

PLANNING COMMITTEE

23 MAY 2019

11 AM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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01

19/00160/FUL

WARD:ST JUDE

29 MARMION ROAD SOUTHSEA PO5 2AT

INSTALLATION OF EXTRACTION DUCT TO REAR ELEVATION

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Mr Sam Arabbetou

RDD: 31st January 2019

LDD: 15th April 2019

SUMMARY OF MAIN ISSUES

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

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

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

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

Relevant planning history

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

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

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

POLICY CONTEXT

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

CONSULTATIONS

Environmental Health

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

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

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

REPRESENTATIONS

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

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

COMMENT

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

Design and impact on the Owen's Southsea Conservation Area

Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

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

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

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

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

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

Amenity

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

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

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

Other matters raised in representations

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

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

- Property value

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

- Drawing quality

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

Conclusion

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan (100047474); and, proposed elevations (001 A).
- 3) No cooking processes shall take place until the kitchen extraction system hereby permitted is fully implemented and permanently retained in accordance with the submitted details as per drawing 001 A (elevations), including low pressure centrifugal fans CBM-10/10 4P VR series, Type R4 Attenuator silencer 1000mm in length, roof ventilation hood, VT/4-RED anti-vibration

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

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

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To protect the amenities of occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

45A HIGH STREET PORTSMOUTH PO1 2LU**REPLACEMENT OF ASBESTOS ROOF; REPLACEMENT OF COMMUNAL STAIRS WINDOW AND REPLACEMENT OF BOUNDARY RAILING****Application Submitted By:**

Portsmouth City Council
FAO Mr Harvey Bevan

On behalf of:

Mr James Hill
Portsmouth City Council

RDD: 21st February 2019**LDD:** 3rd May 2019**SUMMARY OF MAIN ISSUES**

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

Site and surroundings

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

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

The site is also located within PSC9 'The Seafront'

Proposal

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

Planning history

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

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

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

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

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

COMMENT

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

Principle of the proposal

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

Design and appearance

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

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

Front elevation - Windows

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

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

Front elevation - Railings

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

Front elevation - Other matters

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

Roof

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

Impact on heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The site lies within 'Old Portsmouth' Conservation Area and opposite to the Grade I Listed 'Cathedral Church of St Thomas of Canterbury'. There are also other designated and non-designated heritage assets in the vicinity of the site, including 60, 61, 62, 69, 70 High Street, 1-19 (odd numbers) Lombard Street and the Dolphin Hotel which are all Grade II listed buildings and 4, 6, 8, 10 Lombard Street which are locally listed buildings

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

RECOMMENDATION

Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Elevations - 003 Rev B; Location Plan - 001 Rev A; Site Plan - 002 Rev A; Proposed Floor Plans - 007 Rev A; Proposed Floor Plans - 008 Rev A and Existing and Proposed Roof Plans - 009 Rev A.

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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

03

19/00215/FUL

WARD:MILTON

35 KINGSLEY ROAD SOUTHSEA PO4 8HJ

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE).

Application Submitted By:

R Spooner

On behalf of:

R Spooner

RDD: 8th February 2019

LDD: 19th April 2019

SUMMARY OF MAIN ISSUES

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

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

Site and proposal

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

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

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

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

Planning history

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

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

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

CONSULTATIONS

Private Sector Housing

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

REPRESENTATIONS

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

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

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in regards to an adequate standard of accommodation and in respect of car and cycle parking.

Principle of the use

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

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended 21 November 2017), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

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

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

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

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

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

Standard of Accommodation

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

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

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

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

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

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

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

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

Highways/Parking

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

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

Waste

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

Conclusion

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Location Plan, Proposed Floorplans.
- 3) The property shall not be occupied as a Class C4 Small HMO by more than three individuals.
- 4) Prior to first occupation of the property as a 3 bedroom house in multiple occupation, details of secure and weatherproof bicycle storage facilities for at least 2 bicycles shall submitted to and approved in writing by the Local Planning Authority. The bicycle storage facilities shall thereafter be retained for the parking of bicycles at all times

The reasons for the conditions are:

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

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

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

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

Pickup Town Planning
FAO Mr Matthew Pickup

On behalf of:

Mr Mark Catlin
Portsmouth Community Football Club Limited

RDD: 28th March 2019

LDD: 24th May 2019

SUMMARY OF MAIN ISSUES

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

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

The site

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

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

Proposal

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

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

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

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

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

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

Relevant planning history

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

POLICY CONTEXT

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

CONSULTATIONS

Contaminated Land Team

No objection, subject to informative concerning possible soil contamination.

Environmental Health

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

Highways Engineer

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

Ecology

No response received.

Sport England

No objection.

REPRESENTATIONS

None received.

COMMENT

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

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

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

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

Local character

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

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

Impact on residential amenity

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

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

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

Employment land

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

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

Conclusion

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Location plan (18.121_A_100 Rev 00); Proposed site plan (18.121_A_101 Rev 00); proposed west elevation (18.121_A_103 Rev 01); and, proposed north elevation (18.121_A_102 Rev 01).

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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