
NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 3 MAY 2017 AT 1.00 PM

CONFERENCE ROOM A, FLOOR 2 OF THE CIVIC OFFICES

Telephone enquiries to Joanne Wildsmith, Democratic Services, Tel: 9283 4057

Email: joanne.wildsmith@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Frank Jonas (Chair), Scott Harris (Vice-Chair), Jennie Brent, Yahiya Chowdhury, Ken Ellcome, Colin Galloway, Suzy Horton, Lee Hunt, Hugh Mason and Steve Pitt

Standing Deputies

Councillors Steve Hastings, Stephen Morgan, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Gerald Vernon-Jackson CBE, Tom Wood and Rob Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826

A G E N D A

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of Previous Meeting - 5 April 2017 (Pages 5 - 14)**

RECOMMENDED that the minutes of the Planning Committee held on 5 April 2017 be agreed as a correct record and signed by the Chair.

- 4 **Updates on previous planning applications by the Assistant Director of Culture & City Development**

PLANNING APPLICATIONS

- 5 **16/01973/HOU - 75 Bryher Island Portsmouth PO6 4UF - Construction of two-storey extension to side elevation, single-storey extension to rear elevation and extended balcony (Report Item 1) (Pages 15 - 56)**
- 6 **17/00069/FUL - 27 Victoria Road North, Southsea PO5 1PL - Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) (report item 2)**
- 7 **17/00131/FUL - 27 Fawcett Road, Southsea PO4 0BZ - Change of use of ground floor from retail (Class A1) to massage salon (Sui Generis) (Report item 3)**
- 8 **17/00159/FUL - 26 Jersey Road, Portsmouth PO2 7PY - Change of use from residential dwelling (Class C3) to purposes falling within class C4 (house in multiple occupation) or Class C3 (dwelling house) (report item 4)**
- 9 **17/00178/FUL - 103 Manners Road, Southsea PO4 0BD - Change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis) (Report item 5)**
- 10 **17/00181/HOU - 57 Eastern Parade, Southsea PO4 9RE - Construction of new roof extension, including front gable with balcony, dormers to east roofslope, gable to north elevation and alterations to chimneys. Construction of basement/lightwells and part single/part two-storey side extension to east elevation to include balcony to first floor; external alterations to doors and windows, including replacement bay to south elevation; glazed entrance canopy; new entrance gates up to 1.75m high & 0.3m high trellis above existing walls; raised decking to form terrace; replacement garden shed and formation of dropped kerb access onto Selsey Avenue (amended scheme to 16/01447/HOU) (Report item 6)**
- 11 **17/00381/FUL - 169 Queens Road, Fratton, Portsmouth PO2 7LU - Change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 7 person 7 bedroom house in multiple occupation (Sui Generis) (Report Item 7)**
- 12 **17/00392/FUL - 26 Manners Road, Southsea PO4 0BB - Change of use**

from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 7 bedroom 7 person house in multiple occupation (Sui Generis) (Report item 8)

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 5 April 2017 at 1.00 pm in the Conference Room A - Civic Offices

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Frank Jonas (Chair)
Jennie Brent
Ken Ellcome
Colin Galloway
Suzy Horton
Lee Hunt
Hugh Mason
Steve Pitt

Also in attendance

Councillor Simon Boshier

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair, Councillor Jonas, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

34. Apologies (AI 1)

Apologies for absence had been received from the Vice-Chair Councillor Scott Harris and Councillor Yahiya Chowdhury (and their standing deputies).

35. Declaration of Members' Interests (AI 2)

The following non-pecuniary and non-prejudicial interests were made:

Councillor Ellcome - items relating to 39 Tregaron Avenue and 6 Blake Road were both within his ward but he had not been involved in discussions with his ward colleagues or residents about these.

Councillor Steve Pitt - the report on 103 Manners Road referred to the 3 ward councillors but they would be able to come to an open-minded decision on this application.

Councillor Hugh Mason - was a previous customer of the Florence Public House and the Parade Tearooms.

Councillor Lee Hunt - when he had previously been the Cabinet Member for Culture, Leisure & Sport he had been involved in the initial discussions involving the Parade Tearooms, but he had not been involved since so was keeping an open mind.

Councillor Frank Jonas had also been a customer at the Florence Public House.

36. Minutes of Previous Meeting - 8 March 2017 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 8 March 2017 be agreed as a correct record to be signed by the Chair.

37. Updates on previous planning applications by the Assistant Director of Culture and City Development (AI 4)

There were no updates.

38. 17/00071/FUL - 4 Clarendon Road Southsea PO5 2EE - Change of use from office (Class A2) to restaurant and hot food take away (Class A3/A5) (Report item 1) (AI 5)

The Assistant Director of Culture & City Development's Supplementary Matters list reported the following, which did not change the officer recommendation:

"The objectors (occupying the maisonette directly above the application site) have withdrawn their objection and deputation request on receipt of a letter from the applicant to the objectors which confirms an intention to implement the following measures in the event planning permission is granted:

- 1. The extract flue will be installed as per the drawings submitted within the planning application and terminating at 1 metre above gutter level.*
- 2. Adequate sound proofing to be installed to the ceiling below the living quarters for flat 4B above the shop to mask noise from the shop.*
- 3. An extension of the fire alarm within the building to the patio area to the rear of the property on the first floor, to include an external sounder.*
- 4. Implementation and continuation of a waste management contract with Veolia or Biffa who will manage the collection of waste products from the restaurant.*

Recommended condition 2 requires the development to be carried out in accordance with the Elevational Drawing - Proposed Exterior Extraction Layout (which includes annotation demonstrating the termination of the flue 1m above the gutter height). Condition 5 also relates as it deals with cooking processes. Recommended condition 3 deals with a scheme for insulating the residential use at first floor level against noise from the operation of the A3/A5 use) and recommended condition 7 deals with the storage of refuse/recyclable materials. The issue of the fire alarm is not reasonably and necessarily controlled by a planning condition (it is understood to be a requirement under Building Regulations and Fire Brigade legislation that any dual use of a building has to have a 'sounder' upstairs in the event the alarm is triggered downstairs to act as an early warning)."

A deputation made by Mr Clarke, the applicant in support of his application, whose points included:

- He had experience as owner of a similar business
- He wished to improve the look of the building
- It was a high quality offer specialising in seafood
- He was mindful of the neighbours and had spoken to the tenant above to agree terms
- This would bring employment to the area and help revitalise the retail centre

Members Questions

Members asked questions relating to sound insulation and the size of the silencer, and whether odour control could be improved via imposing a condition.

Richard Lee, Environmental Health, confirmed that a condition could ensure that a suitable system could be installed regarding odour control. He said that there was no information provided regarding the noise of the equipment and they had specified a criteria to be met. The applicant was allowed to clarify that the soundproofing was being addressed and the extract system would be a fan mounted inside the premises on shock absorbers. He also commented on the height of the flue up to ridge level could be more effective (but more visually obtrusive) although the proposed systems should be adequate, and that maintenance of the system was essential for odour control.

Further questions were raised regarding the adequacy of parking and use of the loading bays. Steven Flynn, the Traffic Network Engineer, commented on the provision of park parking in the area including Pay & Display at Ashby Place and commented that if there were problems associated with parking near the takeaway and encroaching the bus stop enforcement would be considered, and an objection on the basis of assumed parking behaviour could not be sustained.

Members' comments

Members were mindful of the balance between use of empty shops and the residential amenity of the area which should be protected, and would therefore wish to see amended conditions relating to the flue with the technical details to be to the satisfaction of the Environmental Health Officer. The use would also bring employment to the area.

RESOLVED that authority be delegated to the Assistant Director of Culture and City Development to grant conditional permission subject to conditions 2 & 5 being amended.

39. 17/00129/HOU - 39 Tregaron Avenue Portsmouth PO6 2NE - Construction of single storey rear extension and two storey side and rear extension (Report item 2) (AI 6)

A deputation was made by Ms Chiu, objecting as the adjacent neighbour, whose points included:

- Photographs were circulated to help illustrate her points

- The character of the semi-detached houses in this road in an area of low density would be changed
- The double storey extension would reduce sunlight to her property and create overshadowing and the close proximity of the side extension would create a sense of enclosure and reduce light to her kitchen
- Her garden and environment would be affected

Members' questions

Members' questions included clarification on the varying distances between the properties, and the extent of the impact of the extension on the neighbouring property and garden, whether there was a need for rear access to the applicant's property and if there was a continuity of styles along the road?

Members' comments

The application was in keeping with the symmetry of the streetscene and rooflines and whilst members were sympathetic to the objector they did not believe that there were sustainable planning reasons to refuse the application.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of Culture & City Development's report.

40. 16/00824/HOU - 6 Blake Road, Portsmouth PO6 1ET - Construction of raised patio and balustrading to rear of dwelling including installation of privacy screening to the eastern boundary (Report item 3) (AI 7)

Comments received from Mrs Carter, the objector, were attached to the circulated Supplementary Matters list, which she read out as part of her deputation, whose points included:

- The encroachment caused by her neighbour's unauthorised patio built in 2012 on her own property (especially rooms to the rear) and garden and her loss of privacy
- The close proximity (less than 3 inches) of the raised wall to her kitchen window and the inaccessibility to her own extension for maintenance
- The fencing had no gaps and so there was loss of light to her garden and property
- She should not be expected to prune the screening shrubs
- This was all affecting her wellbeing

The applicant's agent Mr McDermott then spoke in support of the application, whose points included:

- The applicant recognised that the original patio had been built to an unacceptable design and this application sought to remedy the harm
- The gradient of the garden meant that a stepped approach was needed
- There had been close work with the planning officers to discuss the revised application to seek to avoid bulk and massing
- This was set off the boundary and the plants were intended to soften the effect
- The best outcome had been sought

Councillor Simon Boshier then spoke as a ward councillor to object to the application and to support Mrs Carter due to the impact on her property. His points included:

- The height of the neighbour's patio was over head level
- There had previously been an unlawful construction
- The wooden screen and plants were not acceptable and were unneighbourly and overbearing
- the reduced height still made little difference with the applicant only making slight modifications which would avoid enforcement

Members' Questions

Members asked about the design, if there could be a level patio rather than stepping, what enforcement action had been taken and what revisions had been required, whether the plants were suitable.

Members' Comments

Whilst officers had sought a resolution the members did not feel that this had been achieved to the satisfaction of the neighbouring property and felt that the patio should be lowered as it was unneighbourly and too close to the boundary.

RESOLVED that permission be refused on the following grounds:

In the opinion of the Local Planning Authority, the proposed raised patio would, by reason of its excessive size, scale, height and means of enclosure/screening, have an overbearing and unneighbourly relationship with the adjoining property to the east (No.8 Blake Road) and would give rise to an unacceptable loss of privacy and increased sense of overlooking to the detriment of the residential amenities of the occupiers of the adjoining property. The proposal is therefore contrary to policy PCS23 (Design and Conservation) of the Portsmouth Plan.

- 41. 17/00178/FUL - 103 Manners Road, Southsea PO4 0BD - Change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis) (Report item 4) (AI 8)**

There were no deputation requests for this item.

Members' Questions

Members asked about the licensing regime and the Inspector's consideration of communal facilities for 7 individuals, whether the shared lounge was large enough for 7 to share, the facilities and layout of the kitchen, and if there building could accommodate more toilet and shower facilities.

Members' Comments

The layout was seen as cramped for a densely populated area and members were also mindful of the Inspector's view on the HMO applications. They were however concerned by the lack of amenities for the occupiers and felt a better application could be sought with more generous shared accommodation.

RESOLVED that a decision be deferred to allow further negotiations with the applicant.

- 42. 17/00215/FUL - The Parade Tearooms, Western Parade Southsea PO5 3JF - Change of use of land from Open Space to Class A3 (cafe/restaurant) associated with existing cafe; construction of raised balcony and planter to the west elevation and landscaping works including construction of raised planters to eastern elevation (Amended Scheme to 16/00654/FUL) (Report item 5) (AI 9)**

The Supplementary Matters list reported on additional representations:

"Further representations have been received from local residents in objection to the proposal reiterating points previously raised and reported. A number of these representations indicated a desire to speak directly to the Planning Committee but highlight that the timing of the meeting and other commitments have prevented them from doing so. A copy of each of these representations was annexed to the Supplementary Matters sheet for reference.

St Jude Ward Member, Councillor David Tompkins has also highlighted that he is unable to attend the meeting today due to other commitments but has registered his support for the Officer's recommendation of refusal."

Deputations were made, whose points are summarised:

- i) Mr A Ritchie, spoke to object as a resident from Western Parade
 - This was against the National Planning Policy Framework
 - Green spaces should be protected for the city for community use and to preserve the local character of the Conservation Area
 - Concern of more noise nuisance
 - Loss of trees and impact on the environment
- ii) Mr D Kendall, also objected as a resident of Western Parade
 - The report reflected the concerns of the residents and the arboricultural officer
 - The original application had stated there would be no outside element
 - The popularity of the café meant that people were travelling from afar
 - The residents were being inconvenienced by noise, deliveries, smells and parking problems and feared creeping development
 - The common was legally for use by everyone without restrictions
- iii) Ms Newberry, spoke to object as a resident of Western Parade
 - She had supported the previous application but the residents had suffered the disturbance of noise, delivery lorries and parking problems
 - Chairs had already been placed on the common
 - The gain of a few planters was not enough to redress the problems being experienced by residents or the loss of trees
- iv) Ms M Cole, spoke in support as a regular customer

- The café was growing in popularity and was a good quality offer, serving local residents and visitors to the area, so gave more choice
 - It was a well-run local family enterprise offering employment
- v) Mrs Passmore spoke in support, as a local resident
- She was also a regular customer who lived in Western Parade who welcomed the original conversion of the disused sub-station which had reduced crime in the area which now felt safer
 - They provided a good quality produce and the extension would further enhance the facility by allowing outside eating, and was a good alternative to pubs
 - There would be a replacement tree and planters to improve the area with minimal encroachment on open space
 - Sporting activities were not allowed and could be enforced against
 - This brought employment to the area as well as providing work experience
 - There were other local examples of facilities in sensitive areas such as the Coffee Cup on the beach and the ARTches

(A letter was to be read from Ms B White who could not attend however the Chair explained that Mrs Passmore had exceeded the allotted time limit)

- vi) Mr M Hogan, spoke in support of his application as the owner
- He passed round a petition of support of the public benefit of the application by 2510 customers, most of whom were from the local Southsea area
 - The loss of open space was minimal
 - The business had been trading successfully for 18 months and outside eating would make it more attractive and would be able to be used by dog-walkers
 - There were local community benefit of using the previously derelict building which enhanced the seafront area and created jobs
- vii) Mr T Ponsford then spoke as the applicant's agent in support
- The applicant's own arboricultural expert had provided a response to the concerns raised in the officer's report regarding the oaks which should not be detrimentally affected and the loss of the tree which was not of great quality and a mature tree would replace it to enhance the amenity
 - The new structures could be easily removed when required and this was a good quality design of a pavilion type balcony
 - It was in keeping with the Seafront Plan which encourages tourism

Members' Questions

In response to the contrary view of the applicant's own report Mr Knight, PCC's Arboricultural Officer was asked to give his opinion on the life expectancy of the holm oaks which he stated was 40+ more years and that the planters may be to the detriment to the vitality of them. Mr Knight highlighted that his comments which were circulated by the applicant had been taken out of context and dates had been omitted.

The kitchen operations were also examined and the alleged opening of the doors to reduce heat which caused odours to escape; Richard Lee, Environmental Health, stated that the doors should not be kept open as there should be adequate extraction systems. The layout showing entrances/fire exits was clarified.

It was queried how the application compromised policy PCS23 - impact on a heritage area. The height of the raised decking area was at 0.4m above the common, which may attract vermin. It was also asked how this linked to the Seafront Strategy; the Assistant Director of Culture & City Development stated that it was a balance between promoting tourism and protecting the integrity of the common for the use and wellbeing of residents and visitors. The status of the Grade II listing of the common was also examined.

Members' Comments

Members were concerned as to how this fitted in with the Seafront Strategy as this was a sensitive site and the consultation did not include comments from the Seafront Manager. They wish the tree to remain and were concerned by the raised decking. There were conflicting pressures as whilst they would wish to support a successful local business this needed to be balanced by the resulting impact on the residents' amenity with pressure on parking and increased noise. It had previously been stated that there would not be further encroachment on the common and there was the wish to protect the trees and the planters would also have an impact on the trees. Whilst a deferral to find a compromise was mooted it was not felt that this would achieve an outcome that would be to the satisfaction of residents and it was the responsibility of the committee to determine this application.

RESOLVED that permission be refused for the reasons outlined in the Assistant Director of Culture & City Development's report.

43. 16/02104/PLAREG - Public House 18 - 20 Florence Road, Southsea PO5 2NE - Retrospective application for the construction of a single storey rear extension, installation of external ducting, fan and extraction units and installation of roof lanterns (Amended Scheme to 16/00424/PLAREG) (Report item 6) (AI 10)

This item was referred to committee at the request of a neighbour who was unable to attend.

A deputation was made by Mr D Sutton, the applicant, in support of his application, whose points included:

- This was a well-established, quality business, the expanding from the only boutique hotel in the city to 7
- It had been a major investment to save a pub in danger of closing via a long term lease and making it an extension of the hotel business which would be suitable for families and corporate guests
- Part of the investment was ensuring the kitchen is compliant with modern day standards, including the extraction flue, and when this was installed he was aware that it was not acceptable so had set about to find a solution

Members' Questions

The route and alignment of the flue was examined to see where it would be least visually obtrusive, as well as the opening of the roof lights.

Richard Lee, Environmental Health, commented on the technical solution which had an associated expense and the changing of the opening configuration to help minimise noise to nearby residents in St.Catherine's Road. He also explained that screening of the flue would make it more bulky therefore a dark colour had been suggested. The involvement of Environmental Health regarding the technical solutions was raised and it was confirmed that these officers were not involved in advising on design but had responded to complaints and the noise abatement notice issues. However the Planning officer had been involved in pre-application discussions to try to overcome the issues of noise and odour control.

Members' Comments

Members were mindful of the attempts to minimise the previous complaints regarding the flue to enable the business to operate.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of Culture & City Development's report.

44. 17/00025/HOU - 14 Armory Lane, Portsmouth PO1 2PE - Construction of replacement garden wall (after demolition of existing) (Report item 7) (AI 11)

This application had been referred to the committee by Cllr Rob Wood. There were no deputations.

Members' questions

It was asked if the legal covenant issue should be considered: it was confirmed that this was not a planning consideration. It was asked whose responsibility it was to maintain this land; it was believed that this was down to the management committee.

Members' comments

Members were disappointed that the reasons for referring this application to committee had not been explained by the ward councillor.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of Culture & City Development's report.

The meeting concluded at 5.32 pm.

Signed by the Chair of the meeting
Councillor Frank Jonas

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Agenda Item 5

PLANNING COMMITTEE 3 MAY 2017

**1 PM CONFERENCE ROOM A,
2ND FLOOR, CIVIC OFFICES**

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*, 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>

INDEX

Item No	Application No	Address	Page
01	16/01973/HOU	75 Bryher Island Portsmouth PO6 4UF	PAGE 3
02	17/00069/FUL	27 Victoria Road North Southsea PO5 1PL	PAGE 7
03	17/00131/FUL	27 Fawcett Road Southsea PO4 0BZ	PAGE 10
04	17/00159/FUL	26 Jersey Road Portsmouth PO2 7PY	PAGE 15
05	17/00178/FUL	103 Manners Road Southsea PO4 0BD	PAGE 19
06	17/00181/HOU	57 Eastern Parade Southsea PO4 9RE	PAGE 24
07	17/00381/FUL	169 Queens Road Fratton Portsmouth PO2 7LU	PAGE 32
08	17/00392/FUL	26 Manners Road Southsea PO4 0BB	PAGE 37

75 BRYHER ISLAND PORTSMOUTH PO6 4UF**CONSTRUCTION OF TWO STOREY EXTENSION TO SIDE ELEVATION, SINGLE-STOREY EXTENSION TO REAR ELEVATION AND EXTENDED BALCONY****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr & Mrs Peter Saville

RDD: 28th November 2016

LDD: 27th January 2017

SUMMARY OF MAIN ISSUES

The determining issues are whether the design of the development is appropriate to the recipient property and surrounding area, whether there would be a requirement for increased parking provision and whether there would be a significant impact on residential amenity.

The Site

This application relates to a two-storey end-of-terrace type dwellinghouse that is located in the Port Solent development on the north side of Bryher Island.

The Application

The applicant seeks permission for the construction of two-storey extension to side elevation, single-storey extension to rear elevation and extended balcony.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS12 (Flood Risk), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS17 (Transport) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2001-2011 would also be a material consideration.

CONSULTATIONS**Contaminated Land Team**

It is understood that gas protection measures were installed in the houses during construction in the form of an upgraded and sealed membrane, sealed service entries and passive ventilation to

the sub-floor void. The following or similar condition is requested to ensure that any extensions to the building have similar gas protection measures extended into the proposed build.

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (LPA) before development commences or within such extended period as may be agreed with the LPA: Details of gas protection measures that the applicant will install as a precautionary measure. Such measures shall include nomination of a competent person to oversee the installation process to ensure all works are carried out in line with current best practice.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the LPA: Verification by the nominated competent person that any measures agreed under i) have been installed as agreed. Unless otherwise agreed in writing by the LPA such verification shall comprise:

- a) As built drawings of the implemented scheme
- b) Photographs of the remediation works in progress

Asset Management Service

"The City Council in its capacity as Lessor of the marina requires that any building work within 7.3 metres of the marina containment wall shall have a designed foundation which maintains the integrity of the marina.

In this regard, applicants should also seek appropriate statutory approvals and the written consent of the Marina Operator as necessary".

REPRESENTATIONS

Three objections and one general comment have been received two of which are from Premier Marinas Limited and POSOL Residents Management Compact objecting to the proposal on the grounds of:

- a) Insufficient parking in the area and five bed house will increase this demand and encourage illegal parking;
- b) breach of legal covenants;
- c) management companies should be absolved of any costs resulting from structural damage; and
- d) additional consents have not been obtained from management companies. The City Council as Lessor of the Marina has also opposed the development as it comes within 7.3 metres of the marina wall.

Reported on MIS 13.01.2017 (expiring 20.01.2017).

Following the report on MIS, Councillor Gemma New has requested that if the officers' recommendation is one of permission, that the application is determined by the planning committee. No reasons have been given for the deputation.

COMMENT

The determining issues are whether the design of the development is appropriate to the recipient property and the surrounding area and whether there would be a significant impact on residential amenity.

Roof lights installed on the front and rear roofslopes would not require an application for planning permission.

Property Matters - Certificate

The applicant owns the freehold interest of the site and as such the signed certificate A is correct. This has been checked with the applicant's agent.

Covenants

Matters within representations from local residents, management companies and the City Council's Asset Management service (Commercial Property and Leasehold Services) have raised objections to the granting of development as it would breach a covenant that restricts development within some 7.3 metres of the marina wall.

Notwithstanding the comments from Asset Management and objectors, the applicant has submitted structural drawings supporting the proposal detailing that there is a technical solution that could be implemented when constructing the foundations to mitigate any concerns regarding the marina wall. No evidence has been submitted contrary to the applicants drawings indicating that, as a result of the development, that the structural integrity of the wall would be compromised. No evidence has been submitted stating that the marina wall is failing.

Whilst this development would be less than 7.3 metres from the marina wall, covenants are private legal matters that in this case, would be addressed by way of an informative to the applicant advising of the necessity to use specific foundations. The granting of any permission does not absolve the applicant of any requirement(s) to obtain any other consents from management parties in relation to covenants.

Design

The proposed development would include the construction of a two-storey side extension, the construction of a single storey rear extension and to extend the existing balcony at first floor level on the rear.

The two-storey side extension would project some 3.3 metres from the east flank wall and would be setback from the principal elevation by some 0.6 metre. Its ridge height would be approximately 0.4 metres lower than the main roof line. The rear elevation of the two-storey extension would lie flush with the existing rear elevation although a 1.6 metre single storey extension would project from the rear elevation covering the full width of the dwelling. The construction of the single storey extension would allow for a balcony to be constructed on top of it. Two windows would be installed at first floor level on the flank wall of the two-extension that would serve an en-suite and walk in wardrobe. In terms of scale, it is considered that the development would be subservient addition in relation to the existing building and would relate appropriately to other properties on Bryher Island.

The use of materials would include brick at first floor with render for the ground to match the style on the existing property and it is considered that this approach would provide some relief to the gable end fronting the marina. The use of materials is considered acceptable.

Parking

A number of representations relate to the increased need for parking provision at the property for a large five bedroom house. The constraints of the site are such that no additional off-road parking can be provided. In accordance with the Parking Standards SPD as the existing number of bedrooms would not be increased from five, there is no requirement for any additional parking on site. Whilst statements of residents relating to illegal parking are not challenged, there are separate departments in the council that would be able to address these issues if reported. The proposal is therefore in accordance with policy PCS17 of the Portsmouth Plan and the supporting Parking Standards SPD.

Impact on residential amenity

As the two-storey extension would lie flush with the existing rear elevation and would be setback from the principal elevation, it is considered that there would be no significant impact on neighbouring properties with regard to outlook, light, overlooking or increased sense of enclosure due to the spatial separation to the proposal and the existing bulk of the property would diminish the size of the extension.

Whilst there would be a small single storey rear extension with a balcony atop, it is considered that there is already mutual overlooking from most properties on Bryher Island as many of these properties have balconies. The property also benefits from an existing balcony and it is considered that the increase in balcony width would not result in a significant increase in overlooking or the resulting loss of privacy. The single storey extension would project no further than the adjoining properties extension and it is therefore considered that there would be no impact with regards to light, outlook or increased sense of enclosure.

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: Block Plan and PG 1073 16 2 Rev C.
- 3) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (LPA) before development commences or within such extended period as may be agreed with the LPA: Details of gas protection measures that the applicant will install as a precautionary measure. Such measures shall include nomination of a competent person to oversee the installation process to ensure all works are carried out in line with current best practice.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the LPA: Verification by the nominated competent person that any measures agreed under i) have been installed as agreed. Unless otherwise agreed in writing by the LPA such verification shall comprise:
 - a) As built drawings of the implemented scheme
 - b) Photographs of the remediation works in progress
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In the interests of visual amenity 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 pre-application process to achieve an acceptable proposal without the need for further engagement.

27 VICTORIA ROAD NORTH SOUTHSEA PO5 1PL

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 M May-Clingo

On behalf of:

Mr M May-Clingo

RDD: 16th January 2017

LDD: 24th March 2017

SUMMARY OF MAIN ISSUES

This application relates to a two-storey semi-detached dwellinghouse with accommodation in the roof located on the north side of Victoria Road North (B2151). The property benefits from a front forecourt garden with one off-road parking space. The property immediately adjoins and is therefore within the setting of the 'Campbell Road' Conservation Area (No.15).

The applicant seeks permission for a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS17 (Transport) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document would also be a material consideration.

CONSULTATIONS

Private Sector Housing

No comments received.

REPRESENTATIONS

Four objections and one general comment have been received objecting to the proposal on the grounds of:

1. HMO count is incorrect;
2. 17 and 17B Victoria Road North need to be included in the HMO count;
3. in an area of high HMO density allowing this property would mean that it is over 10%;
4. there are a number of properties on the HMO database that have not been included the count data;
5. application invalid as existing number of residential units is 7 bedrooms and application is for 7 or more people;
6. local residents quality of life is being compromised; and,
7. high rise of HMOs blocks housing market for first time buyers (families).

A spurious comment suggests that C4 or sui generis use should cease on the sale of the property to allow areas to return to family housing.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle 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 refuse and recyclable materials storage.

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.

Policy PCS20 of the Portsmouth Plan states that applications for 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 Houses in Multiple Occupation (HMOs) 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 use. In identifying the area surrounding the application property, 6 of the 123 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 4.88%, rising to 5.69% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Public representations brought to the attention the following properties to check:

1. 28 St Andrews Road flats 1-5;
2. 30 St Andrews Road flats 1-4;
3. 30a St Andrews Road;
4. 20 Hayes Court, 34 Victoria Road North;
5. 35 Victoria Road North flats 1-6;
6. 17 Victoria Road North;
7. Basement 17 Victoria Road North; and,
8. Eastfields Block, 24-30 Victoria Road North (no specific property identified, there are 37 flats) (no properties on database).

In terms of the records available to the local planning authority (council tax, licensing, the HMO Database and open source information and on-site observations), the available information suggests these properties (apart from 17 and 17B Victoria Road North) are not occupied as HMOs. Nos. 17 and 17B were already included in the 'count data'.

Without specific details on which flat in Eastfields Block it has not been possible to identify which flat the public representation refer to as in use as a HMO. Even still, if this one additional flat was included in the 'count data' the percentage would increase to 6.54%, under the 10% threshold set in the SPD.

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, 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.

The property benefits from one off-road parking space but is not within an area that is highly accessible by public transport although it is within a short walk of the Elm Grove and Albert Road District Centre (some 2 minutes from Elm Grove and approximately 3 minutes walking time from Albert Road). The walk time to Fratton train station is some 15 minutes. Whilst not being within a highly accessible location, it is considered that there are suitable shops and services within a short distance of the application property. As the property benefits from an enclosed rear garden, it is considered that the inclusion of cycling facilities to encourage other sustainable modes of travel to the car should be provided.

There is no indication of the proposed method of storage for refuse and recyclable materials which could be addressed by way of a planning condition. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

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, Proposed Ground Floor/Site Plan (dated 22.03.2017) and Proposed First and Second Floor Plan.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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 adequate provision is made for cyclists using the premises in accordance with policies PCS17 and 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.

27 FAWCETT ROAD SOUTHSEA PO4 0BZ

CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO MASSAGE SALON (SUI GENERIS)

Application Submitted By:

Mr Alex Lewis

On behalf of:

Mr Alex Lewis

RDD: 25th January 2017

LDD: 30th March 2017

SUMMARY OF MAIN ISSUES

This application relates to a two-storey property located on the east side of Fawcett Road opposite Priory School. The property is occupied at ground floor level by a shop with self-contained accommodation at first floor level. The application site is located immediately to the east of the Grade II listed Priory School building. The property is located approximately 100 metres to the north of the boundary of the Fawcett Road local centre as defined by policy PCS18 of the Portsmouth Plan.

The applicant seeks permission for a change of use of ground floor from retail (Class A1) to massage salon (Sui Generis).

The relevant planning history for this site relates to conversion to form self contained flat (re-submission of 10/00909/FUL) ref. 10/00980/FUL) that was granted conditional permission in November 2010.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS17 (Transport) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document would also be a material consideration.

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority (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 NPPF (paragraph 132) also states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm

to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the 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

Highways Engineer

The application site is on Fawcett Road which is a classified road with the site located directly opposite a secondary school. There is a signalised crossing in the immediate vicinity of the building with zig zag markings and other parking restrictions in the form of double yellow lines to the north and south of the crossing.

Demand for residents parking on street often exceeds the space available, although there is no controlled residents parking zone in the area. The area has high levels of student accommodation in residential dwellings and experiences increased parking pressure in the evenings when residents return home from work.

The proposed hours of operation are 09:00 to 21:30 every day of the week, including bank holidays with 5 full time employees.

The property has a gross internal floor space of 119 sqm and the drawing shows 5 treatment rooms.

Parking

No information has been provided about parking arrangements although it is clear that there is nowhere on site to provide for either car or cycle parking for employees or customers, as the building fills the entire plot.

The applicant has explained that the site is close to Fratton railway station, mentions local bus services serving the area and that the expectation is that the clients are likely to live locally. There is an implied expectation that they will use alternatives to travel to the massage salon as they live in the local area.

The existing retail use would be likely to result in a parking demand of 6 spaces. The proposed use as a massage salon could result in a parking demand of approximately 8 spaces. This is based on the number of employees including a receptionist (6), number of clients on site (5) and the number of clients arriving prior to their appointment (5) and assumes that half of these will travel by car with the remainder using alternative modes. There is a differential of 2 spaces and those arriving by car in the evenings might find it difficult to park in the residential streets.

The existing and the proposed use are likely to have similar parking demands as each could open into the evening. On balance it is not expected that there will be a material change in traffic generation.

As the application stands I raise no objection.

REPRESENTATIONS

Five representations have been received from local residents and one from the Head teacher of the Priory School objecting to the proposal on the grounds of:

1. Not notified on application and site notice has been removed;
2. increased parking pressure for local residents;
3. not a suitable location given there is a school opposite;

4. children impressionable and business may be inappropriate;
5. safeguarding of children at risk and they may be exposed to potential risk;
6. potential adverts may be inappropriate;
7. concerns about opening times, the type of business and lack of information from business owners;
8. excessive number of people using business every day;
9. customers unlikely to use public transport;
10. risk of human trafficking, organised criminal activity, violence, drug abuse and money laundering;
11. increased concerns for personal safety;
12. how much rubbish would be generated and where will it be stored;
13. nature of services offered by massage salon inappropriate; and,
14. Will the flat above be used as part of the business.

Councillors Lee Hunt, Suzy Horton and Steve Pitt have also registered their objection. Councillor Julie Bird has registered her objection for the reasons outlined above and requested that the application goes to planning committee if the officers' recommendation is one of permission.

COMMENT

The determining issues are whether the principle of a change of use is acceptable in this location, whether the design of any external alterations is acceptable to the recipient property and surrounding area, whether there would be a significant impact on the local highways network/parking and whether there would be a significant impact on residential amenity.

Principle

The property is not located within a designated local or district centre although it is some 100 metres to the north of the Fawcett Road local centre. Traditionally, this part of Fawcett Road would have contained a number of local shops, services and amenities to serve the properties in the immediate vicinity. However, like many smaller service areas this has changed as consumer habits require large shopping districts and stores. The application site is not the subject of any specific policy restrictions and it is considered that a change of use in this location is acceptable in principle subject to there being no significant adverse impact on residential amenity or parking for example.

Impact on heritage asset

Whilst no heritage statement has been submitted in support of the proposal in respect of the Grade II listed building located immediately to the west of the site, it is considered that as there would be limited external alterations including replacing the timber framed windows frames with UPVC on a 'like-for-like basis', that the proposal would preserve the setting of or any features of special architectural or historic interest of the listed building.

Highways

The Parking Standards SPD requires applicants to justify a proposed level of parking for a non-residential scheme. In this case, the applicant has submitted some supporting information that refers to the proximity of the site to local bus services and Fratton train station. Having regard to the comments of the highways engineer, the proximity of some public transport, the limited street parking, it is considered that with conditions to control the opening hours, that there would be no significant impact on the local highways network.

Impact on residential amenity

The existing use of the shop would generate a level of activity during the daytime, into evening and some with extended opening hours with associated 'comings and goings' from customers,

staff and deliveries. A shop could operate from this site 24 hours a day as there is no historical restriction on opening times. The use of the property as a massage salon, whilst generating some level of activity, would likely have customers visiting the property at specific time period and would be unlikely to generate any significant impact on residential amenity with regards to noise and disturbance. The use of the property as a massage salon is considered to result in less comings and goings than the existing use as a shop.

The applicant has submitted some suggested opening hours of 0900 to 2130 Monday to Sunday including bank holidays. Given the level of activity that could result from the operation of the property as a shop, it is considered that the suggested opening times are reasonable in this location.

Response to Public Representations

A number of objection comments have commented on the 'other services' and illegal activities that may be offered or result from the use of the property as a massage salon. However, the local planning authority has no indication of 'other services' and must determine this application for its merits and on the information available. Should any issues arise, there is separate legislation to address any 'other services' and it is considered that a reason for refusal on these grounds would not form a sustainable reason for refusal.

As this would be a commercial business, it would be the applicant's responsibility to remove waste from the site. Some external advertisements may require consent from the LPA that could be controlled through a separate application.

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 (dated 24.01.2017) and Revised Proposed Floor Plans.
- 3) The use of the property as a massage salon hereby permitted shall be closed and vacated by the public outside of the hours of 0900 to 2130 on any recognised bank holiday and between Monday to Sunday.

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 protect residential amenity from any unnecessary noise and disturbance from late night opening hours 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.

26 JERSEY ROAD PORTSMOUTH PO2 7PY

CHANGE OF USE FROM RESIDENTIAL DWELLING (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)

Application Submitted By:

Cloud Lifestyles Limited

On behalf of:

Cloud Lifestyles Limited

FAO Mr Mark Wright

RDD: 31st January 2017

LDD: 31st March 2017

SUMMARY OF MAIN ISSUES

The Site

This application relates to a two-storey mid-terraced dwellinghouse located on the south side of Jersey Road.

The Proposal

The applicant seeks permission for a change of use from residential dwelling (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

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 National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and houses in multiple occupation SPD would also be a material consideration.

CONSULTATIONS

Private Sector Housing

None.

REPRESENTATIONS

Nine public representations have been received, a petition of 13 signatures and one general comment objecting on the grounds of:

1. Lack of parking and any further pressure will increase illegal parking and congestion;

2. Impact on safety for children attending Binstead Community Centre in Langley Road;
3. Safety hazard for people crossing road as they cannot be seen by cars and drivers cannot see them due to amount of vehicles;
4. Although applicant would provide bike stores, there is no guarantee there would be no more cars;
5. Would be difficult for emergency service vehicles to access roads at peak times and during course of day;
6. No fire evacuation procedure;
7. No more need for further HMOs;
8. Increased noise and disturbance;
9. It is unknown who the occupants would be;
10. These houses are built to be family houses;
11. Applicants assessment of parking not accurate; and,
12. Applicant cannot guarantee tenants will be vetted.

The applicant has submitted a supported comment.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle 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 refuse and recyclable materials storage.

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.

Policy PCS20 of the Portsmouth Plan states that applications for 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 Houses in Multiple Occupation (HMOs) 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 use. In identifying the area surrounding the application property, none of the 104 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0%, rising to 0.96% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. A number of objectors state that the area is already saturated with HMOs and have requested that the LPA investigate the following broad areas:

1. 6 HMOs in Powerscourt Road;
2. 2 HMOs in Malta Road;
3. 2 HMOs in Winchester Road;
4. 1 HMO in Lynn Road;
5. 11 HMOs in Queens Road; and,
6. Nos. 5, 32 and 49 in Jersey Road.

The following areas are not within the 50 metre radius and have not been investigated: Powerscourt Road, Winchester Road and Lynn Road.

No properties on Malta Road or Langley Road have planning permission for use as a HMO that fall within the 50 metre radius. There are a number of properties on Queens Road that have planning permission for use as a HMO but these do not fall within the 50 metre radius. As objection comments have not been specific about which properties are occupied as HMOs,

officers would be required to check 48 properties that would fall within the 50 metre radius. The LPA does not have the resources or is it cost effective to require officers to spend a substantial amount of time checking all of these properties.

The three remaining properties that have been checked relate to Nos. 5, 32 and 49 Jersey Road and from the information available the LPA, these are not considered to be HMOs and have not been included in the count data.

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, 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. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 0.96%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

The Parking Standards SPD requires a Class C4 dwellinghouse of this size to provide two off-road parking spaces but the application site does not benefit from off-street parking (the constraints of the site are such that none can be provided). Whilst it is acknowledged that Powerscourt Road and the surrounding roads are at difficult to park at peak evening times and at weekends and the transport means of future occupiers could not be controlled, the property is within 400 metres of a high frequency bus route and within a short walk of the North End District Centre. The city has a diverse housing need that is referenced in the SPD and HMOs are a part of that need. Whilst no details have been provided in relation to the provision of secure and weatherproof facilities for cycle storage it could be secured by condition that would be appropriate to encourage other sustainable means of travel to the car. It is considered that the location of the property close to frequent local bus links, the North End District Centre is appropriate to encourage other sustainable means of travel to the car.

Although representations refer to the increase of noise, congestion and pollution as a result of any change of use, given that there is not a material difference between a Class C3 and Class C4 it is considered that any increase would be so significant to warrant withholding permission.

The storage of refuse and recyclables and the proposed method of storage could be addressed by way of a planning condition and an objection of waste grounds would not form a sustainable reason for refusal.

Other matters within representations

Some matters raised in representations relate to fire safety and vetting of tenants. There is separate legislation to address these issues and they are not considered to form a sustainable reason for refusal in the determination of this application.

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 and Proposed Floor Plans

3) Prior to the first occupation of the property as a House in Multiple Occupation, cycle storage facilities shall (unless otherwise agreed in writing) be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand. The cycle storage facilities shall thereafter be retained.

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 adequate provision is made for cyclists using the property in accordance with policies PCS14, PCS17 and 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.

103 MANNERS ROAD SOUTHSEA PO4 0BD

CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO HOUSE IN MULTIPLE OCCUPATION FOR SEVEN PERSONS (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Paul Lonsborough

RDD: 3rd February 2017

LDD: 3rd April 2017

This application was deferred from the previous Planning Committee meeting of 5th April 2015 to establish the quality of the internal living conditions and facilities (to put above heading

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle 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 SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located to the northern side of Manners Road, just to the east of its junction with Talbot Road. The dwelling is set back from the highway by a small front forecourt and comprises a kitchen, living room and two bedrooms at ground floor level, three bedrooms and a bathroom at first floor level with a shower room and en-suite bedroom at roof level. The surrounding area is characterised by dense residential terraces. The property is currently in use as a Class C4 House in Multiple Occupation where between 3 and 6 unrelated individuals living as a household share some form communal facilities.

Proposal

This application seeks planning permission to use the property as an 7 person house in multiple occupation (Sui Generis).

Relevant planning history

An application for the change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis) and the construction of a dormer window to the rear roof slope and roof lights to front roof slope was submitted in April 2015 (ref.15/00524/FUL). The application was however, subsequently withdrawn and the dormer window and rooflights have been constructed as permitted development (i.e. without the express permission of the Local Planning Authority).

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Manners Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 7).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands given the established policy position the Highways Authority would not wish to raise a Highway objection.

REPRESENTATIONS

At the time of writing, three letters of representation had been received from a local residents objecting on the grounds of:

- a) To many HMOs within this part of the city;
- b) Impact on the character of the area;
- c) Increased population density;
- d) Impact on Parking;
- e) Increased noise and disturbance; and
- f) Increase in refuse/waste.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the change of use from Class C4 (HMOs) to Sui Generis HMOs to be referred to the Committee for determination. A separate request has been received from the three Ward Councillors: Cllr Hunt, Cllr Horton and Cllr Pitt.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The applicant has provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a C4 HMO prior to the 1st November 2011 and has continued to be used as such until present. In combination with records held by the City Council

(Council Tax and Private Sector Housing records), it is considered that on the balance of probabilities the property currently benefits from a lawful use as a Class C4 HMO.

Having regard to the current lawful use of the property as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD. In considering a recent appeal at 11 Baileys Road (Appeal ref.APP/Z1775/W/16/3159989, February 2017) which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City". (Similar decisions were reached by the Inspector at 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

Concerns have been raised in respect of the intensification of use at individual HMO properties and the cumulative impact of similar developments in significantly increasing the number of occupants within a given area. However, in considering the appeal at 37 Margate Road, an area with a similar concentration of HMOs to that around the application site, the Inspector concluded that: "...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area'. On the basis the current proposal seeks an identical increase in occupation, the Inspectors view must be afforded significant weight.

Impact on residential amenity

The proposal involves the subdivision of a loft room to provide one additional bedroom. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

In light of the decision above, it is considered that there is insufficient evidence to demonstrate that the occupation of a given property by seven individuals rather than six would result in any significant increase in noise and disturbance or that it would be likely to have a significant additional impact on the amenity of the occupiers of adjoining or nearby properties.

In terms of internal living conditions, the property currently comprises a communal bathroom at first floor level (containing a bath, w/c and wash basin) and a communal shower room at roof level (containing a shower, w/c and wash basin). In addition, bedroom 6 would benefit from en-suite bathroom (containing a shower, w/c and wash basin). At ground floor level a communal lounge and kitchen would have a floor area of approximately 25sq.m. with access to cooking and preparation facilities. Overall it is considered that the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

The City Council's Private Sector Housing Team (PSHT) has visited the property as part of the inspection process associated with its existing licence. They confirm that the standard of accommodation and the associated facilities are sufficient for the intended number of occupants and any licence application for its occupation by up to 7 individuals would be capable of support.

At the previous Planning Committee meeting, Members of the Committee suggested that the en-suite bathroom at roof level should be modified to make it a communal bathroom, and that an additional toilet should be incorporated at ground floor level. On the basis that the en-suite bathroom would serve one of the residents, the remaining residents would share the two communal bathrooms which is not considered to be unreasonable for a property of this size. In light of the view that of the PSHT that the facilities within the building are sufficient for the intended number of occupants, it is not considered necessary or reasonable to seek amendments to the internal layout.

Stepping away from the planning merits of the proposal, the licensing process will also ensure adequate fire safety measures and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained.

In addition, the City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city. It is noted that the number of parking spaces required for a Sui Generis HMO with four or more bedrooms, is the same as would be required for a Class C4 HMO with four or more bedrooms or a Class C3 dwellinghouse with four or more bedrooms.

It is not considered that the addition of one further occupant would significantly increase the demand for refuse storage facilities at the site.

SPA mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

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, Block Plan and 8056.15.3.

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.

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.

57 EASTERN PARADE SOUTHSEA PO4 9RE

CONSTRUCTION OF NEW ROOF EXTENSION, INCLUDING FRONT GABLE WITH BALCONY, DORMERS TO EAST ROOFSLOPE, GABLE TO NORTH ELEVATION AND ALTERATIONS TO CHIMNEYS. CONSTRUCTION OF BASEMENT/LIGHTWELLS AND PART SINGLE/PART TWO-STOREY SIDE EXTENSION TO EAST ELEVATION TO INCLUDE BALCONY TO FIRST FLOOR; EXTERNAL ALTERATIONS TO DOORS AND WINDOWS, INCLUDING REPLACEMENT BAY TO SOUTH ELEVATION; GLAZED ENTRANCE CANOPY; NEW ENTRANCE GATES UP TO 1.75M HIGH & 0.3M HIGH TRELLIS ABOVE EXISTING WALLS; RAISED DECKING TO FORM TERRACE; REPLACEMENT GARDEN SHED AND FORMATION OF DROPPED KERB ACCESS ONTO SELSEY AVENUE (AMENDED SCHEME TO 16/01447/HOU)

Application Submitted By:

PLC Architects
FAO Mr Phil Parkinson

On behalf of:

Mr & Mrs Barlow

RDD: 6th February 2017

LDD: 13th April 2017

SUMMARY OF MAIN ISSUES

This application has been called to be determined at the Planning Committee by deputation requests from local residents.

The determining issues in this application relate to the design of the proposal and whether it would relate appropriately to the recipient building and the wider street scene. Also, whether the proposal would have a significant impact on the amenity of the surrounding occupiers. When determining planning applications, the Local Planning Authority (LPA) must also consider any impact the proposal would have on both designated and non-designated heritage assets. 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. The proposal is located within the Craneswater and Eastern Parade Conservation Area so therefore the impact that the proposal could have on the Conservation Area will be considered when determining this application.

Site and Surroundings

This application relates to a large detached property, which is located on the eastern corner of Eastern Parade where the road adjoins with St Georges Road. The property occupies a prominent corner position and is visible from Eastern Parade, St Georges Road and the road to the rear, Selsey Avenue. The house dates from the 1920s and has a brick plinth with white render and a red tiled hipped and cat slide roof. Eastern Parade runs parallel to the seafront and is opposite the Tenth Hole golf course. The site is located within the Craneswater and Eastern Parade Conservation Area, which is predominantly residential in character. The surrounding properties are primarily large two storey buildings with a mix of brick, render and hanging tiles.

Proposal

The applicant seeks permission to extend and alter the dwelling. The works would comprise the following:

- 1) Construction of new roof extension, including: a) front gable with balcony; b) dormers to the east roof slope c) gable to the north elevation and; d) alterations to the chimneys;
- 2) Construction of a basement lightwells and part single/part two storey side extension to the east elevation to include a balcony to the first floor;
- 3) External alterations to the doors and windows including the replacement bay window to the south elevation and glazed entrance canopy;
- 4) New entrance gates up to 1.74m high and 0.3m high trellis above the existing walls;
- 5) Raised decking to form a terrace on east elevation;
- 6) Formation of a dropped kerb onto Selsey Avenue.

During the course of the application, the applicant amended the design of the rear (north) elevation following concerns raised by officers. It was considered that the proposed windows were too small and did not have regard to the prominence of the elevation. The amendments comprise larger windows of a style to complement the overall design of the extended dwelling.

Planning History

In August 2016, a planning application was submitted for extensions and alterations comprising the following works: construction of new roof extension to provide additional living accommodation; to include front gable with balcony, dormers to East elevations, photovoltaic panels to west elevation, hipped gable to north elevation and alterations to chimneys; construction of basement and part single/part two storey side extension to east elevation to include balcony to first floor; external alterations to include new windows and doors, replacement bay windows and 1st floor balcony to front elevation; glazed entrance canopy and boundary treatments to North Elevation; external flue and replacement of garden shed and replace trees (Ref 16/01447/HOU). After concerns were raised regarding the bulk, appearance and relationship with the character of the 'Craneswater and Eastern Parade' Conservation Area the application was subsequently withdrawn.

POLICY CONTEXT

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

The aims and objectives of the NPPF will also be relevant material in the determination of this application.

The 'Craneswater and Eastern Parade' Conservation Area guidelines are also relevant.

CONSULTATIONS

Tree Officer

A site visit has not been undertaken on this occasion the Arboricultural Officer is familiar with the site.

The content of the Arboricultural Impact Assessment 0878.bjh.Aug16 and covering letter prepared by Mr Harverson are accepted and agreed.

The two specimens of Holly *Ilex aquifolium* are not trees of large stature and can be considered to be of low amenity value with only the small crowns visible above the boundary wall and the loss will not be of significant impact to the overall area.

Recommendations

The application be granted.

The recommendation of Mr Harverson to replace with Palm type specimens in keeping with others in the area be supported.

Highways Engineer

This application is for external alterations and roof extension to existing 3 bedroom house to create extra living space and extra bedroom. I have reviewed the Design and Access statement and plans submitted in support of the application and would make the following comments: Eastern Parade is a residential road in close proximity to Southsea waterfront. There is on-street parking on both sides of the road with most of the properties having private driveways. The road is subject to a 30mph limit and is part of the classified road network (A288).

No transport assessment has been submitted with the application however given the small scale of the development, there will not be a material impact caused by the proposal on the local Highway network.

Portsmouth's Parking SPD gives the expected parking provision for new residential developments. The proposal is for a 4bedroom dwelling which would require 2 spaces to comply with the SPD. Whilst the proposal removes the existing integral garage, an area of hardstanding within the site boundary is to be created at the rear with space for two vehicles which would satisfy the SPD requirement.

Portsmouth's Parking SPD also requires the provision of secure cycle parking for new residential dwellings. A dwelling of the size proposed would require at least 4spaces. The plans appear to show the provision of two spaces within the new garden shed therefore two more spaces would be required.

As the application stands I would not wish to raise a Highways objection on the following condition;

- 1) Provide secure cycle parking to meet the SPD requirements within the site boundary for exclusive use by the proposed development and thereafter retained.
- 2) Parking provision on site for two vehicles is forever retained for use by residents of the development

The Highways Engineer has since commented stating that:

Further to The Highways representation of 27/02/17 and your subsequent query regarding the extension of the dropped crossing on the availability of on street parking space I write to confirm the perspective of the LHA in that regard which should be read in conjunction with the previous representation.

The existing vehicular access to the site is via a dropped crossing to Selsey Avenue. This application proposes widening the existing dropped crossing to facilitate access to an additional parking space within the site as is required to comply with the parking standards for residential development in the city.

Selsey Avenue is an unclassified road and the creation of a new dropped crossing or extension of an existing dropped crossing to such a road could be permitted development.

In that light despite the effect of this development practically reducing the number of spaces available for parking on street I do not believe that any objection to the proposal on that basis could be sustained in the event of an appeal.

Contaminated Land Team

The Contaminated Land department have reviewed the above application and given the relatively limited scope of the works a condition relating to land contamination is not required. However, given the sensitive nature of the site, and its proximity to land formerly owned by the Ministry of Defence, the following informative should be added to any planning approval granted as a precautionary measure:

In the event that any signs of pollution such as poor plant growth, 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 soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

REPRESENTATIONS

40 Objection comments from local residents have been received. Their comments can be summarized as follows:

- 1) Proposal is out of keeping with the neighbouring properties in terms of mass
- 2) Height does not fit in with the neighbouring roof line
- 3) Glass frontage out of character
- 4) Ugly rear elevation
- 5) Destroy appearance of existing house
- 6) Set a precedent to knock down houses and re-build
- 7) Loss of on street parking
- 8) Impact on views from Selsey Avenue and Eastern Parade
- 9) Proposal is a re-build not an extension
- 10) Could easily be converted to student accommodation
- 11) Covenant prevents development 25 feet away from the eastern elevation
- 12) Alters the character of the area
- 13) Loss of light to neighbouring occupier
- 14) Overbearing impact
- 15) Other large properties sit on much larger sites
- 16) Windows give an industrial appearance
- 17) Loss of privacy from rear windows
- 18) Reduce property value

8 Support comments from local residents have been received. Their comments are summarized as follows:

- 1) Extension will enhance the property and reflect other extensions on the same road
- 2) It will have no detrimental impact on the neighbouring occupiers
- 3) Changes do not interfere with outlook of neighbouring buildings
- 4) Appearance contributes positively to the overall appearance of Selsey Avenue and Eastern Parade

COMMENT

The determining issues in this application relate to the design of the proposal and whether it would relate appropriately to the recipient building and the wider street scene. Also, whether the proposal would have a significant impact on the amenity of the surrounding occupiers. When determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. 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. The proposal is located within the Craneswater and Eastern Parade Conservation Area, therefore the impact that the proposal could have on the Conservation Area will be considered when determining this application.

Character of surrounding area

The application property is a two- storey detached dwelling, which occupies a prominent corner plot at the eastern side of Eastern Parade opposite the Tenth Hole golf course. The site borders Selsey Avenue to the rear and St Georges Road to the east and is also located within close proximity to the sea front. The site is situated towards the eastern end of the Craneswater and Eastern Parade Conservation Area. This area of Eastern Parade is characterised by a variety of large, detached residential dwellings and flats. The area has a varied design with a number of the properties along Eastern Parade having been modified over recent years, with features including glazed balconies and rooflights.

Design and impact on Conservation Area

The applicant seeks permission to extend and alter the existing property to create a larger, more contemporary designed dwelling. The matter to consider is whether the resulting design is acceptable in relation to the surrounding area and the character of the Conservation Area.

The proposed works would include a roof extension comprising a front gable and a gable on the north elevation facing Selsey Avenue, along with a new chimney similar in appearance to the chimney of the original dwelling. The gable on the front elevation would have a glazed window which would open out onto a balcony serving a sitting room. There would also be three dormers to the east roofslope, which would be modestly placed within the roofslope. The 'Craneswater and Eastern Parade' Conservation Area guidelines states that where dormers are appropriate the use of appropriate designs such as matching those elsewhere in a group will be encouraged. The guidelines go on to state that large dormers that dominate the roofscape and are out of proportion with the scale of the property will be discouraged. The proposed dormers are considered to be of an appropriate size and are not considered to over dominate the roofscape.

On the eastern elevation of the building, the proposal is to construct a part single, part two-storey side extension. This would have a pitched roof to match the recipient property and would include a glazed window at first floor level, which would open out onto a balcony. The ground floor would have a set of bi-folding doors which would open out onto a raised decking area. A basement would be constructed under the property; this will also include windows serving the basement. These would be modest in size and relate to the other windows within the property.

The northern elevation has been amended and would include the installation of large windows in aluminium frames and red brickwork detailing along the bottom of the dwelling, to tie in with the appearance of the rest of the dwelling. The proposed amended windows are considered to be appropriate in size and design in relation to the recipient property and would enhance the prominent northern elevation.

The Conservation Area guidelines state the size of an extension should not overpower the original building and on properties fronting the sea front, extensions should respect the height and roof type, extent of plot coverage and the building line of the existing properties. Whilst the extension would increase the bulk of the building, it does not overpower the existing property and due to the large plot size, it is considered that the property could accommodate an extension of this scale. The height of the dwelling would be of a similar height to the other large properties within Eastern Parade and would have regard to the building line of the sea front properties. The Conservation Area guidelines also importantly state that 'in some situations a more contemporary approach to extending a building may be appropriate subject to satisfactory design, detailing and materials'. Having regard to the varied character and appearance of dwellings in the area, the contemporary design is considered appropriate for the location and the development is considered acceptable in terms of overall design and scale.

In addition to the extensions, alterations are also proposed to be carried out to the external windows and doors of the property to create an overall modern appearance. These would

include enlarging the existing windows and installing new doors and windows, which would be finished in powder coated aluminium. Whilst this is a different material to the existing windows, taking into consideration the varied character of the surrounding area, it is not considered that this would result in a significant visual impact.

At the rear of the dwelling on Selsey Avenue, new timber entrance gates are proposed to be installed along with a dropped kerb to provide vehicle access. Whilst this would partially remove part of the boundary wall by 1.5m, it is considered that the appearance of the gates are acceptable and would have regard to the character of the surrounding area. The Highways Engineer has raised no objection to the creation of a dropped kerb.

Overall, in terms of impact on the Conservation Area, the scheme's impact would be derived principally from an increase in mass/bulk and alteration to design, which would increase the 'presence' of the building within the streetscene. However, the increased scale and nature of the design is not considered to be out of context with nearby buildings within the Conservation Area. The proposal is therefore considered to be of a scale and design which is appropriate to its context in accordance with Policy PCS23 of the Portsmouth Plan.

Impact on residential amenities

The nearest neighbouring properties are No.55 Eastern Parade to the west, dwellings to the north on Selsey Avenue and dwellings at Marine Court to the east. There are no properties to the front of the site as the property looks out onto 'The Tenth Hole' golf course.

Impact on No 55 Eastern Parade:

The proposal would be constructed on the northern and eastern elevation of the site. Therefore, it is not considered that the proposal would have a significant impact on the amenity of the neighbouring occupiers (No 55) to the west. The height of the roof would increase by 1.5 metres; however, it is not considered that this increased height would have a significant impact on the neighbouring occupiers in terms of overshadowing, increased sense of enclosure or loss of light. Whilst there would be windows on the ground and first floor facing No 55, these windows would serve an en-suite on the first floor and a clock room on the ground floor. The windows would therefore be obscure glazed and would not result in loss of privacy to the occupiers of No 55.

Impact on occupiers of Selsey Avenue:

There is a separation distance of approximately 20 metres between the proposal and the nearest properties to the rear in Selsey Avenue. Therefore, it is not considered that the proposal would result in any significant impact in terms of overshadowing, increased sense of enclosure or loss of light.

A number of residents in Selsey Avenue have raised concerns regarding the loss of a sea view from their property. However, the 'right to a view' is not a material planning consideration and, given the distance between the dwellings, it is not considered that the proposal would result in a loss of outlook to these residents.

Objections have also been raised from the occupiers of Selsey Avenue regarding loss of privacy from the rear windows. Having regard to the 20 metre separation distance between the properties in Selsey Avenue and the application site, it is not considered that the windows on the rear elevation would result in loss of privacy.

Impact on occupiers of Marine Court:

There is a separation distance of approximately 35 metres between the application site and the nearest residential occupiers in Marine Court, therefore it is not considered that the proposal

would result in a significant impact on the amenities of the residential occupiers of these nearby dwellings.

Impact on trees

There are some trees on the site which are protected by virtue of their location within the Conservation Area. Two of the trees are proposed to be removed to accommodate the extension but these are not considered to provide any significant amenity value and the Tree Officer has raised no objection to the proposals.

Other issues raised by objectors

The covenant on the application site and whether the proposal would affect house prices are both private interest matters and are not a material planning consideration.

One objector makes reference to the fact that the building could be converted into student accommodation. The lawful use of the property is a dwelling house within Class C3 and if the owner wished to convert the property into student property then they would need to apply for planning permission from the Local Planning Authority.

Concerns have also been raised about the loss of on street car parking. The existing dropped kerb would extend by 1.5m in width, and due to the presence of yellow lines outside the property, this would only reduce one on street car parking space, which is not considered to be a significant reduction and the Highways Officer has raised no objection in this regard.

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: 14.2014.112 P1, 14.2014.111 P3, 14.2014.102 P3, 14.2014.103 P4, 14.2014.104 P4, 14.2014.101 P2, 14.2014.106 P4, 14.2014.109 P1, 14.2014. 107 P1, 14.2014. 108 P1, 14.2014. 105 P1, 14.2014.110 P1, and 14.2014.116 P1.
- 3) No development shall commence until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out using the approved materials and finishes.
- 4) The windows on the west elevation facing No 55 Eastern Parade shall be glazed with obscured glass in accordance with the submitted drawings and shall be permanently maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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 the development is finished in appropriate materials that will relate appropriately to the 'Craneswater and Eastern Parade' Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

4) To protect the privacy of the occupiers of residential properties facing the western elevation and to prevent overlooking in accordance with 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.

169 QUEENS ROAD FRATTON PORTSMOUTH PO2 7LU

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 7 PERSON 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr A Venables

RDD: 2nd March 2017

LDD: 28th April 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle 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 SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located centrally on Queens Road, north of its junction with Lynn Road. The dwelling is set back from the highway by a small front forecourt and comprises a kitchen, two lounges, shower room and one bedroom (with ensuite) at ground floor level, three bedrooms (two with ensuite) at first floor level and two bedrooms (one with ensuite) and a shower room at roof level. The surrounding area is characterised by dense residential terraces. The property is currently in use as a Class C4 House in Multiple Occupation where between 3 and 6 unrelated individuals living as a household share some form communal facilities.

Proposal

This application seeks planning permission to use the property as a 7 bedroom, 7 person house in multiple occupation (Sui Generis).

Relevant planning history

An application for the change of use from Class C3 to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) was determined in December 2016 (16/01819/FUL) to enable occupation of the property by three-six unrelated individuals.

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 National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

Viewing the proposed floor plans, there appears to be adequate common living area and sufficient amenities for the property for the planned occupancy levels of 7.

From the plan provided I am unable to verify that the room marked as bedroom 7 would be suitable for single person use due to the encroachment of the roof into this room and this would require verification.

I do also have concerns that some of the en-suites in some rooms may not be of a suitable size or layout for safe use and may require amendments.

Overall given the size and layout of the property with some amendments it would be suitable for the stated occupancy levels of 7.

REPRESENTATIONS

None received.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The property already benefits from a lawful Class C4-HMO use which was approved by the Local Planning Authority in December 2016.

Having regard to the current lawful use of the property as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD. In considering a recent appeal at 11 Baileys Road (Appeal ref.APP/Z1775/W/16/3159989, February 2017) which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City". (Similar decisions were reached by the Inspector at 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

Concerns have been raised previously in respect of the intensification of use at individual HMO properties and the cumulative impact of similar developments in significantly increasing the number of occupants within a given area. However, in considering the appeal at 37 Margate Road, the Inspector concluded that: '...having regard to the site's urban location and the density

of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area'. On the basis the current proposal seeks an identical increase in occupation, the Inspectors view must be afforded significant weight.

Impact on residential amenity

The proposal involves the removal of an additional lounge at ground floor to provide one additional bedroom. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

In light of the decision above, it is considered that there is insufficient evidence to demonstrate that the occupation of a given property by seven individuals rather than six would result in any significant increase in noise and disturbance or that it would be likely to have a significant additional impact on the amenity of the occupiers of adjoining or nearby properties.

In terms of internal living conditions, the property currently comprises a communal shower room at ground and second floor level and a communal w/c at first floor level (containing a shower, w/c and wash basin). In addition, bedroom 1, 3, 4 and 6 would benefit from en-suite bathrooms. At ground floor level a communal lounge and kitchen would have a floor area of approximately 25sq.m. with access to cooking and preparation facilities. Overall it is considered that the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

The City Council's Private Sector Housing Team (PSHT) have been consulted as part of the determination of this application. They confirm that the standard of accommodation and the associated facilities are sufficient for the intended number of occupants and any licence application for its occupation by up to 7 individuals would be capable of support subject to some alterations to the proposed facilities.

Stepping away from the planning merits of the proposal, the licensing process will also ensure adequate fire safety measures and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained.

In addition, the City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city. It is noted that the number of parking spaces required for a Sui Generis HMO with four or more bedrooms, is the same as would be required for a Class C4 HMO with four or more bedrooms or a Class C3 dwellinghouse with four or more bedrooms.

It is not considered that the addition of one further occupant would significantly increase the demand for refuse storage facilities at the site.

SPA mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

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 (1:1250), Site Plan (1:500) PG 1074 16 3, PG 1074 16 2

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.

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.

26 MANNERS ROAD SOUTHSEA PO4 0BB

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 7 BEDROOM 7 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

New Era Agency Ltd
FAO Mr Chris Broyd

On behalf of:

Mr Grahame Purvis
C/O New Era Agency

RDD: 2nd March 2017

LDD: 28th April 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle 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 SPA mitigation, car and cycle parking.

The Site

This application relates to a two-storey mid-terraced property located to the southern side of Manners Road, just to the east of its junction with Fawcett Road. The dwelling is set back from the highway by a small front forecourt and comprises a kitchen/lounge, a bedroom and toilet at ground floor level, three bedrooms and a shower room (with toilet) at first floor level and two bedrooms and a shower room (with toilet) at roof level. The surrounding area is characterised by dense residential terraces with a small local centre just to the west on Fawcett Road. The property is currently in use as a Class C4 House in Multiple Occupation where between 3 and 6 unrelated individuals living as a household share some form communal facilities.

Proposal

This application seeks planning permission to use the property as a 7 bedroom, 7 person house in multiple occupation (Sui Generis).

Relevant planning history

Planning permission was granted in 2012 (ref.11/01091/FUL) for the change of use from a house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs)

Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Manners Road is a residential road in close proximity to bus and rail facilities and considered to be an accessible area. Demand for residents parking on street often exceeds the space available, although there is no controlled residents' parking zone in the area. The area has high levels of student and HMO accommodation in residential dwellings and experiences increased parking pressure in the evenings when residents return home from work.

The applicant has not provided any vehicle parking details and has referred to cycle parking in a storage area to the rear but has not provided any further information in the form of drawings or photographs to enable me to assess whether it is acceptable.

An HMO of this size is required to provide 2 vehicle and 4 cycle parking spaces. The existing use as a slightly smaller HMO would also have been required to provide 2 vehicle parking spaces and 4 cycle parking spaces to comply with the PCC Parking Standards & Transport Assessments SPD (July 2014). As a consequence this application would not increase the current car parking shortfall associated with the site.

As the application stands the Highways Authority would raise no highway objection subject to a condition requiring the provision of 4 secure, weatherproof cycle parking spaces to be submitted and approved.

REPRESENTATIONS

At the time of writing no representations to this application had been received.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the change of use from Class C4 (HMOs) to Sui Generis HMOs to be referred to the Committee for determination.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The property currently benefits from a lawful use as a Class C4 HMO as granted by planning permission 11/01091/FUL in 2012 which also gives flexibility to revert to and from a Class C3 Dwellinghouse.

Having regard to the current lawful use of the property as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD. In considering a recent appeal at 11 Baileys Road (Appeal ref.APP/Z1775/W/16/3159989, February 2017) which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property

already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City". (Similar decisions were reached by the Inspector at 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

Concerns have been raised in respect of the intensification of use at individual HMO properties and the cumulative impact of similar developments in significantly increasing the number of occupants within a given area. However, in considering the appeal at 37 Margate Road, an area with a similar concentration of HMOs to that around the application site, the Inspector concluded that: '...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area'. On the basis the current proposal seeks an identical increase in occupation, the Inspectors view must be afforded significant weight.

Impact on residential amenity

The proposal involves the use of a loft extension, already undertaken as permitted development, to provide two additional bedrooms and a shower room. Whilst the accommodation of any additional occupants would lead to a more intensive use of the property which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

In light of the decision above, it is considered that there is insufficient evidence to demonstrate that the occupation of a given property by seven individuals rather than six would result in any significant increase in noise and disturbance or that it would be likely to have a significant additional impact on the amenity of the occupiers of adjoining or nearby properties.

The City Council's Private Sector Housing Team has considered the submitted drawings and confirm that the proposed accommodation is appropriate for the number of occupants proposed. As such it is considered that the proposal would provide an acceptable standard of living accommodation for future occupiers.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained.

In addition, the City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city. It is noted that the number of parking spaces required for a Sui Generis HMO with four or more bedrooms, is the same as would be required for a Class C4 HMO with four or more bedrooms or a Class C3 dwellinghouse with four or more bedrooms.

It is not considered that the addition of one further occupant would significantly increase the demand for refuse storage facilities at the site.

SPA mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £181 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

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 Plan, PG1010.16.1 and PG 1010.16.2

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.

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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