

# PLANNING COMMITTEE

## 1 OCTOBER 2014

5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> FLOOR, GUILDHALL

### REPORT BY THE CITY DEVELOPMENT MANAGER 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 City Development Manager's report 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*, *Article 6- Right to a fair hearing* 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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**STORE R/O 85-87 CASTLE ROAD SOUTHSEA****CONVERSION TO FORM SINGLE DWELLING****Application Submitted By:**

Bizzy Blue Design Ltd

**On behalf of:**

Mr Mike Baker

**RDD:** 6th May 2014**LDD:** 21st October 2014**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in heritage terms and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in flood risk terms and whether it complies with policy requirements in respect of housing standards, parking and SPA mitigation.

**The Site**

The application site comprises a substantial part three, part two-storey building located to the rear of numbers 85-87 Castle Road (the recently closed Sabre Sales military surplus store). The building has been historically used for the storage and display of goods associated with the shop fronting Castle Road and is in the process of being taken into separate ownership. The site comprises a locally listed building and is located within the Castle Road Conservation Area, the Castle Road Local Centre and Flood Zone 3. The site also lies adjacent to the Grade II Listed Portsmouth High School for Girls and to the north of a terrace of Grade II Listed Buildings (3-13 Kent Road).

**Proposal**

Planning permission is sought for the conversion of the building to form a single dwelling together with associated alterations to facilitate the proposed use. Pedestrian access would be via an existing passage way from Castle Road and vehicular access from the parking court to the rear of numbers 89-91 Castle Road (the two recently constructed townhouses adjacent to the former Wheelbarrow PH).

**Planning History**

None of the planning history of the site is considered relevant to the determination of this application.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation).

The NPPF and the Parking Standards, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

## **CONSULTATIONS**

### **Environment Agency**

Raise no objection and recommend proposed flood resilience measures be incorporated into development

### **Coastal and Drainage**

No response received

### **Coastal Partnership**

No response received

## **REPRESENTATIONS**

Objections have been received from the occupiers of five neighbouring properties on the northern side of Kent Road on the following grounds:

- a) overlooking and loss of privacy from roof terrace;
- b) proposed screen incongruous and out of keeping;
- c) adverse impact on residential amenities of occupiers of neighbouring properties;
- d) increased noise and disturbance;
- e) diminish character and appearance of Conservation Area and setting of adjacent Listed Buildings;
- f) potential loss of a tree;
- g) possible impact on bat colony resident in and around the neighbouring school; and
- h) lack of direct neighbour notification.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in heritage terms and whether it would have an appropriate relationship with neighbouring properties. Other issues to consider relate to whether the proposal is acceptable in flood risk terms and whether it complies with policy requirements in respect of housing standards, parking and SPA mitigation.

### Principle of Development

The application site is located within the Castle Road Local Centre. Policy PCS18 seeks to ensure that Local Centres continue to fulfil their role to provide for the local top-up shopping needs of nearby residents with residential uses being discouraged at ground floor level. The application site comprises a store located to the rear of the recently vacated shop fronting Castle Road being excluded from the application site and being in different ownership. As the proposal would not affect the continued operation of a retail use of the shop, it is considered that it would not conflict with the aims and objectives of Policy PCS18. The principle of the use of the site for residential purposes is therefore considered acceptable.

### Heritage & Design Considerations

The application site is located within the Castle Road Conservation Area, is adjacent to the Grade II Listed Portsmouth High School for Girls and to the north of a terrace of Grade II Listed Buildings (3-13 Kent Road). Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area Guidelines relating to the Castle Road Conservation Area note that the southernmost section of Castle Road is narrow and retains retail uses with old shopfronts. The eastern side of the southern end of Castle Road include a mixture of two and three storey shops many with original or matching shopfronts. Specific mentions is made of no. 83 "Castle News" with its white ceramic tiles and an interesting bay with semi-circular ends and decorative iron pilasters at first floor level, and the early 20th century nos. 85 and 87 with original shopfronts and shallow curved bays above. The application site is located to the rear of these latter properties. The Guidelines to not include any specific guidance relating to the conversion of buildings.

The site which was built and used for many years as a bakery, comprises a substantial two-storey building located behind numbers 85 and 87 and is accessed via a passage alongside number 83. The building has in recent years been used as a store for the specialist retailer which has recently vacated the frontage building. The proposed conversion would involve some external alterations and substantial internal alterations to facilitate its use as a dwelling. The most apparent of the alterations would be at roof level where an existing flat roof would be lowered to form a roof terrace above the southern part of the building.

The alterations to the building would include a mix of traditional and contemporary elements which would reflect the older nature of the much of the built development in the areas but also the modern townhouses and bungalow that have been recently built on the former beer garden of the old Wheelbarrow PH. The proposed use of the building as a single dwellinghouse, and the associated alterations are considered to be such that they would preserve the character and appearance of the Castle Road Conservation Area.

The alterations proposed to the building would not be readily discernable from the Listed School and as such is considered the proposal would have no significant effect on the setting of this Listed Building. To the south of the site are a terrace of Listed houses fronting Kent Road. The proposed alterations to the building would be read in the context of the recent development of two four-storey townhouses and a bungalow which lies between the application site and the Listed terrace. Having regard to the contemporary context of the intervening development and the appropriateness of the limited alterations to the south elevation, it is considered that the proposal would preserve the setting of the Listed terrace.

#### Impact on Amenity

The building to which this application relates is single aspect with all of its windows facing back towards the buildings fronting Castle Road. The internal layout of the proposed conversion has been designed to use existing windows and where possible to position habitable room windows opposite non-habitable room windows of the flats above 85 and 87 Castle Road in order to minimise the scope for a overlooking and loss of privacy to both existing and future occupiers. One of main alterations to the building would be to the southern elevation where three windows are proposed at first floor level over the courtyard and parking area serving numbers 89-93 Castle Road. In recognition of the potential overlooking of the rears of properties in Kent Road the submitted drawings show these windows to be obscure glazed. The other alteration to the building would be the creation of the roof terrace and the access thereto. The alterations to form the access to the roof terrace would be of a size and scale that would not have any significant impact on the amenities of the occupiers of neighbouring properties. The submitted drawings indicate the roof terrace being screened by an opaque glass panel which would extend to a height of 1.8 metres above floor level. Subject to the approval of the height, appearance and materials of the screen, which can be secured though the imposition of a suitably worded planning condition, it is considered that the proposal would not give rise to any significant degree of overlooking although it is accepted that there may be a perception of overlooking by the occupiers of neighbouring properties. Overall it is considered that the proposal would not result in any demonstrable harm to the residential amenities of the occupiers of neighbouring properties which would justify the refusal of this application.

The proposed dwelling would be of a size that would exceed the minimum floor space standards set out in Policy PCS19. As discussed above external facing habitable room windows have where possible been arranged to not face existing habitable room windows in the adjacent building and those that would be shown to be obscure glazed. Other rooms would face an internal courtyard to gain light and outlook. This arrangement does result in one bedroom being served by windows which would all be obscure glazed as such have a poor outlook. Such an arrangement is considered less than ideal in terms of the quality of accommodation being provided for future occupiers. However the building is of a substantial size and is severely constrained by its relationship with adjacent properties. The relationship with neighbouring residential properties is such that in order to protect the amenities of the occupiers these windows should be obscured. On balance it is considered that a low intensity residential use as proposed is the most appropriate use of the building and that in this instance the less than ideal layout can be accepted on the basis that it would be a practical design solution to the constraints of the building and represent an efficient use of the site.

#### Other Matters

##### Flooding

The application site is located in Flood Zone 3 and as such the application is accompanied by a detailed Flood Risk Assessment. Furthermore the layout of the building has been arranged to enable only non-habitable accommodation to be provided to the ground floor. Subject to the conversion being carried out in accordance with the recommendations set out in the FRA it is considered that the proposal would not give rise to significant risk to life or property from flooding.

##### Parking

The recently adopted Parking Standards SPD requires a three bed house to be provided with 1.5 parking spaces. The constraints of the site are such that only one space (within an integral garage) can be provided. There would therefore be a shortfall of one parking space. Having regard to the need to find an appropriate future use for the building and the physical constraints of the site it is considered that a refusal on parking grounds would not be warranted.

##### SPA Mitigation

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £172. This has been acknowledged by the applicant, who has provided the necessary mitigation. It is therefore considered that the proposal would not give rise to a significant effect on the SPAs.

It is considered that the proposal, by reason of its scale and nature, would not be likely to have any significant effect on wildlife living in the vicinity of the site. The consultation carried out in respect of the application exceeded that required to be undertaken.

## **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:  
\*\*\*\* \* .
- 3) No development shall commence on site until details (including samples where appropriate) of the types and colours of the materials to be used for all external alterations (including all fenestration) hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.
- 4) The windows labelled on the drawings hereby permitted as being fitted with opaque glass shall, prior to the first occupation of the dwelling, be glazed with glass obscured to at least level 3 on the Pilkington scale (or any other equivalent standard that may be agreed in writing with the Local Planning Authority). The windows shall thereafter be retained in that condition thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the flood resilience measures set out in the submitted Flood Risk Assessment (prepared by the town planning experts) or any other alternative measures as may be agreed in writing by the Local Planning Authority have been carried out.
- 6) Prior to the first occupation of the dwelling hereby permitted, the garage shall be made provided and thereafter retained for the parking of a car and the storage of cycles.

### **The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the proposal preserves the character and appearance of the Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To prevent overlooking in the interest of protecting the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that the development is not at risk from flooding over the life of the development.
- 6) To ensure that appropriate provision is made for the parking of cars and for cyclists using the premises 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.

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**21 ALLENS ROAD SOUTHSEA****CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Danny Moore

RDD: 27th May 2014

LDD: 8th August 2014

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

## The site and its surroundings

This application relates to a two-storey mid-terraced dwelling located on the northern side of Allens Road, between its junctions with Waverley and Welch Roads. The property is set back from the highway by a small forecourt and comprises two reception rooms, a bedroom, kitchen, and toilet to the ground floor level, with three bedrooms, bathroom, toilet and shower room at first floor level with a further bedroom located within the roofspace.

## The proposal

This application seeks planning permission for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is as a dwellinghouse within Class C3.

## Planning History

There is no relevant planning history for this site.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and the Houses in Multiple Occupation (HMOs) Supplementary Planning Document (adopted in October 2012) are also material to the consideration of this application.



## **CONSULTATIONS**

**None.**

## **REPRESENTATIONS**

Objections have been received from 8 neighbouring properties and from Ward Councillors Hall, Stubbs and Winnington on the following grounds: proposal would exceed threshold for HMOs in road; exacerbation of parking problems; unknown nature of future occupiers; impact on community; area suffers anti-social behaviour; need for more family homes; loft conversion illegal; and no site notice displayed. The representations also includes the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD.

## **COMMENT**

This application was deferred by the Planning Committee at its meeting on 6th August to allow for further examination of the concentration of houses in multiple occupation within this area. Since the deferral no further HMOs have been identified. Accordingly the main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3).

### **Principle of HMO Use**

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 Supplementary Planning Document (HMO SPD) 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.

In identifying the area surrounding the application property, it has been established through investigations that four of the 71 residential properties within a 50 metre radius were in use as HMOs. The granting of permission would increase the proportion of HMOs to 7% of the residential properties in the area around the site. The proportion of uses would fall below the 10% threshold set out in the SPD and as such it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

Representations have referred to the level of HMO's in surrounding streets and have identified other alleged HMOs. Of the HMOs referred to by objectors, many fall outside of the 50 metres radius and as such their existence should not be given significant weight in the determination of this application. Of the five properties identified which are located within the 50 metre radius, four (1, 9, 11 and 16 Allens Road) are known or suspected to be HMOs and are those referred to in the preceding paragraph. This leaves one property (8 Gains Road) which has been occupied as separate flats for over 20 years and therefore is in planning terms not a HMO.

## Impact on Amenity

A number of the representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the property as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

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. Having regard to the low number of HMOs in the area, it is considered that the impact of one additional HMO would not give rise to significant harm to amenity.

## Car Parking

There is no off street parking provision at this property and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse and that the property is located within a short walk of local transport links, shops and services, it is considered that the proposal would not result in any significant additional demand for parking or affect highway safety.

## Other Matters

No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property.

The storage for refuse and recyclable materials would remain unchanged. Given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that the proposal would not result in significant waste management issues.

The consultation and advertising of this application was carried out in accordance with the requirements of the relevant legislation and the Council's normal practice. Issues associated with whether the loft conversion benefits from an approval under the Building Regulations would not be material to the determination of this application. The representations also include the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD. Such a deferral would be inappropriate as the failure to determine this application in a prompt manner would give rise to a right of appeal that if exercised would result in the application being determined by the Planning Inspectorate rather than by the Council.

## **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: Site Location and Floor Plans.
- 3) Prior to the first occupation of the property as a Class C4 House in Multiple Occupation (or such other alternative timescale as may be agreed in writing with the Local Planning Authority), secure and weatherproof cycle storage facilities shall be provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained for use by the occupants of the property.

### The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that provision is made for cyclists to promote the use of sustainable modes of transport 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.

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**03** 14/00918/ADV

**WARD:DRAYTON & FARLINGTON**

**107 HAVANT ROAD PORTSMOUTH**

**DISPLAY OF 2.44M HIGH HOARDING ADVERTS TO BOUNDARY OF SITE AND DISPLAY OF 2 NON-ILLUMINATED 5.8M HIGH POLE MOUNTED STACK BOARD SIGNS FRONTING HAVANT ROAD (RE-SUBMISSION OF 14/00473/ADV)**

### Application Submitted By:

The Planning Bureau Limited

### On behalf of:

McCarthy And Stone Retirement Lifestyles Ltd

**RDD:** 24th July 2014

**LDD:** 10th October 2014

This application has been referred to the Planning Committee by Councillors Wemyss and Ellcome

## **SUMMARY OF MAIN ISSUES**

The main issue is the effect of the hoardings and advertisements, in respect of size and location, on the appearance of the locality and the streetscene of Havant Road and Carmarthen Avenue in particular.

The site and surroundings

This application relates to a plot of land located on the north side of Havant Road adjacent to its junction with Carmarthen Avenue and is occupied by a 1930's style detached house. To the rear of the plot are single-storey outbuildings. The site has a frontage of approximately 36.5m to Havant Road and approximately 62.4m to Carmarthen Avenue. The site has a vehicular access/egress onto Havant Road at its south-east corner and onto Carmarthen Avenue at its north-west corner. As part of making the site secure the applicant has installed temporary hoardings adjacent to the existing boundary wall. Those hoardings comprise green painted panels within a black painted framework to which information panels have been recently attached.

Proposal

The applicant seeks consent for the installation of 2.44m high hoardings to the Carmarthen Avenue and Havant Road frontages incorporating advertising material and conjoined advertising panels with a height of approximately 3.4m attached to supporting posts facing Havant Road. The proposed advertising hoardings would be placed against the existing boundary walls and comprise a series of plain green panels with three 4.88m wide panels carrying images and six 2.44m wide panels carrying white letters and site information to the Carmarthen Avenue frontage.

A similar approach would be adopted for the Havant Road frontage which would comprise two 4.88m wide panels carrying images and seven 2.44m wide panels carrying white letters and site information. The remainder of the frontage would comprise five 2.44m wide plain green panels.

The conjoined panels would each measure 2.1m wide and are shown elevated to appear above the proposed advertising hoardings fronting Havant Road.

Relevant planning history

A previous application for advertising hoardings to the Carmarthen and Havant Road frontages was withdrawn prior in June 2014 prior to determination. That application did, however, propose a significantly higher proportion of advertising material.

Planning permission was granted on appeal on 2 April 2014 for the redevelopment of the site to provide 27 later living apartments with associated car parking facilities.

## **POLICY CONTEXT**

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

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

Under the section requiring good design, paragraph 67 of the National Planning Policy Framework relates to advertisements, noting that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

At the time of preparing this report 7 representations have been received from local residents objecting to the application on the following grounds:-

- a) the period of time that the hoardings are to be in place is excessive,
- b) the extent of advertising on the proposed hoardings is excessive, an eyesore and out of character with the area [particularly along Carmarthen Avenue],
- c) in the interests of vegetation on the site the hoardings should only be in place from one month prior to the start of building works and removed one month following practical completion,
- d) the submitted drawings show panels stepped down whereas the existing hoardings are not,
- e) the applicant has shown no consideration for local residents,
- f) it is bad enough having to live with a totally inappropriate building without having to be confronted by huge adverts
- g) contempt for the planning process should not be allowed,
- h) it is nothing more than macho corporate marking of territory
- l) the Planning Department should clamp down on these cowboy builders/developers as residents are powerless to stop them.

## **COMMENT**

The National Planning Policy Framework states that 'control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

By default advertising consent is granted for a period of five years, after which advertising would benefit from deemed consent, unless a reduced period could be justified. In this case the proposed advertising forms part of site hoardings which will serve to secure the site during building operations. In these circumstances, should the form and style of advertising be considered acceptable, it is considered that a condition requiring the removal of the advertising hoardings no later than three years from the date of the consent or completion of the development, whichever is the sooner, would be appropriate given the predominantly residential character of the area.

Amenity

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Carmarthen Avenue is a tree-lined residential side road with wide soft verges contributing to the perception of openness. Prior to the installation of the temporary hoardings on the footpath the Carmarthen Avenue boundary to the application site comprised timber fence panels between posts on a low painted concrete wall. The wall and panels step up the Carmarthen Avenue frontage to accommodate the slope in ground level. Soft vegetation projects upwards behind the boundary wall/fencing and hoarding panels which contributes to the verdant character of the area.

Of the eight 4.8m wide panels, three would comprise images, and half of the 2.4m wide panels would carry lettering. Having regard to the role of the hoardings to provide site security in addition to the inclusion of promotional advertising it is considered that the proportion of advertising to the Carmarthen Avenue frontage would be reasonable for a residential redevelopment site.

The Havant Road frontage would incorporate two 4.8m image panels and seven 2.4m wide information panels in addition to the elevated conjoined panels. Comprising a wide main road that carries traffic across the northern part of the city, it traverses residential and retail frontages. Although this particular site falls within a primarily residential frontage, immediately to the east lies a car showroom with its own advertising.

It is considered that the form and proportion of advertising displayed as part of the hoardings would draw attention to the site without amounting to visually obtrusive features. The elevated conjoined panels would be located towards the eastern end of the site frontage. Having regard to the adjoining car showroom it is considered that the south-eastern corner of the site would be less sensitive than the corner adjacent to Carmarthen Avenue, and the proposed location of the elevated conjoined panels would be considered appropriate in these particular circumstances.

It is therefore concluded that the proposed advertising to be incorporated as part of the site hoardings would be considered acceptable in amenity terms.

#### Public safety

All advertisements are intended to attract attention but advertisements that are illuminated or carry moving images at points where drivers need to take more care are more likely to affect public safety.

In this case the advertising panels to Carmarthen Avenue and Havant Road would not be considered to prove a distraction to drivers or other users of the highway. Furthermore, given the height and form of the existing boundary treatment, the advertising panels and hoardings would not affect sight lines. It is therefore considered that the advertising panels and hoardings would not adversely affect public safety.

## **RECOMMENDATION                      Conditional Consent**

### **Condition**

1) The advertising hoardings hereby approved shall be removed and the existing site boundary treatment made good by no later than the expiry of a period of three years from the date of this consent or the completion of the development whichever the sooner.

### **The reason for the condition is:**

1) In the interests of the visual amenity of the area in accordance with the objectives of the National Planning Policy Framework and 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.

**93 HAVANT ROAD DRAYTON PORTSMOUTH****DISPLAY OF 3 NON-ILLUMINATED 2.4M HIGH HOARDINGS, 4 NON-ILLUMINATED FLAG POLES AND 1 NON-ILLUMINATED MONOLITH STACKBOARD****Application Submitted By:**

Planning Issues Ltd

**On behalf of:**

Churchill Retirement Living

**RDD:** 21st August 2014**LDD:** 23rd October 2014

This application has been referred to the Planning Committee by Councillors Wemyss and Ellcome.

**SUMMARY OF MAIN ISSUES**

The main issue is the effect of the hoardings and advertisements, in respect of size and location, on the appearance of the locality and the street scene of Havant Road and East Cosham Road in particular.

## The site and surroundings

Located on the north side of Havant Road with a return frontage to East Cosham Road this site comprises the former Mulberry Children's Nursery together with the former curtilages of No.20 East Cosham Road and No.12 East Cosham Road. The site has a frontage to Havant Road of approximately 37m and extends approximately 105m northwards along East Cosham Road.

To the west of the site lies East Cosham House, which comprises a Grade II Listed Building occupied as a care home, and a row of six detached houses set within modest plots. To the north of the application site the east side of East Cosham Road is fronted by detached properties of varying styles set within long plots while the west side of the road is primarily characterised by semi-detached houses built in the 1930's. Havant Road to the east of the site comprises detached properties set back from the highway, while opposite the site lies Court Lane which separates Atkinson Court from houses fronting East Court.

## Proposal

The applicant seeks consent for the installation of advertising hoardings to the Havant Road frontage which comprises 2.4m high panels facing the splay adjacent to East Cosham Road and two sections of hoardings fronting Havant Road either side of access gates. A 1.845m wide by 4m high stackboard would be attached to posts adjacent to the site access to an overall height of 5m, and three 7.4m high flagpoles are placed adjacent to the Havant Road frontage and one 7.4m flagpole adjacent to the East Cosham Road frontage approximately 6m north of the corner with Havant Road. As originally submitted consent was sought for an additional stackboard adjacent to East Cosham Road and four further flagpoles. However, those elements have been deleted from the application.

## Relevant planning history

Planning permission was granted on appeal on 2 April 2014 for the redevelopment of the site to provide 51 sheltered apartments and a managers flat with associated car parking facilities.

## **POLICY CONTEXT**

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

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

Under the section requiring good design, paragraph 67 of the National Planning Policy Framework relates to advertisements, noting that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In relation to designated heritage assets the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

At the time of preparing this report 2 representations have been received from local residents on the grounds that;

- a) the advertising is ugly and excessive,
- b) contempt for planning process should not be allowed,
- c) the period of time that the advertisements are to be displayed is excessive,
- d) the display is out-of-character with the area and impairs visual amenity.

## **COMMENT**

The National Planning Policy Framework states that 'control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. In this case the application site lies opposite a Grade II Listed building and relevant factors would encompass the provisions of s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 which places a duty on the Council to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

By default advertising consent is granted for a period of five years, after which advertising would benefit from deemed consent, unless a reduced period could be justified. In this case the proposed advertising forms part of site hoardings which will serve to secure the site during building operations. In these circumstances, should the form and style of advertising be considered acceptable, it is considered that a condition requiring the removal of the advertising hoardings no later than three years from the date of the consent or completion of the development, whichever is the sooner, would be appropriate given the residential character of the area.



## Amenity

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The impact on the designated heritage asset is addressed below.

Comprising a main road that carries traffic across the northern part of the city, Havant Road traverses residential and retail frontages. This section of Havant Road, however, is characterised by its residential frontage and lack of advertising. East Cosham Road is a comparatively narrow road with buildings on its western side set closer to the frontage. In this context the applicant has limited advertising to its southern end immediately adjacent to its junction with Havant Road. It is considered that such an arrangement would minimise its impact on the appearance of East Cosham Road.

The Havant Road frontage would for the most part comprise advertising hoardings displaying lettering. Two picture images are displayed on part of the hoardings between the site entrance and East Cosham Road. A stackboard, with an overall height of 5m would be displayed adjacent to the site entrance along with one of four flagpoles.

Having regard to the width of Havant Road and angles from which the advertising hoardings, stackboard and flagpoles are viewed it is considered that the form of advertising would amount to features appropriate to a residential redevelopment site within a residential area. In these circumstances the scale, form and appearance of the advertising would be considered acceptable in amenity terms.

## Heritage asset

Listed in 1953, East Cosham House is a late C18 house of two-storeys altered C20 and noted for its stone paved veranda across the ground floor with arched wood trellis supported by timber columns. The building is, however, screened by existing vegetation including several trees protected by TPO No.8. The East Cosham Road frontage opposite East Cosham House largely comprises plain red/brown painted panels set behind a future widened footpath. Advertising is limited to a 10m section immediately adjacent to the Havant Road corner and comprises a list in white letters of features to be provided as part of the development. One flagpole is located at the northern end of the panel. The Havant Road frontage with two image panels and similar information panels would have sufficient separation to minimise any impact.

It is considered that the form, scale and temporary nature of the advertising in closest proximity to the listed building would be such that it would preserve the setting of the listed building in terms of its historical and architectural importance.

## Public safety

All advertisements are intended to attract attention but advertisements that are illuminated or carry moving images at points where drivers need to take more care are more likely to affect public safety.

In this case the advertising panels to Havant Road would not be considered to prove a distraction to drivers or other users of the highway. Furthermore, the advertising panels and hoardings would not affect sight lines. It is therefore considered that the advertising panels and hoardings would not adversely affect public safety.

## **RECOMMENDATION**

## **Conditional Consent**

## Condition

1) The advertising hoardings hereby approved shall be removed by no later than the expiry of a period of three years from the date of this consent or the completion of the development whichever the sooner.

### The reason for the condition is:

1) In the interests of the visual amenity of the area in accordance with the objectives of the National Planning Policy Framework and 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.

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**05** 14/00963/FUL

**WARD:FRATTON**

### CAR PARK CORNWALL ROAD PORTSMOUTH

### CHANGE OF USE OF EXISTING CAR PARK TO CAR SALES (SUI GENERIS) TO INCLUDE INSTALLATION OF A PORTABLE CABIN OFFICE

#### Application Submitted By:

Mr Nasi Ali

**RDD:** 30th July 2014

**LDD:** 8th October 2014

This application has been brought to the Planning Committee at the request of Fratton Ward Member Councillor David Fuller.

### SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the use is acceptable in the location proposed, whether the development would be acceptable in design terms, whether it would have a significant adverse impact on the residential amenity of adjoining occupiers and whether it would be acceptable in highways terms.

#### The Site and surroundings

The application relates to a vacant Portsmouth City Council owned car park located to the corner of Cornwall Road and Nancy Road. The site is enclosed on its south and west frontages by weld mesh fencing, its north and east elevations by residential dwellings and benefits from a single access onto Nancy Road. Parking at the site was previously restricted by the City Council's Corporate Assets department to Victory Business Centre and Nancy Road South Light Commercial permit holders only. The surrounding area has a mixed character comprising residential uses to the north, south and east, a further car park to the north and a range of commercial and light industrial uses associated with the Fratton Road District Centre, the boundary of which terminates on the opposite side of Nancy/Claremont Road.

The proposal

Permission is sought for the change of use of the existing car park to car sales (sui generis) and the siting of a portable cabin office.

Relevant planning history

Conditional outline permission was granted in April 2000 for the construction of five 2-storey houses with associated parking facilities.

Conditional temporary permission was granted in 1996 for the continued use of the land for the siting of a temporary office building and storage shed.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport) and PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **Highways Engineer**

The necessary steps have already been taken to relocate the commercial vehicles previously using this car park into the adjacent underused Nancy Road car park immediately to the north. The use of the car park for car sales is unlikely to have a significant impact on the adjoining highway network.

More information was required in respect of on-site staff and customer parking provision which has subsequently been provided by the applicant.

### **Environmental Health**

No objection is raised to the principle of the change of use. However, it is suggested that conditions are imposed to control ancillary activities such as car repairs and vehicle washing/valeting due to the proximity to residential properties.

## **REPRESENTATIONS**

Three letters of representation have been received from Fratton Ward Members Councillor Julie Swan, Councillor Eleanor Scott and Councillor David Fuller. Their objections can be summarised as follows: (a) Existing parking problems within the area; (b) Lack of customer parking for local businesses including Venture Tower and Victory Business Centre; (c) Lack of staff and customer parking associated with the proposed use; (d) The site should be used for residential parking; and (e) the portable cabin/site office is not in keeping with the prevailing residential character of the surrounding area.

## **COMMENT**

The determining issues in this application are:

1. Principle of the proposed development;
2. Design;
3. Impact on residential amenity;
4. Highways/Parking Implications;

Principle of the proposed development

The site is not subject to any site specific policy restrictions and is located just outside of the Fratton Road District Centre. On the basis that car sales (a sui generis use) would not constitute

a 'town centre use' and having regard to the previous use of the site as a car park, it is considered that the principle of the proposed use would be acceptable in this location.

## Design

As submitted, the applicant proposed the siting of a shipping container to the north-east corner of the site to form a site office. However, following negotiations with the applicant, amended drawings showing an alternative secure portable cabin office set in approximately 14 metres from the western boundary have been provided. The amended cabin would be finished in timber cladding to improve its visual appearance whilst maintaining the security benefits of a shipping container. No other alterations are proposed by this application.

As highlighted above, the surrounding area has a mixed character with residential properties to the north, south and east of the application site. However, the western side of Nancy Road comprises a number of service yards and entrances associated with commercial uses fronting Fratton Road. The western side of Claremont Road, just to the south of the application site, includes a number of light industrial uses including vehicle repairs, type fitting, vehicle washing and ancillary uses associated with commercial units on Fratton Road.

Having regard to the lawful use of the site as a car park, it is considered that the display of vehicles for sale would not appear significantly different within the street scene to vehicles parked within a car park. Therefore, the only significant change in appearance would result from the siting of the portable cabin office.

Whilst the siting of a storage container on an open site within close proximity to residential dwellings would not normally be considered an appropriate design solution on a permanent basis, with the inclusion of timber clad finish and its placement away from the site boundary, it is considered that the structure would have an acceptable appearance and would not appear particularly prominent or incongruous within the street scene. In addition, and having regard to its modest height, it is considered that much of the structure would be obscured by vehicles displayed for sale at the site. It should be noted that timber cladding solutions have been accepted elsewhere in the city where small scale secure accommodation is required, including sites within conservation areas.

The display of any advertisements at the site is likely to require the submission of a separate application for advertisement consent.

## Impact on residential amenity

The site is bounded to the north and east by domestic properties with further residential uses on the opposite site of Cornwall Road. However, having regard to the lawful use of the site as a car park that could be operated continuously throughout the day, it is considered that the day to day operation of the site for the display and sale of vehicles is unlikely to result in any additional noise and disturbance. It could be suggested that, as many of the vehicles would remain static until they are sold, the proposal could result in fewer vehicle movements to and from the site when compared to a car park used to its full potential.

Whilst not detailed within the application, it is acknowledged that many car sales sites offer ancillary services such as vehicle repairs, car washing and valeting which could have a significant impact on the occupiers of the adjoining properties. Therefore, in the absence of any details to demonstrate that any ancillary uses would not result in an increase in noise and disturbance, it is considered necessary and reasonable to impose a condition restricting the use of the site for the display and sale of vehicles only.

## Highways/Parking Implications

The car park previously provided 31 car parking spaces associated with Victory Business Centre and Nancy Road South Light Commercial permit holders. However, the City Council's Corporate Assets Team have highlighted that the car park was under used and its continued operation and maintenance in its current format was no longer a viable option. It has been confirmed that existing permit holders have already been transferred to the adjoining Nancy Road car park immediately to the north of application site.

The proposal has been considered by the City Council's Highways Engineer who has confirmed that, having regard to the sites existing lawful use as a car park, the proposal is unlikely to have a significant impact on the adjoining highway network. However, in order to limit any potential impact on existing on-street parking provision, the engineer has suggested that adequate parking is provided on site for staff and customers. In response, the applicant has provided an amended drawing showing the provision of five parking spaces for staff and customers adjacent to the main entrance on the Nancy Road frontage. It is considered that the proposed level of parking provision is acceptable having regard to the scale of the site and the number of staff and customers likely to be associated with the use. The retention of these spaces can be controlled through the imposition of a suitably worded planning condition.

Whilst concerns in respect of the potential impact on residential parking and businesses within the District Centre are noted, on the basis that the car park was restricted to permit holders only, it is unlikely that the proposal would affect footfall during the day time or residents parking during the evenings and weekends.

Other legislation beyond the planning system is available to control illegal parking within the area.

## **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 Proposed Elevations dated 09.09.2014.
- 3) The portable cabin office hereby permitted shall be finished in accordance with the approved drawings (Proposed Elevations dated 09.09.2014) within three calendar months of its delivery to the site and thereafter retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 4) The five parking spaces shown on the approved site plan and highlighted in red shall be used for no purpose other than the provision of parking for staff and customer at all times unless otherwise agreed in writing with the Local Planning Authority.
- 5) The use hereby permitted shall be for the sale or display for sale of motor vehicles only and no other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.
- 6) The site shall remain closed and vacated by members of the public outside of the hours of 9.00 am and 5.30 pm Monday to Saturday (excluding any Bank Holidays), and 10.00 am and 4.00 pm on Sundays and any recognised Bank or public holidays.

**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 PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate on-site provision is made for the parking of vehicles in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Residential Parking Standards SPD.
- 5) To enable the Local Planning Authority to control the precise nature of the use in the interests of protecting the amenities of the occupiers of nearby residential properties and visual impact on the street scene in accordance with policy PCS23 of the Portsmouth Plan.
- 6) In the interests of residential amenity having regard to the sites location in close proximity to residential properties 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.

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City Development Manager  
22<sup>nd</sup> September 2014