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# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 9 OCTOBER 2019 AT 1.00 PM**

**THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL**

Telephone enquiries to Joanne Wildsmith Democratic Services Tel: 9283 4057 (for deputations see number below)

Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

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

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### **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, George Fielding, Jo Hooper, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Lynne Stagg, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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

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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 (e.g. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## **AGENDA**

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meeting held 11 September 2019 (Pages 3 - 24)**

**RECOMMENDED** that the minutes of the previous meeting held on 11 September 2019 be approved as a correct record and signed by the Chair.

**4 Updates on previous planning applications**

To receive any updates on previous planning applications by the Assistant Director City Development, Regeneration

**5 Updates on nitrates**

The Development Manager will give an update on the nitrates situation.

Planning Applications

Report by the Assistant Director, Planning & Economic Growth, on planning applications.

**6 19/00510/FUL - Land to rear of 76 Vernon Road Portsmouth PO3 5DS - Construction of seven garages and one storage building (following demolition of existing outbuildings) and the construction of a fence (Report item 1) (Pages 25 - 44)**

**7 19/00716/FUL - Site 10 Rodney Road Southsea PO4 8SY - Change of use from retail (Class A1) to a hot food takeaway (Class A5); external alterations to include installation of extraction and ventilation equipment (Report item 2)**

**8 19/01143/FUL - 110 Stubbington Avenue Portsmouth PO2 0JG - Change of use from residential (Class C3) to mixed residential (Class C3) and house in multiple occupancy (Class C4) (Report item 3)**

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor 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.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 September 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)  
Judith Smyth (Vice-Chair)  
Suzy Horton  
Lee Hunt  
Donna Jones  
Luke Stubbs  
Claire Udy  
Robert New (Standing Deputy)  
Scott Payter-Harris (Standing Deputy)  
Gerald Vernon-Jackson (Standing Deputy)

### 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.

### 71. Apologies (AI 1)

Apologies for absence had been received from Councillors Matthew Atkins, Terry Norton and Steve Pitt. Councillor Robert New attended as Councillor Atkins' standing deputy, Councillor Scott Payter-Harris attended as Councillor Norton's standing deputy and Councillor Gerald Vernon-Jackson attended as Councillor Pitt's standing deputy. Councillor Hunt apologised that he would need to leave before the end of the meeting around 3 pm.

### 72. Declaration of Members' Interests (AI 2)

#### Declaration of Members' Interests

#### 19/00885/FUL - Mayfield School, Mayfield Road, Portsmouth, PO2 0RH

Councillor New said he represents Copnor ward but this does not preclude him from being able to vote unless he makes a deputation. Councillor Horton declared a personal interest as she is the Cabinet Member for Education and had been featured in the press speaking about the school. She had taken legal advice and would not participate in the discussion so as to avoid issues of predetermination. However, she can speak on the application and then leave the room. Councillor Jones explained

she has a personal and non-pecuniary interest as Councillor Norton works at Mayfield School; he is employed by the school albeit via an agency.

**18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF**

Councillor Jones declared a personal and non-pecuniary interest as she had known one of the residents making a deputation, Mr Bray, many years ago.

**73. Minutes of the previous meeting held on 14 August 2019 (AI 3)**

**RESOLVED that the minutes of the Planning Committee meeting held on 14 August 2019 be approved as a correct record to be signed by the Chair subject to the amendment that Councillor Udy's first name is spelt Claire.**

**74. Updates on previous planning applications (AI 4)**

Sim Manley, Development Manager, gave the following updates on appeals:

- An appeal at 31 Hatfield Road-was dismissed as the box dormer on the extension was deemed to be obtrusive.
- An appeal at 146 St. Andrews Road was dismissed due to the impact of the extension on neighbours.
- A refusal for change of use from C3 to C4 at 37a Stanley Avenue due to the substandard room sizes, particularly for the bathroom, was overturned on appeal by the Inspector despite the bathroom being 0.4 m<sup>2</sup> below the recommended size.
- A refusal for change of a variation of condition in an HMO (19 Powerscourt Road) from 7 to 8 occupants due to the poor quality of the alternative living space was upheld as the basement area did not offer adequate provision for the amenity of the future occupier; a case of costs submitted against the council was also dismissed.

**75. Update on nitrates (AI 5)**

Sim Manley, Development Manager, explained a proposal was presented at the Cabinet and was approved subject to calculations being worked out and hopefully would be in workable form in October 2019. In response to questions from members he clarified that

- The council's approach is a different to the PUSH approach; it is an interim measure while PUSH develop a more strategic approach. There is a delay in working out calculations and the council is working with PUSH to see how they can support other local authorities if they have capacity to help.
- The council has sufficient credits to move forward, possibly for up to three years up to the point of occupation which is where nitrates are generated, including with larger scale developments. If there is a surge in applications they may have to wait if not enough credits have been generated for mitigation.
- The Ministry of Housing, Communities and Local Government (MHCLG) have been liaising with the council and have asked for numbers of delayed applications.

Cllr Jones reported she had discussed nitrates with Penny Mordaunt MP and the Secretary of State for MHCLG recently where she emphasised the unique situation in Portsmouth due to the effects of pig farming in the Meon Valley and Portsmouth Harbour's geography. Simon Gallagher, Head of Planning Policy for Local Government, also present, advised ministers would speak to Defra as he is aware of the impact on house building in the PUSH area. Working with the water boards will be a key feature as Defra's help will be needed.

Sim Manley advised ministers had met councils in the PUSH area so they were aware of the situation. However, there are numerous issues with nitrates, for example, discharge rates through water companies as well as those caused by farming.

### **Chair's Notices**

The Chair thanked Sim Manley for his sound advice over the last 18 months which has greatly benefited the Committee. On behalf of the Committee he wished Mr Manley well in his new post in Newcastle-under-Lyme.

### **Supplementary matters**

The Chair proposed a five-minute adjournment to allow members to read the supplementary matters list. At 1.25 pm Councillor Horton moved to the back of the room.

## **76. 19/00885/FUL - Mayfield School, Mayfield Road, Portsmouth, PO2 0RH (AI 6)**

Construction (including part retention) of part two/part three storey school building (to the east of the site); single storey extension to existing dance studio to form nursery; with associated landscaping, land remediation, boundary treatments, parking and cycle storage (following phased demolition of existing school buildings upon completion of the new school)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- Two new additional representations objecting to the application
- Matters raised by Highways  
*The Applicant has confirmed that no change to either the staffing or child capacity in the on-site nursery are proposed as a part of this application. In that light there is no need to undertake a parking survey to establish whether or not there is capacity on street to accommodate any potential increase, as such the LHA would not wish to raise a highway objection to this application.*
- Matters raised by Natural England  
*Following receipt of the Ecological Appraisal (further bat survey) Natural England state that there do not appear to be any issues that cannot be appropriately dealt with by securing the required mitigation and enhancements contained within section 5 of the August 2019 Ecological Appraisal and Phase 1 & 2 bats report, through a condition on any permission. Therefore Natural England raise no objection to the application, subject to securing said mitigation and enhancement. Condition 16 already addresses the matter.*

- Matters raised by Sport England  
*Sport England have confirmed that they are content for the LPA to proceed without a condition restricting the use of the sports pitch. It is considered that the condition does not meet the statutory tests.*
- Amended conditions - *Due to the specific and important phasing requirements of the development, the majority of the conditions have required adjustment following publication of the Agenda. The Decision Notice, attached, sets out the amended conditions.*

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

<https://livestream.com/accounts/14063785/Planning-11Sep2019>

Deputations in support of the application were made by:

- Caroline Corcoran, Head of Sufficiency, Participation & Resources, Education Service, Portsmouth City Council
- Daniel Wiseman, the applicant's agent

A deputation against the application was made by Ryan Taylor.

Councillor Horton made a deputation in support of the application then left the room at 2 pm.

#### Members' questions

In response to questions from members Planning Officers clarified the following points:

- Building Control are responsible for safety and any concerns over flammable cladding.
- The applicant is aware of concerns over contamination issues, particularly over asbestos. The applicant had been required to re-examine the matter and took samples over the summer, mainly from the East Field, in order to inform the application. The next phase, if consent is granted, is further testing and investigations which are submitted to the Contaminated Land Team with a clear remediation strategy, if one is necessary. Then there will be a second round of testing prior to demolition.
- The application presented today is the one members have to determine. The assessment of the impact of the building (which is a non-designated heritage asset) is independent from the financial (funding) aspect. Planning officers have assessed the building on its merits and retention against the wider public benefit. It is regrettable that the original building cannot be kept but the wider public benefit is deemed to outweigh the loss.
- The new building has better insulation, is more energy efficient, makes more re-use of existing materials, has improved thermal ratings and decreased artificial lighting. It will use responsible construction methods and have an updated travel plan. Existing carbon emissions are unknown but the important point is to meet new standards.

#### Members' comments

- It is regrettable and disappointing that the current building will be lost as it is part of Portsmouth's history and valued landscape, particularly the frontage, though keeping the archway is a nice touch. Many new buildings look alike and designs lack imagination, for example, schools are all three storeys and the building a new school will generate carbon. There are concerns that future developments for new schools could require demolition of the old one.
- However, if new designs are proven to work it will save costs by sharing good practice.
- Members have to balance the application against advice received on educational attainment.
- The application has been significantly improved since a bid for funding was submitted in 2014. PCS23 enables the city to have building of this size as a community benefit in a residential area.
- Members appreciated parking is an issue and suggested that pockets of space could be used, for example, for more bikes or if a disabled space is needed.
- Innovative features such as solar panels and wind catchers to cool the building will reduce its carbon footprint.
- The new school seems an exciting development for young people. It will enhance education in Portsmouth and together with extra-curricular activity will give the local community a focus and could open up new career pathways.
- Members thanked all those involved in the application. The school has an outstanding headteacher and senior management team.

**RESOLVED that conditional permission be granted.**

Councillor Horton rejoined the meeting at 2.25 pm.

**77. 18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF (AI 7)**

**18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF**

Construction of additional two stories to form one dwellinghouse (Class C3); extension to existing external fire escape; and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising of parapet walls

Construction of additional two stories to form one dwellinghouse (Class C3); extension to existing external fire escape; and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising of parapet walls

The Planning Officer presented the report.

Deputations against the application were made by the following residents

- Graeme Swinburne on behalf of FOOPA (Friends of Old Portsmouth Association)
- Jonathan Clapham
- Richard Bray
- Richard Blair
- Terry Henderson

Deputations were made in support of the application by

- Anthony Knight, Chair of the Fontenoy House Leaseholders Group
- Jason and Kate Phillips, the applicants, who distributed information in support of the application

Councillor Tom Wood, ward councillor, made a deputation against the application.

#### Members' Questions

In response to questions from members Planning Officers clarified the following points:

- If officers had felt a refusal was unsustainable on appeal they would not have submitted the application with a recommendation for refusal to the Committee.
- The colour of bricks can sometimes vary on different screens or types of paper. If permission was granted then materials (bricks, glass, window frames) would have to be approved and there would be detailed discussion with the applicants. Members need not be distracted by minor variations.
- The windows have a dark frame and it was acknowledged there is a minor concern over the new treatment of the building's façade; most of the windows in the area have white frames.
- There have been discussions over a long period and concerns were expressed over a two-storey development but pre-application discussions are without prejudice so members have to consider the application as it is presented today.
- Brick slips are secondary to the main concerns but any slips that are used need to be good quality and be able to withstand weathering.

#### Members' Comments

- The application does not relate to PCS23, for example, the requirements for "excellent architectural quality", "the geography and history of Portsmouth" and "the protection and enhancement of the historic townscape."
- The dark colours in the design and the mass of the building are unattractive.
- Fontenay House is not a particularly attractive building and could be significantly enhanced.
- The application could not be supported as it stands today but further discussion and negotiation might enable the application to be supported so deferral could be considered. It was suggested the applicants could have had better advice before re-submitting the application.
- A one-storey extension might be acceptable but that change is too big to be considered for a deferral so a new application would have to be submitted.
- A refusal could be lost on appeal in view of Historic England's comments so deferral may not necessarily help the applicants. However, members have to assess the application on the information in front of them and not on what they think the Planning Inspector might do.

**RESOLVED that permission be refused.**

#### **REASONS**

Members agreed with officers' recommendations for refusal, particularly the first and second reasons regarding the additional bulk, mass, height and incongruous design,



which do not respect local heritage and are substantive matters in a very sensitive area. The third reason for refusal regarding concerns over the extraction system at the Wellington public house could be addressed further in any further discussions or appeal. The fourth reason regarding effects on the harbours is the least important one and could be resolved technically if consent was given.

Councillors Hunt and Vernon-Jackson left the meeting at 3.25 pm

**78. 19/00960/FUL - 42 Beaulieu Road, Portsmouth, PO2 0DN (AI 8)**

Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse)

Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

*Condition 3 of the recommended permission stating; "The premises shall not be occupied by more than four persons", is to be removed. It is noted that the property as a C3 residential dwelling could be occupied by multiple persons, and a C4 allows occupation of up to 6 persons. Therefore it would be unreasonable to limit this permission to 4 persons.*

Mr McGee, a resident, made a deputation against the application.

Nuria Perez Alcantara and Andrew [surname not given], the applicants, made a deputation in support of the application and distributed photographs of the property.

Members' Questions

In response to questions from members Planning Officers and the Legal Advisor clarified the following points:

- Condition 3 was removed due to confusion with larger HMO's which have their own class (sui generis) and conditions are imposed on an individual basis. However, with classes C3 and C4 occupation is already limited by legislation to six people if the property is being used as HMO. Officers apologised for the error.
- Issues such as single rooms being used as doubles is matter for Licensing.
- Nitrates are not an issue as C4 use will generate no more than with the current lawful C3 use.

As there were no comments the Chair made the proposal to agree with officers' recommendations to grant conditional permission; as the proposal was from the Chair there was no need for a seconder. He noted that several decisions on similar applications have been overturned by the Planning Inspectorate but this consideration should not undermine members' decision making.

**RESOLVED that conditional permission be granted.**

**79. 19/00510/FUL - Land to rear of 76 Vernon Road, Portsmouth, PO3 5DS (AI 9)**

**19/00510/FUL - Land to rear of 76 Vernon Road, Portsmouth, PO3 5DS**

Construction of seven garages and one storage building (following demolition of existing outbuildings) and the construction of a fence

**RESOLVED that the application be deferred.**

**80. 19/00692/HOU - 13 Lower Drayton Lane, Portsmouth, PO6 2EL (AI 10)**

Single storey rear extension to terraced house

The Planning Officer presented the report.

David Everett, a resident, made a deputation against the application.

Members' Questions

In response to questions from members Planning Officers clarified the following points:

- Under permitted development rights an extension could be 3 metres in depth and 4 metres in height. The height is 1 metre lower than in the previous application.
- Mr Everett's property is to the north of the applicant's property.
- The height of the extension has been reduced but not the pitch.
- Alternatives such as a mono pitch cannot be considered as members can only consider the application which is in front of them and which has been submitted in response to refusal of the previous application.
- The previous and current applications propose building beyond that which the permitted development rights allow, hence the need for planning permission.
- The Legal Advisor explained the Town & Country (General Permitted Development (England) Order 2015 permits people to make small extensions without needing planning consent but is distinct from any subsequent refusal for planning permission that has been considered by the committee.

Members' Comments

- Mr Everett's concerns are understandable and it is a difficult decision.
- Taking into account the width and height of the house it is a large extension and would be detrimental to Mr Everett's property.

**RESOLVED that permission be refused.**

**REASONS**

The proposed development by reason of its size and design would be detrimental to the amenities of the occupiers of no.11 in terms of loss of outlook and light, increased sense of enclosure and overshadowing.

**81. 19/00726/PLAREG - 12 Glenthorne Road, Portsmouth, PO3 5DN (AI 11)**

Retrospective application for the retention of outbuilding to rear garden (description amended 27/06/19)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

*The additional comment requires the developer to comply with the advice given by Network Rail to ensure the safe operation of the railway and protection of Network Rail's adjoining land. The comment addresses matters such as encroachment onto Network Rail land, future maintenance, landscaping and drainage.*

Deputations were made by:

- Patrick McManus, a resident, against the application.
- Matthew Hawnt, the applicant, in support of the application.

### **Members' Questions**

In response to questions from members Planning Officers clarified that the comment from Network Rail is a standard item in that they have to be consulted when the property is within 10 metres of railway land in case there are any concerns over matters such as safety, drainage, encroachment or maintenance.

### **Members' Comments**

The intention behind the outbuilding is admirable and it is a pity the matter has come to a formal Committee.

**RESOLVED that conditional permission be granted.**

Councillor Jones left the meeting at 4.35 pm.

## **82. 19/00962/HOU - 13 Boston Road, Portsmouth, PO6 3LG (AI 12)**

Construction of part single storey/part two storey rear extension after removal of existing rear extension

The Planning Officer presented the report.

There were no questions or comments from members.

**RESOLVED that conditional permission be granted.**

The meeting concluded at 4.45 pm.

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Signed by the Chair of the meeting  
Councillor Hugh Mason

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## TOWN AND COUNTRY PLANNING ACTS



Portsmouth  
CITY COUNCIL

Reference No: 19/00885/FUL

Mr Daniel Wiseman  
Gillings Planning  
Second Floor Offices  
Trinity House  
123 Winchester Road  
Chandlers Ford  
SO50 2DR

On behalf of: Mr David Timms Kier Construction Southern

### LOCATION:

Mayfield School Mayfield Road Portsmouth PO2 0RH

### DESCRIPTION OF DEVELOPMENT:

Construction (including part retention) of part two/part three storey school building (to the east of the site); single storey extension to existing dance studio to form nursery; with associated landscaping, land remediation, boundary treatments, parking and cycle storage (following phased demolition of existing school buildings upon completion of the new school)

In pursuance of powers under the above mentioned Acts the City Council, as Local Planning Authority, **GRANT PLANNING PERMISSION** for the development indicated above in accordance with the application, drawings and other particulars valid on 6 June 2019 **and subject also to compliance with the following 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: Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan (Z0329-NOV-Z1-ZZ-DR-A-PL001/REVP1.1); Proposed Site Plan (Z0329-NOV-Z1-ZZ-DR-A-PL002/REVP1.1); Proposed Ground Floor Plan (Complete) (Z0329-NOV-Z1-00-DR-A-PL003/REVP1.1); Proposed Ground Floor (Sheet 1) (Z0329-NOV-Z1-00-DR-A-PL004/REVP1.1); Proposed Ground Floor (Sheet 2) (Z0329-NOV-Z1-00-DR-A-PL005/REVP1.1); Proposed First Floor Plan (Complete) (Z0329-NOV-Z1-01-DR-A-PL006/REV/P1.1); Proposed First Floor Plan (Sheet 1) (Z0329-NOV-Z1-01-DR-A-PL007/REVP1.1); Proposed First Floor (Sheet 2) (Z0329-NOV-Z1-01-DR-A-PL008/REVP1); Proposed Second Floor Plan (Complete) (Z0329-NOV-Z1-02-DR-A-PL009/REVP1.1); Proposed Second Floor (Sheet 1) (Z0329-

NOV-Z1-02-DR-A-PL010/REV.P1.1); Proposed Second Floor (Sheet 2) Z0329-NOV-Z1-02-DR-A-PL011/REVP1.1); Proposed Roof Plan (Complete) (Z0329-NOV-Z1-03-DR-A-PL012/REVP1.1); Proposed Roof Plan (Sheet 1) (Z0329-NOV-Z1-03-DR-A-PL013/REVP1.1); Proposed Roof Plan (Sheet 2) (Z0329-NOV-Z1-03-DR-A-PL014/REVP1.1); Nursery Existing/ Proposed Ground Floor & Roof Plans (Z0329-NOV-Z0-00-DR-APL022/REVP0.1); Proposed Elevations (Sheet 1) (Z0329-NOV-Z1-ZZ-DR-A-PL018/REVP1.1); Proposed Elevations (Sheet 2) (Z0329-NOV-Z1-ZZ-DR-A-PL019/REVP1.1); 3D Views Internal (Z0329-NOV-Z1-XX-VS-A-PL017/REVP1.1); 3D Views External 1 (Z0329-NOV-Z1-ZZ-VS-A-PL015/REVP1.1); 3D Views External 2 (Z0329-NOV-Z1-ZZ-VS-A-PL016/REVP1.1); Proposed Bay Section & Bay Elevations (Z0329-NOV-Z1-ZZ-DR-A-PL020/REVP1.1); Proposed GA Building Sections (Z0329-NOV-Z1-XX-DR-A-PL021/REVP1.1); Nursery Proposed Building Elevations (Z0329-NOV-Z0-XX-DR-A-PL023/REVP0.1); Nursery Proposed Building Sections (Z0329-NOV-Z0-XX-DR-A-PL024/Z0.1); Site Security Strategy (1866/WWA/V4/XX/DR/SIP/L/0002/REVPL0); Site Demolition Plan (1866/WWA/V4/XX/DR/SIP/L/0003/REVPL0); Landscape Sections (1866/WWA/V4/XX/DR/SIP/L/0016/REVPL0); Swept Path Analysis (1866/WWA/V4/XX/DR/SIP/L/0015/REVPL0); External Access and Circulation Strategy (1866/WWA/V4/XX/DR/SIP/L/0007/REVPL0); Emergency Access Strategy (1866/WWA/V4/XX/DR/SIP/L/0008/REVPL0); Vehicular Access and Circulation Strategy (1866/WWA/V4/XX/DR/SIP/L/0013/REVPL0); Landscape - BB103 Area Measure (1866/WWA/V4/XX/DR/SIP/L/0009/REVPL0); External Sports Strategy (Summer) (1866/WWA/V4/XX/DR/SIP/L/0010/REVPL0); External Sports Strategy (Winter) (1866/WWA/V4/XX/DR/SIP/L/0011/PL0); Cycle provision (1866/WWA/V4/XX/DR/SIP/L/0012/REVPL0); External Materials Key Plan (1866/WWA/V4/XX/DR/SIP/L/0005/REVPL0) Planting Plan Sheet 1 - East (1866-WWA-00/ZZ-DR-L-0300); Planting Plan Sheet 1 - West (1866-WWA-00/ZZ-DR-L-0301); Tree Survey (wwa\_1866-AL\_701/REVP00); Tree Protection and Removal Plan (wwa\_1866-AL\_702/REVP00); External Service (xxxxx-RAM-ZZ-00-M3-MEP-4.8-44/REV2); External Lighting (xxxxx-RAM-ZZ-00-M3-MEP-4.8-45/REV2); Proposed Drainage Connections (555/REVB); Proposed Impermeable Areas (552/REVB); Phasing Plan (SO1829/SLP/01); and, Proposed Building Drainage Layout (505/REVB).

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority: (a) A site investigation report documenting the ground conditions of the phase 1 site (as detailed on plan no.SO1829/SLP/01) and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the phase 1 site and confirm either that the phase 1 site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA; and, (b) A remediation method for the phase 1 site (as detailed on plan no.SO1829/SLP/01) statement detailing the remedial

works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

4) The phase 1 (as detailed on plan no.SO1829/SLP/01) development hereby permitted shall not be first occupied until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3(b) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 3(b) above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

5) No demolition works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority: (a) A site investigation report documenting the ground conditions of the phase 2 site (as detailed on plan no.SO1829/SLP/01) and the blue edged site (as detailed on plan no.Z0329-NOV-Z1-ZZ-DR-A-PL001/REVP1.1), and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017. Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the phase 2 site and the blue edged site and confirm either that they are currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA; and, (b) A remediation method statement for the phase 2 site (as detailed on plan no.SO1829/SLP/01) and the blue edged site (as detailed on plan no.Z0329-NOV-Z1-ZZ-DR-A-PL001/REVP1.1), detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

6) The phase 2 area (as detailed on plan no.SO1829/SLP/01) and the blue edged site (as detailed on plan no.Z0329-NOV-Z1-ZZ-DR-A-PL001/REVP1.1), shall not be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 5(b) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 5(b) above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

7)(a) Prior to the installation of any element of the foul and surface water drainage systems of the development hereby permitted, precise details of the proposed means of foul and surface water sewerage disposal including the layout, flow calculations and its planned future maintenance shall be submitted to and approved by the Local Planning Authority in writing; and, (b) The development shall then be completed in accordance with the details approved pursuant to part (a) of this condition and thereafter permanently retained.

8) The playing field and pitches shall be constructed and laid out in accordance with the site plan drawing no.PL002 Rev P1.1 and with the standards and methodologies set out in the guidance note 'Natural Turf for Sport' (Sport England, 2011), and shall be made available for use within 12 months of first occupation of the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted.

9)(a) No works shall commence on site, other than the installation of site protection fencing and hoardings, prior to the agreement in writing by the Local Planning Authority of a Construction Environmental Management Plan (CEMP). The CEMP shall include, but not limited to, details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction and demolition work; and, (b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

10) The phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted shall not be first occupied until; (a) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and



details of maintenance have been submitted to and approved in writing by the Local Planning Authority; and, (b) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part (a) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (a). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

11)(a) Prior to the installation of any fixed plant or machinery, an assessment of the cumulative impact of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report shall be submitted to the Local Planning Authority for approval in writing; and, (b) The appropriate measures approved pursuant to part (a) of this condition shall be fully implemented to mitigate any identified observed adverse effect levels due to the operation of the plant prior to first occupation of the development and shall thereafter be permanently retained.

12)(a) No development above ground floor slab level shall commence until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples and finishes to be used for the external walls, roofs, windows, doors, rainwater goods, fencing, surfacing materials (including paths, hard play areas/courts, car park and access roads) and other architectural detailing of the proposed development have been submitted to the Local Planning Authority for approval; and, (b) The development shall thereafter be carried out using the approved materials and finishes pursuant to part (a) of this condition.

13)(a) Prior to first occupation of the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted, details of an updated School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring; and, (b) the measures approved pursuant to part (a) of this condition shall be fully implemented and thereafter permanently retained.

14) The development hereby permitted shall be undertaken in full accordance with the provisions set out within the May 2019 Arboricultural Implications Assessment and Method Statement by Wynne-Williams Associates, reference WWA/1866/DOC/601. The tree protective measures shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.

15)(a) Prior to first occupation of the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted, a detailed landscaping masterplan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall specify: areas of new hard and soft landscaping to be re-instated further to the demolition of the existing school building. The scheme for soft landscaping shall include such matters as; species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting/re-instatement works; and provision for future maintenance. The scheme for hard landscaping will include

construction details, materials, drainage and existing and proposed levels; and, (b) The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is the sooner; and, (c) Any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

16) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted the bicycle/scooter provisions shown on the approved plan no.1866/WWA/V4/XX/DR/SIP/L/0012/RECPL0 shall be provided and shall thereafter be retained for the parking of bicycles/scooters at all times.

17)(a) Notwithstanding the submitted details, the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted shall not be first occupied until facilities for the storage or refuse and recyclable materials have been provided in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority; and, (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

18)(a) The development hereby permitted shall be carried out in accordance with the measures set out in Sections 5.2.3, 5.2.4 and 5.3 of the submitted Ecological appraisal and phase 1 & 2 bats report (Lindsay Carrington Ecological Services Ltd, August 2019) unless varied by a European Protected Species (EPS) license subsequently issued by Natural England; and, (b) Thereafter, the replacement bat roosts shall be subject to a post-completion compliance check by the ecologist with a report submitted in writing to the Local Planning Authority and permanently maintained and retained in accordance with the approved details.

19)(a) A scheme for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority; (b) the approved biodiversity enhancements shall be carried out before the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted is first occupied and a verification report shall be submitted to and approved in writing by the local planning authority that the approved biodiversity enhancements shall have been carried fully in accordance with the approved scheme; and (c) these biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

20)(a) Notwithstanding the submitted details, prior to first occupation of the phase 1 development (as detailed on plan no.SO1829/SLP/01) hereby permitted the vehicular and pedestrian accesses and layouts shall be provided in accordance with a detailed scheme (including, but not limited to design, materials, pedestrian crossing points, signage and road markings) to be submitted to and approved in writing by the Local Planning Authority; and, (b) The vehicular and pedestrian accesses and layouts shall thereafter be provided and retained in full accordance with the details approved pursuant to part (a) of this 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 ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 6) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 (Contaminated land) within the Portsmouth City Local Plan.
- 7) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 8) To ensure the quality of pitches is satisfactory and to guarantee the timely delivery of the playing field, in accordance with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 9) To minimise the potential for conflict with users of the surrounding highway network and in the interest of amenity, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 10) To safeguard the amenities of the area, to reduce light spillage and to comply with Policies PCS23 and PCS15 of the Portsmouth Plan.
- 11) To ensure a satisfactory working environment for future users of the development and in the interests of protecting residential amenity from excessive noise and disturbance, in accordance with Policy PCS23 of the Portsmouth Plan.

12) In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.

13) To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accordance with the aims and objectives of the National Planning Policy Framework and Policies PCS17 & PCS23 of the Portsmouth Plan.

14) To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

15) To ensure a high quality setting for the development in the interests of the visual amenity of the area in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

16) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

17) To ensure that adequate provision is made for the storage of refuse and recyclable materials, in accordance with Policy PCS23 of the Portsmouth Plan.

18) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

19) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

20) To minimise the potential for conflict with users of the surrounding highway network and in the interest of amenity, in accordance with Policies PCS17 and 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 pre-application process to achieve an acceptable proposal without the need for further engagement.

#### INFORMATIVE(S)

1) The Applicant should note the requirement to provide for emergency access arrangements to the site and ensure that current measures provided at the school meet specific fire safety requirements as well as any other requirements for the general location, which may be sought by the County Fire Officer.

2) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. The Applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. Under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer" any matter likely to injure the sewer or drain or to interfere with the free flow of its contents. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

3) Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable buildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur further advice should be sought from Natural England and/or a professional ecologist. A licence may be required from Natural England before works can re-commence. Further bat survey work is advised immediately prior to demolition to ensure that the situation has not changed.

4) The Applicant is advised that the proposed layout allows for opportunities to enhance the area for biodiversity by the provision of swift/bat bricks in the proposed development. Species of primarily urban birds such as Swifts and House Sparrows are suffering large declines due to the loss of nest sites on buildings. A simple measure such as incorporating swift bricks in the development would contribute significantly to the enhancement of the biodiversity of the location as swift bricks provide potential nest sites for red-listed House Sparrows, amber-listed Swifts as well as other species.

5) The Applicant's attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 (as amended) and to Building Bulletin 91 'Access for Disabled People to School Buildings' published in 1999 by the Department for Education and Employment. In the means of access both to and from the building, and in the parking facilities and sanitary conveniences to be available (if any), the Applicant should make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons using the building who are disabled.

6) Before any works take place at this location including any demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk or fred.willett@colas.co.uk this is for Highway coordination purposes. For all alterations to access arrangements, including the provision and reinstatement of dropped kerbs, please contact Colas on (023) 9231 0951.

7) In respect of Condition 20 the Applicant is advised that a s278 agreement will need to be secured with the Local Highways Authority. For information relating to the Section 278 Agreement please contact Peter Relf (Principal Highways Engineer) on 023 9283 4947.

City Development - Development Management  
Civic Offices  
Guildhall Square  
Portsmouth PO1 2AU  
Telephone (023) 9282 2251

Ian Maguire  
Assistant Director, Planning and Economic Growth  
12 September 2019

planning@portsmouthcc.gov.uk  
Web: www.portsmouth.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**IT DOES NOT CONSTITUTE AN APPROVAL UNDER THE BUILDING REGULATIONS**

You should also be advised that you may have obligations under the Party Wall Act 1996

THE APPLICANT IS RECOMMENDED TO KEEP THIS DOCUMENT WITH THE TITLE DEEDS OF THE PROPERTY

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# Agenda Item 6

## **PLANNING COMMITTEE 9 OCTOBER 2019**

**1 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> FLOOR, GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth 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 relevance 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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**LAND TO REAR OF 76 VERNON ROAD PORTSMOUTH PO3 5DS****CONSTRUCTION OF SEVEN GARAGES AND ONE STORAGE BUILDING (FOLLOWING DEMOLITION OF EXISTING OUTBUILDINGS) AND THE CONSTRUCTION OF A FENCE.****Application Submitted By:**

Patton Architecture & Development Ltd  
FAO Mr Tom Patton

**On behalf of:**

Mr Chris Harris

**RDD:** 26th March 2019

**LDD:** 11th June 2019

**SUMMARY OF MAIN ISSUES**

The application is being heard at committee due a call in by one of the neighbouring residents and by Councillor Robert New.

The application was due for consideration by your Committee on 11<sup>th</sup> September, but was deferred in order to carry out further public consultation following an extension of the red-edged site plan to include all accesses to the public highway.

The main issues for consideration are:

- the principle of the development;
- design
- impact on occupiers' amenities;
- highway matters.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**Site and Surroundings

The site is located within a primarily residential area, characterised by rows of similar two-storey terrace dwellings. The site is located to the rear of Vernon Road and Glenthorne Road and relates to a parcel of land located to the rear of the gardens of Nos 64-76 Vernon Road and Nos 45-55 Glenthorne Road. This area of land forms part of the curtilage of No.76 Vernon Road and comprises an overgrown rear garden incorporating single-storey outbuildings and three or four trees. The adjoining rear gardens to the Vernon Road houses have a typical length of between 7.5m and 9m, while the rear gardens to the Glenthorne Road houses have a typical length of 19m including outbuildings. The eastern boundary of the site abuts a comparatively narrow unmade private rear access way leading out onto both Glenthorne Road and Vernon Road. It would appear that, historically the site formed part of the curtilage of No.45 Glenthorne Road.

Proposal

Planning permission is sought for the construction of seven garages and one storage building (following demolition of existing outbuildings). The proposed garaging would be 'for let' to local residents, for the parking of domestic vehicles. The eighth building, the store, could not have a

vehicle parked in it due to its position, so would be for other storage purposes. The proposed buildings would measure 2.4m in height, 2.6m in width and 5.9m in depth. They would be finished in brick with flat roofs and steel garage doors. The existing floor would be covered with a permeable paving. To the north, south and west of the site a close boarded, wooden boundary fence would be installed to a height of 1.8m.

### Planning history

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

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS17 (Transport), 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**

### Environmental Health

No objections raised.

### Highways Engineer

No objections to the scheme.

## **REPRESENTATIONS**

Nine representations have been received from eight residents objecting to the proposed scheme on the grounds of:

- (a) Concerns around the demolition and construction of the existing outbuildings and proposed garages/store;
- (b) the condition of the existing access to the site and its upkeep;
- (c) issues around crime and safety of the rear of the properties;
- (d) concerns around the risk of fire;
- (e) noise and pollution;
- (f) limited access during construction;
- (g) potential uses for the garages;
- (h) loss of privacy;
- (i) ownership of the site;
- (j) light pollution and
- (k) loss of green space.

One representation has also called the application in to be heard at Planning Committee.

Councillor Robert New has also requested the opportunity to make a deputation at Planning Committee.

## **COMMENT**

The determining issues in this application are:

- the principle of the development;
- design;
- impact on occupiers' amenities;
- highway matters.

### Principle

The area of land is not recognised under any specific policy constraint and as such the principle of developing this parcel of currently derelict land is considered to be acceptable subject to the above matters.

### Design

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 main body of the site is not readily visible from the public realm. Further it is considered that the proposed outbuildings are of an appropriate size as to not over dominate the site or appear intrusive in their setting. They would be of a simple design and of a reasonable quality. Given the prevailing character of outbuildings in the vicinity, the proposed flat roofed garages/storage unit are considered acceptable in design.

### 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 majority of the properties to the east of the site (No 45-55 Glenthorne Road) feature rear garages/outbuilding at the end of their garden that would mitigate most of the views towards the proposed garages. Given this intervening built form and the approximate distance of 24m it is not considered that the proposed development would not give rise to any significant impact upon the amenities of the occupiers to the east.

The rear of the neighbouring properties to the west (Nos 64-76 Vernon Road) are located approximately 7m from the site and are separated by their rear gardens. The proposal would include the construction of a closed board fence along the western boundary. It would only be built up to a height of 1.8m and it is not considered to be inappropriate in its scale. Given the layout of the proposed garages and their modest height they are not considered to present any significant impact upon the amenity of the neighbouring occupiers.

The proposal would also include lighting to be installed on the site, further details of the lighting are to be submitted to and approved by the LPA, which would mitigate any potential significant threat of light pollution.

Representations have raised concerns around the potential use of the garages by commercial enterprises, which are feared could cause additional noise and disturbance. The Applicant has confirmed that the garages would be for domestic vehicle parking: 'to let' for local residents.

Conditions are attached to secure that point, including the use of the eighth building for storage purposes only, because a car would not be able to manoeuvre into it.

No objection has been raised by the Council's Environmental Health Officer.

### Transport/Highway

The garages are proposed to be accessed via the private service road which provides access to the existing garages at the rear of Vernon Road and Glenthorne Road with access from both roads. The residential demand for parking in these roads frequently exceeds the space available particularly overnight and at weekends.

It is not anticipated that the proposal would be likely to generate such a quantum of traffic so as to have a material impact on the operation of the wider local highway network

Whilst adequate visibility is available at each of the accesses to the rear service yard, they are too narrow to allow cars to pass each other and as a consequence in the event of conflict a car wishing to enter the service road would have to stand in the carriageway obstructing the free flow of traffic to allow another to exit. However both Vernon and Glenthorne Roads are quiet residential access roads and this activity would not be in conflict with the intended road function.

Adequate space is proposed to allow vehicle to turn on site and so enter and leave the public highway in a forward gear

This proposal will increase the local residential parking opportunities making it more convenient for local residents to find a place to park with the consequent improvement in residential amenity and will result in both reduced instances of vehicles being parked indiscriminately raising highway safety concerns and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.

As a consequence no objection has been raised by Highways.

### Other issues raised by neighbours

During the course of the application, surrounding residents have also raised a number of other concerns around the application. They will be addressed below:

#### Fire Safety:

As part of the application, Building Control have been consulted in regards to fire safety and the application has been amended to address concerns raised by Building Control. As such the number of garages has been reduced from 10 to 7 to allow them to be spaced further away from each other to reduce the risk of fire spreading. Following the revision to the scheme, Building Control does not hold any objection to the scheme on fire safety grounds.

#### Crime:

In regards to a potential increase in crime, a boundary fence has been added to the scheme to limit any access to the rear gardens of the properties to the west, further it has been agreed that the site will feature lighting at each unit and this will be secured by condition.

#### Access:

Issues have been brought up around the width and condition of the access from Glenthorne and Vernon Road. These access are already used by cars, so the proposal would not be materially different than their existing use. The upkeep of the access is not a material planning consideration, however it is considered that the use would not be any more intensive than if each of the properties in Vernon Road constructed a singular garage.

#### Demolition and construction:

Any development may cause some issues during its construction, but this may be an unavoidable consequence of development and ought not to be a difficulty in this instance. The developer will have their own responsibilities around not blocking other right of access to the shared routes.

#### Loss of green space:

The area is not designated as protected green space and I see no reason in principle to resist its re-development for garaging.

### **Conclusion**

Having regards to the above matters the proposed construction of seven garages and one storage unit is considered to be acceptable and appropriate in this location, given their acceptable design, amenity and highways implications and therefore accords with Policy PCS23 and PCS17 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: Proposed Plans - PAD171/03; and Location Plan - PAD171/01.
- 3) The garages hereby approved (nos. 1 - 7) shall be used for the parking of vehicles for domestic purposes only.
- 4) The store building shall only be used for the storage of goods and for no other purpose.
- 5) No part of the site outside of the buildings hereby approved shall be used for outdoor storage or processing of materials or manufacturing or repair work.
- 6) Prior to the first occupation of the garages/storage building, details of the type and location of the lighting to be installed at the site shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

### **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 the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan

5) To protect the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan

6) To protect the amenities of the occupiers of nearby properties and to reduce overnight opportunities for crime and anti-social behaviour, 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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**SITE 10 RODNEY ROAD SOUTHSEA PO4 8SY****CHANGE OF USE FROM RETAIL (CLASS A1) TO A HOT FOOD TAKEAWAY (CLASS A5);  
EXTERNAL ALTERATIONS TO INCLUDE INSTALLATION OF EXTRACTION AND  
VENTILATION EQUIPMENT****Application Submitted By:**

Pegasus Planning Group Ltd  
FAO Mr Fergus Sykes

**On behalf of:**

N/A  
Domino's Pizza UK & Ireland Plc

**RDD:** 1st May 2019

**LDD:** 27th June 2019

**SUMMARY OF MAIN ISSUES**

The application is being heard at committee due a call in by Councillor Gerald Vernon-Jackson.

The main issues for consideration are:

- Principle of development;
- Design;
- Amenity; and
- Highways

**SITE, PROPOSAL, AND RELEVANT PLANNING HISTORY**Site and Surroundings

The site is located on the southern side of Rodney Road at its eastern end by the junction with Milton Road; Velder Avenue (A2030) and Alverstone Road. This site is designated employment land under Policy PCS11 of the Portsmouth Plan. The host building is triangular in footprint with a south elevation facing Alverstone Road, and an east elevation facing the large road junction. This application relates to the northern half of the building and much of the forecourt. The whole building is now vacant, but was last occupied as a telecommunications and IT systems shop (retail Class A1). The southern half of the site has a recent permission (18/01762/FUL) to convert it into a Coffee Bar (Class A3). The wider estate is a mixture of retail warehouses, smaller trade related retail and small scale employment uses (Class B1/B2/B8) or sui generis uses (car showrooms etc.). Flats and houses lie to the south on the opposite side of Alverstone Road.

Proposal

The applicant proposes to change the use from retail (Class A1) to a hot food takeaway (Class A5); with associated external alterations to include alterations to the shopfront and the installation of extraction and ventilation equipment.

The proposed hot food takeaway would have 25 part-time employees and has proposed its hours as 11:00 - 23:00 Monday to Sunday.

The existing site features four car parking spaces to the north-east corner of the site which would be unaltered as part of the application. In addition to this it would also include the provision of four motorcycle spaces located at the front (east) of the unit. This is to allow for outgoing deliveries from the site, a proportion of which would be completed by motorcycle delivery drivers. The access to the site would be as existing from Alverstone Road with vehicles then exiting onto Rodney Road.

### Planning History

Concurrently to this application, there is an application for the change of use of first floor from offices (Class B1) to form a five bedroom residential dwelling (Class C3) with associated refuse store, cycle store and parking under planning ref: 19/00202/FUL.

The change of use from Retail (Class A1) to Coffee Bar (Class A3) with an outdoor seating area and associated refuse and cycle stores was permitted by Committee Decision in 2019 under planning ref: 18/01762/FUL.

The change of use from Retail (Class A1) to a Takeaway (Class A5); with external alterations to include removal of existing entrance to front elevation; the installation of air intake grille, a wall mounted condenser unit, an extraction flue and a WC extraction was withdrawn in October 2018 under planning ref 18/01649/FUL.

The Installation of a new shopfront including the extension of a canopy fascia and the installation of trough light was permitted in November 2011 under planning ref 11/01069/FUL.

There is no other planning history considered to be relevant to the determination of this application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan include:  
PCS11 (Employment Land), PCS17 (Transport), PCS23 (Design and Conservation), PCS7 (Fratton Park & south side of Rodney Road),

The aims and objectives of the revised NPPF (February 2019) would also be relevant in the determination of this application.

## **CONSULTATIONS**

### Highways Engineer

No objection subject to a condition requiring inward deliveries to take place outside of operational hours.

### Crime Prevention Design Advisor

No comments received.

### Environmental Health

Should equipment be installed as proposed (as specified in the reports provided by Purified Air and Cole Jarmen) and two conditions being imposed to address noise and odour, I wish to raise no objections.

### Licensing

No comments received.

## REPRESENTATIONS

Six objections have been received to the application raising concerns around

- (a) Traffic issues;
- (b) increased noise and disturbance;
- (c) waste;
- (d) anti-social behaviour;
- (e) odours;
- (f) light pollution;
- (g) health implications; and
- (h) precedent set for future development.

The application has also received a call-in from Councillor Vernon-Jackson.

## COMMENT

The main issues for consideration are:

- Principle of development;
- Design;
- Amenity; and
- Highways.

### Principle of development

The site is located within Rodney Road which is identified as an existing industrial estate and employment site. Policy PCS11 of the Portsmouth Plan states that the city council will promote office, manufacturing, warehouse (B1, B2, B8) development in existing industrial business estates. These estates have the potential to provide approximately 62,000m<sup>2</sup> of B2/B8 floorspace. The Policy goes on to state that the loss of existing B1, B2, B8 uses will be resisted.

As the application site is in retail use (Class A1), it would not result in the loss of employment land (B1/B2/B8) that Policy PSC11 seeks to retain.

Policy PCS11 also states that within existing industrial estates and employment sites the following alternative uses are acceptable, provided they provide equal employment opportunities:

- Service uses that would support B1, B2, B8 development and its occupiers.
- Sui generis and other uses appropriate in nature to an industrial estate location.

While the proposal is broadly a 'main town centre use' under the 2018 NPPF's definition, it is not subject to the sequential test as it falls below the 280sq m threshold within Core Strategy Policy PCS18: Local Centres.

The proposal does not result in the loss of employment land and is acceptable in an out-of-centre location in accordance with the sequential test. It would provide a different type of employment, with c. 25 part-time jobs. Therefore, the change of use is considered to be acceptable in principle and in accordance with Policy PCS11 of the Portsmouth plan.

Policy PCS7 of the Portsmouth Plan considers the future of the football stadium, and future employment space. The proposed re-use of part of this building in this commercial area would not alter the future prospects of the football club to provide a new/improved stadium. As such, PCS7 is not affected by the application.

## Design

Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular respect the character of the city.

The existing shopfront would mostly be retained as part of the application. Only relatively minor alterations are proposed such as removing the existing roller shutter door and cladding and replacing it with a plain rendered finish. In addition to the above, the application also includes the installation of a vertical extract flue that would terminate approximately 1.5m back from the eastern elevation of the building, to a height of 1m above roof level.

Given that the proposed development would represent alterations to an unremarkable building, the proposal would not be considered to appear obtrusive in relation to the recipient building or the wider streetscene. For the reasons stated above, the limited external alterations are considered to relate appropriately to the recipient property and wider area, in accordance with Policy PSC23 of the Portsmouth Plan.

It is noted that any eventual advertising would be dealt with through a separate application.

## 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. Attention is given to noise issues likely to arise with the proposed use, due to residents living opposite the site to the south on Alverstone Road.

An A5 use has the potential to impact on the amenity of neighbouring residents through noise from kitchen extraction systems, from prep and cooking in the kitchen itself, from delivery vehicles, and from customers visiting the takeaway. Amenity can also be damaged by odour resulting from the cooking process. Even with mitigation, A5 may have some impact on the amenity of neighbouring residential use.

The Applicant's proposed opening hours are 11:00 to 23:00 all week. To ensure that the inward deliveries to the site do not take place late at night, to account for residents opposite, the Environmental Health Team (EHT) have suggested a condition to prevent the delivery of goods to the unit between the hours of 20:00 and 07:30. Subject to the proposed condition, they are satisfied that any noise associated with vehicles used for delivering pizzas for customers will be masked by traffic noise on the junction of Rodney Road and Milton Road, as they will be using the parking area at the front of the unit. I concur with this control of inward deliveries. This matter is further qualified by restrictions sought by your Highways Engineer, later in this report.

Details have been provided of the proposed air conditioning unit and cold room condenser. The Environmental Health Team (EHT) are satisfied with the details provided in regards to both the AC and cold room condenser being installed within acoustic enclosures and this being secured by condition. As such, it is considered that both pieces of equipment would be unlikely to cause a loss of amenity to nearby local residents.

The supporting information for the proposed extraction states that equipment will be installed internally (fans, silencer and odour abatement) within the building and installed using anti vibration mounts.

Given the details submitted for the fans and silencer, it is unlikely that any noise from the operation of the extraction equipment will have any impact upon the amenity of nearby properties.

The applicant has also proposed odour control via a carbon filtration system. These proposed control measures are considered to be appropriate by the Environmental Health Team subject to them being installed and maintained as submitted. As such, it is unlikely that a loss of amenity would be caused from cooking odours.

It is proposed that the plant/equipment will run throughout the opening hours 1100 to 2300, with only the cold store condenser running 24hrs a day. The Environmental Health Team (EHT) have recommended that this is secured by a condition, which is considered to be acceptable.

In summary, should the proposed equipment be installed as detailed in the submitted application, and subject to the above conditions, no objections have been raised by the Council's Environmental Health Team.

For the sake of completeness, there is an ongoing application for the change of use of the first floor of the site to a five bedroom dwelling. The Environmental Health Team were aware of this further application at the time of consultation and their comments have fully considered the possible impact the scheme could have on any potential residential use of the first floor.

The proposal is therefore considered to be acceptable in amenity terms and would be in accordance with Policy PCS23 of the Portsmouth Plan.

### Highways

The site is located along Rodney Road with access via Alverstone Road and exit onto Rodney Road. Alverstone Road is an unclassified road with a mixture of residential and commercial use, subject to a 20mph speed limit. Rodney Road is the spine road for the Pompey Centre, an area with a mixture of both industrial and commercial uses.

No traffic assessment was provided. However, given the limited scale of the development and taking into consideration the proposed change of use from A1 to A5, no such formal submission has been required by the Local Planning Authority. The industry recognised threshold which additional traffic movements must breach before they become a material consideration in the assessment of a planning application is 30 additional movements in the peak hour. In this case given that the use is most likely to serve the local community, it is the view of the Highways Officer that the proposal is unlikely to generate 30 additional traffic movements within any hour. This threshold is certainly not likely to be breached in the peak period in part because the peak activity period for the use falls outside of the peak traffic period on the network. It is therefore considered by the Highways Officer that the variation in trip rate is not likely to have a material impact upon the local highway network.

Portsmouth City Council's Parking SPD does not give an expected number of parking spaces for non-residential developments. Rather, it requires applications to make an assessment of parking demand and demonstrate how this can be satisfied. No such assessment has been provided in support of this application; however the application proposes to provide 4 parking spaces to serve the site. Given the proposed number of car parking spaces it is considered that there are sufficient parking opportunities for customers of the site.

Following negotiations with the Highways Engineer, the applicant has provided tracking diagrams to demonstrate that delivery vehicles can service the site. The tracking diagrams demonstrate that delivery vehicles would require running into the site's parking bays in order to service the site. Therefore in order to avoid having to manage the site parking *and* deliveries at the same time, your Highways Engineer has requested inwards deliveries to the site will take place outside of operational hours, to be secured by condition. Given the characteristics of the site and surrounds, I concur this is sensible. In conjunction with the restrictions requested by Environmental Health, this leaves a window of 0730 to 1100 hours for inward deliveries, which the Applicant has accepted. As such the Highways Engineer does not raise any objection to the proposal and it therefore accords with Policy PCS17 of the Portsmouth Plan. The Highways

Engineer was aware of the adjoining Class A3 consent and current first floor dwelling application, before making his comments.

#### Other issues raised

##### Waste:

The application has allocated a sufficient area for the storage of waste located to the north of unit.

##### Anti-social behaviour:

The proposal would only represent a change of use from an existing retail site to a hot food takeaway and there is no reason to assume it would generate any significant levels of anti-social behaviour. The Applicant has stated they would be installing six CCTV cameras within the building, and two outside.

##### Light pollution:

No lighting is proposed as part of the application.

##### Health:

While PCS14 does consider the improving of the health and wellbeing of the city's residents, there is no explicit local or national policy to limit the granting of permission for a hot food takeaway.

##### Future Development:

Any future development within the area would be judged on its own individual merits and it is not considered that the granting of any permission would set any precedent.

#### **Conclusion**

Having regard to the above, it is considered that the proposed change of use would be acceptable in principle, as would be its design, impact upon neighbouring amenity and highways impacts and therefore is in accordance with Policy PCS7, PCS11, PCS18 and 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 - B1102-AEW-PJ003556-XX-DR-0005 Rev A;  
Block Plan - B1102-AEW-PJ003556-XX-DR-0006-B Rev B;  
Proposed GA Plan - 1102-AEW-PJ003556-00-DR-0003-A and  
Proposed Elevations - B1102-AEW-PJ003556-XX-DR-0004 -A

- 3) The premises shall not open to customers, nor deliveries be despatched to customers, before 1100 hours or after 2300 hours.

- 4) Deliveries (incoming) to the site shall only take place between 0730 hours to 1100 hours.
- 5) The proposed plant/equipment (except for the cold store condenser) shall only operate between 1100 and 2300 hours.
- 6) The air conditioning and cold room as detailed within the submission (as specified in the reports provided by Purified Air and Cole Jarmen) shall be installed within the proposed acoustic enclosures and retained in that condition thereafter.

**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 the occupiers of nearby properties in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) To protect the amenities of the occupiers of nearby properties, and safeguard highway safety, in accordance with Policy PCS23 and PCS17 of the Portsmouth Plan.
- 5) To protect the amenities of the occupiers of nearby properties in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To protect the amenities of the occupiers of nearby properties 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.

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**110 STUBBINGTON AVENUE PORTSMOUTH PO2 0JG****CHANGE OF USE FROM RESIDENTIAL (CLASS C3) TO MIXED RESIDENTIAL (CLASS C3) AND HOUSE IN MULTIPLE OCCUPANCY (CLASS C4).****Application Submitted By:**Thorns Young Ltd  
FAO Mrs Carianne Wells**On behalf of:**

Mr Jay Durai

**RDD:** 24th July 2019**LDD:** 19th September 2019**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination due to a previous application for a similar scheme on the same site being taken to the Planning Committee at your meeting of the 17<sup>th</sup> July, 2019. The Applicant seeks to resolve the Planning Committee's original concerns regarding the substandard bathroom.

The main issues for consideration are:

- The concentration/balance of such uses in the area;
- Impact on neighbouring living conditions;
- Standard of accommodation;
- Highway matters.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**Site and Surroundings

The application site relates to a two storey Victorian mid terrace property situated on the southern side of Stubbington Avenue. The surrounding area is residential and is characterised by properties of a similar size and design.

Proposal

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). The applicant has proposed that each of the four bedrooms would be single occupancy.

The majority of the internal layout would remain unchanged, however, the ground floor living room would be converted into an additional bedroom, the first floor study would be converted into a bathroom (in addition to the existing shower room) and an internal ground floor wall would be removed to create an open plan kitchen/ living area.



## Planning History

19/00712/FUL - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation). This application was brought to the Planning Committee for determination on the 17<sup>th</sup> July, 2019 as there was a petition of objection containing 52 signatures. While the officer's recommendation was for conditional permission, the Planning Committee did not support the application on the grounds of under provision of bathroom facilities. The application was later withdrawn by the applicant before a formal decision was actually issued.

## **POLICY CONTEXT**

The relevant policies 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

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would not require to be licenced under Part 2, Housing Act 2004.

## **REPRESENTATIONS**

5 letters of objection received which raise the following concerns:

- a) Parking
- b) Waste
- c) Noise
- d) Drainage Issues
- e) Loss of family homes

## **COMMENT**

The main issues to be considered in the determination of this application include;

- Local balances of uses (principle of uses);
- Impact on the living conditions of adjoining and nearby residents;
- Standard of accommodation; and
- Highway and parking matters

### 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 (ClassC3). 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 59 properties within a 50 metre radius of the application site, no other 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. Having regard to the above, the application site would bring the percentage of HMOs up to 1.69%, therefore lower than the 10% threshold above which an area is considered to be imbalanced.

One representation received makes reference to there being one HMO on Stubbington Avenue. Should this property transpire to be an HMO, in conjunction with the proposal, it would increase the overall percentage to 3.3% and would not tip the balance beyond the 10% policy threshold.

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 proposed that each of the four bedrooms would be single occupancy.

(HMO SPD-JUL 2018)	Area Provided	Required Standard
Bedroom 1 (upstairs)	20.39m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (upstairs middle)	10.01m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (upstairs back)	13.43m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (downstairs)	15.61m <sup>2</sup>	7.5m <sup>2</sup>
Combined Living Space	32.41sqm	24m <sup>2</sup>
Bathroom	4.09m <sup>2</sup>	3.74m <sup>2</sup>
Shower room	3m <sup>2</sup>	
Additional living space (Conservatory)	3.75sqm	

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 3-6 persons sharing. Having regard to the previous planning application (reference: 19/00712/FUL) and the concerns raised by the Planning Committee

regarding the under provision of bathroom facilities, the conversion of the existing study into an additional bathroom is considered to address this issue.

### 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 proposed internal layout of the property would have a similar layout to the layout of a single family home with three of the four bedrooms on the first floor and the living area on the ground floor. The conversion of the living room into a bedroom is considered unlikely to impact the amenity of the occupiers of the adjoining properties in the form of noise disturbance.

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 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's Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off road spaces for Class C4 HMOs with four or more 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 refusal for 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.

### Nitrates

Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use

of the property from C3 (dwellinghouse) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such it is not considered to represent an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.

#### Other matters raised in representations

Concerns have been raised regarding drainage, it is considered that the use of the property would not have a significantly greater impact on the local drainage system than if the property was occupied by a single family.

#### 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 - Drawing numbers: Location Plan; Site Plan; and Floor Plans PG.4049.19.2 B
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and 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 comply with Section 91 of the Town and Country Planning Act 1990.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and 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.