



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 10 JANUARY 2018 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith, Democratic Services Tel: 02392 834057
Email: Democratic@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 James Fleming (Chair), Frank Jonas BEM (Vice-Chair), Jennie Brent, Colin Galloway, Lee Hunt, Hugh Mason, Gemma New, Steve Pitt and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Alicia Denny, Suzy Horton, Scott Payter-Harris, Darren Sanders, Lynne Stagg, Luke Stubbs, David Tompkins, Steve Wemyss, Tom Wood and Rob Wood

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

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AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Previous Minutes - approval of 13 December and correction to 15 November 2017 minutes (Pages 7 - 24)**

a) 15 November 2017

Subsequent to the minutes of the meeting held on 15 November 2017 being agreed and signed off, errors in the attendance recorded were discovered and these now need to be corrected, as set out within the recommendation.

b) 13 December 2017

The minutes of the Planning Committee held on 13 December 2017 are attached, for approval.

RECOMMENDED

(1) that the minutes of the meeting held on 15 November 2017, approved and signed by the Chair at the meeting on 13 December, be amended to correct the attendance record

(i) To include Councillor Gemma New in the list of those attending and

(ii) To remove reference to apologies having been tendered by Councillor Alicia Denny as she was in fact in attendance deputising for Councillor Jennie Brent

(2) That the minutes of the meeting held on 13 December 2017 be agreed and signed by the Chair as a correct record.

4 Appeal against non-determination at Brunel House, 42 The Hard, Portsmouth, PO1 3DS, planning application ref. 17/01181/FUL (Pages 25 - 34)

Portsmouth City Council is in receipt of a non-determination appeal in relation to a planning application for external alterations to Brunel House (ref. 17/01181/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of the report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

As per the officers report to committee on 18 October, the recommendation was for conditional permission for the proposed alterations. This recommendation remains unchanged. A copy of the officer's report is appended to the report.

5 16/02047/PAMOD- Request to modify legal agreements attached to

planning permissions 10/01247/FUL and 08/01941/FUL, being land adjacent to Queens Hotel Clarence Parade and Osborne Southsea
(Pages 35 - 64)

The purpose of the report is to seek the agreement of the Planning Committee to vary the terms of the section 106 so as to suspend the requirement for affordable housing.

Having regard for the DV appraisal and the applicant's submission the following **recommendation** is the preferred approach of the Local Planning Authority:

Agree to vary both of the s106 agreements suspending the requirement for affordable housing on the 2008 permission and securing an off-site affordable housing contribution of £332,043 for the 2010 permission.

The report includes the DV appraisal findings and the LPA key facts to be considered.

6 Appeal against non-determination at 1 Edmund Road Southsea PO4 0LL
(Pages 65 - 74)

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (Sui Generis) (ref 17/01215/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of the report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

A copy of the officer's full assessment report is appended to the main agenda item recommending refusal for the reasons as set out.

7 Appeal against non-determination at 59 Liss Road Southsea PO4 8AS
(Pages 75 - 84)

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 to a 7 bedroom house in multiple occupation (sui generis) (ref 17/00920/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of the report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

A copy of the officer's full assessment report is appended to the main agenda item recommending refusal for the reasons as set out.

8 Appeal against non-determination at 30 Hudson Road Southsea PO5 1HD (Pages 85 - 94)

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) to form 8-bedroom/8-person HMO (sui generis) (ref 17/01577/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of the report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the reasons as set out.

9 Appeal against non-determination at 36 Campbell Road Southsea PO5 1RW (Pages 95 - 108)

A non-determination appeal has been received in relation to a planning application for the conversion of two 6 person HMOs to form one 9 person HMO (ref 17/00996/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of the report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the reasons outlined.

10 Update on Previous Applications by the Assistant Director of City Development

PLANNING APPLICATIONS

11 17/01373/HOU - 3 Paignton Avenue Portsmouth PO3 6LL - Construction of first floor rear extension (Report Item 1) (Pages 109 - 156)

12 17/01104/FUL - The Shrubbery & Bay Tree Lodge, 37 Grove Road South, Southsea PO5 3QS - Conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform;

alterations to existing fenestration and installation of rooflight (Report Item 2)

- 13 17/01105/LBC - The Shrubbery & Bay Tree Lodge, 37 Grove Road South, Southsea PO5 3QS - Conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight (Report Item 3)**
- 14 17/01804/FUL - 3 Kingsland Close Portsmouth PO6 4AL - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (Report Item 4)**
- 15 17/01817/FUL - 4 Fair Oak Road, Southsea PO4 8FQ - Change of use from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (Report Item 5)**
- 16 17/01936/FUL - 18 Bramble Road Southsea PO4 0DT - Change of use from purposes falling within C3 (dwelling house) or C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (sui generis) (Report Item 6)**
- 17 17/02007/FUL - 19 Powerscourt Road, Portsmouth PO2 7JE - Change of use from purposes falling within Class C3 (dwelling house) to a 7 person, 7 bedroom house in multiple occupation (sui generis) (Report Item 7)**
- 18 17/01496/FUL - Wimbledon Park Sports Centre, Taswell Road, Southsea PO5 2RG - Construction of single storey extension (after removal of existing front projection); installation of covered cycle stands; and alterations to vehicle parking (Report Item 8)**

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 13 December 2017 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Frank Jonas BEM (Vice-Chair)
Jennie Brent
Colin Galloway
Lee Hunt
Hugh Mason
Steve Pitt
Gerald Vernon-Jackson CBE
Luke Stubbs (Standing Deputy)

Also in attendance

Councillors Lynne Stagg and Darren Sanders.

Welcome

The Vice Chair, Councillor Jonas welcomed members of the public and members to the meeting. He explained that as the Chair, Councillor Fleming had sent apologies for this meeting he would be chairing the meeting today. He explained that the application for 104 Tangier Road would be the first planning application for consideration today as one of the councillor deputies had to leave for another council meeting. The remaining applications would then be considered as per the agenda.

Guildhall, Fire Procedure

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

169. Apologies (AI 1)

Apologies had been received from Councillors James Fleming, Steve Hastings and Gemma New. Councillor Luke Stubbs was present as a standing deputy. Apologies for lateness were received from Councillor Vernon-Jackson.

170. Declaration of Members' Interests (AI 2)

Councillor Lee Hunt declared an interest in planning application number 5, 104 Tangier Road, as he previously knew the applicant and withdrew the meeting for this item.

Councillor Stubbs declared a personal interest in planning application number 8, 137 London Road, as he knew the agent for the application.

171. Minutes of Previous Meeting - 15 November 2017 (AI 3)

RESOLVED that the minutes of the previous meeting held on 15 November be agreed and signed as a correct record.

172. Replacement Tree Planting in the Milton Area (AI 4)

The report was introduced by the Assistant Director of City Development.

RESOLVED that the Planning Enforcement officers and Arboriculturalist maintain the existing system of monitoring and follow up where appropriate replacement tree planting with applicants.

173. Planning appeal decisions concluded up to December 2017 (AI 5)

The report was introduced by the Assistant Director of City Development.

In response to a question from Councillor Stubbs regarding appeals and the amount of money awarded, the Assistant Director of City Development said the council are still negotiating on-costs so could confirm at a later date the actual amount. The council are seeing an increasing amount of applications for costs mainly for HMO applications which have been refused contrary to the officers' recommendations. As a guestimate this is around £3,000-£4,000 per appeal. As a follow up Councillor Stubbs said it would be useful for the committee to see the summary of costs awarded over a suitable time period at a future meeting.

ACTION - The Assistant Director of City Development said she was happy to bring a report back to the next meeting.

RESOLVED that the individual inspectors' decisions are noted.

174. Updates of previous applications by the Assistant Director of City Development (AI 6)

The Assistant Director of City Development advised that there are now five appeals against non-determination for HMO applications. Officers will provide a main agenda item to the January Planning Committee asking members to confirm what decision they would have made if they had been in a position to do so, on each of the applications. There is no report today as none of the appeals have start dates from the Planning Inspectorate. The Planning Inspectorate is overrun with appeals and are very behind timescales in terms of dealing with appeals.

In response to a question from Councillor Stubbs, the Assistant Director of City Development advised that the report coming to January will confirm whether the applications were deferred by the committee or whether the applicant chose to defer their application. There is still have a blanket call in on all HMO applications and the Planning Committee may wish to re-consider this in light of the amended SPD. Councillor Hunt said that the committee at their last meeting had agreed to keep this

arrangement in place for a few more meetings to see how the new SPD is bedding in.

175. 17/01181/FUL - Brunel House 42 The Hard Portsmouth PO1 3DS (AI 7)

This application was deferred prior to the commencement of the meeting.

176. 17/01459/PLANREG - 104 Tangier Road Portsmouth PO3 6PG (AI 11)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Councillor Lynne Stagg, ward councillor whose points included:

- The garage is not detached as described. It is built onto the garage of no. 106. Photographs were distributed to the committee.
- The roof overhangs garage of no. 106 and due to the pitch of the roof the rainwater pours off and onto roof of no.106.
- The applicant's workmen have caused a huge crack in the roof of no. 106 by walking over their roof to access no. 104.
- Built on the land belonging to no.106.
- Height is much higher than other garages in the area impact on no. 106 amenity.
- In reality no neighbours have had access to the rear of the garages as the applicant has for many years blocked access with vehicles, and assorted building materials.
- Applicant has previously had an enforcement order.
- If grant retrospective planning application can build whatever they like.

Councillor Darren Sanders, ward councillor whose points included:

- The applicant has again only submitted an application after an enforcement complaint.
- The garage is not detached. No space between new garage and garage at no. 106.
- Does not provide sufficient amenity for neighbours at no. 106. Need for Certificate B is because the garage occupies 4m of the 19.3m of the garden of no. 106 which equals 21%. Consequence is that no. 106 have their amenity impeded.
- If the committee cannot refuse this application suggest adding conditions that access to the garage of no.104 cannot be via no. 106 without permission of owners of garage at 106.

Members' Questions

In response to questions the following points were clarified:

- The application description is that it is a detached garage so it does not affect the determination and in planning terms the applicant has served the correct notice.
- There is guttering on the side of the garage. Members could apply a condition so that these details are submitted for approval.

- A requirement could be added that rainwater must discharge onto the applicant's property. Officers would reasonably expect that the guttering runs along the eaves of the building with a down pipe to the front of the property onto the application site. This could be submitted as part of the drainage details.

Members' Comments

Members felt that the applicant has acted in an unneighbourly fashion however the committee needed to assess this on planning terms. It was felt that retrospective planning permission must depend on a suitable guttering system being introduced that discharges water onto the applicant's property that will not damage the neighbouring property. Members noted that there was no reason in planning terms to refuse this.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development report with an additional condition that the planning department must ensure there is proper drainage that does not damage the amenity of number 106 Tangier Road.

177. 17/01104/FUL - The Shrubbery & Bay Tree Lodge 37 Grove Road South Southsea PO5 3QS (AI 8)

Councillor Lee Hunt re-joined the meeting and Councillor Gerald Vernon-Jackson joined the meeting.

Planning applications 2 - 17/00104/FUL & 3 - 17/01105/LBC for The Shrubbery & Bay Tree Lodge were considered together.

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Ms Tania Bastow, objecting to the application whose points included:

- Her property is very walled in. Photographs were circulated to highlight this. There are three walls, one is the rear wall where the proposed extension will be and the wall to the left has recently had a two storey extension built.
- Removal of tree has increased the sense of enclosure as Bay tree Lodge now looks over them.
- An improvement to the pipework would be to their advantage.
- Ask for a compromise so that the extension is set back and does not come right up to their boundary wall.

Mr Tim Fielder, Applicant circulated a presentation to accompany his deputation. His points included:

- Objectives are to restore an important Thomas Ellis Owen building back to one property; improve its appearance; and fully comply with Portsmouth Plan Design and Conservation Policy.
- Issue is with the single storey rear extension. Has been sympathetically designed.
- Fully supported by neighbour at number 25 Woodpath.

- Removal of Plum Tree has given neighbour more light.
- Rear of property will be improved.
- Plans scaled back to minimise impact to neighbours.
- Fully compliant with planning policy.

Members' Questions

In response to questions the following points were clarified:

- The applicant explained that they have considered setting back the extension but it would make the size of extension unviable.
- Due to the location being north/south it is not considered there will be an impact on natural light.
- The extension will come right to the boundary wall.
- The eaves level of the extension would elevate approximately 0.5m above the trellis.
- If the committee felt there was an unacceptable level of enclosure that could form a reason for refusal.

Members' Comments

Members were concerned that the extension would increase the sense of enclosure although recognised this is a difficult application as the applicant is trying to enhance this area. Members felt that this application would benefit a site visit.

RESOLVED that the application be deferred for a site visit to The Shrubbery and Bay Tree Lodge and to ascertain whether the sense of enclosure will be increased causing a serious loss of amenity.

178. 17/01105/LBC - The Shrubbery & Bay Tree Lodge 37 Grove Road South Southsea PO5 3QS (AI)

Planning applications 2 - 17/00104/FUL & 3 - 17/01105/LBC for The Shrubbery & Bay Tree Lodge were considered together (see Minute 177 above).

RESOLVED that the application be deferred for a site visit to The Shrubbery and Bay Tree Lodge and to ascertain whether the sense of enclosure will be increased causing a serious loss of amenity.

179. 17/01373/HOU - 3 Paignton Avenue Portsmouth PO3 6LL (AI 10)

The Chair explained that this application had been deferred for a site visit at a previous meeting however due to an oversight this had not taken place. He therefore proposed that this application again be deferred to enable members to view the application site prior to making a decision. Members agreed that a site visit was needed.

Miss B Murphy, objector was present and the Chair passed on the committee's apologies for this oversight. Miss Murphy said she had taken time off work to be at the meeting so was disappointed, however she felt the committee needed all the information available to assist with their decision.

The committee agreed that the site visit will be arranged at a convenient time with Miss Murphy and the planning officers would arrange this with the applicant and Miss Murphy. It was also agreed that when returns to committee the application be heard later on the agenda so Miss Murphy does not need to take time off work.

RESOLVED that consideration of the application be deferred to allow a site visit to be undertaken by the committee.

180. 17/01051/FUL - Venture Tower 57-67 Fratton Road Portsmouth (AI 12)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Mr James Simpson, Applicant, whose points included:

- The applicant is seeking to regenerate and enhance the premises to provide accommodation for students.
- The building is in need of updating both aesthetically and thermally.
- The applicant has met with the University of Portsmouth to provide an outline of the accommodation they felt was needed to meet the demand.
- The existing cladding will be stripped back and will be a more contemporary style.
- The Design Review Panel suggested some changes which were acted upon and they now support the application.
- The applicant has taken on board the comments from Highways.

Members' Questions

In response to questions the following matters were clarified:

- The use of a sprinkler system is a building regulation matter rather than a planning matter.
- The windows would be sealed up to the third floor due to air quality issues so a mechanical ventilation system was proposed. This would be dealt with by condition.
- Officers were not in a position to confirm whether the occupants would be able to smash the windows to escape in the case of a fire.
- No species of tree had been identified for the trees to be planted. Officers will ensure species planted are appropriate for the environment and will be able to reduce the impact of air quality issues. The report includes a condition that a landscaping scheme must be provided. The trees should also screen and provide privacy.
- Air conditioning would come under building regulations
- The matter of there being one lift would be a building regulation matter but there is no reason to believe that this is not adequate.
- In terms of materials officers expecting a grey brick which was discussed with the applicant in detail. The materials would be subject to a condition.
- The address of the property is Fratton Road. There is an entrance on Somers Road North which forms part of the JE Parking Zone. Provided that there is only one address they would only be entitled to two permits for the whole building. Each flat would not have a requirement for a parking permit.

- The Private Sector Housing team have raised concerns but no objections to the proposal. Comments have been passed onto the applicant who has amended the application. The orientation of the kitchen has not changed but the applicant has confirmed there will be a fire suppression system within.
- With regard to concerns about noise coming from the use of the roof terrace, the committee could add a condition that this is not used after a certain time of night.
- There is no rubbish shoot proposed. There is one refuse store proposed with a condition proposed.

Members' Comments

Members felt this was a very positive application and the recladding would improve the appearance of the building. Members were concerned about noise from the use of the outside space and agreed to add a condition that the outside space cannot be used after 11pm. Members also were concerned about the building overheating and asked to add a condition that air condition be installed.

RESOLVED that conditional permission be granted with the additional condition that the third floor roof terrace shown on approved drawing 4972-063 Rev-A shall be closed to and vacated by residents of the development hereby permitted outside of the hours of 8:00am and 11:00pm each day.

(1) Delegated authority was granted to the Assistant Director of City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

- 1. A provision to secure the accommodation of each study bedroom and the caretaker flat for an individual University of Portsmouth student (or those on an equivalent full-time course) during their period of study/the caretaker of the building, and not to use the halls of residence for any purpose during academic term times other than as residential accommodation for a student during their period of study;**
- 2. To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to the Assistant Director of City Development upon request;**
- 3. At all times, other than University of Portsmouth Academic Terms, not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;**
- 4. Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution before development commences;**
- 5. Prepare, implement and monitor a Travel Management Plan with the submission of contact details of the Travel Management Plan Coordinator and details of arrangements for managing busy periods at the start and end of terms with associated auditing contribution;**
- 7. Prepare, implement and monitor a Community Liaison Plan with the submission details of how the development will operate with minimal disruption to local residents, points of contact both during office and out-of-office hours and procedures for addressing potential conflict.**

8. The payment of associated fees upon implementation of planning permission.

(2) That delegated authority be granted to the Assistant Director of City Development to add/amend conditions where necessary.

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

181. 17/01462/FUL - 8 Queens Road Fratton Portsmouth (AI 13)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Mr Mark Holman, Agent, whose points included:

- Existing building requires maintenance.
- Additional cycle storage has been added to the proposal.
- Highways officer accepts parking for existing doctors' surgery.
- Does not lose any parking space to rear.
- Complies with local planning policy.
- The minor objection from highways is not a material consideration.

Members' Questions

In response to questions the following matters were clarified:

- There had not been any discussions with the applicant regarding incorporating parking within the building because the proposal is to convert and extend. Parking underneath would require a whole redesign of the building.

Members' Comments

Members had mixed views on this application. Some members felt that that the proposal was very good and would add to the street scene whilst others were concerned that this application goes against the council's policy on parking. The Assistant Director of City Development advised that as this application was for a conversion of the existing building that has a parking demand, officers were advising that the level of parking is acceptable.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development's report.

182. 17/01610/FUL - 137 London Road Hilsea Portsmouth (AI 14)

The Planning Officer introduced the report.

Members' Questions

In response to questions the following matters were clarified:

- Condition 8 was relating to the details of materials to be agreed. Officers could ask for an alternative to render but this could not be guaranteed as officers did not know yet what materials were proposed.
- The communal area and kitchen was lit by French doors as well as a window and three roof lights and this is considered adequate.
- The minimum size for a double room is 11.5m².

Members' Comments

Members were happy with this proposal and felt that this would make good use of an existing building.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development's report.

183. 17/01740/FUL - 44 Belmont Street Southsea PO5 1ND (AI 15)

The planning officer introduced the reports for numbers 44, 42, 36 and 34 Belmont Street in one presentation as the issues were all the same. All four applications were for a proposed change of use from a HMO (C4 use) to purposes falling within C3 or C4 use to allow flexibility to go from C4 HMO to a C3 dwelling house (see minutes 184-186 below).

Deputations were then heard whose points are summarised:

Ms C Dacke, objector speaking on behalf of four other objectors whose points included:

- Objects to all 4 of the applications relating to the C4 element.
- Imbalance of HMOs and the density exceeds the cap that council has in place and this is over 60% in a 50m radius.
- Policy PCS20 and SPD seek to ensure family housing is not jeopardised.
- Three family homes sandwiched individually between a row of 10 HMOs
- Management agency do not deal with issues.

Mr Broyd, Agent whose points included:

- There are policies in place to stop any development above the roof level of the existing roof line.
- The University of Portsmouth will enforce on tenants misbehaving.
- Licensee has a duty of care where there are issues.
- Asking for mixed use.
- Seeking where market trends prevail to put families into the property.

Members' Questions

In response to questions the following matters were clarified:

- The land is currently has a lawful use as C4.

Members' Comments

Members thanked Ms Dacke for attending and presenting the concerns of residents and suggested some solutions to residents if they have issues with tenants in these properties, including contacting the Council and the university. Concerns of

communal living were recognised by members including the amount of rubbish in Belmont Street and it was felt that the Council, letting agents and the University could be doing more to improve the lives of residents. Members felt though that having the option for these four properties to become family homes would be a slight relief to residents.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development report.

184. 17/01741/FUL - 42 Belmont Street Southsea PO5 1ND (AI 16)

The four planning applications for Belmont Street on the agenda were considered at the same time (see minute 183 above).

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development report.

185. 17/01849/FUL - 36 Belmont Street Southsea PO5 1ND (AI 17)

The four planning applications for Belmont Street on the agenda were considered at the same time (see minute 183 above).

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development report.

186. 17/01850/FUL - 34 Belmont Street Southsea PO5 1ND (AI 18)

The four planning applications for Belmont Street on the agenda were considered at the same time (see minute 183 above).

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development report.

187. 17/01684/FUL - 20 Montgomerie Road Southsea PO5 1ED (AI 19)

The Planning Officer introduced the report and reported in the supplementary matters list that the wording for Reason of Refusal 2 needs to be amended to include reference to the underprovision of bathrooms/wc's, as referenced on page 88 of the agenda report.

Amended wording for Reason of Refusal 2:

The proposed change of use of the building to a seven-person, six-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/dining room) falling below the necessary 27m² requirement and the underprovision of bathrooms/wcs, would fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan (2012) and the Council's 'Houses in Multiple Occupation (HMOs)' Supplementary Planning Document (Nov 2017).

Deputations were then heard whose points are summarised:

Mr Martin Willoughby, objector on behalf of the East St Thomas Residents Forum, whose points included:

- Acknowledged local councillor support for the revisions to the HMO SPD.
- Highly in support of the recommendation to refuse and look forward to this application being rejected.
- 35% of properties within a 50m radius are HMOs.
- The application fails to meet the minimum required space standards.
- Look forward to the opportunity to start the consultation on sandwiching and three in a row as agreed at the last PRED Cabinet meeting. Anticipate this will start at the start of 2018.

Members' Questions

In response to questions the following matters were clarified:

- It was agreed at PRED that the consultation sandwiching and three in a row HMOs would start in early January. The revisions have been drafted and would commence in early January following the Christmas break.

Members' Comments

Members were happy to refuse this application based on the reasons outlined in the report.

RESOLVED that the application be refused for the reasons set out in the Assistant Director of City Development's report with the amended wording for reason 1 as follows:

- (1) Due to the current proportion of HMOs within the immediate area, the proposed change of use to a 7 person sui generis HMO would further imbalance the mix of uses within the area, contrary to Policy PCS20 of the Portsmouth Plan and the Council's 'Houses in Multiple Occupation' Supplementary Planning Document (adopted November 2017).**

And an additional reason for refusal below:

- (2) The proposed change of use of the building to a seven-person, six-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/dining room) falling below the necessary 27m² requirement and the underprovision of bathrooms/wcs, would fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan (2012) and the Council's 'Houses in Multiple Occupation (HMOs)' Supplementary Planning Document (Nov 2017).**

188. 17/01799/FUL - 137 Gladys Avenue Portsmouth PO2 9BD (AI 20)

The Planning Officer introduced the report and reported in the supplementary matters list that the applicant has submitted an amended floorplan confirming that part of the existing living room is proposed to be used as a bedroom, creating a total of 4 bedrooms within the property.

The bedroom would have a floor area of 12m² and the remaining living room would have a floor area of 11.5m². Both of these floor areas would meet the size standards set out within the amended HMO Supplementary Planning Document (SPD).

It is also confirmed that the kitchen at 20.26m² is a sufficient size for use as a kitchen and dining room. The recommendation remained unchanged.

Deputations were then heard whose points are summarised:

Mrs Tanya McDermott, Agent, whose points included:

- The application complies with the revised HMO SPD.
- The density of HMOs in the area are substantially less than the maximum 10% allowed by the SPD.
- The applicant is a respectable and responsible landlord who seeks to provide high quality affordable housing.

Members' Questions

In response to questions the following matters were clarified:

- There are two WCs - one a ground floor and one at first floor in the shower room.
- C4 use is for between 3-6 people. There are 4 bedrooms. Bedroom 1 and 2 would be large enough as doubles and bedrooms 3 and 4 are single bedrooms.

Members' Comments

Members noted that from a planning policy perspective the application meets all the requirements and there would be no grounds to refuse the application. One member commented that this application helps dispersal of HMOs across the city to allow for different types of residents throughout the city. Members recognised the need for HMOs but felt that this is a different way of living to a normal family dwelling as there could be an additional 6 cars. Members acknowledged there were 21 representations from members of the public on this application which is not a small number. There was also concern raised about the accuracy of the HMO count data in particular in the north of the city and asked that this be reviewed as a matter of urgency.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development's report.

189. 17/01556/FUL - 20 Granada Road Southsea PO4 0RH (AI 21)

The Planning Officer introduced the report.

Deputations were then heard whose points are summarised:

Mr Justin Bateman, Applicant, whose points included:

- Additional kitchen and bathroom on the first floor.
- Very large property.
- Current tenants are professionals who work in the city.
- All fire safety requirements have been met.

Members Questions

In response to questions the following matters were clarified:

- The Council adopted the protocol to the revision of PPS25 in 2007. This meant the council accepted in principle residential development in the Southsea area. It is not known when this property changed to a HMO but as this is a HMO already, the use of the ground floor is not something to be considered today.
- The application should be considered in the light of the current local plan.
- Mr Bateman would be a live in landlord so one of the rooms would be a studio/office space.
- The Private Sector Housing Team have indicated that the property is fit for up to 8 people based on size standards of the bedrooms and the amount of amenity space and they had raised no adverse comments. Additional occupants had not been considered.

Members' Comments

Members felt that the level of HMOs in this area seemed unrealistic and felt that this would be an interesting area to check the HMO count.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development's report.

190. 17/01731/FUL - 56 Britannia Road North Southsea PO5 1SL (AI 22)

The Assistant Director of City Development advised the Committee that this application would be deferred to the next meeting.

This was to clarify further information in relation to the development of the property. There were a number of outstanding queries on the application which officers were not in a position to report on so it was felt following a discussion with the agent it would be sensible to defer this application. Mr Broyd the agent confirmed he was happy with this and was happy to sign an agreement for extension of time.

RESOLVED that this application be deferred to the next meeting to clarify further information in relation to the development of the property.

191. 17/01732/FUL - 186 St Augustine Road Southsea PO4 9AE (AI 23)

The Planning Officer introduced the report.

Deputations were then heard whose points are summarised:

- Referred to the NDSS (Nationally Described Space Standards) which was added to PCS 20 of the Portsmouth Plan. This is a Government released document relating to internal space and commented that he would assume this relates to student standards as well.
- This is not a new dwelling. Not sub dividing the property just asking for one extra person.
- All rooms are over 6.5m².
- Bedroom will not be altered in any way.

Members' Questions

The Assistant Director of City Development said that the deputation is made on the basis on the matters that underlying the changes to the SPD which have already been consulted on. The policy and this has now been changed.

Members' Comments

Members felt that the PCS20 Policy is clear that the Local Authority will not allow Sui Generis applications where the community is already imbalanced. 10.91% is already over the 10% threshold. Members were content with the policy and agreed that this needed to be rigidly enforced.

RESOLVED that the application be refused for the reasons set out in the Assistant Director of City Development's report with some amended wording for reason 1 as follows:

- (1) Due to the current proportion of HMOs within the immediate area, the proposed change of use to a 7 person sui generis HMO would further imbalance the mix of uses within the area, contrary to Policy PCS20 of the Portsmouth Plan and the Council's 'Houses in Multiple Occupation' Supplementary Planning Document (adopted November 2017).**

192. 17/01332/FUL - 11 Playfair Road Southsea PO5 1EQ (AI 24)

The Planning Officer introduced the report.

Deputations were then heard whose points are summarised:

Mr A Pandya, Applicant whose points included:

- Planning permission first lodged in July - 125 days before implementation of the new SPD.
- This project has not been rushed.
- Do not want to overdevelop house and squash people into property.

Dr Willoughby, Objector on behalf of the East St Thomas Residents Forum whose points included:

- The Council has approved a robust SPD on HMOs.
- HMO density is already too high - 23 HMOs currently in Playfair Road.
- Well above the 10% threshold which does not meet the SPD requirements.

Members' Questions

In response to questions the following matters were clarified:

- The Private Sector Housing Team and Planning teams are working on joining the two HMO registers to create a single database. This will happen over the next month or so. Currently it is only the planning register of HMOs online.
- Members should make their decision on the policy adopted today and not what the policy was when the application was registered.
- Legally this is an entirely separate meeting and issues unresolved when this came to the previous committee are not transferred over. Members needed to consider the information afresh today under the policy that stands today.
- The Private Sector Housing team report back to planning about what rooms are occupied and planning department have taken action on an unlawful HMO in the past.

Members' Comments

There were no comments.

RESOLVED that the application is refused for the reasons set out in the Assistant Director of City Development's report.

193. 17/01332/FUL - 11A Portsmouth Road Portsmouth PO6 2SG (AI 25)

(Councillor Luke Stubbs left the meeting prior to the commencement of this item)

The Planning Officer introduced the report. He advised that on returning to the office he had received an email from the Environment Agency maintaining their objection to the application. He had had a conversation with them and their objection was on the inadequacies of the submitted flood risk assessment. There amended recommendation would be that delegated authority to grant permission subject to the addition of an updated flood risk assessment and subject to adequate flood risk assessment mitigation to be approved with the Environment Agency before grant planning permission and in consultation with Portsmouth City Council and adequate SPA mitigation.

Members' Questions

In response to questions the following matters were clarified:

- Page 122 of the report identifies the change to the SPD to identify which flats are clipped.
- There are five off road parking spaces at the moment that are not available to the general public. These are associated with the existing development of the shop and flat. The Council have previously granted planning permission for a class C4 property on the site which has the same demand for six bedrooms as it would for eight bedrooms. This is a highly sustainable location and highways authority believe this is an appropriate location to accept a lower parking provision.
- The Environment Agency's concerns relate to sea level rise. The Environment Agency are not raising objections as this is in a flood risk zone and they believe it can be mitigated against.

Members' Comments

There were mixed views; some members felt that this should be refused as it does not comply with the council's policy on parking. The Assistant Director of City

Development added that this is a sustainable location near to the bus interchange and train station. This proposal does not create any additional demand for parking that what is already on the site.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of City Development to grant conditional permission subject to first securing: a) The submission and approval of an updated Flood Risk Assessment in consultation with the Environment Agency and the Local Lead Flood Authority: and b) 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.**
- (2) That delegated authority be granted to the Assistant Director City Development to refuse planning permission if the agreement referred to in Recommendation A has not been secured within three weeks of the date of the resolution pursuant to Recommendation A.**
- (3) That delegated authority be granted to the Assistant Director of City Development to grant permission subject to the addition of an updated flood risk assessment and subject to adequate flood risk assessment mitigation to be approved with the Environment Agency before grant planning permission and in consultation with Portsmouth City Council and adequate SPA mitigation.**

194. 17/01801/FUL - 41 Ranelagh Road Portsmouth PO2 8EZ (AI 26)

(Councillor Hugh Mason left the meeting at this point)

The Chair read out an email he had received from Councillor Ian Lyon who thought there was a reason to defer the application because of inaccurate count data on the HMOs in the immediate area.

The Planning Officer introduced the report.

Deputations were then heard whose points are summarised:

Miss Sheila Branscombe, objector whose points included:

- Do not agree this will generate will result in a 0.5 parking space increase.
- This is a HMO therefore a high probability there will be 4-8 adults living in the property creating an increase of 4 cars.
- Cycle rack will not ensure its use.
- Not enough family dwellings in the city.
- Concerned there will be future developments may be added to the roofspace.
- Increase in noise and disturbance.
- Petition of 63 residents objecting to the application.
- The application will change the character of the road.

Mr A Kleyn, Applicant whose points included:

- Property was in a state of disrepair.

- Will not provide accommodation for anyone that he would not live in.
- Very high standard of accommodation.
- Currently rated as a G but hoping to get this to a C with the improvements to the fire doors, alarms etc.
- Not a student HMO - will only be for professionals.
- Will only be one person per room even though one room is a double.
- Bicycle storage will be provided.

Members' Questions

In response to questions the following matters were clarified:

- The maximum number people would be 4 - there is only one room that meets the standards for a double room.
- If the dining space was taken away, it would only be big enough for a single bedroom hypothetically.

Members' Comments

Members felt that due to planning law, there was no option other than to grant the application as this would be overturned if it went to appeal. Members suggested that residents have a dialogue with the landlord to ensure that any problems are resolved. The maximum number of people that could live in the property is five and if residents suspected that more than five people were living there, this could be taken up through Private Sector Housing to investigate.

RESOLVED that the application be granted permission subject to the conditions set out in the Assistant Director of City Development's report.

The meeting concluded at 5.30 pm.

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Signed by the Chair of the meeting

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Agenda Item 4



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Brunel House, 42 The Hard, Portsmouth, PO1 3DS, planning application ref. 17/01181/FUL

Date of decision: 10 January 2018

Report by: Assistant Director of Culture and City Development

Wards affected: Charles Dickens

Key decision (over £250k): N/A

1. Purpose of report

Portsmouth City Council is in receipt of a non-determination appeal in relation to a planning application for external alterations to Brunel House (ref. 17/01181/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendations

As per the officers report to committee on 18 October, the recommendation was for conditional permission for the proposed alterations. This recommendation remains unchanged. A copy of the officers report is appended.

3. Background

A planning application for external alterations to Brunel House was validated on 25 July 2017 with an expiry date of 18 September 2017 (ref. 17/01181/FUL). The description of development was as follows:

External alterations to include insulated render and new windows to side walls, replacement of existing windows/panels with new full height windows/coloured infill panels, and installation of new glazed doors and infill glazing to ground floor canopy.

The application was reported to the Planning Committee on 18 October 2017 at which a resolution was made to defer the decision. The reason for deferral was for the applicants to consider amendments to the scheme to improve its visual appearance. Some suggestions made within members comments were that the scheme could potentially be

improved with the incorporation of an architectural lighting scheme or the provision of artwork or detailing to the elevations, possibly linked to Brunel.

Whilst discussions were held with the applicants following the October committee about possible amendments, these were not formally submitted. In anticipation of receiving amended plans the application was placed on the agenda for the December meeting. Following the publication of the agenda the applicants advised the Council that an appeal against non-determination had been submitted (appeal submitted 8 December 2017). This means that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector for the appeal, the scheme is being reported back to committee for members to confirm what the resolution would have been had the Council been able to determine the application based on the current plans.

In addition to submitting an appeal against non-determination, the applicants have also submitted a new application for external alterations, which includes an architectural lighting scheme (ref. 17/02104/FUL). This application was made valid on 15 December 2017.

4. Reasons for recommendations

The proposed alterations were considered acceptable in respect of design and appearance, and would preserve the character of the Conservation Area, in accordance with relevant local and national planning policies.

5. Equality impact assessment (EIA)

This is not a policy decision and does not require a policy impact assessment.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

.....
 Signed by:

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
Officers report for planning application 17/01181/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning	Planning Services

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BRUNEL HOUSE 42 THE HARD PORTSMOUTH PO1 3DS

EXTERNAL ALTERATIONS TO INCLUDE REPLACEMENT OF EXISTING WINDOWS/PANELS ON FRONT/REAR ELEVATIONS WITH NEW FULL HEIGHT WINDOWS/COLOURED INFILL PANELS; NEW WINDOWS TO SIDE WALL (NORTH ELEVATION); AND INSTALLATION OF NEW GLAZED DOORS AND INFILL GLAZING TO GROUND FLOOR LEVEL BELOW EXISTING CANOPY

Application Submitted By:

Stephen Hinsley
FAO Stephen Hinsley

On behalf of:

Makepeace Investments Ltd
FAO Sternlicht

RDD: 6th July 2017

LDD: 18th September 2017

SUMMARY OF MAIN ISSUES

SUMMARY OF MAIN ISSUES

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and preserve the setting of other nearby heritage assets.

Site and surroundings

A 12-storey building occupies the site fronting The Hard and positioned between Victory Road to the south and College Street to the north. The building was last used as offices but is currently vacant. Brunel House is positioned opposite the recently redeveloped Hard Interchange and the northern pedestrian entrance to Gunwharf Quays.

The site lies within 'HM Naval Base and St George's Square' Conservation Area and close to, and thereby affects the setting of, 'Gunwharf' Conservation Area and 'Portsea' Conservation Area. There are a number of other designated and non-designated heritage assets in the vicinity of the site, including Grade II buildings at Nos 16 and 17 The Hard and 50 Havant Street, to the north of the site, the locally listed former Portsmouth Harbour Signal Box near to the entrance to Gunwharf Quays to the west of the site, and the locally listed Ordnance Row to the south.

The site is also located within The Hard area of the city centre as defined by Policy PCS4 of the Portsmouth Plan.

Proposal

Planning permission is sought for external alterations of Brunel House comprising of:

- o Replacement of existing windows on the front elevation and rear elevations with new full height windows/coloured infill panels;
- o Installation of new windows in a side wall (north elevation);
- o Installation of new glazed doors and infill glazing panels to the front elevation, at ground floor level, beneath the existing entrance canopy (glazing to align with canopy overhang);
- o Installation of insulated render to existing canopy; and,

- o Reduction in height of lift enclosure to roof.

This application has been the subject of amendment. The proposed introduction of insulated render on the side elevations of Brunel House has since been deleted. The originally suggested use of UPVc for the proposed fenestration was also not considered a suitable quality material for such a visually prominent building and has since been amended to powder-coated aluminium.

Planning history

There are two further applications currently under consideration at Brunel House. These are as follows:

- o 17/00006/PACOU - Application for Prior Approval for the change of use of the building from B1 offices to 153 residential dwellings (Use Class C3)
- o 17/01180/FUL - Application for change of use of the ground floor of the building to retail (Class A1) and gymnasium (Class D2)

Previous applications relating to Brunel House include the following:

- o 16/00003/PACOU - Application for Prior Approval for change of use to 242 dwellings - Prior Approval not required, 15 April 2016.
- o 14/00402/FUL - Construction of a forty storey tower to include a Halls of Residence (Class C1) for students comprising 454 study/bedrooms; 313 residential flats; 877 sqm of commercial floorspace for use as Class A1 shop or A2 financial/professional services or A3 café/restaurant or A4 drinking establishment or A5 hot food takeaway and 70 sqm for use as Class B1 office or taxi office; and construction of a part 7/part 6 multi storey car park on Havant Street car park and former Ambulance station sites, after demolition of Brunel House, Victory Public House, 'City Wide Taxi's' building and former Ambulance Station.

This application was refused on 24 June 2016, for reasons relating to the design, scale and massing, impact on heritage assets and impact on the amenity of neighbouring residents.

- o A*24391/AA - Construction of two additional floors, 2-storey front extension, 3 lift/stair enclosures and balconies including cladding/ window alterations to all elevations; use of ground/first floors for A1/A2/A3/B1, taxi office, health and fitness centre and dentist uses, and conversion of floors above to 54 flats and 3 maisonettes - Conditional permission, 8 July 2002.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS23 (Design and Conservation),

The aims and objectives of national planning policy in the NPPF would also be material to determination of the application.

CONSULTATIONS

Environmental Health

The application appears to only relate to alterations to the external façade of the building. The application form does not indicate any potential change of use to residential, therefore based on the assumption that the office use is to be retained we have no comments or recommendations.

REPRESENTATIONS

One representation received has been received raising objection on the grounds of: (a) poor design; (b) existing building is unsafe; and, (c) something better needs to be planned for the site.

One representation of comment has also been received from The Portsmouth Society (note that these comments relate generally to the three applications under consideration): (i) welcome the reuse of the building; (ii) soft landscaping to the frontage would be an improvement; (iii) support the inclusion of a lift; and, (iv) concern that some of the flats are too small.

COMMENT

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and preserve the setting of other nearby heritage assets.

Principle of the proposal

Policy PCS4 of the Portsmouth Plan sets out the objective for The Hard area of the city centre to be 'shaped into a vibrant waterfront destination, building on its function as a key city gateway and its reputation as a unique area of historic character and charm'. Brunel House occupies a prominent position in the southern part of The Hard, and is recognised as an opportunity site for development within The Hard SPD. The Hard SPD sets out a number of objectives for all new development proposals in the area. This includes: '...realising the important role that the area could play in the city's economy by identifying opportunities that make best use of vacant sites and buildings, particularly those with little architectural or historic merit, and by promoting a mix of uses that bring 'life' to the area during the day and into the evening'; and 'ensuring that the design of new buildings and spaces is distinctive and of a high quality, and that it is sensitive to, and enhances, the historic character of the area'. In specific reference to the Brunel House site, the SPD notes that this forms part of an important gateway site and that there is a significant opportunity for a mixed use development incorporating a landmark building that positively contributes to the skyline of the city and that addresses both The Hard frontage and the interchange area to the west. The SPD goes on to state that whilst a redevelopment would be desirable, proposals for the reuse of existing buildings may also be considered.

Brunel House has been vacant for a number of years and has a run down appearance. Given its prominent location, there is a significant opportunity to enhance the site through redevelopment or appropriate reuse and alteration of the building, as identified within the SPD. This application relates solely to the proposed external alterations, but is linked to two separate applications for a change of use of the building to form residential development on the upper floors and a mix of retail and gymnasium on the ground floor. The application for change of use to residential was submitted as a Prior Approval application in accordance with Part O of the Town and Country Planning (General Permitted Development) Order 2015. This means that the principle of the change of use is acceptable and the Local Authority is only able to assess the application on matters relating to highway impact, flood risk and contaminated land. These matters were considered and the application was determined to be acceptable. The change of use of the ground floor has also been granted permission.

Whilst it may be desirable to fully redevelop the Brunel House site, as envisaged within the SPD, the local authority is required to assess all planning applications as received, on their own merits. The proposal to carry out external alterations to the building in conjunction with a change of use is considered acceptable in principle. The determining issue is whether the proposed alterations are of a high enough quality having regard to the prominent and historic location and the policy objectives for the site.

Design and appearance

Whilst Brunel House is not considered to be of specific architectural or historic interest, it nevertheless has some architectural features of merit including the grid pattern of the front and rear facades, which are characteristic of tower blocks built in the 1960s and 70s. The proposed alterations seek to retain the original grid frame of the building and enhance its appearance through the installation of new full height windows and coloured glazed panels.

The proposed alterations have been subject to discussion with officers throughout the course of the application process. A summary of the key elements of the proposal and the amendments that have been made as a result of the discussions is set out below.

Front elevation

On the front elevation, the proposal is to retain the original frame of the building, remove the existing infill panels beneath the windows and install new full height windows and glazed panels.

The original plans were for the installation of panels in a variety of colours to the front elevation, but this has since been amended to a tonal variation of green, which is considered to represent a more subtle and visually attractive way of introducing colour to the building.

The original plans also indicated the use of UPVc windows throughout the whole building. Following concerns raised by officers in relation to the appearance of UPVc for such a large amount of windows on a tall building, the applicants have agreed to the use of powder-coated aluminium framed windows. This is considered to be a more appropriate material choice having regard to the historic setting of the site and would ensure that a more elegant window profile is achieved.

Rear elevation

A similar approach for a tonal variation in green and use of powder-coated aluminium framed windows is proposed to the rear of Brunel House but the concrete grid frame is less pronounced compared with the front of the building.

Side elevations

The use of insulated render has been deleted from the scheme and now proposes a vertical ribbon of windows of the north side wall only.

Impact on heritage assets

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. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The site lies within 'HM Naval Base and St George's Square' Conservation Area, and is close to 'Gunwharf' Conservation Area and 'Portsea' Conservation Area. There are also other designated and non-designated heritage assets in the vicinity of the site, including Grade II listed buildings Nos 16 and 17 The Hard and 50 Havant Street, the locally listed former Portsmouth Harbour Signal Box near to the entrance to Gunwharf Quays, and the locally listed Ordnance Row to the south of the site.

Paragraphs 132-134 of the NPPF seeks to address the significance of any harm caused by a proposed development on heritage assets. The proposed external alterations would involve the provision of new glazing and coloured panels within the existing architectural frame of the building. The introduction of colour would inevitably result in an increased visual prominence of the building within its setting, but this is not considered inappropriate within a key city gateway location. Based on the amendments submitted during the course of the application, the alterations are now considered to be of a suitable quality to lift the visual appearance of the building and to preserve the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and the setting of nearby heritage assets. It is therefore determined that the development would not cause harm to the setting of heritage assets and an assessment under paragraphs 132-134 of the NPPF is not considered necessary.

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 - 16.1119/001;

Proposed front elevation - 16.1119/066A;

Proposed rear elevation - 16.1119/067A;

Proposed side elevations - 16.1119/068A;

Street view - 16.1119/069;

Proposed Typical Floor Section - 16.1119/071A; and,

Proposed GF Typical Section - 16.1119/072A.

3) No development shall take place at the site until (a) detailed constructional drawings (at 1:10 or such other suitable scale as may be agreed) of the profile, appearance and finish of the powder-coated aluminium frames to replacement windows/doors on the building and (b) samples of the aluminium window frames and coloured infill panels shall have been submitted to and approved in writing by the local planning authority; and the external alterations shall only be carried out in accordance with approved details/samples.

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 secure suitable quality external finishes to this visually prominent building and to preserve the setting of an array of heritage assets including the character and appearance of the conservation area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

1) PRO-ACTIVITY STATEMENT

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

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Agenda Item 5



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: 16/02047/PAMOD- Request to modify legal agreements attached to planning permissions 10/01247/FUL and 08/01941/FUL, being land adjacent to Queens Hotel Clarence Parade and Osborne Southsea.

Report by: Assistant Director of Culture & City Development

Wards affected: St Jude

Key decision (over £250k): No

The Local Planning Authority is in receipt of an application to modify two legal agreements which relate to extant planning permissions at the Queens Hotel. The planning permissions are detailed below. At the time when the planning applications were made the intention was for the development to cross subsidise or help to fund the renovation and conversion of the Hotel.

The proposal was for upper floors of the Hotel to be the subject to residential conversion, and that the Hotel to be refurbished. Between 2008 and 2010 the second scheme emerged which was to deliver a stand-alone apartment building fronting Clarence Parade with the intention being for the scheme to better help with the development economics for the site.

The PAMOD was initially submitted with a single viability appraisal which brought together both of the permissions and undertook a comprehensive approach.

However as this matter relates to two separate planning permissions the applicant was requested to undertake a separate appraisal for each of the permissions as they can be separately delivered, and the applicant has requested both section 106 agreements be amended suspending the affordable housing requirements.

The two permissions are as follows:

08/01941/FUL - Construction of 7-storey building comprising health centre/retail unit at ground floor with 30 flats at 1st to 6th floor levels and associated cycle/refuse stores (after demolition of no.s 12-16 Osborne Road); conversion of 2nd,3rd and 4th floors of hotel to form 30 flats; construction of podium and two conservatories with undercroft parking to south elevation (Amended Plans).

The demolition of the former nightclub on the site was lawful commencement and constituted implementation of the planning permission. This has been recognised and as such the site continues to benefit from the permission.

10/01247/FUL - Construction of eight-storey building comprising 38 apartments above extended landscaped podium level and associated car parking facilities.

Earthworks which were undertaken on the site were also of a degree and scale to constitute implementation of the planning permission. This has been recognised and as such the site continues to benefit from the permission.

Each planning permission is accompanied by an associated s106 Agreement, and each agreement has a set of planning obligations which the applicant makes the case limit the ability for the site to come forward due to development viability.

Connection between both Schemes

The 2008 planning permission was to secure 18 affordable housing units through the section 106. The planning permission if delivered in isolation would require the 18 affordable housing units be provided.

When the planning application was made in 2010, the opportunity was taken to connect the affordable housing requirement of the 2008 permission along with the new development, and as such the 2010 section 106 secured a total of 30 affordable housing units, 18 of which were actually those required by virtue of the 2008 permission.

This was considered at the time to be the best way of securing all of the affordable housing for the site in a single building which fronted Osborne Road.

The following report undertakes a review of the viability information which has been submitted with this application and the conclusions of the District Valuer in terms of the scheme viability given the affordable housing requirement. The viability information has assessed each application on its own, as each development should be able to stand alone in terms of its planning obligations.

This application is accompanied by financial information which is commercially sensitive. In addition to the detailed commercial information a statement prepared by Savills accompanies the application setting out the findings and proposing that both applications suspend the obligation for affordable housing on the grounds that the renovation of the Queens Hotel should be secured prior to the occupation of any residential units and that in the event the renovation is not secured a payment of £119,987 be made.

1 Application Proposal

The purpose of the report is to seek the agreement of the Planning Committee to vary the terms of the section 106 so as to suspend the requirement for affordable housing.

The applicant proposes that this suspension of affordable housing be linked to the refurbishment of the Queens Hotel, thereby requiring the refurbishment be secured, and that in the event occupation of the first unit in the development takes place prior to the refurbishment being secured the owner shall pay Portsmouth City Council a sum.

The application has been accompanied by a viability appraisal for both of the proposals with the 08/01941/FUL demonstrating that the hotel conversion and renovation consent which develops out 60 units and retains the hotel returns a deficit from the development of £1,408,336 without the provision of affordable housing on or off the site.

The second viability appraisal demonstrates that the 10/01247/FUL proposal for 38 apartments provides a value of £119,987 with no affordable housing. This is the sum

which the development viability indicates could be provided in the form of an off-site affordable housing commuted sum in the event that the Queens Hotel refurbishment is not secured prior to the occupation of the first unit.

2 Recommendation

Having regard for the DV appraisal and the applicant's submission the following recommendation is the preferred approach of the Local Planning Authority:

Agree to vary both of the s106 agreements suspending the requirement for affordable housing on the 2008 permission and securing an off-site affordable housing contribution of £332,043 for the 2010 permission.

The following assessment sets out the DV appraisal findings and the LPA key facts to be considered.

3 Review of the Development Appraisals

The DV has undertaken an assessment of the Savills submitted appraisals, referring to the 2008 permission as Phase 1 and the 2010 permission as Phase 2. The areas where the DV identified differences between the applicant's submission and their assessment are as follows:

2008 - Phase 1 on all private basis displays a deficit of -£1,237,230

- DV noted the applicants ground rent income of £250,000 however DV adopts a 5% ground rent capitalisation rate arriving at £300,000.
- DV noted the applicants development program however adopts a revised sales period of 18 months, being 3 dwellings per month along with the expectation that some sales will be secured during the construction period.
- DV reviewed the stamp duty land tax fee and while the applicant suggested this should be £200,974, the DV advises it should be £240,717.

2010 - Phase 2 on an all private basis shows a surplus of £332,043

- DV noted the applicants ground rent income of £162,722.91 however DV adopts a 5% ground capitalisation rate arriving at £178,995.20
- DV noted the applicants development program however adopts a revised sales period of 12 months with 3 dwellings sold every month.

Other Key Facts

- At the time of securing planning permission for both schemes the site owners at the time did not look to examine the development viability of the proposals and as a consequence the subsequent owner / developer signed up to obligations which either reflected the policy position or what would have been expected. Development economics would have been left to the delivery stage. Legislation and policy provide the mechanism to enable applicants to seek to amend s106 agreements. The application has been made in accordance with these provisions on the basis that the requirement for affordable housing is unviable.

- While each of the planning permissions may be extant and open for implementation, the owner has indicated that the schemes as approved could not be delivered with the affordable housing. The cost of delivering the approved developments at the site and refurbishment of the hotel are such that affordable housing would not be secured.
- Whether the developer delivers the 2008 or 2010 scheme, or both schemes combined there is not sufficient value in the scheme to provide the policy required affordable housing.
- The application was supported by a professionally prepared viability appraisal, which was independently reviewed by the District Valuer, arriving at the conclusion that an all private scheme for the 2008 permission has a deficit of -£1,237,230 and the 2010 permission has a surplus of £332,043.
- It is on this basis that the Local Planning Authority recommends the s106 agreement for the site be amended to suspend the requirement of affordable housing.
- The applicant is seeking the certainty to invest into the refurbishment and redevelopment of the Hotel. Any obligations which give rise to uncertainty around the site value will prevent the scheme progressing and lead to a stall site.
- In the event the Planning Committee decline to enter into a deed of variation, it is open to the applicant to appeal leading to the viability assessment being further scrutinised.

Options Going Forward

It is open to the Planning Committee to:

- A Agree to vary both of the s106 agreements suspending the requirement for affordable housing on the 2008 permission and securing an off-site affordable housing contribution of £332,043 for the 2010 permission.
- B Decline to enter into a deed of variation for both planning permissions and in so doing accept that (on the basis of the applicants submission) it is unviable to convert the Queens Hotel and construct the new build elements, and undertake the necessary improvements for it to operate at its full capacity.

Recommendation

Agree to vary both of the s106 agreements suspending the requirement for affordable housing on the 2008 permission and securing an off-site affordable housing contribution of £332,043 for the 2010 permission.

4 Representations

No comments have been received.

5 Equality impact assessment (EIA)

This report relates to an application to enter into a deed of variation for a scheme. As this is not a policy matter or decision there is no requirement for an equality impact assessment.

6 Legal services' comments

The City Solicitor is satisfied that it is within the City Council's powers to approve the recommendation as set out.

Duty to act reasonably

Section 106A of the Town and Country Planning Act 1990 provides that the City Council may agree, with the other parties, to a change in the terms of an agreement. Importantly, the Council is bound to consider the request and any decision made is susceptible to judicial review.

Accordingly, the Council is compelled to consider the request, whether the relevant obligation continues to serve a useful planning purpose and - if minded to refuse - to consider and to articulate the planning purpose to be served by such a refusal.

Given that the passage of time since the entering into the planning obligation has exceeded 5 years, the applicant is entitled to seek a discharge or modification of the obligation.

7 Finance comments

There are no finance implications.

.....
Signed by:

Appendices:

Appendix 1 - Applicants covering letter and Output Full Development Appraisals for each scheme.

Appendix 2 - District Valuers Review of applicants viability submission

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

Title of document	Location
Legal Agreements dated 18 th January 2012 and 21 st April 2010 Planning Obligations SPD (September 2008) National Planning Policy Framework (March 2012)	Planning Services

Providing Affordable Housing in Portsmouth (May 2012) Planning Practice Guidance on viability (March 2015)	
---	--

10 October 2017



Ruth Ormella
Development Management Manager
Portsmouth City Council
Civic Offices
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PORTSMOUTH
PO1 2AU

Gavin Hall
E: ghall@savills.com
DL: +44 (0) 23 8071 3947

By Post and Email
E: ruth.ormella@portsmouthcc.gov.uk

2 Charlotte Place
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T: +44 (0) 238 071 3900
savills.com

Dear Ruth

**QUEEN'S HOTEL, SOUTHSEA, PORTSMOUTH
YOUR REF: 16/02047/PAMOD (MODIFICATION OF LEGAL AGREEMENT ASSOCIATED WITH
PLANNING PERMISSIONS 08/01941/FUL AND 10/01247/FUL RELATING TO PROVISION OF
AFFORDABLE HOUSING)**

I am writing pursuant to discussions that you have had with my colleague Kevin Marsh and a meeting that we had to discuss the issue regarding the above site coming forward and securing the renovation works for the Queen's Hotel. I have been asked to write to you with regard to how the above planning application could be taken forward through a deed of variation to a legal agreement.

The above site has two planning consents that have been granted, one in 2008 (08/01941/FUL) for the partial conversion of the hotel to 30 residential units, renovation of the remaining parts of the hotel and construction of an additional 30 residential units adjacent the hotel, and a second application in 2010 (10/01247/FUL) for the construction of 38 apartments on land to the south of the hotel.

Taken together, the provision of 98 new apartments would generate an affordable housing policy requirement of 30 units. It was agreed through a Section 106 legal agreement in 2012 that the 30 units for both schemes would be provided in the 30 unit new build construction on Osborne Road.

I understand that it has been agreed that both consents have been implemented. The 2008 consent was implemented by virtue of the fact that the former nightclub on the site was demolished as agreed in a letter from Portsmouth City Council dated 19 July 2013. The 2010 consent I understand has also been implemented as a result of earthworks undertaken on site.

The intention is that the current owner would like to start major renovation works on the hotel by the end of the year as set out in the 2008 consent. The owner however, is unable to commence such works without the ability to use the two surrounding developments to enable such development. The owner has applied for a deed of variation to alter the current legal agreement to remove the obligation to provide the affordable housing, as this would make the two schemes unviable and unable to support the renovation of the hotel.

The landowner has therefore instructed Savills to submit two viability appraisals to demonstrate that both schemes are required in order to enable the renovation of the hotel, but that neither scheme can support a policy compliant level of affordable housing. I attach, in a commercially confidential appendix, the two viability appraisals that have been undertaken.

To summarise these, the hotel conversion and renovation consent (Ref 08/01941/FUL), which develops out 68 units and retains the hotel, returns a deficit from the development of £1,408,336 without the provision of affordable housing on or off-site.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD



The southern scheme (Ref: 10/01247/FUL) demonstrates that the planning application of 38 units provides a land value of £119,987 with no affordable housing.

This clearly demonstrates that the 2010 consent would not assist with the significant shortfall required to renovate the hotel through planning consent Ref 08/01941/FUL. Indeed, my colleague Kevin Marsh (Kevin is a Chartered Surveyor and Head of Savills Licensed Leisure Department) reports that this is less than the amenity value that the land provides for the hotel in its existing use, i.e. the land could be used as landscaped grounds for the hotel or as a site for a temporary marquee/ function area, or extended car parking for the hotel, which we discussed would be acceptable in planning policy terms. As such, there would be no incentive for the landowner to develop out the adjoining site if it were to have to provide affordable housing and hence no funds would be available to assist the renovation of the hotel, which itself is not demonstrably viable. The applicant would not be incentivised to renovate the hotel with the development cost associated.

In order to demonstrate that neither scheme can support affordable housing provision in order to assist the renovation of the Queen's Hotel and to kick start that work, I attach the two detailed viability appraisals, undertaken individually for each application.

In order to enact this into the deed of variation which already links the two applications, I propose that wording is provided to enable each application to suspend the obligation for affordable housing on the grounds that the renovation of the Queen's Hotel should be commenced prior to the occupation of any residential units in the two consents.

I would suggest that each application proposes words to the effect that:

"The provision of affordable housing on this application is suspended subject to the commencement of refurbishment works to the Queen's Hotel commencing prior to the occupation of the first unit in the proposed development"

"Should the residential units be occupied without commencement of the refurbishment works to the Queen's Hotel having been commenced, a payment equivalent to £XXXXX would be provided by the owner"


"The Council will provide written confirmation of when it deems that the obligation of the refurbishment works to the Queen's Hotel have been complied with upon written request by the landowner or developer."

The terms of refurbishment works to the Queen's Hotel would need to be defined.

I believe that this gives the Council the evidence it requires, that the provision of affordable housing on either site is not possible and protection that by granting this exception to policy, the Council is securing the renovation of the Queen's Hotel building in Southsea.

I trust that this meets your requirements, but should you need anything else, please do not hesitate to ask.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Gavin Hall
Director

Encs

Copy: Kevin Marsh, Savills

Ground rent

	Capitalised annual ground rent	
Social Rented	£0	
Shared Ownership	£0	
Affordable Rent	£0	
Open market (all phases)	£162,723	
Capitalised Annual Ground Rents		£162,723
TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME		£12,242,973
TOTAL BUILD COST OF RESIDENTIAL SCHEME	£6,717,060	
TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME		£5,525,913

Non-Residential

	Cost	Values
Office	£0	£0
Retail	£0	£0
Industrial	£0	£0
Leisure	£0	£0
Community Use	£0	£0
Community Infrastructure Levy	£0	
CAPITAL VALUE OF NON-RESIDENTIAL SCHEME		£0
COSTS OF NON-RESIDENTIAL SCHEME	£0	
CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL		£0
GROSS DEVELOPMENT VALUE OF SCHEME		£12,242,973
TOTAL BUILD COSTS	£6,717,060	
TOTAL CONTRIBUTION TO SCHEME COSTS		£5,525,913

External Works & Infrastructure Costs (£)

	Per unit	% of GDV	per Hectare
Basement car park	£1,440,000	37,895	11.8%
Roads and Sewers	£0		
Services (Power, Water, Gas, Telco and IT)	£0		
Strategic Landscaping	£0		
Off Site Works	£0		
Public Open Space	£0		
Site Specific Sustainability Initiatives	£0		
Plot specific external works	£0		
Other 1	£0		
Other 2	£0		
£1,440,000		11.8%	

Other site costs

Fees and certification	7.0%	£447,804	11,784	3.7%
Other Acquisition Costs (£)		£0		

Site Abnormals (£)

0	£0		
0	£0		
0	£0		
0	£0		
0	£0		
0	£0		
0	£0		
0	£0		

Total Site Costs inc Fees **£1,887,804** 49,679

Statutory 106 Costs (£)

Education	£0		
Sport & Recreation	£0		
Social Infrastructure	£0		
Public Realm	£0		
Affordable Housing	£0		
Transport	£0		
Highway	£0		
Health	£0		
Public Art	£0		
Flood work	£0		
Community Infrastructure Levy	£0		
Other Tariff	£0		
s106	£71,889	1,892	
Carbon offset	£0		
Other 3	£0		
Other 4	£0		
Statutory 106 costs	£71,889	1,892	

Marketing (Open Market Housing ONLY)

		per OM unit
Sales/letting Fees	2.5%	£302,006 7,948
Legal Fees (per Open Market unit):	£500	£19,000 500

Marketing (Affordable Housing)

	per affordable unit
Developer cost of sale to RP (£)	£0
RP purchase costs (£)	£0
Intermediate Housing Sales and Marketing (£)	£0

Total Marketing Costs **£321,006**

Total Direct Costs **£8,997,759**

Finance and acquisition costs

Land Payment	£1	0 per OM home	#DIV/0!	#DIV/0!
Arrangement Fee	£0	0.0% of interest		
Misc Fees (Surveyors etc)	£0	0.00% of scheme value		

Agents Fees		£0
Legal Fees		£0
Stamp Duty		£0
Total Interest Paid		£914,374

Total Finance and Acquisition Costs **£914,375**

Developer's return for risk and profit

Residential

Market Housing Return (inc OH) on Valt	18.0%	£2,174,445	57,222 per OM unit
Affordable Housing Return on Cost	0.0%	£0	per affordable unit
Return on sale of Private Rent	0.0%	£0	#DIV/0! per PR unit

Non-residential

Office	£0	
Retail	£0	
Industrial	£0	
Leisure	£0	
Community-use	£0	£0

Total Operating Profit **£2,174,445**

(i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)

TOTAL COST **£12,086,579**

Surplus/(Deficit) at completion 1/8/2021 **£156,394**

Present Value of Surplus (Deficit) at 16/8/2017 **£119,987**

Scheme Investment MIRR **13.1%** (before Developer's returns and interest to avoid double counting returns)

Site Value as a Percentage of Total Scheme Value	0.0%	Peak Cash Requirement	-£8,630,571
Site Value (PV) per hectare	No area input per hectare	No area input per acre	

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Ground rent

	Capitalised annual ground rent	
Social Rented	£0	
Shared Ownership	£0	
Affordable Rent	£0	
Open market (all phases)	£250,000	£250,000
Capitalised Annual Ground Rents		£250,000
TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME		£15,960,478
TOTAL BUILD COST OF RESIDENTIAL SCHEME	£9,156,828	
TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME		£6,803,650

Non-Residential

	Cost	Values
Office	£0	£0
Retail	£8,970	£448,500
Industrial	£0	£0
Leisure	£53,617	£2,680,851
Community Use	£0	£0
Community Infrastructure Levy	£0	
CAPITAL VALUE OF NON-RESIDENTIAL SCHEME		£3,129,351
COSTS OF NON-RESIDENTIAL SCHEME	£62,587	
CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL		£3,066,764
GROSS DEVELOPMENT VALUE OF SCHEME		£19,089,829
TOTAL BUILD COSTS	£9,219,415	
TOTAL CONTRIBUTION TO SCHEME COSTS		£9,870,414

External Works & Infrastructure Costs (£)

	Per unit	% of GDV	per Hectare
Site Preparation/Demolition	£0		
Roads and Sewers	£0		
Services (Power, Water, Gas, Telco and IT)	£0		
Strategic Landscaping	£0		
Off Site Works	£0		
Public Open Space	£0		
Site Specific Sustainability Initiatives	£0		
Plot specific external works	£0		
Other 1	£0		
Other 2	£0		
	£0		

Other site costs

Fees and certification	7.0%	£610,455	10,174	3.2%
Other Acquisition Costs (£)		£0		

Site Abnormals (£)

De-canting tenants	£0		
Decontamination	£0		
Car parking costs	£0		
Other 2	£0		
Other 3	£0		
Other 4	£0		
Other 5	£0		
	£0		

Total Site Costs inc Fees

£610,455	10,174
-----------------	--------

Statutory 106 Costs (£)

Education	£0
Sport & Recreation	£0
Social Infrastructure	£0
Public Realm	£0
Affordable Housing	£0
Transport	£0
Highway	£0
Health	£0
Public Art	£0
Flood work	£0
Community Infrastructure Levy	£0
Other Tariff	£0
Other 1	£0
Other 2	£0
Other 3	£0
Other 4	£0
	£0

Statutory 106 costs

£0

Marketing (Open Market Housing ONLY)

		per OM unit
Sales/letting Fees	2.5%	£392,762 6,546
Legal Fees (per Open Market unit):	£500	£30,000 500

Marketing (Affordable Housing)

	per affordable unit
Developer cost of sale to RP (£)	£0
RP purchase costs (£)	£0
Intermediate Housing Sales and Marketing (£)	£0

Total Marketing Costs

£422,762

Total Direct Costs

£10,252,632

Finance and acquisition costs

Land Payment	£5,024,350	83,739 per OM home	#DIV/0!	#DIV/0!
Arrangement Fee	£35,000	1.9% of interest		
Misc Fees (Surveyors etc)	£0	0.04% of scheme value		

Agents Fees		£50,244	
Legal Fees		£25,122	
Stamp Duty		£200,974	
Total Interest Paid		£1,871,166	

Total Finance and Acquisition Costs **£7,213,855**

Developer's return for risk and profit

Residential

Market Housing Return (inc OH) on Valt	18.0%	£2,827,886	47,131 per OM unit
Affordable Housing Return on Cost	6.0%	£0	per affordable unit
Return on sale of Private Rent	0.0%	£0	#DIV/0! per PR unit

Non-residential

Office		£0	
Retail		£80,730	
Industrial		£0	
Leisure		£482,553	
Community-use		£0	
		£563,283	

Total Operating Profit **£3,391,169**

(i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)

TOTAL COST **£20,857,656**

Surplus/(Deficit) at completion 1/6/2021 **(£1,767,827)**

Present Value of Surplus (Deficit) at 30/8/2017 **(£1,408,336)**

Scheme Investment MIRR

8.0% (before Developer's returns and interest to avoid double counting returns)

Site Value as a Percentage of Total Scheme Value	26.3%	Peak Cash Requirement	-£15,773,681
Site Value (PV) per hectare	No area input per hectare	No area input per acre	

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Private and Confidential

Ruth Ormella
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2AU

Ruth.Ormella@portsmouthcc.gov.uk

Southampton Valuation Office
2nd Flr Overline House
Central Station
Blechynden Terrace
Southampton SO15 1GW

Our Reference: 1659605
Your Reference: 08/01941/FUL & 10/01247/FUL
Please ask for : Nathan Palmer or Gavin Tremeer
Tel : 03000 504359
E Mail : nathan.palmer@voa.gsi.gov.uk

Date : 20th December 2017.

Dear Ruth,

REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT

ADDRESS: Queens Hotel, Osborne Road, Southsea, Hants PO5 3LJ (Phases 1 & 2)

I refer to your email confirming your formal instructions to carry out a viability review in respect of the proposed redevelopment of the above site.

We have been provided with two viability assessments undertaken by Savills, dated the 20th October 2017. We have now completed our own research and assessment and report as follows:

General Information

It is confirmed that the viability assessment has been carried out by Nathan Palmer MRICS, RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. DVS has had no other previous material involvement with the property.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following the referendum held on 23 June 2016 concerning the UK's membership of the EU, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for EU exit and sudden fluctuations in value remaining possible. We would therefore recommend that any valuation is kept under regular review.

Background:

The Queen's hotel was originally built as a private house in 1861. The house was converted into one of Southsea's first hotels in the late 18th century when it suffered a fire which gutted the entire property. The Hotel was rebuilt in 1903, and is distinguishable by its Edwardian baroque frontage. The hotel is situated on the corner of Osbourne Road and Clarence Parade, approximately 1.5 miles from the main city centre and benefits from sea views across the Solent to the Isle of Wight.

The Scheme:

Planning applications 08/01941/FUL & 10/01247/FUL have been received by Portsmouth City Council for the redevelopment of the Queens Hotel and 12 - 16 Osborne Road, Southsea into a 22 bedroom boutique hotel; coupled with two adjacent new build blocks. The upper floors of the hotel will provide 98 new domestic dwellings. The scheme also proposes additional ground floor retail space.

The site is located on the corner of Clarence Parade and Osbourne Road with direct access to Portsmouth seafront. The Queens Hotel is located within a mixed residential and commercial area which contains flats, period dwellings, shops and smaller sea front hotels including bed and breakfasts. The proposed scheme to be assessed comprises a total of 98 flats as shown below:

Phase 1.

Hotel Conversion and new build block Phase 1	Type	No.	Area (M2 GIA)	Ave (M2) per unit
Ground - Sixth	1 Bed Flats	21	1,111	52.9m2
Ground - Sixth	2 Bed Flat	39	2,937	81.65

Phase 2.

New Build Phase 2 Southern Scheme	Type	No.	Area (M2 GIA)	Ave (M2) per unit
Ground - Seventh	1 Bed Flats	8	441	55.1
Ground - Seventh	2 Bed Flat	30	2,475	82.4

In addition, a commercial retail element will be built and part of the existing hotel will be refurbished for use as a boutique hotel and premises.

This is the third review of the proposed scheme. We have been informed that the applicant is seeking a deed of variation to alter the current legal agreement and remove the planning obligation to provide 30 affordable housing (AH) units within Phase 2, also known as the Southern Scheme. The applicant states that it is necessary to remove the AH obligation in order to use the funds from the two proposed new build apartment blocks in order to begin refurbishment and redevelopment works on the hotel element.

Viability Assessment:

This assessment has been undertaken following our own detailed research into both current sales values and current costs. In some cases we have used figures put forward by the developer if we believe them to be reasonable. The applicant has provided a live version of their HCA DAT appraisal and a written covering letter.

We have not received a hardcopy written appraisal or any sales evidence in support of the figures proposed by the applicants agent.

1) Development Value –

1. The applicant's agent has not provided any sales evidence in support of their proposed sales values and is reliant upon documentation provided to us during the second review which was undertaken in June 2017. We would suggest that all future appraisals should be fully evidenced in order to aid the review process.

The agent has provided two separate appraisals for review. The first appraisal relates to the hotel redevelopment and its adjacent new build apartment block and commercial element. This scheme comprises a total of 60 1 and 2 bedroom residential dwellings.

The second appraisal refers to Phase 2 or the Southern Scheme. This scheme proposes 38 new 1 and 2 bedroom residential dwellings on a site to the south of Phase 1 but within the curtilage of the hotel grounds. It was initially proposed that Phase 2 would provide 30 affordable dwellings as part of the planning obligation attached to that particular scheme.

We will review both appraisals within this report. Each scheme will be reviewed in reference to the appraisals provided to us by the agent. Where we disagree with the agents figures we will provide explanatory commentary and highlight our differences bold type.

Phase 1

2. Within their appraisal the agent has included a combined sales revenue of £15,710,478. The applicant's agent has adopted an average sales value of £4,161/m² for the 1 bed flats. When multiplied by the total area of the proposed 1 bed flats, 1,111m², it equates to a total sales revenue of £4,623,990.

The agent has also included an average sales value of £3,775/m² for the 2 bed flats. When multiplied by the total area of the proposed 2 bed dwellings, 2,937m², it equates to a total sales revenue of £11,086,488.

We have carried out our own internet based research of comparable property sales and utilised information from our in-house property records database. Our sales research broadly agrees with the average sales values proposed by the applicants agent and as such we have adopted the proposed sales values within our appraisal.

Total sales income: £15,710,478

3. The scheme proposes a 22 bed boutique hotel. S106 Affordable Housing Ltd have reported that this has been valued by the applicant's agent at £2,835,000 based upon the following:

22 en-suite bedrooms at an occupancy rate of (say) 70%, (Visit England statistics show that this fluctuates on a monthly basis and by location. Price Waterhouse Coopers (PwC) suggest in terms of generalised UK regions a potential 77% occupancy rate at the height of demand). However; this remains speculative forecasting. As such we are prepared to accept an average occupancy rate of 70%.

The agent has projected an average achievable room rate of (AARR) of £65 and a customer facing rate of £102 per room once VAT at 20% and breakfast have been included. Based on the rates currently advertised at the subject property we do not feel this is unreasonable given seasonal fluctuations and the necessity for competitive pricing as a result of internet deals.

We have reviewed the boutique hotel valuation and whilst we consider some of the hotel sales evidence not to be of a comparable nature to the subject property in terms of location, size, age and character we broadly agree with the potential capital value that has been proposed, £2.853m. The agent has then deducted purchaser costs of 5.75% or £154,149. We have adopted the proposed capital value of £2,680,851 within our live appraisal.

Boutique hotel value £2,680,851

4. The scheme includes a new ground floor retail/commercial space with frontage onto Osbourne Road. The retail space along with new domestic apartments will replace 12-16 Osbourne Road, which is earmarked for demolition as part of the proposed scheme. The agent has included £448,500 within their GDV calculation for the retail element. We have undertaken internet based research of commercial asking rents within the locality and broadly agree with the figures contained within the agent's appraisal including the application of a deferred 8% yield.

Commercial unit value: £448,500

5. The scheme proposes 60 flats. The applicants agent has included a total ground rent income of £250,000 within their appraisal; however, no commentary has been provided regarding the summation of this figure. Within their appraisal the agents has adopted a ground rent of £250 per unit capitalised at a yield of 6% (16.66). We have adopted a ground rent capitalisation rate of 5% (20), within our live appraisal in line with similar schemes we have assessed.

Total ground rent income: £300,000

GDV Phase 1: **£19,139,829**

5a) Affordable Housing:

We understand that the Policy level of affordable housing is 30% for sites of 15 units or more with a tenure split of 70% rented and 30% as intermediate (Shared Ownership).

For a policy compliant scheme this equates to approx. 21 rented units (14 X 1 beds and 7 X 2 beds assumed), and 9 intermediate units (6 X 1 bed and 3 X 2 beds assumed).

On other schemes assessed in the region we have adopted an average 45% - 50% of market value for rented units and 65% of market value for the shared ownership units and we have adopted similar levels of value within our appraisals for this scheme.

Phase 2

6. Within their viability appraisal the agent has included an aggregated sales value of £4,142.89 per square metre for the proposed 1 and 2 bedroom flats. The agent has multiplied this figure by 2,916 square metres to arrive at a gross development value of approximately £12,080,250.

We have carried out our own internet based research of comparable property sales and utilised information from our in-house property records database. Our research broadly agrees with the average sales values proposed by the agent and as such we have adopted the figure of £12,080,250 within our appraisal. We acknowledge that the final sales values may vary as a result of market conditions at the time of completion, size, aspect and specification.

Total sales income: £12,080,250

7. The scheme proposes 38 new build flats. The agent has included a total ground rent income of £162,722.91 within their appraisal; however, no commentary has been provided regarding the summation of this figure. The agent has adopted an average ground rent of £235.52 per unit capitalised at a yield of 5.5%. We are of the opinion that a capitalisation rate of 5% (20) should be adopted in line with similar schemes we have assessed. We have adopted a ground rent capitalisation rate of 5% within our live appraisal:

Ground rent income: £178,995.2

GDV Phase 2: **£12,259,245.2**

2) Development Costs

a) Build Cost:

Phase 1 and Phase 2

In the second review of the proposed scheme the applicant's agent submitted a breakdown of build costs from Selway Joyce Quantity Surveyors. We accepted this figure and included £15,182,640 within our appraisal as it was in line with industry norms.

For phase 1 the agent has adopted a total build cost of approximately £8.72M. For Phase 2 the agent has adopted a total build cost of approximately £6.46M. The combined total is broadly in line with the figure submitted and agreed in the second review. We have assumed that the build cost figures proposed by the agent continue to be based upon those submitted by Selway Joyce QS for the June 2017 review.

Overall the build cost figures appear to be reasonable and in-line with similar schemes we have assessed and we have included the same in our appraisal. These submitted costs reflect a base build price in between the BCIS Median and Upper Quartile rate which is what we would expect to see from a development of this nature.

b) Contingency:

Phase 1

The agent has adopted 5% for contingencies within their appraisal. We agree with the adopted percentage rate and have included it within our live appraisal. This is in line with similar schemes we have reviewed.

Phase 2

The agent has adopted 5% for contingencies within their appraisal. We agree with the adopted percentage rate and have included it within our live appraisal. This is in line with similar schemes we have reviewed.

c) Professional Fees:

Phase 1

The agent has adopted 7% for professional fees which is considered to be within the normal range for a scheme of this type. We have also adopted 7% within our live appraisal.

Phase 2

The agent has adopted 7% for professional fees which is considered to be within the normal range for a scheme of this type. We have also adopted 7% within our live appraisal.

d) CIL/Section 106 costs:

Phase 1

No statutory payments have been included for Phase 1 of the redevelopment scheme. If this figure requires amendment or is found to be incorrect then it will affect our assessment.

Phase 2

The agent has adopted S106 costs of £71,889 within their appraisal. We are of the opinion that these costs appear reasonable for the proposed scheme and have included them within our appraisal, however; if these costs are amended or found to be incorrect then it will affect our assessment.

e) Sales and Marketing Fees:

Phase 1

The agent has proposed 2.5% for marketing fees and £500 per unit for legal fees within their appraisal. We agree with the figures provided by the agent and have adopted them within our appraisal.

Phase 2

The agent has proposed 2.5% for marketing fees and £500 per unit for legal fees within their appraisal. We agree with the figures provided by the agent and have adopted them within our appraisal.

f) Finance costs:

Phase 1

The agent has included a finance rate of 7% with an arrangement fee of £35,000, Miscellaneous fees of £7,000 and a credit balance reinvestment rate of 4%. We do not believe any of the costs have been overstated given the size and complexity of the proposed scheme and have adopted them within our live appraisal.

Phase 2

The agent has included a finance rate of 7% and a credit balance reinvestment rate of 4%. These percentages are in line with similar scheme we have assessed and we have adopted them within our appraisal.

g) Developer Profit:

In the current market a range of 15% to 20% of GDV for private residential and 6% of GDV for affordable housing is considered reasonable.

Phase 1

The agent has proposed a developers profit of 18% on GDV. This figure is in line with similar schemes we have assessed and we have adopted it within our appraisal.

Phase 2

The agent has proposed a developers profit of 18% on GDV. This figure is in line with similar schemes we have assessed and we have adopted it within our appraisal.

h) Development Programme:

The development programme adopted by the agent is based upon a June 2017 review of the Queens Hotel scheme. Within that specific review it was anticipated that all of the residential units (98) would be sold within 24 months. This provided a projected sales rate of approximately four (4) units per month.

Our report deals with two separate schemes, Phase 1, which is comprised of 60 residential dwellings and Phase 2 which is comprised of 38 residential dwellings.

Phase 1

The agent has adopted an 18 month build period and a 22 month sales period. This equates to an approximate sales rate of 2.7 dwellings sold per month. This proposed sales rate is lower than that proposed by the applicant in the June 2017 scheme review.

We are of the opinion that utilising the June 2017 (second review) sales period is not correct as this third review is based upon a reduced number of dwellings. We are also of the opinion that some of the dwellings will be provisionally sold during the construction period. As such, we have adopted a revised sales period of 18 months within our live appraisal. This equates to a revised sales rate of approximately 3 dwellings sold per months. Our sales rate is less than that initially proposed by the agent in June 2017 and more in-keeping with similar schemes we have assessed.

Phase 2

The agent has adopted a 18 month build period and a sales period of 24 months. This equates to an approximate sales rate of 1.6 dwellings sold per month. This proposed sales rate is significantly lower than that proposed by the agent in the June 2017 scheme review.

We are of the opinion that utilising the June 2017 (second review) sales period is not correct as this third review is based upon a reduced number of dwellings. We are also of the opinion that some of the dwellings will be provisionally sold during the construction period. As such, we have adopted a revised sales period of 12 months within our live appraisal. This equates to a revised sales rate of approximately 3 dwellings sold per months. Our sales rate remains less than that proposed by the applicant in June 2017 and more in-keeping with similar schemes we have assessed.

i) Benchmark land value:

Phase 1 and Phase 2

Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the market value of the site taking account of The RICS Guidance note, Financial viability in planning, 1st edition.

Within the June 2017 review Savills proposed an existing use value of £4.369m based upon the Queens Hotel as a going concern. This figure was compiled on a residual basis that valued a completely refurbished hotel at £10.2m. The agent used the sale of the Grand Harbour Hotel in Southampton as a comparable for that valuation. The Grand Harbour Hotel sold for £27m at an (EBITDAR) multiplier of 8.78.

The £4.369m residual value calculated by the agent equates to approximately £45,500 per bedroom space based on a total of 96 bedrooms. We have undertaken internet based sales research on hotels of a comparable nature. Our research supports the price per bedroom, (unit values) proposed within the agents valuation.

Within the June 2017 a 15% landowner margin was applied to the capital value of the hotel in order to bring the site to the market. This provided a benchmark land value of £5,024,350. The same figure has been used by the agent for this scheme review and we have adopted it within our appraisal.

Stamp Duty Land Tax

Phase 1

The agent has included a Stamp Duty Land Tax fee of 4% or £200,974. We have reviewed levels of SDLT and are of the opinion that the figure should be £240,717, which we have adopted within our live appraisal.

Phase 2

The agent has not included SDLT for Phase 2 as the total SDLT payable for the site will be based upon the Benchmark Land Value of £5,024,350 which is incorporated into Phase 1.

Overall assessment and Recommendations:

Phase 1

Our assessment of Phase 1 on an all private basis displays a deficit of - **£1,237,230** and indicates that the scheme is unviable as a result of the increased profit level on the hotel element as outlined in our second review of the Queens Hotel scheme, dated June 2017. The increased profit level is as a result of no pre-let agreement being secured prior to redevelopment.

Whilst we broadly agree with most of the agents figures, there are a few differences, as highlighted in bold above, these are as follows:

- Gross development value (ground rent capitalisation only)
- Development program (sales period only)
- Stamp Duty Land Tax

Phase 2

Following our desktop research and assessment it is our opinion that an all private scheme could provide a surplus of approximately **£332,043**.

Whilst we broadly agree with most of the agents figures, there are a few differences, as highlighted in bold above, these are as follows:

- Gross development value (ground rent capitalisation rate only)
- Development program (sales period only)

General Information

Status of Valuer

It is confirmed that the valuation has been carried out by Nathan Palmer BSc MRICS and Gavin Tremeer, RICS Registered Valuers, acting in the capacity of external valuers, who have the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and are in a position to provide an objective and unbiased valuation.

Conflict of Interest

Prior to undertaking this viability assessment, conflict of interest checks were carried out in accordance with the requirements of the RICS standards. We can confirm that we have previously completed affordable housing viability assessments related to the Queens Hotel in Southsea. Our previous involvement on behalf of Portsmouth City Council does not represent a conflict of interest and does not affect our ability to provide impartial viability advice to Portsmouth City Council on this occasion.

Restrictions on Disclosure and Publication

This report is provided for the use of the Portsmouth City Council and their professional advisers only in connection with planning issues surrounding the above development proposal. It is not to be used or relied upon by any third party for any purposes whatsoever. The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made. No liability whatsoever to any third party is accepted.

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion. I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries or require any further assistance.

Yours sincerely,

Nathan Palmer BSc MRICS and Gavin Tremeer BSc MRICS
RICS Registered Valuer
DVS

Reviewed by:

Philippa Tranter
Principal Surveyor
RICS Registered Valuer
DVS

Appendices:

Phase 1. - 100% Private Scheme (App. 1)

Phase 2. - 100% Private Scheme (App. 2)

DRAFT

Surplus (Deficit) from Input land valuation at 18/12/2017

-£1,237,230

HCA DEVELOPMENT APPRAISAL TOOL

SUMMARY

DETAIL

SCHEME

Site Address	Queens Hotel Southsea 68 units retain existing hotel	Date of appraisal	18/12/2017
Site Reference		Net Residential Site Area	
File Source		Author & Organisation	Nathan Palmer and Gavim Tremear DVS
Scheme Description		Registered Provider (where 0)	

CAPITAL VALUE OF OPEN MARKET HOUSING

BUILD COST OF OPEN MARKET HOUSING inc Contingency	£9,156,828	£ 2,262 psqm	£15,710,478	£ 3,881 psqm
CONTRIBUTION TO SCHEME COSTS FROM OPEN MARKET HOUSING				£6,553,650

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (EXCLUDING OTHER FUNDING)

£0

OTHER SOURCES OF AFFORDABLE HOUSING FUNDING

£0

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (INCLUDING OTHER FUNDING)

£0

BUILD COST OF AFFORDABLE HOUSING inc Contingency

£0

#DIV/0!

CONTRIBUTION TO SCHEME COSTS FROM AFFORDABLE HOUSING

£0

Value of Residential Car Parking

£0

Car Parking Build Costs

£0

Capitalised Annual Ground Rents

£300,000

TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME

£16,010,478

TOTAL BUILD COST OF RESIDENTIAL SCHEME

£9,156,828

TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME

£6,853,650

CAPITAL VALUE OF NON-RESIDENTIAL SCHEME

£3,129,351

COSTS OF NON-RESIDENTIAL SCHEME

£62,587

CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL

£3,066,764

GROSS DEVELOPMENT VALUE OF SCHEME

£19,139,829

TOTAL BUILD COSTS

£9,219,415

TOTAL CONTRIBUTION TO SCHEME COSTS

£9,920,414

External Works & Infrastructure Costs (£)

	£0	Per unit	% of GDV	per Hectare
Site Preparation/Demolition	£0			
Roads and Sewers	£0			
Services (Power, Water, Gas, Telco and IT)	£0			
Strategic Landscaping	£0			
Off Site Works	£0			
Public Open Space	£0			
Site Specific Sustainability Initiatives	£0			
Plot specific external works	£0			
Other 1	£0			
Other 2	£0			

Other site costs

Fees and certification	7.0%	£610,455	10,174	3.2%
Other Acquisition Costs (£)		£0		

Site Abnormals (£)

De-canting tenants	£0
Decontamination	£0
Car parking costs	£0
Other 2	£0
Other 3	£0
Other 4	£0
Other 5	£0

Total Site Costs inc Fees

£610,455

10,174

Statutory 106 costs

£0

Total Marketing Costs

£422,762

Total Direct Costs

£10,252,632

Finance and acquisition costs

Land Payment	£5,024,350	83,739 per OM home	#DIV/0!	#DIV/0!
Arrangement Fee	£35,000	2.2% of interest		
Misc Fees (Surveyors etc)	£7,000	0.04% of scheme value		
Agents Fees	£50,244			
Legal Fees	£25,122			
Stamp Duty	£240,164			
Total Interest Paid	£1,605,676			

Total Finance and Acquisition Costs

£6,987,555

Total Operating Profit

£3,391,169

(i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)

TOTAL COST

£20,631,356

Surplus/(Deficit) at completion 1/2/2021

£(1,491,527)

Present Value of Surplus (Deficit) at 18/12/2017

£(1,237,230)

Scheme Investment MIRR

9.0% (before Developer's returns and interest to avoid double counting returns)

Site Value as a Percentage of Total Scheme Value

26.3%

Peak Cash Requirement

-£15,696,377

Site Value (PV) per hectare

No area input per hectare

No area input per acre

Surplus (Deficit) from Input land valuation at 18/12/2017
HCA DEVELOPMENT APPRAISAL TOOL

£332,043

SUMMARY

DETAIL

SCHEME

Site Address Queens Hotel Southsea 38 Unit Scheme all open m; Date of appraisal 18/12/2017
Site Reference Net Residential Site Area
File Source All open market scheme Author & Organisation Nathan Palmer and Gavin Tremeer
Scheme Description Registered Provider (wher 0

CAPITAL VALUE OF OPEN MARKET HOUSING			£12,080,250	£ 3,397 psqm
BUILD COST OF OPEN MARKET HOUSING inc Contingency	£6,717,060	£ 1,889 psqm		
CONTRIBUTION TO SCHEME COSTS FROM OPEN MARKET HOUSING				£5,363,190
CAPITAL VALUE OF ALL AFFORDABLE HOUSING (EXCLUDING OTHER FUNDING)			£0	
OTHER SOURCES OF AFFORDABLE HOUSING FUNDING			£0	
CAPITAL VALUE OF ALL AFFORDABLE HOUSING (INCLUDING OTHER FUNDING)			£0	
BUILD COST OF AFFORDABLE HOUSING inc Contingency	£0	#DIV/0!		
CONTRIBUTION TO SCHEME COSTS FROM AFFORDABLE HOUSING				£0
Value of Residential Car Parking			£0	
Car Parking Build Costs	£0			
Capitalised Annual Ground Rents			£178,995	
TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME			£12,259,245	
TOTAL BUILD COST OF RESIDENTIAL SCHEME	£6,717,060			
TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME				£5,542,185
CAPITAL VALUE OF NON-RESIDENTIAL SCHEME			£0	
COSTS OF NON-RESIDENTIAL SCHEME	£0			
CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL				£0
GROSS DEVELOPMENT VALUE OF SCHEME			£12,259,245	
TOTAL BUILD COSTS	£6,717,060			
TOTAL CONTRIBUTION TO SCHEME COSTS				£5,542,185

External Works & Infrastructure Costs (£)

		Per unit	% of GDV	per Hectare
Basement car park	£1,440,000	37,895	11.7%	
Roads and Sewers	£0			
Services (Power, Water, Gas, Telco and IT)	£0			
Strategic Landscaping	£0			
Off Site Works	£0			
Public Open Space	£0			
Site Specific Sustainability Initiatives	£0			
Plot specific external works	£0			
Other 1	£0			
Other 2	£0			
	£1,440,000		11.7%	

Other site costs

Fees and certification	7.0%	£447,804	11,784	3.7%
Other Acquisition Costs (£)		£0		

Site Abnormals (£)

0	£0
0	£0
0	£0
0	£0
0	£0
0	£0
0	£0
0	£0
0	£0

Total Site Costs inc Fees	£1,887,804	49,679
Statutory 106 costs	£71,889	1,892
Total Marketing Costs	£321,006	
Total Direct Costs	£8,997,759	

Finance and acquisition costs

Land Payment	£1	0 per OM home	#DIV/0!	#DIV/0!
Arrangement Fee	£0	0.0% of interest		
Misc Fees (Surveyors etc)	£0	0.00% of scheme value		
Agents Fees	£0			
Legal Fees	£0			
Stamp Duty	£0			
Total Interest Paid	£691,580			

Total Finance and Acquisition Costs	£691,581
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Total Operating Profit (i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)	£2,174,445
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TOTAL COST	£11,863,785
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Surplus/(Deficit) at completion 1/8/2020	£395,460
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Present Value of Surplus (Deficit) at 18/12/2017	£332,043
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Scheme Investment MIRR	17.7% (before Developer's returns and interest to avoid double counting returns)
Site Value as a Percentage of Total Scheme Value	0.0% Peak Cash Requirement -£8,682,774
Site Value (PV) per hectare	No area input per hectare No area input per acre

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Agenda Item 6



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Appeal against non-determination at 1 Edmund Road
Southsea PO4 0LL

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

Ward affected: Central Southsea

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) to a 7 bedroom house in multiple occupation (Sui Generis) (ref 17/01215/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendation

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the following reasons:

1) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would, as a result of the cramped and restricted size and layout of the communal living space facilities (lounge/kitchen/dining room), fail to provide the necessary shared communal

space to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

3. Background

A planning application was submitted on 12 July 2017. It was reported to the Planning Committee on 20 September when a resolution was made to defer the decision until the outcome of the revised 'Houses in multiple occupation' Supplementary Planning Document (HMO SPD) is adopted.

The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to committee for members to confirm how the matter would be determined if Portsmouth City Council were the consent authority.

4. Reason for recommendation

To establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

.....
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
Officers report for planning application 17/01215/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning Document - revised November 2017	Planning Services

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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 main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it complies with policy requirements in respect of provision of an adequate standard of accommodation. Other considerations are whether the proposal would have a detrimental impact on the living conditions of adjoining and nearby residents, SPA mitigation and 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), for 7 or more persons.

Relevant planning history

There is no relevant planning history for this site. To confirm the lawful use of the property the following evidence is identified:

- o 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.
- o Tenancy agreements from September 2014 to present day confirming five unrelated tenants occupied the property.
- o Council tax records have been made available that confirm the names of five occupiers of the property from September 2011 to September 2014.
- o 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.

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

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 revised Houses in Multiple Occupation Supplementary Planning Document (HMO SPD, November 2017), Parking Standards SPD and Solent Special Protection Areas SPD would also be material considerations.

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

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.

The proposal is for the change of use from purposes falling within Class C4 (HMO) to a 7-bedroom house in multiple occupation (sui generis)

In summary, 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; please note the following amenities are to be provided.

Personal hygiene

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).

A bath / shower room must include a WC, bath/shower and a WHB. The layout of the bath/shower room must be suitable to provide a changing and drying area.

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

Combined kitchen/dining and lounge

The kitchen area must be a minimum of 11sqm in a combined kitchen/dining and lounge. The following facilities must be supplied:

- * 2 x conventional cookers (a combination microwave may be used in lieu of a second cooker)
- * 1 x double bowl sink and integral drainer (a one and half bowl sink is acceptable where a dishwasher is provided)
- * 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.

REPRESENTATIONS

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

COMMENT

The determining issues are the appropriateness of such a use in the context of the balance of uses in the surrounding area, whether it complies with policy requirements in respect of provision of an adequate standard of accommodation, any detrimental impact on the living conditions of adjoining and nearby residents, SPA mitigation and parking/waste.

Principle of the use

Planning permission is sought for the use of the property as a 7-bedroom sui generis HMO.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD November 2017) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Paragraph 1.15 of the HMO SPD (adopted 21 November 2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

Based on information held by the City Council, of the 73 properties within a 50 metre radius of the application site, 21 are considered to be in lawful use as a HMO inclusive of No.1 Edmund Road. Therefore, as the granting of planning permission for this sui generis HMO use would retain the proportion of HMOs in the area at 28.76%, it is considered that the community is already imbalanced by a concentration of HMO uses.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently imbalanced by a concentration of residential properties and HMO's uses therefore the proposal is not considered to be acceptable in principle and contrary to policy PCS20.

Standard of accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-Nov 2017)
Bedroom 1 (Second floor - in roof)	9.97sqm*	7.5sqm
Bedroom 2 (Second floor - in roof)	10.64sqm	7.5sqm
Bedroom 3 (First floor)	14sqm	7.5sqm/11.5sqm
Bedroom 4 (First floor)	10.98sqm	7.5sqm
Bedroom 5 (First floor)	11.94sqm	7.5sqm/11.5sqm
Bedroom 6 (Ground floor)	11.7sqm	7.5sqm/11.5sqm
Bedroom 7 (Ground floor)	11.52sqm	7.5sqm/11.5sqm
Shower rm 1 - for 7-10 persons (First floor)	5.32sqm	3.74sqm
Shower rm 2 - for 7-10 persons (First floor)	3.42sqm	3.74sqm
Combined living space - 7 or more persons (Ground floor)	26.18sqm	27sqm
Storage (Ground floor)	1.23sqm	

[* potentially up to another 5.6sqm floorspace but it is unclear whether this is usable due to restricted height of accommodation within the existing roofslope]

The existing C4 HMO use provides two areas of communal living space, a (front) lounge at 11.52sqm and a (rear) kitchen/dining space of 26.18sqm ie a total of 37.7sqm floorspace. The proposed 7-bedroom sui generis HMO seeks to create a seventh bedroom from the existing ground floor lounge. As a result, the proposal would provide a single combined living space at 26.18sqm that would fall short of the minimum requirements and fail to provide an adequate standard of living accommodation to facilitate 7 or more persons sharing outlined at page 9 of the revised HMO SPD (November 2017). In addition, one of the two existing first floor 'shower' rooms, at only 3.42sqm, also falls marginally short of the minimum floorspace requirements by 0.32sqm resulting in a more cramped or restricted layout for its changing and drying area.

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application. They confirm that the standard of accommodation and the associated facilities are sufficient (subject to detailed comments on the size of kitchen within any combined living space). It should be noted that there is a degree of variation between the standards that are acceptable for the Licencing regime and the newly adopted minimum standards identified in the HMO SPD (November 2017).

The licensing process would 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.

Notwithstanding the comments from Private Sector Housing, 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 7.5sqm for a 'single' and 11.5sqm for a 'double') 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).

Subject to licensing requirements, four of the seven bedrooms meet the minimum space standard of 11.5sqm for a 'double' as potentially capable of accommodating more than 7- persons. The existing/proposed bedroom(s) are considered to provide an acceptable degree of natural light, ventilation and outlook. However, in light of the assessment above, it is considered that provision of a single combined living space at 26.18sqm would fall short of the minimum requirements and fail to provide an adequate standard of living accommodation for future occupation by 7 or more persons sharing.

Impact on residential amenity

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

It is accepted that the application seeks permission for use of the property for 7 or more individuals rather than six. The inadequate standard of accommodation served by a single combined living space of only 26.18sqm shared by 7 or more persons and very limited outside amenity space within the rear garden lends some weight to the potential concerns of noise and general disturbance from such an overintensive use of a modest terrace house.

Parking/waste

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 and the site's 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.

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 Refuse

The reasons for the decision are:

1) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would, as a result of the cramped and restricted size and

layout of the communal living space facilities (lounge/kitchen/dining room), fail to provide the necessary shared communal space to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

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.

Agenda Item 7



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Appeal against non-determination at 59 Liss Road Southsea
PO4 8AS

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

Ward affected: Central Southsea

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 to a 7 bedroom house in multiple occupation (sui generis) (ref 17/00920/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendation

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the following reasons:

1) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal living space facilities (lounge/kitchen/dining room), fail to provide the necessary shared communal

space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

3. Background

A planning application was submitted on 31 May 2017. It was reported to the Planning Committee on 20 September when a resolution was made to defer the decision until the outcome of the revised 'Houses in multiple occupation' Supplementary Planning Document (HMO SPD) is adopted.

The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to committee for members to confirm how the matter would be determined if Portsmouth City Council were the consent authority.

4. Reason for recommendation

To establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

.....
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
Officers report for planning application 17/00920/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning Document - revised November 2017	Planning Services

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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 main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it complies with policy requirements in respect of provision of an adequate standard of accommodation. Other considerations are whether the proposal would have a detrimental impact on the living conditions of adjoining and nearby residents, SPA mitigation and car and cycle parking.

The site

This application relates to a two-storey mid-terrace 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.

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:

- o Tenancy agreements from 02/09/2011 to 30/06/2012 4 unrelated persons;
- o Details of four unrelated persons from 59 Liss Road depositing monies into the applicants account from the period of 09/2012 to 08/2013;
- o Email from council tax confirming that between August 2013 to September 2014 the property was registered as vacant;
- o Tenancy agreements from 01/09/2014 to 30/06/2015 4 unrelated persons;
- o Tenancy agreements from 07/09/2015 to 06/08/2016 4 unrelated persons; and,
- o 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 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 revised Houses in Multiple Occupation Supplementary Planning Document (HMO SPD, November 2017), Parking Standards SPD and Solent Special Protection Areas SPD would also be material considerations.

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, the following comments are made 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 and PSH 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.

PSH would also like to ensure that the kitchen amenities provided within the property are at a minimum:

1. Two conventional cooker (irrespective as to whether a microwave oven is provided).
2. Two single bowl sinks and integral drainer.
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 in addition to any surface which is used by permanent electrical items.
6. Three twin socket, located at least 150 mm above the work surface.

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 4bedrooms 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 are the appropriateness of such a use in the context of the balance of uses in the surrounding area, whether it complies with policy requirements in respect of provision of an adequate standard of accommodation, would have a detrimental impact on the living conditions of adjoining and nearby residents, SPA mitigation and parking/waste.

Principle of the use

Planning permission is sought for the use of the property as a 7-bedroom sui generis HMO.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD November 2017) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Paragraph 1.15 of the HMO SPD (adopted 21 November 2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

Based on information held by the City Council, of the 86 properties within a 50 metre radius of the application site, 12 are considered to be in lawful use as a HMO inclusive of No.59 Liss Road. Therefore, as the granting of planning permission for this sui generis HMO use would retain the proportion of HMOs in the area at 13.95%, it is considered that the community is already imbalanced by a concentration of HMO uses.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently imbalanced by a concentration of residential properties and HMO's uses therefore the proposal is not considered to be acceptable in principle and contrary to policy PCS20.

Standard of accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-Nov 2017)
Bedroom 1 with *en-suite (Second floor - in roof)	8.91sqm (*+2.23)	7.5sqm
Bedroom 2 with *en-suite (Second floor - in roof)	9.67sqm (*+2.88)	7.5sqm
Bedroom 3 (First floor)	14.3sqm	7.5sqm/11.5sqm
Bedroom 4 (First floor)	11.7sqm	7.5sqm/11.5sqm
Bedroom 5 (First floor)	9.41sqm	7.5sqm
Bedroom 6 (Ground floor)	17.09sqm	7.5sqm/11.5sqm
Bedroom 7 (Ground floor)	9.8sqm	7.5sqm
Shower room (Ground floor) + #separate WC (Ground floor) - if combined	2.04sqm (#1.44sqm) = 3.48sqm	3.74sqm
Bathroom (First floor)	3.15sqm	3.74sqm
Combined living space - 7 or more persons (Ground floor)	23.52sqm	27sqm

The City Council's Private Sector Housing Team has been consulted and comments that the communal living area, size of the en-suite and size of the ground floor shower room are considered too small for six to ten persons sharing. PSH also advise that this property would require to be licenced under Part 2, Housing Act 2004.

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.

Whilst there is a degree of variation between the standards that are acceptable for the Licencing regime and the newly adopted minimum standards identified in the HMO SPD (November 2017) 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, to provide a good quality of living environment for future occupants, whether that is within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). However, there is alignment agreement, in this instance. The provision of a single combined living space at 23.52sqm would fall short of the minimum requirements and fail to provide an adequate standard of living accommodation to facilitate 7 or more persons sharing outlined at page 9 of the revised HMO SPD (November 2017). In addition, the ground floor shower/WC (combined) at 3.15sqm and first floor bathroom at 3.05sqm also both fall short of the minimum floorspace requirements of 3.74sqm.

Impact on residential amenity

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

This application seeks permission for use of the property for 7 or more individuals rather than six. The inadequate standard of accommodation served by a single combined living space of only 23.52sqm shared by 7 or more persons and limited outside amenity space within the rear garden lends some weight to the potential concerns of noise and general disturbance from such an overintensive use of a modest terrace house.

Parking/waste

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 and the site's proximity to the Pompey Centre and Fratton District Centre (within 750m) 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.

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 Refuse

The reasons for the decision are:

- 1) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).
- 2) The proposed use of the building as a 7-bedroom House in Multiple Occupation (sui generis) for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal living space facilities (lounge/kitchen/dining room), fail to provide the necessary shared communal space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

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.

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Agenda Item 8



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Appeal against non-determination at 30 Hudson Road
Southsea PO5 1HD

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

Ward affected: St Thomas

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) to form 8-bedroom/8-person HMO (sui generis) (ref 17/01577/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendation

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the following reasons:

1) The proposed use of the building as a 8-bedroom House in Multiple Occupation (sui generis) for 8 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) The proposed use of the building as a 8-bedroom House in Multiple Occupation (sui generis) for 8 or more persons sharing would, as a result of the cramped and restricted size of the communal living space facilities

(kitchen/dining room), fail to provide the necessary shared communal space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

3. Background

A planning application was submitted on 11 September 2017. It was reported to the Planning Committee on 15 November when a resolution was made to defer the decision until the outcome of the revised 'Houses in multiple occupation' Supplementary Planning Document (HMO SPD) is adopted.

The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to committee for members to confirm how the matter would be determined if Portsmouth City Council were the consent authority.

4. Reason for recommendation

To establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

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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
Officers report for planning application 17/01577/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning Document - revised November 2017	Planning Services

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30 HUDSON ROAD SOUTHSEA PO5 1HD**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE) TO FORM 8-BEDROOM/8-PERSON HMO (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Simon Pollick

RDD: 8th September 2017

LDD: 6th November 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 whether the proposal complies with policy requirements in respect of standard of accommodation. Other considerations include its potential impact upon the living conditions of adjoining and neighbouring residents, SPA mitigation and parking.

The site

A two storey mid-terrace dwellinghouse occupies the site that is located on the south side of the road.

The proposal

The applicant seeks permission for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) to form 8-bedroom/8-person HMO (sui generis). This represents an amendment to the original submission following a request from the applicants for the description of development to be changed from a nine-bedroom to an eight-bedroom HMO.

The proposed layout shows:

Ground floor - two bedrooms, shower/WC, separate WC, kitchen/dining room and a small 'extra communal area' (accessed through the kitchen);

First floor - three bedrooms and shower/WC; and

Second floor (in roofspace) - three bedrooms.

Planning history

In December 2013, a change of use from house in multiple occupation (Class C4) to purposes falling within dwellinghouse (Class C3) or HMO (Class C4) was permitted ref 13/01153/FUL.

Supporting information indicated a total of five bedrooms with internal layout plans showing (a) three bedrooms and a bathroom at first floor level and (b) two bedrooms toward the 'front' of the ground floor of the property with separate communal area, WC, kitchen and a conservatory (marked bike storage) toward the 'rear'.

There is no other relevant planning history.

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 revised Houses in Multiple Occupation Supplementary Planning Document (HMO SPD, November 2017), Parking Standards SPD and Solent Special Protection Areas SPD would also be material considerations.

CONSULTATIONS

Private Sector Housing

The kitchen/dining size proposed is too small and does not meet the space requirement of 27.5m² for an open planned communal kitchen/lounge/dining.

Highways Engineer

Standing advice: Where an application property already has 4 or more bedrooms, the expected parking demand of an 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.

REPRESENTATIONS

None.

COMMENT

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

Principle of the use

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD November 2017) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Paragraph 1.15 of the HMO SPD (adopted 21 November 2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

Based on information held by the City Council this threshold of properties within a 50 metre radius of the application site considered to be in lawful use as a HMO is already exceeded and very high at 65%, inclusive of No.30 Hudson Road. Therefore, as the granting of planning permission for this sui generis HMO use would retain the proportion of HMOs in the area at this

figure well above the policy threshold it is considered that the community is already imbalanced by a concentration of HMO uses.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently imbalanced by a concentration of residential properties and HMO's uses therefore the proposal is not considered to be acceptable in principle and contrary to policy PCS20.

Standard of accommodation

In terms of internal living conditions, the property proposes the following accommodation:

Area:	Provided:	Required Standard: (HMO SPD-Nov 2017)
Bedroom 1 (First floor)	13.3sqm	7.5sqm/11.5sqm
Bedroom 2 (First floor)	8.05sqm	7.5sqm
Bedroom 3 (First floor)	9.05sqm	7.5sqm
Bedroom 4 (Second floor - in roof)	8.4sqm	7.5sqm
Bedroom 5 (Second floor - in roof)	7.5sqm	7.5sqm
Bedroom 6 (Second floor - in roof)	9.51sqm	7.5sqm
Bedroom 7 (Ground floor)	10.1sqm	7.5sqm
Bedroom 8 (Ground floor)	8.05sqm	7.5sqm
Shower room/WC (Ground floor)	3.48sqm	3.74sqm
Separate WC (Ground floor)	1.11sqm	
Shower room (First floor)	3.52sqm	3.74sqm
Dining/kitchen (Ground floor) - 7+ persons	20.43sqm	27sqm
Other communal (Ground floor) - 7+ persons	6.67sqm	

[*Excludes floorspace below 1.5m floor-to-ceiling height]

The City Council Private Sector Housing team advise that a license would be required and express concerns that the kitchen/dining room is too small as shared space for 7 or more persons.

Whilst there is a degree of variation between the standards that are acceptable for the Licencing regime and the newly adopted minimum standards identified in the HMO SPD (November 2017) 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, to provide a good quality of living environment for future occupants, whether that is within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). However, there is alignment, in this instance. The provision of a single kitchen/dining space at 20.43sqm would fall short of the minimum requirements and fail to provide an adequate standard of living accommodation to facilitate 7 or more persons sharing outlined at page 9 of the revised HMO SPD (November 2017). In addition, both the ground and first floor shower/WC facilities fall short of the minimum floorspace requirements of 3.74sqm.

Impact on residential amenity

It is generally considered that the level of activity associated with the use of any individual property as a HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over

noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour".

This application seeks permission for use of the property for 7 or more individuals rather than six. The inadequate standard of accommodation served by a single combined kitchen/dining space of only 20.43sqm shared by 7 or more persons and limited outside amenity space within the rear garden lends some weight to the potential concerns of noise and general disturbance from such an overintensive use of a modest terrace house.

Parking/waste

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 and the site's proximity to the Fratton District Centre (within 750m) and city centre (900m) 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.

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 Refuse

The reasons for the decision are:

1) The proposed use of the building as a 8-bedroom House in Multiple Occupation (sui generis) for 8 or more persons sharing would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) The proposed use of the building as a 8-bedroom House in Multiple Occupation (sui generis) for 8 or more persons sharing would, as a result of the cramped and restricted size of the communal living space facilities (kitchen/dining room), fail to provide the necessary shared communal space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to policies PCS20 and PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

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Agenda item:

Decision maker: Planning Committee

Subject: Appeal against non-determination at 36 Campbell Road
Southsea PO5 1RW

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

Ward affected: St Jude

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the conversion of two 6 person HMO's to form one 9 person HMO (ref 17/00996/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendation

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the following reasons:

1) The intensification of the use to a nine person sui generis HMO would fail to support a mixed and balanced community by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (adopted November 2017).

2) The use of the building to a nine-person House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/living room) falling below the necessary 27sqm requirement, fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is

therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan.

3) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

3. Background

A planning application was submitted on 21 June 2017. There has been delay in the consideration of the application in relation to the nature of the development and requests for evidence to prove the lawful use of the flats as two independent HMOs since 1st November 2011 (when the Article 4(2) Direction was introduced) to present day. This matter is addressed in the original Committee report with the recommendation made in light of the conclusions drawn.

The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to committee for members to confirm how the matter would be determined if Portsmouth City Council were the consent authority.

4. Reason for recommendation

To establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

.....
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
Officers report for planning application 17/00996/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning Document - revised November 2017	Planning Services

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36 CAMPBELL ROAD SOUTHSEA PO5 1RW**CONVERSION OF TWO 6 PERSON HMO'S TO FORM ONE 9 PERSON HMO****Application Submitted By:**

Town Planning Experts
FAO Mr Jonathan McDermott

On behalf of:

Mr Mike West

RDD: 9th June 2017

LDD: 16th 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 whether the proposal complies with policy requirements in respect of standard of accommodation. Other considerations include its potential impact upon the living conditions of adjoining and neighbouring residents, SPA mitigation and parking.

The site

This application relates to a substantial 3-storey semi-detached property located on the south side of the street that was previously occupied as two flats. The property is within the 'Campbell Road' Conservation Area (No.15). Directly to the north of the site, there is a terrace of properties at Nos.39 to 83 included in the list of locally important buildings.

The proposal

The applicant seeks permission for a conversion of two 6-person HMO's to form one 9-person HMO. Ordinarily for an application of this type, the applicant would be expected to provide evidence of the lawful use of both of the flats within Class C4 since 1st November 2011, when the Article 4(2) Direction came into effect removing (city wide) the permitted development change from Class C3 to Class C4.

On 21st November 2017, Portsmouth City Council as local planning authority adopted a revised HMO SPD that is now the material consideration document in the determination of all HMO applications. This document replaces the previous version adopted in 2012.

Planning history

The applicant has replaced the sliding sash windows on the property with UPVC casement windows. Due to the property's location in the conservation area with the front elevation and window replacement subject to an Article 4(2) Direction, the works required planning permission. The application has made an application that is currently invalid ref.17/01655/FUL.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The revised Houses in Multiple Occupation Supplementary Planning Document (HMO SPD, November 2017), Parking Standards SPD and Solent Special Protection Areas SPD would also be material considerations.

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

Highways Engineer

Standing advice: 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.

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 4bedrooms 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.

Private Sector Housing

This proposal would require a mandatory license.

PSH has concerns with the usability of the shared bathrooms located on the Lower Ground, 1st and 2nd floors specifically the provision of adequate drying/changing space and the ability for a tenant to be able to use this space safely.

The proposal for the en-suite facility in Bedroom 3 is limited to a WC and WHB. Please note the minimum standards for a WC and WHB is 900x1300mm to provide the required activity space.

Bedroom 4 and Bedroom 5 raise accessibility and usability concerns, specifically the close proximity of the main doors to the en-suite and hot water tank locations proposed in these bedrooms.

REPRESENTATIONS

9 objections have been received objecting to the application on the grounds of: (a) there are too many HMOs in the area; (b) number of tenants could have detrimental impact on area; (c) increase in noise, anti-social behaviour, fear of crime and pressure on car parking; (d) at odds with the 10% limit; (e) the proposal contradicts with the Portsmouth Plan as there is a need for affordable housing; (f) not a suitable use for the conservation area; (g) increase occupancy of this building will not protect residential amenities; (h) limited demand for nine extra students rooms with the development in the city centre; (i) HMOs do not encourage pride in homes; (j) transient population; (k) inappropriate and intensive use of property; (l) No.36 has previously been sub-let; (m) is soundproofing necessary; (n) the type of tenants occupying property and how will they be occupied; and, (o) increased rubbish that cannot be stored in the front garden due to impact on the character of the conservation area.

COMMENT

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

Procedural issue

The applicant has indicated that the description of development in the application form was different to that as originally advertised. The description of development has since changed and those originally consulted have been advised of this by letter.

Principle of the use - request for evidence of lawful use of two flats within Class C4 use

Planning permission is sought for the conversion of two six person HMOs to use the property as one nine persons sui generis HMO.

Council tax records indicate the property has been registered as two flats for tax purposes since April 1993.

On 1st November 2011, a city wide Article 4(2) Direction came into effect restricting the permitted development change from a Class C3 to a Class C4. Properties that were occupied before this date with a continuous unbroken use would not require planning permission to continue being used within Class C4. If an applicant wished to establish the lawful use of a property they could submit an application for planning permission or a Certificate of Existing Lawful Development.

On 21st June 2017 this application was validated for a change of use from two flats with the applicant indicating they are being used lawfully within Class C4 to one sui generis HMO for 9 persons.

A statement dated 20th June 2017 does not contain any information to prove the continuous lawful use of the property within Class C4 for either of the two flats. The applicant did not submit any supporting evidence during the course of the application.

On 21st June 2017, the LPA emailed the applicant requesting evidence to prove the lawful use within Class C4 since 1st November 2011.

On 21st August 2017, Council tax emailed the LPA provided the following record to officers:

1. Between 30/04/2014 to 31/05/2014 flat two was occupied by two persons (Asiri and Brown); and,
2. Between 01/06/2014 to 31/08/2014 flat two was occupied by one person (Brown).

Both flats had a short period of occupation when they were not occupied within Class C4 use. For student HMOs, this is often associated as the period over the summer months.

On 22nd August 2017 the LPA emailed the agent confirming the findings from council tax indicating that internal works would be a material consideration in this case, given that the lawful use for flats one and two would have to be established separately. If internal works to convert the property to one sui generis HMO were not considered, the LPA would have to apply policy PCS20 and determine the application in accordance with this policy.

The agent responded on 23rd August 2017 and referred officers to Section 55 of the Town and Country Planning Act 1990. The applicant provided an extensive response stating:

'Section 55 of the TCPA 1990 expressly provides that converting a single dwellinghouse to create two or more dwellinghouses will result in a material change of use requiring planning permission. However, the legislation is silent on whether combining dwellings (such as knocking two flats into one) would also constitute development.

The legislation excludes internal works from the meaning of development, however, combining residential units could still result in a material change of use. This was confirmed by the High Court case of *Richmond-Upon-Thames London Borough Council v Secretary of State for Transport* [2000] 2 P.L.R. 115, which held that where a change of use gave rise to planning considerations (such as the loss of residential accommodation), those considerations were relevant to determining whether or not the change was material. In that case, the conversion of seven flats to a single family house was a material change of use.

Richmond confirms that the amalgamation of two dwellings will not automatically be a material change of use. As confirmed by Richmond deciding whether a material change of use has occurred rests on matters of fact and degree in each case and any other policy considerations.

Further decisions which have been drawn following Richmond have drawn on the same pattern of decision making. In ref 3028049 (*Royal Borough of Kensington and Chelsea*) the amalgamation of two self contained flats to form one self contained residential unit was tested. The development involved alterations only. The appeal site was a mid-terraced property that was originally two houses, which had been amalgamated into one dwelling in 1949 and the building was subsequently converted into flats. The proposal involved the amalgamation of the flat at ground floor level and the flat above it on the first floor so as to create a single residential unit.

The principal issue in this case was whether the amalgamation of the two flats to create one residential unit would constitute a material change of use. The amalgamation of the two flats would have no material effect on the external appearance of the property and no harm would be caused to the character of the building or to the surrounding area. The Council did not allege that the proposed amalgamation of the two flats would have any effect on the character of the use of land other than through the loss of one residential unit. However, they argued that the "...scale of amalgamation currently under way in this Borough is having a material effect on a matter of public interest, namely it is significantly reducing the number of dwellings in the housing stock".

The Inspector pointed out that prior to 2000 it was commonly accepted that a reduction in the number of dwelling units on land in residential use did not represent, and could not contribute to, a material change in use of the land.

The Inspector drew attention to the reference in the Richmond judgement to *Mitchell v SSE* [1994] 2 PLR 23 because it dealt with an application for planning permission and was concerned with the material considerations that had to be taken into account under section 70, and so it

would not appear to me to have been an appropriate foundation on which to base the judgement in Richmond. Nevertheless the Inspector accurately quoted the relevant passage from Richmond: "It is undoubtedly the law that material considerations are not confined to strict questions of amenity or environmental impact and that the need for housing in a particular area is a material consideration.....". But he pointed out that, in order for it to be a material consideration, the need for housing must be expressed in and supported by local planning policy.

The Inspector observed that the High Court challenge in Richmond was successful because the Inspector in that case had failed to take into account a material consideration, namely the policy factor, which he considered to be "...a question of planning merit than of law". The Inspector stated that Richmond did not establish that the policy factor can be the sole determinate factor in an LDC case but one that must be taken into account with all other considerations. But, in the instant case, the Council was wholly relying on the policy factor.

Applying the policy factor in this case the Council is reminded that it does not have a policy to preserve small HMO's. In reality it has a policy to restrict such development only where it would not result in an impact to the balance of the community. Looking wider the Council's policy on flat sub-division is set out within its Housing Standards SPD and is encouraged only when the property is above 140sqm in size. This is to preserve the stock of medium size family homes. The council has no policy to preserve smaller flats and has historically allowed every application is had determined with this description whether PP was required or not.

In respect of the policy question and other material considerations I conclude that the amalgamation does not result in development in this case. Even so it is included within my description of development. I remind you that my description on the application form is Conversion of two 6 person HMO's to form one 9 person HMO. I would therefore suggest that the description applied by the LPA is somewhat wanting.'

The full email is available on Public Access and should have been provided to the Inspector.

Section 55(1) of the TCPA 1990 states: 'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'

The local planning authority sought advice from Legal services who advised the following:

'You have asked for my view on whether a change of use from two C4 planning units to one sui generis unit is 'development' under s.55 TCPA 1990. It appears from the application that each property previously contained 6 bedrooms and the resulting sui generis property will have 9. The question is therefore whether this constitutes a material change of use.

The difficulty with the case law you have highlighted, including R. (on the application of Kensington and Chelsea RLBC) v Secretary of State for Communities and Local Government [2016] EWHC 1785 (Admin) and Mitchell v Secretary of State for the Environment and Another (1995) 69 P. & C.R. 60, is that it all relates to conversion from separate C3 units to a single C3 unit. Those cases have made it clear that this is a planning judgement that must be made as a matter of fact and degree. Although the facts of those cases are different, the same principle is true here.

An obvious point is that we are looking at a sui generis unit in this instance. What is curious is that for all the case law that talks about the need to look at the need to consider a material change of use by fact and degree, this sui generis use is created through simple arithmetic; >6 residents. The legislature intended for there to be a limit on the number of residents in an HMO that will be tolerated before that property is taken outside of the permitted development regime. By arguing that there is no development in the form of a material change of use while exceeding 6 bedrooms, the developer is trying to have his cake and eat it i.e. you cannot simultaneously retain two separate Class C4 uses and convert the property to a sui generis HMO and keep the

lawful use within Class C4. I struggle to see how it cannot be termed a material change of use on this basis that the use leaves the bounds of C4.

I suspect that the developer will seek to argue that the two properties must be looked at 'holistically', and that there will be a net reduction of 3 bedrooms, meaning that pre-existing impacts are in fact diluted. My concern would be that, as both are HMOs, the planning arguments (impact on housing stock, residential character of the area, parking etc.) that would be used to argue a material change of use in terms of character are likely to be rather more strained given that the uses are of at best a similar quality and already in existence; the only difference is the unification and change in scale. Intensification of use is a form of material change of use, but the test is whether the intensification of the use changes the character of the use. For the reasons just given, I think that 'intensification of use' could be a strained argument and therefore best avoided.

I would say that the most significant factor here is the unification of two previously separate planning units. There can be no argument that either property was ancillary to the other prior to the properties being joined. The works undertaken have served to combine the interiors of two buildings, which is not something that s.55(2)(i) permits. In relation to s.55(2)(ii), the developer is again seeking to bring about change to two buildings, meaning that it cannot rely on the lack of change to the external appearance "of the building [singular]". In my view, these exceptions are not applicable where the impact is upon more than one building.

The planning impacts are ultimately a question for you as a planner to reach a judgement on with the above in mind and by individual reference to the fact and degree of the change. However, from a legal perspective, I think that the merger of two distinct planning units with the effect of producing a sui generis unit can readily be described as a material change of use.'

The underlying argument here is whether the property may have lost any lawful use as two flats with Class C4 usage. Despite the arguments around the internal works at the property, a further email requesting evidence was sent on 21st August 2017 seeking proof of the lawful use of the property. Although this email elicited a response from the applicant, evidence was still not provided to the local planning authority.

The LPA has requested the applicant submit evidence to prove the lawful use of the flats as two independent HMOs since 1st November 2011 (when the Article 4(2) Direction was introduced to present day.

50 metre radius

Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

In defining the 50 metre radius around the property, paragraph 1.23 viii states: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius if this proves impossible then all properties inside of this building will be included in the 'count'.'

All flats fall firmly within the 50 metre radius apart from those in Campbell Mansions Nos.1-15. In having regards to paragraph 1.23 viii, refused planning permission A*31602/AL (dated 14.02.2005) indicates the typical floor plan for each floor. As the existing property is three storeys and the floor plans indicate the western side of the building is likely to contain two flats on each floor, six flats could be omitted from the count data. It is not however possible to establish, the flat number of those six to be removed.

As such, the number of residential properties within a 50 metre radius is:

- o 56 residential properties (62 prior to the removal of the six properties).
- o 7 HMO properties (eight if flats one and two 36 Campbell Road are included in the count.

- o The current HMO count is therefore: $8/56 \times 100 = 14.29\%$
- o Although the revised SPD now requires sui generis HMOs to be included in the count data, as the proposal would result in the loss of a HMO (two flats converted to one larger HMO), it is considered that the HMO count would remain unchanged at 14.29%.

Having regards to the balance of uses in the surrounding area, it is considered that the community is already imbalanced by a high concentration of HMOs and an additional sui generis HMO is not considered to be acceptable in principle.

Standard of accommodation

In terms of internal living conditions, the property benefits from the following:

Area	Provided
Bedroom 1	18.1m ²
Bedroom 2	14m ²
Bedroom 3	11m ²
Bedroom 4	17.1m ²
Bedroom 5	20m ²
Bedroom 6	12.4m ²
Bedroom 7	8.7m ²
Bedroom 8	14.2m ²
Bedroom 9	16.2m ²
Lounge/kitchen	24.1 (27m ² required, it is 2.9m ² undersized)
Lower ground floor toilet/shower	2.88m ²
1st floor shower/toilet	3.01m ²
2nd floor shower/toilet	2.28ms

Based on the floor sizes in the revised SPD, the following rooms could provide double occupancy: 1, 2, 4, 5, 6, 8, and 16. Private Sector Housing also raise concern on the usability of some of the internal floor areas. In accordance with the requirement on page 9 of the HMO SPD, the property would not provide sufficient living space for occupiers. The combined living/kitchen would be expected to provide a usable floor area of 27m²; the property would provide 24.1m². The property would provide inadequate internal floor areas, falling significantly short of the standard required to allow for social activities that would be expected for individuals living as a group, as well as a safe environment for the cooking and consuming of food.

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.

Each of the 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.

Therefore, in light of the assessment above, it is considered that the proposed use of the property by nine persons would not provide an adequate standard of living accommodation for future occupiers.

Impact on residential amenity

Whilst the accommodation would provide living accommodation for nine persons that could result in the transmission of noise and disturbance to the adjoining occupiers, regard has been given to the following allowed appeal at 11 Malvern Road for a nine person HMO (LPA ref. 16/00839/FUL PINS ref. APP/Z1775/W/16/3158162) where the Inspector stated:

'Para 6: Houses in the locality are large and could accommodate large families. Some are subdivided into flats and there are some hotels and commercial uses. Whilst the proposed use

would be likely to generate more activity than a typical family, it would be roughly the same as that for a large family. Moreover, on the basis of the mix of uses in the locality and the juxtaposition of some hotels, flat conversions and HMOs next to single family dwellings, I am not convinced that the comings and goings and general activity that would be generated by the appeal site in use as an HMO would be harmfully out of place in this locality. Furthermore, for the same reasons, I am not persuaded that the appeal development would result in a harmful increase in noise and disturbance, such that the living conditions of neighbouring residents would be adversely affected.

Para 8: I have noted the evidence before me of incidents of anti-social behaviour and noise and disturbance at the appeal site and the concern of neighbours and local hotels that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, such matters are a consequence of the behaviour of the occupants, which is a matter that is not controlled under the planning regime. The behaviour of future occupants is controlled by other legislation and I am making a decision on the basis of the planning merits of the appeal alone. If those matters were controlled through the appropriate legislation, the appeal development could contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as set out in paragraph 69 of the National Planning Policy Framework (the Framework).

Para 11: I conclude that the appeal proposal would not adversely affect the living conditions of neighbouring occupiers, with regard to noise, disturbance and anti-social behaviour. For this reason, it would generally accord with Policy PCS20 of The Portsmouth Plan (2012) and paragraphs 17 and 19 of the Framework. These, together, seek to encourage HMOs which do not result in negative social, environmental and economic impacts of high concentrations of HMOs on communities and to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.'

In light of the decision above, it is considered that the occupation of the property by nine individuals 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 and useable 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 is unacceptable for the occupation of nine person HMO.

Highways/parking/waste

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 sites proximity to local shops and the Albert Road and Elm Grove District Centre and transport facilities, it is considered that an objection on car parking standards could not be sustained.

Conditions to secure suitable bicycle and refuse storage would not however, overcome the harm identified above.

In accordance with paragraph 1.32 of the HMO SPD, conditions could be imposed to secure suitable refuse/recycling material storage.

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 not provided the correct level of mitigation and it is therefore considered that a sui generis HMO would, if allowed, have a significant impact on the Solent SPA.

Conclusion

As highlighted above, it is considered that the development is not acceptable in principle and would fail to provide mixed and balanced communities, would not provide an acceptable standard of living for nine occupiers and would have a significant impact on the Solent Special Protection Areas.

RECOMMENDATION Refuse

The reasons for the decision are:

- 1) The intensification of the use to a nine person sui generis HMO would fail to support a mixed and balanced community by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and sui generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (adopted November 2017).
- 2) The change of use of the building to a nine-person House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/living room) falling below the necessary 27sqm requirement, fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan.
- 3) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

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.

Agenda Item 11

PLANNING COMMITTEE 10 JANUARY 2018

**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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3 PAIGNTON AVENUE PORTSMOUTH PO3 6LL**CONSTRUCTION OF FIRST FLOOR REAR EXTENSION****Application Submitted By:**

D.M. Designs
FAO Mr D.P Manns

On behalf of:

Justine Bennett

RDD: 2nd August 2017

LDD: 28th September 2017

SUMMARY OF MAIN ISSUES

UPDATE

This application was first considered by Members on the 18th October, where it was resolved to allow for further consideration of the relationship to the neighbouring properties and to allow for Members to undertake a viewing panel visit to the site. This visit is arranged for the 6th January.

Design & Amenity Issues

Policy PCS23 of the adopted Local Plan states all new development must be well designed and appropriate in scale, appearance and materials in relation to the particular context and should seek to ensure the protection of amenity and a good standard of living environment for neighbouring and local occupiers, as well as future residents, amongst other criteria.

There have been no amendments made to the design of the proposed extension since it was first considered by Members and as set out within the original committee report, it is considered that the overall scale and form of the proposals are acceptable in relation to the existing dwelling and in accordance with the aims of Policy PCS23.

With regards to the potential impact to residential amenity, further consideration has been given to the relationship to both No 1 and No 5 Paignton Avenue. It is also noted that objections have been received from both neighbouring properties, as set out within the original report.

In terms of the adjoining property, No 1 Paignton Avenue, it is not considered that there would be any adverse impact in terms of amenity. The proposed extension would extend to the same depth as the first floor extension to the rear of No 1 and as such, would not result in any undue sense of enclosure, overbearing physical presence or overshadowing to the adjoining property. The proposed windows in the rear elevation of the proposed extension would allow for a degree of overlooking to the rear garden area of No 1 but this relationship of mutual overlooking already exists between the properties and would not be increased to such a degree as to warrant a refusal of planning permission on these grounds. Overall, the relationship to No 1 Paignton Avenue is considered to be acceptable.

With regards to No 5 Paignton Avenue, it is noted that this neighbouring property is currently undergoing building works, with a new single storey extension constructed to the rear of the property. This extension has a side facing ground floor window in the southern elevation of the extension, facing towards the application site and bi-fold doors within the rear elevation, as well

as a large skylight feature. There are views from this side facing window back towards the application property, No 3 and views from the existing first floor windows of No 3 towards this window, albeit at an oblique angle. As such, there is already mutual overlooking between the properties which again, is typical of this pattern of development.

The proposed extension would be visible from the rear garden area of No 5 and from the ground floor side facing window in the extension. However, given the separation distances between the properties, it is not considered that the extension would be visually intrusive or unduly enclosing or overbearing to the neighbouring property. The proposed extension is set back from the side building line to help reduce the overall bulk and preserve the sense of separation between the properties. Similarly, it is not considered that any additional overshadowing would be so severe as to justify a refusal of planning permission.

In terms of potential overlooking and loss of privacy, there would be views from the new rear first floor windows towards the rear of No 5 but as noted above, this relationship already exists and as such is no worse than the existing situation. It is noted that the plans show a new side facing first floor window, which would serve a bedroom within No 3. Again, this window would face the side elevation of No 5 and would allow views towards the side window and rear garden area - however, these views already exist from the existing first floor rear windows and as such, the proposals are not considered to result in an unacceptable degree of overlooking to the neighbouring property. However, a condition could be applied to require this window to be obscure glazed if required - this has been discussed with Building Control colleagues who have confirmed there would be no conflict with Building Regulations if such a requirement were imposed.

Overall, it is considered that the proposed extension is acceptable in terms of the relationship with No's 1 and 5 Paignton Avenue and would not result in any adverse impact to the residential amenities of these properties. As such, the proposal is considered to be in accordance with Policy PCS23 in this regard.

SUMMARY OF MAIN ISSUES

The determining issues in this application relate to whether the proposal is acceptable in design terms, whether it would have any significant impact on the amenities of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.
Site and Surroundings

This application relates to a three bedroom semi-detached property which is located on the western side of Paignton Avenue near the corner where the road adjoins with Eastbourne Road. The surrounding area is characterised by similar residential semi-detached and terraced properties.

Proposal

The applicant seeks permission for the construction of a first floor rear extension.

The proposal is to create a fourth bedroom and provide a family sized bathroom, converting the existing bathroom to an ensuite for bedroom 1.

The first floor extension would be 5.0m x 3.0m in depth. The extension projects 3.0m over the existing ground floor flat roof rear extension, however not for its full 5.5m length.

The proposed first floor extension aligns with the neighbouring semi detached property's first floor extension.

Each of the proposed bedrooms would benefit from a rear window orientated to the rear garden on the western elevation.

The proposed first floor extension would be provided with a pitched roof of matching roof tiles and the external walls would be of matching brick.

The proposal includes the addition of a window to the northern elevation serving the ground floor sitting room and a second serving the first floor bedroom 2. Both of these windows open onto the shared access way and face the flank brick wall of No.5 Paignton Avenue.

Planning History

In July 2017 planning permission was refused for the construction of a first floor rear extension. The reason for refusal was as follows:

The proposed first floor extension would, by reason of its excessive bulk and unsympathetic boxy appearance, represent a visually obtrusive feature out of keeping with the recipient property that would result in an unneighbourly relationship detrimental to the amenities of occupiers of No 1 Paignton Avenue, notably in terms of loss of light and outlook and increased sense of enclosure. The proposal is therefore considered to be contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

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

Two letters of representation have been received objecting on the following grounds:

- 1) proposal is out of character with surrounding properties;
- 2) large in scale;
- 3) Misleading drawings;
- 4) No other extensions of this type/size;
- 5) loss of outlook;
- 6) increased sense of enclosure;
- 7) overshadowing;
- 8) loss of privacy;
- 9) ground floor window will open out onto shared access way;
- 10) loss of light;
- 11) absence of inner and outer cavity wall;
- 12) lead box guttering in outer wall of No 1;
- 13) cause drainage problems for No 1; 14) shallow footings

COMMENT

The determining issues in this application relate to whether the proposal is acceptable in design terms, whether it would have a significant impact on the amenities of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.

Design

The property is a semi-detached house with a rear single storey flat roof extension. The adjoining neighbour (No 1) has a two storey flat roof extension which is constructed up to the

boundary with the application site. The applicant proposes to construct an additional storey above the existing single storey extension to accommodate two additional bedrooms.

The proposed extension has been designed with a pitched roof which is a suitable outcome for the host property. The extension observes the same rear building line as the first floor flat roof extension of No.1 Paignton Avenue.

Having regard to the pitched roof design, the matching materials and the appropriate siting of the extension, it is considered to be acceptable in design terms and would relate appropriately to the recipient building.

Amenity

The extension would align with the adjoining occupiers (No 1) two storey flat roof extension. Therefore, it would not result in any significant impact on the occupiers of No 1 in terms of increased sense of enclosure, loss of light and overshadowing.

There is a separation distance of approximately 5m between the proposal and the neighbouring property to the north (No 5). This is considered to be a sufficient separation distance and it is considered that it would not result in any significant impact on the occupiers of No 5 Paignton Avenue.

The rear windows would face onto the rear garden. Furthermore, the side window serving the living room will face onto the blank wall elevation of No 5 Paignton Avenue. Therefore, it is not considered that the proposal would result in any loss of privacy from direct overlooking.

Other issues raised in objections

With regards to the proposed ground floor window serving the living room which opens out onto the shared access way. A suitably worded planning condition will be implemented to ensure that this window is non-opening. The first floor window serving Bedroom 2 is considered to be acceptable in terms of size of opening.

The other issues raised regarding the absence of the inner and outer leaf cavity wall, lead box gutter, drainage and footings are not material planning considerations and will therefore not be considered in the determination of this application. These issues will be dealt with by building control should permission be granted for this application.

Conclusion

As a result of the pitched roof design, the proposal has been significantly reduced in bulk and has a more appropriate appearance, than the previously refused scheme. Therefore, the proposal would no longer represent a visually obtrusive feature. Furthermore, the proposed extension would align with the neighbouring flat roof extension of No 1 Paignton Avenue. Therefore, it is not considered to result in any loss of light, outlook or increased sense of enclosure. The proposal has therefore overcome the previous reason for refusal. It is therefore, considered that the proposal would be 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: BENNETT01A 1of1 Rev B A0.

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.

4) The proposed ground floor side windows on the ground floor side elevation shown on drawing 'BENNETT01A REV B A0' shall be non-opening unless otherwise agreed in writing by the Local Planning Authority, and shall be permanently retained in that condition.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

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

3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

4) To prevent the windows opening out onto the shared driveway in the interest of safety, 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.

THE SHRUBBERY & BAY TREE LODGE 37 GROVE ROAD SOUTH SOUTHSEA PO5 3QS

CONVERSION TO FORM SINGLE DWELLING TO INCLUDE SINGLE STOREY REAR EXTENSION (AFTER DEMOLITION OF EXISTING STRUCTURE); AND ASSOCIATED INTERNAL ALTERATIONS; EXTENSION TO EXISTING RAISED PLATFORM; ALTERATIONS TO EXISTING FENESTRATION AND INSTALLATION OF ROOFLIGHT

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Mr & Mrs Tim and Sue Fielder

RDD: 26th June 2017

LDD: 22nd August 2017

SUMMARY OF MAIN ISSUES**Update**

This item was deferred from Planning Committee on the 13.12.2017 in order for Committee Members to attend a site visit of affected properties.

This application has been called to Planning Committee as a result of a deputation request from an adjoining neighbouring occupier.

This application relates to "The Shrubbery" & "Bay Tree Lodge" which are two adjoining buildings located at 37 Grove Road South. The application site is located in the "Owens Southsea" Conservation Area (No.2) in the St. Jude Ward and also falls within TPO 38, with several TPO protected trees located within the curtilage of the properties. The application site is located within a small cul-de-sac of three properties including; "The Shrubbery" (Grade II Listed), "Milford Lodge" (Grade II Listed) and Bay Tree Lodge. Adjoining the site are numerous other distinctive heritage assets including No. 35 Grove Road South (Grade II Listed) and St. Johns College (Grade II Listed).

"The Shrubbery" is a large detached two-storey building over an existing basement. "Bay Tree Lodge" was developed mid-twentieth century and is tagged on to the northern elevation of the original property. This two-storey side extension forms a separate unit of accommodation which is currently not accessible through "The Shrubbery".

The proposal is for the conversion of these two properties to form a single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight. It should be noted that an application for Listed Building Consent (ref: 17/01105/LBC) has been submitted alongside this planning application however this will be considered separately.

There is an extensive planning history at the application site relating to arboricultural works and the ongoing management of TPO protected trees. Most recently, 17/00733/TPO was granted conditional consent in June 2016 to fell T2 (Plum) located in the rear courtyard of the application site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
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).

CONSULTATIONS

Tree Officer

It is accepted that TPO 38 T2 is to be felled following a previously granted consent (17/00733/TPO).

Two further trees are located within close proximity to the proposed development TPO 38 T3(Robinia pseudoacacia) , TPO 38 T4(Laurus nobilis).

Given the proximity of the trees to the development proposal a tree survey and arboricultural impact assessment must accompany this application as both trees may impose major constraints upon vehicle access and storage of material, during the demolition and construction phases of the development.

REPRESENTATIONS

One deputation request has been received objecting to the development on the grounds of;

- (a) the works would result in an increased sense of enclosure following the development of extensions at neighbouring properties;
- (b) the development would create a walled environment and
- (c) the development would significantly increase overshadowing.

COMMENT

The determining issues in this application are whether the design of the proposal is acceptable and whether it relates appropriately to the recipient building. Further to this, whether the proposal would have a significant impact on the amenity of the neighbouring occupiers. Matters relating to alterations to the listed building will be considered separately under planning application reference: 17/01105/LBC.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework 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; will 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 proposal is for the conversion of "Bay Tree Lodge" to form a single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight.

It should be noted that the applicant had originally proposed to partially demolish "Bay Tree Lodge" to enable alterations to form a new hipped roof, single storey rear extension and alterations to the external elevations. The scheme has been significantly revised to its current

format as a result of ongoing negotiations between the applicant and the Local Planning Authority.

To achieve this conversion, a number of internal walls would be altered and removed to improve internal circulation, however these are works relating to the Listed Building Consent and do not form part of this assessment. A single storey rear extension has been proposed measuring approx. 4m in depth, 4m in width and 3.5m in height and would straddle the boundary between the application site and No. 27 Woodpath. This extension would have a mono-pitch roof slope and would be finished in matching white coloured smooth render whilst the roof slope would be clad in natural slate to match the recipient property. New timber framed French doors would provide access from this extension into the rear courtyard. In addition to this, the applicant has proposed to reconfigure existing windows and doors to enable functionality within newly formed internal rooms. Windows to the rear of "Bay Tree Lodge" would be shifted to the south, whilst the ground floor window and door would be replaced by a new set of bi-folding doors. Similar reconfigurations of the front (east) elevation of "Bay Tree Lodge" have been proposed with the existing front door being replaced with a new window to match that above, whilst another new window has been proposed on the single storey projection to the north of the site. Finally the applicant has also proposed to enlarge an existing area of raised decking to the south of the property. The existing terrace is located 2.4m above ground level and measures 5.9m in width and 3.9m in depth. This area would be extended to 5.3m in depth whilst the height and width of the decking would remain the same. The decking would be enclosed iron railings to match the existing terrace.

External alterations including the re-location of windows and doors on the front and rear elevations are considered to be respectful and in keeping with the recipient building by virtue of their size, matching materials and glazing bar details. The removal of the door on the front elevation of "Bay Tree Lodge" would help to provide some unity between the original dwelling and its adjoining two-storey projection. These alterations would give the impression that the buildings are untied and form one unit of accommodation.

Further to this, the enlargement of the outdoor terrace area to the south of the application site would be considered to have little visual impact and would relate appropriately to the existing terrace by virtue of the use of matching materials and the limited scale of the enlargement.

The construction of the single storey rear extension would be considered to relate appropriately to the recipient dwelling. The limited scale of this extension would help the development to appear as a subservient feature, whilst the use of matching materials would help to strengthen the relationship between original fabrics and the new development.

As a whole, the proposed alterations would be considered to have a good relationship with the recipient dwelling in design terms and would help to enhance the character and appearance of the "Owens Southsea" Conservation area.

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Having regard to the amenities of neighbouring occupiers, external alterations to re-locate windows and doors are not considered to represent a significant loss of privacy. The installation of windows at ground floor on the front (east) elevation would serve only to provide views of the existing front courtyard whilst the window proposed at first floor on the rear elevation would replace an existing window in the same location with a smaller, similar style window. The outlook from this window would change very slightly but again would not create any new privacy or overlooking issues for neighbouring occupiers.

The existing external terrace lies within a large garden to the south of the application site, as the extension to this terrace would only encroach further into this space and would not be elevated any higher than its existing position, the relationship with neighbouring occupiers remains unchanged for this particular aspect of development.

In respect of the proposed single storey rear extension, this development would be located along the common shared boundary with No.27 Woodpath and would elevate approx. 1.5m above the existing boundary treatment. It is acknowledged that this development would have some impact on this occupier by virtue of its location along the common shared boundary, however the overall scale of the extension and its limited height are not considered to provide an undesirable sense of enclosure for the occupants of this property. The development would not create any new overshadowing issues as a result of the sites orientation (north-south) and the overall height of the surrounding built form. Further to this, the roof lights proposed for this extension would not create any new privacy or overlooking concerns.

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: 010G and 011F.
- 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.
- 4) No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the trees in the grounds of No. 37 Grove Road South protected by preservation order No. 38. The approved measures shall then be implemented and retained during all works associated with this permission.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2) To ensure the development is implemented in accordance with the permission granted.
 - 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
 - 4) In the interests of preserving the high amenity value of protected trees and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting of the listed building and others in the immediate area.
-

THE SHRUBBERY & BAY TREE LODGE 37 GROVE ROAD SOUTH SOUTHSEA PO5 3QS

CONVERSION TO FORM SINGLE DWELLING TO INCLUDE SINGLE STOREY REAR EXTENSION (AFTER DEMOLITION OF EXISTING STRUCTURE); AND ASSOCIATED INTERNAL ALTERATIONS; EXTENSION TO EXISTING RAISED PLATFORM; ALTERATIONS TO EXISTING FENESTRATION AND INSTALLATION OF ROOFLIGHT.

Application Submitted By:

Mr John Pike
Pike Planning

On behalf of:

Mr & Mrs Tim and Sue Fielder

RDD: 26th June 2017

LDD: 22nd August 2017

SUMMARY OF MAIN ISSUES**Update**

This item was deferred from Planning Committee on the 13.12.2017 in order for Committee Members to attend a site visit of affected properties.

This application has been called to Planning Committee as a result of a deputation request from an adjoining neighbouring occupier.

This application relates to "The Shrubbery" & "Bay Tree Lodge" which are two adjoining buildings located at 37 Grove Road South. The application site is located in the "Owens Southsea" Conservation Area (No.2) in the St. Jude Ward and also falls within TPO 38, with several TPO protected trees located within the curtilage of the properties. The application site is located within a small cul-de-sac of three properties including; "The Shrubbery" (Grade II Listed), "Milford Lodge" (Grade II Listed) and Bay Tree Lodge. Adjoining the site are numerous other distinctive heritage assets including No. 35 Grove Road South (Grade II Listed) and St. Johns College (Grade II Listed).

"The Shrubbery" is a large detached two-storey building over an existing basement. "Bay Tree Lodge" was developed mid-twentieth century and is tagged on to the northern elevation of the original property. This two-storey side extension forms a separate unit of accommodation which is currently not accessible through "The Shrubbery".

The proposal is for the conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight. It should be noted that a full planning application (ref: 17/01104/FUL) has been submitted alongside this Listed Building Consent application however this will be considered separately.

There is an extensive planning history at the application site relating to arboricultural works and the ongoing management of TPO protected trees. Most recently, 17/00733/TPO was granted conditional consent in June 2016 to fell T2 (Plum) located in the rear courtyard of the application site.

POLICY CONTEXT

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

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

CONSULTATIONS

Historic England

On the basis of the information available to date, no comments are offered. We suggest that you seek the views of your specialist conservation adviser.

Ancient Monuments Society

No comments

Council For British Archaeology

No comments

SPAB

No comments

The Georgian Group

No comments

The Victorian Society

No comments

Twentieth Century Society

No comments

The Portsmouth Society

No comments

REPRESENTATIONS

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

- (a) potential damage to existing shared garages;
- (b) construction related vehicles will block access to shared garages;
- (c) noise, dirt and dust arising from construction works;
- (d) lack of communication with the applicants;
- (e) increased overshadowing;
- (f) increased sense of enclosure as a result of previously approved development adjoining the application site;
- (g) extensions would affect the character and appearance of the listed building.

Two representations have been received supporting the development on the grounds of:

- (a) alterations would be sympathetic to the Owens Southsea Conservation Area;
- (b) parking of vans on the shared access would not be problematic and
- (c) alterations to the structural integrity of the garage can be managed by shared owners.

COMMENT

The determining issue in this application is whether the proposed alterations are of an acceptable design that would preserve the special architectural or historic interest of the Grade II listed 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. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

To achieve this conversion, a number of internal walls would be altered and removed to improve internal circulation. A single storey rear extension has been proposed measuring approx. 4m in depth, 4m in width and 3.5m in height and would straddle the boundary between the application site and No. 27 Woodpath. This extension would have a mono-pitch roof slope and would be finished in matching white coloured smooth render whilst the roof slope would be clad in natural slate tiles to match the recipient property. New timber framed French doors would provide access from this extension into the rear courtyard. In addition to this, the applicant has proposed to reconfigure existing windows and doors to enable functionality within newly formed internal rooms. Windows to the rear of "Bay Tree Lodge" would be shifted to the south, whilst the ground floor window and door would be replaced by a new set of bi-folding doors. Similar reconfigurations of the front (east) elevation of "Bay Tree Lodge" have been proposed with the existing front door being replaced with a new window to match that above, whilst another new window has been proposed on the single storey projection to the north of the site. Finally the applicant has also proposed to enlarge an existing area of raised decking to the south of the property. The existing terrace is located 2.4m above ground level and measures 5.9m in width and 3.9m in depth. This area would be extended to 5.3m in depth whilst the height and width of the decking would remain the same. The decking would be enclosed iron railings to match the existing terrace.

External alterations including the re-location of windows and doors on the front and rear elevations are considered to be respectful and in keeping with the recipient listed building by virtue of their size, matching materials and glazing bar details.

The removal of the door on the front elevation of "Bay Tree Lodge" would help to provide some unity between the original dwelling and its adjoining two-storey projection. These alterations would give the impression that the buildings are untied and form one unit of accommodation. Further to this, the enlargement of the outdoor terrace area to the south of the application site would be considered to have little visual impact and would relate appropriately to the existing terrace by virtue of the use of matching materials and the limited scale of development.

The construction of the single storey rear extension would be considered to relate appropriately to the recipient dwelling. The limited scale of this extension would help the development to appear as a subservient feature relating to the existing property by the use of matching materials. The scale of the proposed works is considered to be appropriate by virtue of the subservient nature of the development in the context of the application site. The choice of sympathetic materials including hardwood framing, smooth render, natural slate and single glazed panels would relate appropriately to the Grade II Listed building and would help the proposed alterations to make a connection with the original building.

In response to the objection comments raised, matters relating to construction works and access are not something that the Planning Department can resolve. Further to this, issues relating to neighbouring amenity cannot be dealt with under this planning application however this would be assessed under the corresponding application for planning permission (ref: 17/01104/FUL).

It is considered that the proposed development would preserve the special architectural or historic interest of the Grade II Listed Building.

RECOMMENDATION

Conditional Consent

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: 010G and 011F.
- 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.

3 KINGSLAND CLOSE PORTSMOUTH PO6 4AL**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Matthew Bartolo

On behalf of:

Mr Matthew Bartolo

RDD: 13th October 2017**LDD:** 11th December 2017**SUMMARY OF MAIN ISSUES**

This application has been called into Planning Committee as a result of a deputation request from a Local Ward Councillor.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

The site

This application relates to a two-storey mid-terraced dwelling located in Kingsland Close near its intersection with Abbeydore Road. The property is set back from the highway by a small courtyard and benefits from a larger garden to the rear. Kingsland Close is a cul-de-sac with parking located adjacent to the properties with small areas of landscaping and trees. To the rear of the application site is an existing outbuilding and access that would be used for the storage/servicing of bicycles and bins on the site.

The site is located in close proximity to a range of shops and a service located on Allaway Avenue and is also well serviced by bus routes.

The Proposal

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

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 (November 2017) and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

-2 storeys

-5 bedrooms

Based on the layout and sizes provided there are no adverse comments to make. This property would not require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

Four representations have been received raising objections on the grounds of:

- (a) increased parking demand;
- (b) increased noise and disturbance;
- (c) increased parking pressure represents a danger to children;
- (d) development is causing sleep deprivation, stress and anxiety;
- (e) increased coming and goings;
- (f) impact on quiet neighbourhood;
- (g) misuse of landscaped areas for parking;
- (h) environmental impact of trees being damaged and
- (i) the development would only serve to provide financial gain from the applicant.

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Based on information held by the City Council, of the 32 properties within a 50 metre radius of the application site, one is considered to be in lawful use as a HMO. Therefore, as the granting

of planning permission would increase the proportion of HMOs to 6.25%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

*Bedrooms are not numbered on plan, for the purposes of the list below they have been labelled 1-5, starting at ground floor and working clockwise on the upper floor.

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	11.22m ²	7.5m ²
Bedroom 2 (First Floor)	11.8m ²	7.5m ²
Bedroom 3 (First Floor)	10.54m ²	7.5m ²
Bedroom 4 (First Floor)	10.95m ²	7.5m ²
Bedroom 5 (First Floor)	7.54m ²	7.5m ²
Kitchen (Ground Floor)	9.15m ²	7m ²
Lounge	17.28m ²	11m ²
Bathroom (Ground Floor)	3.87m ²	3.74m ²
Bathroom (First Floor)	4.75m ²	3.74m ²

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 5 persons sharing.

Matters Raised in Representations

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

Representations refer to the development having an impact on the neighbourhood character of Kingsland Close. The Houses in Multiple Occupation SPD (November 2017) paragraph A2.1 states: " National planning policy guidance (PPS1 and PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed in the future and to avoid situations where existing communities become unbalanced by the narrowing of

household types towards domination by a particular type, such as shared housing (HMOs)." In respect of this, given the low percentage of lawful HMO's in the surrounding area (50m radius) it is considered that the proposed change of use would not create a situation where neighbourhood would become unbalanced and therefore the development would not be considered to have a detrimental impact on the sense of community in Kingsland Close.

In response to representations relating to undesirable behaviour, in addition to ensuring adequate size standards, sanitary facilities and fire safety, the City Council's Private Sector Housing Team can assist should the property not be managed in an appropriate manner.

Parking

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

The submitted drawings indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. The provision and retention of suitable bicycle storage facilities can be required through a suitably worded planning condition. The storage of refuse and recyclable materials would remain to be held in the outbuilding to the rear of the application site.

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 and Proposed Floorplans.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

4 FAIR OAK ROAD SOUTHSEA PO4 8FQ**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Mr Paul Heywood

On behalf of:

Mr Paul Heywood

RDD: 17th October 2017**LDD:** 25th December 2017**SUMMARY OF MAIN ISSUES**

This application has been called into Planning Committee as a result of a deputation request from a Local Ward Councillor.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

The site

This application relates to a two-storey mid-terraced dwelling located on Fair Oak Road close to its intersection with Locksway Road. The property has a small front garden and benefits from a larger space to the rear. The property is located in the Milton Ward and is in close proximity to TPO Boundaries 177 & 215.

The site is located in close proximity to a range of shops and a service located on Locksway Road and is also well serviced by bus and cycle routes.

The Proposal

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

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 (November 2017) and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

Summary

-3 storeys

-4 bedrooms

Based on the layout and sizes provided there are no adverse comments to be made by the Private Sector Housing Team. The application for this property would require to be licenced (additional) under Part 2, Housing Act 2004.

Please note the following Open planned Kitchen, dining and lounge area. Within the open planned area the kitchen area must be a minimum of 7m² for the exclusive use of cooking, food preparation and storage. The following kitchen facilities are required:

- 1 x combined conventional cooker (oven , grill and 4 hot plates)
- 1 x sink bowl sink with integral drainer
- 1 x under the counter fridge and a separate freezer or one equivalent combined fridge/freezer
- 2 x 500mm base units and 2 x 1000mm wall units with doors or equivalent
- Worktops 2000mm (l) x 500mm(d)
- 2 x twin sockets located at least 150mm above the work surface

REPRESENTATIONS

Eighteen representations have been made objecting to the development on the grounds of:

- (a) Overcrowding;
- (b) increased parking demand;
- (c) development will erode the character of the residential estate;
- (d) sets an unwanted precedent;
- (e) increased congestion;
- (f) safety risks associated with parking and congestion;
- (g) community impact;
- (h) impact of different working patterns;
- (i) development is not appropriate for the area;
- (j) noise and disturbance;
- (k) increased refuse issues;
- (l) ambiguity regarding the future usage of the property;
- (m) overcrowding and over-occupation;
- (n) fire safety matters;
- (o) property is already being used as a HMO;
- (p) impact on sense of community;
- (q) pressure on local services;
- (r) limited access for emergency services;
- (s) prevalence of parking by dog walkers contributing to existing parking issues;
- (t) increased anti-social behaviour;

- (u) welfare of future occupants;
- (v) rooms are not of an appropriate size;
- (w) properties are unfit for purpose;
- (x) increased litter attracting vermin;
- (y) inadequate bin storage and
- (z) property does not meet building regulations

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Based on information held by the City Council, of the 31 properties within a 50 metre radius of the application site, none are considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 3.23%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (First Floor)	12.24m ²	7.5m ²
Bedroom 2 (First Floor)	19.2m ²	7.5m ²
Bedroom 3 (Second Floor)	14.8m ²	7.5m ²
Bedroom 4 (Second Floor)	8.9m ²	7.5m ²
Kitchen /Lounge/ Dining (Ground Floor)	29.15m ²	24m ²
Bathroom (Second Floor)	3.96m ²	3.74m ²
Ensuite (First Floor)	2.82m ²	Not defined
W/C (Ground Floor)	1.65m ²	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 3-6 unrelated persons sharing.

Matters Raised in Representations

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

Representations refer to the development having an impact on the sense of community in the area and the character of Fair Oak Road as a whole. The Houses in Multiple Occupation SPD (November 2017) paragraph A2.1 states: " National planning policy guidance (PPS1 and PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed in the future and to avoid situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing (HMOs)." In respect of this, given there are no lawful HMO's in the surrounding area (50m radius) it is considered that the proposed change of use would not create a situation where the local community would become unbalanced and therefore the development would not be considered to have a detrimental impact on the sense of community or the character of Fair Oak Road.

In response to representations relating to undesirable behaviour, in addition to ensuring adequate size standards, sanitary facilities and fire safety, the City Council's Private Sector Housing Team can assist should the property not be managed in an appropriate manner. Finally matters relating to house values and private landlords interests are not material planning considerations.

Parking

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with up to four bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with up to three bedrooms would also be 2 off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However, on the basis that access could be provided into the rear garden, the provision and retention of suitable bicycle storage facilities can be required through a suitably worded planning condition. The storage of refuse and recyclable materials would remain unchanged.

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) and Floorplans.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

18 BRAMBLE ROAD SOUTHSEA PO4 0DT**CHANGE OF USE FROM PURPOSES FALLING WITHIN C3 (DWELLING HOUSE) OR 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 Anthony Lane

RDD: 9th November 2017

LDD: 22nd January 2018

SUMMARY OF MAIN ISSUES

This application is being represented at Planning Committee as a result of a standing call-in request for all Sui-Generis HMO Applications.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

The Site

This application relates to a two-storey end of terrace dwelling located on Bramble Road close to its intersection with Shanklin Road.

The application site fronts directly on to the back edge of the footway and comprises two bedrooms, a bathroom, kitchen and lounge at ground floor with three bedrooms and a bathroom located on the first floor and two bedrooms and a bathroom at second floor. The surrounding area is characterised by densely populated residential terraces and is in close proximity to a wide range of shops and services located on Fawcett Road.

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: 17/00219/FUL was granted conditional permission in April 2017 for a change of use from house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

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 (November 2017) and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

Summary

- 3 storeys
- 7 bedrooms

Based on the layout and sizes provided there are no adverse comments to make. With the information provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

Please note the following amenity requirements based on 7 sharing:

Personal hygiene

All bath or shower rooms must have a suitable layout to include adequate drying and changing space. The wall finishes and flooring must be ready cleansable, the flooring well fitted and non-absorbent, and a suitable lock provided on the door.

All must contain:

- Bath and/or shower
- WC
- Wash Hand Basin (WHB)
- Heating
- Ventilation

Kitchen/dining

The minimum size of the kitchen area must be 11m² and have the following amenities provided in a safe and usable layout.

- 2 x conventional cooker (a combination microwave may be used in lieu of second cooker).
- 1 x double bowl sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)
- 2 x under counter fridges 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.
- 2500mm (l) x 500mm (d) worktops.
- 3 x twin sockets located at least 150mm above the work surface

REPRESENTATIONS

One representation has been received objecting to the development on the grounds of: (a) extensions have an overbearing impact on neighbouring properties; (b) loss of light; and (c) increased in parking demand.

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 person, seven bedroom Sui Generis HMO. The property already benefits from a lawful use as a mixed use Class C3-Residential/Class C4-HMO which was granted planning permission in April 2017.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD November 2017) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

Based on information held by the City Council, of the 60 properties within a 50 metre radius of the application site, eight are considered to be in lawful use as a HMO inclusive of No.18 Bramble Road. Therefore, as the granting of planning permission for this sui-generis use would retain the proportion of HMOs in the area at 13.3%, it is considered that the community is already imbalanced by a concentration of HMO uses.

It should be noted that further to correspondence with the applicant in regards to the HMO count data, it was brought to the attention of the Local Planning Authority that the recently developed Student Halls of Residence located at the corner of Fawcett Road and Heyward Road was not included in the count data. For clarification, the applicant was of the opinion that the individual units in this property (approx. 30-40 studios/flats) should be counted as individual C3 (residential uses) and therefore adding additional properties to those being considered within the 50m radius. Having sought clarification from the City Solicitor, it is considered that this property is a single unit in Class C1 (Student Halls of Residence) use. This property has now been included in the count data and is reflected in the figures above, however as a single unit and not the 30-40 individual flats as suggested by the applicant.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently imbalanced by a concentration of residential properties and HMO's uses therefore the proposal is not considered to be acceptable in principle.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Second Floor)	12.48m ²	7.5m ²
Bedroom 2 (Second Floor)	7.44m ²	7.5m ²
Bedroom 3 (First Floor)	10m ²	7.5m ²
Bedroom 4 (First Floor)	9.3m ²	7.5m ²

Bedroom 5 (First Floor)	10.15m ²	7.5m ²
Bedroom 6 (Ground Floor)	8.99m ²	7.5m ²
Bedroom 7 (Ground Floor)	7.75m ²	7.5m ²
Kitchen/Dining (Ground Floor)	27.56m ²	27m ²
Bath (Ground Floor)	4.65m ²	3.74m ²
Bath (First Floor)	4.34m ²	3.74m ²
Bath (Second Floor)	5.22m ²	3.74m ²

It is considered that bedroom 2 at second floor is slightly undersize (0.56m²) however given the compliance with all other size standards it is considered that overall, the property is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017),

The property would provide adequate internal floor areas, exceeding the standard required to allow for social activities that would be expected for individuals living as a group, as well as a safe environment for the cooking and consuming of food.

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. It should be noted that there is a degree of variation between the standards that are acceptable for the Licencing regime and the newly adopted minimum standards identified in the HMO SPD (November 2017).

The licensing process would 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.

Notwithstanding the comments from Private Sector Housing, 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).

Each of the proposed bedrooms (apart from bedroom 2) exceed the minimum space standard (7.5m²) and would have an acceptable degree of natural light, ventilation and outlook.

Therefore, in light of the assessment above, it is considered that the proposed use of the property by seven persons would provide an adequate standard of living accommodation for future occupiers.

Impact on Residential Amenity

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

It is accepted that the application seeks permission for seven individuals rather than six, however, Inspectors have also taken the view that this would be comparable to a large family and that there is insufficient evidence to demonstrate that the use of a given property by eight individuals would result in material harm to the living conditions of local residents or unbalance the local community. (11 Baileys Road - Appeal ref.APP/Z1775/W/16/3159989, February 2017; 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

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.

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 Refuse

- 1) The proposed change of use of the building to a seven-person, seven-bedroom House in Multiple Occupation (Sui Generis) would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses (C4 C3/C4 and Sui Generis HMO uses). The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).
- 2) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

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.

19 POWERSCOURT ROAD PORTSMOUTH PO2 7JE**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) TO A 7 PERSON, 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**Town Planning Experts
FAO Mr Jonathan McDermott**On behalf of:**

Woodhenge Property Ltd

RDD: 22nd November 2017**LDD:** 18th January 2018**SUMMARY OF MAIN ISSUES**

This application is being represented at Planning Committee as a result of a standing call-in request for all Sui-Generis HMO Applications.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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, and the storage of refuse and recyclable materials.

The Site

This application relates to a two-storey mid-terraced dwelling with integral basement located on Powerscourt Road close to its intersection with Havant Road in the Nelson Ward. The property is set back from the highway by a small forecourt and benefits from a larger garden area to the rear.

The site is located in close proximity to a range of shops and services on Kingston Road and is located in close proximity to a high frequency bus corridor also located on Kingston Road.

Proposal

This application seeks planning permission to change the use of the property from C3-Residential to a 7 person, 7 bedroom house in multiple occupation (Sui Generis).

Relevant Planning History

In regards to relevant planning history, planning application reference: 17/01148/FUL was refused at Planning Committee in November 2017 for the following reason: "The proposed change of use to a House in Multiple Occupation (Sui Generis) would, as a result of the poor layout at lower ground floor level to accommodate shared communal facilities (kitchen/living facilities), fail to provide an adequate standard of living accommodation for future occupiers by virtue of a lack of natural light and ventilation and would represent an overintensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan and the emerging (revised) House in Multiple Occupation Supplementary Planning Document (draft, September 2017)."

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 (November 2017) and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

Summary

-4 Storeys

-7 Bedrooms

This property would require to be licenced under Part 2, Housing Act 2004. Based on the proposed plans submitted there are no adverse comments to make.

Basement

Based on the supplementary information provided by the applicant any previous concerns regarding the basement have been mitigated.

Kitchen

Please note the following facility requirements:

The kitchen must be a minimum of 11m² for the exclusive use of cooking, food preparation and storage.

A kitchen must have the following facilities for 7 individuals sharing:

- 2 x conventional cookers (a combination microwave may be used in lieu of a second cooker)
- 1 x double bowl sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)
- 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

A shower room must be a minimum of 2.74m² and include a WC, bath/shower, wash hand basin, heating and ventilation. The layout of the bath/shower room must be suitable to provide a usable changing and drying area.

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

WC's must be a minimum of 1.17m² and include a wash hand basin

REPRESENTATIONS

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

- (a) cramming development;
- (b) no bicycle storage included on plan;
- (c) increased parking demand;
- (d) facilities are inadequate.

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 person, seven bedroom Sui Generis HMO. The property has a lawful use as a Class C3 Residential Dwelling.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD November 2017) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Based on information held by the City Council, of the 75 properties within a 50 metre radius of the application site, none are considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 1.33%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently balanced by a concentration of residential properties and HMO's uses therefore the proposal can be considered acceptable in principle.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	9.5m ²	7.5m ²
Bedroom 2 (Ground Floor)	9.1m ²	7.5m ²
Bedroom 3 (First Floor)	9m ²	7.5m ²
Bedroom 4 (First Floor)	9.5m ²	7.5m ²
Bedroom 5 (First Floor)	14.50m ²	7.5m ²
Bedroom 6 (Second Floor)	8.5m ²	7.5m ²
Bedroom 7 (Second Floor)	12.5m ²	7.5m ²
Kitchen/Dining (Lower Ground Floor)	35.55m ²	27m ²
Lounge (Ground Floor)	9.18m ²	11m ²

Ensuite 1 (Ground Floor)	2.72m ²	Not defined
Ensuite 2 (Ground Floor)	2.70m ²	Not defined
Ensuite 4 (First Floor)	2.72m ²	Not defined
Ensuite 5 (First Floor)	2.72m ²	Not defined
Ensuite 7 (Second Floor)	4.94m ²	Not defined
Bathroom (Second Floor)	3.06m ²	3.74m ²
W/C (Ground Floor)	1.92m ²	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

It is worth noting that the shared bathroom provided at second floor level is slightly undersize (0.68m²), however it is the view of the Local Planning Authority that this shortfall is acceptable given the overall compliance of the proposal. There are a total of five ensuite's and a shared W/C. As a result this bathroom at second floor would be shared by the residents of bedroom 3 and bedroom 6.

The property would provide adequate internal floor areas, exceeding the standard required to allow for social activities that would be expected for individuals living as a group, as well as a safe environment for the cooking and consuming of food.

The Private Sector Housing Department have raised no adverse comments in regards to the usability of the lower ground floor basement as a kitchen/dining area and have confirmed the property would require to be licensed under Part 2, Housing Act 2004.

The licensing process would 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.

Notwithstanding the comments from Private Sector Housing, 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).

Each of the proposed bedrooms exceed the minimum space standard (7.5m²) and would have an acceptable degree of natural light, ventilation and outlook.

Therefore, in light of the assessment above, it is considered that the proposed use of the property by seven persons would provide an adequate standard of living accommodation for future occupiers.

Impact on Residential Amenity

It is generally considered that the level of activity associated with the use of any individual property as a HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large

family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour".

It is accepted that the application seeks permission for seven individuals rather than six, however, Inspectors have also taken the view that this would be comparable to a large family and that there is insufficient evidence to demonstrate that the use of a given property by eight individuals would result in material harm to the living conditions of local residents or unbalance the local community. (11 Baileys Road - Appeal ref.APP/Z1775/W/16/3159989, February 2017; 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

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 for a family of un-restricted size to occupy this house.

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.

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) and 109078.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.
- 4) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).
- 5) The premises shall only be used as a house in multiple occupation for a maximum of seven residents.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate waste provision is made for future occupiers residing in the premises in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure adequate amenity facilities with suitable natural light, ventilation and outlook are provided and retained for seven persons sharing 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.

WIMBLEDON PARK SPORTS CENTRE TASWELL ROAD SOUTHSEA PO5 2RG**CONSTRUCTION OF SINGLE STOREY EXTENSION (AFTER REMOVAL OF EXISTING FRONT PROJECTION); INSTALLATION OF COVERED CYCLE STANDS; AND ALTERATIONS TO VEHICLE PARKING.****Application Submitted By:**

Footprint Architects Ltd
FAO Mr Mike Ford

On behalf of:

BH Live
FAO Mr Kevin Ladner

RDD: 23rd August 2017

LDD: 2nd November 2017

SUMMARY OF MAIN ISSUES

This application has been referred to Committee due to an objection raised by the Highway Officer in respect of parking and highway safety issues.

The main issues for consideration are as set out below:

- Whether the proposal would contribute to the achievement of sustainable development in accordance with national and local planning policy;
- Whether the proposed development is acceptable in design and amenity terms; and
- Whether the proposed development would be acceptable in highway terms.

Site Description

The application relates to the Wimbledon Park Sports Centre, which lies on the northern side of Taswell Road, adjacent to St Swithun's Catholic Primary School and Wimbledon Park, which lie to the south-east and east of the application site. A public alleyway runs along the eastern boundary, providing access to the park. The site is bordered to the north and west by residential properties in Wimbledon Park Road and Taswell Road respectively, which back on to the sports centre site.

The sports centre building is positioned in the northern half of the site, with the rear elevation of the building sited adjacent to the northern site boundary. The vehicular access lies on the southern elevation, with the existing car park area positioned to the south of the building.

The existing building is quite modest in appearance, with painted white render to the external walls and grey profiled metal sheeting on the roof. There are a limited number of windows in the front elevation, which has a large ramped structure with railings as well as a small series of steps, both providing access to the main entrance which is a pair of double doors.

The Proposal

The application seeks permission for a single storey extension to the front elevation of the building, following the demolition of the existing flat roof front extension. The proposed extension would extend across approximately half the width of the front elevation of the building, with new steps to the proposed entrance and the provision of an access ramp. The extension would have

a slightly irregular rectangular footprint and would project between 6.6m and 10.4m from the existing front elevation. The extension would measure between 15.8m and 21.4m in width and would have a flat roof form, measuring approximately 10.6m in height and would adjoin the existing sports centre building at eaves level.

The proposed extension would allow the reconfiguration of the facilities within the building, with the extension itself providing a new reception, office and open plan gym area. The proposals would also allow for the reconfiguration of the internal layout of the existing building, with alterations to the female changing rooms and store rooms. The proposals would result in an overall increase in the floor area of the building, allowing the sports centre to accommodate a greater number of users as well as a greater range of equipment and facilities. The existing building has a floor area of approximately 751sqm - this would increase to approximately 893sqm as a result of the proposed extension, an increase of 142sqm.

In terms of external appearance, the extension would be clad in a combination of different types of cladding - there would be dark grey metal cladding around the new entrance and lower sections of the access ramp. The extension itself would have perforated orange metal cladding and translucent polycarbonate cladding which would combine to create a light box effect to the extension, which would have a soft glowing appearance due to internal illumination, during opening hours.

The application is supported by the following documents:

- Design and Access Statement
- Tree Survey & Tree Protection Plan
- Transport Survey

Relevant Planning History

- 09/00325/FUL - Alterations and extension to existing ramp to south elevation - Permitted, May 2009

POLICY CONTEXT

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development that means approving development proposals that accord with development plan policies without delay, as outlined in paragraph 14.

In addition, the application should be assessed against the development management policies and other relevant paragraphs within the NPPF and in particular, Chapters 1 (Building a strong competitive economy, 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design).

The relevant policies within The Portsmouth Plan (2012) include the following:

- PCS12 - 'Flood Risk' sets out the methods to be adopted to reduce flood risk when considering development proposals.
- PCS13 - 'A Greener Portsmouth' sets out the ways in which the green infrastructure network will be protected, enhanced and provided in the assessment of development proposals
- PCS14 - 'A Healthy City' sets out the Council's aims for creating a healthy city and improving the well-being of its residents by measures such as the provision of open space, recreation and leisure facilities, improving air quality and improving access to public transport services.

- PCS15 - 'Sustainable Design and Construction' states that all development must contribute to addressing climate change by complying with specified standards in respect of energy efficiency.
- PCS17 - 'Transport' sets out the Council's aims for the delivery of a strategy that will reduce the need to travel and provide a sustainable and integrated transport network.
- PCS23 - 'Design & Conservation' states that all new development must be well designed and in particular, respect the character of the city. It sets out a number of expectations for new development, including excellent architectural quality, the protection and enhancement of the city's historic townscape, an appropriate scale, density, layout, appearance and use of materials in relation to the context and the protection of amenity and a good standard of living environment for neighbouring and future residents.

Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

Supplementary Planning Documents

The following Supplementary Planning Document (SPD) is also applicable to the proposal:

- Parking Standards and Transport Assessments (July 2014)

CONSULTATIONS

Arboricultural Officer

No objection - dated 16.10.17

Looking at these, some of the RPA's are already beneath the existing structure. The remaining RPA's fall outside the development and therefore pose no problem to the proposal.

I am aware that several of the trees within the park are damaged - sadly they have fallen prey to the local vandals on more than one occasion. These will be dealt with IDC.

Contaminated Land Team

I have reviewed the above application and the site is located on the Great Morass, a historic tidal inlet from the sea which has previously been associated with a significant thickness of peat and localised gas generation. However, the accuracy of the historical mapping of this edge feature is inherently inaccurate and imprecise as tidal channels change considerably over time. As this feature has been mapped within the development boundary, there is the potential for both contamination and ground gases to be present. Also to satisfy Building Regulations, the Building Control Surveyor may require a trench to be dug in the location of the footings to assess whether the Great Morass will directly impact upon the development.

To ensure safe development, the records from the inspection by the Building Control Surveyor should be submitted to this Office so that we can assess whether a site investigation is required, and although the works are relatively limited they have the potential to create new pathways for ground gases (if present) to enter the building. As such as a precaution appropriate ground gas protection should be incorporated into the building design.

Environmental Health

Further to the above application I can confirm that we have no comments or recommendations regarding the proposed development.

Coastal and Drainage

No comment - dated 13.11.17

Environment Agency

no comments received to date

Highways Engineer

Initial comments - objection - 10.10.17

I have reviewed the Design and Access Statement (DAS) and drawings submitted in support of this application which proposes the construction of single storey extension (after removal of existing front projection); installation of covered cycle stands; and alterations to vehicle parking and would make the following observations:

Taswell Road and the surrounding streets are largely residential access roads. Few of the properties on these roads have off street parking provision. Consequently the demand for parking on street particularly in the evenings, overnight and at weekends exceeds the space available.

The DAS explains at paragraph 4.05 that 'the proposal seeks to enhance the facilities by increasing the floor area to allow for the site to accommodate more people and a greater range and quality of gym equipment' increasing the GIA by 141.6sqm. I infer that the intention is to increase the user numbers although no indication of the exiting number of users of the facility is given nor is assessment of the quantum of additional use made in the DAS.

At paragraph 5.00 it is explained that the current parking capacity of 47 spaces will be reduced by 3 spaces to accommodate 20 covered cycle stands.

The supporting documentation does not include any survey information relating to the respective travel mode share, use of the car park or numbers of users choosing to cycle to the site nor assessment of the increased parking demand likely to arise from the improved offer on site as is required in the Supplementary Planning Document relevant to parking.

In the absence of any evidence base to the contrary it is my view that the reducing in car parking provision combined with the intention to increase the number of people using the facility is likely to result in the demand for parking exceeding the space available on site, in an area where there is insufficient space to accommodate any additional shortfall on street.

I am not satisfied that will be adequately compensated for by the increase in cycle parking spaces and as a consequence I must recommend that this application be refused on that basis.

Additional comments - 21.12.17

Thank you from confirming that it is not the applicant's intention to exclude non gym users from the car park as I had inferred from the TN. In that light I can confirm that the TN finds the effect of the proposal will be to generate an increase in parking demand associated with the gym of typically an addition 5 or 6 spaces and an extra 10 spaces at peak demand whilst also reducing the on site parking capacity from 48 to 44 spaces.

The parking survey included with the TN found up to 46 vehicles parked in the and as a consequence at peak demand the effect of the proposal would be to increase the on street parking capacity by 12 spaces in an area where the demand for on street parking significantly exceeds the space available. This is likely to lead to indiscriminate parking at junctions and in controlled areas potentially obstructing access and visibility.

In that light I must recommend that the application be refused on that basis.

If the LPA is minded to approve the application contrary to this recommendation then please impose conditions as suggested in my representation of 19/12/17 above on any consent.

REPRESENTATIONS

To date, four representations have been received, raising the following concerns:

Principle

- Would like to see money spent on improving whole building, not just the frontage
- Will this work prolong the life of the building and safeguard a vital community asset?

Amenity Issues

- What is the proposed schedule for the works - times/dates?
- How many works vehicles will be driving down Taswell Road and parking?
- Parking is such a big issue
- Whilst supporting improvements, concerned about the impact this will have on quality of life whilst work is underway
- wall next to 32 Taswell Road is damp, rusty and in poor state of repair - informed Sports Centre of issues with the wall and they confirmed building is suffering from damp. Should money not be spent to resolve these issues as well?

Highway Issues

- any moves to reduce parking space numbers would adversely impact on already dire parking situation around the gym, leaving no space to park in surrounding streets for local residents
- residents parking permits would improve this parking situation, as would reducing number of HMOs in the area
- close location of St Swithun's Primary School means that parking is vital during the morning and afternoon rush hours or surrounding streets would be clogged at school opening/closing times
- will reduce the number of parking spaces available to local residents
- Sports centre car park provides valuable overnight overspill parking
- Proposed site plan details additional parking spaces, No 14 and 15 that are already used as parking spaces, albeit not recognised as such in the existing plan
- The space on either end of the block parking, spaces 28 to 44, will often have an additional car parked either end
- Block 17 to 24 likewise often has a car parked next to space 17 and two cars next to space 24
- Proposed site plan shows 44 spaces versus existing 47, a loss of 3 spaces - however, if unmarked but currently used spaces are included, the true loss is 10 spaces
- There are informal spaces next to spaces 1, 17, 28, 34 and 24 and two adjacent to 13 - therefore the effective total is 54, meaning there is a loss of 10 spaces
- Has been used as overflow parking for local residents for substantial number of years - generally all 54 spaces are full each evening and overnight
- On street parking in the surrounding area is full and no parking scheme operates in immediate area

COMMENT

Principle

The application site lies on the northern side of Taswell Road, adjacent to St Swithun's Catholic Primary School and Wimbledon Park, with the Sports Centre building positioned within the northern half of the site. The site lies outside of the defined city centre and is not subject to any specific policy designations.

The introductory section of the Local Plan sets out the context for the policies contained within it and the challenges facing the City over the plan period. Paragraph 1.33 states that there are

'high incidences of health problems such as obesity and heart disease in the city as a whole.' It goes on to state that 'helping residents to achieve healthier lifestyles is a key challenge for the city over the next 20 years'. This is reflected in Policy PCS14 'A Healthy City', which states that the Council will work to create a healthy city and improve the health and well-being of its residents by increasing the opportunities for formal and informal exercise through providing recreation and sport and leisure facilities, amongst other criteria.

The supporting 'Design & Access Statement' indicates that the proposed expansion will allow the sports centre to provide modern gym facilities to a larger number of community and gym members, encouraging more people to obtain healthier lifestyles. The provision of enhanced recreational facilities at this site is therefore considered to be acceptable in principle and in accordance with the aims of Policy PCS14 of the adopted Local Plan.

Design Issues

Policy PCS23 (Design and Conservation) echoes the principles of good design set out within the NPPF, stating that all new development must be well designed and in particular respect the character of the city. It sets out a number of criteria which will be sought in new development, including excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.

As noted above, the existing building is quite modest in appearance, with painted white render to the external walls and grey profiled metal sheeting on the roof. The existing flat roof extension to the front of the building appears somewhat at odds with the main building, with the frontage dominated by the steps, raised terraced area and railings. The eastern side elevation of the building, adjacent to the footpath and the park is covered with graffiti. The supporting 'Design & Access Statement' states that the existing building is a pre-fabricated structure, which was designed to be temporary and is therefore in need of replacement. It goes on to explain that the aim of the proposals is to "...provide the local community with modern single storey gym facilities and a welcoming entrance, visually improving the area and providing a more secure site in the aim to prevent vandalism".

The proposed extension has been designed to be markedly different to the existing building in terms of its form and appearance, in order to create a focal point on the front elevation of the building, directing users towards the entrance. The combination of the proposed flat roof box form and use of coloured and translucent cladding materials will result in a contemporary, innovative and striking addition to the building, lifting the overall appearance of the sports centre. The 'lightbox' effect will add a further degree of visual interest and again, will assist in the legibility of the building, with the extension and new entrance area being the most prominent section of the sports centre in visual terms.

Overall, the proportions and height relate well to the existing building, with the extension being attached to the front elevation at eaves level. The main bulk of the existing sports centre will still be visible, with the extension appearing as subservient in scale. Similarly, in views from the adjoining park to the east, the extension will sit comfortably against the existing building, with the proposed cladding providing a contrast to the existing white render to the side elevation of the building. To ensure a high quality finish to the scheme, a condition is recommended to require full details and samples of the proposed materials to be submitted for approval. Subject to this condition being applied, the proposals are considered to comply with Policy PCS23 of The Portsmouth Plan and the aims of the NPPF and would result in a positive, well designed addition to the existing sports centre.

Residential Amenity

Policy PCS23 (Design & Conservation) also lists a number of criteria against which development proposals will be assessed, including the need to protect amenity of neighbouring and local occupiers, as well users of the development. With regards to existing residents, consideration needs to be given to the potential impact in terms of any potential overlooking, loss of privacy, loss of light/outlook and general noise and disturbance issues.

As noted above, the proposed extension would be internally illuminated, with the polycarbonate translucent cladding on the roof area and higher sections of the front and side elevations, creating a light box appearance to the extension. This effect would be most noticeable in the evenings and as such, the potential for light pollution therefore needs to be considered. The proposed extension is positioned in the eastern half of the site and would be set back approximately 14.4m from the western site boundary and approximately 19m from the rear elevations of the neighbouring properties within Taswell Road. The extension area would only be illuminated during opening hours - these being 8.30am to 10pm Monday to Friday and 9am to 5pm on Saturdays, Sundays and Public Holidays. To ensure this restriction is complied with, a condition is recommended to ensure that the lighting is switched off outside of these hours. Given the separation distance to the neighbouring properties and the restriction to the hours during which the extension would be lit, it is not considered that there would be any adverse impact to the amenities of the neighbouring properties. As such, the proposals are considered to comply with Policy PCS23 in this respect.

Due to the siting and design of the proposed extension, the proposals are not considered to result in any adverse impact in terms of loss of privacy, overlooking or overshadowing to the neighbouring residential properties and again, are considered to be in accordance with Policy PCS23 in this respect.

Trees & Landscaping

Policy PCS13 (A Greener Portsmouth) outlines the ways in which the Council will work to protect, enhance and develop the green infrastructure network, which includes ensuring that development 'is informed and influenced by the presence of trees on site, particularly those protected by a TPO or within a conservation area'. The application is supported by a Tree Survey and Tree Protection Plan.

Whilst there are no trees within the proposed footprint area of the extension, there are a number of trees which lie around the perimeter of the car park area, notably adjacent to the south-east corner, as well as a number of trees within the park to the east of the application site, all of which make a positive contribution to the character and appearance of the locality. Following initial queries as to the position of the proposed extension to the trees within the park, the applicants submitted a detailed Tree Survey and Tree Protection Plan. These details confirm that the proposed extension lies outside of the root protection area of the adjacent trees within the park area. Having considered the details submitted, the Council's Arboricultural Officer has confirmed no objection to the proposals. As such, the proposals are considered to comply with Policy PCS13 in respect of trees.

Highway Issues

Policy PCS17 (Transport) states that the Council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network, which, amongst other criteria, will include promoting walking and cycling. Parking standards for new development are set out within the Council's 'Parking Standards and Transport Assessments' SPD. It is noted that a number of concerns have been raised by local residents regarding the potential impact of the proposed development on parking issues within the area.

The current car park layout provides 47no marked out car parking spaces, including three disabled spaces provided adjacent to the entrance steps/ramp. In order to accommodate the footprint of the proposed extension, the application includes alterations to the layout of the car park area. A total of 44no spaces are proposed, again including the provision of 3no disabled spaces positioned adjacent to the access ramp to the new entrance. The proposal would therefore result in the loss of 3no parking spaces. The proposed site layout also includes the provision of 20no covered cycle storage spaces within the car park area.

As outlined above, the Highway Officer raised initial concerns regarding the proposals, stating that the reduction in car parking provision combined with the intention to increase the number of people using the facility would result in the demand for parking exceeding the capacity on site, in an area where there is insufficient space to accommodate any additional on-street parking. Similar concerns have also been raised by local residents, again as outlined above, with reference being made to the resulting shortfall being more than 3 spaces, due to informal parking spaces being used within the car park and residents using the car park as 'overspill' parking, due to the shortage of on-street capacity.

The applicants have now submitted a 'Transport Note' (TN) in response to these concerns. The car park itself is unrestricted and is therefore available for both gym users as well as local residents to use, at any time of day. A parking survey was undertaken on a weekday evening, between 5pm and 10pm, at ten minute intervals. The results of this survey show that as the evening progressed, the number of spaces in use by non-gym users increased from 0% at 5pm to 53% (29 spaces) at 10pm. In contrast, the number of spaces being used by gym users ranged from between 17 and 37 of the 44 spaces available, suggesting that the car park has sufficient capacity to cater for the existing level of gym usage. The peak time for parking spaces was found to be during the 10-minute window at 8pm, when 46 vehicles were parked in the car park.

In order to assess the impact of the additional floor space, the numbers of car park spaces in use by gym users were factored up by 26%, to reflect the 26% increase in overall floor space. The survey results showed that the percentage of the car park in use ranged from 97% at 5pm, falling to a low of 53% in the early evening and reaching 92% at 10pm, when the sports centre closes. Again, this suggests that the car park would have sufficient capacity at all times, excluding the peak period at 8pm, which was considered to be as a result of finish/start times of classes.

A travel survey was also undertaken to establish when gym customers use the facilities. The results of this survey are set out within the TN and indicate two peak periods, one in mid/late morning and a second in the evening, 6pm to 8pm. The TN concludes that there would be sufficient capacity within the car park to accommodate the parking demand for both these peak periods and that the proposed development would not have a 'significant impact on the operation or safety of the local highway network'.

Having considered the submitted TN, the Highway Officer has maintained an objection to the proposals, stating that the proposals will generate an increase in parking demand whilst reducing the on-site parking capacity to 44 spaces, a loss of 3 spaces, with the consequence being an increased demand for on-street parking in an area where demand exceeds availability.

However, paragraph 4.2 of the 'Parking Standards and Transport Assessment' SPD states that the Council has not set standards for acceptable levels of parking for non-residential development. Paragraph 4.2 goes on to state that this is because 'parking needs are considered to vary significantly for each individual site and land use and developers should establish the parking requirement and demonstrate why the proposed parking solution is the right one for that development'.

Whilst the proposals would result in a reduction of the number of formal car parking spaces provided on the site, the survey work undertaken by the applicant indicates that there would still be a sufficient level of car parking provision available on site to meet the demands of gym users, taking into account the increased floor space provision and anticipated increased use of the facility. No evidence has been provided to indicate that existing users of the gym have difficulties parking at the site. The proposals also deliver 20no covered cycle spaces within the car park, encouraging users to travel to the site by more sustainable modes of transport and helping to reduce the demand for car parking spaces.

It is understood that local residents benefit from the ability to make use of the available car parking provision at the moment and are doing so. However, use of the car park could be restricted to gym users only without the need for planning permission and as such, that change could be made at any time, meaning that there could be increased demand for on-street provision, regardless of any alterations to the sports centre itself. As such, it is not considered reasonable to impose a condition to require the car park to be restricted to gym users only, as there is considered to be sufficient capacity to meet the demands of the site and it is not the responsibility of the applicants to resolve any existing parking issues which may exist in the surrounding roads. Similarly, it is not considered that a refusal of permission on the grounds of increased demand for on-street parking spaces could be justified in this instance, as the use of the car park could be restricted at any time, resulting in the same potential impact.

There would be a short term impact in terms of parking provision during the construction process and the works required to reconfigure the car park layout. As such, a condition is recommended to require a construction management plan, including details of contractors' parking, storage of materials and how the car park and access to the building would be managed during the construction process.

It is noted that the Highway Officer has requested that conditions be imposed to limit the number of gym users/staff on site to 55 people at any one time and to require a 20 minute gap between classes starting/finishing, to reduce the pressure on the parking provision. However, it is not considered that such restrictions would be reasonable or necessary to make the proposal acceptable in planning terms. It cannot be assumed that all users/staff members will travel to the site by car or that all users are attending a specific exercise class and imposing a limit on the number of people is at odds with the provision of the improved and additional facilities/floor space proposed by the application.

It is also noted that the proposals will deliver improved leisure and sports facilities, helping to meet the Council's aim of 'helping residents to achieve healthier lifestyles', as outlined in paragraph 1.33 of the Local Plan and the provision of dedicated cycle storage spaces contributes towards the aim of promoting walking and cycling set out within Policy PCS17. The wider public benefits are therefore considered to outweigh any potential impact that may arise from the loss of three parking spaces on site and overall, the proposals are considered to comply with the aims of PCS17 and the Council's 'Parking Standards and Transport Assessments' SPD.

Flooding & Drainage

The application site lies within Flood Zone 3. The supporting 'Design & Access Statement' confirms that the ground floor level of the proposed extension will match that of the existing building which lies at 1.870m AOD. This is between 0.6m and 1.2m above the ground floor level of the site. As such, it is not considered that proposed development would result in any increased risk of flooding. The proposals are therefore in accordance with Policy PCS12 of the adopted Local Plan.

Conclusion

Overall, it is considered that the proposed extension would result in an innovative and well-designed addition to the existing sports centre, which will deliver improved leisure and sports facilities, helping to meet the Council's aim of 'helping residents to achieve healthier lifestyles', as outlined in paragraph 1.33 of the Local Plan. The provision of dedicated cycle storage spaces within the car park area will contribute towards the aim of promoting walking and cycling set out within Policy PCS17. Whilst the concerns raised in respect of the loss of parking provision are noted, the wider public benefits of the scheme are considered to outweigh any potential impact that may arise from the loss of three parking spaces on site.

The proposals are therefore considered to comply with Policies PCS13, 17 and 23, the Council's 'Parking Standards and Transport Assessments' SPD and the aims of the NPPF and it is recommended that planning permission be granted subject to the conditions set out below.

RECOMMENDATION

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:

Existing Site Location & Proposed Block Plan - drawing 2_P001

Proposed Site Plan - drawing 2_P003

Proposed Ground Floor Plan - drawing 2_P005

Proposed South West Elevation - drawing 2_P009

Proposed South East Elevation - drawing 2_P010

Proposed North West Elevation - drawing 2_P011

3) No development shall commence on site until full details and samples of the types and colours of external materials to be used have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

4) The extension hereby permitted shall only be internally illuminated during the Sports Centre opening hours and at no time outside of those hours.

5) Prior to the commencement of the development hereby permitted, a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include site office and contractors' parking areas, access arrangements to the site and car park management details for the construction period and areas for the storage of materials. Implementation shall be in accordance with the approved details.

6) Prior to the commencement of the development hereby permitted, full details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details and provision made on site prior to the first use of the development hereby permitted, and thereafter retained in perpetuity.

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 The Portsmouth Plan (2012).
- 4) To safeguard the amenities of neighbouring residential properties, in accordance with Policy PCS23 of The Portsmouth Plan (2012).
- 5) To minimise the potential for conflict with or hazard to existing users of the site and surrounding highway network and neighbouring residential properties, in accordance with Policies PCS17 and 23 of The Portsmouth Plan (2012).
- 6) To ensure satisfactory cycle storage provision is made on site, in accordance with Policy PCS17 of The Portsmouth Plan (2012) and the Council's 'Parking Standards and Transport Assessments' Supplementary Planning Document (2014).

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.

Assistant Director of Culture and City Development
2nd January 2018