 3) No cooking processes shall take place until the kitchen extraction system hereby permitted is fully implemented and permanently retained in accordance with the submitted details as per drawing 001 A (elevations), including low pressure centrifugal fans CBM-10/10 4P VR series, Type R4 Attenuator silencer 1000mm in length, roof ventilation hood, VT/4-RED anti-vibration

mounts, CleanPak CP4 bag filter fire rated CP413, Jasun Envirocare discarb activated carbon filters No. DC242424, high velocity upward discharge cowl and V line pleated panel filter economy standard and finally the JAG Services UK Ltd. Maintenance and Management Scheme for Ventilation System, unless otherwise agreed in writing with the Local Planning Authority.

4) Prior to its first use, the extract duct hereby permitted shall be finished in a matt colour to match the existing render (or such alternative colour finish and treatment that may be agreed in writing with the Local Planning Authority) and thereafter retained in such condition.

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 protect the amenities of occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of visual amenity 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.

45A HIGH STREET PORTSMOUTH PO1 2LU

REPLACEMENT OF ASBESTOS ROOF; REPLACEMENT OF COMMUNAL STAIRS WINDOW AND REPLACEMENT OF BOUNDARY RAILING

Application Submitted By:

Portsmouth City Council
FAO Mr Harvey Bevan

On behalf of:

Mr James Hill
Portsmouth City Council

RDD: 21st February 2019

LDD: 3rd May 2019

SUMMARY OF MAIN ISSUES

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'Old Portsmouth' Conservation Area and preserve the setting of other nearby heritage assets.

Site and surroundings

A 1960's three-storey residential flat block is the subject of the application site. The building is located on the southern side of High Street, west from its junction with Pembroke Road.

The site lies within the 'Old Portsmouth' Conservation Area (No 4) and directly opposite to the Grade I Listed 'Cathedral Church of St Thomas of Canterbury'. Further, there are a number of designated and non-designated heritage assets within the surrounding area including: 60, 61, 62, 69, 70 High Street, 1-19 (odd numbers) Lombard Street and the Dolphin Hotel which are all Grade II listed buildings and 4, 6, 8, 10 Lombard Street which are locally listed buildings. The building itself has no specific heritage designation, though it is prominent and does contribute to the character and appearance of the Conservation Area.

The site is also located within PSC9 'The Seafront'

Proposal

Planning permission is sought for the replacement of the existing asbestos roof with a flat felt roof; the replacement of the communal stairs window and the replacement of the boundary railing.

Planning history

The installation of patio doors to the rear elevation (to replace existing window) was permitted in 2003 under ref: A*38467/AA.

The install of replacement PVCU windows was permitted in 1994 under ref: A*35622/AA.

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

None.

REPRESENTATIONS

One representation has been received from a resident of the flatted block, objecting to the proposal and requesting to make a deputation to the Planning Committee.

COMMENT

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'Old Portsmouth' Conservation Area and preserve the setting of other nearby heritage assets.

Principle of the proposal

Policy PCS9 of the Portsmouth Plan sets out the objectives for The Seafront to be 'revitalise the seafront while maintain its existing character' and to 'protect and enhance the seafront's heritage assets'. 45A-J High Street occupies a prominent position in the western part of The Seafront and is located on one of the main roads in old Portsmouth. While the building is in relatively good condition it does require some alterations to ensure its long term wellbeing. Given that the property is not an identified heritage asset, the principle of development is acceptable subject to the alterations being of a high enough standard as to preserve and enhance the Conservation Area.

Design and appearance

Whilst 45A-J High Street is not considered to be of specific architectural or historic interest, it nevertheless has some architectural features of merit including large the concrete cantilevered stair window feature and is an example of typical 1960's architecture. The proposed alterations seek to retain the concrete frame, while replacing the windows.

The proposed alterations have been subject to discussion with officers throughout the course of the application process. A summary of the key elements of the proposal and the amendments that have been made as a result of the discussions is set out below.

Front elevation - Windows

On the front elevation, the proposal is to retain the original cantilevered section, removing the existing single glazed steel unit and installing a new double glazed aluminium screen set back 1m to the inner skin of the brickwork.

The original plans were for installing a new double glazed aluminium screen set back to the inner skin of the brickwork, but with a different layout to the proposed that related poorly to the property. This has since been amended to closer resemble the existing property and although still recessed is considered to represent a more appropriate alteration that would preserve the character of the existing building.

Front elevation - Railings

The existing cast iron railings are 0.8m tall, and plain. The proposed railings would also be plain, powder-coated black and be 1m tall. Therefore, given the similar material, colour finish and design this minor difference in terms of scale is considered to be acceptable. Further to this the replacement would help revitalise the appearance of the building and preserve the appearance of the Conservation Area.

Front elevation - Other matters

The original design also included replacing the tiling at the ground floor front elevation of the property with a plain white render. Following advice from officers this aspect of the proposal has been removed and the tiles at the front of the property shall be retained.

Roof

The proposal also includes replacing the existing asbestos roof with a felt roof. The proposed replacement would follow the same profile as the existing and only represent a change in material. Given the minor nature of this replacement, it is not considered to present any significant change to the property's appearance and would preserve the surrounding heritage assets.

Impact on heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. 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. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The site lies within 'Old Portsmouth' Conservation Area and opposite to the Grade I Listed 'Cathedral Church of St Thomas of Canterbury'. There are also other designated and non-designated heritage assets in the vicinity of the site, including 60, 61, 62, 69, 70 High Street, 1-19 (odd numbers) Lombard Street and the Dolphin Hotel which are all Grade II listed buildings and 4, 6, 8, 10 Lombard Street which are locally listed buildings

Paragraphs 132-134 of the NPPF seeks to address the significance of any harm caused by a proposed development on heritage assets. The proposed external alterations would involve the replacement of the existing windows, while maintaining the cantilevered concrete frame and replacement of the existing railings and roof. The alterations would have a minor visual impact to the property and maintain the existing appearance of the building within its setting, but this is not considered inappropriate within a key city gateway location. The alterations are considered to be of a suitable quality to lift the visual appearance of the building and to preserve the character and appearance of 'Old Portsmouth' Conservation Area and the setting of nearby heritage assets. It is therefore determined that the development would not cause harm to the setting of heritage assets and an assessment under paragraphs 132-134 of the NPPF is not considered necessary.

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: Proposed Elevations - 003 Rev B; Location Plan - 001 Rev A; Site Plan - 002 Rev A; Proposed Floor Plans - 007 Rev A; Proposed Floor Plans - 008 Rev A and Existing and Proposed Roof Plans - 009 Rev A.

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.

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.

35 KINGSLEY ROAD SOUTHSEA PO4 8HJ**CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE).****Application Submitted By:**

R Spooner

On behalf of:

R Spooner

RDD: 8th February 2019**LDD:** 19th April 2019**SUMMARY OF MAIN ISSUES**

The main determining issues for this application relate to the following:

- a) Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- b) Standard of living accommodation;
- c) Impact on the amenities of neighbouring residents;
- d) Parking and refuse storage;

Site and proposal

The area surrounding the application site is primarily residential, but is in close proximity to the commercial area of PCS18 Eastney Road Local Centre. The surrounding area is characterised by rows of similar terrace properties with ground floor bay windows. The application is located on the northern side of Kingsley Road and relates to a two-storey mid-terrace dwellinghouse.

Planning permission is sought for the change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse).

Internally the property currently features a kitchen, bathroom, dining room and lounge at ground floor and two bedrooms and first floor.

The majority of the internal layout would remain unchanged with the ground floor lounge converted into an additional bedroom.

Planning history

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

Private Sector Housing

Advised that the property would not require a licence under the Housing Act 2004.

REPRESENTATIONS

7 representations have been received objecting to the proposed development on the following grounds:

(a) Concerns around parking; and (b) noise and disturbance

COMMENT

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 surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

Principle of the use

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom.

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 SPD (as amended 21 November 2017), 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Based on information held by the City Council, of the 76 properties within a 50 metre radius of the application site, two (2) properties were identified as in lawful use as HMOs. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Beyond its own data sources, no additional HMOs have been brought to the attention of the LPA. Including the application site would bring the percentage of HMOs up to 3.94% lower than the 10% threshold above which an area is considered to be imbalanced.

A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: "An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

This proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of Accommodation

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below. The Applicant has confirmed that each of the three bedrooms would be single occupancy.

(HMO SPD-JUL 2018)	Area provided:	Required standard:
Bedroom 1	9.3m ²	7.5m ²
Bedroom 2	13.36m ²	7.5m ²
Bedroom 3	12.48m ²	7.5m ²
Kitchen	7.79m ²	7m ²
'Dining Room'	13.56m ²	11m ²
Combined living space	22.63m ²	24m ²
Bathroom	3.29m ²	3.74m ²

The kitchen, dining room and below-stairs storage fall short of the expected combined living space, by 1.36m². However, I note, with only three individuals to occupy the property, each bedroom is well-over the expected SPD size, with the two upstairs rooms particularly so. As such, it is considered that the slightly under-sized communal space is more than compensated by the generously-sized bedrooms, where occupiers would have plenty of storage and living space. This 'compensatory approach' has been established on appeal in Portsmouth. Lastly, the bathroom is under-sized by 0.45m². It is considered to be of sensible and standard layout, though. Again, given the non-intensive proposed occupation of the property, by just three individuals, it is not considered that a refusal of the application based on the bathroom's size could be sustained.

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (July 2018), the property is considered to provide an adequate standard of living accommodation to facilitate three persons sharing.

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. 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. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance.'

Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C4.

Highways/Parking

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 1.5 off-road spaces for Class C4 HMOs with two or three bedrooms. No off-road parking could be provided at this site, but that is the same as for the current Class C3 use, for a similar level of occupation to the proposed. As such, a reason on parking grounds could not be sustained.

The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However the garden or forecourt would both be considered appropriate for the provision and retention of suitable bicycle storage facilities which can be required through a suitably worded planning condition

Waste

The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.

Conclusion

Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable.

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 - Location Plan, Proposed Floorplans.
- 3) The property shall not be occupied as a Class C4 Small HMO by more than three individuals.
- 4) Prior to first occupation of the property as a 3 bedroom house in multiple occupation, details of secure and weatherproof bicycle storage facilities for at least 2 bicycles shall submitted to and approved in writing by the Local Planning Authority. The bicycle storage facilities shall thereafter be retained for the parking of bicycles at all times

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

3) To ensure the development is implemented in accordance with the permission granted, to achieve a suitable level of residential living amenity, in accordance with Policy PCS23 of the Portsmouth Plan, and the Houses in Multiple Occupation Revised Supplementary Planning Document.

4) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

FRATTON PARK FROGMORE ROAD SOUTHSEA PO4 8RA**RELOCATION OF 34M LATTICE COLUMN WITHIN SECURE ENCLOSURE****Application Submitted By:**

Pickup Town Planning
FAO Mr Matthew Pickup

On behalf of:

Mr Mark Catlin
Portsmouth Community Football Club Limited

RDD: 28th March 2019

LDD: 24th May 2019

SUMMARY OF MAIN ISSUES

The application is brought to the Planning Committee for its determination rather than by Planning Officers under Delegated Powers due to Councillor Donna Jones' position of employment as Strategic Stadium Development Consultant by the football club.

The principal issues in relation to this application are the design and appearance of the development and its impact on residential and wider amenity.

The site

The application site is made up of a relatively small section of the football club's car park to the north of the Fratton Park stadium (approximately 45m to the north of the North Stand). Immediately to the east of the application site is an electricity sub-station, with the wider car park area to the west.

Towards the north is a light industrial site (approximately 17m from the proposed development), with various commercial uses, predominantly B1, B2 and B8. Beyond the eastern boundary of the wider football site is residential development (approximately 58m from the development) and beyond the western boundary is a Tesco store.

Proposal

This application seeks a grant of planning permission for the re-purposing of the existing 41m high lattice floodlight column located within the north-west corner of Fratton Park and its re-siting within the north-east corner of the adjacent car park to the north. The lattice floodlight column would be reduced by 7m to 34m in height. The proposal would result in the removal of the individual lamps, but retain the rectangular-shaped headframe.

The re-siting of the lattice column, to the north-east corner of the car park, would also necessitate the enclosure of a small area of land (approximately 9.0m long by 8.0m wide) at the foot of the column. The means of enclosure would comprise a 2.0m high steel palisade fence which is required to secure the column and to prevent access by unauthorised persons.

The purpose of the application was two-fold: (a) to retain the 'football heritage' of one of the four floodlighting columns, and; (b) to provide lighting of the car park. The lighting aspect has been deleted from the proposal during the course of the application, so rendering redundant

consultations with Ecology, Highways and Environmental Health. The Club have verbally stated that lighting will instead be provided on the north elevation of the North Stand, subject to planning permission.

Separately, and for completeness and information only, the Club have also verbally stated that it intends to relocate telecommunications antennae from the existing south-east and south-west stadium floodlights to the newly sited tower, again, subject to planning permission. The existing floodlighting is in need of renovation/replacement due to age, and in any event would have to be replaced if the club were to be promoted to The Championship, to be UEFA-compliant.

For clarity, therefore, neither the lighting or telecommunications equipment form part of this application.

Relevant planning history

There is extensive planning history for the site but none apparently relevant to this application.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policy within the Portsmouth Plan would include: PCS7 (Fratton Park and the South Side of Rodney Road); PCS11 (Employment Land); and, PCS23 (Design and Conservation).

CONSULTATIONS

Contaminated Land Team

No objection, subject to informative concerning possible soil contamination.

Environmental Health

The direction of the light spill is to be angled away from residential properties on Alverstone Road and will be approximately 50m west of their rear elevations. It is therefore unlikely that the lights would have an impact upon the local residents' amenity.

Highways Engineer

No objection, subject to the lighting being fitted with a shield to prevent direct illumination of the public highway and causing driver distraction.

Ecology

No response received.

Sport England

No objection.

REPRESENTATIONS

None received.

COMMENT

The principal issues in relation to this application are the design and appearance of the development and its impact on residential and wider amenity.

The development would see the relocation of one of the existing floodlights from the north-east corner of Fratton Park stadium to the north-east section of the car park to the north of the stadium. The development would include the relocation, decommissioning and reduction in height of the lattice tower from 41m to 34m.

The applicant has stated that *"the traditional floodlight column is a feature that many football fans associate with football grounds and with Portsmouth Football Club, in particular. This is because Portsmouth Football Club hosted the first ever floodlit Football League match at Fratton Park, on 22nd February 1956, against Newcastle United. Consequently, the Club wishes to retain the area's rich football heritage by relocating one of the existing floodlight columns into the North Carpark. Whilst it is proposed to remove the light bulbs from the rectangular head of the column, the structure would retain its iconic shape and profile, acting as a visual reference point to fans making their way to the ground. The application proposal is considered, therefore, to be compliant with policy PCS7 as it would result in the improvement of the existing stadium with enhanced facilities."*

It is accepted that the floodlights are an iconic part of the city landscape and are synonymous with the football club. Although there would only be one column, not four, and it would be sited outside the stadium, the justification for the retention and relocation is considered to be a reasonable one, enabling the club to retain a part of its sporting heritage whilst conforming with modern standards and requirements with new lighting in the stadium. For absolute clarity, the floodlights do not have any formal Town and Country Planning heritage status.

Local character

The lattice tower would be sited further away from residential properties than the existing structure and would still be seen in the context of the football club. Further, due to the commercial nature of the surrounding area to the north and west it is not considered that the development would be intrusive or out of keeping.

Having regard to the above information it is considered that the relocation of the lattice tower would be acceptable in design and character terms and would accord with the principles of the NPPF and policy PCS23 of the Portsmouth Local Plan.

Impact on residential amenity

With regards to residential amenity, it is considered that the re-sited lattice column would have little, if any, impact on local residents' enjoyment of their homes. The re-sited lattice column would be some 45-50m to the west of the rear elevations of the residential properties in Alverstone Road. The current separation distances between Alverstone Road properties (further to the south) and the floodlight in question is between 20m and 30m.

Due to the open lattice construction of the floodlight it is not considered that the proposed development would result in a loss of outlook or appear overbearing. This is further aided by the separation distance between the tower and these neighbours. Further the tower would be 7m less in height than the existing structure.

It is therefore considered that the proposed development would not be harmful to neighbour amenity in accordance with policy PCS23 of the Portsmouth Plan.

Employment land

Lastly, the site lies within a spur of PCS11 Employment-designated land, where the policy seeks to promote employment development, and protect existing. I do not consider the relocated column would be prejudicial to PCS11, especially as it could be moved at a later date were wider re-development proposals to need that piece of land. My Policy colleague concurs.

Neither would the proposal interfere with the aspirations of potential future developments at/around the football stadium, within Policy PCS7.

Conclusion

Having regard to the above information it is contended that the application as proposed would preserve the character and appearance of the football stadium and surrounding area, would be proportionate to and in keeping with its purpose and function and would not result in unacceptable harm to the residential amenities of the adjoining neighbours. The development would therefore comply with the objectives of the NPPF and the requirements of policy PCS23 of the Portsmouth Plan.

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 - Location plan (18.121_A_100 Rev 00); Proposed site plan (18.121_A_101 Rev 00); proposed west elevation (18.121_A_103 Rev 01); and, proposed north elevation (18.121_A_102 Rev 01).

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.

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.
