

PLANNING COMMITTEE 02.10.2024

SUPPLEMENTARY MATTERS TO BE CONSIDERED AS PART OF THE REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

<u>ITEM NO</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
1	23/00514/OUT	SITE OF 140 SOUTHAMPTON ROAD PORTSMOUTH	<p>1) The recommendation should be in-full to address the need for a s106 legal agreement (for affordable housing, and for mitigation for the SPA due to Bird Disturbance and Nutrient Neutrality) to be completed within a prescribed time frame, or for delegated authority to be granted to refuse permission should this not be undertaken. The overall recommendation for conditional permission is unchanged.</p> <p>2) Following further review, it is considered that the site is able to provide further cycle storage, which should encourage greater use of bicycles by residents. An extra condition is needed so that appropriate location, size and details of store(s) can be decided.</p>	<p>1) RECOMMENDATION Conditional Permission</p> <p>RECOMMENDATION I -</p> <p>That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:</p> <p style="padding-left: 20px;">(a) satisfactory completion of a Legal Agreement necessary to secure:</p> <p style="padding-left: 20px;">the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution</p>

				<p>and conditions (below)</p> <p>financial contribution towards affordable housing</p> <p>RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.</p> <p>RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed by or on 02.04.25 (being 6 months after the committee decision).</p> <p>2) Extra condition for extra cycle storage</p> <p>FURTHER CONDITION</p> <p>15) Notwithstanding condition 12 of this consent, details of further secure and weatherproof cycle storage shall be submitted to and agreed in writing by the</p>
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				LPA. The agreed further cycle storage shall be installed prior to the first occupation of any of the apartments hereby permitted, and maintained as approved thereafter. Reason: In order to encourage the use of bicycles, which is a sustainable mode of transport, in accordance with Policy PCS17 and PCS23.
2	24/00671/HOU	24 SUSSEX ROAD SOUTHSEA PO5 3EX	<p><u>Highway matters</u> Since publication of the Committee Report, the Highways Officer has replied, raising no objection. This is provided the building would operate as ancillary to the main property as proposed, as such there would be no additional vehicle trips nor additional parking demand. He advises that no doors or gates should open over or overhang the highway, either when open or shut, to be secured by condition. If the store door is not for vehicle access, he advises the kerb should be reinstated to full height.</p> <p><u>Further objections</u> Three further objection letters raising the following points, repeating many already raised, set out and addressed in the Committee Report. They may be summarised as below, with the Planning Officer response provided below, after each objection point:</p> <p>(i) The proposed building is far too large for the two residents, the proposal is in</p>	<p><u>Highway matters</u></p> <p>Extra condition: Kerb - the store is not wide or deep enough to accommodate a car, so the kerb should be reinstated, requiring an extra condition: <i>Prior to first use of the building hereby granted planning consent, the redundant dropped kerb in front of the building shall be reinstated to full height to match the adjoining kerb.</i> <i>Reason: In the interests of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan (2012).</i></p> <p>Add an Informative:</p>

			<p>fact for a business use, the claim of personal use is misleading; Officer response: The application is for a replacement building stated to be for use ancillary to the function of the dwellinghouse, the application must be assessed and determined as such.</p> <p>(ii) If that business fails, it could be replaced by another inappropriate use, eg car repairs;</p> <p>Officer response: no business is proposed.</p> <p>(iii) Adding a storey and increasing floorspace by 68%, the Ground Floor shows six tables for four people = 24 clients;</p> <p>Officer response: the replacement building would be on the same footprint as the existing. The existing building is two-storey, albeit there is different access and headheight to the upper storey between the two. The 'tables' referred to are the rooflights dotted on to the First Floor plan.</p> <p>(iv) The building survey is inadequate, the building has been used recently without issue, it could be retained and converted easily;</p> <p>Officer response: it is not considered that the Applicant needed to demonstrate matters of structural stability in full detail, since the demolition of the building is considered to be acceptable in any event. This is also addressed in the Committee Report.</p> <p>(v) The Conservation Guidelines indicate the building should not be demolished, and various features should not be removed (doors, windows, wall finishes, etc);</p> <p>Officer response: the Guidelines (1994, updated 2006) mostly address alterations to retained buildings,</p>	<p>No overhang of gates/doors - this should be an Informative not a condition, and in the event of planning consent being granted will be added to the foot of the Decision Notice as an Informative.</p> <p><u>Further objections</u></p> <p>No change to the Officer Recommendation.</p>
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			<p>whereas the Applicant proposes demolition. The Guidelines do briefly address Re-development, but the Guidelines appear to consider larger scale proposals than the current application. The application has been considered in the context of <i>current</i> local and national policy.</p> <p>(vi) Other residents follow the Article 4 Direction for repair and maintenance, this surely applies to the application building.</p> <p>Officer response: the application building is not covered by the Article 4 Direction, which in any event is not guidance but instead brings otherwise Permitted Development under the control of the LPA.</p> <p>(vii) The proposed building is stark and imposing, including the dark materials, design and materials are out-of-character, and would provide additional bulk adjacent to no. 20 (the flat roof instead of cat-slide roof). The 160mm gap to no. 20 would look ridiculous;</p> <p>Officer response: the design and materials are considered to be good quality and appropriate to the setting and as a replacement building. The first floor element next to no. 20 is recessive, being set back from the main building front by 2.35m, and is forward of the taller no.20 by only 0.73m. A gap of 160mm is immaterial to overall appearance.</p> <p>(viii) Existing parking and highway congestion including nearby school) would be worsened by the business (eg visitors, deliveries), there is no Transport Assessment submitted.</p> <p>Officer response: no business use is proposed, and no TA is required for this small-scale proposal. The current planning status of the building is of an</p>	
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			<p>ancillary use to the host dwelling, that is proposed to remain as existing, in a building of the same size as the existing.</p> <p>(ix) Bat survey is inadequate (time of day and year, and gap to no. 20), and wider Biodiversity regulations have been avoided;</p> <p>Officer response: the bat survey is satisfactory for the purpose of assessing the building's potential for roosting bats. Since no potential was found, it is not the Emergence Survey that one of the Objectors seems to think is necessary. Biodiversity net gain provisions do not apply for a 'Householder' application such as this.</p> <p>(x) Health and safety concerns from kiln - ventilation for fumes, noisy machinery, fire hazards;</p> <p>Officer response: it is not known what type, size, etc. of kiln the Applicant intends to use. The Council's Regulatory Services would investigate any complaints concerning such matters, fire safety would be for other regulatory regimes.</p> <p>(xi) Local development precedents used by the Applicant to support the scheme are invalid;</p> <p>Officer response: the examples presented by the Applicants are noted but do not affect the consideration of the merits of the actual proposal at <i>this</i> site. As discussed in the Committee Report, the Officers are satisfied both the demolition of the building and its replacement would not cause harm to the Conservation Area, nor would either cause 'less than substantial harm' (NPPF).</p> <p>(xii) The Case Officer was 'pre-determined' in his position.</p> <p>Officer response: there is no evidence to support this assertion.</p>	
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3	23/01397/HOU	12 BURBIDGE GROVE SOUTHSEA PO4 9RR	No updates.	No change.
4	24/00780/FUL	85 COPNOR ROAD PORTSMOUTH PO3 5AB	<p>Following the publication of the Committee Report, updated plans have been submitted which have changed the rear glazed door serving Bedroom 7 to a full height window. The window is proposed to provide an appropriate degree of light and outlook for the proposed resident.</p> <p>It is noted there is an error in the Committee Report, Para 8.9 mistakenly sets out there are zero HMOs within 50m of the application site. Re-reviewing the data, 300 Queens Road is an HMO and is within 50m of the site. Therefore, the proposal would result two HMOs and a concentration of 3.38%. This density still falls below the 10% threshold limit above which an area is considered to be imbalanced.</p>	<p>Officer recommendation unchanged, Condition 2 updated:</p> <p>Proposed Elevations, 02 Rev B;</p> <p>Proposed Plans, 01 Rev C.</p>
5	24/00799/FUL	57 QUEENS ROAD FRATTON PORTSMOUTH	In order to ensure the side garage is not operated separately from the main building, it is considered appropriate to include a further condition to retain the side garage for ancillary storage for the dwelling, with the opportunity for the space to be used as cycle storage and/or additional vehicle parking.	<p>Officer recommendation unchanged, additional conditional proposed:</p> <p>7) The side garage shall be retained for uses incidental to the main property, to include domestic storage associated with the main dwelling, cycle/bin storage and/or additional parking.</p> <p>Reason: In order to retain the garage for use of the</p>

				property and provide practical access for car/bike storage in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).
6	24/00871/FUL	10 MANCHESTER ROAD PORTSMOUTH PO1 5ED	Following the publication of the committee report, a plan showing the layout of worktops for the principal living space has been received.	Officer recommendation unchanged, Condition 2 updated with new plan ref. no: • Proposed Plans 8109.24.2 Rev B
7	24/00292/FUL	80 CHICHESTER ROAD PORTSMOUTH PO2 0AH	Paragraph 5.5 of the published committee report mistakenly refers to the adjacent HMO property as no.78, this should in fact be no.82.	No change to recommendation.
8	24/00854/FUL	87 CHICHESTER ROAD PORTSMOUTH PO2 0AG	Following the publication of the Committee Report, an objection has been received raising concerns about trees removed from the rear garden and that the remains were left outside the property. The objector suggests replanting some trees in the garden or a donation to a tree charity. Officer response: The trees were not subject to a Tree Preservation Order nor in a Conservation Area and so the owner of the property had a right to remove the trees and there is no ability to require their replacement or some other form of mitigation/compensation.	No change to recommendation.