



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 20 SEPTEMBER 2017 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Local Democracy Officer 02392 834056

Email: lisa.gallacher@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 Jim Fleming (Chair), Frank Jonas BEM (Vice-Chair), Jennie Brent, David Fuller, Colin Galloway, Steve Hastings, Lee Hunt, Hugh Mason, Robert New and Steve Pitt

Standing Deputies

Councillors Suzy Horton, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Steve Wemyss, 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 - 23 August 2017 (Pages 5 - 14)**

RECOMMENDED that the minutes of the Planning Committee held on 23 August 2017 be agreed as a correct record and signed by the Chair.

4 Updates of previous applications by the Assistant Director of Culture & City Development

5 Recent Inspector Decisions (Pages 15 - 20)

Purpose of report

To advise the Planning Committee on the outcome of recent appeal decisions concluded up to August 2017.

RECOMMENDED

That individual inspector decisions are noted.

PLANNING APPLICATIONS (Pages 21 - 118)

6 17/01014/PLAREG - 110 - 114 Palmerston Road Southsea PO5 3PT

Retrospective application for installation of outward opening windows fronting Palmerston Road and Auckland Road West

7 17/00224/OUT - Former Dairy Site Station Road Portsmouth PO6 1PL

Outline application for the construction of up to 108 dwellings (principle of access only to be considered).

8 17/00920/FUL - 59 Liss Road Southsea PO4 8AS

Change of use from purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) to a 7 bedroom house in multiple occupation (sui generis).

9 17/01029/FUL - 17 Marmion Road Southsea PO5 2AT

Change of use from class A1 (shops) to class A3 (restaurant and cafes) including rear located extract duct.

10 17/00265/FUL - 50 Hudson Road Southsea PO5 1HD

Change of use from purposes falling within a C3 (dwellinghouse) or C4 (house in multiple occupation) to house in multiple occupation for more than 6 persons (Sui Generis).

11 17/00793/PLAREG - Public House 119 Somers Road Southsea

Retrospective application for the installation of new windows & doors with the formation of new doorways and further alterations to include tiling & blocking up of a doorway and window.

- 12 17/01272/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).
- 13 17/01189/FUL - 43 Edmund Road Southsea PO4 0HZ**
Change of use from a house in multiple occupation (class C4) to an 8 bedroom house in multiple occupation (sui generis).
- 14 17/01192/HOU - 22 Exeter Road Southsea PO4 9PZ**
Construction of first floor extension to rear elevation to include installation of flat roof to remaining section of ground floor rear projection.
- 15 17/01214/HOU - 56 Stubbington Avenue Portsmouth PO2 0JA**
Formation of dropped kerb/access to serve hardstanding.
- 16 17/01215/FUL - 1 Edmund Road Southsea PO4 0LL**
Change of use from purposes falling within Class C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (Sui Generis).
- 17 17/01240/FUL - 63 Jessie Road Southsea PO4 0EJ**
Change of use from purposes falling within class C4 (house in multiple occupation) to 7 bedroom house in multiple occupation (sui generis).
- 18 17/01243/FUL - 61A Osborne Road Southsea PO5 3LS**
Change of use from maisonette (Class C3) to form 10 person 6 bedroom house in multiple occupation (Sui Generis).
- 19 17/01329/FUL - 5 Edmund Road Southsea PO4 0LL**
Change of use from purposes falling within class C4 (house in multiple occupancy) to an 8-bed house in multiple occupation (sui generis).

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, 23 August 2017 at 1pm in the Executive Meeting Room, the Guildhall

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

Present

Councillors Jim Fleming (Chair)
Frank Jonas BEM (Vice-Chair)
Jennie Brent
Colin Galloway
Steve Hastings
Hugh Mason
Robert New
Steve Pitt

Welcome

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

Guildhall, Fire Procedure

The chair, 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.

100. Apologies (AI 1)

Councillor David Fuller sent his apologies.

101. Declaration of Members' Interests (AI 2)

110-114 Palmerston Road

Councillors Robert New and Jim Fleming declared prejudicial interests as they know the owner of the premises. They would leave the hearing during the consideration of this item.

Councillor Steve Pitt declared a non-prejudicial interest as he knows the owner.

46, Burlington Road, Portsmouth

Councillor Robert New informed the committee that as he would make a representation, he would leave the hearing during the consideration of this item.

102. Minutes of the previous meeting - 26 July 2017. (AI 3)

RESOLVED that the minutes of the Planning Committee held on 26 July be approved as correct records and signed by the Chair.

103. Updates on previous applications by the Assistant Director of Culture & City Development. (AI 4)

There were no updates.

Councillor Hugh Mason informed the committee that a letter from the council had been sent to residents stating that the application for 36 Campbell Road would be considered at this meeting but it was not on the agenda. He asked officers if the applicant had been told that they should not start the work before the meeting.

The Assistant Director of Culture & City Development, Culture and City Development explained that the letter had been sent in error and that the applicant had been informed that permission is required for the work. Once received, the application would be considered at the next available meeting.

104. 17/00228/FUL - Land north of Catherine House, Stanhope Road, Portsmouth (AI 5)

The Planning Officer introduced the application and reported in the supplementary matters that an arboricultural impact assessment had been received and consequently condition 7 would require updating.

Mr Phil Salmon included the following points in his deputation on behalf of the applicant:

- The high quality scheme is reflective of the needs of the city centre and will help regenerate this part of the city centre.
- It will provide accommodation for students, their families and visitors to the many events. There will be some super rooms on the higher floors.
- It will directly create 40 jobs and many others indirectly.
- It is very close to bus stops and the train station.

Members' Questions

In response to questions, officers explained that:

- The design worked next to Catherine House
- Further details of the drainage requirements will be submitted
- Provision for 52 parking spaces was originally planned, but this was reduced to 26 in order that some trees would not need to be removed.
- The provision of sprinklers is a building control matter.
- It would be 48.6m high. Catherine House is 56.2m.
- The trees that would be removed cannot be replanted in Victoria Park.

Members' Comments.

Members noted the strong criticism of the application by the design review panel and considered that the design could have been better but recognised the need for a hotel.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the City Development Manager's recommendations.

105. 17/00571/FUL - 13, Empshott Road, Southsea PO4 8AT. (AI 6)

The Planning Officer introduced the application

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.

106. 17/00656/PLAREG - 62, High Street, Portsmouth PO1 2LY. (AI 7)

The Planning Officer introduced the application.

Members' Questions.

There were no questions.

Members' Comments.

Members liked the design of the roof tiles.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

107. 17/00764/FUL - 56 Old Wymering Lane, Portsmouth PO6 3NL. (AI 8)

Mr Mark Turner included the following points in his deputation:

- He took possession of the property two years' ago and completely renovated it.
- There will be eight tenants.
- A cleaner will visit weekly.

Members' Questions.

Members were informed that the kitchen floor space measures approximately 5m by 4.5m.

Members' Comments.

Members noted that there were no toilets or showers on the ground floor and that it was one of the better designs that they had seen recently.

RESOLVED that conditional permission be granted, subject to the conditions outlined the in City Development Manager's report.

108. 17/00760/ADV - 81-83, Palmerston Road, Southsea PO5 3PP. (AI 9)

The Planning Officer introduced the application.

Members' Questions.

In response to questions, members were informed that:

- There are lights that shine on the wall sign but officers could not comment on how reflective it would be at night.

- The council had control over the size of the sign but not the content.

Members' Comments.

Members noted that the sign was big, innovative, in the style that used to be on display and more eco-friendly than a LED sign.

RESOLVED that delegated authority be granted to the Assistant Director of Culture & City Development to grant conditional consent to both the fascia and hanging signs and the painted sign on the south flank (side) elevation.

109. 17/00835/FUL - 13 Martin Road, Portsmouth PO3 6JZ. (AI 10)

The Planning Officer introduced the application and reported in the supplementary matters that Councillors Sanders and Stagg had submitted written deputation. Councillor Sanders recommended that the committee consider either deferring pending the submission of floor plans and details regarding waste or amending condition 3 to include this. Councillor Stagg also recommended deferring because of lack of details regarding internal arrangements, rubbish and bicycle storage.

Mr Manish Patel included the following points in his deputation on behalf of the applicant:

- This provides essential accommodation for young professional people who cannot afford to rent by themselves.
- The tenants are unlikely to own cars.
- The rooms are more than 1.65m²
- The applicant will build a bicycle shed at the back.
- The bins are at the front of the premises.

Members' Questions.

There were no questions.

Members' Comments.

Members noted that:

- There are no other HMOs nearby.
- The applicant is not seeking to maximise the number of rooms.
- It is important to ensure that bicycle storage is provided.
- They hope that the applicant would not seek to convert the lounge into a bedroom in the future.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

110. 17/00843/FUL - Portsmouth High School For Girls Science Block, Cecil Grove, Southsea PO5 3BT. (AI 11)

The Planning Officer introduced the application.

Mr Les Buckingham included the following points in his deputation:

- He circulated a photograph of the wall taken from his garden.

- The reduction in the wall height will mean that his garden is overlooked. He suggested that a reduction of 0.5m would be sufficient.
- His property is one of the oldest in the road.

Mrs Sue Mullan withdrew her deputation as the issues that she wanted to raise had been addressed.

Mr Michael Conway included the following points in his deputation:

- The wall is unstable.
- The wall is in the school's grounds and is the school's responsibility.

Members' Questions.

Members were informed that:

- The wall is fully owned by the school.
- Mr Conway explained that the wall is at significant risk of falling down.
- Members were reminded that their decision should not be based on the structural integrity of the wall.

Members' Comments.

Although there was a potential for overlooking into the garden, it was acceptable as there was a considerable distance between the wall the property.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

111. 17/00921/FUL - 264A/B Havant Road, Portsmouth PO6 1PA. (AI 12)

The Planning Officer introduced the application.

Mr John Erskine included the following points in his deputation on behalf of the applicant:

- The proposed plans would mean a loss of light and outlook to his premises, which comprises an office, toilet and a storage room.
- The first floor had been a self-contained flat until 2005. If the application is granted, he would not be able to sell it as a residential property.

Mr Les Weymes included the following points in his deputation on behalf of the applicant:

- The size of the premises is a major constraint for the pharmacy.
- It is unusual to have windows on common boundaries.

Mr Mohamed Amiralli included the following points in his deputation:

- The pharmacy provides a late night seven day service to 18,000 patients including 5 nursing homes. It is sometimes open until 1am.
- It reduces the strain on A&E because it treats minor injuries and ailments.
- At 40m² it is one of busiest but smallest pharmacies. The pharmacy Inspector reported that there is not adequate space.
- The extension would mean that the pharmacy could extend the range of services on offer.

Members' Questions.

In response to questions, members were informed that:

- An office is expected to be occupied between Monday and Friday between 8 and 6pm.
- The layout could be changed so that the storage room is used as the main office.
- There are no minimal distances between neighbouring properties.
- There is no quantitative assessment of light loss.
- No. 264C would have to use artificial light for most of the year.
- Building on the land at the rear is not permitted as it is shared by all the surrounding businesses.

Members' Comments.

Members noted that the availability of light is key to this decision, the design offers the best solution and the benefit to the community outweighs the loss of light to the neighbouring property.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

112. 17/00994/FUL - 46, Burlington Road, Portsmouth PO2 0DP. (AI 13)

The Planning Officer introduced the application and reported in the supplementary matters list that an additional objection had been received on the same grounds as described in the report.

Ms Marilyn Moscrip included the following points in her deputation:

- There is a shortage of family homes in the city.
- The HMO would change the community character of the road.
- There would be more pressure on the infrastructure and parking spaces.
- Nearby houses prices would fall.
- There could be an extra 5 residents as there are double beds, some of which are next to children's rooms in neighbouring houses.
- The bins and gardens will not be looked after.

Councillor Robert New included the following points in his deputation:

- Some of the concerns raised in the representations are emotive and speculate about the behaviour of the tenants.
- There are some issues in the HMOs nearby, but these are privately managed.
- The owner of this property has a big portfolio but it is well-managed.
- He feels certain that a decision to refuse the application would be overturned by the Planning Inspector.
- Family homes often have multiple cars.
- There is a good public transport system.

He then left the room for the rest of this item.

Members' Questions.

Members were informed that there is 19m² of communal space and there are fewer than 10% of HMOs within a 50m radius of this property.

Members' Comments.

Members were sympathetic to the objectors but noted that there were no grounds to refuse this application.

The advised that if this application were to be granted and there were to be problems, Ward Councillors could help residents.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

113. 17/00997/FUL - 51 Ranelagh Road, Portsmouth PO2 8EZ. (AI 14)

The Planning Officer introduced the application.

Mr Tom Vaughan included the following points in his deputation:

- He circulated photographs showing the site before and after the works.
- When he bought the property it was uninhabitable. He completely renovated it at a cost of more than £50,000.
- There is a demand for HMOs.
- There would be a maximum of 4 tenants who would be vetted and references sought.
- There would be less impact to the neighbours than a family with three children.
- There is a waterproof bicycle storage area.
- He would inspect the property regularly.

Members' Questions.

Members were informed that the kitchen measures 7.8m² and the lounge 10.61m².

Members' Comments.

Members commended the applicant on the work he had carried out.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

114. 17/01014/PLAREG - 110-114 Palmerston Road, Southsea PO5 3PT. (AI 15)

Councillors Jim Fleming and Robert New had declared prejudicial interests so left the meeting.

Councillor Frank Jonas chaired this item.

The Planning Officer introduced this application and reported in the supplementary matters list that an additional representation had been received stating that they had made a number of complaints about the noise. The Environmental Health Team did not find any further noise complaints.

A copy of the window-opening procedure proposed by the management was circulated to the committee.

Ms Susan Lloyd included the following points in her deputation:

- The applicant's previous applications had been refused.

- There is excessive noise emanating from this premises.
- The Health & Safety Building Regulations (M) 2004 states that pedestrian routes should be protected from hazards. The pavement is already regularly partially obstructed by cars parked across it.
- She doubts that the new window-opening procedure would be followed as it requires two members of staff and a duty manager to supervise.
- The large windows are secured by a very small bolt so are likely to swing open.
- She hoped that the decision would be impartial despite the fact that the applicants are backers of local events.
- Air conditioning can be turned on when it is hot.

Mr Peter Cairns included the following points in his deputation:

- He is registered blind and regularly walks along these narrow pavements outside the premises.
- The pavements are obstructed by cars parked on them.
- On 28 July he had to ask the staff to close a large wooden gate which was swinging across the pavement.
- Despite the applications to have the windows open being refused, two and a half years later the owners continue to open them.

Members' Questions.

Members were informed that:

- The photograph circulated showed the windows open in direct disregard to the planning decision 160749.
- There is some seating and a barrier outside the premises on Palmerston Road.
- The windows are flush against the wall when open.
- Music nuisance is dealt with by the Environmental Health Service.
- The windows can be released.
- Details of locking mechanism can be left to be agreed with the Assistant Director of Culture & City Development.

Members' Comments.

Members made the following comments:

- The windows should be lockable.
- As the owner had disregarded completely the past decisions of the committee, there was no reason to trust that the proposed procedure would be adhered to particularly as so many people would be required.
- Customers have been seen leaning out of the window whilst holding their beer.
- There were mixed views on whether the pavement was wide enough.

RESOLVED that the decision be deferred and delegated authority was granted to the Assistant Director of Culture & City Development to seek amendment to the application to ensure windows to Auckland Road West remain fixed at all times, and windows to Palmerston Road to be provided with a locking mechanism.

REASONS

- There is an unacceptable risk of injury to pedestrians specifically on Auckland Road West.
- This is contrary to PCS 17 of the Portsmouth Plan.

115. 17/01059/FUL - 143 Queens Road, Portsmouth PO2 7LU. (AI 16)

The Planning Officer introduced the application.

Members' Questions.

There were no members' questions.

Members' Comments.

They saw no reason to refuse this application.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

The meeting concluded at 4.:40 pm.

Signed by the Chair of the meeting
Councillor Jim Fleming

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Agenda Item 5



Portsmouth
CITY COUNCIL

Decision maker: Planning Committee

Subject: Recent Inspector Decisions

Report by: Claire Upton-Brown
Assistant Director Culture & City Development

Wards affected: Fratton, St Thomas and St. Jude,

Key decision (over £250k): No

1. Purpose of report

To advise the Planning Committee on the outcome of recent appeal decisions concluded up to August 2017.

2. Recommendations

That individual Inspectors decisions are noted.

3. Summary

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
25 Baileys Road Southsea, PO5 1EA (St Thomas)	Change of use from C3/c4 to 7 person Sui- Generis HMO	Refusal	Allowed- Permission Granted	Award of costs- Refused
239 Powerscourt Road Portsmouth PO2 7JJ (Fratton)	Change of use C3 to C4-HMO	Refusal	Allowed- Permission Granted	Award of costs- Allowed
24 Merton Road Southsea PO5 2AQ	Change of use from C3 to sui- generis HMO	Refusal	Allowed- Permission Granted	Award of costs- Allowed

4. Decisions in Focus

Three of the Inspectors decisions are detailed below to highlight points of interest.

25 Baileys Road, Southsea PO5 1EA-

The main issue considered in allowing this appeal was the impact on the living conditions of future residents of the HMO, having regard to communal internal space provision, and existing residents in the surrounding area, having regard to noise and disturbance.

The inspector made reference to the Council's statement that licenced room sizes are smaller than those for new build residential developments and that the proposal would see the removal of a shared community space and a study. However he noted *"there would still be a shared open plan kitchen and lounge remaining for residents and the adequateness of room sizes for habitation remains a matter for the City Council's Private Sector Housing Team in licensing the premises. For all these reasons, the room sizes and layout of the accommodation would not be so restricted as to cause residents to spend any greater time within their bedrooms than would otherwise be the case and therefore would not cause any significant increase in noise and disturbance."*

In reference to representations received regarding the proposals impact on the quality of life for local residents and community cohesion the inspector noted that anti-social behaviour, noise & disturbance, litter and other matters equally apply to other type of accommodation and not just C4 HMO's.

Costs

The applicant made an application for costs on the basis that the Planning Committee had pre-meditated their decision making.

In dismissing the costs application the inspector noted; *"I have concluded the proposal to be acceptable because there would only be the addition of one person. Nevertheless the Council is entitled to come to a different view with specific evidence as it has done so here. In considering the Council's case as a whole, its reason for refusal has been substantiated and nor has it offered vague, generalised or inaccurate assertions about a proposals impact unsupported by any objective analysis."*

239 Powerscourt Road, Portsmouth PO2 7JJ-

The applicant made an application for costs on the basis that the Planning Committee had pre-meditated their decision making.

The main issue considered in allowing this appeal was the effect the proposal would have on the living conditions of residents in the surrounding are, having regard to the parking provision, noise and disturbance.

The council had stated there would be a significant increased pressure on parking in the area on the basis of representations received from local residents claiming that they have to park their cars a significant distance from their homes which can be troublesome for the elderly and families with young children. The Inspector noted however the Parking Standards and Transport Assessments SPD 2014 requires two car parking spaces to be provided for the existing C3-Residential use as well as the proposed C4-HMO use. Further to this, the Inspector noted that the application site is in close proximity to a high frequency bus route as well as the North End District Centre and therefore reducing the need to use a car to access basic amenities; *"Such accessibility to shops, services and transport facilities would substantially reduce the necessity for a car by future occupiers. For all of*

these reasons, it has not been demonstrated that there would be a significant worsening of the current car parking issues that have been identified."

Turning to the issue of noise and disturbance raised by representations, the Inspector noted; *"the proposed Class C4 HMO would compromise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. "*

Costs

The applicant made an application for costs on the basis that the Council refused permission because of a perceived parking impact and an increased level of noise and disturbance.

The Inspector offered the view that *"it is not disputed that there are significant pressures on local residents at peak times for parking but the council has failed to substantiate its case that the proposal would result in further unacceptable pressure for parking to the detriment of local residents."*

Relating to issues around noise and disturbance, the inspector noted; *"The Council is entitled to consider the impact of the users of the HMO to be significantly greater than the use as dwellinghouse but such a view must be based on well-founded planning argument and evidence. My attention has been drawn to members and local resident's knowledge and comments but it has not been used to produce any objective analysis to judge the merits of this proposal."*

The Inspector concluded; *"For all these reasons, the Council has prevented/delayed a development which should clearly be permitted, having regard to the development plan, national policy and other considerations. Such behaviour is unreasonable and has resulted in unnecessary cost for the applicant in pursuing an appeal. In this respect, a full award of costs is justified.."*

24 Merton Road, Southsea, PO5 2AQ-

The main issue considered in allowing this appeal were whether the proposal would preserve or enhance the character or appearance of the Owen's Southsea Conservation Area, the effect of the proposal on highway safety, and the effect of the proposal on the living conditions of the occupiers of nearby residential properties with particular regard to smell, outlook, noise and disturbance.

In relation to the perceived impact on the Conservation Area, the inspector noted that large lightwells were not a common feature of properties in the surrounding vicinity and *"thus I consider that the proposal would not appear as incongruous as alleged by the Council. As it is, the proposal would retain a significant part of the lightwell, and thus the infilling proposed would preserve the overall character and appearance of the area."*

Further to this, in response to representations made about an increased level of coming and goings, the inspector stated; *" Whilst there may be more comings and goings in an HMO compared to a family dwelling, the lawful use as a nursing home would no doubt also have generated more comings and goings and deliveries than would a family home. There is nothing which leads me to conclude that the change in activity would be sufficient to harm the character and appearance of the conservation area."*

Responding to the Council's argument regarding the living conditions of neighbouring occupiers, the inspector opined; *"The Council has produced no evidence to show that HMOs in the area result in material harm to residents' living conditions. Clearly the more intensive occupation of an HMO will result in more comings and goings than would a family home, but in an area where many of the properties have been converted into flats and where the previous use was as a nursing home, I*

consider that it is unlikely that there would be a marked difference in the noise and disturbance generated by occupiers."

Costs

The applicant made an application for costs on the basis that the Council's evidence did not show how the proposal would create an "imbalance" so as to conflict with Policy PCS23 of the Portsmouth Plan.

On the matters raised in the appeal the Inspector noted; *"No facts were put forward to show how the proposed use would result in harm to the character or appearance of the conservation area. Again, this was a vague assertion unsupported by evidence or objective analysis."*

In regards to the Highways issues raised, the inspector concluded; *"the Council failed to have regard to the findings of the previous Inspector, who found that there would be unlikely to be a material change in the demand for car parking in the surrounding area, from use of the neighbouring property as an HMO, having regard to the intense pressure that already exists and the good accessibility to services and public transport. The Highway Authority had no objection and in these circumstances it was incumbent on the Council to adduce clear evidence that material harm would arise. The failure to do so amounts to unreasonable behaviour."*

4. Reason for recommendations

For information to the Planning Committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application: 16/02009/FUL (239 Powerscourt Road, Portsmouth PO2 7JJ)	Planning Services
Appeal decision: APP/Z1775/W/17/3169402 (239 Powerscourt Road, Portsmouth PO2 7JJ)	Planning Services
Planning application: 16/01210/FUL (25 Baileys Road, Southsea PO5 1EA)	Planning Services
Appeal decision: APP/Z1775/W/16/3159990 (25 Baileys Road, Southsea PO5 1EA)	Planning Services
Planning application: 16/01532/FUL (24 Merton Road, Southsea, PO5 2AQ)	Planning Services
Appeal decision: APP/Z1775/W/16/3165136 (24 Merton Road, Southsea, PO5 2AQ)	Planning Services

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Agenda Item 6

PLANNING COMMITTEE 20 SEPTEMBER 2017

**1 PM THE EXECUTIVE MEETING ROOM,
FLOOR 3, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property*, and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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110 - 114 PALMERSTON ROAD SOUTHSEA PO5 3PT

**RETROSPECTIVE APPLICATION FOR INSTALLATION OF OUTWARD OPENING
WINDOWS FRONTING PALMERSTON ROAD AND AUCKLAND ROAD WEST**

Application Submitted By:

Martin Ralph Chartered Surveyors
FAO Mr Jason Ralph

On behalf of:

Mr Ralls

RDD: 13th June 2017

LDD: 9th August 2017

SUMMARY OF MAIN ISSUES

UPDATE

This application was deferred from the planning committee on 23 September 2017 for officers to liaise with the applicant to seek to resolve concerns relating to the windows fronting Auckland Road West. Members were of the view that, even with the proposed operating procedure, the outward opening windows fronting Auckland Road West would pose a pedestrian safety risk. Concerns were also raised in relation to the mechanism used to secure all of the windows in their outward open position, which was not considered secure enough. It was suggested that the windows onto Auckland Road West should be secured shut and that a proper locking system should be in place for the windows fronting Palmerston Road.

In response to these concerns, the applicant has confirmed that they would be agreeable to the installation of a more secure locking system for the windows in their outward opening position. However, they wish to continue to propose all of the windows to be outward opening, including those on Auckland Road West.

The application is therefore being presented back to the committee for determination on the basis of all of the windows being outward opening, but with the addition of a condition to require details of a secure locking system to be submitted, approved and installed.

The main issues for consideration in this application relate to the following:

- a) Pedestrian safety;
- b) Noise impact;
- c) Whether previous reasons for refusal have been addressed.

Site and Proposal

The application relates to a single-storey commercial premises located on the west side of Palmerston Road, on the corner with Auckland Road West. The site lies at the southern end of Southsea Town Centre, within an area defined as the Restaurant Quarter and Secondary Shopping Frontage within the Southsea Town Centre Area Action Plan (2007). The premises is currently in use as a bar / restaurant called Meat and Barrel. There is a mix of commercial uses within the southern part of Palmerston Road, including bars, restaurants and shops and a number of the properties have residential use on the upper floors. To the south of the site is a

block of flats (Queen's Keep) and Auckland Road West is characterised predominantly by housing on its northern side, with garages and outbuildings on the southern side associated with the residential properties on Clarence Parade.

The application seeks retrospective permission for the installation of outward opening windows fronting Palmerston Road and Auckland Road West.

Planning History

The application follows a number of previous applications relating to the shopfront and windows, as summarised below.

- 16/00479/PLAREG - retrospective application for change of operation to existing windows facing Palmerston Road and Auckland Road West - refused 31/05/2016 for the following reason:

The retrospective application to change the operation to existing windows to open outwards over the adjacent public highway, would result in an unacceptable risk of injury to pedestrians using the footpath adjacent to the premises. The proposal is therefore contrary to Policy PCS17 of the Portsmouth Plan.

- 15/00570/VOC - application to vary condition 2 of planning permission 14/015451/PLAREG to approve amended drawings showing revised window openings to shopfront - refused 23/07/2015 for the following reason:

The proposed variation of condition two of planning permission 14/01545/PLAREG to allow the windows to open outwards over the adjacent public highway, would result in an unacceptable risk of injury to pedestrians using the footpath adjacent to the premises. The proposal is therefore contrary to Policy PCS17 and PCS23 of the Portsmouth Plan.

- 14/01545/PLAREG - retrospective application for the installation of a new shopfront - conditional permission 10/02/2015.
- 09/00624/FUL - installation of new shopfront and external alterations to rear elevation to include formation of new door with access ramp and steps (resubmission of 09/00624/FUL) - conditional permission 12/11/2009
- 09/00624/FUL - installation of new shopfront and external alterations to rear elevation to include formation of new door with access ramp and steps - refused 20/08/2009 for the following reason:

In the opinion of the City Council as local planning authority, in failing to satisfactorily address the loss of amenity arising from the use of the rear doors, the alterations to the premises would not provide adequate facilities for the provision of access and egress for disabled persons. The proposed alterations and access/egress arrangements for the disabled would therefore be contrary to the objectives of policy DC1 of the Portsmouth City Local Plan 2001-2011 and Planning Policy Statement 1: Delivering Sustainable Development and result in a loss of residential amenity contrary to policy DC5 of the Portsmouth City Local Plan 2001-2011.

POLICY CONTEXT

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

CONSULTATIONS

Highways Engineer

This is a retrospective application for installation of outward opening windows fronting Palmerston Road (a section of which is licenced to provide outside seating for this establishment) and Auckland Road West.

I have assessed the application and planning history, visited the site and observed how the windows are proposed to operate and would make the following observations:

This proposal has been considered through previous applications to which the highway authority has recommended a reason for refusal as the windows would open over the public highway. Once open the window fold back flush and are secured against the fenestration. In this position they do not cause any obstruction to the passage of pedestrians on the highway.

This application varies from those previously submitted as it includes a risk management procedure for operation of the windows procedure to be incorporated into the health and safety training of staff. This provides for the window only to be operated by 2 members of staff, one internally and one externally (whilst being observed by the duty manager) such that it can be ensured that there are no pedestrians passing whilst the windows are being operated. The procedure also requires that the duty manager checks the window fixing each time the windows are operated.

I am satisfied that the operation of the windows in accordance with this procedure mitigates the risk of incidents with pedestrians and as a consequence I would not wish to raise a highway objection to this proposal subject to securing through condition that the windows only be operated in accordance with the proposed procedure

Environmental Health

I write with regard to the above application for retrospective application for installation of outward opening windows fronting Palmerston Road and Auckland Road West.

This consultation is with regard to the potential impact on the amenity of neighbouring sensitive uses from the A3 use.

The A3 use is well established at this location and so my response will concentrate on the potential impact that the windows may have on neighbouring residential use. Since this is a retrospective application it seems that there will have been opportunities to open the windows although I have no information either way whether this has occurred. I note in the decision notice for 14/01454/PLAREG that condition two requires said windows to be fixed shut. I can report that we have received no noise complaints about 110-114 Palmerston Road since 2013.

When the windows of an A3 premises are opened noise will escape and potentially harm the amenity of neighbouring premises. It is not inevitable, however, that the level of noise escaping through open windows will result in significant harm - it all depends on what is occurring inside the premises. The closing of doors and windows when regulated entertainment is being provided is a common condition on premises licences (Licensing Act 2004) although the Live Music Act of 2012 has the effect of suspending all conditions when live music is being played (under certain conditions). Noise from premises can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990.

Should you wish to grant planning permission, perhaps restrictions could be applied as to when the windows could be opened, although this not a course of action I recommend as it is perhaps more appropriate to exercise control through statutory nuisance and Licensing.

REPRESENTATIONS

Seven representations have been received, raising comments and objections on the following grounds:

- a) unacceptable noise and disturbance when windows are open;
- b) granting permission would set a precedent for similar outward opening windows on other premises in the area;
- c) health and safety risk to pedestrians;
- d) windows being opened even though currently unauthorised;
- e) waste overflowing onto pavement on Auckland Road West;
- f) no need for this type of window.

COMMENT

Pedestrian Safety

This application follows two previous applications relating to the outward opening windows, both of which were refused on the grounds of pedestrian safety. It is therefore necessary to consider whether the previous reasons for refusal have been addressed through this new submission.

The application is supported by annotated elevation plans, along with a statement setting out a procedure for the opening of the windows to mitigate the risk to pedestrian safety.

The plans confirm that the windows open outwards with a swing of 180 degrees to enable them to be fixed flush with the face of the elevation. It is stated that the windows can be secured in their open position using Chubb 8K101 window locks. The accompanying statement sets out the following provisions for the opening of the windows:

- Staff to be trained in the procedure for operating the windows.
- Only trained staff to operate the windows.
- Windows only to be opened when a manager or supervisor is present to observe that the following safety procedures are adhered to:
 - One staff member to operate the mechanism internally, whilst a second stands on the public highway;
 - Outside staff member to check that the public highway is clear before opening the windows;
 - Windows to be guided into their open position, secured / locked and checked for stability;
 - Reverse procedure to be carried out for the closing of the windows.

The Highways Officer has reviewed the procedure for opening the windows and is satisfied that, provided the procedure is adhered to, the risk of incidents with pedestrians would be mitigated. It is considered that adherence to the procedure can be satisfactorily controlled by condition and on this basis, no highway safety objection is raised.

Noise

Concerns have been raised by local residents in relation to noise and disturbance from the premises, which is considered to be exacerbated when the windows are open. The site lies within an area of Palmerston Road where there are a number of other bars and restaurants, including those with late night opening hours. The premises has an existing outdoor seating area on the Palmerston Road frontage, as do a number of the other bars and restaurants. In this context, it is not considered that the increase in noise and disturbance that may result from the opening of the windows would be so significant as to warrant refusal of the application. The Environmental Health Officer has noted that no noise complaints have been received in relation to the premises since 2013 and that any future noise concerns could be satisfactorily dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990. It must also

be recognised that previous applications were refused solely on the grounds of pedestrian safety, with no previous reasons for refusal relating to noise and disturbance.

Other matters raised in representations

Concerns have been raised that allowing the windows to be retained on this premises would result in similar types of windows being installed on other buildings within Palmerston Road, with the potential to further increase noise and disturbance and increase the risk to pedestrian safety. Any proposals for new, outward opening windows on other buildings would require planning permission and would be assessed on their own merits, with the potential impact on noise and safety being the main determining issues.

Concerns have also been raised in relation to rubbish from the rear of the premises over spilling onto the pavement in Auckland Road West. This is a separate matter that would need to be assessed outside of the planning system in accordance with Environmental Protection legislation.

RECOMMENDATION Conditional Permission

Conditions

- 1) The windows shall be operated strictly in accordance with the approved 'Procedure for Operation of Windows Opening onto Public Highway', dated 26 January 2017.
- 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: 16/123/SP 02A1 - PROPOSED PLANS AND ELEVATIONS.
- 3) Within 2 months of the date of this permission, locks shall be installed on the outside of the building to secure the windows in their outward opening position, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The locks shall thereafter be maintained in accordance with the approved details.

The reasons for the conditions are:

- 1) To mitigate the risk of injury to pedestrians, in accordance with Policy PCS17 of the Portsmouth Plan.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To mitigate the risk of injury to pedestrians, in accordance with Policy PCS17 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.

FORMER DAIRY SITE STATION ROAD PORTSMOUTH PO6 1PL**OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 108 DWELLINGS
(PRINCIPLE OF ACCESS ONLY TO BE CONSIDERED)****Application Submitted By:**

Summit Planning Associates Ltd
FAO Amanda Olley

On behalf of:

Tiger Developments Ltd
FAO Kevin Warr

RDD: 10th February 2017

LDD: 31st May 2017

SUMMARY OF MAIN ISSUES

The main issue is whether this (outline) proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the outline application are the principle of residential redevelopment including flood risk, access and highways implications (for up to 108 dwellings), recreational disturbance/open space provision/nature conservation, sustainable design & construction/site contamination/affordable housing, density/indicative layout and any other matters raised in representations.

The site and surroundings

The irregular shaped site covers 2.45ha. It is fairly flat, with slight falls north to south (of between 2.18m and 1.7m AOD) over a distance of around 225m and west to east (of between 1.9m to 1.6m AOD) across around 190m. The site is in a low-lying area of Drayton that is protected by maintained tidal flood defences against high tide levels. The A27 embankment forms the majority of the defence, protected by concrete revetments at its base.

Now vacant, it was occupied by a dairy depot from 1958 until the use ceased around 2007. The majority of built-form has been demolished, except one building at the southern end of the site.

The site is bounded by Station Road to the east and south. On its east side, there are existing vehicular accesses onto Station Road. To the north of the site is an area of open space. A public footpath tightly follows the boundary of the site between Station Road (to the east) and Karen Avenue (to the west). North of the site, beyond the footpath access to the open space from Station Road, are pairs of two-storey semi-detached dwellings, which are set back within their plots along a building line of circa 5m in depth. On the opposite side of Station Road from the application site are mainly semi-detached bungalows (many chalet-style, with roofspace accommodation) also set back in their plots but along a more varied building line of 6½m.

There are footways on both sides of Station Road and for much of its length they are set back from the carriageway by grass verges, with street tree planting. It provides a safe and attractive pedestrian environment and adds to the verdant suburban character of the road. However, these verges/trees cease on the east side of Station Road along the frontage of the application site and on the west side at No143 Station Road.

There are also adjoining dwellings of differing style and form toward the west of the application site - single-storey bungalows in more spacious plots onto Wainwright Close and two-storey houses, in short terraces, fronting onto Station Road (southern end).

Beyond the southern end of Station Road is a railway line that runs to Cosham station some 2km, to the west. Southern Water records indicate a sewer crossing the southern corner of the site. An electricity sub-station immediately adjoins the common boundary but is not within the site.

The site lies 4.5km from the Solent Maritime SAC and approximately 0.5km north-west of the Langstone Harbour Special Protection Area (SPA) and 1.85km east of the Portsmouth Harbour SPA. The site is in the Indicative Floodplain (Flood Zone 3), at risk to tidal flooding.

Proposal

Outline planning permission is sought for residential redevelopment of the site for up to 108 dwellings, with access from Station Road.

Only the principle of the access (serving up to 108 dwellings) is to be considered by this application; all other matters ie appearance, landscaping, layout and scale are reserved.

Station Road is a 20mph road that heading north intersects with Grove Road and then continuing north ends at its junction with Havant Road. A simple priority junction for vehicular access/egress is proposed to be constructed as a 'bell-mouth' entrance located in between the two existing accesses to the site. It would be sited immediately north of the southernmost of those two existing accesses and approximately 40m south of the nearest dwelling at No143 Station Road (on the opposite side of the street). There are existing waiting restrictions ('double yellow' lines) on parts of the Station Road frontage.

An indicative layout plan accompanies the application, for illustrative purposes only. It seeks to demonstrate how a mix of dwellings but mainly semi-detached and terraced housing, not untypical of the building form of much of the local area, could potentially be assimilated onto the site. The Design & Access Statement describes a total gross area for the indicative housing of some 8,486sqm, predominantly two-storey in height, with a group of 3-storey blocks of flats close to the site entrance toward the southern end of the site.

The outline application erroneously refers to 32 dwellings for affordable housing, which would fall below a minimum of 30% in policy PCS19. Redevelopment of the site for 108 dwellings would require 33 dwellings for affordable housing (on-site provision). A small area of public open space for a 'pocket park' is shown indicatively within the application site in the south-east corner, where there is an existing sewer easement, but would cover only 0.145ha.

The screening threshold for urban development projects at 'Schedule 2' of the Environmental Impact Assessment (EIA) Regulations was raised in April 2015, to relate to development that includes more than 1ha (which is not dwellinghouse development) or more than 150 dwellings or the overall area exceeds 5ha. The application site is 2.5ha and proposes up to 108 dwellings. It is located ½km from a 'sensitive' area, which is separated by significant intervening industrial development and railway/elevated motorway infrastructure; the project is not considered likely to have a significant effect on the environment and consequently not held to be EIA development. Notwithstanding this, the application is supported by an Indicative Layout Plan and the following documents: Planning Statement, Design and Access Statement, Flood Risk Assessment, Drainage Strategy, Transport Assessment, Framework Travel Plan and Geotechnical & Geo-environmental Site Investigation.

Planning history

The former dairy depot has an extensive planning history. It comprised of a bottling/packaging plant that received milk in bulk from a wide area across the south of England and redistributed it in bottles and cartons to Portsmouth, Southampton and their hinterland. Historic records suggest the site operated on a 24-hour day/7 days a week basis and had a workforce of circa 200 staff where some worked in the offices between 0900 and 1700 hours whilst other operatives and drivers worked on a three-shift system across the 24-hour day. Records indicate both rigid and articulated heavy goods vehicles would enter and leave the site along Station Road, throughout the day and night, with a typical frequency of around 10 per hour each way during the working day. The planning records relate to works to alter or extend existing operations on the site and with the exception of one previously refused outline application (below), none of these decisions are relevant to the current outline planning application for residential redevelopment.

07/02454/OUT - "Outline application for the redevelopment to residential use comprising up to 150 dwellings with access from Station Road and emergency access only from Karen Avenue (principle of access to be considered)" was refused in March 2008 and was the subject of an Appeal but was subsequently withdrawn. The reasons for refusal were:

1. The proposed access arrangement, providing a single access onto Station Road, is considered unsuitable to serve a development of up to 150 dwellings and therefore the proposal would not ensure a direct, safe and convenient environment for pedestrians and other road users contrary to the requirements of policy DC25 of the Portsmouth City Local Plan 2001-2011.
2. The indicative site layout is not considered to satisfactorily demonstrate how such an excessive number of dwellings could be accommodated in an acceptable manner that would respond well to and in sympathy with the significantly more spacious and open urban grain of the surrounding area, giving rise to a cramped overdevelopment of the site that would neither prove in keeping with the surrounding environment nor make a positive contribution to the quality of the built environment. The proposal would therefore be contrary to the aims and objectives of PPS3 'Housing' and to policies SP2 and DC1 (i)(xi)(xii)(xv)(xvi) of the Portsmouth City Local Plan 2001-2011.
3. In the absence of a sequential test which demonstrates that there are no available and sequentially preferable sites within flood risk zones 1 and 2 the proposed development would not accord within the requirements of PPS25 or the aims and objectives of policy DC6 of the Portsmouth City Local Plan 2001-2011.
4. In the absence of a suitable agreement the development does not make provision to secure appropriate sustainable transport contributions. As such the proposed development is unsatisfactory and contrary to policies DC25/DC27 of the Portsmouth City Local Plan 2001-2011.
5. In the absence of a suitable agreement the development does not make provision to secure appropriate contributions towards affordable accommodation. As such the proposed development is unsatisfactory and contrary to policy DC40 of the Portsmouth City Local Plan 2001-2011.
6. In the absence of a suitable agreement the development does not make provision to secure appropriate open space contributions. As such the proposed development is unsatisfactory and contrary to Policy DC46 of the Portsmouth City Local Plan 2001-2011.
7. In the absence of a suitable agreement the development does not make provision to secure appropriate contributions towards education infrastructure. As such the proposed development is unsatisfactory and contrary to DC7 of the Portsmouth City Local Plan 2001-2011.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

Saved policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

The site is not protected employment land (policy PCS11).

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 119).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 17 Core planning principles for decision making
- 19 Significant weight on the need to support economic growth through the planning system
- 32 Transport Statements and Assessments
- 34 Locate developments generating significant movement where need to travel minimised
- 35 Development designed for sustainable travel
- 56 Great importance to design and good design indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Local design review arrangements provide support to ensure high design standards
- 64 Refuse poor design that fails to improve the character and quality of an area
- 96 New development should minimise energy consumption
- 118 Principle should be applied to conserve and enhance biodiversity
- 119 Presumption in favour of sustainable development (para14) does not apply where AA required under Birds or Habitat Directives
- 120 Responsibility for a safe development where a site is affected by contamination
- 121 Site to be suitable for its new use taking account of ground conditions
- 123 Impacts of noise and air quality should be mitigated and managed
- 139 Weight to non-designated heritage assets of archaeological interest (where significant)
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 204 Use of planning obligations and conditions to make development acceptable

Supplementary Planning Documents (SPD) also provides relevant policy guidance:

Parking Standards and Transport Assessments SPD (July 2014)

Housing Standards SPD (January 2013)

Sustainable Design & Construction SPD (January 2013)

Reducing Crime Through Design SPD (March 2006)

Solent Protection Area (April 2014) and

Achieving Employment and Skills Plans (July 2013).

CONSULTATIONS

Highways Engineer

In summary, following additional traffic modelling to address initial concerns of the Local Highways Authority, no highways objection is raised subject to planning obligations/conditions (as set out in their final comments).

(18.5.17) Initial comments: The Transport Assessment (TA) and supplementary technical note produced by iTransport in support of the application has been reviewed by the LHA who make the following comments.

Access

Access to the development is proposed to be taken from Station Road. Station Road is a 20mph road that leads north intersecting with Grove Road and continuing north where it ends at its junction with Havant Road. Grove Road is a well-used route from the A2030 Eastern Road to the East toward Cosham to the West.

The access is proposed to be a simple priority junction in the place of the existing access to the site. The agent has supplied a drawing demonstrating the visibility splay achievable at the proposed site access. Standards from Manual for Streets (MfS) have been applied which given the type and speed limit of Station road, is acceptable. A visibility splay for a design speed of 30mph has been demonstrated (2.4m x 43m) which is acceptable. Concerns have been raised that the access is too close to the bend at the southern end of Station Road. It is considered satisfactory that the bend is outside of the visibility envelope for the proposed junction and that double yellow lines stretching from the bend to the site of the proposed access would, if retained, ensure sufficient visibility appropriate to the road type.

Further access points for cycles and pedestrians are to be provided just south of the vehicular access, on the North-Eastern boundary and on the Western boundary. These are considered practically all that could be provided within the site constraints to ensure easy access and connectivity between the new and existing housing.

The internal roads are to be built following guidance from MfS and to adoptable standards which is welcomed. Whilst not mentioned specifically, it would be expected that internal footways are also constructed to adoptable standards and therefore to a minimum width of 1.8m. Where footways do not bound a property and/or road, a 1.8m wide service strip should be left to provide sufficient room for vehicle overhang and utilities.

The TA includes an analysis of personal injury accidents from the period January 2011 to December 2015 from the immediate area surrounding the application site. In total there were 23 injury accidents recorded, 18 of these were slight and 5 were serious. Overall, the accidents are spread across the study area with no distinguishable pattern. None of the accidents occurred on Station Road.

Two of the serious accidents occurred on Grove Road between Station Road and Lower Drayton Lane. This area was flagged as a potential highway safety risk by the LHA at pre-application stage as high vehicle speeds have been recorded along that stretch of road which is adjacent to a school. Traffic distribution studies have determined that two-way vehicle movements along this stretch of Grove Road will likely only increase by 3 in the AM peak and 4 in the PM peak. Considering there is already significant traffic calming measures and a minimal increase in vehicle movements as a result of the development, it is considered that the development will not lead to an increased risk to highway safety.

It is proposed to provide parking in line with the Portsmouth Parking SPD which is welcomed, and similarly, cycle parking should also be provided to the level and standards required by the SPD. Details of these matters are reserved for a future application.

It should be noted that the applicant would be required to enter into a s278 agreement with the LHA and pay any required fees before any works to the highway can be carried out.

Traffic generation

The agent suggests the year of first occupation to be the basis for capacity testing which is acceptable. Growth factors have been derived from the TEMPRO database and adjusted to allow for any committed development which is also acceptable. The agent has indicated that their traffic counts include the recent 'Persimmon Homes' development on the former SSE site at nearby Lower Drayton Lane and thus will not adjust the growth factor as the trip generation associated with this development will have been captured in the manual counts conducted in September 2016 having been fully built out. Following an initial response from the LHA requesting further sensitivity testing, the agent has undertaken further assessment for 2022 to reflect the final year any planning permission would be valid (presuming permission was granted in 2017). This is now considered to represent a robust assessment.

It was initially proposed to derive the trip rate from TRICS, as was the method used for the nearby 'Persimmon Homes' development. It was requested by the LHA that should the 'Persimmon Homes' development be fully occupied, a trip rate was derived by counting journeys to/from this estate at it should provide a more realistic representation of the likely trip rate for this proposed development. The agent has not pursued this route contending that it cannot be determined whether the development is fully occupied given the fairly recent end to construction. It is instead conceded that a further 10% be added to the trip rate derived from TRICS to ensure a robust approach. Whilst an actual trip rate would be preferred, it is accepted that it is difficult to be sure that the development is fully occupied and would require significant extra resource for the applicant to undertake a further study; therefore it is satisfactory that the increase in trip rate is a reasonable compromise to provide a robust assessment of the likely trip generation.

The traffic flows submitted with the TA had discrepancies present calling into question the accuracy of the data. The applicant has since confirmed that the discrepancies were caused by equipment failure and subsequent MCC surveys were undertaken to ensure accuracy of data. It was determined that the difference in figures was less than 2%, it was therefore decided that this was well within the daily fluctuation in traffic flows and the data collected deemed sound. The higher figures were used for robustness and entry/exit flows scaled up where appropriate to ensure all flows are consistent. The integrity of the data is considered sound.

Traffic distribution has been derived from the National Travel Survey (NTS) 2012 to establish the peak hour distribution of trips and further to this the most recent census data for the Portsmouth 026 ward (in which the applicant site sits) has been used to determine the likely trip destinations for those undertaking journeys related to employment. The methods used to determine the likely distribution of trips whether they are for employment or other purposes is acceptable.

Traffic Impact

In order to assess the likely traffic impact of the development, manual counts at the junctions of Grove Road/Station Road and Grove Road/A2030 Eastern Road were carried out to establish a baseline level of traffic in the immediate local area. These figures were then increased appropriately to reflect any committed development and background traffic growth for opening year (2019) as well as the expected trip rates for the development. A future year scenario of 2022 has also been assessed "with" and "without" the development.

Grove Road/Station Road

With exception given to the access from Station Road, the junction of Grove Road/Station Road is most likely to be the first junction impacted by this development. The junction is arranged as a simple priority crossroads junction. The 2016 baseline counts identified that the AM peak was the critical period at this junction. A total of 37 movements in the AM peak were observed which increases by 1 to 38 in 2019 without the development. With the development, the amount of traffic movements would increase to 74 movements in the AM peak, an uplift of 34 movements (+48%). By 2022, the base traffic flow at this junction would be 41 vehicles increasing to 77

movements should the development be built. Of the observed traffic movements, 80% turned right onto Grove Road (toward Eastern Road), 12% travelled straight onto Station Road and the remaining 8% turned left onto Grove Road. Despite the significant increase in traffic movements, the junction is demonstrated as operating well within its capacity should the development be consented. When congestion at the junction does occur, this is generally because of residual queues from the nearby Eastern Road/Grove Road junction blocking the exit for right turners. In this light, the LHA would not seek to oppose the application on the basis of the performance of this junction in isolation.

Grove Road/Eastern Road

From past assessment, the LHA are aware that the junction of Grove Road/Eastern Road often operates close to its capacity at peak times. For this reason, it was requested that the applicant undertake a full junction assessment to robustly study the impact of the development upon the junction. The turning counts taken at Station road showed that approx. 80% of the development traffic will travel through this junction.

The junction is complex with a single traffic signal controller operating the junctions of Eastern Road/Grove Road, Eastern Road/Fitzherbert Road and Fitzherbert Road/Supermarket access. There are numerous conflicting turning movements that affect the capacity of the junction, right turns into/out of Eastern Road have dedicated lanes due to the heavy flow making these turns. MOVA control was implemented prior to the 'Persimmon Homes' development; further capacity improvements were then made through s106 agreement secured against the 'Persimmon Homes' development to mitigate its impact.

The junction assessed with 2016 observed flows shows that the critical link is Eastern Road northbound where it meets Grove Road and is operating with a 99.9% Degree of Saturation (DoS) during the morning peak. The Grove Road arm is also operating very close to its theoretical capacity with a 97.7% DoS during the AM peak. In 2019 "without" the development, the growth in traffic numbers will see the junction operate at a Degree of Saturation of 104.3% on the critical link. Grove Road will operate with a 102.1% DoS.

Therefore, the junction will be operating above its theoretical capacity at the time of occupation of the development meaning that queues at the junction will be growing faster than they discharge on those links that are over saturated. With the development traffic added to the 2019 base, the critical link remains the northbound Eastern Road where it meets Grove Road where it exceeds its theoretical capacity in both the AM & PM peaks. Grove Road, however, is slightly more saturated than this link during the AM peak but within its capacity during the PM Peak. During the AM peak Grove Road will operate with a 106.4% DoS, this would generate a queue of approx. 39 vehicles and a delay of 197secs (>3mins); this is an increase of approx. 10 vehicles to the queue and extra 1min delay over the expected 2019 base without the development. In total, this represents an increase of over 4% saturation as a result of this development.

The mean maximum queue in 2019 without development will stretch to approx. 29 vehicles, this equates to approximately 167m from the stop line at the Grove Road junction to the end of the queue. With the development, this queue will increase by approx. 10 vehicles; this equates to approximately a further 58m giving a total queue length of approx. 225m. This would result in vehicles queuing through the Station Road/Grove Road junction thus affecting the capacity and operation of this junction. This effect has not been modelled to establish the degree of impact.

It should be noted that the junction currently runs MOVA control, the effect of which is not reflected in the modelling software used to analyse the junction. A reasonable assumption would be that this reduces the DoS by approx. 2-3% over the values stated above. That would put the Grove Road link just within its theoretical capacity in the 2019 "without development" scenario however with development the link would still be 3-4% over its capacity. It is therefore the opinion of the LHA that the development would have a severe impact upon the capacity and

therefore operation of the Highway network and therefore measures should be taken to reduce the impact of the development.

Recommendation - As the application stands, it must be recommended that the (outline) application be refused on the following grounds:

* The impact of the development would be such that the traffic signal junction at Eastern Road/Grove Road would be oversaturated thus limiting the free and expeditious movement of traffic and resulting in unacceptable queue lengths and delays considered by the LHA to be severe. These queues would extend through the Station Road/Grove Road junction which would compromise the operation of that junction.

(1.9.17) Updated highways comments:

The applicant has returned with additional traffic modelling to address the concerns raised by the LHA. Having reviewed the further information, the following comments are made in terms of the initial objections raised;

- **The junction regularly operates at or close to its theoretical capacity and sufficient evidence has not been provided to prove that the proposed development will not cause the junction to exceed its capacity thus the residual accumulation of traffic would be severe.**

In response to the above concern, the agent has undertaken two further modelling scenarios; one that balanced the impact of the development across the junction resulting in a 4% uplift in traffic on Eastern Road (north approach) thus taking that arm over capacity. The second scenario restricted the green time to Grove Road in order to maintain the current operation of Eastern Road, this resulted in a lengthy queue on Grove Road that in 2019 was expected to extend to approx. 30-33 cars and in 2022 was expected to extend to up to 50 vehicles. Whilst it is acknowledged that the queue would not quite reach the Station Road junction in 2019, it would extend some way beyond it in 2022. Whilst this would happen in 2022 with background traffic growth, the addition of the development extends the queue from 40 to 51 vehicles in 2022.

Whilst it is acknowledged that there is minimal additional capacity to be gained at the junction of Grove Road/eastern Road, the LHA considers that additional re-routing from Grove Road through South Road and Station Road will occur as this is already an issue and with queues extending considerably further along Grove Road this option will increase in attractiveness. The existing queue currently stretches to approx. the junction of South Road/Grove Road, occasionally extending beyond this. Unfortunately no turning counts were taken at this junction therefore it is not possible to quantify the scale of the current problem however this will almost certainly worsen should the queues extend to the length predicted in the traffic models submitted as part of this application.

However, as mentioned above there is limited scope to increase capacity at the junction and therefore it is likely alternative mitigation will be required in the immediate area to discourage re-routing along residential roads. The applicant has identified a potential capacity improvement at the junction by improving the left turn lane however concedes that this may not be the appropriate solution to the potential issues of vehicles re-routing through residential roads and therefore has suggested they make a contribution toward either the junction improvements or a series of traffic calming measures to be implemented as and when required in consultation with residents to mitigate any impact of re-routing arising as a result of the development being granted planning permission.

On balance, it is ultimately recognised that there is little scope to generate additional capacity at the Eastern Road/Grove Road/Fitzherbert Road junction and that even without the introduction of this development the junction will be over capacity by 2019. With the provision of a flexible financial contribution to address the expected issue of the re-routing of traffic, the LHA is as comfortable as it can be that the development can be appropriately mitigated, in consultation with the local residents.

Therefore, as the application stands, the LHA would not wish to raise a highways objection, subject to securing the following planning obligations/conditions;

- A construction management plan should be submitted to and approved by the LHA prior to commencement of works
- A s278 agreement is to be finalised with the LHA prior to commencement of any works to the highway
- Financial contribution of £125k for traffic calming measures to be implemented by the LHA to be secured by s106 agreement
- Travel Plan with monitoring (at a cost of £5500 over 5 years)

Environmental Health

With regard to the proposed development for principle of access only, the site is not within an air quality management area and air quality is not an overriding concern at this location consequently no objections or recommendations raised.

Archaeology Advisor

There are no archaeological assets currently recorded at this location. The site has only a general archaeological potential and after consulting the supporting 'Geotechnical and geo-environmental site investigation - July 2013' it is clear that this potential has been wholly compromised by the previous Dairy complex. The site is covered by a layer of concrete averaging 300mm in depth, while highly disturbed modern deposits up to 750mm were recorded below this. From these results, it appears that the upper metre of the site has been severely impacted by modern development and there is little or no chance of as yet unrecorded archaeological features and/or deposits surviving here. No archaeological issues are raised pertaining to the application in this instance.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The developer should comply with the [other] comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. These detailed comments relate to future maintenance; drainage; plant and materials; scaffolding; piling; fencing; lighting; noise and vibration; and, landscaping (including suitable tree species and others that would not be permitted).

As the site is adjacent to Network Rail's operational railway infrastructure, the developer is strongly recommended to contact Asset Protection Wessex prior to any works commencing on site (at AssetProtectionWessex@networkrail.co.uk) and agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

Eastern Solent Coastal Partnership

ESCP raise no objection to the outline application, provided that Portsmouth City Council is satisfied that the application fulfils the requirements of both the Sequential and Exception Tests.

The site is shown to lie entirely within the Environment Agency's Flood Zone 3, and is therefore considered to be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal

flood event. For information, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3mAOD, increasing to a predicted 4.4mAOD by the year 2115, due to the effects of climate change. However, it is worth noting that the Environment Agency's flood mapping assumes no coastal defences are in place.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by Peter Brett Associates LLP (PBA) and dated February 2017. As stated within the FRA, the existing ground levels of the site vary between 1.60mAOD and 2.18mAOD, well below both the present day and predicted 2115 (design tide level) 1:200 year extreme tidal flood levels for Langstone Harbour.

The FRA refers to hydraulic modelling undertaken by PBA in 2012 and again in 2017. PBA's modelling showed the site to be protected in both the predicted 1:200 year and 1:1000 year extreme tidal flood events for the year 2120, and states "as a result of the construction of the Farlington Marsh flood defences and future flood defence raising being carried out as part of the PCC-approved mainland coastline strategy between Portchester and Emsworth. This puts the site into Flood Zone 1". It should be noted that whilst the Portchester to Emsworth Flood and Coastal Erosion Risk Management Strategy recommends a policy of 'Hold the Line' (maintain or upgrade the standard of protection offered by the existing coastal defences) for this frontage, funding for these works is not guaranteed, and therefore any potential benefits afforded by these works should not be relied upon.

That being said, the FRA also states that PBA's hydraulic modelling shows the site to be protected from both the predicted 1:200 year and 1:1000 year extreme tidal flood events for the year 2075 even without potential future flood defence raising.

Furthermore, the FRA includes email confirmation of the Environment Agency's approval of the 2012 PBA hydraulic modelling undertaken for the nearby SSE development site, and states that a copy of the February 2017 Hydraulic Modelling Report and hydraulic model files for the Drayton Dairy site will be sent to the Environment Agency for review and confirmation of approval. The ESCP request that confirmation of the Environment Agency's approval of the 2017 hydraulic modelling be sought before any planning permission for the site is granted.

Advice: The outline application states that, of the potential 108 residential dwellings, approximately 12 of these are proposed to be flats. Therefore, as the design of the development progresses, careful consideration will need to be given to the finished floor levels of all dwellings, but in particular those of any ground floor flats, to ensure that these are set above both present and future 1:200 year extreme tidal flood levels.

The ESCP also strongly recommend that where practicable to do so, flood [resistance](#) and [resilience](#) measures be incorporated into the design and construction of the development. More information on which can be found in the Government publication - "[Improving the Flood Performance of New Buildings](#)".

Contaminated Land Team

The applicant has submitted a combined desk study and site investigation* but without the appendices. The report cannot be reviewed until the appendices are submitted and would recommend requiring the full information about this site before deciding upon the application. I note that this outline is restricted to principle of access only although land contamination is normally considered at outline stage because of its cost implications for the applicant.

Modern dairy sites should be thought of as large transport distribution depots and so the report and appendices should be reviewed fully. The report dates from 2013 and is issue No. 3: to me, this suggests the report may have been for the sale of the site or to assess the future redevelopment rather than to support this particular planning application. Taylor Wimpey by virtue of their placement within the building industry is assumed to be aware of the cost implications of ground contamination being present but you may wish to request the full report that is tailored to this particular application.

As such you may opt to accept the application. If The LPA is so minded to accept this application, the full conditions relating to land contamination will be requested:

Conditions

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;
and unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;
and, unless otherwise agreed in writing by the LPA,
 - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.
- (ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
- a) Description of remedial scheme
 - b) as built drawings of the implemented scheme
 - c) photographs of the remediation works in progress
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

Informative

Care should be taken during excavation works especially to investigate any soils, which appear by eye (e.g. such as fibrous materials, large amounts of ash and unusual discolouration), odour (e.g. fuel, oil and chemical type odours or unusual odours such as sweet odours or fishy odours) or wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) to be contaminated or of unusual and/or different character to expected soils. In the event of any discovery of potentially contaminated soils or materials, this discovery should be quarantined and reported to the named competent person. The location, type and quantity must be recorded and the Contaminated Land Team, and a competent Environmental consultant notified immediately. An approval from the Local authority must be sought prior to implementing any proposed mitigation action.

Head Of Community Housing

The new proposal is welcomed by Property and Housing as it will help to provide much needed affordable family housing in Portsmouth.

At present the proposed scheme is for up to 108 dwellings. The scheme proposal consists of a mix of 2-bed flats, 2-bed houses, 3-bed houses and 4-bed houses. Being an outline submission there is no detail to the size of properties in square metres or numbers of persons (eg 2 bed 3 person flats, 2-bed 4 person flats 3-bed 6 person houses etc) so it is impractical to comment on space standards. It is strongly recommended that the 2-bed and 3-bed properties are 4-person and 6-person respectively and that this service would like to see a requirement for disabled unit(s) for a full-time wheelchair users.

The provision of 30% affordable housing would equate to 33 units, and would be made up pro-rata the overall development unit mix. This would break down to: 30% 2-bed flats, 30% 2-bed houses, 30% 3-bed houses and 30% 4-bed houses (unless any negotiation of variation in unit mix to this requirement is designed to meet Portsmouth's housing needs). Any Affordable provision should be pepper-potted around the development as per our planning policy.

The tenures will be made up of a combination of Affordable rent and Low Cost Home Ownership (Shared Ownership). The tenure split will be agreed at a later date once there is a Register Provider Partner on board but is likely to be a higher percentage of Shared Ownership to Affordable rent (possibly even a 70/30 reverse split to our policy).

The Design and Access statement indicates parking throughout the development and on a basis of two spaces per dwelling, which is assumed to include the affordable provision.

Portsmouth City Council would have full nomination rights to all the affordable rented homes. The Low Cost Home Ownership will be nominated to through the Homebuy agent - Help to Buy South.

Waste Management Service

Initial comments include:

- Will the development be adopted?
- Will the development be made up to take 25+ tonne vehicles?
- There are a couple of buildings that appear to be apartment blocks with car parking spaces outside. Will there be a space between the vehicles to allow communal bins to be taken through to the back of the vehicle? Also between those parking spaces will there be room (5.5m width) for the vehicle to enter and have safe working space around the vehicle?
- There would need to be dropped kerbs for the bins at the apartment block in order to safely manoeuvre the bins to and from the vehicle
- Parking restrictions would also be needed for access routes to communal bins and on corners of roads for the vehicle to enter and exit roads.

Crime Prevention Design Advisor

Having considered the application, the following comments are made with reference to crime prevention.

The proposal creates pedestrian links to the north into a wooded area and to the south adjacent to No170 Station Road. This connectivity will allow the site to be used as a short cut, which increases the vulnerability of the development to crime and anti-social behaviour. To the south the footpath gives access to the rear of No170 Station Road and the public open space. Therefore, it is recommended that the pedestrian links are omitted from the final scheme.

Within the development there is an area of public open space; this space is to the rear of the nearby dwellings with access from the southern pedestrian link. There is very little natural surveillance of neither the open space nor the pedestrian link. This increases the opportunities

for crime and anti-social behaviour. Guidance advises that layout should not create unsupervised and unsafe public spaces and unsafe access routes. Therefore, to reduce the opportunities for crime and anti-social behaviour greater natural surveillance of the public open space is recommended and the connectivity as it enters the development.

The rear gardens of some of the properties are accessed via a communal rear access footpath. Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the property. Therefore, it is recommended that rear garden access is within curtilage. Planning guidance advises that taking proportionate security measures should be central consideration to the planning and delivery of new developments and substantive retrofits. If in curtilage access is not desirable it is recommended that all rear garden access gates are fitted with key operated locks that can be operated from either side of the gate.

To provide for the safety and security of residents and visitors lighting within the development should comply with the relevant sections of BS 5489:2013.

Highways Contractor (Colas)

Planning drawings show there will be a change of bell mouth position, therefore this will be a Section 278 that will need to be agreed with Peter Relf's team (PCC Highways).

Coastal And Drainage

(8.8.17) The updated Drainage Strategy is now accepted by the Drainage Team (LLFA).

(15.3.17) Initial comments

Serious concerns are raised regarding the surface water drainage of the site:

- Agree infiltration techniques are not viable for the site
- It seems apparent from the December 2013 site visit, that the recent winter 2012/13 residential flooding of around 50 no. properties in the vicinity (three times within 5 weeks, some internally), was not known to the group. There has been significant flooding of properties to the NE of the site on Station Road, which occurred after publication of the SWMP and is therefore not included therein. As with most flooding, the cause is not entirely clear and in conjunction with the sewerage undertaker, we identified 6 possible contributing factors, including groundwater. We do know the source was sewer surcharge from a surface water line, which is evidenced, with surcharged water following the topography of the area and flowing south along Station Road
- In response to the above, PCC elected to investigate the groundwater levels in the vicinity, which are shown to fluctuate in a flashy manner in response to rain events (attached sets of groundwater monitoring results attained directly by PCC officers). The levels are shown in Chart Datum, in order to be cross referenced to tide levels. The surface level of the borehole is 4.38m and is located at the following co-ordinates 467304 104775 in Station Road carriageway, in close proximity to the pumping station. We are installing a telemetry unit in this borehole later in March 2017, to allow live online monitoring, to include an alarmed trigger level
- The exact cause of the flooding remains unclear, although PCC and Southern Water have invested good expense and effort aimed at reducing flood risk by improving the infrastructure and operational issues in the area. We have not published a Section 19 report for fear of property blight
- As a means of reducing the risk of a repeat of any such flooding, it must be insisted upon that surface water discharge from the site is directed west towards Karen Avenue where there is a surface water sewer shown traversing the site. This would be subject to a capacity check from Southern Water, although it is not known if there has been recent renovation work further down the line of this sewer to improve functionality and capacity. As you may know, capacity checks do not often take account of local knowledge and tend to rely on network models
- In conjunction with the above it would be good to see some way of reducing the run-off from site by means of rainwater harvesting, green roofs, rain gardens and the like. There is an opportunity here to do something outside the box

- Essentially, there would be great reluctance for any addition to the sewers in Station Road as an acceptable way of draining the site. It may be that the site, at least in part, does drain here presently, however, any such proposal to continue this arrangement is unlikely to be capable of support due to the historic flooding issues.

Southern Electric

SSEPD has no objections to the planning application, however, please be aware of cables and a sub-station in the vicinity; the sub-station fencing should not be interfered with or taken down.

Southern Water

No comments received.

Portsmouth Water

No further comments or concerns raised to the outline application as there is no seen risk to groundwater quality/aquifer protection in our area of supply.

Environment Agency

The EA has reviewed the submitted plans and Flood Risk Assessment (FRA) (PBA ref. 39448/001, dated February 2017) and, in summary, raise no objections to the proposal.

With regard to tidal flood risks, the site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (Ref. 7-065-20140306). It is not located within Flood Zone 1, as indicated in the FRA.

The current 1 in 200 year tide level is given as 3.2mAOD, rising to 4.3mAOD by the year 2115 when climate change and sea level rise are considered. Detailed modelling which takes into account the improvements to the Farlington defences shows that the site will remain free from flooding for a 1 in 200 year event. This modelling was previously agreed and accepted by us. The FRA also refers to additional improvements through flood defence raising, and is reliant on this additional infrastructure for the site to remain free from tidal flood risk during an extreme flood event (1 in 1000 year) for the assumed 100 year development lifetime.

As documented in the application, the EA has previously accepted that there is a reasonable prospect of the necessary infrastructure being delivered by the time it is required. However, it is important to note that the EA has permissive powers to provide flood and coastal risk management infrastructure but are not obliged to do so. Provision of the required infrastructure via Flood & Coastal Erosion Risk Management Grant in Aid funding alone cannot be guaranteed as budgets are limited and in high demand. The total estimated cost over 100 years to implement the measures recommended in the Portchester to Emsworth Coastal Flood & Erosion Risk Management Strategy is £79million. The risk of the infrastructure not being put in place by the time it is required will be reduced if developer contributions can be secured.

Therefore the potential non-delivery of the infrastructure will mean that that site will remain at risk during extreme events before the end of the development lifetime. The EA would therefore recommend that the applicant, as part of the detailed design for reserved matters, assesses this further and provides evidence of how the development will remain safe from the residual risks.

There is also a risk from local sources of flooding such as surface and groundwater, the management of which should be discussed with drainage engineers at Portsmouth City Council, particularly as the Surface Water Management Plan identifies the site as lying within a surface water hotspot. Any future provision of flood risk infrastructure to reduce the risk of tidal inundation will not address the risk from other sources of flooding.

Natural England

No objection - subject to appropriate mitigation being secured. This application is within 5.6km of Chichester and Langstone Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has adopted the Solent SPA Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The development site is nearby to a site classified as 'uncertain' as a high tide roost for Brent Geese, which is a qualifying feature of the aforementioned SPA. As a precautionary measure, we recommend that the following condition is appended to the planning permission:

* No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Provided that the applicant is complying with the SPD, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Ecology

Natural England has been consulted in respect of impacts on international sites and subject to the inclusion of a planning condition and compliance with the Solent SPA Supplementary Planning Document (SPD), has not objected to the application.

Aerial photographs suggest that the buildings within the site have been demolished and the arising material has been stockpiled on site. It would appear that the stockpiles and further areas within the site have been colonised by species which are typical of a brownfield site. Therefore the site could be expected to support brownfield characteristics which are of intrinsic interest and may also support protected species such as reptiles and breeding birds.

Ecological information should be requested from the applicant (to be provided by a qualified ecologist); it should include preliminary ecological appraisal, followed by further species-specific surveys if the preliminary study indicates that these are needed. All survey work must be carried out to established industry guidelines, unless fully justified by the ecologist.

Where the survey work identifies that the proposal will have an adverse impact on ecological receptors, the application should include a strategy to show how such impacts will be avoided, mitigated or compensated for as necessary. Information relating to protected species in planning is available here: <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>.

The application should also consider measures that would serve to enhance the biodiversity of the site such as urban green/brown roofs. Achieving a net gain in biodiversity is consistent with the NPPF and conservation and enhancement of biodiversity is also in accordance with local plan policy.

REPRESENTATIONS

A total of ten representations have been received.

Seven representations, including The Portsmouth Society, raise objection on the grounds of:

- (a) site access is located on a dangerous corner and bend on Station Road, with inadequate visibility and a potential safety hazard;

- (b) up to 108 new homes will exacerbate traffic problems in the area and impact the Eastern Road/Grove Road traffic-light junction;

- (c) impact of additional traffic and increased air pollution caused by traffic growth requires a different approach of public transport and a railway station at Farlington rather than the derisory

measures in the Travel Plan of encouraging people away from car dependency and there is an absence of electric charging points;

(d) inappropriate siting and short distances between proposed dwellings and existing adjoining properties, some single-storey only, would give rise to overlooking/loss of privacy and overshadowing;

(e) unacceptable urban grain would form an abrupt transition from low-density low-rise to high-density medium-rise development;

(f) increase from 105 to 108 since the public exhibition held on Thursday 24 October 2016;

(g) impact and risk of damage to neighbouring properties by break-up of hardsurfacing at the site, piling and proximity of future tree-planting;

(h) impact on local sewer network of the new dwellings and leaf-fall from trees affecting surface water drainage; and,

(i) a request for extension of the publicity period after submission of missing information from the application.

One representation of comment questions the effect on local services, schools, GP availability and the local community by the new dwellings, suggests an increase in the local population should lead to reduction of Council Tax and potential alternative use of the site for a school or community facilities.

Two representations have been received in support, as an opportunity for greenery and an improvement to the existing appearance of the site.

COMMENT

The main issue is whether this (outline) proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the outline application are:

1. Principle of residential development, including flood risk
2. Proposed access and highways implications (for up to 108 dwellings)
3. Recreational disturbance/open space provision/nature conservation
4. Sustainable design & construction/site contamination/affordable housing
5. Density/indicative layout
6. Other issues raised by local residents.

1. Principle of residential development, including flood risk

The former dairy depot is not an allocated site in the Portsmouth Plan but was included in the Council's draft Allocations document (at page 53), which was consulted upon in 2013. The document estimated capacity of the site to be 125 dwellings. The document stated "Any development proposals will need to ensure that the site will be safe from flooding for the lifetime of the development. It will be necessary to address this jointly with the nearby site 149 [SEB site, Drayton Road] to ensure that an effective solution is found." It was subsequently included in the Council's 2015 Strategic Land Availability Assessment, similarly with an estimated potential of 125 dwellings. Acceptability of the principle of residential use is intrinsically tied to addressing the key site constraint of flood risk.

The site is shown on the Environment Agency's Indicative Floodplain as being located in Flood Zone 3 (land assessed as having a 1 in 200 or greater annual probability of flooding from the sea). It is also identified as 'high risk' on (PUSH) SFRA maps. The Flood Zone assumes that there are no flood defences.

The 'Portchester Castle to Emsworth Coastal Flood and Erosion Risk Management Final Strategy', developed by the EA in partnership with PCC, is now adopted. The Strategy identifies the best way of managing coastal flood and erosion risk over the next 100 years. Whilst there are existing flood defences providing protection to the site, the EA's Final Strategy hydraulic model (which assumes no improvements to the existing flood defences) identify the site to be

unaffected by tidal inundation during the 1 in 200 3.7m AOD tidal event to the year 2065, and unaffected by tidal inundation during the 1 in 200 3.9m AOD tidal event to the year 2080.

The applicants have undertaken a site-specific Flood Risk Assessment (FRA) (by PBA, ref 39448/001, dated February 2017) concluding it "...confirms and provides recommendations that the proposed development is to be safe, will not increase flood risk and it does not detrimentally affect third parties, in accordance with the objectives of the NPPF."

The EA has reviewed the FRA and in summary, raise no objections to the proposal.

With regard to tidal flood risks, they comment that the site is located within tidal Flood Zone 3 of the EA's Flood Map. It shows land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (ref 7-065-20140306). The EA state it is not located within Flood Zone 1, as indicated in the applicants FRA.

The current 1 in 200 year tide level is given as 3.2mAOD, rising to 4.3mAOD by the year 2115 when climate change and sea level rise are considered. Detailed modelling which takes into account the improvements to the Farlington defences shows that the site will remain free from flooding for a 1 in 200 year event. The FRA also refers to additional improvements through flood defence raising, and is reliant on this additional infrastructure for the site to remain free from tidal flood risk during an extreme flood event (1 in 1000 year) for the assumed 100 year development lifetime.

The EA accepts there is a reasonable prospect of the necessary infrastructure being delivered by the time it is required but with demands for flood defence funding high and budgets limited there remains a risk of the infrastructure not being put in place by the time it is required and will be reduced if developer contributions can be secured. The potential non-delivery of the infrastructure will, therefore, mean that that site will remain at risk during extreme events before the end of the development lifetime. The EA recommends that the applicant, as part of the detailed design for reserved matters, assesses this further and provides evidence of how the development will remain safe from the residual risks.

The EA also refer to a risk from local sources of flooding such as surface and groundwater commenting any future provision of flood defence infrastructure, to reduce the risk of tidal inundation, will not address the risk from other sources of flooding. The EA suggest the management of other sources of flooding should be discussed with drainage engineers at Portsmouth City Council (as LLFA), particularly as the Surface Water Management Plan identifies the site as lying within a surface water hotspot.

An updated Drainage Strategy was submitted, at the request of the Council's Drainage Team.

In relation to other sources of residual flood risk, the proposed surface water drainage strategy offers a reduction in surface water runoff rates and volumes as a result of the development, by providing the infrastructure needed to store surface water safely on site. However, both the EA and PCC's Coastal and Drainage Team request imposition of a condition to ensure full details of the scheme are provided.

In conclusion, the FRA is considered to demonstrate the proposed development to be safe without increasing flood risk elsewhere, to accord with the objectives of the NPPF. Now that such a potential constraint to development of a site within the Indicative Floodplain has been addressed, the broad principle of residential redevelopment is considered acceptable.

2. Proposed access and highways implications (for up to 108 dwellings)

There are two existing accesses to the site from Station Road. Neither of these is proposed to serve the residential redevelopment. This outline application seeks approval of a new single point of vehicular access/egress onto Station Road, which would be positioned 40m north of the

(southern) bend in the road and 40m south of the nearest dwelling at No143 Station Road, immediately adjacent to an existing site access.

The views of the Highways Authority are set out in the consultations section of this report and acknowledge concerns raised in representations that the proposed access is too close to the bend at the southern end of Station Road. They comment that "...the bend is outside of the visibility envelope for the proposed junction and that double yellow lines stretching from the bend to the site of the proposed access would, if retained, ensure sufficient visibility appropriate to the road type." The location of the proposed access is considered satisfactory, in highways terms.

The applicant's Transport Statement (at para 5.2.6) describes a street hierarchy in the indicative layout as site entrance/primary road at 5.5m in width with 2m footways both sides, then secondary roads at 4.8m in width with 2m footway on at least one side and finally shared surface access road at 4.8m in width. The indicative road network suggests a series of culs-de-sacs to include raised tables at two 'T' junctions within the estate and some potential variation in materials.

Regard has also been given to concerns of Hampshire Constabulary Crime Prevention Design Advisor that question the suitability of the pedestrian/cycle access from the development onto the northern boundary to the adjoining park and onto the southern boundary (adjacent to No170 Station Road). There is a balance to be struck in providing good site accessibility and ensuring high natural surveillance for routes to be overlooked, for crime prevention. The Highways Authority consider these points of access "...practically all that could be provided within the site constraints to ensure easy access and connectivity between the new and existing housing". This view is accepted, although the illustrative site layout is less well resolved for the southern boundary access route.

3. Recreational disturbance/open space provision/nature conservation

The former dairy depot site is close to Portsmouth Harbour Special Protection Area (SPA) and Chichester and Langstone Harbours SPA. Although the proposal will not directly affect these SPA sites, it will result in an increase in the local population. Increasing recreational use of coastal areas used by the birds that are the designated feature of the SPAs can adversely affect these species. When considered in combination with other plans and projects that also result in an increase in housing provision, the proposal is considered to have a likely significant effect on the SPAs through increases in recreational use of coastal SPA areas. This has been acknowledged by the applicant in their ecology assessment that notes the Phase III work of the Solent Disturbance and Mitigation Programme (SDMP) has enabled advancement of an approach whereby new developments can contribute to wider projects related to addressing coastal recreation concerns with respect to the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect on the SPAs. The city council's draft Solent Special Protection Areas SPD is currently being consulted on which sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as (at up to 108 dwellings x £181) = £19,548. The applicant has indicated that they are willing to provide SPA mitigation in this way. NE are the statutory consultee for matters relating to legally protected sites for nature conservation and advise that the proposal is not likely to have a significant effect on the interest features for which the above SSSI/SPA/Ramsar sites are designated, either alone or in combination with other plans or projects subject to a legal agreement to secure an appropriate contribution towards mitigation (as proposed in the submission), in line with the Solent Interim Planning Framework and to accord with the relevant part of policy PCS13. As a result, it is considered that, subject to the inclusion of an appropriate level of mitigation, the scale of which will be confirmed in the adopted SPD, there would not be a significant effect on the SPAs.

The applicant's comment that the application site has "...negligible biodiversity value given the retention of the hardstanding surface across the site and the absence of features to encourage habitat potential. A detailed landscaping scheme will be submitted as reserved matters stage and can give appropriate regard to the potential for providing a net gain in biodiversity, which would also accord with the requirements of policy PCS13." An Ecological Appraisal (prepared by Lindsay Carrington Ecological Services, dated July 2017) recognises: (a) trees on site and an existing building provide habitat for nesting birds; (b) a phase 1 bat survey was undertaken (although no internal access was possible as the building was unsafe) and due to the poor quality of features and lack of surrounding habitat the building was assessed as holding negligible potential to support bats; and, (c) an increase the biodiversity value of the site would be secured by the planting of native shrubs in any landscaping and providing nesting opportunities for birds and roosting opportunities for bats.

There is a line of existing Leyland cypress trees - '*Cupressus x leylandii*' - immediately south of the existing main entrance to the site. These are considered likely to provide a limited contribution to any nature conservation interest to the site and not a landscape feature requiring retention. Ecological enhancement measures would be secured by a quality landscape treatment of the site, tree planting of native species and the provision of bird boxes and bat bricks as part of the overall site redevelopment, the provision and retention of which would be secured by planning condition.

Policy PCS13 requires pocket parks on development sites of 50+ dwellings, to a standard of 1.5ha per 1,000 population. Based on an accommodation schedule/occupancy levels below:
19 no. 4-bed (5-person) houses ie up to 95 persons;
53 no. 3-bed (4-person) houses ie up to 212 persons;
24 no. 2-bed (3-person) houses ie up to 72 persons; and,
12 no. 2-bed (3-person) flats ie up to 36 persons;
the current indicative layout represents an occupancy of up to 415 persons, equating to a 0.6225ha pocket park. In comparison, the illustrative layout shows a pocket park of only 0.145ha, falling considerably short of the minimum provision expected of policy PCS13.

The applicant's rationale for the (indicative) pocket park has been queried and, in response, comment:

"The total size of the site is 2.5ha. The dwelling mix indicated on the indicative layout would amount to a reasonable development population of circa 400 occupants. In simple mathematic terms and at a rate of 1.5ha per 1,000 population this would expect a quarter of the site to be handed over to the provision of a pocket park. In real terms it would result in an even greater area being handed over, given the irregular shape of the site. Having regard to the site constraints, the primary objective in bringing the development of the site forward is to make the most efficient use of the land. As such, an appropriate balance will have to be struck between the efficient use of the site for identified housing development and the quantum of open space that is deemed appropriate, having regard to the requirements of policy and the proximity of existing open space provision within a reasonable area... the location of the pocket park shown has been supported by an existing easement that skirts across the south-eastern corner. The easement limits the built development in that part of the site and therefore makes it a more favourable location for open space and promoting the principle of making the most efficient use of the site. Further support to the provision of a pocket park in this location is also given, following the relocation of the proposed site access, following feedback received at the public consultation event in November 2016."

The applicant's Planning Statement states that "In addition, Drayton Park is also located within 10-minutes walking distance of the site that provides further opportunities for both formal and informal play and recreation. Taking account of the proposed pocket park provision and the proximity of existing public open space facilities, it is considered that the proposed development site is more than adequately provided for in terms of open space provision."

Ideally, the pocket park should be well integrated into the heart of the estate rather than relegated to the edge of the site. Illustrative siting of blocks of flats fails to define the private curtilages from the public space. The blocks would form a strong physical and visual barrier between the pocket park with the housing estate. The inadequate size and irregular shape of the indicative area of open space, wrapping around the flats and narrowing to less than 6m, would offer limited recreational benefit. Notwithstanding the sewer easement, the shape, size and relationship of the open space to build-form is a particularly poor aspect of the illustrative layout and is not indicative of quality place-making; it must be improved when Reserved Matters are to be submitted.

In the absence of any other detail to the contrary it is assumed that the applicants seek to retain and privately maintain the open space although it is intended for public use; accordingly the Section 106 Planning Agreement would require the implementation and maintenance of the open space for use by the public (including provision of suitable treatment/equipped as a Local Area of Play) and open space management agreement.

Subject to suitable provision of a pocket park, a quality scheme of tree planting/other landscaping and ecology measures, the overall solution for enhancing green infrastructure is considered capable of adequately addressing the aims and objectives of policy PCS13 (a greener Portsmouth).

4. Sustainable design & construction/site contamination/affordable housing

The applicants supporting Planning Statement confirms that the proposed development would achieve the requirements of the Portsmouth Housing Standards Review for all new build residential required to obtain a 19% improvement for water and energy efficiency could be met. A suitably worded planning condition will be imposed for written documentary evidence to prove that the new-build element of the development has been implemented to achieve these water and energy efficiency requirements, to accord with policy PCS15 of the Portsmouth Plan.

The site's previous use as dairy depot results in potential for contamination to be present. Given the history of the site together with the sensitive nature of the proposed development, the imposition of planning conditions for site investigation, remedial strategy and its subsequent implementation/verification of any approved remediation are considered to be reasonable and necessary, to accord with saved policy DC21 of the Portsmouth City Local Plan.

Policy PCS19 seeks 30% affordable housing (on-site) provision, for sites of 15+ dwellings. For 108 dwellings the 30% provision equates to 33 dwellings. The planning obligation for affordable housing would be secured by S106 agreement. All new dwellings would be expected to meet the minimum floorspace requirements of the Nationally Described Space Standards, which is now substituted for the adopted Housing Standards SPD.

5. Density/indicative layout

The overall density of the site (108 dwellings divided by 2.45ha in area) represents some 44dph. The housing density for such a quantum of development would be broadly similar to much of the surrounding neighbourhood, although Wainwright Close is characterised by detached and semi-detached bungalows in more spacious plots at lower density.

The proposal would broadly accord with the objectives of policy PCS21 (housing density), which seeks no less than 40dph but recognising density levels are meant as a guide and dependent on a wide range of factors which influence development.

It is reiterated that the indicative layout is provided for illustrative purposes only and does not stand for consideration by this outline application. The applicant's Planning Statement suggests the accompanying Design & Access Statement "sets out a clear and detailed contextual assessment of the application site and the surrounding area" but in reality the D&AS offers very

little detail or context. The document mainly provides a photographic record of the existing site. It also includes a site layout annotated with 6 no. apparent key design parameters (in no particular order of significance):

- (1) Appropriate siting and distance between habitable rooms;
- (2) Pocket park/public open space;
- (3) Improve surveillance/overlooking to existing public space;
- (4) Create linkages to adjoining public space and residential environment beyond;
- (5) Strong residential street frontage; and,
- (6) Attractive landscaped entrance to development.

Taking these design parameters in turn:

- (1) Appropriate siting and distance between habitable rooms;

The applicant's D&AS fails to recognise the unusually high degree of privacy enjoyed by occupiers of the bungalows in Wainwright Close and the layout requires more sensitive consideration of the inter-relationship on this part of the site.

Most of the proposed houses are shown within curtilages providing 9-10m rear gardens and back-to-back relationships of circa 21m (70'). The western end of a short terrace of houses in the north-western corner of the site is shown indicatively with an awkward tapering rear gardens, one plot of restricted depth varying between 4.5-7.5m; such a potentially cramped arrangement and compromised living environment for future occupiers in these plots in the corner of the site would be compounded by the canopies of significant trees in the adjacent park that extend over the site boundary.

- (2) Pocket park/public open space;

The presence of a sewer crossing the southern end of the site is acknowledged. However, section 4 of this report outlines the policy requirements for a pocket park and notwithstanding the sewer easement describes the shape, size and relationship of the open space to build-form to represent a particularly poor aspect of the illustrative layout.

- (3) Improve surveillance/overlooking to existing public space;

The indicative siting orientates the rear elevations of proposed houses in relation to the existing park (to the north); the enclosure of rear gardens by boundary walls or fencing for privacy purposes would inevitably limit overlooking of the park from upper floors only.

The indicative road layout suggests provision for a pedestrian link to the existing park in the north-west corner. Reorientation of houses in the plots closest to and designed to 'front' the adjoining park could, for example, potentially improve surveillance/overlooking (provided boundary treatments are low and/or open in nature by railings).

- (4) Create linkages to adjoining public space and residential environment beyond

Hampshire Constabulary Crime Prevention Design Advisor raises concern with these linkages from the development onto the northern boundary to the adjoining park and onto the southern boundary, in terms of crime prevention. High natural surveillance for routes to be overlooked will be important for crime prevention. The Highways Authority consider the suggested points of access "...practically all that could be provided within the site constraints to ensure easy access and connectivity between the new and existing housing". Unfortunately the illustrative site layout is less well resolved for the southern boundary access route.

- (5) Strong residential street frontage

This is considered to represent a key design parameter for housing redevelopment of this site, to secure a "strong residential street frontage" onto Station Road. The applicant's Planning Statement comments "The indicative layout has had regard to the varying character of its surrounding residential neighbours. The layout facing the east side of Station Road has taken note of the semi-detached and bungalow character of the neighbouring properties that are set back from the road itself. The indicative layout illustrates that a lesser density of development would be appropriate in this part of the site to reflect the immediate character and context."

The requirement for new built-form to create a strong frontage to Station Road and repeat both the established pattern of semi-detached properties and contribution of tree planting along the street would be wholly appropriate. Regrettably, the indicative building line of semi-detached housing onto Station Road and very mean depth of the front curtilages of under 3m would require significant improvement - to circa 5m depth - to repeat the established pattern and provide sufficient space for tree planting within front gardens, to contribute to the verdant character of the street. Trees on the Station Road frontage would have a much greater impact and contribution locally than tree planting shown in rear garden positions.

(6) Attractive landscaped entrance to development

This is also considered a key design parameter for housing redevelopment of this site. Unfortunately the main access road into the site fails to demonstrate a strong landscape setting to the entrance into the estate. The indicative site entrance is visually weak. The semi-detached housing onto Station Road should be set back 5m with tree planting within the front curtilage to form a respectful and sympathetic fit to the suburban and verdant character of Station Road. On the opposite side of the new access, the angled orientation and side elevation of flatted development fails to indicate an interesting or attractive streetscape contribution. The poor illustrative hard/soft landscape layout of courtyard parking (including some tandem spaces) to serve the flats, so prominently positioned at the site entrance, would present a very unattractive hard urban appearance that also requires significant design improvement.

The illustrative layout disappointingly suggests much of the tree planting would only be accommodated in rear garden situations where their contribution would not have a limited or lesser impact than trees integrated into the frontages of plots or in strategic positions of incidental open space throughout the estate. Some of the indicative tree planting shown is exceptionally close to housing, which would not be achievable. Other tree planting is shown within a sewer easement, which is unlikely to be acceptable to the statutory drainage undertaker. A greater attention to practical implementation of tree planting is required to properly influence the setting and quality of the site layout.

For the reasons described above, the indicative layout fails to satisfactorily demonstrate how up to 108 houses/flats with parking can be assimilated onto the site in an acceptable manner to reflect its surroundings. However, the relatively unconstrained nature of the site appears likely, with greater care, to be capable of accommodating the number of dwellings sought to be achieved in a suitable quality development and make an efficient use of the developable part of the site (avoiding the constraint of a sewer) to contribute positively to the Station Road frontage, the site entrance and an inter-relationship to better respect existing adjoining bungalows in Wainwright Close, to accord with policy PCS23.

6. Other issues raised in representations

- Site access/safety and impact on local network

This is a particularly significant issue for an outline application seeking approval of access only (for the quantum of proposed housing development). The location of the proposed site access and implications of traffic on the local network has been reviewed by the Highways Authority and the applicants traffic consultants requested to undertake additional assessment focusing in particular on the impact of the development on the operation of the traffic signal junction at

Eastern Road/Grove Road. For the reasons set out in comments section 2 of this report, the site access is considered satisfactory and, with mitigation measures secured by planning obligation, no significantly unacceptable impact on the local highway network.

- Framework Travel Plan (FTP) adequacy

The Residential Parking Standards identify the level of parking expected of developers to meet the needs of future residents at 1.5 spaces for 2 or 3 bedroom and 2 spaces for 4+ bedroom homes (plus visitor spaces equivalent to 10% of the total number). An additional component of the TA is to consider whether the proposal takes up the opportunities for sustainable travel. The FTP is submitted alongside the TA, in accord with paras 35 & 36 of the NPPF, to protect and exploit opportunities for use of sustainable modes of transport. No adverse comments are raised by the Highways Authority on the adequacy of the FTP.

- Query impact upon local amenities and infrastructure (schools, GPs or community facilities) to serve future residents

The Portsmouth Plan, at policies PCS10 (Housing delivery), identifies the requirement for additional homes in the city between 2010-2027 and promotion of redevelopment of previously developed land and policy PCS16 (infrastructure and community benefit) working with partners to bring forward infrastructure required, set out in Appendix 2. The Infrastructure Delivery Plan confirms that GP provision north of Port Creek is currently adequate. Recently built surgeries, such as that at Drayton (built in 1996) also had expansion capacity built in so that they can accommodate future increases in population. Primary and secondary schools are part of the city council's Regulation 123 list and so funding from these developments can potentially be used to fund school expansion.

- Overlooking/loss of privacy and overshadowing

The indicative site layout does not demonstrate a sensitive and appropriate relationship to the neighbouring occupiers of bungalows in Wainwright Close toward the 'west' and requires significant improvement to accord with policy PCS23. However, the indicative back-to-back relationship of proposed terraced housing to properties at Nos170-188 (evens) Station Road at around 21m or so would be considered reasonable.

- Unacceptable urban grain/abrupt transition from low-density low-rise

To reiterate, layout is not sought for approval by the outline application but fails to recognise the lower density and single-storey character of Wainwright Close.

- Increase from 105 to 108 since public exhibition

Amendment to the indicative layout (by an additional 3 dwellings) following feedback at the exhibition is described in the applicant's Planning Statement at para's 1.20/1.21. This outline application only seeks to demonstrate that access can satisfactorily serve the quantum of development sought (for up to 108 dwellings).

- Impact and risk of damage during construction

New development inevitably brings a degree of inconvenience and disruption during construction but does not represent grounds to refuse planning permission. Other environmental legislation provides redress for nuisance and any damage to neighbouring property is a private interest matter between landowners.

- Impact on local sewer network

An updated drainage strategy has been provided to address concerns of PCC's Drainage Team (as LLFA). It is considered reasonable and necessary for the applicants to provide full details of the drainage scheme by planning condition. Southern Water was consulted on the outline application and further enquiry made but has not chosen to provide any consultation response.

Conclusions

Residential redevelopment of a vacant brownfield site represents, in principle, a suitable alternative use and a satisfactory access arrangement is proposed onto Station Road. Importantly, the EA and ESCP advise that the submitted FRA demonstrates that the site will remain free from flooding for a 1 in 200 year event, thereby resolving a fundamental issue that has prevented a previous scheme for development of the site. Although there would be some increase in traffic, residential redevelopment would secure a more appropriate use of a site located within a predominantly residential area, contributing positively to the city's housing need, including more family sized homes and affordable housing. This outline application satisfactorily demonstrates that new housing accessed from Station Road at not less than 40dph would contribute to the achievement of the three dimensions to sustainable development: of economic, social and environmental roles, in accordance with the policies and objectives of the NPPF and the Portsmouth Plan; the latter includes policies PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation) and saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan 2001-2011.

The following planning obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development. The proposal is considered to satisfactorily demonstrate how access could be provided to serve up to 108 dwellings with its associated parking, subject to the applicant's first entering into a Section 106 Agreement for the provisions listed below:

- at least 30% affordable housing (that for up to 108 dwellings equates to 33 houses/flats), provided before first occupation of 40th (open market) dwelling
- open space to be provided and maintained for public use, to include an open space Management Agreement and LAP (Local Area of Play)
- mitigating the impact of new development on Special Protection Areas (SPAs), by securing financial contributions towards long term access management measures at £181 per dwelling, payable upon implementation of planning permission
- Travel Plan with travel plan monitoring (at a cost of £5500 over 5 years) requiring an initial baseline survey Y1 (at either 50 units or within 6 months whichever is earlier), with final targets to be determined and agreed with PCC within 2 months of the Yr 1 baseline survey and to repeat the residents survey at Yrs 3 and 5, where monitoring fee is payable upon implementation of planning permission
- Prepare and implement Employment and Skills plans (such employment and skills plans will help develop resident workforce skills and provide a route to employment for local people);
- contribution of £125,000 towards off-site highways improvements, payable upon implementation of planning permission
- Project management fees (E&SP, on-site open space provision and affordable housing), payable upon implementation of planning permission

RECOMMENDATION I That delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Outline Permission** subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure planning obligations with principal terms as outlined in the report;

RECOMMENDATION II That delegated authority be granted to the Assistant Director of Culture & City Development to add/amend conditions where necessary.

RECOMMENDATION III That delegated authority be granted to the Assistant Director of Culture & City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

Conditions

- 1) Outline Planning Permission for the principle of the development proposed and the only matter sought for consideration, namely the means of access, is approved subject to the following
 - (i) Plans and particulars showing the detailed proposals for all the following aspects of the development, the 'Reserved Matters', shall be submitted to the Local Planning Authority prior to any works taking place on the site
 - (a) the **layout** of the buildings/structures, the positions and widths of all roads, footpaths and cycleways, car parking and the provision of a pocket park on the site,
 - (b) the **appearance** and architectural design with a detailed schedule (including any samples, as may be necessary) specifying the proposed materials and finishes to be used for the external surfaces of all buildings/structures,
 - (c) the **scale** of the buildings indicating massing and building bulk, and
 - (d) the hard and soft **landscaping** of the site specifying species, planting sizes and numbers/densities of planting and proposed finished levels or contours as well as all hardsurfacing materials/finishes and details of the alignment, type, appearance, dimensions and materials/finishes of all walls, fences and other means of enclosures.
 - (ii) An application for the approval of the outstanding Reserved Matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
 - (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the Reserved Matters to be approved.
- 2) Unless agreed in writing by the Local Planning Authority, the approval of outline permission for means of access only shall be carried out in accordance with the following drawings:
Location Plan - T550_P001;
Existing Site Layout - T550_P002; and,
Proposed Site Layout (Indicative layout only) - T550_P004.
- 3) No development (except demolition) shall take place on the site until details shall have been submitted to and approved in writing by the Local Planning Authority of the proposed phasing of development; and the development shall thereafter be implemented in accordance with the approved phasing.
- 4) No development (except demolition) shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
 - a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;
and unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;
and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

5) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provisions of conditions 4(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c).

6) (a) No development (except demolition) shall take place at the site until details of future maintenance and phasing of the soft landscaping of the site shall be submitted to an approved in writing by the Local Planning Authority.

(b) The soft landscaping scheme approved under condition 1(i)(d) shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development whichever is the sooner (or in accordance with a phased programme agreed with the Local Planning Authority in writing prior to commencement of planting approved under 6(a)).

(c) The date of Practical Completion of the landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority within 7 days of that date.

(d) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(e) The surface treatments shall be carried out in accordance with the approved hard landscaping approved by condition 1(i)(d) before first occupation of the dwellings (or such other period or phasing as may be agreed in writing with the Local Planning Authority).

7) (a) Prior to first occupation of the dwellings (or any phasing of the development as may be submitted to and approved in writing by the local planning authority) the 'pocket park' area of open space approved under condition 1(i)(a) shall be provided. Thereafter, the area of open space shall be retained and maintained as public open space by the applicant.

(b) The 'pocket park' shall include an equipped Local Area of Play (LAP) that shall have been completed in accordance with a detailed scheme for equipped play, including any safety surfacing treatment and seating facilities, to be submitted to and approved in writing by the Local Planning Authority; and the LAP shall be made available for use as an integral part of the 'pocket park' and shall thereafter be retained.

8) No development (except demolition) shall take place at the site until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the highways works necessary for the construction of the new access onto the Station Road frontage. The highway works to Station Road shall be carried out and constructed in accordance with the approved details and the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development.

- 9) No development (except demolition) shall take place on the site until the following details have been submitted to and approved in writing by the Local Planning Authority:-
- (i) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing surface water; and,
 - (ii) a programme for making up of the roads and footpaths.
- 10) Prior to first occupation of the dwellings the car parking approved under condition 1(i)(a), in a combination of in-curtilage spaces, parking courts and on-street (visitor) provision shall be surfaced, marked out and made available for use; and the approved parking facilities shall thereafter be retained at all times for the parking of vehicles.
- 11) The existing accesses to the site onto Station Road shall be stopped up and the footway crossing reinstated before the development hereby permitted is first brought into use.
- 12) Prior to first occupation of the dwellings the proposed secure and weatherproof facilities to be provided for the storage of bicycles shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, in accordance with a detailed scheme for their siting, dimensions and appearance that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and the cycle storage facilities shall thereafter be retained for the storage of bicycles at all times.
- 13) Prior to first occupation of the dwellings the proposed facilities to be provided for the storage of refuse and recyclable materials shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, in accordance with a detailed scheme for the siting, dimensions and appearance that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and the facilities shall thereafter be retained for the purposes of waste/recyclables storage at all times.
- 14) No development (except demolition) shall take place at the site until a detailed scheme for the proposed means of foul and surface water sewerage disposal including proposed mitigation measures by on-site attenuation measures, shall have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved scheme.
- 15) No development (except demolition) shall commence on site until details of finished ground floor levels shall be submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in full accordance with the approved details and maintained thereafter.
- 16) (a) No development (except demolition) shall take place at the site until a detailed scheme for proposed biodiversity enhancements and their timing shall have been submitted to and approved in writing by the Local Planning Authority.
- (b) The scheme for biodiversity enhancements shall be implemented in full in accordance with the timing approved under condition 16(a).
 - (c) A verification report shall be submitted to and agreed in writing by the Local Planning Authority, to demonstrate that the biodiversity enhancements approved under condition 16(a) have been carried out in full, within 3 months of its implementation under condition 16(b).
 - (d) The approved biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.
- 17) No percussive piling or works with heavy machinery (ie plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor, the nearest point of the SPA or any SPA supporting habitat/high tide roosting sites) to be undertaken during the bird overwintering period, between 1st October and 31st March.

18) (a) Prior to first occupation of the dwellings (or any phasing of the development as may be submitted to and approved in writing by the local planning authority) the walls, fences or other means of enclosure approved under condition 1(i)(d) shall be erected.

(b) The approved means of enclosure shall thereafter be retained.

19) No development (except demolition) shall commence on site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of: Times of deliveries; Wheel wash facilities; Site office facilities; Contractor parking areas; Loading/off loading areas; Method Statement for control of dust and emissions from construction and demolition; an Assessment and Method Statement for the control of construction noise for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols. The development shall be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction/demolition is taking place at the site.

20) No development (except demolition) shall commence on site until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will:

(a) Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

(b) Achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

21) Prior to first occupation of the dwellings written documentary evidence shall be submitted to, and approved by, the local planning authority, proving that the development has:

(a) Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

(b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

The reasons for the conditions are:

1) To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2) To ensure the development is implemented in accordance with the permission granted.

3) In order to ensure a properly programmed development with related contribution of community benefits (CIL requirements), to accord with policies PCS16 & PCS23 of the Portsmouth Plan.

4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

6) To improve the appearance of the site, enhance its biodiversity and improve green infrastructure assets, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

7) To improve the appearance of the site, enhance its biodiversity and improve green infrastructure assets, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

8) In the interests of maintaining a safe and efficient highway network, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

9) To ensure roads and routes for pedestrians/cyclists are constructed to an appropriate standard, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

10) To ensure adequate parking provision in a suitable manner to serve the development, to minimise opportunity for crime and avoid congestion of surrounding roads, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the aims and objectives of the NPPF.

11) To provide safe access to the development and to prevent congestion on the highway, to accord with policies PCS17 and PCS23 of the Portsmouth Plan.

12) To meet the transport needs of future occupants of the dwellings and to promote and encourage more sustainable transport modes and healthy choices likely to reduce the amount of vehicular traffic on roads, in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

13) To the interests of provision of adequate waste/recyclables storage and collection in an acceptable manner in the interests of amenity, in accordance with policy PCS23 of the Portsmouth Plan.

14) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.

15) To ensure the dwellings remain safe from any potential flooding over the lifetime of the development, in accordance with policy PCS12 of the Portsmouth Plan.

16) To enhance the biodiversity value of the site and improve green infrastructure assets, to accord with policies PCS13 and PCS23 of the Portsmouth Plan, the aims and objectives of the NPPF and duty to have regard to the NERC Act.

17) To mitigate against the potential adverse effects of the development on the integrity of the European site, in accordance with policy PCS13 of the Portsmouth Plan.

18) To ensure the satisfactory appearance upon completion in the interests of the amenity of the area, to secure well defined private and private spaces in the interests of crime prevention and the protection of privacy for neighbouring occupiers, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the aims and objectives of the NPPF.

19) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of demolition and construction on the occupiers of adjoining and nearby properties, in accordance with policy PCS23 of the Portsmouth Plan.

20) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

21) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of additional information an acceptable proposal has been achieved.

50 HUDSON ROAD SOUTHSEA PO5 1HD

CHANGE OF USE FROM PURPOSES FALLING WITHIN A C3 (DWELLINGHOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPATION) TO HOUSE IN MULTIPLE OCCUPATION FOR MORE THAN 6 PERSONS (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 16th February 2017

LDD: 17th April 2017

SUMMARY OF MAIN ISSUES

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 cycle parking.

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the south side of Hudson Road. The site benefits from an enclosed rear garden and a small front forecourt. The site is located within an area that has high numbers of shared dwellings.

The Proposal

The applicant seeks permission for a change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to house in multiple occupation for more than 6 persons (Sui Generis).

This item was presented at Planning Committee in June 2017 and was deferred by members' after objectors raised that three brothers had occupied the site for a period of time and the lawful use was not therefore within Class C4. Following an extensive review of all information available to the local planning authority and speaking with objectors who indicated they were aware related persons occupied the property, it is noted that no evidence with any legal weight can be submitted contrary to the information the applicants have provided. It is also noted that the existing property is comprised of six bedrooms. As such, whilst three brothers may have been living in the property, given that there are three other rooms that could be rented, that on balance, this application can be progressed to determination by planning committee based on the current evidence available.

Planning History

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 PCS13 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards and houses in multiple occupation Supplementary Planning Documents would also be a material consideration.

CONSULTATIONS

Private Sector Housing

This property would require to be licenced under Part 2, Housing Act 2004 and from the information provided with the application, including the specific room sizes, I have no adverse comments to make with regard to the bedroom or common areas. I do have some concerns regarding the widths and overall sizes of the en-suite bathrooms within rooms 3, 4 and 6 and I would request a specific floor plan of these en-suite bathrooms, including the size and types of the amenities that will be provided to ensure we have adequate space between the amenities to allow for safe use of these bathrooms.

The single WC located on the ground floor would require a wash hand basin to be installed within the compartment and size and location of the WHB, should be provided by the applicant.

I would also like to ensure that the kitchen amenities provided within the property are:

1. Two conventional cookers (a combination Microwave may be used in lieu of second cooker).
2. One double bowl sink and integral drainer (a one bowl sink is acceptable where dishwasher is provided).
3. Two under counter refrigerator and a separate freezer or two equivalent combined fridge/freezer.
4. Four 500mm base units and two 1000mm wall units with doors or equivalent.
5. 2500mm (L) x 500mm (D) of clear usable work surface. This is in addition to any surface which is used by permanent electrical items.
6. Three twin sockets, located at least 150 mm above the work surface.

Highways Engineer

The property is located on Hudson Road, a residential road situated between Portsmouth city and Southsea town centres but as it is not within 800 m from a rail station it is not considered a highly accessible area. Hudson Road is situated with LB zone residents parking zone with visitors and non-permit holders entitled to 3 hours free parking, no return to zone within 4 hours.

To the west and south are a number of other RPZs which offer a few hours free unrestricted parking for visitors and non-residents. This results in the potential for this development to increase parking pressure in adjacent unrestricted areas to the east.

Parking

An HMO of this size would require 2 car parking and 4 cycle parking spaces but the application form included no information about either.

The existing use as C3 or C4 would require the same number of car and cycle parking spaces as that proposed. In this instance the existing class use would have had required the residents to apply for a parking permit with up to 3 permits able to be issued to the property, depending on capacity in the RPZ. If 2 cars were to be accommodated on street within the LB RPZ the situation would be no different to that for the previous use.

There is no information about cycle parking provision which should be to provide 4 secure, weatherproof parking spaces which must comply with the PCC Parking Standards and Transport Assessments SPD (July 2014).

As it stands, the Local Highways Authority do not raise an objection subject to a condition requiring the provision of secure, weatherproof cycle parking for 4 cycles prior to first occupation and retained thereafter, which should be compliant with the Parking Standards SPD.

Environmental Health

This consultation is with regard to residential use close to other use with potential for release of odour, noise, dust or air pollution.

The application location is predominantly residential with no commercial or industrial uses within at least 60 metres.

The plans show an increase in bedrooms from 4 to 6/7. Although this will result in a higher concentration of occupants we currently have no evidence to support the view that sui generis houses in multiple occupation (HMO) attract an increased number of noise complaints or are the subject of regular enforcement action. In the absence of any such evidence, it is suggested that it would be difficult to argue that the proposed use can be inherently associated with noise when the alleged impacts occur as the result of the behaviour of individuals and not the behaviour of HMO residents as a whole.

As such, any attempt to mitigate the perceived issue or object to the proposed development on these grounds might be seen as inappropriate or excessive, particularly as such impacts will be difficult to quantify or predict in terms of the significant observed adverse effect level required by The National Planning Policy Framework and it is probably more appropriate to rely upon statutory noise nuisance legislation to deal with such issues.

REPRESENTATIONS

43 representations and deputations to speak at planning committee have been received objecting on the grounds of:

1. Application is invalid as property does not have a license or planning permission for use as a HMO and if it is not licensed, it could not lawfully have been used as a HMO and cannot claim 'grandfathered' C4 status as it has not been in continuous lawful C4 use since 1st November 2011;
2. Approximately 70% of properties in Hudson Road are in use as HMOs, seven times the limited in the HMO SPD and inconsistent with its aims;
3. PCC Planning Committee set precedent on 14th September 2016 for refusing similar sui generis uses on the grounds of unsustainable communities;
4. Unsustainable pressure on local services and further increases in HMO intensity would have a massive negative impact on residential amenity with regards to noise, litter, car parking, fly tipping and infrastructure such as sewage and drainage;
5. Amend HMO SPD to not increase HMO density further and a change of policy is required;
6. Surrounding roads are full of HMOs;
7. High impact of HMOs blocks the housing market for first time buyers (families) moving into the area and prevents residents who live their selling their homes;
8. No audit or cross-checking between planning and licensing;
9. C4 planning should terminate on sale of property, which would allow area to return to family communities they once served;
10. PCC aim to achieve balance of development with local residents whose quality of life is being compromised;
11. Living density in Southsea rising to unacceptably high levels;
12. From a residents perspective it is almost impossible to resist the pressure and temptations of development, affecting far in excess of what the road can actually support;
13. High numbers of HMOs as evidenced by PCC website;
14. Daily competition for parking spaces. Carers and visitors can struggle to park and this is even under the LB parking scheme which should make matters better;
15. More people living in road increases pressure and deteriorates local area;

16. Rising density further than what Hudson Road can support risk incrementally increasing the frequency and severity of anti-social behaviour, disturbance and possibly crime;
17. Application should be rejected as the scheme would adversely affect the residential amenity of all who currently reside in the vicinity;
18. Plans suggest property would not be occupied as a family dwellinghouse and proposal seeks to develop what Hudson Road cannot support; and,
19. Proposal seeks development that would immediately result in an unacceptably high density, both on micro and macro scales.

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 cycle parking.

Principle of the use

Planning permission is sought for the use of the property for a six or more persons House in Multiple Occupation. The former owner has provided evidence in the form of tenancy agreements although these records are not complete and lack continuity. The owners have submitted a statutory declaration confirming the property has been used continuously as a HMO since 1st November 2011. Council tax records are inconclusive and neither support or confirm the use within Class C4. The property had a license but this was revoked as the property changed hands and it has not been possible to obtain any open source information.

On the balance of probabilities and in the absence of any sound conflicting evidence, it is considered that the property has a lawful use as a HMO within Class C4 based on the substantial weight given to the submitted and signed statutory declaration.

Having regard to the current lawful use as falling within Class C4 HMO or Class C3 (Dwellinghouse), 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.

Standard of accommodation

The licensing process would 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.

In terms of internal living conditions, the property would benefit from the following size standards:

Bedroom number	size	En-suite size	total floor area:
1	8.82m ²	3.75m ²	12.57m ²
2	9.3m ²	3.58m ²	12.89m ²
3	12.96m ²	2.08m ²	15.04m ²
4	8.37m ²	2.08m ²	10.45m ²
5	8.26m ²	2.66m ²	10.92m ²
6	8.08m ²	1.82m ²	9.9m ²
7	11.54m ²	None	11.54m ²

Lounge: 10.71m²

Kitchen: 8.7m²

Ground floor WC: 1.44m²

The City Council Private Sector Housing Team (PSHT) have considered the submitted drawings and advise that each of the proposed bedrooms would meet the minimum size standards required (6.52sq.m.) for a single occupant under the Housing Act 2004 and the relevant guidance documents. Some concerns have been raised regarding the widths and sizes and facilities of bathrooms within the property. Comments have also suggested guidance on the kitchen requirements for future occupiers. Based on the comments from PSHT, it is considered that these matters would not form a sustainable reason for refusal in the determination of this application and the applicant could be advised by way of an informative.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by six or more individuals would provide an adequate standard of living accommodation for future occupiers for a single person in each room.

It is accepted that the applicant could use one of the ground floor bedrooms to provide additional communal facilities within the building. However, on the basis that none of the remaining bedrooms within the building are considered to be of a sufficient size to allow for double occupation, such a scenario would result in the occupation of the building by 6 individuals, for which it already has permission. The LPA has not therefore, sought amendments to the submitted drawings to provide additional communal facilities.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook with the lounge/kitchen area being serviced by an access door into the rear garden and a window.

Impact on residential amenity

The proposal involves the use of a ground floor lounge to provide an additional bedroom to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that 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 allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.'

A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing

of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

Having regard to comments received relating to over-intensification of the use and further imbalance the local community, the Planning Inspectorate following an appeal in September 2016 relating to 37 Margate Road (APP/Z1775/W/16/3159992) 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. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 1 additional bedroom, would result in material harm to their living conditions or unbalance the local community."

In light of the decisions above, it is considered that the occupation of the property by seven individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

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. Having sought clarification with the Private Sector Housing Team, they have agreed that the proposal in its current format would be capable of attaining a valid licence for the occupation of 7 un-related individuals subject to some minor alterations to the floor plans.

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 previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

Solent Special Protection Areas

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. The applicant has provided the correct level of mitigation.

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 dated 16.02.2017 scale 1:500 and PG1110.163 (Proposed Floor Plans)

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.

PUBLIC HOUSE 119 SOMERS ROAD SOUTHSEA PO5 4PT**RETROSPECTIVE APPLICATION FOR THE INSTALLATION OF NEW WINDOWS & DOORS WITH THE FORMATION OF NEW DOORWAYS AND FURTHER ALTERATIONS TO INCLUDE TILING & BLOCKING UP OF A DOORWAY AND WINDOW****Application Submitted By:**

M.J.M Inns Ltd

On behalf of:

M.J.M Inns Ltd

FAO Mr John Molloy

RDD: 4th May 2017**LDD:** 29th August 2017**SUMMARY OF MAIN ISSUES**

This application relates to The Castle Tavern, a detached public house located at the intersection with Somers Road and Aldwell Street. This non-designated, Locally Listed, building has two unique, contrasting elevations with a number of prominent features, most notably two rendered turrets on the Somers Road Elevation and the "tiled" timber framed windows located at ground floor level. A basic description of the building is provided under the building's entry on the local list: " Two-storey, rendered public house with tile roof. At each end of the front elevation are two small crenelated turrets. Possibly is a late 18 century/ early 19th century building which has been re-fronted.

The proposal seeks retrospective planning permission for the installation of new windows, the formation of a new doorway, and the blocking up and tiling over of an original door and window opening on the ground floor north elevation.

In regards to relevant planning history, planning application reference 16/01783/PLAREG was refused in January 2017 for the installation of new windows, the formation of a new doorway, the blocking up and tiling of an old doorway and window. The reason for refusal was as follows;" The removal of the window frames, and the blocking up of former openings would amount to an unsympathetic and discordant form of development that would be significantly harmful to the character and appearance of the Locally Listed Building whose significance is derived from its architectural detailing, local distinctiveness and the extent to which the original building remains intact. The proposal is therefore contrary to the principles of good design and fails to preserve or enhance the significance of the heritage asset as set out within the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan."

POLICY CONTEXT

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

CONSULTATIONS**None.**

REPRESENTATIONS

One representation has been received objecting to the development on the grounds of:

- (a) changes fail to preserve or enhance the Locally Listed Building;
- (b) the changes made have damaged the building,
- (c) enforcement action should be taken to reinstate the building.

Further to this one representation has been received supporting the development on the ground of:

- (a) efforts have been made to rejuvenate the pub;
- (b) architecture of the building is not significant;
- (c) precedent of similar changes in the surrounding area,
- (d) provides a chance for local business to flourish.

COMMENT

The determining issues in this application relate to whether the completed works respond appropriately in design terms to this 'non-designated' locally listed heritage asset.

In assessing this, consideration must be given to the impact these completed works have had on the fabric and appearance of the asset. In addition consideration must also be given to whether this re-submission has overcome the reason for refusal outlined in the previous planning application (ref:16/01783/PLAREG) related to these works.

The building's north-east elevation facing onto Aldwell Street has been altered significantly with the blocking up and tiling over of an existing doorway, the blocking up and painting (white) of a window and the installation of an additional white, uPVC door on a single storey extension to the north-west. In addition to this, existing timber doors on this elevation have been replaced with plain white, uPVC doors. The southeast elevation has also been altered significantly. The original timber-framed, box sliding sash windows at first floor have been replaced with white uPVC window frames including a particularly significant arched window centrally located at first floor level. At ground floor level the two arched windows either side of the original entrance have been replaced with two sets of uPVC French doors which open outwards.

Many of the older buildings in Portsmouth are protected by inclusion in the Statutory List of Buildings of Architectural or Historic Interest or are located within conservation areas which cover areas of particular character or historic interest. However, there are many buildings and structures of visual interest in the city which are not protected in this manner (because they do not meet national criteria), but nevertheless add interest to the character and variety of the city. Schools, churches and public houses all contribute interest and variety to the streetscape and are often landmarks in areas of terraced housing. These buildings are often located in parts of the city such as North End, Fratton or Milton which have very few protected buildings. The City Council's Local List of Buildings of Architectural or Historic Interest (Local List) was created to help draw attention to a selection of these buildings to highlight the role they play in creating local distinctiveness, to encourage their retention and to ensure that any alterations which may take place are sympathetic to the building's character. The Castle Tavern is one such building.

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets.

Paragraph 131 of the National Planning Policy Framework (NPPF) states that: 'In determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

In addition policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF which requires that all new development: will be of an excellent architectural

quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The Castle Tavern is a bespoke designed late 18th century/early 19th century public house that includes some of the classic hallmarks of a traditional Portsmouth pub. As has already been noted, such buildings were once common throughout the city but are now more limited in number. Whilst not statutorily Listed, this building nevertheless had sufficient architectural and historic interest to justify its inclusion on the city's list of buildings of local interest (The 'Local List'). Its significance was derived to a great extent by the survival unaltered of a range of attractive original details and features. These demonstrated a degree of craftsmanship and lifted the building architecturally, giving it greater presence in the street scene. Their retention (or sympathetic replacement) would have been a key element in the maintenance of the building's historic character. All of the features which have been removed contributed individually (and cumulatively) to the building's significance. Their replacement, with elements that are less architecturally and visually appropriate, has introduced windows, doors and other features whose, method of opening, material, colour finish, and detailed design lack the authenticity, refinement and quality of the originals. This has eroded the building's character and harmed its significance.

It is also notable that the pub's scale is moderately larger than surrounding terraced houses. In combination with its ornamental detailing this contributes subtly to its presence as modest landmark in the area, (and by extension to its prominence). In addition there is also a relative absence of heritage assets within this part of the city, a factor which also contributes to the building's architectural value within its context. It is reasonable to suggest that both these factors add some weight to a recommendation for refusal.

The extent of the harmful impact which the alterations have had on the character/significance of the building is considered to be significant. Records confirm that the original windows, particularly on the building's ground floor were of timber construction. Those on the ground floor possessed an unusually intricate design, with arch details that incorporated a complex arrangement of glazing bars reminiscent of a brick pattern. (These would be particularly difficult to replicate.

The white UPVc windows, doors and tiles that have been installed offer no concession to the building's architectural or historic significance. They are crude and heavy in appearance lacking the finesse of the originals and resulting in an effect which is discordant and visually jarring. In the absence of any supporting evidence to the contrary, it is considered that the proposal has no public benefit to outweigh its harm. The proposal therefore fails to preserve or enhance the significance of the heritage asset as set out within the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan as well as failing to address the previous reason for refusal identified under planning application reference: 16/01783/PLAREG.

The applicant has responded to the previous refusal by submitting further information in support of this resubmission. Proposed elevations and a series of photographs showing the adjacent Travellers Rest, and the nearby 99 Somers Road (formerly 'The Kimberly' Public House) have been provided, and a letter highlighting similar works which have taken place to these buildings.

It must be pointed out that neither of these buildings is statutorily listed, nor are they locally listed.

As a result of this despite their historic use as public houses, (and their respective architectural qualities), they are not 'comparable' in planning terms to the application site. The absence of these designations is crucial to understanding that when considering alterations to these

buildings, (and in contrast with the application site), the planning authority could not have given weight to any formally identified heritage significance. It should also be noted that the presence of UPVc windows in other properties nearby does not justify or mitigate the harmful impact of the changes which have occurred to this building.

The Planning Authority is required to consider all applications on their merits, and on a 'case by case' basis. Having identified and confirmed a 'local list', it also falls to the authority not only to articulate the significance of building's on that list, but also to conserve them from harmful alteration. This is a legitimate and reasonable objective of the council. It has implications in terms of the defence of a principle and the message which acceptance of alterations such as this by the council could convey to the owners of other locally listed buildings considering similar works.

Enforcement of Previous Refusal

For this type of application an applicant has a period of up to six months to appeal against the decision of the Local Planning Authority, as this period was ongoing from the 11.01.2017 to the 11.07.2017, the applicant did not invoke their right of appeal in time and therefore has re-submitted the application on the 04.07.2017. It is not considered to be appropriate to take enforcement action throughout this time period as the applicants appeal rights are valid up to 6 months after the date of the decision being issued. Similarly should the applicant wish to appeal the decision of the Planning Committee a period of six months would be allowed for the applicant to invoke these rights.

RECOMMENDATION Refuse

Reason for refusal:

1) The removal of the window frames, and the blocking up of former openings would amount to an unsympathetic and discordant form of development that would be significantly harmful to the character and appearance of the Locally Listed Building whose significance is derived from its architectural detailing, local distinctiveness and the extent to which the original building remains intact. The proposal is therefore contrary to the principles of good design and fails to preserve or enhance the significance of the heritage asset as set out within the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

59 LISS ROAD SOUTHSEA PO4 8AS**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO A 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Dave Stanley

RDD: 31st May 2017

LDD: 2nd August 2017

SUMMARY OF MAIN ISSUES

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 cycle parking.

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the north side of Liss Road. The property has a small front forecourt and an enclosed rear garden.

The proposal

The applicant seeks permission for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to a 7 bedroom house in multiple occupation (sui generis).

Planning history

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: PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards, Houses in Multiple Occupation and Solent Special Protection Areas Supplementary Planning Documents (SPD) would also be a material consideration.

CONSULTATIONS**Private Sector Housing**

This property would require to be licenced under Part 2, Housing Act 2004 and from the information provided with the application, including the specific room sizes, I have comments to make with regard to inadequate common area, the size of the en suite and the size of the ground floor shower room.

The shared lounge/ kitchen is too small at 23.52m², we would require it to be at least 27.5m² for between 6 - 10 people.

The ground floor shower room and bedroom 3 en-suite are undersized - they should be a minimum of 2.74m² and include a shower, wash hand basin and WC.

Highways Engineer

Liss Road is a one -way 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. Whilst this area already experiences parking demand exceeding on-street capacity, 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 I would not wish to raise a Highways objection.

REPRESENTATIONS

Councillor Horton has requested this application be determined by planning committee if the officers' recommendation is not one of refusal.

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 cycle parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom sui generis HMO. In support of this application, the applicant has provided the following evidence to prove the lawful use of the property as a HMO within Class C4 since 1st November 2011:

- Tenancy agreements from 02/09/2011 to 30/06/2012 4 unrelated persons;
- Details of four unrelated persons from 59 Liss Road depositing monies into the applicants account from the period of 09/2012 to 08/2013;
- Email from council tax confirming that between August 2013 to September 2014 the property was registered as vacant;
- Tenancy agreements from 01/09/2014 to 30/06/2015 4 unrelated persons;
- Tenancy agreements from 07/09/2015 to 06/08/2016 4 unrelated persons; and,
- Tenancy agreements from 01/09/2016 to 30/06/2017 4 unrelated persons.

On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Policy PCS20 (Houses in multiple occupation (HMOs): ensuring mixed and balanced communities) 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. This is supported by the guidance within the National Planning Policy Framework which seeks to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'.

Having regard to the current lawful use as falling within Class C4 HMO or Class C3 (Dwellinghouse), 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).

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, regard has been given to an 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.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Area of property	Internal Space (m2)	En-Suite (m2)
Bed 1	8.91	2.23
Bed 2	9.67	2.88
Bed 3	14.34	None
Bed 4	11.70	None
Bed 5	9.41	None
Bed 6	17.09	None
Bed 7	9.80	None

Area of property	Internal Space (m2)
Ground floor WC	1.44
Ground floor shower room	2.04
Lounge (open plan with kitchen	15.35
Kitchen	8.17
First floor bathroom	3.15

The licensing process would 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.

The City Council's Private Sector Housing Team has considered the submitted drawings having commented that the common area, size of the en suite and size of the ground floor shower room is too small for six to ten persons. The property would benefit from a shared space of 23.52m² with each of the bedroom exceeding the minimum requirements of the Nationally Described Space Standards for bedrooms and the requirements for one bedroom lets from private sector housing. Based on the sizes of individual bedrooms, it is considered that the use of each of the bedrooms for one person would provide an acceptable standard of living accommodation for occupiers. Each of the rooms would also have an acceptable standard of access to light and outlook.

Impact on residential amenity

The proposal involves the use of a study lounge on the ground floor to provide an additional bedroom to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that 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 allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

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 decisions above, it is considered that the occupation of the use of the property as a seven bedroom HMO individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Highways/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 Inspectors detailed above and the sites proximity to The Pompey Centre (450 metres) and its associated provisions of shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle storage facilities.

Waste

Although the floor plans do not indicate a dedicated area for the storage of waste, the property benefits from an enclosed rear garden that could be used to store refuse/recycling materials. Given the current lawful use of the property within Class C4, it is considered that it would not be reasonable to impose conditions requiring refuse storage facilities.

Solent Special Protection Areas

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. The applicant has provided the correct level of mitigation.

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 (scale 1:1250 dated 31.05.2017) and PG 1034 16 3 (Floor Plans).

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.

17 MARMION ROAD SOUTHSEA PO5 2AT**CHANGE OF USE FROM CLASS A1 (SHOPS) TO CLASS A3 (RESTAURANT AND CAFES) INCLUDING REAR LOCATED EXTRACT DUCT****Application Submitted By:**

Les Weymes Planning Consultancy Ltd
FAO Mr Les Weymes

On behalf of:

Barcelona
FAO Mr Hakem Arrabbetou

RDD: 14th June 2017

LDD: 30th August 2017

SUMMARY OF MAIN ISSUES

This application has been called into Planning Committee as a result of a series of deputation requests by a local residents.

This application relates to a three storey, mid terraced building located on Marmion Road within the Southsea Town Centre and the "Owens Southsea" Conservation Area (No.2). The property is currently vacant but has been previously in use as a shop unit at ground floor with residential accommodation above.

The proposal is for the change of use from Class A1(shop) to Class A3 (restaurant/cafe) including the installation of an external extraction system on the rear elevation.

In terms of relevant planning history, planning permission was granted in 1993 for external alterations to allow the conversion of the upper floors to form three self-contained flats.

POLICY CONTEXT

The relevant policies within Southsea Town Centre Area Action Plan would include: STC2 (Southsea Town Centre), STC3 (Southsea Primary Frontage), PCS23 (Design and Conservation),

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation). In addition to this, consideration must be given to Policy STC2 (Southsea Town Centre), STC3 (Southsea Primary Frontage), PCS23 (Design and Conservation) of the Southsea Town Centre Area Action Plan.

CONSULTATIONS**Highways Engineer**

The application site is located on Marmion Road on the northern edge of the Southsea town centre area. This part of Marmion Road has a similar character to the nearby Osbourne Road to the south with a mix of shops, cafes and bars. Clarendon Road forms part of a main bus route accommodating bus services from most parts of the city. There is some on-street parking available on Marmion Road subject to limited wait restrictions however nearby residential roads can be used by visitors for varying times depending upon the restrictions present. Free parking

is available after 6pm in the nearby Waitrose car park or pay and display parking is available in Ashby Place car park, a short walk from the application site.

No traffic assessment has been submitted with the application however given the mix of retail and leisure uses in the area, I do not believe this proposal would result in a material impact upon the immediate or wider highway network.

Portsmouth City Council does not specify an expected standard for numbers of parking spaces for non-residential developments rather require developers make an assessment of the likely demand and provide for that. This application has made no parking assessment and there is no evidence that any parking will be made available primarily for this development. Current public parking areas are used primarily for retail visits during the day and for the bars/restaurants in the evenings. Demand often outstrips capacity on street both during the day and in the evenings however I am satisfied that the majority of trips to the proposed bar/restaurant will be made by residents living locally or will choose to arrive by taxi given the nature of the licensed premises. Those that do arrive by private car are able to use on street or off street parking in the vicinity and many would otherwise be visiting one of the many other restaurants in the locality and in all likelihood many of the trips associated with the proposed restaurant will be displaced from elsewhere. Therefore I do not believe that the proposal would materially increase the local parking demand.

As the application stands I would not wish to raise an objection on Highways grounds.

Licensing

No comments.

Environmental Health

I write with regard to the above application for change of use from Class A1 (shops) to Class A3 (restaurant and cafes) including rear located extract duct.

This consultation is with regard to the potential impact on the neighbouring uses from the operation of the proposed use.

A3 use has the potential to impact on the amenity of neighbouring uses through noise from plant, machinery, entertainment and customer noise and also odour from the cooking processes.

Information concerning a proposed kitchen extraction system has been provided covering both odour and noise control. I have risk assessed the odour control for the proposed system using Defra's "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" and I am satisfied that the proposed odour control system is adequate to ensure the amenity of neighbouring uses will not be significantly impacted. I have also examined the proposed noise control, principally through the use of a silencer and anti-vibration mounts and I am satisfied that noise from the extraction system will not significantly impact on the amenity of neighbouring uses. Perhaps the only thing which is not clear is where the various elements of odour and noise control will be positioned within the extraction system. Should you be minded to grant permission I recommend that the various elements included in the application be conditioned for installation and that a drawing be submitted to demonstrate where in the extract system that each element will sit.

Noise also may also impact on the residential use at first and second floor at 17 Marmion Road. Customer and music noise penetrating through the structure (ceiling) may significantly impact on the first floor if adequate sound insulation is not in place. No information has been proposed concerning the likely sound insulation of the ceiling as it currently is and there are no proposals to improve it.

Should you be minded to grant consent, I recommend that the following condition be applied:

Prior to the commencement of the change of use, a scheme for insulating the residential use at first floor against noise from the operation of the A3 use shall be submitted to the local planning

authority. The approved scheme shall then be implemented before the first use of the A3 premises and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved:

First Floor Residential Premises: Noise criterion curve NC25 based on values of Leq(5mins).

Reason: to protect the amenity of the adjacent residential use.

Due to the quiet character and limited space at the rear of the premises, you may wish to consider restricting deliveries to the front of the premises (Marmion Road) or to restrict the times at which deliveries to the rear can be made.

REPRESENTATIONS

Four representations have been received objecting to the development on the ground of:

- (a) Marmion Road is an area of specialist/independent retailers;
- (b) the proposal would affect the retail nature of the area;
- (c) the use would result in an increased level of noise and disturbance at unsocial hours;
- (d) the development would lead to an increased concentration of people late at night;
- (e) waste disposal techniques and associated noise and disturbance;
- (f) noise pollution resulting from the extraction system;
- (g) increased odours;
- (h) increased presence of vermin (rats, foxes seagulls);
- (i) reception in parking;
- (j) density of bars and restaurants in surrounding area and
- (k) lack of access for disabled persons.

COMMENT

The determining issues are whether the change of use is acceptable in this location, whether there would be a significant impact on residential amenity and whether there would be a significant impact on the character and appearance of the "Owens Southsea" Conservation Area. This change of use is not considered to increase the risk of flooding.

Principle of Conservation

The Southsea Area Action Plan for Marmion Road states this area is occupied by a number of specialist / independent retail shops with some limited cafe/restaurant uses. To ensure adequate protection of these core retail uses, development will only be permitted for a change of use where the frontage would not result in less than 75% on non-retail uses after the development has been completed. The retail frontage in use as A1 is presently 78%. If permission was granted this would be 77% and it is therefore considered to be acceptable in principle.

Conservation and Design

There are no proposed alterations to the fabric of the building or the shopfront and as such it is considered that the proposed change of use would have a neutral impact upon the character and appearance of the "Owens Southsea" conservation area, that is to say preserved. The applicant has included amendments to the existing signage to read "BarCelona- Tapas Bar"

Highways

It is considered that the proposed change of use is unlikely to generate significant additional demands or pressure on the existing highways network. Due to the retail nature of the area, there is some on-street and pay and display car parking available.

Impact on Residential Amenity

Due to the proximity of the proposed development in relation to residential properties, it is likely that there would be some impact with regard to noise, disturbance and potentially increased smell/fumes for nearby occupiers. As the granting of permission would give the right to use the property as a restaurant and cafe, it is considered that the submitted information relating to extraction and odour mitigation is appropriate and would not result in a significant impact for adjoining occupiers of the site. The Environmental Health Officer in his comments however had highlighted some concerns in regard to noise mitigation and it is considered necessary to impose a condition requiring the details of any noise mitigation measures to be submitted and approved by the Local Planning Authority prior to the first occupation of the property a Class A3-Restaurant/Cafe Further to this, as an additional safeguard, a condition will be applied to restrict the hours of operation of the Class A3 use.

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: 8658-01 Mar 2017
- 3) The restaurant/cafe (Class A3) hereby permitted shall be closed to and vacated of customers between the hours of 22:30pm and 09:00am (the following day) Monday-Saturdays and 22:00pm and 09:30am (the following day) on Sundays and bank holidays.
- 4) Prior to the commencement of the change of use, a scheme for insulating the residential use at first floor against noise from the operation of the A3 use shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first use of the A3 premises and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved:

First Floor Residential Premises: Noise criterion curve NC25 based on values of Leq(5mins).

- 5) No deliveries shall be carried out outside of the hours of 9:00am and 9:00pm Monday to Saturday and 10:00am and 6:00pm on Sundays and any recognised Bank or public holidays.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of protecting residential amenity from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of protecting residential amenity from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To protect the amenities of the occupiers of neighbouring residential properties 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:

Mr Mark Wright

On behalf of:

Mr Mark Wright

Cloudlifestyles Limited

RDD: 22nd June 2017

LDD: 18th September 2017

SUMMARY OF MAIN ISSUES

A deputation request has been received from a neighbouring property requesting the application be determined by planning committee.

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. Whether this revised scheme overcomes the previous reason for refusal would also be a material consideration.

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the south side of Jersey Road that abuts the back edge of the footway. The property benefits from an enclosed rear garden.

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

The relevant planning history for this site relates to a change of use from residential dwelling (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) that was refused by planning committee in May 2017 ref. 17/00159/FUL for the following reason:

'In the opinion of the Local Planning Authority, the proposed change of use of the dwelling (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) would, as a result of the proposed layout of the ground and first floors in relation to the shared communal areas; fail to provide an adequate standard of living accommodation for future occupiers as they would be exposed to unacceptable and elevated levels of noise and disturbance, representing a poor form of development that would be contrary to the principles of

protection of residential amenity as outlined in the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.'

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) 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

There are no adverse comments from the Private Sector Housing team regarding this proposal.

REPRESENTATIONS

Three representations have been received objecting on the grounds of:

- (a) members of the planning committee were previously concerned with the standard of accommodation and this has not changed;
- (b) location of bedroom four at ground floor level adjacent to the main and only entrance/exit would result in excessive noise/disturbance to the detriment of the tenants of this room;
- (c) proposal does not comply with the Parking Standards SPD and there is a lack of on-street parking;
- (d) it is not considered that a HMO would have the same impact as a family with regards to noise and disturbance;
- (e) ASB associated with student properties;
- (f) there is no need for further HMOs with all the student accommodation being built in the city centre;
- (g) at the May 2017 committee, there were in excess of 800 rooms to rent in the city;
- (h) is there a need to a HMO in a family orientated street; and
- (i) objection/petition comments should be transferred to this one.

A deputation request has been received from a neighbouring property requesting the application be determined by planning committee.

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. Whether this revised scheme overcomes the previous reason for refusal would also be a material consideration.

Principle

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. No additional properties have been brought to the attention of the LPA to investigate.

Impact on amenity

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.

In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance.'

Having regard to this appeal decision and notwithstanding the comments from the Council's private sector housing team, it is considered that each of the rooms would provide an acceptable standard of living for future occupiers based on their floor space and would not have a significant impact on the amenities of neighbouring properties.

Highways/Parking

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). This is not an increase from the current lawful use within Class C3. There is not therefore an increased requirement for off-road parking at this site.

Whilst it is acknowledged that Jersey 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.

In dismissing an appeal at 239 Powerscourt Road, the Inspector stated that:

'However the Council's Parking Standards and Transport Assessments Supplementary Planning Document (SPD) 2014 requires 2 car parking spaces for the current dwelling use and the same for the HMO use. Furthermore the HMO property is close to a high frequency bus route and within a short walk of the North End District Centre. Such accessibility to shops, services and transport facilities would substantially reduce the necessity for a car by future occupiers. For all these reasons, it has not been demonstrated that there would be a significant worsening of the current car parking issues that have been identified.'

Having regard to this recent decision, it is not considered that an objection on highways grounds could be sustained.

Waste

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 raised within representations

Although the planning system considers the impact on neighbouring properties, there is separate legislation to address issues with anti-social behaviour.

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.

43 EDMUND ROAD SOUTHSEA PO4 0HZ

CHANGE OF USE FROM A HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO AN 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

The Steven Barlow Partnership
FAO Steven Barlow

On behalf of:

Bentley Property Hampshire Limited
FAO Mr Paul Bentley

RDD: 7th July 2017

LDD: 4th September 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 semi-detached property located on Edmund Road at the intersection with Francis Avenue. The property is set within a large plot with moderately sized front and rear courtyards.

The site is located in close proximity to a wide range of shops and services on Albert Road and is located 400m walk away from a high frequency bus corridor also located on Albert Road.

Proposal

This application seeks planning permission to use the property as a 8 bedroom, 8 person house in multiple occupation (Sui Generis).

Relevant planning history

There is no planning history considered to be relevant for the determination of this application.

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

Highways Engineer

Considering the small scale of the proposal, it is the belief of the LHA that the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards expect that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ sui generis) with more than 4 bedrooms should provide 2 car parking spaces per dwelling. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street.

Where an application property already has 4 or more bedrooms, the expected parking demand of a HMO (sui generis) would be the same as the existing use as per SPD standards and as such would not be required to provide any further spaces despite an increase in the number of bedrooms.

The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4 bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO (Sui generis), the cycle parking provision required would remain the same as the current use and therefore additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

Given the established policy position, the Highways Authority would see no grounds for objection for such an application and as such this guidance may be used in lieu of a formal consultation on any such application.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted.

Private Sector Housing

Proposal Change of use from a house in multiple occupation (class C4) to an 8 bedroom house in multiple occupation (sui generis) |

Summary

This proposed development would require a mandatory licence as defined by the Housing Act 2004, if there is not already one granted as would be expected under its current usage.

General

I have no concerns in regards to this proposed development.

Kitchen facilities

The following kitchen facilities are required to meet the necessary standards:

- „h 2 x conventional cookers (irrespective of whether a combination microwave is provided.
- „h 2 x single bowl sinks and integral drainer and a standard dishwasher
- „h 2 x under counter fridge and a separate freezer or 2 equivalent combined fridge/freezer
- „h 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent
- „h 2500mm (L) x 500mm (D) worktops
- „h 3 x twin socket located at least 150mm above the work s

REPRESENTATIONS

Two representations have been received objecting to the development on the grounds of:

- (a) density of HMO's in the surrounding area;
- (b) increased parking demand;
- (c) reduced access for elderly people and
- (d) potential future occupiers.

Further to this, two representations have been received supporting the development on the grounds of:

- (a) Additional occupants would not create any further noise and disturbance and
- (b) the property has been well managed to date.

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 an eight bedroom, eight 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 HMO prior to the 1st November 2011 and has continued to be used as such until present. This evidence has been confirmed against records held by Portsmouth City Council in the form of Council Tax Records and monitoring data.

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

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 shared bathroom facilities (toilet, basin, and shower) at first and second floor level. At ground floor level a communal lounge and kitchen would have a combined floor area of approximately 31sq.m. with access to cooking, storage and preparation facilities including two ovens, one microwave, multiple cupboards two fridge/freezers, two sets of gas hobs, multiple sockets two sinks and drainers and a washing machine. There is also a seating area with sofas as well as a table and chairs. 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 8 individuals would be capable of support.

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 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: D.0560.001, D.0560.002 and D.0560.003

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.

22 EXETER ROAD SOUTHSEA PO4 9PZ**CONSTRUCTION OF FIRST FLOOR EXTENSION TO REAR ELEVATION TO INCLUDE
INSTALLATION OF FLAT ROOF TO REMAINING SECTION OF GROUND FLOOR REAR
PROJECTION****Application Submitted By:**
Miss Emma Gifford**On behalf of:**
Miss Emma Gifford**RDD:** 10th July 2017
LDD: 19th September 2017**SUMMARY OF MAIN ISSUES**

This application has been called to be determined at the Planning Committee by a deputation request from a neighbouring resident.

Summary of main issues

The determining issues in this application relate to the design of the proposal and whether it relates appropriately to the recipient building. Also whether the proposal would have any significant impact on the occupiers of the neighbouring properties.

Site and Surroundings

This application relates to an Edwardian style semi-detached property which is located on the western side of Exeter Road to the north of the junction with Festing Road. The surrounding area is characterised by unique semi-detached properties with the majority of properties retaining their original features.

Proposal

The applicant proposes to construct a first floor rear extension above the existing single storey lean-to extension which would provide an extension to the existing rear bedroom. It would have a pitched roof with a height of 7.5m and would be constructed along the side roof plain of the existing roof. It would have a width of approximately 4m and would be set back from the boundary with the neighbouring property No 24 by approximately 3m. It would have two vertical windows which would have the same height and align with the existing first floor window. The extension would be constructed of brick to match the recipient property with a slate roof. Exeter Road is characterised by a variety of different styles of terraced properties, a number of other properties within Exeter Road have two storey extensions, the majority of these have unsympathetic flat roof extensions.

The applicant also proposes to replace the existing 2.5m lean-to roof with a 3.2m flat roof. Therefore, the overall height of the roof would increase by approximately 0.7m.

Planning History

In March 2017 a planning application was submitted for the construction of two storey extension to front/side elevation (Ref 17/00486/HOU). This was to accommodate a bathroom. After concerns regarding the amenities of the neighbouring occupiers to the north due to the close proximity of the extension to the nearest habitable rooms, the application was subsequently withdrawn to find an alternative location for the bathroom.

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

One letter of objection from a neighbouring resident has been received on the following grounds:

- 1) in-correct description;
- 2) loss of light to side kitchen window;
- 3) inappropriate materials;
- 4) attic windows not shown on drawings;
- 5) footings close to main sewer piper;
- 6) overdevelopment;
- 7) overbearing;
- 8) increased sense of enclosure

COMMENT

The determining issues in this application relate to the design of the proposal and whether it relates appropriately to the recipient building. Also whether the proposal would have any significant impact on the occupiers of the neighbouring properties.

Taking into consideration the appropriate pitched roof design and its relationship with the recipient roofslope, the appropriate massing of the extension including its set back from the boundary with the neighbouring property No 24. Furthermore, due to the presence of other two storey extensions within the surrounding area, it is considered that the proposed two storey extension is considered to be appropriate in design terms and would relate appropriately to the recipient building.

Additionally, the replacement flat roof of the existing rear extension would be a modest alteration and would be an acceptable alteration to the recipient property and would not cause harm to the adjoining occupiers.

The neighbouring property to the north (No 20) has a two storey flat roof extension that projects further than the proposed two storey element. Therefore, it is considered that the proposal would not result in any significant impact on the occupiers of No 20 in terms of increased sense of enclosure, loss of light and overshadowing.

The proposed first floor extension would be set back from the nearest habitable window on the property to the south (No 24). This would be set back by at least 3m. Therefore, taking into consideration the separation distance it is not considered that the proposed first floor extension

would result in any significant impact on the occupiers of No 24 in terms of increased sense of enclosure, loss of light and overshadowing.

The height of single storey extension would be altered to change from the lean-to to a flat roof. However, this would be a similar height to the existing and would not result in any significant impact on the neighbouring occupiers.

The only windows would be located on the rear elevation and given the separation distance of approximately 20 metres between the properties to the rear in Festing Road, it is not considered that the proposal would result in any loss of privacy to the neighbouring occupiers.

Other concerns raised in the objection letter include the description is incorrect. The objector is mainly commenting on the internal use. The location of the bedroom and the bathroom are not a relevant planning considerations with this application. It is considered that the description of development accurately reflects the proposal.

The objector has also commented stating that the proposed materials are inappropriate and would not relate appropriately to the recipient building. The application form states that the two storey extension would be constructed of brickwork and tiles to match the recipient property. A suitably worded condition would also be implemented ensuring that the development is constructed in materials to match the recipient building. Furthermore, the properties in Exeter Road are varied in character therefore; the majority of the properties are constructed in a variety of different materials including slate, tile, brickwork and render.

The close proximity of the footings to the main sewer pipe is an issue that is dealt with by the building control department and not a planning consideration.

It is therefore considered that the proposal is capable of officer support and is in accordance with PCS23 of the Portsmouth Plan.

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: 33-2016, and 33/2016-2.
- 3) 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 the interests of visual amenity 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.

56 STUBBINGTON AVENUE PORTSMOUTH PO2 0JA

FORMATION OF DROPPED KERB/ACCESS TO SERVE HARDSTANDING

Application Submitted By:

Mrs Louise Carden

On behalf of:

Mrs Louise Carden

RDD: 12th July 2017

LDD: 27th September 2017

SUMMARY OF MAIN ISSUES

The applicant has been called to be determined at the planning committee by the request of Councillor Young.

Summary of main issues

As this application relates to the formation of a dropped kerb for access the determining issue for this application is Highway Safety.

Site and Surroundings

This application relates to a semi-detached property which is located on the southern side of Stubbington Avenue in between the junctions with Wykeham Avenue and Balfour Road. Stubbington Avenue is designated as a Primary and Distributor Road by saved policy saved policy DC26 (Access onto primary distributor roads) of the Portsmouth City Local Plan 2001-2011. The surrounding area is predominantly characterised by large residential semi-detached and terraced residential dwellings. The property benefits from an enclosed courtyard to the front of the property which is proposed to be made available for parking.

The proposal

The applicant seeks permission for the formation of a dropped kerb access to serve hardstanding.

Planning History

In June 1978 planning permission was granted for the formation of car hard standing and access to a classified highway. (Ref A*17044/B). The reasons for refusal was as follows:

- 1) The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and to enter and leave the highway in a forward gear which is considered essential in the interest of highway safety.
- 2) Increase use of existing access would cause undue interference with the safety and convenience of users of the adjoining highway

This application follows an extensive pre-application discussion with the applicant. The applicant was advised that planning permission would be required to install the dropped kerb as

Stubbington Road is a classified road. The applicant was advised that the main consideration for this application would be whether the proposal would result in any highway safety issues.

Following further correspondence with the applicant at the pre-application stage the Highways Engineer provided a written response stating that the application could not be supported. The Highways Engineer responded with the following comment:

'The Parking Standards and Transport Assessments SOD (July 2014) requires a parking space of 2.4m x5m if at 90 degrees to the road. There would be enough space across the front of the property for 2 vehicles to park next to each other (6.45m at its widest) but the deepest section of the forecourt is 4.4m which is insufficient to accommodate a parked vehicle without it overhanging the highway. In addition, vehicles accessing the space would not be able to manoeuvre on site in order to leave in a forward gear and as such would compromise the safety users of the highway, particularly pedestrians.

Notwithstanding the above, the application was made.

The subject application was reported to MIS on 25/8/2017 and it was indicated that the site would not have adequate space for 2 vehicles to park and leave in forward gear.

The proposal before the Planning Committee is however, for 1 on-site parking space.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS17 (Transport), PCS23 (Design and Conservation),

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

CONSULTATIONS

Highways Engineer

The following assessment of the application from the Highways Engineer incorrectly states that the application was not supported by a swept path analysis. This issue is addressed in this report.

This application proposes the creation of a vehicular access to the property from Stubbington Avenue to serve a parking space to be created parallel to the carriageway but beyond the footway boundary. The application has been informed through extensive pre-application discussions with the local highway authority.

Whilst there is physical space to accommodate a parked vehicle on the property frontage parallel with the carriageway, the submissions made during the course of the pre-application discussions included a swept path analysis of the movements which a standard size car would need to make when accessing or egressing the property which have not been submitted in support of this application. That analysis established that such a vehicle would have to make a number of shunting / positioning movements over the footway to be able to access the space and that such a vehicle would need to perform further such manoeuvres in the carriageway should the driver wish to egress the property in the direction from which they arrived which is not uncommon and certainly not something which could reasonably be controlled by condition. In this light the applicant was advised during the pre-application discussions that the local highway authority could not support any planning application which may be submitted for the creation of such an access.

This manoeuvre would be made even more difficult if the redundant bus stop bay was removed as is intended and replaced with on street parking opportunities which are at a premium in the area where the demand to park on-street significantly exceeds the space available.

As the applicant was advised in the pre-application discussions I find that the creation of such an access would impede the passage of pedestrians and introduce unnecessary safety risks contrary to the NPPF and in that light I must recommend that the application be refused. In the event that you are minded to approve the application then conditions should be imposed requiring the removal of the high kerbs previously installed to facilitate bus access and re-profiling of the footway behind to better accommodate the manoeuvres in addition to the creation of the footway crossing type access.

REPRESENTATIONS

None received.

COMMENT

The main determining issue in this application relates to whether the proposed dropped kerb would have a significant impact on highway safety.

The proposal is to form a dropped kerb on Stubbington Avenue. The road is a principal classified road within the city. Therefore there are often a large number of vehicles which use the road on a daily basis.

Stubbington Avenue is designated as a Primary and Distributor Road by saved policy saved policy DC26 (Access onto primary distributor roads) of the Portsmouth City Local Plan 2001-2011. This policy states that: 'Proposals which would result in a net increase in the number of access points onto primary and distributor roads will not normally be permitted'. It does on to state: 'In the interests of highways safety, the City Council will seek to prevent the proliferation of accesses and the interruption of the flow of traffic on these roads and to ensure that efficient use is made of the available highway capacity. This policy is intended to safeguard against the introduction of individual access points at unscheduled intervals, rather than to impede the access of new development proposals'.

The aim of policy DCS26 is to ensure that accesses do not interrupt the flow of traffic on these main roads and to safeguard against the introduction of individual access points at unscheduled intervals. There are no other access points installed within the surrounding area, therefore it is considered that the installation of one dropped kerb within the surrounding area could potentially interrupt the flow of traffic.

The Highways Engineer has commented stating that The Parking Standards & Transport Assessments SPD (July 2014) requires a parking space of 2.4 m x 5 m if at 90 degrees to the road. The area of hardstanding to the front of the property has a width of 6.37m and a depth of 3.9m. Therefore, it is considered that there is sufficient space to accommodate one vehicle.

A submitted swept path analysis established that such a vehicle would have to make a number of shunting / positioning movements over the footway to be able to access the space and that such a vehicle would need to perform further such manoeuvres in the carriageway should the driver wish to egress the property in the direction from which they arrived which is not uncommon and certainly not something which could reasonably be controlled by condition.

It is noted that the swept analysis was prepared on the basis of vehicles entering the site in a forward gear, rather than reversing onto the site. Again it is not possible to control through a condition which gear the vehicle has engaged.

This manoeuvre would be made even more difficult if the redundant bus stop was replaced with on street parking opportunities which are at a premium in the area where the demand to park on-street significantly exceeds the space available. Additional on-street parking would further restrict visibility for vehicles accessing or egressing the site. The Highways Engineer has therefore raised objection to the proposal as it would impede the passage of pedestrians.

The Highways Engineer has advised that no firm decision has been taken on the future of the redundant bus stop as this is part of a wider project. However, should it be removed this could make manoeuvring on and off the site even more difficult. Should the application be granted then the high kerbs should be removed at the bus stop to improve access.

It is acknowledged that there are a number of properties within Stubbington Avenue that already have dropped kerbs, some of these existed and were widened as they were historic and related to inter terrace gaps. Representation has made reference to a planning application for the conversion of 48 Stubbington Avenue to flats. This site already benefited from a dropped kerb access with a small area of hardstanding and a pitched roof garage to the side of the main building. The planning application provides for a 5 on-site car parking spaces and includes adequate space to manoeuvre within the site and approach the Highway in a forward gear with sufficient visibility of pedestrians on the footway.

Conclusion

Weight has been given to the comments from the Highways Engineer, which raise the issue of public safety in terms of the proposal. It is considered that the proposal should not be supported as it would be contrary to the aims and objectives of saved policy DC26 of the Portsmouth City Local Plan 2001-2011 and policy PCS17 of the Portsmouth Plan. The uncertainty associated with the redundant bus stop is not considered to be material to the planning decision as the key issue is the shunting of vehicles across the footpath and visibility when entering the highway, which gives rise to the public highway safety issue.

It is acknowledged that Stubbington Avenue does feature various dropped kerbs, many which have long existed, however the existence of these does not in themselves resolve the objection which the Highways Engineer has made.

RECOMMENDATION Refuse

The proposed dropped kerb and access to the site would result in a vehicle having to make multiple shunting movements both over the footway and within the carriageway (in the event of vehicles travelling from the direction from which they arrived) which would result in a hazard and inconvenience to the users of the highway to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 of the Portsmouth Plan and saved policy DC26 of the Portsmouth City Local Plan 2001-2011.

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.

1 EDMUND ROAD SOUTHSEA PO4 0LL

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

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Dave Stanley

RDD: 12th July 2017

LDD: 7th September 2017

SUMMARY OF MAIN ISSUES

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 cycle parking.

The site

This application relates to a two-storey end of terrace dwellinghouse located on the north side of Edmund Road, just to the east of Fawcett Road. The property is setback from the footway and benefits from a front forecourt and an enclosed rear garden.

The proposal

The applicant seeks permission for a change of use from purposes falling within Class C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (Sui Generis).

Relevant planning history

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: PCS12 (Flood Risk), PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and Solent Special Protection Areas SPD would also be a material consideration.

CONSULTATIONS

Highways Engineer

None.

Environmental Health

Upon looking at the plans, the ground floor lounge at the front of the property will be converted into a bedroom making it a seven bedroom property instead of six. It would appear that the

property has previously been rented out to students and therefore I have searched Environmental Health's complaints data base and can confirm that we have not received any noise complaints associated with this property.

The change of use is also unlikely to generate significant traffic movements in the area.

We therefore do not wish to raise any objections to this application being granted.

Private Sector Housing

There are no adverse comments to be made by the Portsmouth City Council Private Sector Housing Team regarding the proposal.

A mandatory licence is required.

REPRESENTATIONS

One representation has been received objecting on the ground of loss of a family dwellinghouse.

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 cycle parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom sui generis HMO.

To confirm the lawful use of the property the applicants have submitted:

- Council tax records have been made available that confirm the names of five occupiers of the property from September 2011 to September 2014.
- Private Sector Housing confirms the property was licensed from 21st February 2014 for five persons. This record does not however confirm how many people occupied the property from this date onwards.
- The previous owner has submitted a statutory declaration confirming that the property was let between three to five students continuously since before 1st November 2011.
- Tenancy agreements from September 2014 to present day confirming five unrelated tenants occupied the property.

It is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as falling within Class C4 HMO or Class C3 (Dwellinghouse), 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).

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, regard has been given to an 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.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Room Size

Bed 1 9.97m² (potentially up to another 5.6m² floor space but unclear whether this is usable due to accommodation in roof (roofslope)).

Bed 2 10.64m²

Bed 3 14m²

Bed 4 10.98m²

Bed 5 11.94m²

Bed 6 11.7m²

Bed 7 11.5m²

Shower 5.32m²

Shower 3.42m²

Lounge/kitchen 26.18m²

Storage 1.23m²

The City Council's Private Sector Housing Team has considered the submitted drawings and have no adverse comments to make regarding the use of the property with 7 rentable bedrooms. Each of the rooms would have acceptable access to light and outlook.

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.

In light of the assessment of the accommodation above, it is considered that the proposed use of the property as a 7 bedroom HMO would provide an adequate standard of living accommodation for future occupiers for a single person in each room.

Impact on residential amenity

The proposal involves the use of the lounge on the ground floor to provide an additional bedroom to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that 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 allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

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 decisions above, it is considered that the occupation of the use of the property as a seven bedroom HMO individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Highways/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 Inspectors detailed above and the sites proximity to the city centre (within 2.4km) and 1.1km of the Pompey Centre and its associated provisions of shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle storage facilities.

Waste

Although the floor plans do not indicate a dedicated area for the storage of waste, the property benefits from an enclosed rear garden that could be used to store refuse/recycling materials. Given the current lawful use of the property within Class C4, it is considered that it would not be reasonable to impose conditions requiring refuse storage facilities.

Solent Special Protection Areas

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. The applicant has provided the correct level of mitigation.

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 (dated 12.07.2017 scale 1:1250 and PG 2008 17 2 (Proposed Floor Plans).

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.

63 JESSIE ROAD SOUTHSEA PO4 0EJ

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

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Anthony Lane

RDD: 17th July 2017

LDD: 12th September 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 dwelling located on Jessie Road close to its intersection with Talbot Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

The site is located in close proximity to a wide range of shops and services on Fawcett Road and is located 500m walk away from a high frequency bus corridor and 800m walk from Fratton Train Station.

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

In terms of relevant planning history planning application reference 13/00636/FUL was granted permission in 2013 for the change of use from a Class C4 HMO to a dual use C3/C4 dwelling.

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

There are no adverse comments regarding this proposal. However, please note the following requirements.

Kitchen

The kitchen area needs to be a minimum 19.5m² for cooking, food preparation and storage. The following facilities must be provided:

- „h 2 x conventional cookers (irrespective of whether a combination microwave is provided)
- „h 2 x single bowl sinks and integral drainer
- „h 2 x under counter fridge and a separate freezer or 2 x equivalent fridge/freezers
- „h 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent.
- „h 2500mm (l) x 500mm (d) worktops
- „h 3 x twin socket located at least 150mm above work surface.

Communal kitchen/dining/living

This area is very slightly under the space requirement (1m²), however 2 of the bedrooms exceed 10m².

Bedroom 1

This bedroom is proposed as 12.92m² and I have concerns regarding the usable space of this bedroom as roof windows have been identified on the plan. Any area that is less than 1.5m in height is classed as unusable. The usable space within this bedroom must be a minimum of 6.5m².

Personal hygiene facilities

A bathroom must be 3.74m² or a shower room 2.74m² and include a

- „h Bath/shower
- „h WC
- „h Wash Hand Basin (WHB)
- „h Heating
- „h Ventilation

The layout of the bath/shower room must be suitable to provide a changing and drying area.

A WC unit must be a minimum of 1300mm x 900mm, a total of 1.17sqm and include a WC and wash hand basin (WHB).

The wall finishes and flooring shall be readily cleanable, the flooring well fitted and non-absorbent, and a suitable lock provided to the door.

Highways Engineer

Considering the small scale of the proposal, it is the belief of the LHA that the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards expect that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ sui generis) with more than 4 bedrooms should provide 2 car parking spaces per dwelling. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street.

Where an application property already has 4 or more bedrooms, the expected parking demand of a HMO(sui generis) would be the same as the existing use as per SPD standards and as such would not be required to provide any further spaces despite an increase in the number of bedrooms.

The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4 bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO (Sui generis), the cycle parking provision required would remain the same as the current use and therefore additional cycle

parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

Given the established policy position, the Highways Authority would see no grounds for objection for such an application and as such this guidance may be used in lieu of a formal consultation on any such application.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted.

REPRESENTATIONS

One representation has been received objecting to the development on the grounds of: (a) the 10% count should be applied for sui-gen applications; (b) the development would have an adverse impact on the community and (c) the development would lead to an increased demand on parking infrastructure.

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 use as a Class C4-HMO which was granted planning permission in October 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

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 shared bathroom facilities (toilet, basin, shower and bath) at ground, first and second floor level. At ground floor level a communal lounge and kitchen would have a floor area of approximately 26 sq.m. with access to cooking, storage and preparation facilities including one oven, one microwave, multiple cupboards two fridge/freezers, two sets of gas hobs, multiple sockets two sinks and drainers a washing machine and a dishwasher. There is also a seating area with sofas with sufficient room to provide a table and chairs. 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.

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 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: Location Plan (1:1250), Site Plan (1:500) PG 1099 16 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

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.

61A OSBORNE ROAD SOUTHSEA PO5 3LS

CHANGE OF USE FROM MAISONETTE (CLASS C3) TO FORM 10 PERSON 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

PLC Architects
FAO Mr Tristan Holt

On behalf of:

Mr Madinha Properties Ltd

RDD: 18th July 2017

LDD: 29th September 2017

SUMMARY OF MAIN ISSUES

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 cycle parking.

The site

This application relates to a three-storey mid-terraced building occupied at ground floor level by a commercial property with residential flats on the first and second floor on the north side of the street. The property is within secondary area of Southsea Town Centre and the 'Owen's Southsea' Conservation Area (No.2).

The proposal

The applicant seeks permission for a change of use from maisonette (Class C3) to form 10 person 6 bedroom house in multiple occupation (Sui Generis).

Relevant Planning History

The relevant planning history for this site relates to the conversion to form two self-contained flats and one self-contained maisonette (revised scheme) ref. A*21116/AG that was granted conditional permission in July 1992.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards, Houses in Multiple Occupation and Solent Special Protection Areas Supplementary Planning Documents (SPD) 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 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In addition to the aims and objectives of the NPPF and Chapter 12, specific attention is drawn to paragraph 131 of the NPPF that states: 'In determining planning applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Also the NPPF at paragraph 132 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

Private Sector Housing

None.

Highways Engineer

Considering the small scale of the proposal, it is the belief of the LHA that the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards expect that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ sui generis) with more than 4 bedrooms should provide 2 car parking spaces per dwelling. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street.

The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4 bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO (Sui generis), the cycle parking provision required would remain the same as the current use and therefore additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

Given the established policy position, the Highways Authority would see no grounds for objection for such an application and as such this guidance may be used in lieu of a formal consultation on any such application.

REPRESENTATIONS

None.

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 cycle parking.

Principle

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, 10 of the 86 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 11.63%, rising to 12.79% if permission was granted, exceeding the 10% threshold set out within the HMO SPD. It is therefore considered that the community is already imbalanced by a concentration of HMO uses and this application would result in a further imbalance contrary to the aims and objectives of Policy PCS20 of the Portsmouth Plan and 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. No additional properties have been brought to the attention of the LPA to investigate.

Impact on amenity

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. It would not however overcome the existing imbalance in the community.

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). This is not an increase from the current lawful use within Class C3. There is not therefore an increased requirement for off-road parking at this site.

Waste

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.

RECOMMENDATION

Refuse

The reason for the refusal is:

1) The proposed change of use from dwellinghouse (Class C3) to purpose falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) would fail to support a mixed and balanced community. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document.

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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

5 EDMUND ROAD SOUTHSEA PO4 0LL

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPANCY) TO A 8-BED HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS).

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Channel 11 (southern) Ltd
FAO Mr Abhai Pandya

RDD: 27th July 2017

LDD: 25th September 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are as follows:

- whether the proposal is acceptable in principle;
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

Site

The application relates to a 2-storey terraced house on the north side of Edmund Road, near to the junction with Fawcett Road. The property has a bay window at ground floor level and a single-storey extension to the rear. There is a garden to the rear and a small forecourt to the front of the property. The front forecourt currently accommodates bin storage and an existing cycle rack for three cycles.

Proposal

Planning permission is sought for a change of use of the property from a Class C4 House in Multiple Occupation (HMO), for between 3 and 6 unrelated individuals, to an 8-bedroom Sui Generis HMO.

Internally, the property comprises the following:

Ground Floor - 2 x bedrooms, 1 x WC and 1 x kitchen / living space

First Floor - 3 x bedrooms, 2 x bathrooms / shower rooms

Second Floor - 3 x bedrooms

The measurements of the rooms are as follows:

Bed 1 - 13.2sqm

Bed 2 - 7.75sqm

Bed 3 - 7.13sqm

Bed 4 - 15.12sqm

Bed 5 - 11.52sqm

Bed 6 - 9sqm

Bed 7 - 11.88sqm

Bed 8 - 11.88sqm

Kitchen / dining / living space - 26.68sqm
Ground floor WC- 1.2sqm
First floor shower room 1 - 3sqm
First floor shower room 2 - 4.2sqm

Relevant Planning and Licencing History

There is no planning history relating to the property.

A draft mandatory licence for an 8 room, 8 person HMO over 3 storeys was issued on 28 July 2017.

The property received an Additional Licence from the Private Sector Housing Team for a 5 person HMO on 11 September 2015.

Council tax records indicate that the property has been used as an HMO for students since August 2011.

POLICY CONTEXT

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

In addition to the aims and objectives of the National Planning Policy Framework (NPPF),

CONSULTATIONS

Private Sector Housing

Definitions

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor)—

- (a) Which forms part of a building
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

Proposal Change of use from purposes falling within class C4 (house in multiple occupancy) to a 8-bed house in multiple occupation (sui generis).

Summary

The plans provided to the Private Sector Housing team propose a lounge on the ground floor, however this is to be replaced by Bedroom 8

There are no adverse comments from the Private Sector Housing team regarding this proposal. However, please note the following facility requirements.

Kitchen facilities

The kitchen area must be a minimum of 11m² and the following facilities must be supplied:

2 x conventional cooker (irrespective of whether a combination microwave is provided)

2 x sink bowl sink with integral drainer

2 x under the counter fridge and a separate freezer or 2 x equivalent combined fridge/freezer

4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent

Worktops 2500mm (l) x 500mm(d)

3 x twin sockets located at least 150mm above the work surface

Personal hygiene facilities

A bathroom must be 3.74m², a shower room 2.74m² and include:

Bath or shower

WC

Wash hand basin (WHB)

Ventilation

Heating

The layout of the bath/shower room must be adequate to provide a changing and drying area. A WC unit must be a minimum of 1300mm x 900mm, a total of 1.17sqm and include a WC and wash hand basin (WHB).

The wall finishes and flooring shall be readily cleanable, the flooring well fitted and non-absorbent, and a suitable lock provided to the door.

Bedroom 1 - second floor

The plan does not show the usable space within the room, and I have concerns regarding the usable space within the bedroom, due to the roof windows. Any area under 1.5m in height is defined as unusable space. The minimum size of a usable bedroom is 6.5m²

HMO Consultation Memo

No comments received

Highways Engineer

No comments received

REPRESENTATIONS

Two representations received, objecting on the following grounds:

- a) increased noise and disturbance
- b) increased parking problems
- c) potential for increased waste / littering
- d) too many HMO's in Edmund Road, leading to overcrowding

COMMENT

Principle of the proposal

Planning permission is sought for the use of the property as to an 8-bedroom, 8 person Sui Generis HMO. The property already benefits from a lawful use as a Class C4 HMO, which was established prior to the introduction of the Article 4(2) direction in November 2011.

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.

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'. In this case, the property is

proposed to change from a 5 person HMO to an 8-bedroom, 8 person HMO (increase in 3 persons).

Having regard to these appeal decisions, it is determined that the proposed change of use would not change the balance of HMO's in the area, and is therefore in accordance with Policy PCS20 of the Portsmouth Plan.

Impact on Residential Amenity

The proposal involves the conversion of an existing lounge and study at ground floor level to create 2 additional bedrooms. 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 8 individuals rather than 6 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 comprises 8 bedrooms, along with 3 WC's, 2 showers and a communal kitchen / living room on the ground floor. 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 been consulted as part of the determination of this application. They raised no objection, although queried the size of Bedroom 1. The applicant has confirmed that this room would measure 9.2sqm, excluding areas less than 1.5m in height, which exceeds the minimum size requirement of 6.5sqm.

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, cycle and refuse storage

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, it is noted that, in accordance with adopted Parking Standards, the number of parking spaces required for a Sui Generis HMO with four or more bedrooms would be 2, which

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.

In terms of cycle storage, there is a cycle rack in the front forecourt, which would accommodate 3 cycles, as well as a shed to the rear where further cycles could be stored. Whilst it would be preferable to have more secure storage at the front of the site, the overall level of cycle storage provision is acceptable for the size of the dwelling, in accordance with adopted Parking Standards.

It is not considered that the addition of 3 further occupants 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. The applicant has confirmed that they are willing to make the required contribution and therefore the development would accord with Policy PCS13.

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: Floor Plans PG 202617 3 B. Location Plan 1:1250 Block Plan 1:500

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.

Assistant Director of Culture and City Development
12th September 2017

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