

D25 H & E CAR SPARES (BREAKERS YARD) ALCHORNE PLACE PORTSMOUTH

CHANGE OF USE FROM CAR BREAKERS YARD (SUI GENERIS) TO WASTE VEHICLE STORAGE (CLASS B8) INCORPORATING ADJOINING PROPERTIES INTO A SINGLE PLANNING UNIT (FOLLOWING DEMOLITION OF EXISTING BOUNDARY WALLS AND OUTBUILDINGS); INSTALLATION OF SECURITY FENCES TO WEST AND EAST BOUNDARIES

Application Submitted By:

Mr M R Harvey MRICS

On behalf of:

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Portsmouth City Council

RDD: 2nd June 2023

LDD: 31st July 2023

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVMEL4MO0MP00>

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination due to Portsmouth City Council being the applicant. Therefore, as the Council have an interest in the application, it is not possible to determine it under delegated authority.

1.2 The main issues for consideration are:

- Principle and Design
- Highways/Parking implications
- Compliance with Employment Land Policy

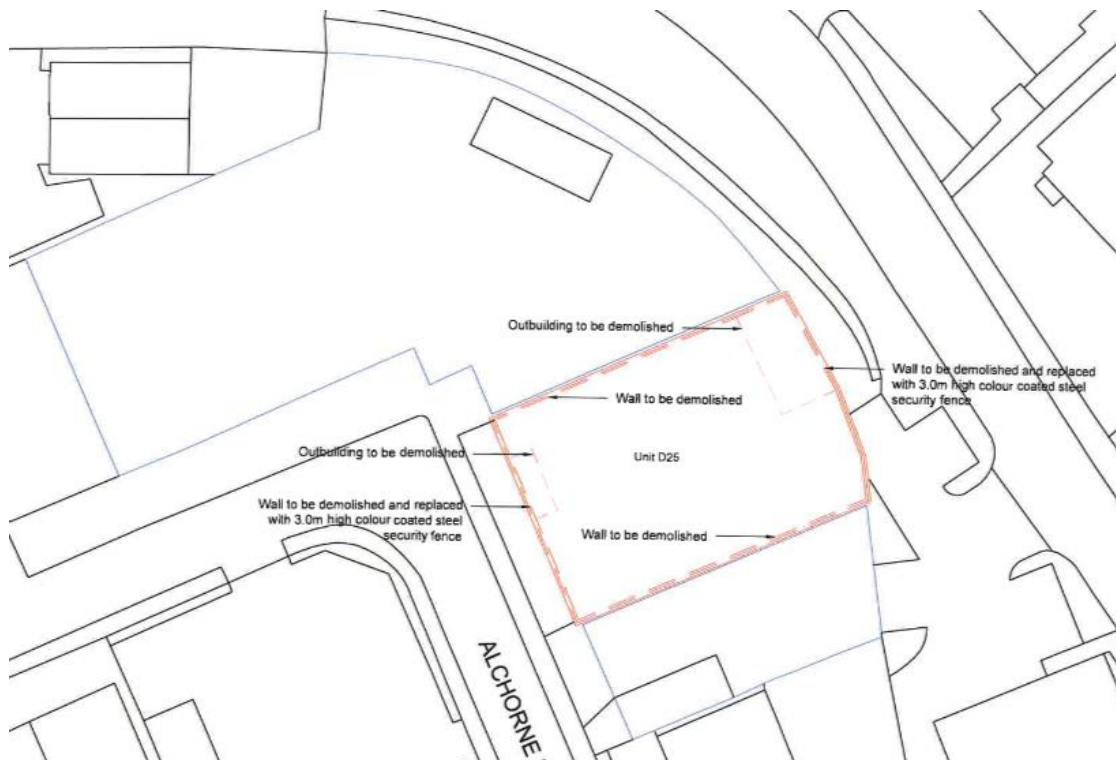
2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**2.1 Site and Surroundings**

2.2 The application site comprises a car breakers yard with access on the western boundary onto Alchorne Place. The car park shares a boundary with industrial yards to the north and south, which also fall within the applicants' ownership (PCC). These two neighbouring yards have existing Class B8 use (Storage or Distribution, used for the storage of waste collection vehicles when not in use, wheelie bins and other associated vehicles and objects), and so if the proposed change of use of the application site is achieved, the three sites would operate as one, consolidated site. The two neighbouring sites are 2144sqm (northern site) and 435sqm southern site). The application site is 846sqm.

2.3 Proposal

2.4 The principal aspect of this application is the change of use from a car breakers yard, which is an intensive industrial use, to a storage yard for the city waste collection vehicles. This would include demolition works to boundary walls to the north and south of the site to incorporate and include the two neighbouring sites into one planning unit, as well as the demolition of an outbuilding and the replacement of existing west and east walls with steel screen fences (3.0m in height, colour-coated green), as shown below.

Seven waste collection vehicles would be stored overnight, while daytime use would be for ten cars, ten bicycles, and 3 motorbikes for employees whilst they use the waste collection vehicles (with two employees remaining at the site). There will also be storage for collection of batteries and small electrical equipment. The hours of operation are listed as 0800 - 1800 every day.



2.5 Existing brick walls in and around the site are to be demolished to enable the new boundary treatments to be installed and remain secure. The site does not fall within a conservation area and has no heritage designations and as such the demolition of existing walls does not require planning permission (it is Permitted Development). Consent is sought for the demolition of the two small buildings.

2.6 Planning History

2.7 The sites' most relevant planning history is listed below:

- USE OF LAND AS A CAR BREAKERS YARD & FOR RECOVERY OF SPARE PARTS (Approved, 1978 - A*30852)
- ERECTION OF 2 STOREY STORAGE BUILDING (Approved, 1985 - A*30852/D)
- USE OF LAND AS CAR BREAKERS FOR RECOVERY OF SPARE PARTS & AN CILLARY USES(EXTENSION TO EXISTING ACTIVITIES ON ADJOINING) (Approved, 1982 - A*30852/C)

2.8 NB: There is a condition attached to the latter application (A*30852/C) which states that no open storage must take place in the area hatched green on the approved site plan. The plan has been copied in black and white and as such the area referred to is unclear. However, it would appear that the area in question is the small parcel of land in front of the site (between the front boundary and the highway) that is currently used for car parking/storage and does not fall within the red line boundary of the application. As such, this condition is unlikely to be relevant to the current application as it falls outside the red-edged application site. If the green hatched area is not this parcel of land, any other part of the site is considered appropriate for open storage due to the industrial setting of the area.

3.0 POLICY CONTEXT

3.1 The Local Planning Authority concurs with the applicant in that the key policy relating to the proposed use, as well as the aims and objectives of the NPPF is **PCS11** (Employment Land) which, in summary, looks to ensure that land uses are retained for uses that provide employment (generally industrial uses and those that serve them). As operational development is taking place, **PCS23** (Design and Conservation) should be considered.

4.0 CONSULTATIONS

4.1 The Highways Officer has no objection to the application.

4.2 Public Protection: no objection, however, no physical plans or details have been provided with regard to how the demolition of existing boundary walls and outbuildings will be managed and what impact this may have upon neighbouring businesses. Furthermore, no information or plans have been provided as to how the adjoining properties will be incorporated into a single unit and what activities will take place within said unit.

4.3 Contaminated Land do not require a condition but recommend an informative.

5.0 REPRESENTATIONS

5.1 No representations received.

6.0 COMMENT

6.1 The main issues for consideration are:

- Principle and Design
- Highways

6.2 Principle of the development

6.3 The site falls within PCS11 Employment Land and is surrounded by industrial uses. As such, it is considered to be an appropriate location for outdoor storage (for industrial/utilitarian vehicles) and the proposal is considered acceptable in principle. The operation of the development would not be expected to affect the operations of any adjoining businesses.

6.4 Design

6.5 Very little operational development is proposed apart from the new boundary treatment. The screen fences proposed are considered acceptable and in keeping with the character of the area in terms of their scale and appearance. The specifications of the proposed fences show a powder coated metal and polyethylene.

6.6 Highways and Parking Implications

6.7 There are no concerns with regards to highways implications.

6.8 Environmental Health

- 6.9 Public Protection (EH) have noted no physical plans or details have been provided with regard to how the demolition of existing boundary walls and outbuildings will be managed and what impact this may have upon neighbouring businesses. Given their small-scale, and the presence of other environment regulations that should control such matters, I see no reason to pursue the matter of building demolition further via this planning application.
- 6.10 Other Matters
- 6.11 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.
- 6.12 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.
- 6.13 the proposed hours of operation are 0800 - 1800 every day. Given the industrial location, there is no need to control these hours by condition.

Conclusion

The application is considered to comply with relevant policy and is acceptable without the need for restrictive conditions. As such, it is recommended that permission be granted with standard conditions.

RECOMMENDATION Conditional Permission

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.

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: CLD Dulok ScreenFence Specifications, Block Plan Proposed 3183 2 A, OS Extract 3183 1 A

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

Informative: *Any services left exposed following demolition of the outbuildings should be sealed to prevent contaminant runoff. Site works should not cause drainage into the foul water system. In the event that any signs of pollution¹ are encountered at any time, the Local Planning Authority (LPA) and Approved Inspector must be informed and agreement reached with both on the way forward. If the LPA considers it necessary, assessment will follow BS10175:2011+A2:2017 and any risk mitigation required agreed with the LPA. 1 signs of pollution could include odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soil water.*