

PLANNING COMMITTEE

9 OCTOBER 2019

1 PM EXECUTIVE MEETING ROOM,
3RD 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 11th 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 HISTORYSite 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.

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 HISTORYSite 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 62,000m² 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.

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 17th 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 HISTORYSite 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 17th 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 (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 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 ²	7.5m ²
Bedroom 2 (upstairs middle)	10.01m ²	7.5m ²
Bedroom 3 (upstairs back)	13.43m ²	7.5m ²
Bedroom 4 (downstairs)	15.61m ²	7.5m ²
Combined Living Space	32.41sqm	24m ²
Bathroom	4.09m ²	3.74m ²
Shower room	3m ²	
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.