

PLANNING COMMITTEE

19 JUNE 2019

1 PM 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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CONNAUGHT ARMS 119 GUILDFORD ROAD PORTSMOUTH PO1 5EA**CHANGE OF USE FROM CLASS A4 (DRINKING ESTABLISHMENT) TO CLASS A1 (SHOP)
TO INCLUDE EXTERNAL ALTERATIONS TO THE SHOP FRONT AND CONSTRUCTION OF
A SINGLE STOREY REAR EXTENSION****Application Submitted By:**

BBD Architects

FAO Mr Laurence Wright

On behalf of:

Mr Matt Wylie

NM Investments Ltd

RDD: 8th January 2019**LDD:** 4th April 2019**SUMMARY OF MAIN ISSUES**

The main determining issues are:

- * whether the principle of the change of use to Class A1 shop is acceptable;
- * whether the design of the proposed extension and external alterations is acceptable in the context of the recipient building and the wider surrounding area;
- * any likely impact on the surrounding highway network;
- * whether the residential amenity of occupiers of surrounding residential properties would be adversely affected by the proposal.

This application is being presented to the Planning Committee for determination following a call-in by Councillor Ashmore.

Site Description

This application relates to a building, built in 1891, which is located on the corner of Guildford Road opposite the junction with Penhale Road and to the south of the junction with Manchester Road. The building was formerly the Connaught Arms public house but has been vacant for a number of years.

Proposal

The application seeks planning permission for the change of use of the ground floor of the building from a Class A4 use (drinking establishment) to a Class A1 use (shop), including external alterations to the shop front and the construction of a single storey rear extension. The extension would cover the majority of the rear/side existing yard, with a small, open, service area retained accessed directly off Guildford Road, for bin storage. Metal roller shutters would be installed within the building, i.e. behind the shopfront, and so do not require planning permission. Expected employee numbers are not known, and no hours of use are proposed. The application is supported by a Design and Access Statement.

Planning History

The relevant planning history includes:

15/01738/FUL - Construction of single storey rear extension, alterations to front elevations to include new shop-front with roller shutters - Refused on 24.12.2015 for the following reasons:

1. The proposed extension would, by reason of its excessive scale and unsympathetic flat roof design, fail to relate appropriately to the recipient building and has no regard for the unique architectural features of the former public house. The proposal would therefore be contrary to the aims and objectives set out in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.
2. The proposed roller shutters on the new shop front would, by reason of their unrelieved fortress like appearance, amount to an unsympathetic feature that would fail to relate to the unique architectural quality of the former pub. It would also amount to a visually obtrusive feature within the street scene that would be contrary to the aims and objectives as stated in the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

The subsequent appeal was dismissed (dated 13/9/16).

15/02037/FUL - Conversion of first floor flat into 2no. one bed flats with associated amended ground floor access and provision of cycle and refuse store - Conditional permission dated 12.04.2016.

16/00288/FUL - Construction of single-storey rear extension with external alterations to include installation of new door to front elevation (re-submission of 15/01738/FUL) - Refused dated 28.04.2016 for the following reason:

1. The proposed extension would, by reason of its excessive scale and unsympathetic roof design, fail to relate appropriately to the recipient building and has no regard for the unique architectural features of the former public house. The proposal would therefore be contrary to the aims and objectives set out in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

19/00633/FUL - Construction of three bedroom dwelling house and change of use of ground floor from Public House (Class A4) to 2 two bedroom flats (Class C3), to include single storey rear extension - Pending consideration.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS17 (Transport), PCS23 (Design and Conservation),

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

CONSULTATIONS

Environmental Health

Recommend conditions for noise attenuation.

Although the first and second floors were previously used for ancillary residential accommodation I believe that there is no change to the use on these floors other than that it will no longer be tied to the ground floor commercial use. Concerns with regards to the installation of refrigeration equipment within the shop on the ground floor, noise from this type of equipment particularly at 100Hz can flank up walls and floors and impact upon the residential accommodation on the first floor. Recommend the following condition:

1. A scheme of sound insulation measures to reduce the transmission of airborne sound between the proposed commercial use and the first floor residential accommodation, to achieve a minimum standard of Dntw+Ctr 50dB.

With regards to the internal refrigeration in the commercial premise, condensers are usually installed externally to support this equipment. The plans do not show any details of where this equipment will be located and the service area is showing a small court yard with a number of reflective surfaces. To ensure that the noise from this plant does not cause a loss of amenity for nearby residential properties or the residential accommodation above, recommend the following condition;

2. Prior to the installation of any mechanical plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant.

Highways Engineer

No objection.

Guildford Road is a residential street dominated with terraced dwellings along the extent of the road. The demand for residential parking on street frequently exceeds the space available particularly overnight and at weekends. The road is located within a residential speed limit of 20mph, with time limited waiting opportunities to park immediately outside the site.

No traffic assessment has been provided to support this application. However the location and scale of the property within a residential area is unlikely to serve more than local clientele who are likely to access the shop by foot. The existing A4 use primarily generates trips in the evenings and at weekends (except deliveries) in conflict with the peak time for residential parking. Conversely the proposed A1 use is most likely to generate trips during the day, when there is more scope to accommodate these locally. As a consequence 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 spaces for non-residential developments rather 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 and no parking can be provided on site for either staff or customers, therefore any demand associated with the site would have to be accommodated on street or via parking facilities. I am satisfied that sufficient parking opportunities exist nearby for customers of the site and is acceptable and that the nature of the deliveries will be similar to that of its current use.

REPRESENTATIONS

Publicity of the application has generated 27 letters of objection and a petition of 75 signatures also objecting to the proposal. These have been submitted by local residents, Cllr Coles on behalf of a number of residents, and the 'Penhale News' shop which is situated opposite the application site. The objections are based on the following grounds:

Change of use:

- * an additional shop is not wanted or needed; the area is already well served by existing shops within walking distance; an additional shop would not benefit the area;
- * an additional shop would have a detrimental impact on the viability of existing shops, which are part of the local community and family run;

- * the former public house has been closed for several years and residents have got used to a quieter street without unsociable behaviour and loud music; concern that a new shop would change the residential character of the area;
- * the site would be better used for residential purposes (particularly affordable homes); P.C.C should have compulsorily purchased the site; the upper floor flats under construction are welcomed;
- * concern about the type of shop proposed - would not want a takeaway due to cooking odours;
- * same proposal was dismissed at appeal in 2016;
- * permission would set an undesirable precedent for the conversion of more buildings in the area to shops.

Residential Amenity:

- * concern that the extension would be used for fridge/freezers/air conditioning and that the operation of such plant would cause noise, disturbance and fumes adversely affecting the residential amenity of surrounding occupiers;
- * security concern that the flat roof of the proposed extension would allow access to neighbouring gardens;
- * the extension would cause loss of light and overlook neighbouring gardens;
- * concern that shop bins may attract vermin;
- * shop likely to increase litter in area;
- * concern about late night opening; new shop could attract disruptive behaviour, crime, noise and disturbance particularly during unsociable hours; already a troubled area;
- * concern that any external roller shutters could be noisy when being operated.

Highway Matters:

- * parking is at a premium in this area (there is a residents parking scheme), parking needed for staff, customers and deliveries;
- * indiscriminate parking could hinder emergency vehicle access;
- * concern for highway safety as site is on the corner of a relatively busy crossroads for vehicles, cyclists and pedestrians (infant school nearby), extra lorry traffic for deliveries;
- * proposal will exacerbate congestion in area.

Other:

- * frustration at the number of applications submitted for the site;
- * de-valuation of nearby property values;
- * heard that there is another proposal for a 2 storey house on the site;
- * lack of health and safety being adhered to on site.

COMMENT

The main determining issues are:

- * whether the principle of the change of use to Class A1 shop is acceptable;
- * whether the design of the proposed extension and external alterations is acceptable in the context of the recipient building and the wider surrounding area;
- * any likely impact on the surrounding highway network;
- * whether the residential amenity of occupiers of surrounding residential properties would be adversely affected by the proposal.

Principle of Class A1 use

In 2017, permitted development rights with respect to changes of use from Class A4 to Class A1 were removed and therefore such a change of use now requires planning permission. This is the first application at this site that seeks permission to change the use to a shop - when the

Planning Inspector considered the appeal against the refusal of planning application 15/01738/FUL (for the construction of a single storey rear extension and alterations to the front elevations to include new shop-front with roller shutters), the change of use from Class A4 (drinking establishment) to Class A1 (shop) was permitted development.

The site is not in a designated local centre. Policy PCS18 of the Portsmouth Plan states that *'Proposals for town centre uses in out-of-centre locations will have to follow national policy regarding town centre uses, including the sequential test. Proposals for town centre uses of less than 280m² net floorspace will be exempt from this.'* The net additional floorspace created by the proposed extension would be 72m², creating an overall ground floor of 225m² i.e. exempt from the need for a sequential test.

Paragraph 91 of the National Planning Policy Framework makes reference to the need to aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 92 seeks to ensure that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities (including public houses). It is noted however that the Connaught Arms public house has not been in use for a number of years and that there are a range of public and private buildings in the area that could be used for community uses and therefore the loss of the public house use is not considered of significant harm to the local community so as to justify refusal of the application.

Therefore, there is no site specific land use policy that discourages the principle of a Class A1 use of this property.

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.

Proposed Extension

It is noted that the building the subject of this application is neither a heritage asset nor in a conservation area. However, the elevations of the building do contain some degree of architectural articulation and features. Indeed, the Planning Inspector considering the earlier refusal (15/01738/FUL) wrote that *'while the building may indeed not be designated, my impression of it is that whilst it may lack some of the material refinements and facade embellishments of some of its contemporaries in other parts of the city, it is nonetheless an interesting building in its own right. More significantly, like the other corner pubs in Portsmouth, its location and form marks it out as a feature in the extensive, grid-iron like network of streets for housing. In this respect, it contributes much to the distinctive urban landscape of the area.'*

The principle of a single storey rear extension, with a very similar footprint to that considered by this application albeit with a flat roof, was accepted by the Planning Inspector in 2016. The Inspector stated that *'In respect of the extension proposed to the rear, I appreciate the concern of the Council for new-build volumes not to work against the balance of the building, which has a relatively compact footprint and vertical mass. However, the extension would occupy the rear yard and would be set behind the street wall along the back edge of the footway on Guildford Road. In regard to the main part of the building, the extension would not derogate proportionally, and it would be distinguishable as a back of house element. While it would extend to the back*

boundary of the site and have a flat roof marginally higher than the street wall, the breathing space provided by its set-back from the street wall would reduce its conspicuity. Its roof form would be distinct from the character of pitched roofs in the original building; given its displacement from the building, its yard location at street level behind a street wall, this appears to me a reasonable design approach. Because of these factors, I do not consider that the rear extension would harm the scale and balance of the building or its architectural integrity. There would be no conflict with Policy PCS23 of Portsmouth's Core Strategy 2012 which seeks, amongst other things, development that respects the character of the city and protects its historic townscape and cultural heritage and is of appropriate scale. In respect of the proposed rear extension, I conclude there would be no harm to the character and appearance of the host building.'

The Council's refusal of a proposed single storey rear extension of much smaller footprint but incorporating a pitched roof in April 2016 occurred prior to the Inspector's decision in September of the same year regarding an extension of a larger footprint.

The footprint of the proposed extension is similar to that accepted by the Planning Inspector in 2016 but the proposal now incorporates a pitched, plain clay tiled roof surrounding a flat roof which would cover the majority of the extension. The observations of the Inspector that the earlier flat roof design was considered a reasonable design approach does not discount that other roofing solutions may also be appropriate. It is considered that whilst the pitched roof would be more readily visible above the existing boundary treatment, it would not be unduly prominent and that subject to the use of quality external materials it is a solution that would not harm the character and appearance of the building and as such is capable of support.

The Inspector's concerns with the earlier application however lay with the proposed external roller shutters which do not form part of the current application.

Proposed External Alterations

In terms of physical works, in addition to the proposed extension, the application also seeks permission for various external alterations to the elevations of this corner property that fronts both Guildford Road and Penhale Road. The alterations involve fenestration changes predominantly to drop each existing ground floor window down to the top of the black-painted brick plinth and continuing the chamfered painted brickwork down the extended length of each window to a point eight brick courses below the existing cill banding. The new window frames would be constructed of powder coated aluminium with safety glazing. They would be set back with the same reveal depth as the existing windows, thereby retained some shadow and corresponding architectural quality. The main entrance into the shop would be located within the existing recessed entrance on Guildford Road elevation. A number of window openings would be blocked up and a new single door would be created in the Guildford Road elevation. Overall the proposed external alterations are considered to appropriately reference and acknowledge the vertically proportioned openings within the building and retain features such as decorative lintels and chamfered reveals thereby retaining the character of the building.

Impact on surrounding highway network

It is noted that the roads surrounding the application site are residential in nature, dominated with terraced dwellings typical of the city and that the demand for residential parking on street frequently exceeds the space available particularly overnight and at weekends. The road is located within a residential speed limit of 20mph, with time limited waiting opportunities to park immediately outside the site.

The Highway Authority advise that the location and scale of the property within a residential area is unlikely to serve more than local clientele who are likely to access the shop by foot. Whilst the Connaught Arms public house is currently not in use, the site still benefits from a Class A4 drinking establishment use which would primarily generate trips in the evenings and at

weekends (except deliveries) in conflict with the peak time for residential parking. Conversely the proposed Class A1 use is most likely to generate trips during the day, when there is more scope to accommodate these locally. As a consequence the variation in trip rate is not likely to have a material impact upon the local highway network.

No on-site parking provision has been identified on the plans and therefore any demand associated with the site would have to be accommodated on street. Given its location within a densely populated residential area, where a high level of customers would be anticipated to walk to the premises, it is considered that there are sufficient parking opportunities nearby for customers of the site who choose to drive. The nature of the deliveries would be similar to that of its current use.

Residential Amenity

Given the modest height of the proposed extension and the nature of the external alterations and the intervening distance between surrounding residential properties, it is not considered that the proposed physical works would result in any significant adverse impact on neighbouring occupiers in terms of available light, outlook, sense of space or privacy.

The change of use from a public house to a Class A1 shop is not considered likely to generate increased levels of noise, disturbance, activity or litter within the area over and above that which could be experienced by a public house use of the site.

Comments on additional matters raised by representations

The application is not within an identified centre and the size of the application site is below the threshold for any sequential testing and therefore the issue of potential retail competition is one for market resolution, and not via the planning system.

Whilst many objectors have voiced their preference for alternative uses of the site, the local planning authority must consider the merits of the application as submitted.

The applicant states that the occupier would be a 'national convenience store chain'. I note that a planning consent for Use Class A1 would allow for any retail operator - the occupier would have to operate within the remit of that use class. One objection concern relates to a takeaway use, but that use (Class A5) would not be granted by this proposal.

The application dismissed at appeal in 2016 related to a rear extension and external roller shutters; the change of use to a shop did not form part of the application.

Each site is considered on its own merits and therefore a precedent would not necessarily be set by granting permission for this application.

Plant and equipment has not been identified within the submission. The Environmental Health Service have recommended conditions to deal appropriately with noise generated by the operation of such equipment.

The concerns of residents regarding the potential for unsolicited access to their rear gardens via the flat roof of the proposed extension is acknowledged however this is not considered to be of any greater likelihood than the existing scenario of boundary walls and rear yard.

External roller shutters do not form part of this planning application.

De-valuation of property and matters of health and safety are not considerations within the planning remit.

Conclusion

For the reasons set out above, the proposal is considered capable of support.

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 and Block Plan 1504/E/01 A, Proposed Elevations, Floor and Roof Plan 1504/P/10 H and Proposed Window Details 1504/P/11.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) Prior to the commencement of development, a scheme of sound insulation measures designed to reduce the transmission of airborne sound between the proposed commercial use and the first floor residential accommodation shall be submitted to the planning authority. These measures shall ensure that the airborne sound insulation can achieve a minimum standard of Dntw+Ctr 50dB. The measures approved in writing shall be implemented as approved and retained as such thereafter.
- 5) Prior to the installation of any mechanical plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local planning authority for approval. Appropriate measures, agreed in writing by the local planning authority, shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant, prior to first use of the retail shop, and retained as approved thereafter.
- 6) The proposed external alterations hereby permitted to the windows within the Guildford Road and Penhale Road frontages shall be carried out in strict adherence to those details shown on approved drawing 1504/P/11.
- 7) The Class A1 premises shall be closed to and vacated of all customers between 21:00 hours to 07:00 hours daily.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PSC23 of the Portsmouth Plan.
- 4) In the interests of the residential amenity of occupiers of the upper floors of this building in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interests of the residential amenity of occupiers of nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan.

6) In the interests of the maintaining the character of the building and the visual amenities of the wider surrounding area in accordance with policy PCS23 of the Portsmouth Plan.

7) In the interest of 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.
