

184A NORTHERN PARADE & 1 PHOENIX SQUARE PORTSMOUTH PO2 9LU

CHANGE OF USE AND CONVERSION FROM GROUND FLOOR RETAIL (CLASS E) AND FIRST FLOOR FLAT TO 2 STOREY DWELLING HOUSE (CLASS C3) WITH ACCESSIBLE ENTRANCE FROM PHOENIX SQUARE AND ASSOCIATED WORKS TO INCLUDE ALTERATIONS TO BOUNDARY AND ACCESS, REPLACEMENT WINDOWS AND DOORS, LANDSCAPING AND PARKING AND REFUSE AREA; INSTALLATION OF SOLAR PANELS TO FRONT ROOF SLOPE (RESUBMISSION OF 21/01469/CS3)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RHF72LMOLQ900](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rhf72lmolq900)

Application Submitted By:

Mr Michael Wood
Portsmouth City Council

On behalf of:

Mr James Hill
Portsmouth City Council

RDD: 31st August 2022

LDD: 26th October 2022

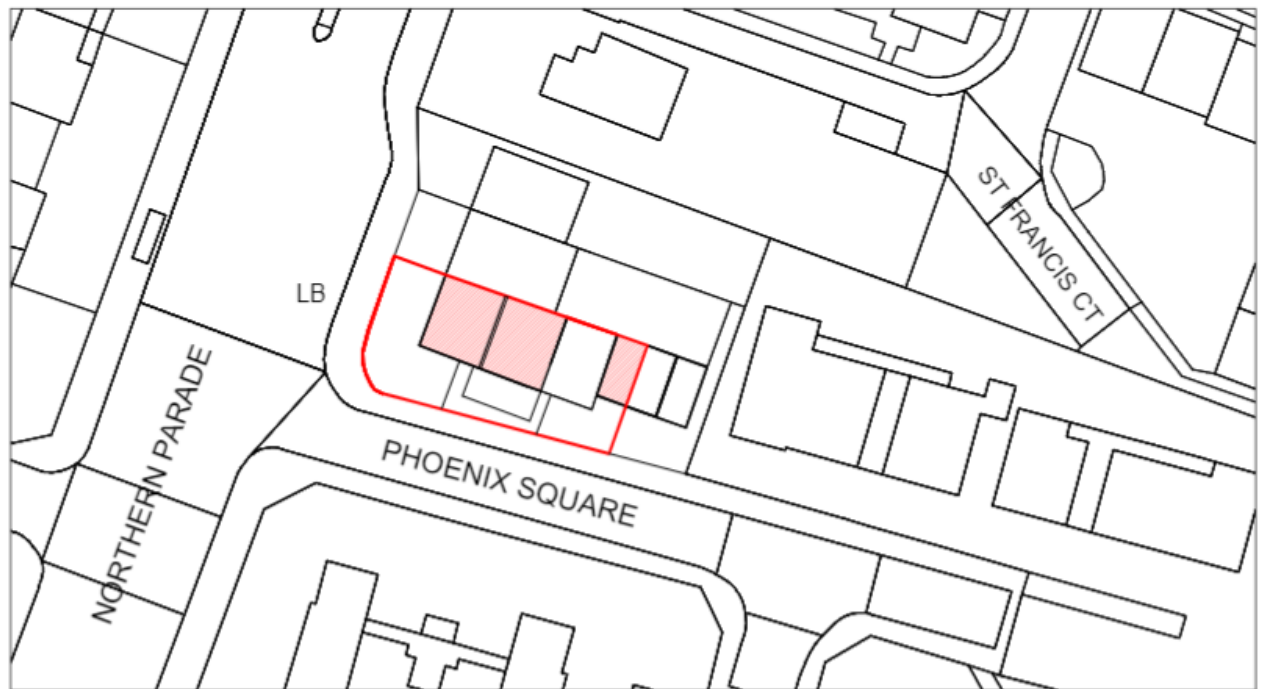
SUMMARY OF MAIN ISSUES

1. The application is being presented to the Planning Committee because the City Council is the landowner and applicant.
 - The main determining issues for the scheme are as follows:
 - Principle of development;
 - Impact on the character and appearance of the area;
 - Size standards;
 - Impact on residential amenity;
 - Impact on highways safety;
 - Impact on ecology, including the Solent Special Protection Areas;
 - Contaminated land

Site and Surroundings

2. The application relates to an existing building and garage. The building is comprised of a former convenience store at ground level with a 2 bedroom flat above, with brick walls and a tiled roof. The site appears disused and in a poor state of repair.
3. The area is predominantly residential with associated amenities such as shops and a church in the immediate vicinity and is also served by bus stops.

4.



Proposal

5. Planning permission is sought for the conversion of the whole site into a three-bedroom dwellinghouse with associated parking, landscaping and external alteration including an accessibility ramp on the Phoenix Square elevation.
6. The proposal would include landscaping and boundary treatment around the site to separate it from the highway, the demolition of a small outbuilding/extension to provide a rear yard and two off-road parking spaces as well as use of the rear garage.
7. The external alterations to the building can be summarised as the installation of a front door and canopy on the south elevation, the installation of ground floor windows and alterations to the fenestration on the west (front) and the installation of French doors and windows on the ground and first floor on the east (rear). The external stair to the flat would be removed. New areas of brickwork would match the existing. The existing outbuilding to the rear is to be demolished and replaced with a brick boundary wall to provide a rear garden and a low brick wall would separate associated landscaping from the highway.
8. The internal layout of the proposal comprises of 3 bedrooms, 12.7 to 12.86 sqm, on the first floor with in-built storage and a bathroom. The ground floor contains a living room, a separate kitchen and a WC with a hand wash basin.

Planning history -

9. **21/01469/CS3** - Change of use of ground floor from retail (Class E) to 1no. 1 bedroom flat (Class C3) with associated works to include alterations to boundary and access, replacement windows and doors, parking and landscaping to existing building.
10. This application was withdrawn by the applicant immediately after submission.

POLICY CONTEXT

PCS23 Design and Conservation, **PCS18** Local Shops and Services, **PCS19** Housing Mix, size and the provision of affordable homes, **PCS17** Transport.

11. The National Planning Policy Framework (NPPF.)

CONSULTATIONS

Highways:

12. No objection subject to maximum height of wall adjoining the parking area not exceeding 600mm.
13. The Parking SPD requirement for a 3-bedroom dwelling is 1.5 vehicle space and 2 cycle spaces. The application proposes to retain the existing garage to accommodate cycle parking and provide 2 parking spaces within the existing forecourt currently used by the retail unit.
14. Due to the property boundaries, there is limited depth between the building and the edge of the footway to allow a vehicle to park perpendicular to the highway without overhanging the footway. Whilst it is recognised this parking arrangement is sub-standard it is no worse than the existing parking arrangement and should benefit from reduced movement following the change of use from retail to residential.

Contaminated Land:

15. Recommend pre-commencement and pre-occupation conditions, which are detailed later in this report.

Natural England:

16. No objection subject to mitigation secured through legal agreement.

REPRESENTATIONS

17. 1 representation which can be summarised as:
18. Unfair that the garage is to be used with the development when I have been on the waiting list for a garage for a long time
19. The gap on the pavement left between the new boundary treatment and the existing donation bins will be too narrow, which would be made worse by any hedge planted.

COMMENT

Principle of Development

20. The provision of a family-sized dwelling instead of a first floor flat-in a residential area with good transport links is supported. The proposal would bring back into use a disused building and improve the streetscene. Therefore, the proposal is considered to be supportable in principle. The Applicant states the accommodation would be for Affordable Rent via the Council, although this is not a policy requirement
21. The loss of the shop could not be resisted as Northern Parade is not a Local Centre as per PCS18 of the Portsmouth Plan. There is a much larger Co-op store around 60 metres North of the site.

Design

22. The proposal is considered to represent good design that is in keeping with the character of the area. The external alterations including fenestration and detailing are considered to enhance the building aesthetically and the introduction of new boundary treatments illustrates separation from the public and private realms. This represents good design and it is considered that the proposal is visually supportable.

Size and Internal Layout

23. The required minimum Gross Internal Area (GIA) for a 3 bedroom 6 person dwelling, as set out in the Nationally Described Space Standards, is 102msq. The proposal provides a GIA of around 104msq and therefore meets the size requirements. Furthermore, the provision of an upstairs bathroom and downstairs WC, as well as built in storage presents a good standard of accommodation.
24. The layout of the proposal is also considered to be acceptable and a rear garden is provided for outside amenity space.
25. Waste bins are to be stored in the rear garden which has access to the highway. This is considered to be an acceptable solution.

Transport

26. The proposal results in 3 off road parking spaces (including the garage) and cycle parking within the garage, which is well above the 1.5 parking spaces required in the Parking SPD. While the 3 off street spaces are slightly undersized, they are already in use and have been for some time and therefore there is not considered to be a material impact on parking or highways safety.

Nitrates and Bird Aware

27. As the development does not result in the net increase in dwellings, there is not considered to be a further impact on Nitrates/Phosphates in the Solent. Mitigation for recreational impact on the Special Protection Area (SPA) is to be secured through a s111 agreement but has not been completed at the time of writing this report. Therefore, if members are minded to support the scheme, they should grant delegated authority to the Assistant Director of Planning and Economic Growth to grant planning permission upon the completion of the relevant legal agreement.

Other Matters

28. The conversion of the open shop forecourt to enclosed front garden would provide a relatively narrow gap between the new front boundary wall and the two donation bins on the pavement (clothes/shoes, and books/music). The applicant has liaised with the relevant Officers across the Council and has secured the relocation of the donation bins, which will be undertaken prior to the commencement of the development.
29. The provision of solar panels is welcomed.

Human Rights and the Public Sector Equality Duty ("PSED")

30. The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights

and must be balanced against competing interests as permitted by law. This report seeks such a balance.

31. Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

Community Infrastructure Levy (CIL)

32. The proposal would result in the creation of 1 new dwelling totalling 99.06sqm of GIA floorspace according to the CIL Form 1. The likely CIL chargeable amount will be £15,485.34. The CIL Form 1 submitted confirms that the last in use date for the site is 31/1/2020 therefore, as it stands, existing building discount cannot be applied as the site will not have not been in continuous lawful use for 6 months in the 3 years prior to any approval date. If Social Housing Relief is going to be applied for, the applicant/agent should submit a fully completed CIL Form 2 and CIL Form 10 and ensure that any relief is granted prior to any commencement of development.

RECOMMENDATION

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the following:

- i. Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

CONDITIONS

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 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: NP.PL001, NP.PL002 REV A,

Reason: To ensure the development is implemented in accordance with the permission granted.

Contaminated Land

- 3) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
Confirmation of the screening of locations that were not previously accessible, including the shed and garage areas, and unless asbestos is known not to be present, the R&D survey should be completed.
Confirmation that asbestos designated for removal has been removed, and the records of disposal retained.
An updated risk assessment in the conceptual model of the submitted desk study to mention post-war prefabricated housing referred to in our condition memos.
A Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and future site users on completion of the development. It shall include the nomination of a competent person to oversee the implementation of the method statement and include detail on how these measures will be recorded during the works (to include, but not be limited to a daily diary produced by the nominated competent person overseeing the works, and waste consignment notes for disposal of soils excavated from site). It will also detail the results of the asbestos survey undertaken in the areas of the property that were not previously accessible (the shed and garage areas).
- (ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, documentation to evidence implementation of the method statement as agreed in line with condition (i)b above. The verification submission should include: the removal of asbestos records and records of disposal, methodologies used in the resurrection of the front garden, a daily diary of the nominated competent person overseeing the works and waste consignment notes for excavated soils etc.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2006 .

Landscaping

- 4) The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To improve the appearance of the site in the interests of visual amenity in accordance with policy PCS23 of the Portsmouth City Local Plan 2012.