

24/00065/FUL

WARD: ST JUDE

60 ELM GROVE SOUTHSEA PO5 1JG

**THE CONTINUED SITING OF SHIPPING CONTAINER FOR USE AS STORAGE WITH RETENTION OF WOODEN ROOF AND EXTRACTION SYSTEM AND CONSTRUCTION OF 2M FENCE AT THE REAR OF THE PROPERTY (PART RETROSPECTIVE)**

**LINK TO ONLINE DOCUMENTS;**

**[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=S7EW PVMOFOL00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=s7ewpvmofo00)**

**Application Submitted By:**

Mrs Francelita Balbido on behalf of Town Planning Expert

**On behalf of:**

Ms Ewa Dyktynska on behalf of The Sourdough Bakehouse Eatery Ltd

**RDD:** 15<sup>th</sup> February 2024

**LDD:** 11<sup>th</sup> April 2024

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to Planning Committee due to 6 objections received.

1.2 The main issues for consideration in the determination of the application are considered to be as follows:

- The principle of development;
- Design and Impact on the character and appearance of the conservation area;
- Impact on residential amenity;
- Highway Implications;
- Waste

**2.0 SITE AND SURROUNDINGS**

2.1 The application relates to the rear alleyway access of a parade of shops, located on Elm Grove, in Southsea Portsmouth. Properties No.44 - 62 (evens) benefit from this rear access, which links Pelham Road to Woodpath. Elm Grove is a busy high street, whilst Woodpath and Pelham Road are relatively quiet residential streets.

2.2 The application site is 'The Sourdough Bakehouse' , a "traditional English kitchen and coffee shop". The site is in Class E use, which is the predominant use of the shops on the relevant parade on Elm Grove.

2.3 The rear alleyway access services a number of commercial units, and some residential units. The application site is directly opposite 4 Woodpath, which is a residential dwelling, with garden access from the service road to the rear of the commercial units.

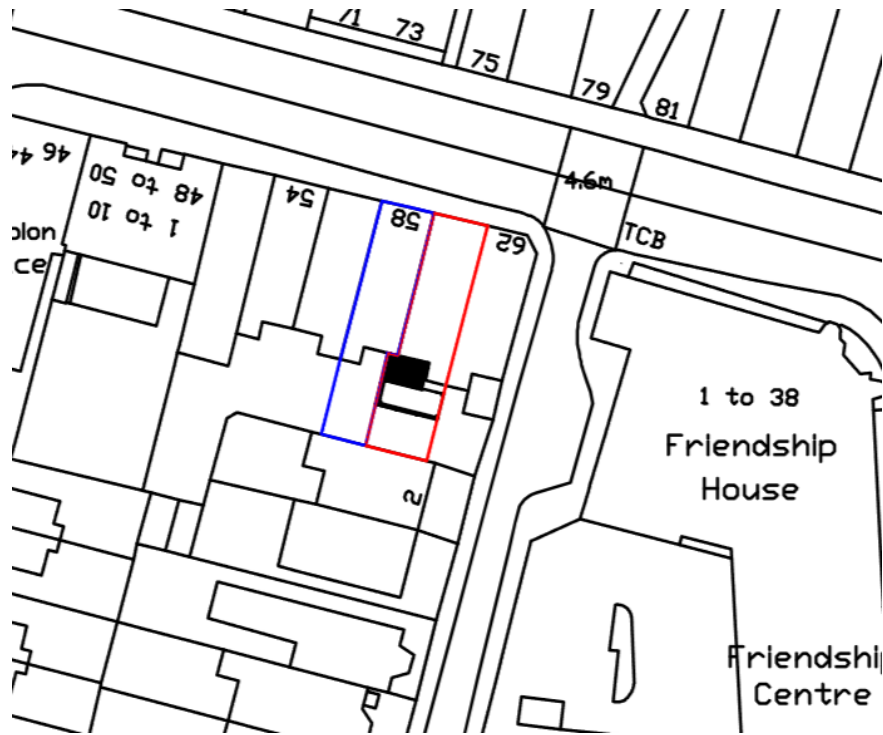


Figure 1 - Site Location Plan

### 3.0 THE PROPOSAL

- 3.1 Planning Permission is sought for the retention of a shipping container, the retention of a wooden roof structure, the retention of an extraction system, and the construction of a 2m panelled fence at the rear of the unit.
- 3.2 The proposed fence is 2m in height and adjoins the approved (but not yet built) fence at 62 Elm Grove. It would be constructed from wood.
- 3.3 The shipping container would have a wooden roof attached, in order to prevent water damage during rain.
- 3.4 Lights are proposed 'at the back' although it is unclear where these are/would be sited. At site visit, no evidence of these existing was found (although this was carried out in daylight).

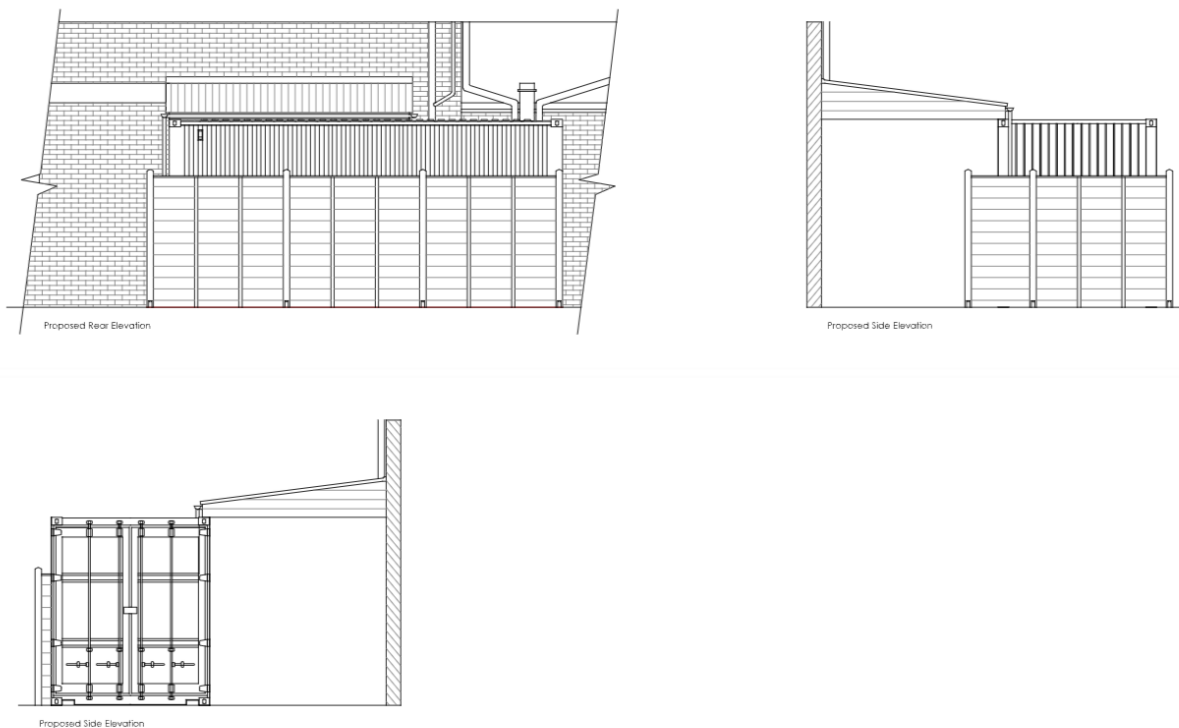


Figure 2 - proposed elevations

#### 4.0 PLANNING HISTORY

- 4.1 23/01320/FUL, a similar application at 62 Elm Grove (the units eastern neighbour), was approved on 14 February 2024 under delegated powers. That application received over 50 supporting comments. The application sought to regularise the siting of the shipping container. It was judged that the fence, in conjunction with the shipping container was a suitable mitigation for the storage of waste and extra space for business. Whilst this application has no weight in the determination of this application, both sites have broadly the same key issues (storage of waste, visual amenity).

#### 5.0 POLICY CONTEXT

##### Portsmouth Plan (2012)

- 5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS23 (Design and Conservation)

##### Other Guidance

- 5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Framework (revised 2023)

#### 6.0 CONSULTEE RESPONSES

- 6.1 Highways Engineer - no response received.

- 6.2 Waste Management Service - no response received

6.3 Regulatory Services - no response received

## 7.0 REPRESENTATIONS

7.1 6 objections received from nearby residents raising the following concerns:

- Reduced width of access road
- Increase in vermin/birds
- Proposals carried out without permission
- Poor visual quality
- Impact on residents mental health

## 8.0 COMMENT

8.1 The main determining issues for this application relate to the following:

- The principle of development;
- Design and impact on the character and appearance of the surrounding area
- Impact on neighbouring residential amenity;
- Highways
- Parking
- Waste;

### The principle of development.

8.2 The application seeks the retention of a shipping container sited on the rear access of 60 Elm Grove. The shipping container, which would measure 2m by 6m, and would protrude from the top of the fence by approximately 0.9m would be noticeable from Woodpath. This is mitigated by the construction of the fence, which would remove most views of the containers from Woodpath and Pelham Road - except for the very top of the containers. The fence is considered to be an acceptable mitigation for the continued siting of these containers, and provides a better visual context to the rear service areas of the commercial units than the existing.

8.3 The rear access to these units has been established as a storage area for waste and other materials for some time (Google Street view provides evidence of the storage of bins since at least 2009) and it has been established that the business would continue to use the container for storage of stock, which would facilitate the efficient running of the business. The benefit to the businesses from the continued siting of these containers is a material consideration in favour of the application, considering that Elm Grove itself is a defined District Centre in the Portsmouth Local Plan, and proposals for restaurants, drinking establishments and hot food takeaways will be supported provided that there is no unacceptable adverse impact on the amenity of residents. The siting of the containers is not considered to adversely impact the private amenity space of any of the occupiers of properties on Woodpath, and thus the impacts on private amenity are considered to be minor.

8.4 It is noted that a number of residents have objected to the proposals on the grounds of amenity, stating chiefly that the width of the access road is reduced, and that the containers are attracting vermin. Whilst the width of the access road is in theory reduced if cars block the carriageway, it is a private road (unadopted by the council) and that it must be assumed that cars will not park in such an antisocial way as to totally impede access through Woodpath to Pelham Road and vice versa. In relation to increased vermin, the location is already an existing area for storing waste, and it is not expected that the proposals would cause a demonstrable increase in the number of vermin.

However if an increase in vermin is experienced, the council has a pest control team to deal with that issue.

- 8.5 The proposed retention of the extraction system is not objected to. No objections have been raised on any noise complaints from the commercial unit.
- 8.6 Overall, considering the above, the proposals should be recommended for approval subject to conditions.

#### Community Infrastructure Levy (CIL)

- 8.7 The development would not be CIL liable as there would not be an increase in total GIA.

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

- 8.8 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.
- 8.9 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.

### **9.0 CONCLUSION**

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed development is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission

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

### **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 otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - SHIPPING CONTAINER 02 PRO ELVES; SHIPPINGCON04.

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

Materials to be submitted

- 3) Prior to commencement, the materials to be used in the construction of the fence shall be submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure that the development accords with Policy PCS23 'Design and Conservation' of the Portsmouth Local Plan (2012).