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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 7 FEBRUARY 2018 AT 1PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: [jane.didino@portsmouthcc.gov.uk](mailto:jane.didino@portsmouthcc.gov.uk)

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

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### 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

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

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Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4916.

## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the previous meeting - 10 January 2018. (Pages 5 - 14)**

**4 Appeal against non-determination at 8 Pitcroft Road, North End, Portsmouth PO2 8BD. (Pages 15 - 26)**

Purpose.

A non-determination appeal has been received in relation to a planning application for the change of use from Class C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven unrelated persons (ref 17/01413/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.

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 sui generis House in Multiple Occupation for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal amenity space (living room and kitchen areas, without separate dining room provision) and bedrooms at roof level, fail to provide the necessary space for 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, including 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).

**5 Update on previous applications by the Assistant Director of City Development. (Pages 27 - 138)**

PLANNING APPLICATIONS.

**6 17/01638/TPO - Open Space Locksway Road, Southsea PO4 8HW.**

**7 17/02153/ PLAREG - 135 Langstone Road, Portsmouth PO3 6BT.**

**8 17/01640/HOU - 6 Second Avenue, Portsmouth PO6 1JS.**

- 9        **17/02104/FUL - Brunel House, 42 The Hard, Portsmouth PO1 3DS.**
- 10       **17/01686/FUL - 23-31 St Ronan's Road, Southsea PO4 0PP.**
- 11       **17/01929/FUL - 5 Ophir Road, Portsmouth PO2 9EL.**
- 12       **17/01960/ FUL - 16 Stubbington Avenue, Portsmouth PO2 0HT.**
- 13       **17/02046/FUL - 2 Stubbington Avenue, Pportsmouth PO2 0HS.**
- 14       **17/01730/FUL - 58 Britannia Road North, Southsea PO5 1SL.**
- 15       **17/02174/FUL - 51 Chichester Road, Portsmouth PO2 0AB.**
- 16       **17/02159/FUL - 155 Chichester Road, Portsmouth PO2 0AQ.**
- 17       **17/01944/FUL - 91 Powerscourt Road, Portsmouth Po2 7JG.**
- 18       **17/02175/FUL - 54 Kensington Road, Portsmouth PO2 0EA.**
- 19       **17/02057/VOC - 38 Kent Road, Southsea PO5 3ET.**
- 20       **17/02065/OUT - Social Club, Unity Hall, Coburg Street, Portsmouth.**

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 10 January 2018 at 1.00 pm in the 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)  
Scott Payter-Harris (standing deputy)

### Also in attendance

Councillor D Sanders

### Welcome

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

### Guildhall, Fire Procedure

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

#### 1. Apologies (AI 1)

Apologies for absence had been received from Councillor Fleming (who was represented by Councillor Stubbs) and Councillor Gemma New (who was represented by Councillor Payter-Harris).

#### 2. Declaration of Members' Interests (AI 2)

Councillor Hugh Mason had discussed the application relating to the Shrubbery & Bay Tree Lodge with both the applicant and objector, but had not expressed an opinion, so this was non-prejudicial. He was also familiar with the Wimbledon Park Sports Centre car park having occasionally used it but this too was neither a pecuniary nor prejudicial interest.

Councillor Lee Hunt's partner had made a representation commenting on the Wimbledon Park application, but he had not expressed a view, so Cllr Hunt would participate in this discussion.

**3. Previous Minutes - approval of 13 December and correction to 15 November 2017 minutes (AI 3)**

**RESOLVED (1) that the minutes of the meeting held on 15 November 2017 (approved and signed by the chair at the meeting of 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 (AI 4)**

Members of the committee were asked to consider the report before them and give their opinion expressing if they had been able to make a decision how they would have determined the application in relation to the officer's recommendation of conditional permission. The inspector would be given a list of the expected conditions. On this application after taking a vote the following position was indicated:

The committee indicated that for the purposes of the appeal their position would be to support the officer's recommendation of conditional permission.

**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 (AI 5)**

The Assistant Director of City Development reported that this item had been withdrawn from the agenda, with the applicant now going to appeal for non-determination (on which there would be a future report back) and therefore deputations were not taken on this item.

The Assistant Director of City Development reported that a number of questions had been raised and the applicant had taken the view and the officers were now recommending that this be withdrawn as the applicant's view was that due to the length of time taking this to committee and the high number of queries raised the applicant would not ask the Planning Committee to determine this but would seek an appeal for non-determination. The local planning authority would report back in due course. Councillor Jonas as chair said that this matter should not be open for debate.

However as a matter of clarification some members asked for information regarding the background to the withdrawal of this item from the agenda at short notice. Members wished to know how the appeal would be determined and any information on the nature of the appeal would be reported back to the committee. The Assistant Director of City Development also reported that following a notice of motion to full council she had been tasked with writing a report regarding viability statements and this would be reported back to the Cabinet Member with responsibility for Planning, Regeneration & Economic Development and it was anticipated that this would be considered at the end of February.

**6. Appeal against non-determination at 1 Edmund Road Southsea PO4 0LL (AI 6)**

The committee indicated that if they were the determining authority for this matter they would be of a mind to support the officer's reported recommendation of refusal.

**7. Appeal against non-determination at 59 Liss Road Southsea PO4 8AS (AI 7)**

The committee indicated that if they were the determining authority for this matter they would be of a mind to support the officer's reported recommendation of refusal.

**8. Appeal against non-determination at 30 Hudson Road Southsea PO5 1HD (AI 8)**

The committee indicated that if they were the determining authority for this matter they would be of a mind to support the officer's reported recommendation of refusal.

**9. Appeal against non-determination at 36 Campbell Road Southsea PO5 1RW (AI 9)**

The committee indicated that if they were the determining authority for this matter they would be of a mind to support the officer's reported recommendation of refusal.

**10. Update on Previous Applications by the Assistant Director of City Development (AI 10)**

There were no further updates given.

PLANNING APPLICATIONS

Deputations are not minuted in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-10Jan2018>

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

A deputation of objection was made by Miss B Murphy, relating to the impact on her property.

Councillor Sanders had sent comments for the Supplementary Matters List in case he was not well enough to attend but was present to give a deputation. Councillor Stagg had been due to bring drawings to the meeting but they were both grateful for the site visit. Councillor Sanders supported Miss Murphy in her request that a small extension would be more acceptable and that this application should be refused.

### **Members' Questions**

The City Development Manager clarified the fact that the application was not by the current owners was not a material planning consideration.

### **Members' Comments**

Members were mindful of the sense of enclosure caused by this application. They were also grateful for the site visit which had been useful in viewing from the different properties in considering the potential loss of light.

**RESOLVED that the application be refused on the following grounds:**

**The proposed extension by reason of its siting, scale and design would result in an adverse effect in terms of overshadowing; loss of light; sense of enclosure; and a loss of privacy to the neighbouring property, No 5 Paignton Avenue, to the detriment of the amenity of the neighbouring occupiers. The proposals are therefore considered contrary to Policy PCS23 of the Portsmouth Plan (2012).**

- 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) (AI 12)**

The City Development Manager reported that a site visit had been undertaken as requested when this item had previously been deferred.

Deputations were heard from Ms Bastow objecting due to the impact on her property and from Mr Fielder the applicant in support of the application, setting out the amendments to the previous scheme.

### **Members' Questions**

Questions were raised regarding the measurements regarding the outer wall and proximity to adjacent property.

### **Members' Comments**

It was felt that the site visit had been useful in assessing the potential sense of enclosure. There was discussion regarding the removal of the plum tree and it was noted that this could not be requested to be replaced in the back garden. It was noted that the extension would not go against the boundary wall.



Those members who had not been able to attend the site visit did not wish to participate on the voting on this item.

**RESOLVED that conditional permission be granted as per the conditions as set out in the City Development Manager's report.**

- 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) (AI 13)**

The City Development Manager reported that a site visit had been undertaken as requested when this item had previously been deferred.

Deputations were heard from Ms Bastow objecting and from Mr Fielder the applicant in support of the application as per the previous items as these items were considered together, and the questions and comments were considered as part of the previous item.

Those members who had not been able to attend the site visit did not wish to participate on the voting on this item.

**RESOLVED that conditional consent be granted as per the conditions as set out in the City Development Manager's report.**

- 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) (AI 14)**

A deputation was made by Ward Councillor Stuart Potter who wished to seek a deferral as he did not believe there had been enough notification of this item and he wished to give the opportunity for residents to come along to make representation.

### **Members' Questions**

Members asked if the process of notifying objectors of the meeting had differed from other applications and it was clarified that this had not been handled in any different way. The only request to make a deputation had been from Councillor Potter and a site notice had been displayed.

### **Members' Comments**

Discussion took place regarding the notification process and the wording used which the City Development Manager would review to ensure that the language was clear to explain the process. Members wished to debate the item at this meeting rather than defer. As this was an HMO application, members felt there was enough information to proceed as the only items due for consideration were whether or not it was in a Conservation Area (which it wasn't), the room sizes which they were felt were adequate and the 10% rule which was not breached.

**RESOLVED that conditional permission be granted for the conditions as set out in the City Development Manager's report.**

The City Development Manager undertook to do a briefing note for members of the Planning Committee regarding the notification processes used and this would be circulated by email.

- 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) (AI 15)**

Deputations were made by Ms Bramble, Mr Blaber and Mr Moss, all objecting due to the impact on local residents, and Mr Heywood spoke in support of his application and management of the property.

#### **Members' Questions**

Information was sought regarding the issue of whether or not there was a fifth bedroom or whether this was a study area and it was confirmed that the plans circulated were for four bedrooms and this study was too small to be used as a bedroom (if anyone slept in the study room this would be a breach of the allowed use). It was noted that the covenant issue referred to by the deputations was not a planning consideration and that the sound insulation would be dealt with via Building Regulations. Members also asked whether the surveyed area of HMOs should include Oakdene and this clipped the curtilage and the City Development Manager reported that this did not include the main building and this was actually not a C3 use. It was noted that the conditions covered bike storage and the refuse storage would be similar to the use at a single family house so there was not a material change.

#### **Members' Comments**

It was noted that this application did not contravene the HMO policy. It was confirmed that the Oakdene is a C1 use as a residential health facility.

**RESOLVED that conditional permission be granted as per the conditions outlined in the City Development Manager's report.**

- 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) (AI 16)**

Mr Anthony Lane, the applicant had registered to speak did not appear as a deputation.

#### **Members' Questions**

Members asked regarding the provision of wash basins per unit and the details of this had not been confirmed.

## Members' Comments

Members wished to support the new policy and the officer's recommendation of refusal.

**RESOLVED** that the application be refused for the reasons set out in the City Development Manager's report.

**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) (AI 17)**

The Supplementary Matters report by the City Development Manager stated that:

*"Further to the publication of the Committee Report, the applicant has submitted a plan with revised room measurements to reflect the current floor areas of the completed development. These measurements supersede those identified on pgs. 34&35 of the Planning Committee Report (10.01.2018).*

### *Standard of Accommodation*

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

<i>Area Provided:</i>	<i>Required Standard:</i>
<i>(HMO SPD-NOV 2017)</i>	
<i>Bedroom 1 (Ground Floor)</i>	
<i>9.5m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 2 (Ground Floor)</i>	
<i>9.1m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 3 (First Floor)</i>	
<i>9m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 4 (First Floor)</i>	
<i>9.5m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 5 (First Floor)</i>	
<i>14m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 6 (Second Floor)</i>	
<i>8.5m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Bedroom 7 (Second Floor)</i>	
<i>12.5m<sup>2</sup></i>	<i>7.5m<sup>2</sup></i>
<i>Kitchen/Dining (Lower Ground Floor)</i>	
<i>32m<sup>2</sup></i>	<i>27m<sup>2</sup></i>
<i>Lounge (Ground Floor)</i>	
<i>2.3m<sup>2</sup></i>	<i>11m<sup>2</sup></i>
<i>Ensuite 1 (Ground Floor)</i>	
<i>2.76m<sup>2</sup></i>	<i>Not defined</i>
<i>Ensuite 2 (Ground Floor)</i>	
<i>2.79m<sup>2</sup></i>	<i>Not defined</i>
<i>Ensuite 4 (First Floor)</i>	
<i>2.76m<sup>2</sup></i>	<i>Not defined</i>

<i>Ensuite 5 (First Floor)</i>	
<i>2.76m<sup>2</sup></i>	<i>Not defined</i>
<i>Ensuite 7 (Second Floor)</i>	
<i>4.45m<sup>2</sup></i>	<i>Not defined</i>
<i>Bathroom (Second Floor)</i>	
<i>2.83m<sup>2</sup></i>	<i>3.74m<sup>2</sup></i>
<i>W/C (Ground Floor)</i>	
<i>2.76m<sup>2</sup></i>	<i>Not defined</i>

*All bedrooms exceed the minimum standards identified in the newly adopted HMO SPD (November 2017) and the proposal also meets floorspace requirements for communal space.*

*It is worth noting that the shared bathroom provided at second floor level is slightly undersize (0.91m<sup>2</sup>), 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 six en-suites, a shared W/C and a shared shower room.*

*The proposed development would require a licence from the Private Sector Housing Department; no adverse comments have been raised in relation to compliance with licencing standards."*

A deputation was made in support by Mr Venables as the applicant.

### **Members' Questions**

Members asked if the size of the second floor bathroom was slightly undersized. It was confirmed it was but it was balanced by extra wash facilities elsewhere in the property. Clarification was sought on what had changed since the previous application had been refused, in particular the issue of light to the basement. The chair allowed the applicant to speak as a matter of clarification regarding the replacement of windows and lightwells above the basement which had been made clear to allow extra light and there was a glass fire escape.

### **Members' Comments**

Discussion took place regarding the level of natural light to the communal living area in the basement and the fact that there was a communal lounge that could also be used by the occupants. The applicant had tried to improve the areas that had been of concern previously. Members were also mindful of the HMO policy.

### **RESOLVED**

- (1) 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.**

(2) 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 Resolution (1).

**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) (AI 18)**

The City Development Manager reported that an additional representation had been received since the printing of the supplementary matters report from Mr Adair which was read out at the meeting which made comment on the concern of residents who wished to be able to park at the centre without being charged. A copy of the parking layout was circulated that had been requested in advance by Councillor Pitt.

**Members' Questions**

The nature of the lease was questioned with the land being owned by PCC Leisure and it was noted that there was a partnership arrangement with BH Live to run the centre. The Assistant Director of City Development stated that whilst this was PCC land the car park was connected to the sports provision use so planning implications needed to be considered.

David Evans, the Leisure & Sports Facilities Manager was present at the meeting was asked to give some clarification and he reported that there had not been a change since before 1994 regarding the car park use and he specified there was a partnership agreement with BH Live. The representative of BH Live (who was present) was responsible for their facilities management and could not give further clarification of the lease agreement at the meeting.

The opening times of the facility was questioned and it was reported these were Monday to Friday 8.30 am to 10.00 pm and at the weekends 9.00 am to 5.00 pm.

The roofing membrane material and its safety implications were also queried and it was noted this was a Building Regulations matter. This would be addressed within the tender for the extension.

**Members' Comments**

Members were concerned regarding the layout of the parking spaces and whether the report reflected the true level of parking that may be lost and it was confirmed by the Highways Engineer that there were bollards that would be removed from the site. The Highways Engineer also explained his calculation that there would be a net increase of 12 spaces required on street through the increased usage associated with the development. He also stated that there was a need to recognise this as a private car park that the applicant could close to the residents should they wish to.

It was noted that there was extra demand at night time with 9.00 pm being a peak time for parking in the area.

Debate took place regarding the merits of a site visit (and who should attend it), so that members could look at the layout of the car park.

**RESOLVED that consideration of this item be deferred to allow a site visit to be undertaken.**

The meeting concluded at 4.30 pm.

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Signed by the Chair of the meeting

# Agenda Item 4



Agenda item:

**Decision maker:** Planning Committee

**Subject:** Appeal against non-determination at 8 Pitcroft Road North End  
Portsmouth PO2 8BD

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

**Ward affected:** Nelson

**Key decision (over £250k):** No

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## 1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the change of use from Class C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven unrelated persons (ref 17/01413/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 sui generis House in Multiple Occupation for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal amenity space (living room and kitchen areas, without separate dining room provision) and bedrooms at roof level, fail to provide the necessary 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 Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan, including 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).

### **3. Background**

A planning application was submitted on 9 August 2017. It was included on the agenda for the Planning Committee meeting to be held on 15 November. However, on 3 November an appeal was lodged against non-determination and at the meeting it was resolved that the application would not be determined because of the appeal.

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:

<b>Title of document</b>	<b>Location</b>
Officers report for planning application 17/01413/FUL	Planning Services
'Houses in multiple occupation' Supplementary Planning Document - revised November 2017	Planning Services

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**8 PITCROFT ROAD PORTSMOUTH PO2 8BD****CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SUI GENERIS (HOUSE IN MULTIPLE OCCUPATION) FOR SEVEN UNRELATED PERSONS****Application Submitted By:**

New Era Agency  
FAO Mr Chris Broyd

**On behalf of:**

New Era Agency  
FAO Mr David Manchester

**RDD:** 8th August 2017

**LDD:** 4th October 2017

**SUMMARY OF MAIN ISSUES**

The determining issues for this application relate to the suitability of the proposed sui generis 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 two storey mid-terrace dwellinghouse located on the southern side of Pitcroft Road. The property is set back from the highway by a narrow front courtyard and has a small enclosed garden to the rear.

**The proposal**

Planning permission is sought for a change of use from Class C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven unrelated persons.

Accompanying layout plans depict a single-storey rear extension to the ground floor kitchen and a wrap-around 'L'-shape enlargement of the rear roofslope, to create three bedrooms at roof level. The layout plans also show remodelling of the internal layouts of the remainder of the building, as follows:

Ground floor - provision of separate WC/shower room facilities and the introduction of one bedroom (toward the front of the property, formerly part of a combined lounge/dining room) and  
First floor - Enlargement of the 'rear' bedroom by removal and amalgamation of adjacent bathroom; also, a new shower/WC shown located between the other two bedrooms on this floor, reducing the size of the existing bedrooms.

The applicant describes the proposed sui generis HMO use for seven unrelated persons although one of the seven bedrooms (at 12sqm) offers potential occupation by two persons sharing.

The applicant's attention has been drawn to discrepancies in the submitted drawings that are, for instance, relied upon in the calculation of usable floorspace. The large rear dormer has not been constructed in accordance with the submitted drawings. In response, the agents confirms the applicant is happy with the accuracy of their supporting information; consequently this proposal is being progressed on the basis of the details as submitted, notwithstanding apparent discrepancies.

## Planning history

A change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) was permitted under ref 17/00304/FUL in May 2017; supporting information on layout plans for the property depicted communal use of the entire ground floor (forming a through lounge and dining area with separate kitchen) and 3 no. bedrooms (with bathroom) at first floor level only.

The property has been the subject of enlargement by a single-storey rear extension and at roof level by a wrap-around dormer structure as well remodelling of the interior layout. Whilst the ground floor extension appears potentially capable of falling within "permitted development" (under Class A of the 2015 GPDO) the large dormer structure at roof level does not appear capable of falling with "permitted development" since, contrary to the conditions and limitations required as part of Class B.2(a) of the 2015 GPDO has not been built in matching materials. A partial inclusion of white UPVC cladding is in stark contrast to the existing tile roof material/finishes. Furthermore, it appears that the as-built the rear dormer fails to comply with part of Class B.2(b)(i)(aa) and (bb) of the 2015 GPDO for the eaves of the original roof to be maintained or reinstated and the edge of the enlargement closest to the eaves of the original roof to be less than 0.2 metres from the eaves, measured along the roofslope from the outside edge of the eaves. The rear dormer would thereby represent unauthorised development and at risk to enforcement action.

## 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

### Waste Management Service

A communal bin would be needed for the refuse collection, at the developer's expense.

### 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.

#### Summary

3 storeys/7 bedrooms - This property will require a licence under Part 2, Housing Act 2004.

The proposed kitchen/dining area is too small to accommodate 7 individuals. Where an open planned kitchen/dining room is proposed the minimum floor space required for 7 individuals sharing is 19.5sqm of which 11sqm must be for the exclusive use of cooking, food preparation and storage. The following amenities are required:

- o 2 x conventional cookers (a combination microwave may be used in lieu of a second cooker)
- o 1 x double bowl sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)
- o 2 x under counter fridge and a separate freezer or 2 equivalent combined fridge/freezer
- o 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent

- o 2500mm (l) x 500mm(d) worktops
- o 3 x twin sockets, located at least 150mm above the work surface.

The minimum floor space for a separate designated lounge area is 14sqm; the proposal states the lounge area is 13.37sqm and is therefore too small.

The shower room proposed on the ground floor is slightly too small. A shower room must be a minimum of 2.74sqm and a bathroom 3.74sqm, 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 1.17sqm and include a wash hand basin.

Bedroom 7 (2nd floor) - there is a concern over the space and height of this room. It has been observed the total room space is 7.2sqm with windows located in the roof suggesting an area of unusable space. The minimum size for a single occupancy bedroom (licencing) is 6.5sqm of usable space. Where the ceiling height is less than 1.5m the floor area underneath it is disregarded and not classed as usable space.

## **REPRESENTATIONS**

No representations have been received.

## **COMMENT**

The determining issues for this application relate to the suitability of the proposed sui generis 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

Planning permission is sought for the use of the property to a sui generis house in multiple occupation for seven unrelated persons.

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 45 properties within a 50 metre radius of the application site, only the application site is considered to be in lawful use as a HMO. Therefore, as the granting of planning permission for this sui generis HMO use would retain the proportion of HMOs in the area at 2.2%, it is not considered that the community is imbalanced by a concentration of HMO uses.

Standard of accommodation

Enlargement and significant remodelling of the building proposes provision of seven bedrooms, one at ground level, three at first and three at roof level.

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

Area:	Provided:	Required Standard: (HMO SPD-Nov 2017)
Bedroom 1 (Second floor - in roof)	*7.2sqm	7.5sqm
Bedroom 2 (Second floor - in roof)	7.4sqm	7.5sqm
Bedroom 3 (Second floor - in roof)	7.75sqm	7.5sqm
Bedroom 4 (First floor)	12sqm	7.5sqm/11.5sqm
Bedroom 5 (First floor)	7.5sqm	7.5sqm
Bedroom 6 (First floor)	7.5sqm	7.5sqm
Bedroom 7 (Ground floor)	10.7sqm	7.5sqm
Shower room (Ground floor) + #separate WC (Ground floor) - if combined	2.48sqm (#1.28sqm) = 3.76sqm	3.74sqm
Shower room (First floor)	3.97sqm	3.74sqm
Living room (Ground floor) - 7 or more persons	10.5sqm	14sqm
Kitchen (Ground floor) - 7 or more persons	14.5sqm	11sqm
Dining room - 7 or more persons	(not provided)	14sqm

[\*There is other floorspace below 1.5m floor-to-ceiling height]

The City Council Private Sector Housing Team (PSHT) advise that a licence would be required. PSHT consider the room marked kitchen to be too small to accommodate 7 individuals. For licencing, an open planned kitchen/dining room for 7 individuals sharing requires a minimum of 19.5sqm and where 11sqm must be for the exclusive use of cooking, food preparation and storage. PSHT also require a minimum of 14sqm for a lounge for 7 or more persons sharing.

The licencing 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 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, inter alia, by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sqm) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Where one combined communal living area (kitchen/dining/lounge facilities) is provided for 7 or more persons sharing a minimum floorspace of 27sqm is required. Where these are not provided in one combined living area then the (updated) HMO SPD has the following requirements as a minimum - kitchen at 11sqm, dining room at 14sqm and a lounge at 14sqm ie a total of 39sqm.

The bedrooms numbered 1 and 2 at roof level are small and at less than 7.5sqm of usable floorspace are considered to provide cramped and restricted living accommodation, contrary to the minimum standards required by the (updated) HMO SPD.

The previous planning permission under ref 17/00304/FUL in May 2017 for C4 HMO use (by 3 to six unrelated persons) provided the entire ground floor for communal use, to include communal lounge, dining and kitchen facilities. In light of the assessment of the accommodation above and significant diminution in the communal space provision and sub-standard size of bedrooms at second floor (roof) level, it is considered that the proposed use of the property by

seven or more persons would provide an inadequate standard of living accommodation for future occupiers.

#### Impact on residential amenity

The proposal involves the use of part of the ground floor as an additional bedroom (displacing communal lounge area previously forming a through living and dining room area) and creation of small bedrooms at roof level to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size.

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

A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

Having regard to comments received relating to over-intensification of the use and further imbalance the local community, the Planning Inspectorate following an appeal in September 2016 relating to 37 Margate Road (APP/Z1775/W/16/3159992) concluded that: "having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 1 additional bedroom, would result in material harm to their living conditions or unbalance the local community."

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

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

#### Highways/Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning 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 the previous application permitting a C4

HMO use of No.8 ref 17/00304/FUL there is a planning condition requiring the provision and retention of secure/weatherproof cycle storage facilities.

## Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. As conditions were not imposed on permission 17/003047/FUL, it is considered appropriate to impose this to prevent the unnecessary build-up of waste.

## 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 would not provide an acceptable standard of living for seven or more occupiers and would have a significant impact on the Solent Special Protection Areas.

## **RECOMMENDATION            Refuse**

### **The reasons for the decision are:**

1) The proposed use of the building as sui generis House in Multiple Occupation for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal amenity space (living room and kitchen areas, without separate dining room provision) and bedrooms at roof level, fail to provide the necessary 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 Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan, including 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.

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# Agenda Item 5

## **PLANNING COMMITTEE 7 FEBRUARY 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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**OPEN SPACE LOCKSWAY ROAD SOUTHSEA PO4 8HW**

**WITHIN TREE PRESERVATION ORDER 177- HAWTHORN (T98), HOLM OAK (T99), HAWTHORN (T100), SYCAMORE (T101), HOLM OAK (T102) REMOVE EPICORMIC GROWTH FROM SYCAMORES AND HEIGHT REDUCTION TO ALL TREES BY 4 METRES IN HEIGHT; LOMBARDY POPLAR (T95) FELL TO GROUND LEVEL; SYCAMORE (T94) HEIGHT REDUCTION BY 4M AND CUT BACK OVERHANG TO FENCE LINE (AMENDED DESCRIPTION)**

**Application Submitted By:**

Christopher Hoare Tree Services Ltd  
FAO Mr Daniel Green

**On behalf of:**

RSK Environment LTD  
FAO Mr Mark Starchan

**RDD:** 19th September 2017

**LDD:** 30th November 2017

**SUMMARY OF MAIN ISSUES**

This application has been called to the Planning Committee at the request of Councillor Ben Dowling.

Summary of the main issues

The application has been amended following discussion with the Arboricultural Officer and the applicant. The removal of the 4 x Elm Trees (Group G1) have subsequently been removed from the application.

The determining issues are whether the proposed works are appropriate in terms of the continued well-being of the trees and their contribution to the visual amenity of the area; and whether there are sufficient grounds to fell the Lombardy Poplar (T95) and whether its loss would have any significant impact on the visual amenity of the surrounding area.

**Site and Surroundings**

The application relates to a group of protected trees which are located along the western boundary of St James Hospital to the west of the Child Development Centre. The trees are located to the west of a large area of Open Green Space within St James Hospital site. The trees are located to the east of the Cheriton Road and are only visible to the public from this area.

**Proposal:**

The applicant seeks consent for the following works:

- o Hawthorn (T98 and T100)- Height reduction by 4m
- o Holm Oak (T99 and T102)- Height reduction by 4m
- o Sycamore (T101)- Height reduction by 4m and removal of epicormics growth
- o Lombardy Poplar (T95)- Fell to ground level
- o Sycamore (T94)- Height reduction by 4m and cut back overhang to fence line

Planning History:

T95 (Sycamore) was previously pollarded as part of 17/00401/TPO.

This was pollarded to approximately 8m to reduce the risk of failure at the base due to the hollow cavity within the main stem.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS13 (A Greener Portsmouth),

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

## **CONSULTATIONS**

### **Leisure/Arb Officer**

A site visit was undertaken on 23 November 2017. Case officer for this application Miss Katherine Alger was also present. The weather conditions were dull and overcast.

### Observations

In the main this amended application appears to be the current site owners being good neighbours and reducing the impact of this tree line upon the neighbouring properties for various reasons including overshadowing and overgrowing boundaries, presumably at the request of neighbouring residents.

Common Law would allow property owners to reduce trees to boundary lines - in this case the tree owner is undertaking the process.

T95 was previously pollarded as part of 17/00401/TPO:

Lombardy Poplar - Pollard 2x Lombardy Poplar stems to approximately 8m to reduce the risk of failure at base due to hollow cavity within the main stem. Tree is twin stemmed and to the east of property 17 Cheriton Road.

The extent of decay appears to be such that felling is the only guaranteed mitigation for risk of failure.

With the exception of T95 all specimens appear to be healthy vigorous examples of their species and the proposed reduction would allow retention whilst reducing impact on adjacent structures.

### Recommendations

The application be granted.

## **REPRESENTATIONS**

41 representations have been received on the grounds of:

- a) trees provide habitats;
- b) trees help reduce air pollution;
- c) concern about loss of trees leading to overdevelopment;
- d) the trees have high amenity value;
- e) trees reduce risk of flooding;
- f) loss of green space.

## COMMENT

The determining issues are whether the proposed works are appropriate in terms of the continued well-being of the trees and their contribution to the visual amenity of the area; whether there are sufficient grounds to fell the Lombardy Poplar (T95) and whether its loss would have any significant impact on the visual amenity of the surrounding area.

Taking into consideration the Arboricultural Officer's comments, all specimens with the exception of the Lombardy Poplar (T95) appear to be healthy and vigorous examples of their species and the proposed reduction would allow retention whilst reducing the impact on the adjacent structures. The works would reduce the impact of overshadowing and overgrowing to the nearby residential properties.

With regards to the felling of the Lombardy Poplar (T95), from a site visit the extent of decay to the tree was evident. Therefore, in order to prevent the risk of failure, the felling of the tree is the only guaranteed mitigation. A suitably worded planning condition will be implemented to ensure that tree is replaced. The Arboricultural Officer has recommended a 'Quercus robur Fastigiata' form of Oak Tree which is considered to be an appropriate species for this location. It is therefore considered that there are sufficient grounds to fell the tree.

The objection comments make reference to the felling of the Lombardy Poplar (T95) and the Elm Trees (Group G1). Their concerns are that the removal of the trees will result in the loss of green space, loss of amenity value and habitats and increase in flood risk and air pollution. Concerns are also raised about the risk of overdevelopment if trees are removed. It is confirmed that the applicant no longer proposes to remove the Elm Trees (Group G1). The felling of the Lombardy Poplar (T95) remains as part of the application, however, as mentioned previously, due to the excessive decay of the tree and to prevent the risk of failure the removal of this tree is considered to be justified.

The maintenance works are considered to be in the interests of good arboricultural management and would ensure the long term health and amenity value afforded by the trees is continued into the future. In addition, there are sufficient grounds to fell the Lombardy Poplar (T95) subject to the planting of a suitable replacement (to be secured by planning condition). Therefore the proposal is considered to be acceptable and in accordance with policy PCS13 of the Portsmouth Plan.

## RECOMMENDATION                      Conditional Consent

### Conditions

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Hawthorn (T98 and T100) other than to reduce in height by 4m.
- 3) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Holm Oaks (T99 and T102) other than to reduce in height by 4m.
- 4) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Sycamore (T101) other than to remove epicormic growth and reduce in height by 4m.
- 5) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Sycamore (T94) other than to reduce in height by 4m and to cut back overhang to fence line.
- 6) The Lombardy Poplar (T95) shall be felled to the ground and the stump removed.

7) A replacement species of Quercus Robur Fastigiata , the size to be of "Heavy Standard" as specified in British Standard 3936 Part 1 (Nursery Stock Specification for trees and shrubs) shall be planted in the same position as the tree to be felled within 1 year of the removal of the Lombardy Poplar (T95), or such other species, size, position or time period as may be agreed in writing by the Local Planning Authority.

8) All work shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations).

**The reasons for the conditions are:**

1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

3) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

4) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

5) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

6) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

7) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.

8) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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



**135 LANGSTONE ROAD PORTSMOUTH PO3 6BT****RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF SINGLE STOREY REAR EXTENSION****Application Submitted By:**

DTA

FAO Mr Derek Treagus

**On behalf of:**

Mr T Warner

**RDD:** 19th December 2017**LDD:** 16th February 2018**SUMMARY OF MAIN ISSUES**

This application has been called to the Planning Committee at the request of Cllr Sanders.

**SUMMARY OF MAIN ISSUES**

This is a retrospective application for an extension which has been substantially constructed.

The determining issues in this application relate to whether the single storey rear extension is acceptable in design terms and whether it results in any significant impact on the amenities of the surrounding occupiers.

**Site and Surroundings**

This application relates to a terraced property which is located on the northern side of Langstone Road. It is located to the east of the junction with Petworth Road and to the west of the junction with Romsey Avenue. The road also runs parallel with Cheslyn Road. The application site is separated from the highway by a small front forecourt. The property has a two storey bay window feature which is characteristic of the surrounding area.

The surrounding area is predominantly characterised by similar residential terraced properties which all have two storey bay features. The majority of the surrounding properties have single storey conservatories and extensions to the rear.

**Proposal**

This application was submitted following an enforcement enquiry. Planning permission is required due to the height of the eaves which exceed 3m in height.

The extension has a flat roof with a height of 4m and a depth of 3m. It is the full width of the dwelling with a width of 6m. It is constructed of brickwork to match the recipient dwelling and has a set of bi-folding doors on the rear elevation. The floor level is positioned 0.7m above the garden level.

Following a site visit, it was observed that the extension has been substantially constructed, however, the bi-folding doors and roof light have not yet been installed.

## Planning History

Having checked the planning history, there is no planning history for this site.

## 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

### Contaminated Land Team

The Contaminated Land Team have commented stating that they do not raise objection to the proposal.

## REPRESENTATIONS

Three objection comments have been received on the following grounds:

- 1) plans have no measurements;
- 2) increased sense of enclosure;
- 3) loss of light;
- 4) height exceeds permitted development rights;
- 5) negative visual impact;
- 6) 'existing' photo gives impression that the extensions has not been constructed;
- 7) overlooking;
- 8) loss of privacy;
- 9) not in-keeping with other extensions.

## COMMENT

Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.

The neighbouring properties have single storey lean-to conservatories which are of a similar design to the majority of the properties in the terrace. The flat roof appearance of the single storey rear extension is not in keeping with the lean-to roof design of the neighbouring extensions. However, it is relevant to note that the extension only requires planning permission due to the 4m height of the eaves. According to the General Permitted Development Order (2015), a flat roofed extension with the same depth and width could have been constructed under permitted development if it had an eaves height of 3m.

In terms of height, the extension is approximately 1m taller than the neighbouring extensions. However, it has the same depth as the neighbouring extensions and as it is constructed of materials that match the recipient dwelling, on balance, the extension is considered to be acceptable in terms of its design. It is not considered that the extension would result in any significant harm to the character and appearance of the wider area.

Having regard to the points made above, the extension is, on balance, considered to be acceptable in design terms and in accordance with Policy PCS23 of the Portsmouth Plan.

## Amenity

Policy PCS23 of the Portsmouth Plan states that all new development must protect the amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The neighbouring properties (No 137 and 133) both have single storey lean-to conservatories which align with the extension. Objections have been raised regarding the height of the extension potentially causing increased sense of enclosure and loss of light. The height is taller than the neighbouring conservatories by approximately 1 metre but the depth is the same. It is not considered that the 1m increase in roof height results in any significant loss of light, increased sense of enclosure or overshadowing to the neighbouring residential occupiers.

Concerns are also raised in the representations about loss of privacy from the bi-folding doors due to their 2m height. The door opening has been installed in line with the ground floor level of the property, which is approximately 0.7m above the ground level of the garden. The doors will be located centrally on the rear elevation of the extension and will face into the rear garden. The doors would offer oblique views towards the neighbouring gardens, but these views would be restricted to some extent by existing boundary fencing. There are no other windows on the extension. Having regard to the position of the doors and the presence of boundary fencing, it is not considered that the extension will result in a significant impact on the amenity of neighbouring occupiers in terms of loss of privacy.

In conclusion, the extension is not considered to result in a significant impact on the amenities of the surrounding occupiers and is therefore in accordance with Policy PCS23 of the Portsmouth Plan.

## Other issues raised in objections

The objectors have raised concerns that the plans have no measurements and the drawings are misleading and give the impression that the extension has not been constructed. The submitted drawings are provided to scale which are considered to be sufficient when determining the application. After visiting the application site and looking at drawing '17/665/01', it is clear that the extension has been constructed.

Additionally, concerns have been raised that the height of the extension exceeds the permitted development rights. This is confirmed to be the case, which is why an application has been submitted to the Local Planning Authority.

## Conclusion

Whilst the proposed extension is of a different design and has a more bulky appearance than surrounding extensions, having regard to the points raised within this report, it is not considered to result in such significant harm to the character and appearance of the area or the amenity of neighbouring residents to warrant refusal of the application. The proposal is therefore in accordance with Policy PCS23 of the Portsmouth Plan.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) 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: 17/665/01.

**The reasons for the conditions are:**

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

NB This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

**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.

**6 SECOND AVENUE PORTSMOUTH PO6 1JS****CONSTRUCTION OF PART SINGLE-/PART TWO-STOREY REAR EXTENSION, PORCH TO FRONT AND FIRST FLOOR CLADDING TO THE FRONT/PART SIDE ELEVATIONS****Application Submitted By:**

Les Weymes Planning Consultancy Ltd  
FAO Mr Les Weymes

**On behalf of:**

Mr Matt Hore

**RDD:** 19th September 2017

**LDD:** 24th November 2017

**SUMMARY OF MAIN ISSUES**

The application has been called to committee by Cllr Wemyss following inclusion on the Members Information Service on 22 December 2017.

The main determining issues are whether:

- \* the design of the proposed extension is appropriate in the context of the recipient house and the surrounding area
- \* the proposed development would result in any significant loss of residential amenity to occupiers of neighbouring properties

**Site**

The application site lies on the southern side of Second Avenue, Farlington some 22m east of its junction with Waterworks Road. The site comprises the westernmost 2 storey dwelling of a pair of semi-detached properties on a plot measuring 10.05m wide by 45m deep. There are 6 other pairs of similarly designed houses on this side of the road which were originally all one room deep at first floor level with a single storey lean-to across part of the rear elevation. The site backs onto the Fitzherbert Spur industrial area and lies within Zone 3 (low/medium hazard) of the flood risk area. Six of the 14 houses have benefitted from various forms of rear extensions at first floor level (nos. 8, 10, 18, 20, 22 and 26).

**Proposal**

The application seeks planning permission for the construction of part single-/part two-storey rear extension, porch to front and first floor cladding to the front/part side elevations.

**Planning History**

The relevant planning permission relating to the application site includes:

17/00046/GPDC - Prior Approval not required for the construction of a 6m deep single storey rear extension (18.07.2017). This is currently under construction. Externally the walls are yet to be finished although the applicant has provided assurance that they will be rendered to match the existing building.

Two storey rear extensions to other similar semi-detached properties on the south side of Second Avenue:

No.8 - A\*38066/AA Construction of two storey extension with formation of first floor balcony to rear elevation - conditional permission 30.09.2002. Condition 3 of this planning permission required details of screening to the west side of the balcony permitted in the form of a fixed obscure glazed panel at least 1.8m above the finished level of the balcony to be submitted and approved by the local planning authority and that the fixed screen to be installed before first use of the balcony and thereafter retained to protect the privacy of occupiers of the adjoining properties. This screen was not installed. It is understood that more than 10 years has passed since first use of this balcony took place and as such action with respect to a breach of condition cannot be taken. The single storey rear extension at this property is currently unlawful. The occupier has been advised to submit an application seeking to regularise this development.

No.10 - A\*21777/AA Construction of 2-storey rear extension - conditional permission 14.12.2000

No.18 - A\*33166 Two storey rear extension - conditional permission 19.08.1986

No.20 A\*36194/AA Two storey rear extension - conditional permission 16.07.1996

No.22 A\*36967/AA Construction of two-storey rear extension with pitched roof after demolition of existing - conditional permission 05.07.1999

No.26 A\*16927/C Two storey rear extension after demolition of existing rear projection - conditional permission 12.10.1987

## **POLICY CONTEXT**

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

In addition to the above policies, the aims and objectives of the National Planning Policy Framework are relevant.

## **CONSULTATIONS**

**None.**

## **REPRESENTATIONS**

3 letters of objection (from 2 addresses), 1 letter in support and 1 of conditional no-objection have been received relating to this application.

The objections are on the grounds of:

- (a) projection beyond a current first floor building line,
- (b) overshadowing and loss of sunlight to Nos. 8 and 10,
- (c) loss of outlook from balcony of No. 8 and
- (d) concern that depth of ground floor element may be beyond permitted development allowances and should be kept in line with existing extensions.

The grounds of support are:

- (a) pleased this small house is being extended into a larger family home (other similar houses have been extended) and
- (b) the house has stood in a state of disrepair for some time so proposal is a positive.

The comment from the immediate neighbour to the west (No.4) is conditional that the proposed extension does not stop vehicle access to the rear of No.4.

## COMMENT

The main determining issues are whether:

- \* the design of the proposed extension is appropriate in the context of the recipient house and the surrounding area
- \* the proposed development would result in any significant loss of residential amenity to occupiers of neighbouring properties

Whilst the site lies within the indicative flood zone and it is recognised that the resultant 5 bedroom property could accommodate more people than at present, given that it would be an extension to an existing dwelling and refuge could be sought at first floor level it is not considered that the proposal would render the property or its occupiers significantly more vulnerable than the present situation.

### Design

The proposal comprises the construction of a part single/part two-storey rear extension and porch to front with external matching materials of render with red concrete tiles, and first floor cladding to the front/part side elevations.

The principle of a two storey rear extension on this style of dwelling on the south side of the road has been established by a number of permissions, the most recent being in 2002 at No.8 and in 2000 at No.10 (both to the east of the application site and both of very similar dual pitch design with a depth of approximately 5m). The proposed porch would replace an existing one at the application site, and the principle of a modest sized porch on the front of this property is acceptable - there are many other examples of porches of various styles on nearby properties. The installation of cedar horizontal cladding at first floor level on the front and wrapping around part of the west (side) elevation by 0.5m is considered an acceptable external cladding solution at this site given that surrounding properties demonstrate a varied number of finishes including rough and smooth render, face brickwork and white plastic horizontal cladding at No.4 immediately to the west of the site.

The element of the proposal that raises significant concern is the proposed first floor rear addition. As stated above, whilst a two storey extension is acceptable in principle, it is the specific size and design of the proposal that raises concern. It is noted that the first floor proposal would have an eave height to match that existing and the double pitch roof would sit no higher than the existing ridge. This is a very large extension that would sit directly above the ground floor element already partially constructed under the prior notification procedure for larger home extensions. It is noted that the south-east corner would remain single storey with a flat roof (in recognition of its close relationship with No.8 to the east). The proposal would increase the depth of the building at first floor level from a narrow 4.5m to 13.2m overall (i.e. 8.7m beyond the existing first floor rear wall). This depth combined with a design that matches the eave height of the existing dwelling would result in a very bulky addition to an extremely modest 2 bed house. The extension as a whole would project 3.7m beyond the first floor rear elevation of the neighbouring house at No.8 and 8.7m beyond the main rear elevation of No.4 (which has not been extended at first floor level at all). As such the bulk of the proposed extension is excessive as compared with both these adjacent properties and indeed the largely unaltered nature of No.4 would accentuate the excessively bulky presence of the proposed rear extension. The depth, height and massing of the proposal is therefore considered excessive in the context of the very modest recipient dwelling and the neighbouring properties, particularly No.4.

A first floor extension that matched the depth of No's 8 and 10 to the east would significantly reduce the bulk of the extension and result in a consistent building line. This potential amendment was put to the applicant however he did not believe it would meet his personal family requirements for the property in terms of numbers of bedrooms. It does however appear possible to reduce the depth of the first floor whilst still accommodating 5 bedrooms by re-configuring the internal layout at both ground and first floor.

The application proposes the regularisation of part of the ground floor extension which has already been implemented up to eave height. The majority of the ground floor extension was the subject of a prior notification under the larger home extension procedures which allows an extension of up to 6m's deep from the original wall. It has come to light that there is some discrepancy between the elevational plans and block plan submitted as part of this procedure which renders the lawfulness of the western part of the ground floor addition ambiguous. During construction, the ground floor extension has been squared off on the western side to be flush with the side elevation of the house therefore exceeding a depth of 6m from the original rear wall. This western part of the ground floor was not shown on the block plan drawings submitted under the prior notification application. It is also noted that the demolished conservatory was unlikely to be original (and post 1948) and therefore did not constitute the original rear wall. This application therefore also seeks to regularise this element of the ground floor extension. Whilst in isolation the extent of the ground floor extension beyond that allowed by the prior notification procedure is not excessive with respect to bulk and design, when viewed in combination with the first floor addition it contributes to the overall massing of the development.

#### Residential Amenity

The two main properties to be affected by the proposal would be no. 4 to the west and no. 8 to the east.

#### No.4

The height, massing and depth of the proposed rear extension in combination with its orientation and proximity to the neighbouring modest property at No.4 to the west, would result in a significant increased sense of enclosure, overshadowing and an unacceptable loss of outlook and light to No.4. It is noted that the current owners have recently submitted a letter of conditional no-objection however the local planning authority has a duty to consider and safeguard the living environment of both existing occupiers and any future occupiers. It is considered that an extension of full two storey height of a depth of 8.7m beyond No.4's rear elevation would be excessively unneighbourly.

The representation from the occupiers of No.4 is conditional that the proposal does not stop vehicle access to the rear of their property. The red line identifying the extent of the application site runs down the middle of the driveway between no.4 and the application site. Permitted development rights could be exercised by the applicant to erect a boundary treatment up to 2m in height to define their curtilage and therefore in planning terms the continued vehicular use of this driveway by No.4 could not be secured. (Covenants beyond the planning remit may be applicable).

Window and door openings within the west elevation at both ground and first floor would create the opportunity to overlook No.4 unless conditioned to be obscured glazed and the method and extent of opening limited. Given that the treatment of these window is not demonstrated by the submitted plans this is also a matter of concern.



No.8

The recessed design of the first floor on the east side acknowledges its close relationship with No.8. It is considered that this set back is sufficient to provide a satisfactory level of outlook from No.8 including its first floor balcony. However, the excessive depth is considered to result in loss of light to No.8 in terms of both its balcony and associated bedroom doors and as such loss of residential amenity would occur to this property.

#### Conclusion

The depth, height and massing of the proposal is considered excessive in the context of the very modest recipient dwelling and the neighbouring properties, particularly No.4. The proposal would also result in a significant increased sense of enclosure, overshadowing and an unacceptable loss of outlook and light to No.4 and loss of light to No.8.

During the assessment of this planning application it became apparent that there was ambiguity in relation to the extent of the development carried out under the prior notification procedure. This planning application seeks to regularise the discrepancy but in so doing does not deliver an acceptable design outcome for the host property. The NNPF requires good design and advises that it is indivisible from good planning and that local planning authorities should refuse development that is of poor design and fails to improve the quality of the area.

The proposal is considered contrary to the aims and objectives of policy PCS23 of the Portsmouth Plan in terms of both design and residential amenity and as such a refusal is justified.

## **RECOMMENDATION            Refuse**

#### **Conditions**

#### **The reasons for the conditions are:**

1) The proposed rear extension by reason of its significant depth, height and massing in the context of the very modest recipient dwelling and the neighbouring properties is considered excessively bulky in appearance. The proposal would also be unneighbourly, resulting in a significant increased sense of enclosure and overshadowing and an unacceptable loss of privacy, outlook and light to No.4 and loss of light to No.8. The proposal is therefore considered contrary to the aims and objectives of policy PCS23 of the Portsmouth Plan and paragraphs 56 and 64 of the National Planning Policy Framework.

#### **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.

**BRUNEL HOUSE 42 THE HARD PORTSMOUTH PO1 3DS**

**EXTERNAL ALTERATIONS TO INCLUDE REPLACEMENT OF EXISTING WINDOWS/PANELS ON FRONT AND REAR ELEVATIONS WITH NEW FULL HEIGHT WINDOWS/COLOURED INFILL PANELS; NEW WINDOWS TO SIDE WALL (NORTH ELEVATION); INSTALLATION OF NEW GLAZED DOORS, GLAZED PANELS AND DECORATIVE LASER CUT PANELS TO GROUND FLOOR LEVEL; INSTALLATION OF LED LIGHTING STRIPS TO ENTRANCE CANOPY AND TO FRONT ELEVATION AT 12TH FLOOR LEVEL**

**Application Submitted By:**

Tetlow King Planning  
FAO Stephen Hinsley

**On behalf of:**

Makepeace Investments Ltd  
FAO Sternlicht

**RDD:** 11th December 2017

**LDD:** 9th February 2018

**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 to the building, comprising of:

- Replacement of existing windows and panels on front and rear elevation with new full height windows and/or coloured infill panels;
- Installation of new windows to north side elevation;
- Installation of new glazed doors, glazed panels and decorative laser cut panels to ground floor; and
- Installation of LED lighting strips to entrance canopy and to front elevation at 12th floor level.

## Planning history

The current application follows a previous application for external alterations, which was submitted in July 2017 (application ref. 17/01181/FUL). This previous application was for similar alterations to those now proposed, but without the LED lighting or etching details to the ground floor glazing. The application was taken to committee with a recommendation for conditional permission on 18 October 2017. At this committee, members resolved to defer the application to seek further improvements to the design, to include a possible lighting scheme. Following the deferral, the applicants submitted an appeal against non-determination and at the time of writing this report, a start date for the appeal was pending.

In order to inform the Inspector's decision for the appeal, the application was referred back to committee on 10 January 2018 as a Main Agenda Item, to seek confirmation of what the members decision would have been had a decision been made on the basis of the plans presented at the 18 October planning committee (i.e. without any further amendments). Members resolved that the officers recommendation for conditional permission would have been accepted. The final decision on this application will now be made by the Appeal Inspector.

The proposed external alterations are linked to two recent applications to change the use of the building to commercial and residential uses:

- 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) - Prior Approval not required, 20 September 2017
- o 17/01180/FUL - Application for change of use of the ground floor of the building to retail (Class A1) and gymnasium (Class D2) - Conditional permission 18 September 2017

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 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**

No comments received.

## **REPRESENTATIONS**

None received.

## **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 recent approvals for the change of use of the building to residential development on the upper floors and a mix of retail and gymnasium on the ground floor (ref. 17/00006/PACOU and 17/01180/FUL).

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.

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 - upper floors

On the front elevation (above ground floor level), the proposal is to remove the existing windows and infill panels and install new full height windows and coloured insulated panels. The coloured panels would comprise tonal variations of green, which is the same as proposed in the previous application (ref. 17/01181/FUL), and is considered to represent a subtle but visually attractive way of introducing colour to the building. The replacement windows would be aluminium framed, which was negotiated through the previous application in place of UPVC, to ensure that a suitable, elegant window profile is achieved.

The original frame of the building surrounding the windows would be retained, cleaned and repainted in an off-white colour.

At the top of the building, the existing lift motor room would be reduced in height, removing its existing curved roof, and the remaining brickwork structure would be cleaned.

The main change to the alterations on the front elevation proposed in this application compared to the previous scheme is the addition of an LED lighting strip. This would be installed along the top of the building, between the 11th and 12th floors. The LED light would be designed to be directed downwards and to prevent unacceptable glare to residents.

#### Front elevation - ground floor level

At ground floor level on the front elevation, the proposal is to create a new glazed entrance to the building beneath the canopy. The arches in the existing canopy would be infilled and a new rendered band installed incorporating new 'Brunel House' signage and a recessed LED lighting strip. An additional lighting strip would be installed beneath the canopy to downlight the entrance. The entrance would comprise full height glazed panels within an aluminium frame. The panels on the southern side would comprise a mix of clear glass and backlit orange panels, to define the main entrance. These panels would also incorporate decorative laser cut detailing.

## Rear elevation

A similar approach for a tonal variation of green panels and use of powder-coated aluminium framed windows is proposed to the rear of Brunel House (east elevation). No lighting would be installed on this elevation.

## Side elevations

The south side elevation of the building is to be retained as existing, with the existing brickwork cleaned and the existing rendered bands cleaned and repainted off white.

On the northern elevation, the brickwork and rendered bands would be cleaned as per the southern elevation, and 10 new windows would be installed (one per floor).

## 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, along with LED lighting strips to add visual interest to the building at night time. The introduction of colour and the lighting 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. The alterations are 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: OS Location Plan 1:1250; Location Plan 16.1119/001; Proposed Front Elevation (West) 16.1119/066 C; Proposed Rear Elevation (east) 16.1119/067 A; Proposed Side Elevations (North/South) 16.1119/068 A; Part Front Elevation 16.1119/80; Part Front Elevation - night time 16.1119/81 A; Nocturnal Street View 16.1119/082 A; Section A-A 16.1119/025; Section B-B and C-C 16.1119/026; Proposed Ground Floor Plan 16.1119/051 H; Proposed Floor Plans (1st to 5th Floor) 16.1119/052 H; Proposed Floor Plans (6th to 11th Floor) 16.1119/053 H; Proposed Plant Room Section and Plan 16.1119/074 A; Ground Floor Lobby Section 16.1119/083; Proposed

Ground Floor Typical Section 16.1119/072 A; Proposed Typical Floor Section 16.1119/071 A; and Street View 16.1119/069 A.

- 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.

**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.

23 - 31 ST RONANS ROAD SOUTHSEA PO4 0PP

**EXTENSIONS AND ALTERATIONS TO CREATE 7 ADDITIONAL ROOMS, INCLUDING INFILL EXTENSIONS AND LIFT SHAFT EXTENSION TO REAR ELEVATION, NEW DORMER WINDOWS TO FRONT ROOFSLOPE AND NEW WINDOWS TO FRONT ELEVATION (AMENDED DESCRIPTION)**

**Application Submitted By:**

Zen Flis  
Rund Partnership Ltd

**On behalf of:**

John Pattison & Jane Helliwell  
St Ronans Care Home

**RDD:** 28th September 2017

**LDD:** 12th December 2017

**SUMMARY OF MAIN ISSUES**

The determining issues in this application relate to the following:

- Design and appearance of proposed alterations and extensions;
- Standard of living accommodation and impact on neighbouring residents;
- Flood risk;
- Parking and highway implications;
- Impact on the Portsmouth Harbour Special Protection Area (SPA).

Site and Proposal

The application relates to St Ronans Care Home, which is located on the western side of St Ronans Road, on the corner with Herbert Road and Welch Road. The care home was created through the conversion of former residential dwellings, the first of which was converted in the 1980's (refer to planning history). The building is two-storey in height on the St Ronans Road frontage, with additional accommodation at basement level and accommodation in the roofspace served by two existing front dormer windows and rooflights. The rear part of the building has lower floor to ceiling heights, resulting in three floors of accommodation beneath the roofspace. A small part of the south-western side of the site lies within Flood Zone 2. The rest of the site lies within Flood Zone 1 (low risk of flooding).

The area surrounding the site is predominantly residential in character. There is another care home, Bluebell Care Home, to the north-east of the site (45 to 51 St Ronans Road).

Planning permission is sought for extensions and alterations to create 7 additional rooms within the care home. This would increase the total number of rooms from 41 to 48. The extensions would comprise two three-storey infill extensions to the rear elevation, along with a roof level lift shaft extension, and the construction of 5 dormer windows on the front roofslope. In addition, two new windows would be installed within former door openings at ground floor level on the front elevation.



The plans originally submitted with the application showed an additional dormer window on the front elevation. This additional dormer would have been constructed across two staggered roofslopes and was considered to have a clumsy visual appearance. In response to the concerns raised by officers, the applicant amended the plans to remove the dormer. This amendment also resulted in a reduction in the total number of rooms within the care home from 49 to 48. The applicants also submitted further information during the course of the application to respond to concerns raised by the Highway Engineer, as discussed further in the Comments section of this report.

#### Planning history:

16/01814/FUL - External alterations to include construction of first/second floor infill extensions to rear elevation, ground floor infill extensions to front elevation, installation of dormers to front and side roof slope and lift shafts to centre and side elevation - Refused 23 December 2016

#### Reason for refusal:

The proposed construction of a lift shaft to the west of the site and the dormer window extension to the front and side elevations would, by reason of their unsympathetic, bulky and "top-heavy" appearance, represent incongruous and visually dominant features within the contextual street scene that would have an extremely poor relationship with the recipient building. The proposal is therefore considered to be contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

08/01720/FUL - Change of use of Nos29 and 31 to form residential care and nursing home (Class C2); installation of dormer windows to front roofslopes and extensions to rear elevations of Nos23-31 St Ronans Road (Re-submission of 07/02333/FUL) - Conditional Permission 29 December 2008

07/02333/FUL - Change of use of 29 and 31 to form Residential care and Nursing Home (Use Class C2); Installation of dormer windows to front roof slopes and extensions to rear elevations of 23-31 St Ronans Road - Conditional Permission 26 February 2008

A\*30825/A - 27 St Ronans Road - Change of use from guest house to rest home (for 10 persons) and nursing home (for 2 persons) - Conditional Permission 14 October 1985

A\*27224/B - 25 St Ronans Road - Change of use to residential nursing home for 15 persons geriatric, medical and convalescent categories - Conditional Permission 15 November 1983

B\*31328 - 23 St Ronans Road - Change of use to rest/nursing home - Conditional Permission 23 April 1980

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS12 (Flood Risk), PCS17 (Transport), PCS23 (Design and Conservation),

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

## **CONSULTATIONS**

### **Highways Engineer**

I have reviewed the design and access statement and drawings submitted in support of this application which proposes extensions and alterations to create 8 additional rooms, including infill extensions and lift shaft extension to rear elevation, new dormer windows to front roof slope and new windows to front elevation. I understand that the application does not propose any

change of use and that the property will continue to operate as a residential care home and would make the following observations:

The site is located just beyond the controlled residents parking scheme which is significantly oversubscribed and as a consequence suffers from displaced parking by those unable to find a space within the controlled parking zone particularly overnight and at weekends.

Whilst it is unlikely that residents will have cars or ride cycles the proposed development will facilitate the employment of 15 additional staff. No additional vehicle or cycle parking is proposed as a part of this application nor has any assessment been made of the likely increase in parking demand nor survey of existing staff to establish current travel behaviours.

As this applications stands I would take the view that it does not provide sufficient additional vehicle or cycle parking facilities which will specifically be required for the 15 additional staff, in an area where the demand for parking on street already exceeds the space available particularly in the evenings and at weekends.

In that light I must recommend that this application be refused.

#### UPDATED COMMENTS - DECEMBER 2017

Thank you for your email advising that the previous part implemented consent on this site (08/01720/FUL) envisaged an increase in staffing numbers to 59 and as a consequence the nett lawful effect of this proposal will be to increase staffing numbers by a further 7 staff rather than the additional 15 compared to how the property is practically operated at the moment.

I note that no further details have yet been submitted to confirm planned staffing details and travel patterns. In the absence of such further information I must maintain my previous objection to this application vis:

I have reviewed the design and access statement and drawings submitted in support of this application which proposes extensions and alterations to create 8 additional rooms, including infill extensions and lift shaft extension to rear elevation, new dormer windows to front roof slope and new windows to front elevation. I understand that the application does not propose any change of use and that the property will continue to operate as a residential care home and would make the following observations:

The site is located just beyond the controlled residents parking scheme which is significantly oversubscribed and as a consequence suffers from displaced parking by those unable to find a space within the controlled parking zone particularly overnight and at weekends.

Whilst it is unlikely that residents will have cars or ride cycles the proposed development will facilitate the employment of 15 additional staff (net 7 compared with that granted in the partially implemented planning consent (08/01720/FUL). No additional vehicle or cycle parking is proposed as a part of this application nor has any assessment been made of the likely increase in parking demand nor survey of existing staff to establish current travel behaviours.

As this applications stands I would take the view that it does not provide sufficient additional vehicle or cycle parking facilities which will specifically be required for the additional staff, in an area where the demand for parking on street already exceeds the space available particularly in the evenings and at weekends.

In that light I must recommend that this application be refused.

#### UPDATED COMMENTS FOLLOWING RECEIPT OF ADDITIONAL INFORMATION

I have reviewed the additional information submitted in an addendum to the design statement which corrects the staffing numbers detailed on the application form and confirms that this proposal would result in an increase of 7 full time staff in comparison with the existing operation. As this is the same as the staffing cohort authorised in the partially implemented planning consent (08/01720/FUL) which I understand could be implemented in full although would be superseded by this application then I do not believe that an objection to this proposal on highway grounds could be sustained in the event of an appeal. As a consequence I would not now wish to raise a highway objection to this proposal.

### **Contaminated Land Team**

The Contaminated Land Team (CLT) has reviewed the above application together with information held on our GIS and given the relatively limited scope of the works a condition relating to land contamination is not required. However given the sensitive nature of the proposed development the following informative should be added as a precautionary measure: In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

### **Environmental Health**

In order to protect the residents in the bedrooms adjacent to the lifts, the ambient noise levels should meet the requirements as given in BS8233:2014 Sound insulation and noise reduction for buildings, 35dB (LAeq 16hr 07:00 -23:00hrs) and 30dB (LAeq 8hr 23:00- 07:00hrs). These levels can be achieved by ensuring that the walls and roof of the shaft provide enough air-borne and structure-borne noise attenuation.

I note that there is a proposal to replace two windows on the ground floor and install dormer windows to the front roof slope, should glazing with the following properties be installed, 4 mm glass / (6 - 16 mm) air gap / 4 mm glass this will be sufficient to protect the occupants from road traffic noise.

### **Environment Agency**

The proposals are within Flood Zone 2 and therefore covered by Flood Risk Standing Advice: <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities#flood-zone-2>

### **REPRESENTATIONS**

Two representations received, raising the following objections and comments:

- a) concern about increased number of residents resulting in additional vehicle parking requirements, exacerbating existing parking problems including blocking of neighbouring driveways;
- b) there should be a dedicated drop off/ parking area for the care home.

Following consultation on amended plans and transport information, a further representation has been received, reiterating concerns about ambulances obstructing driveways in St Ronans Road, and making the following additional points:

- there is a dropped kerb in front of the property but it is not large enough for a vehicle drop-off area;
- the dropped kerb should be extended to allow vehicles to park adjacent and parallel to the pavement, rather than in the road.

### **COMMENT**

Principle of the proposal

In determining the acceptability of this proposal, it is important to consider the planning history. The proposed development, in terms of the size and type of extensions proposed, is similar to a scheme that was previously granted permission in 2008 (ref. 08/01720/FUL). This previous

scheme was part implemented through conversion works and the planning permission therefore remains extant.

A subsequent application for extensions to the care home was submitted in 2016 and refused (ref. 16/01814/FUL). This scheme would have comprised the construction of a single, large dormer window on the front roofslope, wrapping around the side roofslope, as well as a lift shaft extension on the south-west elevation extending above the existing ridge height of the building. This application was refused on the grounds of poor design, specifically relating to the lift shaft and front/side dormer window. This application also included rear infill extensions, and a lift shaft extension to the central part of the rear roofslope. These elements of the scheme were similar to some of the extensions permitted in 2008 and were determined to be acceptable.

Having regard to the planning history, it is considered that the proposal to extend the care home through the construction of rear infill extensions and front dormer windows is acceptable in principle, subject to achieving an appropriate design.

In terms of the principle of increasing the number of rooms within the care home, it is relevant to note that the scheme permitted in 2008 would have resulted in a total of 51 rooms, which is more than proposed for the current application, which proposes a total of 48. In relation to staff increases, the scheme permitted in 2008 would have resulted in a total of 59 full time equivalent staff. For the proposed scheme, the applicant has confirmed through submission of an updated Design and Access Statement, that the maximum number of full time equivalent staff as a result of the current proposal would also be 59. There would, therefore, be no further increase in staff as a result of the current proposal, as compared to the number of staff allowed by the extant permission.

In summary, given that similar extensions to the care home have been previously permitted, the proposal is considered acceptable in principle, subject to all other relevant policy considerations.

#### Design and appearance

Policy PCS23 requires new development to achieve a high standard of design and to be appropriate in terms of its scale and design in relation to its particular context.

The differences between the current scheme and that previously permitted in 2008 can be summarised as follows:

- Increase in the height of the lift shaft extension on the rear roofslope;
- Reduction in the amount of extensions proposed on the rear elevation (single storey rear extensions no longer proposed).

In relation to the lift shaft extension, this would be increased in height from that previously approved in 2008 and would extend slightly above the ridge height of the main building by 0.2m. However, this extension would generally be of a modest size in relation to the overall building and would be set at a high level on the central part of the rear roofslope, set well back from the buildings rear elevation. It would be constructed of brickwork to match the existing building and would not be visually prominent when viewed from within or outside of the site. Therefore, whilst it is not of a high quality design, due to the position, modest size, use of matching materials, and limited visual impact, the lift shaft extension is considered to be acceptable. It is also noted that a similar sized lift shaft was proposed within the scheme submitted in 2016 and whilst this scheme was refused, it was only refused due to certain elements of the scheme and the officers report made it clear that the rear lift shaft was considered acceptable.

On the front elevation, the original plans proposed six new dormer windows, including one that would have been constructed across two staggered roofscopes. Following concerns raised about the design of this dormer, the plans were amended to remove it. The remaining front dormer windows would be modest in size and would be positioned above the existing bay

windows of the building. The size, design and position of the dormers would be very similar to those permitted in 2008 and there are also other examples of front dormer windows on nearby buildings. The dormer windows are therefore considered to represent appropriate additions to the building. Overall, the proposed alterations to the front rooflope are considered acceptable in terms of design in accordance with PCS23 of the Portsmouth Plan.

There are also two new windows proposed on the front elevation of the building. These would be located at ground floor level, within former door openings. One of these former doors is currently covered with a white painted panel and it is considered that the installation of a new window would enhance its appearance. The other window would be a replacement for an existing door and would be recessed back from the frontage of the building. The windows would match the design and appearance of existing windows on the building and are considered acceptable.

At the rear of the site, two three-storey infill extensions are proposed. These would be of the same size and design to infill extensions previously permitted and would be constructed of matching brickwork.

The previous scheme submitted in 2016 was refused on the grounds of poor design in relation to the front/side dormer window and side lift shaft extension. Both of these elements have been removed from the current scheme. Although front dormer windows are still proposed, as outlined above, these would comprise individual dormers spaced out along the roofslope in line with the front bay windows, similar to the scheme originally permitted in 2008. It is therefore considered that the reason for refusal relating to the previous scheme has been addressed.

#### Standard of living accommodation and impact on residential amenity

Policy PCS23 of the Portsmouth Plan requires new development to provide a good standard of living accommodation for future occupants and to protect the amenity of neighbouring residents.

In relation to standard of living accommodation, the applicants have stated within the Design and Access Statement that the proposed works have resulted from an extensive review of needs and a desire to improve facilities for staff and residents. The proposed development would result in the provision of additional rooms, along with internal alterations to generally improve the layout and facilities within the building. It is therefore considered that the proposed development would meet the objectives of Policy PCS23 in terms of ensuring a good standard of living environment for the occupants.

The site lies within a predominantly residential area and the nearest neighbouring properties are located to the north-east of the site (No.33 St Ronans Road), and north-west of the site (No.39 Welch Road).

The proposed rear extensions would be constructed between existing rear projections on the building and would not result in any increase in building bulk immediately adjacent to No.33 St Ronans Road. It is therefore not considered that the occupants of No.33 would be adversely affected by loss of outlook or light. Although there would be new windows installed within the rear extensions, these would be no closer to No.33 than existing windows on the rear of the building and it is therefore not considered that the development would result in any significant increase in overlooking to these neighbouring residents.

No.39 Welch Road has a predominantly blank elevation facing towards the application site. There is one side window on this property, but it would appear to serve a non-habitable room. There is a separation distance of approximately 13m between the rear of the care home and the side elevation of this neighbouring property, and this separation distance would remain. Whilst the proposed rear extensions would result in additional windows facing towards No.39 Welch Road, these windows would be set back at the same distance as existing windows on the rear of the care home. It is therefore not considered that the proposed development would have any

significant impact on the residents of No.39 Welch Road in terms of loss of privacy, or loss of light or outlook.

The proposed front dormer windows would be set back within the roofslope and there would be a separation distance of approximately 25m between these windows and the nearest residential properties on the south east side of St Ronans Road. Having regard to this separation distance, it is not considered that the dormers would result in any significant impact in terms of loss of privacy to these nearby neighbours.

The proposed development is considered to protect the amenity of neighbouring residents, in accordance with Policy PCS23 of the Portsmouth Plan.

#### Flood risk

A small part of the south-west side of the site lies within Flood Zone 2 (medium risk) and the rest of the site lies within Flood Zone 1 (low risk of flooding). The Environment Agency has not provided specific comments on the proposal and has referred to their Standing Advice, which provides information about floor levels and emergency escape procedures. The applicant has confirmed that they liaised with the Environment Agency when the original scheme was proposed in 2008 and that the advice given at that time has been followed. All of the care home rooms would be located at ground floor level or above, with the basement retained for storage, offices and staff facilities. The applicant has also noted that removable flood boards would be provided and light wells to the basement windows would be protected by glass block flood barriers. It is also relevant to note that the number of rooms currently proposed within the care home is less than that permitted in the original scheme in 2008, therefore, there would be less residents as a result of this proposal.

Given the small area of the site that lies within Flood Zone 2 and the details set out above, it is not considered that the proposed scheme would result in any increased flood risk at the site. The proposal is therefore considered to be in accordance with Policy PCS12 of the Portsmouth Plan.

#### Parking and highway implications

The existing care home has no associated parking and due to the constrained nature of the site, and no parking provision is proposed as part of this development. Given the constrained nature of the site, and the desire to retain the outdoor amenity space for residents, it would not be feasible to provide parking on site.

The Highways Engineer originally raised an objection to the scheme as the application form suggested there would be an increase in staff at the site and this raised concerns about potential increased pressure for parking in the area. In response to these comments, the applicants have provided updated information on staffing levels as well as additional information about the trip patterns and modes of transport that staff take to the site.

In respect of staffing numbers, the applicant has confirmed that the total number of full time equivalent staff would be 59. Whilst this would be an increase over the existing level of staff, it would be no greater than the total number of staff that would have resulted from the original scheme permitted in 2008.

In terms of methods of transport, the submitted information indicates that the staff use a variety of modes of transport to get to work, with a number of staff cycling, walking or sharing lifts, and it is not considered that this situation would change to a significant degree. The site is also within close proximity to bus routes and local facilities on Albert Road and applicant has noted that the care home is committed to recruiting locally and actively encouraging staff to use alternative means of transport. Taking these points into account, it is not considered that the development would result in a significant increased pressure for off-street parking in the local area, and on the basis of the additional information provided, the Highway Engineer has removed their original objection.

Local residents have also raised concerns about the lack of a designated drop off area for ambulances and vehicles associated with the care home. It is noted within the representations that this has led to vehicles blocking the driveways of neighbouring properties. However, there would not be space to provide a designated vehicle drop off zone within the site itself, and if a designated drop off zone was created on street, this would have implications in terms of reducing on-street parking capacity. As the care home has been operating for a number of years and the proposed development would not result in an increase in the number of staff or occupants beyond that which was previously approved, it is not considered that an objection could be sustained on this matter.

#### Impact on Portsmouth Harbour Special Protection Area (SPA)

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 that would result in an increase in population, would result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, as a result of increased recreational disturbance. In respect of proposals for C2 use (e.g. care homes), the paragraph 3.7 states that nursing/rest homes may need to provide mitigation and that this would be assessed on a case by case basis.

In this case, the proposed development would not increase the number of residents of the care home beyond that which could be accommodated if the extant planning permission were to be fully implemented. The residents are also subject to a high level of care and are unlikely to generate any significant increase in recreational disturbance on the SPA. It is therefore determined that the development would not result in a significant effect on the SPA and mitigation is therefore not required.

#### Conclusion

The proposed extensions are considered to be appropriate in terms of design and would not have a significant impact on the amenities of neighbouring residents. Furthermore, it is considered that the increase in staff would not significantly increase vehicle movements or increase the pressure for parking in the area. The proposal is therefore in accordance with the relevant policies 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: LOCATION PLAN 23155/007; PROPOSED BASEMENT PLAN 23155/009; SECTION 23155/017; PROPOSED ROOF PLAN 23155/013 A; PROPOSED FIRST FLOOR PLAN 23155/011; PROPOSED GROUND FLOOR PLAN 23155/010; PROPOSED FRONT ELEVATION 23155/016 A; PROPOSED ELEVATIONS 23155/014 B and PROPOSED SECOND FLOOR PLAN 23155/012 A.
- 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) All new windows installed on the front elevation shall be designed to accord with the following specification: 4mm glass / (6-16 mm) air gap / 4mm glass, unless otherwise agreed in writing by the Local Planning Authority.
- 5) Unless otherwise agreed in writing by the Local Planning Authority, the new windows (including dormer windows) permitted on the front elevation shall be glazed to meet the following specification: 4mm glass / (6-16 mm) air gap / 4mm glass.
- 6) Unless otherwise agreed in writing by the Local Planning Authority, the lift shaft hereby permitted shall be designed to meet the following requirements for sound insulation and noise reduction: 35dB (LAeq 16hr 07:00-23:00) and 30dB (LAeq 8hr 23:00-07:00hrs).

### 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 interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) In order to protect future occupants from noise in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) To protect future occupants from road traffic noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To protect future occupants from noise from the lift shaft, in accordance with Policy PCS23 of the Portsmouth Plan.

### PRO-ACTIVITY STATEMENT

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



**5 OPHIR ROAD PORTSMOUTH PO2 9EL****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:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Miss Fryer

**RDD:** 8th November 2017

**LDD:** 22nd January 2018

**SUMMARY OF MAIN ISSUES**

## SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

## Site and proposal

The application relates to two-storey mid terrace property located on the south side of Ophir Road. The property has a double bay frontage and is set back from the street by an enclosed front forecourt. There is a garden to the rear.

Planning permission is sought for a change of use of the property from a Class C4 House in Multiple Occupation (HMO), to a 7 bedroom House in Multiple Occupation (Sui Generis Use). Internal renovation works along with the construction of a single storey rear extension and rear dormer window are currently in progress. It has been confirmed that the single-storey rear extension and rear dormer window meet the requirements of permitted development and therefore do not require planning permission.

Internally, the property would comprise the following:

Ground floor - 2 x bedrooms with en-suite bathrooms; communal kitchen/living room;  
First floor - 3 x bedrooms (2 with en-suite bathrooms); separate communal bathroom;  
Second floor - 2 x bedrooms with en-suite bathrooms.

## Planning history

The property was originally a 3-bedroom dwellinghouse.

Planning permission was granted on 30 May 2017 for the change of use of the property from a dwellinghouse (Use Class C3), to a flexible use of either a C3 dwellinghouse or a House in

Multiple Occupation (Use Class C4), ref. 17/00556/FUL. This would have allowed the property to be occupied by up to 6 unrelated people.

## **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 aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), and PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **HMO Consultation Memo**

#### **Waste Management Service**

As this is planned to be a 7 bed HMO it will require communal refuse/recycling collections.

#### **Private Sector Housing**

##### Definitions

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

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

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

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

##### Proposal

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

##### Summary

3 storeys

7 bedrooms

Based on the layout and sizes provided with this application there are no adverse comments to be made by the Private Sector Housing team. This property would require to be licenced under Part 2, Housing Act 2004.

## **REPRESENTATIONS**

Five representations received, objecting on the following grounds:

- a) insufficient parking in the local area;
- b) additional residents would increase parking problems;
- c) overcrowding / number of rooms excessive for the size of the property;
- d) increased parking problems;
- e) the house does not seem large enough for 7 occupants;
- f) increased pressure on infrastructure such as water and gas;
- g) works have already commenced;
- h) impact on property values for neighbouring properties;
- i) concern about who the residents would be;
- j) there is a need for family housing to be retained;

- k) noise impact on neighbouring residents due to living rooms being located adjacent to bedrooms;
- l) population in the area has already increased by properties being converted to flats;
- m) concern about lack of space for cycle and refuse storage.

## COMMENT

### Principle of the proposal

Planning permission is sought for the use of the property as a 7-bedroom Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission in May 2017 (ref.17/00556/FUL).

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 (as amended 21 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use. The HMO SPD states that 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 already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that are already imbalanced.

In this case, data held by the Council indicates that out of 55 properties within a 50m radius, only the application property is in HMO use, which represents 1.8%. As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 bedroom HMO (Sui Generis) is considered acceptable in principle in accordance with Policy PCS20 of the Portsmouth Plan.

### Standard of living accommodation

Some of the representations have raised concerns about whether the property is large enough for the proposed number of occupants. The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved for the proposed number of people. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Bedroom 1 - Ground floor - 13.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to Bedroom 1 - 2.75m <sup>2</sup>	Minimum - N/A
Bedroom 2 - Ground floor - 10.5m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to Bedroom 2 - 2.87m <sup>2</sup>	Minimum - N/A
Communal Kitchen/Lounge - Ground floor - 27.5m <sup>2</sup>	Minimum - 27m <sup>2</sup>
Bedroom 3 - First floor - 7.5m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
Bedroom 4 - First floor - 13.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to Bedroom 4 - 2.75m <sup>2</sup>	Minimum - N/A
Bedroom 5 - First floor - 11.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to Bedroom 5 - 2.75m <sup>2</sup>	Minimum - N/A
Bathroom - First floor - 2.73m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
Bedroom 6 - Second floor - 11m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to Bedroom 6 - 2.96m <sup>2</sup>	Minimum - N/A

Bedroom 7 - Second floor - 9m2  
En-suite to Bedroom 7 - 2.93m2

Minimum - 7.5m2  
Minimum - N/A

It is noted that the communal bathroom located on the first floor is below the size standard set out within the SPD. The SPD also notes that there should be at least 2 bathrooms and 2 separate WCs for 7 or more occupants. In this case, whilst there is only 1 communal bathroom, all of the rooms with exception of Bedroom 3 would have its own en-suite bathroom and this is considered acceptable. The Private Sector Housing Team has also reviewed the plans and has raised no concerns in respect of the rooms sizes. The proposal is therefore considered to provide a suitable standard of living accommodation in accordance with Policy PCS20 of the Portsmouth Plan.

#### Impact on neighbouring residents

Concerns have been raised within representations about the potential impact of the development in terms of increased noise and disturbance. The proposal is to increase the number of bedrooms within the property to 7, and the applicants have confirmed that the maximum occupancy would be 7 persons. The property was originally a 3 bedroom dwellinghouse but has planning permission to be used as a C4 HMO, which would allow it to be occupied by up to 6 unrelated people. The proposal would therefore result in 1 additional person residing within the property.

The impact of additional occupants on the amenity of neighbouring residents was considered in a recent appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017). In the appeal decision, the Inspector opined that: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Having regard to the appeal decision, and the existing use of the property which would allow its occupation by up to 6 unrelated persons, it is not considered that the use as a 7 bedroom Sui Generis HMO, occupied by 7 people, would have a significant impact on the amenities of neighbouring residents. The maximum number of occupants would be secured by condition.

#### Parking, cycle and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking. Concerns have been raised within representations about the impact of additional residents on parking and highway safety.

Advice provided by the Highways Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, the parking requirement for a 3-bedroom dwelling would be 1.5 spaces and for a Sui Generis HMO the requirement would rise to 2 spaces. Given the modest increase in the requirement and the fact that the property has never benefited from off-street parking, it is not considered that an objection on lack of parking could be sustained. The property is also located close to London Road, which offers a variety of shops and services and access to public transport.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a large rear garden and the applicants have confirmed that the intention is for a bicycle shed to be provided within the garden. This can be secured by condition.

In relation to refuse requirements, the Waste Management Officer has commented that the applicant would need to apply for communal waste collection and it is considered that there is sufficient space on site to accommodate the required communal sized bins.

#### SPA mitigation

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

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development. The applicant has confirmed that they are willing to make the required contribution and therefore the development would accord with Policy PCS13.

#### Other matters raised within representations

Some of the other matters raised within the representations includes concerns about impact on property value and queries about who the occupants would be.

Impact on property value is not a material planning consideration and is therefore not a matter that can be taken into account in the determination of the application. With regard to the occupants, it is not possible to control who the occupants would be, although the applicants have noted that the house has been designed to accommodate professionals rather than students.

## **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; BLOCK PLAN 1:500; and PROPOSED FLOORPLAN 110029 00.

- 3) Prior to first occupation of the property as a 7 bedroom House in Multiple Occupation, 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) 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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 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.

**16 STUBBINGTON AVENUE PORTSMOUTH PO2 0HT****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:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Fairlead Property Ltd  
FAO Mr Nicholas Atkins

**RDD:** 13th November 2017

**LDD:** 15th January 2018

**SUMMARY OF MAIN ISSUES**

## SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

## Site and Proposal

The application relates to a two-storey mid-terraced property with accommodation within the roofspace, located on the south side of Stubbington Avenue between the junctions with Emsworth Road and Drayton Road. The property has a large front forecourt and a rear garden.

Planning permission is sought for a change of use of the property from purposes falling with Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation), to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis Use). It was determined on site that the conversion to form 7 bedrooms has already taken place.

Internally, the property comprises the following:

Ground Floor - 2 x bedrooms with en-suite shower rooms; dining room; kitchen;

First Floor - 3 x bedrooms (1 with en-suite shower room); 1 x bathroom;

Second Floor - 2 x bedrooms (1 with en-suite shower room); 1 x shower room.

## Planning history

Planning permission was granted in November 2014 for a change of use of the property from a dwellinghouse (Class C3) to uses falling within either Class C3 or C4 House in Multiple Occupation (for up to 6 unrelated persons), ref. 14/01263/FUL.

## **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 aims and objectives of the National Planning Policy Framework (NPPF),

## **CONSULTATIONS**

### **HMO Consultation Memo**

#### **Private Sector Housing**

##### Definitions

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

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

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

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

##### Proposal

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

##### Summary

3 storeys, 7 bedrooms

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

##### Personal hygiene

It has been noted from the submitted plans the en-suites in Bed 1 , Bed 5 and Bed 7 are very slightly too small and I have concerns regarding the usability, specifically that drying and changing can be conducted safely. The minimum size for a shower room is 2.74m<sup>2</sup> and must include a shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

##### Kitchen

In respect of the kitchen the minimum room size for the exclusive use of cooking, food preparation and storage is 11m<sup>2</sup> and the following facilities must be provided:

2 x conventional cooker (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 counter fridges and a separate freezer or 2 equivalent combined fridge/freezers

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

##### Living and dining

On the basis all bedrooms exceed 10m<sup>2</sup> no designated living area is required, however a dining area of 14m<sup>2</sup> is required. Based on the plans provided the dining room proposed will meet the required space standard.



## **Waste Management Service**

I have no objection to this HMO in principle, but can you please ensure the applicant is made aware they will be required to have a communal refuse/recycling collection for this property with minimum size bins of 360 litres which they will need to purchase from Portsmouth City Council.

## **REPRESENTATIONS**

Two representations received, raising objections on the following grounds:

- a) too many HMOs already in the area;
- b) increased parking problems and traffic congestion, leading to highway safety concerns;
- c) inadequate communal space for 7 people;
- d) over intensification of the use;

## **COMMENT**

Principle of the proposal

Planning permission is sought for the use of the property as a 7-bedroom, 7 person Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission in November 2014 (ref. 14/01263/FUL). The plans approved under the previous permission indicated that the property would have 5 bedrooms. The current proposal would therefore result in an additional 2 bedrooms. This would be achieved through the conversion of the former lounge and dining room at ground floor level into bedrooms, and the conversion of a former sitting room into a dining room.

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 (as amended 21 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use through the provision of 2 additional bedrooms. The HMO SPD states that 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 already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that are already imbalanced.

In this case, data held by the Council indicates that out of 64 properties within a 50m radius, 3 are in HMO use (including the application property), which represents 4.7%. One further property, No.18 Stubbington Avenue, was flagged as a possible HMO. The planning history of this property shows that planning permission was granted in 2015 for a change of use to 3 flats (ref. 15/00106/FUL), and Council Tax records indicate that this is the current use of the property (i.e. not an HMO).

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 bedroom HMO (Sui Generis) is considered acceptable in principle in accordance with Policy PCS20 of the Portsmouth Plan.

## Standard of living accommodation

Some of the concerns raised within representations are that the proposal would represent an over intensification of the use and that there would be inadequate communal / amenity space for the number of occupants.

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Kitchen - 21.5m <sup>2</sup>	Minimum - 11m <sup>2</sup>
Dining Room - 14.5m <sup>2</sup>	Minimum - 14m <sup>2</sup>
Bedroom 1 - 16.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En suite to Bed 1 - 2.56m <sup>2</sup>	Minimum - N/A
Bedroom 2 - 11.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En suite to Bed 2 - 3.5m <sup>2</sup>	Minimum - N/A
Bedroom 3 - 11.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
Bedroom 4 - 14.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
Bedroom 5 - 16.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En suite to Bed 5 - 2.2m <sup>2</sup>	Minimum - N/A
Bathroom - 3.7m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
Bedroom 6 - 11m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
Bedroom 7 - 13m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En suite to Bed 7 - 2.57m <sup>2</sup>	Minimum - N/A

All of the rooms within the property, with the exception of the bathroom, meet the minimum size standards set out within the SPD. The bathroom is only very slightly below the minimum size (3.7m<sup>2</sup> compared to 3.74m<sup>2</sup>) and given that a number of the bedrooms have en-suites, this is considered acceptable.

The SPD does not give minimum size standards for en-suite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>. Even though the applicant had confirmed that the en-suites to bedrooms 1 and 7 were slightly larger than shown on the plan, they would still fall below 2.74m<sup>2</sup>, along with the en-suite to bedroom 5. However, a site visit established that the en-suites have been completed to a high standard and as two of them are only slightly below the standard and there are two other communal bathrooms within the property, it is not considered that an objection could be maintained on the basis of the size of the en-suites.

The Private Sector Housing Officer has also noted that the plans do not show a living room, but that this is not considered to be a concern as the majority of the bedrooms are more than 10m<sup>2</sup>. In addition, it was apparent on site that the room labelled as a dining room was being used as a combined living and dining space.

Overall, it is considered that the property provides a good quality of accommodation with suitable size rooms in accordance with Policy PCS20 of the Portsmouth Plan.

## Impact on neighbouring residents

The proposal is to increase the number of bedrooms within the property from 5 to 7, and the applicants have confirmed that the total number of occupants would be 7, which can be controlled by condition. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property, which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering a recent appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Having regard to the appeal decision, and the existing use of the property which would allow its occupation by up to 6 unrelated persons, it is not considered that the use as a 7 bedroom Sui Generis HMO, occupied by 7 people, would have a significant impact on the amenities of neighbouring residents.

#### Parking, cycle and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking. Concerns have been raised within representations about the impact of additional residents on parking and highway safety.

Advice provided by the Highways Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, it is relevant to note that the parking requirement set out within the Parking Standards SPD is the same for a Sui Generis HMO as it is for a C3 dwellinghouse with 4 or more bedrooms. It is understood that the original house had at least 4 bedrooms, therefore in accordance with the Parking Standards, this would have the same parking requirement as the Sui Generis HMO now proposed. The property is also located close to London Road, which offers a variety of shops and services and access to public transport. Having regard to these points, it is not considered that an objection on lack of parking could be sustained.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a large rear garden with two existing outbuildings that could be used for storage. It is considered that these outbuildings provide sufficient space for secure bicycle storage in accordance with the Parking Standards.

Waste and recycling bins for the property are currently stored within the front forecourt. The Waste Management Officer has commented that the applicant would need to apply for communal waste collection and it is considered that there is sufficient space on site to accommodate the required communal sized bins.

#### SPA mitigation

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

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development. The applicant has confirmed that they are willing to make the required contribution and therefore the development would accord with Policy PCS13.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) 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; BLOCK PLAN 1:500; and PROPOSED PLANS 17060-403 D.
- 2) 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 ensure the development is implemented in accordance with the permission granted.
- 2) To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

NB This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

### **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.

**2 STUBBINGTON AVENUE PORTSMOUTH PO2 0HS****CHANGE OF USE TO 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) WITH ASSOCIATED CYCLE AND REFUSE STORAGE; CONSTRUCTION OF TWO DORMERS TO SIDE ROOFSLOPE, SINGLE-STOREY SIDE EXTENSION AND BOUNDARY WALL****Application Submitted By:**

Chris Flint Ass Ltd  
FAO Chris Flint

**On behalf of:**

Mr P Stanley

**RDD:** 29th November 2017

**LDD:** 25th January 2018

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether the external alterations are acceptable in design terms, whether the proposed accommodation would provide an acceptable standard of living condition for future occupiers and whether the proposal 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 whether it would preserve the setting of nearby heritage assets.

**The Site**

This application relates to a two-storey semi-detached property located to the southern side of Stubbington Avenue, just to the east of its junction with London Road. The property's western elevation is situated directly onto the back edge of the public footway. This in turn runs parallel to a service road which provides access to a public car park and a series of garages and service yards associated with dwellings to the east fronting Emsworth Road and commercial uses fronting London Road. These form part of the North End District Centre as defined by policy PCS8 of the Portsmouth Plan.

The surrounding area has a mixed character with a range of uses and building styles, although commercial uses predominate to the west with residential uses to the east.

**Proposal**

Planning permission is sought for the construction of a single-storey side extension, two dormer windows and a boundary wall, and the change of use of the property to form a 7-bedroom, 7-person house in multiple occupation (Sui Generis) with associated refuse and cycle storage facilities. Construction work has already commenced on a similar side extension which was considered as part of planning application 17/01451/FUL as detailed below. The applicant has confirmed that the existing unlawful structure would be removed and the side extension constructed as shown on the submitted drawings if approved.

## Relevant Planning History

A similar application for the construction of a single-storey side extension and two dormer windows and change of use of the property to form an 8-bedroom, 8-person house in multiple occupation (Sui Generis) with associated refuse and cycle storage facilities (ref.17/01451/FUL) was refused in November 2017. The reasons for refusal were as follows:

1. The proposed ground floor side extension would, by reason of its inconsistent eaves and roof pitch, inappropriate pattern and form of fenestration, absence of appropriate detailing, use of non-matching materials and siting directly onto the back edge of the pavement at a prominent corner site, result in incongruous and visually discordant form of development that would fail to relate appropriately to the recipient building and the wider street scene. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.
2. The proposed change of use of the building to an eight-person, eight-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/dining room), 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 Policy 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).

An earlier application for the conversion of the building to form four dwellings including the construction of single-storey side and rear extensions, dormer windows to the side roof slope and associated parking, refuse and cycle stores was refused in September 2017 (ref.17/00745/FUL). The reasons for refusal were as follows:

- 1) The proposed ground floor extensions would, by reason of their combined length, siting onto the back edge of the footway, inappropriate pattern and form of fenestration, absence of appropriate detailing and position at a prominent corner site, result in incongruous and visually discordant form of development that would fail to relate appropriately to the recipient building and the wider street scene. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.
- 2) The proposed dwellings (units 1,2 & 3) would, by reason of their restricted internal floorspace and headroom (unit 3), outlook, internal layout and window position (units 1 & 2), result in a cramped and enclosed form of development failing to provide an appropriate standard of living accommodation to the detriment of the residential amenities of future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policy PCS19 of the Portsmouth Plan and the requirements of the Technical Housing Standards - nationally described space standards.
- 3) The proposed residential units would fail to provide off-street parking in accordance with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document. This would exacerbate the existing on-street parking shortfall in an area where on-street demand regularly exceeds the spaces available, increasing the occurrences of indiscriminate parking at junctions which would result in reduced visibility and the obstruction of crossing points to the detriment of highway safety. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy PCS17 of the Portsmouth Plan.

4) 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).

Planning permission was granted in 1991 (ref.A\*28692/AA) is sought for the use of the building (and annexe to the rear) as a medical surgery (Class D1). Condition 2 of this permission states: 'This permission shall be additional to the authorised use of the premises for Class B1)'.

## **POLICY CONTEXT**

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

## **CONSULTATIONS**

### **Highways Engineer**

The application site is located on Stubbington Avenue; the rear of the site can be accessed via a service road leading to a car park operated by PCC however the adopted highway stretches to the full length of the application site boundary. Stubbington Avenue is a busy east-west route linking the North End and Copnor areas of Portsmouth. It is a bus route and is subject to a 30mph speed limit. There is on-street parking controlled by double-yellow line restrictions however the demand for parking in Stubbington Avenue and nearby roads regularly exceeds the space available leading to regular parking on double yellow lines and causing a risk to highway safety.

No transport assessment has been provided in support of the application; however given the small scale of the development and that the existing use is likely to have a higher trip rate than the proposed use, the Highways Authority (HA) is satisfied that an assessment is not required and the development would not have a material impact upon the local highway network.

The Portsmouth Parking SPD gives the level of parking spaces that should be included with new residential development. The proposed development would have a parking demand of 2 vehicle spaces. It is proposed that two existing parking spaces at the front of the site accessed from Stubbington Avenue will be retained and therefore meets the SPD requirement.

The Portsmouth Parking SPD also requires that new developments provide cycle parking to an expected level. For any residential property with 4 or more bedrooms, 4 cycle parking spaces are required. It is proposed to include 4no cycle lockers to the rear of the site each with capacity for two cycles and thus meets the SPD requirements.

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

### **Environmental Health**

Further to the above application Environmental Health can confirm there are no outright objections to the proposed development, however given the proximity of the adjacent public car park it is suggested that consideration needs to be given to the potential impact of noise from traffic movements upon the future residents.

### **Private Sector Housing**

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

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

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

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

Proposal - Change of use to 7 bedroom house in multiple occupation (Sui Generis) with associated cycle and refuse storage; construction of two dormers to side roof slope; and retention of single storey side extension.

Summary - 3 storeys - 7 bedrooms

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

## **REPRESENTATIONS**

None received.

## **COMMENT**

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

1. Principle of the proposed use
2. Internal living conditions and impact on amenity
3. Design
4. Highways Implications
5. Impact on the Solent Special Protection Areas

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person House in Multiple Occupation (Sui Generis). Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO (C4 or Sui Generis) 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 Supplementary Planning Document (Nov-2017) (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.

In identifying the area surrounding the application property, it has been established that one of the 26 residential properties within a 50 metre radius was in use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to just 7.69% (2/26), it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses. Therefore, the proposal is considered to be acceptable in principle.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not a significant concentration of HMOs within the surrounding area, it is considered that the introduction of one further HMO would not be significantly harmful at this particular point in time.



## Internal Living Conditions

In terms of internal living conditions, the property would comprise seven bedrooms ranging between 10 and 20sq.m., a communal kitchen/living/dining room at ground floor level, two bathrooms (each with bath, w/c and wash basin) and a separate w/c. In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended on 21 November 2017, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would comprise the following accommodation:

Kitchen/Dining/Living room - 35m <sup>2</sup>	Minimum - 27m <sup>2</sup>
Bedroom 1 - 20m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 2 - 18.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 3 - 20m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 4 - 11.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 5 - 10m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 6 - 10m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 7 - 14m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bathroom Ground Floor - approx. 3.7m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
Bathroom Roof level - approx. 8.15m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
w/c First Floor - 2.40m <sup>2</sup>	No set standard

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD, it is considered that the property would provide an adequate standard of living accommodation for the intended number of occupants. In addition, the City Council's Private Sector Housing Team has considered the submitted drawings and confirm that the proposed accommodation is appropriate for the number of occupants proposed.

Therefore, it is considered that the removal of a bedroom to create a larger communal space at ground floor level is sufficient to overcome the previous reason for refusal attached to planning application 17/01451/FUL in respect of internal living standards.

### 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". Whilst it is accepted that this large property is not already in use as a dwellinghouse, such a use would be acceptable in planning terms and therefore, the principles set out above within the appeal decision would be applicable.

It is also 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 seven 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).

Furthermore, in considering the potential impact of the use on the amenity of nearby residents, the Inspector when considering an appeal at 11 Malvern Road (APP/Z1775/W/16/3158162 - Feb 2017) opined that: '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)'.

In light of the views of the Planning Inspectorate set out in numerous appeal decisions across the city, it is considered that an objection on amenity grounds could not be sustained, particularly when regard is made to the limited number of HMOs within the immediate area.

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

## Design

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

When considering a similar side extension as part of planning application 17/01451/FUL, which was already partially built, it was concluded that the proposed structure would have resulted in an incongruous and visually discordant feature by reason of its inconsistent eaves and roof pitch, inappropriate pattern and form of fenestration, absence of appropriate detailing, use of non-matching materials and siting directly onto the back edge of the pavement at a prominent corner site.

The current proposal seeks a similar side extension onto the back edge of the pavement, although the applicant has confirmed that the existing unlawful structure, which constructed in poorly matched materials, would be removed from the site prior to the construction of the extension now proposed. In order to address the design reason for refusal, the applicant has suggested a steeper pitch to roof which would result in changes to a window at first floor level, two separate windows that would be a closer match to the existing window proportions, and brick detailing. Whilst not considered to be of the highest possible design standard, it is considered that the resultant structure would be of sufficient quality to overcome the previous reason for refusal and a further objection on design grounds could not be sustained.

Notwithstanding the previous reason for refusal, the applicant has not provided precise details of the proposed materials. As such, it is considered necessary and reasonable to impose a planning condition requiring the submission of a schedule of materials and samples where considered necessary.

At roof level permission is also sought for the construction of two dormer windows identical to those proposed by planning applications 17/01451/FUL & 17/00745/FUL. The dormers would be relatively modest in scale and would be set back from the eaves and down from the ridge reducing their dominance within the roof slope. Whilst not ideally positioned within the roof slope, with the use of matching materials, it is considered that these features would not amount to visually dominant or obtrusive features within the street scene.

## Parking

The application site is situated on Stubbington Avenue, a busy east-west route linking the North End and Copnor areas of Portsmouth, and adjacent to a PCC controlled public car park. On-street parking in the area is controlled by double-yellow line restrictions and the demand for existing on-street parking in Stubbington Avenue and nearby roads regularly exceeds the space available leading to regular parking on double yellow lines.

The application has been considered by the Highways Authority who highlight that the proposal is unlikely to result in a higher trip generation than the existing use at the site and would not have a material impact upon the local highway network. The submitted drawings indicate that the development would provide two off-road parking spaces at the front of the building from Stubbington Avenue in line with the requirements of the Parking Standards Supplementary Planning Document.

The Parking SPD also requires that all new developments provide adequate bicycle storage facilities. The submitted drawings indicate that these can be provided to the rear of the building although no details of appearance have been provided. However, this matter in addition to refuse storage facilities could be reserved by suitably worded planning conditions.

## 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 £362 (2 x £181 i.e. Sui Generis HMO is equivalent to two dwellinghouses). The applicant has provided a contribution towards mitigation measures through an agreement under S111 of the Local Government Act and in accordance with the SPD. As such, it is considered that the proposal would not give rise to a significant effect on the SPAs and would overcome the third reason for refusal associated with planning application 17/01451/FUL.

## 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: CFA FULL 01 Rev-01 (received 22.01.2018).
- 3)
  - (a) Notwithstanding the submitted details, no development associated with the external alterations/additions shall commence until a detailed schedule of materials and finishes (including samples where requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and
  - (b) The development shall thereafter be carried out in full accordance with the schedule approved pursuant to part (a) of this condition.
- 4)
  - (a) Prior to the commencement of development a scheme for insulating habitable rooms against road traffic noise shall be submitted to the Local Planning Authority for approval in writing. Unless otherwise agreed in writing with the Local Planning Authority the scheme shall demonstrate that the following acoustic criteria will be achieved internally:  
Living rooms and bedrooms: LAeq(16hr) (7:00 to 23:00) 35 dB,  
Bedrooms: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.
  - (b) Unless otherwise agreed in writing with the Local Planning Authority, the House in Multiple Occupation (Sui Generis) shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that all habitable rooms have been insulated against road traffic in accordance with the scheme approved pursuant to part (a) of this condition.
- 5)
  - (a) Prior to the first occupation of the property the property as a House in Multiple Occupation (sui Generis) or such other period as may be agreed in writing with the Local Planning Authority bicycle storage facilities shall be provided in accordance with approved drawing CFA FULL 01 Rev-01 (received 22.01.2018); and
  - (b) The bicycle storage facilities approved pursuant to part (a) of this condition shall thereafter be retained for the storage of bicycles at all times.
- 6)
  - (a) Prior to the first occupation of the property as a House in Multiple Occupation (sui Generis) or such other period as may be agreed in writing with the Local Planning Authority facilities for the storage of refuse and recyclable materials shall be provided in accordance with approved drawing CFA FULL 01 Rev-01 (received 22.01.2018); and
  - (b) The facilities approved pursuant to part (a) of this condition shall thereafter be retained for the storage of refuse and recyclable materials 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) In the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

- 4) To ensure that acceptable noise levels within the dwelling are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 6) To ensure that adequate waste provision is made for future occupiers residing in the premises in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

58 BRITANNIA ROAD NORTH SOUTHSEA PO5 1SL

**CHANGE OF USE FROM PURPOSES FALLING WITHIN A HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BEDROOM/7-PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS); EXCAVATION OF FRONT FORECOURT TO CREATE LIGHTWELL WITH ASSOCIATED BOUNDARY TREATMENT**

**Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

C/o Agent

**RDD:** 2nd October 2017

**LDD:** 1st December 2017

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether the proposed accommodation would provide an acceptable standard of living condition for future occupiers, whether it would have a detrimental impact on the living conditions of adjoining and nearby residents and whether the external alterations are acceptable in design terms. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

This application relates to a two-storey mid-terraced dwelling (with additional accommodation at roof and basement level) located to the eastern side of Britannia Road North. The property is set back from the highway by a small front forecourt area and comprises a kitchen/dining room at basement level, two bedrooms and a living room at ground floor level, three bedrooms, two shower rooms and two toilets at first floor level, and two bedrooms at room level. The surrounding area is predominantly residential in character with a school to the north and a small local centre to the east on Fawcett Road.

Proposal

This application seeks planning permission to use the property as a 7-person, 7-bedroom house in multiple occupation (Sui Generis) and the excavation of front forecourt to create lightwell with associated boundary treatment. The property is currently in lawful use as a Class C4 house in multiple occupation. It was noted at the time of the site visit that external works to the front forecourt had already taken place. The application description has been amended to include the physical alterations and a further period of public consultation has taken place (expiring 9th January 2018).

Relevant planning history

Planning permission was granted in 2014 (ref.14/00033/FUL) for the change of use from a house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (November 2017) and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Private Sector Housing**

Definitions- Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5). "Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling. "Flat" means a separate set of premises (whether or not on the same floor) -

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

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

Basement - kitchen/dining and living area (open planned) - PSH have concerns regarding the volume of natural light entering the basement, specifically as there is an intention to use this part of this area for dining. Please note the lighting level, fire safety, layout and room dimension requirements:

- Lighting - kitchens requires a minimum of 150lux, food preparation area 500lux. A dining area requires natural light. The room must have standard window(s) that are 20% of the floor space. Where necessary suitable lights are to be installed to ensure the required lighting levels are achieved in the Kitchen.
- Usability - the floor plan and utility layout must ensure the room can be used in a safe manner, and where practical the cooking appliances to be located remote from the room door. Where it is not practical for cooking appliances to be located remote from the door a fire suppression system needs to be installed.
- Height - the floor to ceiling height must be no less than 2.3m for over 75% of the room.

Kitchen - The minimum kitchen size for the exclusive use of cooking, food preparation and storage is 11m<sup>2</sup>. The following facilities are to be provided:

- 2 x conventional cooker (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 counter fridges and a separate freezer or 2 equivalent combined fridge/freezers
- 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

Bedroom 6 - It has been noted that there are windows located in the roof suggesting an area of unusable space.

The minimum size for a single occupancy bedroom is 6.5m<sup>2</sup> of usable space. Where the ceiling height is less than 1.5m the floor area underneath it is disregarded and not classed as usable space.

Personal hygiene - No measurements have been provided for the shower/bath rooms and WC's. Please note the following size and amenity requirements.

The minimum size for a bath/shower room is 3.74m<sup>2</sup> and 2.74m<sup>2</sup> respectively, and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent. Where WC's are proposed in the property they must be a minimum of 1.17m<sup>2</sup> (1300 x 900mm) and include a wash hand basin, heating and ventilation.

## **REPRESENTATIONS**

At the time of writing, two letters of representation had been received from local residents. Their objections can be summarised as follows: a) Work has already taken place at the property; b) The proposal would further increase the population of students within an area that is already saturated by the number of HMO uses; and c) pressure on parking facilities within the area.

## **COMMENT**

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

1. Principle of the proposed use
2. Internal living conditions and impact on amenity
3. Design
4. Highways Implications
5. Impact on the Solent Special Protection Areas

Principle of the use

The property currently benefits from a lawful use as a Class C4 HMO as granted by planning permission 14/00033/FUL in 2014, which also gives flexibility to revert to and from a Class C3 Dwellinghouse. Planning permission is now sought for the use of the property as a 7-bedroom 7-person Sui Generis HMO following the extension of the property at roof and basement level.

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

Paragraph 1.15 of the HMO SPD (adopted Nov 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 identifying the area surrounding the application property, 19 of the 64 properties within a 50 metre radius were identified as being in HMO use (Class C4, Mixed C3/C4 or Sui Generis HMO use). The current proportion of HMO is therefore 29.69%. Based on the aims and objectives of Policy PCS20 and the supporting 2017 HMO SPD, it is considered that the community is already imbalanced by existing HMO uses and the intensification of use at the application site would result in a further imbalance. As such, the proposal is not considered to be acceptable in principle.



In defining the 50 metre radius around the application property, it is noted that the red line captures part of a block of flats fronting Harrow Road (Nos 2-16). Paragraph 1.23 viii of the 2017 HMO SPD 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'.' Whilst the 50m radius would clearly exclude some flats located with this block, on the basis there are no HMOs within the block and the removal of properties from the count would only increase the concentration of HMOs beyond 29.69%, the LPA has not sought to establish which of the properties within block 2-16 Harrow Road would fall outside of the 50m radius.

### Internal Living Conditions

The proposal involves the use of an enlarged basement, and new rooms within a roof extension to provide additional living and bedroom accommodation. In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended on 21 November 2017, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would comprise the following accommodation:

Kitchen - 7.84m <sup>2</sup>	Minimum 11m <sup>2</sup>
Dining Room - 15.5m <sup>2</sup>	Minimum 14m <sup>2</sup>
Living Room (labeled 'games room') - 9.85m <sup>2</sup>	Minimum 14m <sup>2</sup>
Bedroom 1 GF Front - 11.95m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 2 GF Rear (labelled as lounge) - 11.89m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 3 FF Front- 12.13m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 4 FF Middle - 9.85m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 5 FF Rear - 10.73m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 6 SF Front- approx. 16.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 7 SF Rear - 10.8m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Shower room 1 - 2.38m <sup>2</sup>	No set standard
Shower room 2 - 1.6m <sup>2</sup>	No set standard
w/c 1 - 1.32m <sup>2</sup>	No set standard
w/c 2 - 2.5m <sup>2</sup>	No set standard

In considering the adequacies of the internal living conditions, regard is made to the lawful use of the property as a Class C4 HMO. In most instances, when considering the change of use from Class C4 to a Sui Generis HMO it would be reasonable to apply the required amenity space standards set out within the SPD to the new bedroom accommodation and increased demand for communal space from the increased number of occupants only. However, in this case, it is noted that the property has recently been enlarged and the internal layout has changed significantly from that shown as part of planning application 14/00033/FUL.

Therefore, given the significant changes to the scale and layout of the building, it is not considered unreasonable to apply the space standards set out within the 2017 HMO SPD in order to assess the adequacies of the internal living conditions for the proposed number of occupants within a Sui Generis HMO.

In terms of bedroom sizes, all exceed the minimum requirement for single occupation and all provide access to natural light, ventilation and outlook. It is however noted that the majority of the communal living space is located at basement level which is served by a narrow lightwell and has an outlook directly onto a blank wall. A site visit was undertaken early in the morning whilst a number of the occupants (four) were attempting to prepare breakfast within the kitchen facilities. It was noted that this space (approx. 7.84m<sup>2</sup>) was cramped and its use was chaotic for just the limited number of users, which would have been exacerbated had an additional three individuals wished to use the facilities at the same time. This was not considered to be a

particularly safe environment for the preparation of food. It was also noted that despite the bright conditions outside, the basement area was dark and relied upon artificial lighting. It was also noted that the room labelled as 'Lounge' at Ground Floor level, was already in use as a seventh bedroom.

Overall it is considered that the property would fail to meet the space standards set out within the HMO SPD for separate communal space (kitchen 11m<sup>2</sup>, living room 14m<sup>2</sup> and dining room 14m<sup>2</sup> - Total of 39m<sup>2</sup>). However, having regard to the scale of the individual bedrooms, all but one exceeding 10m<sup>2</sup>, it is considered that the 33m<sup>2</sup> of communal space proposed would be adequate for seven individuals. In addition, whilst the sanitary facilities would not meet the spaces standards set for bath/shower rooms (containing bath/shower, w/c and wash basin), there is no set standard for individual facilities (i.e shower & wash basin or w/c and wash basin) and the numbers of individual showers and toilets within the property would meet the requirements of the SPD. This would not however, outweigh concerns in respect of the individual scale of the kitchen facilities or the amount of natural light and outlook to the basement space.

It is noted that a licence has recently been granted at the property. However, this is a conditional licence subject to a detailed inspection of the property to establish whether the concerns of the City Council's Private Sector Housing Team, as detailed above, can be overcome.

#### Impact on residential amenity

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

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... Furthermore, having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their living conditions or unbalance the local community".

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

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 also ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

## Design

To the front of the building, the original forecourt has been excavated to create a lightwell to serve a bay window at basement level. This has been completed in matching materials and is bounded by a set of black metal railings.

Whilst not common within the street scene, it is noted that a number of properties incorporate basements served by smaller lightwells. It is also noted that other properties within the street have also been extended at basement level and include similar excavations of the forecourt areas to create larger lightwells. With the use of matching materials it is considered that the alterations at basement level are sensitive to the building's original design and character and do not appear incongruous within the street scene.

Following investigation, it has been established that the building works that have taken place at roof level has been carried out pursuant to the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and do not require the express permission of the Local Planning Authority.

## 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). 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.

Therefore, having regard to the current lawful use of the property, its proximity to local shops, services and transport links and the requirements of the Parking Standards SPD, it is considered that an objection on car parking standards could not be sustained.

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

## SPA mitigation

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181 although this has not been provided by the applicant. As a result, the scheme would be likely to lead to a significant effect on the SPAs and does not meet the provisions of the Habitats Regulations. The proposal would

therefore be contrary to policy PCS13 and the Supplementary Planning Document in relation to the Special Protection Areas.

## **RECOMMENDATION            Refuse**

### **The reasons for the conditions are:**

- 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) The proposed change of use of the building to a seven-person, seven-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the proposed layout and size of the communal facilities (kitchen/dining room) with limited access to natural light and outlook at basement level, fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the property. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).
- 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).

51 CHICHESTER ROAD PORTSMOUTH PO2 0AB

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

**Application Submitted By:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Aurora Property Solutions  
FAO Mr Wilcock

**RDD:** 21st December 2017

**LDD:** 1st March 2018

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether the proposed accommodation would provide an acceptable standard of living condition for future occupiers and whether the proposal 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 whether it would preserve the setting of nearby heritage assets.

**The Site**

This application relates to a two-storey mid-terraced property located to the northern side of Chichester Road between its junctions with Emsworth Road and Drayton Road. The property is set back from the footway by a relatively large front forecourt and benefits from a rear garden which contains a large outbuilding. The property is currently undergoing extensive renovation and extension to provide a kitchen/dining/lounge and two en-suite bedrooms at ground floor level, three en-suite bedrooms at first floor level and two bedrooms and a bathroom at roof level.

The surrounding area is predominantly residential in character with terraced properties set out in a grid pattern. A District Centre (North End) is located just to the west on London Road.

**Proposal**

This application seeks planning permission to use the property as a 7-person, 7-bedroom house in multiple occupation (Sui Generis). At the time of the site visit it was noted that works had commenced on the construction of a dormer roof extension and a single-storey rear extension. Based on the submitted drawings, it would appear that the dormer extension could be constructed under the provision of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and the rear extension as part of a prior approval application detailed below.

## Relevant planning history

Planning permission was granted in August 2017 (ref. 17/01045/FUL) for the change of use from a house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

An application for a determination of whether prior approval of the Local Planning Authority (LPA) was required for the construction of a 4 metre long single-storey rear extension was made in October 2017 (ref.17/00096/GPDC) under the extended householder permitted development rights. It was determined that prior approval of the LPA was not required.

An application for a determination of whether prior approval of the Local Planning Authority (LPA) was required for the construction of a 6 metre long single-storey rear extension was also made in October 2017 (ref. 17/00097/GPDC) under the extended householder permitted development rights. In light of the representations received, it was determined that the prior approval of the LPA was required and the application was refused for the following reason:

1. The proposed extension by virtue of its excessive depth and bulk directly onto the common boundary with No. 49 Chichester Road, would result in an unneighbourly and overly dominant form of development which would be detrimental to the amenities of the adjoining occupiers in terms of loss of outlook, overbearing impact and the creation of a strong sense of enclosure. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (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**

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

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

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

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

Proposal - Change of use from purposes falling within Class C4 (house in multiple occupation) to a 7-bedroom House in Multiple Occupation (sui generis)

Summary - 3 storeys - 7 bedrooms

It has been noted the en-suite associated to bedroom 6 located on the second floor is slightly undersize. Any concerns regarding this have been mitigated by the close proximity of the shower room, also located on the second floor.

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

## REPRESENTATIONS

At the time of writing no representations had been received.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the use of properties as Houses in Multiple Occupation (Sui Generis) to be referred to the Committee for determination.

## COMMENT

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

1. Principle of the proposed use
2. Internal living conditions and impact on amenity
3. Highways Implications
4. Impact on the Solent Special Protection Areas

### Principle of the use

The property currently benefits from a lawful use as a Class C4 HMO as granted by planning permission 17/01045/FUL in 2017, which also gives flexibility to revert to and from a Class C3 Dwellinghouse. Planning permission is now sought for the use of the property as a 7-bedroom 7-person Sui Generis HMO following the extension of the property to the rear and at roof level.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD (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 use.

Paragraph 1.15 of the HMO SPD (adopted Nov 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'. This is to protect local residents from the negative impacts associated with further intensifications of HMO uses in areas that area already considered to be imbalanced.

In this case, data held by the City Council indicates that out of the 55 properties within a 50m radius, 3 are in use as HMOs (including the application property), which represents a concentration of 5.45%. Therefore, as the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7-bedroom 7-person HMO (Sui Generis) is considered to be acceptable.

### Internal Living Conditions

In terms of internal living conditions, the property would comprise seven bedrooms ranging between 7.5 and 10.5sq.m. six of which would be en-suite. A communal kitchen/living/dining room and a separate w/c would be situated at ground floor level. In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended on 21 November 2017, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would comprise the following accommodation:

Kitchen/Dining/Living room - 29.46m <sup>2</sup>	Minimum - 27m <sup>2</sup>
Bedroom 1 - 9.12m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 2 - 9.05m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>

Bedroom 3 - 8.64m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 4 - 8.98m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 5 - 10.46m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 6 - 7.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 7 - 8.4m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Shower room roof level - approx. 3.06m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
w/c ground floor -1.53m <sup>2</sup>	No set standard

All of the bedrooms and communal spaces within the property would meet the minimum size standards set out within pages 8 & 9 the HMO SPD and would provide adequate access to natural light, outlook and ventilation. Whilst the shower room at roof level would fall short of the minimum standard of 3.74sq.m., on the basis that six of the bedrooms would be en-suite and the shower room is likely to serve just one occupant, it is considered that a reduced standard would be acceptable in this instance. There is no set floor area for en-suite bathrooms.

The application has been considered by the City Council's Private Sector Housing Team. Whilst indicating that the en-suite to bedroom 6 is of a limited size, no objections are raised and it is highlighted that the occupants could share the larger shower room at roof level if necessary. Overall, it is considered that the property would provide an acceptable standard of living accommodation for future occupiers.

#### Impact on residential amenity

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

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... Furthermore, having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their living conditions or unbalance the local community".

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

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



## Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property 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. As such, it is considered that an objection on parking standards could not be sustained.

## 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 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 City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within three 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, Block Plan and PG.2083.17.2 Rev-G.

3)

(a) Prior to first occupation of the property as a seven person House of Multiple Occupation (Sui-Generis), secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site.

(b) The bicycle storage facilities provided pursuant to part (a) of this condition shall thereafter be retained for the parking of bicycles at all times.

4) Prior to first occupation of the property as a seven person House of Multiple Occupation (Sui-Generis), two 360litre refuse bins and one 360litre recycling bin shall be provided within the front forecourt area (or such other waste arrangements as may be otherwise agreed in writing with the Local Planning Authority) and thereafter permanently retained.

5) The premises shall only be used as a House in Multiple Occupation (Sui Generis) for a maximum of seven occupants.

**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 provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

5) To ensure adequate internal living conditions for future occupiers having regard to the specific judgement that has been made in line with the houses in Multiple Occupation Supplementary Planning Document (November 2017) in accordance with Policies PCS20 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.

155 CHICHESTER ROAD PORTSMOUTH PO2 0AQ

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

**Application Submitted By:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Mr Venables

**RDD:** 20th December 2017

**LDD:** 2nd March 2018

**SUMMARY OF MAIN ISSUES**

SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

Site and Proposal

The application relates to a two-storey mid-terraced property, located on Chichester Road between the junctions with Farlington Road and Burlington Road. The property has a front forecourt and a rear garden.

Planning permission is sought for a change of use of the property from purposes falling with Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation), to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis Use).

Internally, the application proposes the following:

Ground Floor - 2 x bedrooms with ensuite shower rooms; kitchen/living space

First Floor - 3 x bedrooms with ensuite shower rooms;

Second Floor - 2 x bedrooms (1 with ensuite shower room); 1 x shower room.

Planning history

Planning permission was granted in August 2017 for a change of use of the property from a dwellinghouse (Class C3) to uses falling within either Class C3 or C4 House in Multiple Occupation (for up to 6 unrelated persons), ref. 17/01129/FUL.

## **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**

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.  
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**

None received.

## **COMMENT**

Principle of the proposal

Planning permission is sought for the use of the property as a 7 bedroom, 7 person Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission in August 2017 (ref. 17/01129/FUL) that would allow the occupation of the property by 3-6 unrelated individuals.

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 (as amended 21 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use through the creation of additional bedrooms. The HMO SPD states that 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 already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that area already imbalanced.

In this case, data held by the Council indicates that out of 54 properties within a 50m radius, 3 are in HMO use (including the application property), which represents a HMO density of 5.5%. No additional properties for checking have been brought to the attention of the LPA throughout the course of this planning application.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 person, 7 bedroom HMO (Sui Generis) is considered acceptable in principle in accordance with Policy PCS20 of the Portsmouth Plan.

#### Standard of living accommodation

Internally, the application proposes the following:

Ground Floor - 2 x bedrooms with ensuite shower rooms; kitchen/living space

First Floor - 3 x bedrooms with ensuite shower rooms;

Second Floor - 2 x bedrooms (1 with ensuite shower room); 1 x shower room.

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Room:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	12.4m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Ground Floor)	8.4m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (First Floor)	8.9m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	8.2m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	13.4m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (Second Floor)	9.0m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 7 (Second Floor)	11.7m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Ground Floor)	28.2m <sup>2</sup>	27m <sup>2</sup>
Ensuite 1 (Ground Floor)	2.75m <sup>2</sup>	Not defined
Ensuite 2 (Ground Floor)	2.8m <sup>2</sup>	Not defined
Ensuite 3 (First Floor)	3.2m <sup>2</sup>	Not defined
Ensuite 4 (First Floor)	2.8m <sup>2</sup>	Not defined
Ensuite 5 (Second Floor)	2.75m <sup>2</sup>	Not defined
Ensuite 7 (Second Floor)	2.83m <sup>2</sup>	Not defined
Shower room (Second Floor)	2.8m <sup>2</sup>	Not defined

All of the rooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>.

The city councils Private Sector Housing Team (PSHT) has been consulted as part of this application. Having reviewed the room sizes in relation to the proposed number of occupants, the PSHT have raised no adverse comments and have confirmed that the property would be required to be licensed under Part 2 of the Housing Act (2004).

All of the rooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the PSHT have noted that these should be a minimum of 2.74m<sup>2</sup>.

Overall, it is considered that the property provides a good quality of accommodation with suitable size rooms in accordance with Policy PCS20 of the Portsmouth Plan.

#### Impact on neighbouring residents

The proposal is to increase the number of bedrooms within the property to 7. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property, which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering a recent appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Having regard to the appeal decision, and the existing use of the property which would allow its occupation by up to 6 unrelated persons, it is not considered that the use as a 7 person, 7 bedroom Sui Generis HMO would have a significant impact on the amenities of neighbouring residents.

#### Parking, cycle and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking.

Advice provided by the Highways Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, it is relevant to note that the parking requirement set out within the Parking Standards SPD is the same for a Sui Generis HMO as it is for a C3 dwellinghouse with 4 or more bedrooms. It is understood that the original house had at least 4 bedrooms, therefore in accordance with the Parking Standards, this would have the same parking requirement as the Sui Generis HMO now proposed. The property is also located close to Kingston Road, which offers a variety of shops and services and access to public transport. Having regard to these points, it is not considered that an objection on lack of parking could be sustained.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a modest rear garden which could accommodate adequate secure weatherproof bicycle storage.

Waste and recycling bins for the property are currently stored within the front forecourt and would be retained in this location. The Waste Management Officer has commented that the applicant would need to apply for communal waste collection and it is considered that there is sufficient space on site to accommodate the required communal sized bins.

#### 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 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 City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within three 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 (1:500), 108078, PG 2102.17.2 REVA.
- 3) 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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.



91 POWERSCOURT ROAD PORTSMOUTH PO2 7JG

**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)**

**Application Submitted By:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Fairlead Property Ltd  
FAO Mr Nicholas Atkins

**RDD:** 9th November 2017

**LDD:** 5th January 2018

**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 Powerscourt Road close to its intersection with Drayton Road. The property has a small front courtyard and benefits from a larger garden space to the rear. The property is located in the Copnor Ward.

The site is located in close proximity to a range of shops and a service located on Kingston 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**

- 3 storeys
- 6 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 under Part 2, Housing Act 2004.

Please note the following kitchen requirements,

The kitchen area needs to be a minimum of 11m<sup>2</sup> for the exclusive use of cooking, food preparation and storage. Facilities required for 6 individuals sharing are as follows:

- 2 x conventional cooker (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 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.
- 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 increased parking demand as a result of the development.

## **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 72 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 2.77%, 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.

As part of this assessment, a number of properties were identified for checking by a local ward councillor and local residents, these properties included: 90 Powerscourt Road; 91 Powerscourt Road; 102 Powerscourt Road; 104 Powerscourt Road and 110 Powerscourt Road

In examining the lawful use of these properties a thorough examination of planning history, council tax records, licencing checks and site visits were undertaken and it was considered, on the balance of probabilities No.s 90, 102 and 104 Powerscourt Road are all in C3-Residential Occupation. No. 91 Powerscourt Road is the application site and is considered to be in lawful use as a Class C3 Residential property, and No. 110 Powerscourt Road is a lawful C4 HMO, which was granted planning permission in August 2017 and has been included in the original HMO count data.

In light of this, the HMO count data remains unchanged and the current density of HMO's would be considered to increase from 1.38% to 2.77% as a result of this proposal.

#### 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)	10m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (First Floor)	7.6m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (First Floor)	8.7m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	11.6m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (Second Floor)	7.97m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (Second Floor)	15.5m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Ground Floor)	27.6m <sup>2</sup>	27m <sup>2</sup>
Living Room	12.1m <sup>2</sup>	11m <sup>2</sup>
Ensuite 1 (Ground Floor)	2.82m <sup>2</sup>	Not defined
Ensuite 2 (First Floor)	2.86m <sup>2</sup>	Not defined
Ensuite 3 (First Floor)	2.82m <sup>2</sup>	Not defined
Ensuite 4 (First Floor)	2.85m <sup>2</sup>	Not defined
Ensuite 6 (Second Floor)	3.36m <sup>2</sup>	Not defined
Communal Shower Room (First Floor)	2.74m <sup>2</sup>	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. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>.

## 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 and retained in the front courtyard.

## **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) 111021 REV 00, 111016 REV 00 and 17109-501 B.
- 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.

54 KENSINGTON ROAD PORTSMOUTH PO2 0EA

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

**Application Submitted By:**

Town Planning Experts  
FAO Miss Ema Baker

**On behalf of:**

Aurora Property Solutions  
FAO Mr Wilcock

**RDD:** 21st December 2017

**LDD:** 1st March 2018

## **SUMMARY OF MAIN ISSUES**

### SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation;
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

### Site and Proposal

The application relates to a two-storey mid-terraced property located on Kensington Road close to its junction with Copythorn Road. The property has a front forecourt and a rear garden.

Planning permission is sought for a change of use of the property from purposes falling with Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation), to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis Use).

Internally, the existing property comprises the following:

Ground Floor - 1 x bedroom, lounge, utility, kitchen, conservatory and W/C

First Floor - 3 x bedrooms and a bathroom

### Planning history

Planning permission was granted in April 2017 for a change of use of the property from a dwellinghouse (Class C3) to uses falling within either Class C3 or C4 House in Multiple Occupation (for up to 6 unrelated persons), ref. 17/00208/FUL.

## **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**

- 3 storeys
- 7 bedrooms

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

## **REPRESENTATIONS**

None received.

## **COMMENT**

Principle of the proposal

Planning permission is sought for the use of the property as a 7 bedroom, 7 person Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission in April 2017 (ref. 17/00208/FUL) that would allow the occupation of the property by 3-6 unrelated individuals.

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 (as amended 21 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use through the creation of additional bedrooms. The HMO SPD states that 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 already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that area already imbalanced.

In this case, data held by the Council indicates that out of 51 properties within a 50m radius, 1 is in HMO use (the application property), which represents a HMO density of 1.96%. No additional properties for checking have been brought to the attention of the LPA throughout the course of this planning application.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 person, 7 bedroom HMO (Sui Generis) is considered acceptable in principle in accordance with Policy PCS20 of the Portsmouth Plan.

## Standard of living accommodation

The proposal seeks to provide:

Ground Floor: 2x bedrooms, 2 x ensuites, W/C, utility room and a kitchen/lounge/diner.

First Floor: 3x bedrooms and 3x ensuites.

Second Floor: 2x bedrooms and 2x ensuites.

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Room:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 7 (Ground Floor)	8.93m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (Ground Floor)	8m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	7.57m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	7.92m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (First Floor)	11.48m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Second Floor)	8.12m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 1 (Second Floor)	8.56m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Ground Floor)	27m <sup>2</sup>	27m <sup>2</sup>
Ensuite 7 (Ground Floor)	2.76m <sup>2</sup>	Not defined
Ensuite 6 (Ground Floor)	3.15m <sup>2</sup>	Not defined
Ensuite 5 (First Floor)	2.85m <sup>2</sup>	Not defined
Ensuite 4 (First Floor)	2.85m <sup>2</sup>	Not defined
Ensuite 3 (First Floor)	2.88m <sup>2</sup>	Not defined
Ensuite 2 (Second Floor)	2.76m <sup>2</sup>	Not defined
Ensuite 1 (Second Floor)	2.76m <sup>2</sup>	Not defined
W/C (Ground Floor)	1.04m <sup>2</sup>	Not defined

The city councils Private Sector Housing Team (PSHT) has been consulted as part of this application. Having reviewed the room sizes in relation to the proposed number of occupants, the PSHT have raised no adverse comments and have confirmed that the property would be required to be licensed under Part 2 of the Housing Act (2004).

All of the rooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the PSHT have noted that these should be a minimum of 2.74m<sup>2</sup>. The PSHT have also indicated that a W/C should be a minimum of 1.17m<sup>2</sup>, given the level of sanitary facilities that would be available to future residents of the property, the ground floor W/C which is slightly undersize (0.13m<sup>2</sup>) would be considered to be an additional facility and therefore acceptable in this case.

Overall, it is considered that the property provides a good quality of accommodation with suitable size rooms in accordance with Policy PCS20 of the Portsmouth Plan.

## Impact on neighbouring residents

The proposal is to increase the number of bedrooms within the property to 7. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property, which could result in the transmission of noise and disturbance to the adjoining

occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering a recent appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Having regard to the appeal decision, and the existing use of the property which would allow its occupation by up to 6 unrelated persons, it is not considered that the use as a 7 person, 7 bedroom Sui Generis HMO would have a significant impact on the amenities of neighbouring residents.

Parking, cycle and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking.

Advice provided by the Highways Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, it is relevant to note that the parking requirement set out within the Parking Standards SPD is the same for a Sui Generis HMO as it is for a C3 dwellinghouse with 4 or more bedrooms. It is understood that the original house had at least 4 bedrooms, therefore in accordance with the Parking Standards, this would have the same parking requirement as the Sui Generis HMO now proposed. The property is also located close to Copnor Road, which offers a variety of shops and services and access to public transport. Having regard to these points, it is not considered that an objection on lack of parking could be sustained.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a modest rear garden which could accommodate adequate secure weatherproof bicycle storage.

Waste and recycling bins for the property are currently stored within the front forecourt. The Waste Management Officer has commented that the applicant would need to apply for communal waste collection and it is considered that there is sufficient space on site to accommodate the required communal sized bins.

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 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 City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within three 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 PG.2013.17.2 REV G.
- 3) 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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 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.

38 KENT ROAD SOUTHSEA PO5 3ET

**VARIATION OF CONDITIONS 2 AND 7 OF PLANNING PERMISSION 16/01584/FUL TO REDUCE PARKING PROVISION BY ONE PARKING SPACE**

**Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**On behalf of:**

The Portland PO5 Limited  
FAO Mr John Garrett

**RDD:** 30th November 2017

**LDD:** 2nd February 2018

**SUMMARY OF MAIN ISSUES**

The main determining issue in this application is whether a reduced parking provision associated in comparison to the previously approved development (ref.16/01584/FUL) would be acceptable in highways terms.

**The Site**

The former Portland Hotel is a substantial four-storey statutorily listed building (Grade II) that occupies a 0.14ha site. It is prominently located on a corner with street frontages to Kent Road (to the north) and Portland Road (to the west), with a tertiary frontage to Tonbridge Street (to the east) at the rear. The property lies within 'Owen's Southsea' Conservation Area (No2) and there are an extensive array of other heritage assets nearby. The nearest of those heritage assets include the immediately adjoining Portland Terrace (Grade II) and on street frontages opposite the site include Nos51-53 Kent Road, Brankesmere House, Dover Court and St Jude's Church (all Grade II); attached to the east is Portland Court 40 Kent Road, which is included in the list of locally important buildings.

Planning Permission and Listed Building Consent was granted in May 2017 (refs.16/01584/FUL & 16/01585/LBC respectively) for the conversion of the building to form 12 dwellings with external alterations to include: the construction of dormer windows/rooflights and lightwells; alterations to windows/doors and walls and gates; associated landscaping with parking; and the construction of a boiler/tank room, bicycle storage and refuse enclosure. Whilst work has commenced on site, it is not considered that the development is substantially complete.

**Proposal**

This application seeks to vary Conditions 2 and 7 of Planning Permission 16/01584/FUL to reduce the parking provision associated with the development by one parking space.

**Relevant Planning History**

In addition to the applications above, there is extensive planning history relating to the application site. However, none is directly relevant to the determination of this application.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan and Supplementary Planning Documents (SPD) in respect of Housing Standards (January 2013), Parking Standards and Transport Assessments (July 2014), Sustainable Design & Construction (January 2013) Solent Protection Areas (April 2014) and Reducing Crime Through Design SPD (March 2006) are also relevant to the determination of this application.

## **CONSULTATIONS**

### **Highways Engineer**

This application is for the variation of planning conditions 7&2 relating to an existing planning permission (16/01584/FUL) that is currently being implemented. This variation would result in the loss of a single parking space, thus reducing the provision from 17 to 16 spaces the provision of which was required by condition 7 of the permission.

The existing permission relates to the conversion of a Hotel to C3 dwelling houses in the form of 1, 2 & 3 bedroom flats. The space that is proposed to be lost will in fact be repurposed to support a new application at a neighbouring site on Tonbridge Street and will still represent a space on the wider site. An application at this site was recently refused on parking grounds.

The lost parking space was shown as "unallocated" on the permitted plans and would likely have been used as overspill or visitor parking. Each of the permitted dwellings would retain an allocated space with a further 4 unallocated to be used as required. Given the relative high accessibility of the area, the Highways Authority is of the opinion that a guaranteed space per property plus 4 additional to be used flexibly is appropriate.

The Highways Authority would not wish to raise a highways objection to this proposal.

## **REPRESENTATIONS**

None received.

This application is brought to the Planning Committee for determination due to its close connection with the adjoining site to the east, fronting Tonbridge Street, which was the subject of a planning application (ref.17/01049/FUL) considered and refused by the Planning Committee in October 2017. Planning application 17/01049/FUL was refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would fail to provide adequate off-road parking facilities in line with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document (SPD) which would exacerbate the significant parking shortfall within KC resident's parking zone that is already oversubscribed by more than 300 spaces (in terms of spaces available to permits issued). The proposal would therefore be contrary to the requirements of Policies PCS17, PCS23 and the Parking Standards and Transport Assessments SPD.

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).

## COMMENT

The main issue for consideration in this application is whether a reduced parking provision associated with the previously approved development (ref.16/01584/FUL) would be acceptable in highways terms.

Planning permission was granted in May 2017 (ref.16/01584/FUL) for the conversion of the building to provide two 1-bedroom, six 2-bedroom and four 3-bedroom dwellings with associated works which included the provision of a car park with 17-parking spaces. This application seeks to reduce the parking provision associated with the development removing one previously un-allocated visitor space to the rear of the building within an existing car park fronting Tonbridge Street.

It is noted that the submitted location plan indicates that the adjoining plot of land onto the Tonbridge Road frontage remains within the applicant's ownership. This adjoining site was the subject of a separate planning application refused by the Local Planning Authority in October 2017 (ref.17/01049/FUL) with the reasons for refusal citing its failure to provide adequate off-road parking facilities in line with the requirements of the Parking Standards SPD. The applicant's submitted Planning Statement indicates that the removal of a parking space from the development at the Portland Hotel site would be re-allocated to the adjoining site at Tonbridge Street to support future development opportunities.

In considering the highways merits of planning application 16/01584/FUL, the officers' report stated: 'The submitted drawings identify allocated parking provision on the basis of two spaces for the larger three-bedroom dwellings and one space for the other dwellings. The authorised use of the ground floor as a public house (A4) notionally generated parking requirements and the site is located in close proximity to Southsea shopping area where there is a wide range of goods and services. The lower ground/ground floor maisonettes with gardens would have individual secure/covered cycle stores and the nine other dwellings share cycle hoops. Having regard to such provision, it is considered that the proposed level of parking would be acceptable and accord with the Parking Standards SPD'.

Whilst the current proposal would result in the provision of 16 rather than 17 parking spaces, this would still allow for the allocation of two spaces for each of the larger three-bedroom dwellings and one space each for the other one and two-bedroom dwellings. Again having regard to the close proximity to Southsea shopping area and the seafront where there is a wide range of goods, services and recreational facilities, it is considered that the parking provision now proposed is adequate to serve the development without significant adverse impact on the surrounding highway network. The provision of bicycle storage facilities remains unchanged.

The application has been considered by the Local Highways Authority (LHA) who highlight that the 'lost' parking space was previously shown as an unallocated space and is likely to have been used as overspill or visitor parking. The LHA conclude that given the relative high accessibility of the site, the amended parking provision proposed, whether allocated or communal, would be sufficient to serve the development and no objection is raised. As such it is considered that the proposal would remain acceptable in highways terms complying with the aims and objectives of Policy PCS17 of the Portsmouth Plan.

As the approval of this application would result in the grant of a new planning permission, the Local Planning Authority must consider the proposal against current relevant national and local planning policies whilst placing significant weight to the previous decision (16/01584/FUL) which has been implemented and remains extant.

On the basis that there have been no significant changes in circumstance since the grant of planning permission in May 2017, and placing weight on the extant planning permission at the site, it is considered that the proposal remains acceptable in principle and would continue to

represent a sustainable form of development returning an important and prominent Listed Building back to beneficial use after a significant period of vacancy.

The proposal would therefore remain in accordance with policies PCS13 (A green Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and conservation) of the Portsmouth Plan.

Subject to the completion of a legal agreement carrying across obligations imposed on planning permission 16/01584/FUL in respect of viability re-appraisal should the development not be substantially completed with 24 months of the original date of planning permission (18.05.2017), it is considered that the application is capable of support.

**RECOMMENDATION 1** - That delegated authority be 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:

**RECOMMENDATION 2** - That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

## **RECOMMENDATION                      Subject to Legal Agreement(s)**

### **Conditions**

1) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following drawings approved by Condition 2 of planning permission 16/01584/FUL with the exception of drawing 63\_16\_P\_19\_RevC (Proposed Site Layout Plan) which is superseded by drawing 63\_16\_P\_19 Rev-D (Proposed Site Layout Plan):

Site Location Plan - 63\_16\_S106\_01A;

Site Layout Plan - 63\_16\_S106\_02A;

Lower Ground Floor Plan (demolition) - 63\_16\_P\_20;

Proposed Lower Ground Floor Plan - 63\_16\_P\_21;

Ground Floor Plan (demolition) - 63\_16\_S106\_30;

Proposed Ground Floor Plan - 63\_16\_S106\_31;

First Floor Plan (demolition) - 63\_16\_P\_40;

Proposed First Floor Plan - 63\_16\_P\_41;

Second Floor Plan (demolition) - 63\_16\_P\_50;

Proposed Second Floor Plan - 63\_16\_P\_51;

Third Floor Plan (demolition) - 63\_16\_P\_60;

Proposed Third Floor Plan - 63\_16\_P\_61\_RevD;

Fourth Floor Plan (demolition) - 63\_16\_P\_70;

Proposed Fourth Floor Plan - 63\_16\_P\_71\_RevD;

Roof Plan (demolition) - 63\_16\_P\_80;

Proposed Roof Plan - 63\_16\_P\_81;

Proposed elevations - 63\_16\_P\_90;

Proposed boiler room/tank room & site sections - 63\_16\_P\_91;

Proposed elevations with site context - 63\_16\_P\_92;

Proposed cycle stores - 63\_16\_P\_93\_RevA;

Proposed cycle stores - 63\_16\_P\_94;

Proposed elevations with boundary walls - 63\_16\_P\_95; and,

Proposed Landscape Layout - 192/004\_RevB.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of Condition 3 of planning permission 16/01584/FUL that any remediation scheme required and approved under the provisions of

Conditions 3 of planning permission 16/01584/FUL has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 3 of planning permission 16/01584/FUL.

3) The scheme of hard/soft landscaping including tree pit specification approved pursuant to Condition 5 of planning permission 16/01584/FUL (Hard Landscape Layout Plan Drawing No 192/005 17 June 2017 - Rev A and Planting Plan Drawing No 192/006 17 June 2017 Rev A) shall be carried out in full within the first planting season following the occupation of the building or following the removal of existing trees at the site, whichever is the sooner. The landscaping shall be maintained in accordance with the approved Landscape Management Plan. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved external surface treatments shall thereafter be retained.

4)

a) Prior first occupation of any dwelling hereby permitted, the proposed car parking spaces shown on approved drawing 63\_16\_P\_19 Rev-D received 8th December 2017 shall have been surfaced (and in accordance with details approved pursuant to Condition 5 of planning permission 16/01584/FUL) and made available for use; and

b) The car parking spaces approved by part a) of this condition shall thereafter be retained for use in connection with the development hereby permitted and for no other purpose, unless otherwise agreed in writing with the Local Planning Authority.

5)

a) Before first occupation of the dwellings cycle storage facilities (in the form of individual secure/weatherproof cycle stores to 3 dwellings and black powder-coated 'Sheffield' hoops to serve the other dwellings) shall be provided in accordance with the detailed scheme shown on drawings 63\_16\_P\_19C and 63\_16\_P\_94 as approved by planning permission 16/01584/FUL (or such other details as may be submitted to and approved in writing by the Local Planning Authority); and

b) The cycle parking facilities approved by part a) of this condition shall thereafter be retained for use in connection with the development hereby permitted and for no other purpose, unless otherwise agreed in writing with the Local Planning Authority.

6) All new windows, doors, roof dormers, flush-fitting (conservation-style) rooflight windows, ramped entrance/railings and retaining walls (to lightwells) shall be carried out in accordance with details approved pursuant to Condition 9 of planning permission 16/01584/FUL and thereafter retained. Any new windows and doors shall be constructed of painted timber.

7) The alterations to external walls proposed to be carried out in a painted stucco finish (shown rusticated on the Kent Road frontage) and natural slate roofing material to be used on the proposed dormers shall match as closely as possible in type, colour and texture those on the existing building.

8) Prior to the installation of any plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented.

**The reasons for the conditions are:**

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 3) To maintain a high quality landscape setting and replacement trees of suitable stature within the curtilage of the listed building and to preserve the character and appearance of 'Owen's Southsea' Conservation Area that justifies the loss of existing substantial trees which make an important streetscape contribution to the amenity of the area at this conspicuous corner site, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 4) To ensure adequate on-site car parking provision remains available for those purposes to meet the future transport requirements of the occupiers and to discourage parking on the adjoining highway, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the Parking Standards SPD.
- 5) To ensure that adequate cycle storage is provided for occupiers of the development and in order to promote and encourage alternative transport modes to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 6) To preserve the special architectural or historic interest of the Grade II listed building and the visual amenities of the surrounding 'Owen's Southsea' Conservation Area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 7) To preserve the special architectural or historic interest of the Grade II listed building and the visual amenities of the surrounding 'Owen's Southsea' Conservation Area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential 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.

**SOCIAL CLUB, UNITY HALL, COBURG STREET, PORTSMOUTH**

**OUTLINE APPLICATION FOR CONSTRUCTION OF UP TO 10 STOREY BUILDING TO FORM STUDENT HALLS OF RESIDENCE (CLASS C1) COMPRISING 80 NO STUDIOS, COMMUNAL FACILITIES, CYCLE AND REFUSE STORAGE FOLLOWING DEMOLITION OF EXISTING BUILDING (PRINCIPLES OF APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED)**

**Application Submitted By:**

PDP Architecture Llp  
FAO Mr Elliott Vials

**On behalf of:**

Brownsea Build Ltd  
FAO Mr Peter Ling

**RDD:** 4th December 2017

**LDD:** 12th March 2018

**SUMMARY OF MAIN ISSUES**

This application has been referred to Committee by the Assistant Director of Culture and City Development as it proposes specialist student accommodation in area not identified for such development within the Council's 'City Centre Masterplan' (2013).

The main issues for consideration are as set out below:

- a) Whether the proposal would contribute to the achievement of sustainable development in accordance with national and local planning policy;
- b) Whether the principle of a student Halls of Residence in this location is acceptable;
- c) Whether the proposed development is acceptable in design terms, including whether a tall building is acceptable in this location;
- d) Whether the proposed scheme complies with the requirements for sustainable design and construction;
- e) Whether it would be acceptable in highway terms;
- f) Whether it would provide an acceptable standard of accommodation for future occupiers; and,
- g) Whether there would be an adverse impact on the Solent Special Protection Areas (SPAs)

**Site Description**

The application site measures approximately 758sqm in size and lies at the corner of Coburg Street and Holbrook Road. The site is currently occupied by the Unity Hall building, which is now used for occasional sporting activities - the building was previously in use as the Portsmouth Labour Club, prior to its closure in 2012.

Coburg Street lies to the south of the site, with a public footpath running along the southern boundary of the application site. The Portsmouth Deaf Centre, lies on the southern side of Coburg Street. Wigmore House, a 3 storey residential block, lies to the east of the application site, adjacent to the existing garage court area. Lord's Court lies adjacent to the north-east corner of the application site, which is again a residential development comprising a series of



three main blocks. The block which lies adjacent to the application site is 4 storey in height. The majority of the northern site boundary abuts a park and play area, which is enclosed to the east and north by the residential blocks within the Lord's Court development. The block which lies adjacent to the north-eastern corner of the application site is 4 storeys in height and the block which lies at the northern end of the park is 6 storeys in height. The western site boundary abuts Holbrook Road, with the Holbrook Road/Arundel Street roundabout lying to the south of the site.

## The Proposal

The application seeks outline planning permission for the redevelopment of the site to provide purpose built self-contained student accommodation in two linked blocks, ranging from 5 to 10 storeys in height, following the demolition of the existing building, Unity Hall. Block A, positioned in the western half of the site, would be 9 and 10 storeys in height - the building then steps down to 5 storeys in Block B.

The application is an amended scheme to that considered under application 17/00924/OUT, with the main change being that the red line of the application site has been reduced to exclude the adjacent garage court site. A number of elevational changes have also been made, to reflect the reduced scale and massing of the proposed building, with the level of accommodation proposed having reduced to 80no units, rather than the 96no units proposed under application 17/00924/OUT. The earlier application was presented to Members at the 15<sup>th</sup> November Planning Committee with a recommendation of approval. Members resolved to grant outline permission, subject to the completion of a S106 agreement - work is currently underway on this agreement.

The proposed accommodation would be provided as set out below:

- Ground floor - 2no lobby areas, social space (113sqm), WC, store room, 2no cycle store rooms, plant room, laundry, refuse store and office
- 1<sup>st</sup> floor - 7no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge area (47sqm)
- 2<sup>nd</sup> floor - 12no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge (47sqm)
- 3<sup>rd</sup> floor - 18no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge (47sqm)
- 4<sup>th</sup> floor - 12no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge (47sqm)
- 5<sup>th</sup> floor - 7no 1-bed studios and 1 no communal lounge (32sqm)
- 6<sup>th</sup> floor - 7no 1-bed studios and 1no communal lounge (32sqm)
- 7<sup>th</sup> floor - 7no 1-bed studios and 1no communal lounge (32sqm)
- 8<sup>th</sup> floor - 7no 1-bed studios, 1no communal lounge (32sqm)
- 9<sup>th</sup> floor - 5no 1-bed studios

The proposed flats would measure 25sqm in area with the DDA units measuring 32sqm. The communal lounge areas on the 1<sup>st</sup> to 8<sup>th</sup> floors range in size, as outlined above, from 32sqm to 47sqm, with the social space on the ground floor measuring 113sqm. This results in an overall provision of 429sqm throughout the building.

The application does not propose any parking provision but 60no secure cycle spaces are proposed at ground floor level, as was proposed under the earlier application.

The application seeks outline permission, with the appearance, layout and scale of the building to be considered at this stage. Should outline permission be granted, the details relating to access and landscaping would be considered at reserved matters stage.

The application is supported by the following documents:

- Design & Access Statement
- Tall Building Statement

- Preliminary Roost Assessment
- Surface Water Drainage Strategy

## Relevant Planning History

- 17/00924/OUT - Outline application for the construction of up to 10 storey building to form halls of residence comprising 96 study/bedrooms (Class C1) and communal facilities, cycle/refuse stores, car parking and associated works (principles of appearance, layout and scale to be considered) - Resolution to permit and S106 to be completed, Nov 2017
- A\*17079/AB [28.01.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey, stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage (after demolition of existing building) (outline application) - Withdrawn, April 2004
- A\*38940/AA [20.10.2004] - Unity Hall, Deaf Centre And Coburg Street Garages - Construction of part 4/5/6/8 storey building to comprise ground floor community hall, doctors, dentists surgeries and cycle storage above semi-basement parking, bicycle storage; deaf centre and ten flats at first floor level; and sixty-two flats at second to seventh floor levels; provision of surface car park and relocated electricity sub-station to rear; landscaping and new pedestrian/cycle path adjacent to eastern boundary (Outline ) (Amended Scheme) - Withdrawn (Finally Disposed Of), Dec 2012
- A\*17079/AC [20.10.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage facilities after demolition of existing building (outline permission) - Refused, Jan 2005
- A\*38940/AB [27.09.2005] - Unity Hall, Deaf Centre And Coburg Street Garages Arundel Street/Coburg Street - Construction of part 4/part 5/part 6 storey building comprising community hall at ground floor level and 31 flats at 1<sup>st</sup> to 5<sup>th</sup> floor levels with basement cycle store and car park; construction of part 3/part 4/part 5/part 6/ part 10 storey building comprising health centre, pharmacy at ground floor level, replacement deaf centre and 4 flats at first floor level and 49 flats at 2<sup>nd</sup> to 9<sup>th</sup> floor levels with basement cycle store and car park and provision of surface car park, alterations to Coburg Street to form a turning head and provision of landscaping (outline application) - Withdrawn, July 2006

## 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), 7 (Requiring Good Design), 11 (Conserving and Enhancing the Natural Environment).

The relevant policies within the Portsmouth Plan include:

- PCS10 - 'Housing Delivery' which sets out the proposed level of housing delivery during the plan period, 2010 to 2027.

- PCS12 - 'Flood Risk' sets out the methods to be adopted to reduce flood risk when considering development proposals.
- PCS 13 - '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.
- PCS24 'Tall Buildings' defines the preferred locations within the City for tall buildings and requires proposals to follow the assessment criteria within the Council's 'Tall Buildings' SPD.

Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

### **Supplementary Planning Documents**

The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Tall Buildings (June 2012)
- City Centre Masterplan (Jan 2013)
- Achieving Employment and Skills Plan (July 2013)
- Solent Special Protection Areas (April 2014)
- Parking Standards and Transport Assessments (July 2014)
- Student Halls of Residence (Oct 2014)

## **CONSULTATIONS**

### **Private Sector Housing**

Initial comments - dated 21.12.17

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.

"Self-contained flat" means a separate set of premises (whether or not on the same floor) -

- (a) Which forms part of a building
- (b) Either the whole or a material part of which lies above or below some other part of the building; and
- (c) In which all three basic amenities are available for the exclusive use of its occupants

#### Summary

- 10 Storeys
- 80 x 1 bed studios
- 2 x 1 bed studios (DDA)

Revised plans submitted December 2017 in response to a previous consultation.

#### Dwelling and facility sizes within student accommodation

Taking into account the requirements under the Housing Act 2004, I feel that a suitable size for a self-contained flat, within this particular development for specific use by students under a term time only occupation tenancy is 25m<sup>2</sup> for single occupancy.

#### Personal hygiene

The minimum size standard for an en-suite shower room is 2.74m<sup>2</sup> and must be enclosed with a WC, bath/shower unit, wash hand basin, heating and ventilation.

Please note the layout of the facilities in the en-suites must provide a drying/changing space and enable the occupant to use this area in a safe manner.

#### Kitchen facilities

The minimum size standard for a kitchen area within a studio flat is 5.5m<sup>2</sup>. Each kitchen must include a:

- A fridge and freezer;
- A gas or electrical cooking appliance with an oven, grill, and at least two hobs. A combination microwave is acceptable, but the appliance is to be properly and safely fitted. A minimum splash back of tiles to a height of 300mm is to be provided;
- A sink with drainer with a minimum splash back of tiles to a height of 300 mm is to be provided;
- A fixed work surface of suitable impervious material to give a food preparation surface of not less than 1m x 500mm in size per occupant. This area is in addition to that occupied by any cooking appliances or any permanently installed equipment. A minimum splash back of tiles to a height of 300mm is to be provided.
- A food storage cupboard with a minimum capacity of 0.4m<sup>3</sup> per occupant. NOTE: Space within the unit under the sink is not acceptable for this purpose.
- At least two electrical sockets at worktop level, which must be situated conveniently for the occupants to use for other non-fixed cooking appliances, such as kettles.

### Light

Each self-contained flat should have a window size that is 20% of the floor space to provide adequate natural light into the room.

### Kitchen area

Based on the proposed location of the kitchen area within each flat a fire suppression system, such as a domestic sprinkler system will be required.

### En-suites

No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage. However, please note the dwelling and facility requirements detailed earlier in the document.

### Living - storage

Where storage is proposed adjacent to the main entry/exit door further consideration is required as both doors (storage and main) are using the same open/close area, therefore there is a reliance on the storage being closed to enable the occupant to enter/exit the flat safely.

### **Southern Water** - comment - dated 12.01.18

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate surface water flow of 10 l/s at manhole SU64008550 without the development providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. “Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.”

The submitted document relating to surface water drainage states that there is a reduction in surface water flow to the sewerage system. Please ensure that the proposed surface water flow will be no greater than the existing contributing flows.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Natural England** - no objection - dated 08.01.18

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in student accommodation. Natural England is aware that Portsmouth City Council has adopted the Solent Special Protection Area Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with this policy in relation to student accommodation and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

Natural England also recommends that this application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent that has been agreed by a Hampshire County Council (HCC) Ecologist and secured by any permission. This will ensure the application meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118. With the above mitigation in place, Natural England has no objection to this application.

**Ecology** - no objection - dated 11.01.18

Thank you for consulting me on this outline application for construction of up to 10 storey building to form student halls of residence (Class C1) comprising 80 no studios, communal facilities, cycle and refuse storage following demolition of existing building (principles of appearance, layout and scale to be considered), which is supported by a Preliminary Roost Assessment (AGB Environmental, August 2017).

I would not raise any specific concerns in relation to locally-designated sites or protected species.

I would note that there may be opportunities for biodiversity enhancements, which have not been specifically identified within the application but which could be integrated into the proposal and associated soft landscaping. Further detail on these opportunities could be secured by planning condition, if you were minded to grant permission.

For designated sites, the development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £181 per new dwelling for the SRMP (from April 2017, as updated).

Therefore, if you were minded to grant permission I would advise that you secure this contribution from the applicant.

#### **Environmental Health - no objection - dated 11.01.18**

Further to the above application there are no objections to the proposed development in terms of air quality or environmental noise, however owing to the location I would suggest the following condition to protect the amenity of future residents from traffic noise.

*Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:*

*Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.*

#### **Highways Engineer**

##### Initial comments - objection - dated 09.01.18

This is an outline application which has been amended since that proposed in 17/00924/OUT (my representation of 25/10/17 refers) for the construction of up to 10 storey building to form student halls of residence described as comprising 80 studios, communal facilities, cycle and refuse storage following demolition of existing buildings. I have reviewed the relevant supporting documents, assessments and plans submitted in support of the application. In short the new application reduces the number of studios to be provided on the site and does not now include the parking / garage court to the rear. I would make the following specific observations: Coburg Street is an unclassified road largely providing access to residential dwellings. It has a narrow single carriageway with parking restricted by double yellow lines on both sides of the road. The site is located at the western end of Coburg Street adjacent to the roundabout junction between Holbrook Road and Arundel Street.

Arundel Street is a bus route served by service 13,14,15 and 21 providing a high quality and frequent service from the site to the city centre and as a consequence I am satisfied that the site is accessible by sustainable means of transport.

The revised design and access statement submitted in support of the application explains the intention to provide 80 student studio apartments. No details are provided to explain how the development would be operated or managed either as a student hall of residence or outside of the academic term. Only 60 cycle parking spaces are proposed in the application which compares with the 80 spaces required in the relevant SPD. No case has been made in the supporting information to justify such an under provision of cycle parking spaces although I am satisfied that this would reasonably meet the demands of tenants.

No specific car parking provision is proposed to be made for the halls of residence which I am satisfied that, with the exception of staff, in general use would be operated as a car free development. As such I am satisfied that in general operation the development would not have a material impact on the operation of the local highway network. No details are provided to explain how the student arrival and departures would be managed at the beginning and end of each academic year. Given that the application site does not now include the parking court which could have provided a facility in which arrivals could be managed it is important that the proposed management mechanism and parking facility of arrivals is understood prior to the determination of the application.

As this application stands I must raise a highway objection to the proposal as it is not clear how the student arrivals at the beginning of each academic year can be managed without impacting on the operation of the highway network.

Subject to the resolution of that matter I would not wish to raise a highway objection subject to conditions / planning obligation requiring that:

- Prior to occupation a travel plan being submitted to and approved by the LPA to address the management arrangements for student arrivals and departure at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence within the city, supported with a £5500 fee to facility council auditing of the arrangements annually over the first 5 years of occupation.
- The development shall not be occupied until 60 secure cycle parking spaces have been provided on site.
- The development shall not be used for other than student accommodation

#### Additional comments - no objection - dated 11.01.18

Further to my representation of 9th January above and our subsequent conversation I would confirm that I would have no objection to this proposal subject to a Section 106 agreement requiring that prior to the commencement of the development occupation a travel plan is submitted to and approved by the LPA to address the management arrangements for student arrivals and departures at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence within the city, supported with a £5500 fee to facility council auditing of the arrangements annually over the first 5 years of occupation.

The management arrangements for student arrivals and departures at the beginning and end of each academic year for all other student halls of residence within the city centre have secure one parking space for an hour for each arrival utilising a range of on-street and private parking facilities secured for the arrivals period. In each case the management plans have required the provision of an arrivals programme to the LPA annually in advance of students taking up occupation to facilitate auditing of the plan implementation.



Conditions should also be imposed as follows:

- The development shall not be occupied until 60 secure cycle parking spaces have been provided on site.
- The development shall not be used for other than student accommodation

Additional comments - dated 25.01.18

I've had opportunity to review the representation made by the cycle forum on this application and would make the following observations:

The forum make 3 specific points although the first and last are essentially the same issue. The forum take the view that the application includes insufficient encouragement for residents of the building to make sustainable travel choices. The site does not provide parking for residents and is well served by public transport offering reduced rates to students both of which will provide significant encouragement to use sustainable modes of travel. This concern to stem from the notion that the surrounding road layout is hazardous for walking and cycling and I suspect that the perspective arises specifically due to the difficulties faced by cyclists in negotiating the roundabout at Holbrook Rd / Arundel Street and to a lesser degree the roundabout at Winston Churchill Avenue.

Whilst I would agree that these junctions are not ideal for cyclists and require some diversion from the most direct route to access controlled crossing facilities, the improvements suggested by the forum to narrow the carriageway and widen footways to provide shared off road cycling facilities would significantly reduce the traffic capacity increasing congestion in peak periods and hence air pollution. This is contrary to para 30 of the NPPF where it is explained that '*Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion*'. There is a toucan crossing on the southern side of the Holbrook Roundabout with islands on each of the other arms facilitating crossing of the junction by pedestrians and cyclists on foot in two stages. Similarly there are on road cycle lanes to the west on Arundel Street making the most direct connection towards the university buildings in the city centre.

On balance I would not wish to reduce traffic capacity at these junctions with the consequent implications for congestion and air quality to make the sort of changes sought by the cycle forum and do not believe that there is the crossing demand to justify the inclusion of additional controlled crossings on each arm of the roundabout.

The second concern of the forum relates to the proposed cycle parking which they suggest is insufficient and should be provided at a rate of one space per 'flat'. 60 cycle spaces are proposed to be provided at the development which is a significantly greater proportion than has been achieved at other student halls of residence where much of the cycle parking capacity is not taken up by the students. I am comfortable that the provision of essentially 1 space per 2 rooms will be more than sufficient to meet the practical demand for cycle parking by the resident students.

**Waste Management Service** - comments - dated 20.12.18

I have looked at the plans and it generally looks fine. The only concern is from the elevations which appear to show the bin store has a slope or step from when it comes out onto the pavement and the door way should be flush with the pavement. I should also clarify that as a C1 development the waste would not be collected by Portsmouth City Council and they would need a private waste contractor.

The community hall, was from an era where asbestos may have been used in the buildings (asbestos register will help confirm this, but a refurbishment/demolition survey will also be required). Historically the site has also been used by decorators in an era when leaded paint and solvents would have been used, and a small substation abuts the site and so should be acknowledged in the reports. The usage are minor, but given the residential future of the site, standard conditions are requested.

The survey is requested as a precaution and so a minimal scope and/or combined report submission will be acceptable to this office.

*(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:*

*a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,*

*b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,*

*c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.*

*(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (i)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.*

*Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.*

*Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

**Crime Prevention Design Advisor** - no objection - dated 08.01.18

The current proposal addresses the issues raised in my letter of the 25<sup>th</sup> July 2017 (ref: application 17/00924/OUT). I have no further comments.

**Coastal And Drainage** - comment - dated 25.01.18

It appears the Surface Water strategy has not been updated for the new application as it appears to read exactly the same as the previous application. Please ask for it to be revised accordingly

## **REPRESENTATIONS**

**Portsmouth Cycle Forum** - objection - dated 21.01.18

Portsmouth Cycle Forum would like to OBJECT to this planning application on the following grounds:

- There is insufficient encouragement for residents of the building to make sustainable travel choices
- The bike parking provision is inadequate
- The surrounding road layout is hazardous for walking and cycling

Portsmouth Cycle Forum recognise the benefit the University of Portsmouth brings to the city, and also that this landmark building would increase the diversity of the local population. Therefore in principle we are in favour of this development with the following observations and recommendations.

### Accessibility

As with many similar developments, the design and access statement makes a point about 'good' accessibility by walking and cycling, avoiding the need to provide parking spaces. In principle we agree active travel should be encouraged over private vehicle use. However, the route from the building to the university faces a huge barrier which is the Holbrook Road/Arundel St junction.

Currently there is a well used toucan crossing south of the roundabout. On the other 'arms' there are informal traffic islands allowing two-stage crossing by foot. For such a highly populated area this is insufficient. Most drivers are focussed on vehicles on the roundabout and the road ahead rather than pedestrians waiting to cross. Often these vehicles are close to 30mph if there is little traffic on the junction.

*There is a danger that if these hazards are not addressed collisions between cars and pedestrians or cyclists will increase.*

As with the roundabout on Winston Churchill Ave, this junction is much larger than is necessary for the type and volume of traffic using it. Each arm should be reduced to single lane, with a tighter turn. This will slow traffic down on approach and exit, to allow pedestrians to cross safely.

Reducing the carriageway width will allow both sides of Holbrook Road to have wider footways, converted to shared foot/cycle use. Such a development would enable safe cycle journeys between this part of Fratton and other parts of the city, reducing the pressure of vehicles on roads. It would also allow the crossings to be upgraded to zebra-type 'Tiger' crossings, as has been used in London. These are similar to zebra crossings, but allow cycle routes to cross alongside, without the disruption to traffic flows from controlled crossings.

#### Recommendations:

- Provide secure cycle parking one space per flat
- Provide cycle parking outside entrance for visitors
- Create shared cycle/foot paths either side of Holbrook Road.
- Reduce carriageway width to slow down traffic
- Create shared cycle/foot crossings on each arm of roundabout

Any costs for engineering measures proposed can be taken from the anticipated CIL funds required of the developer.

**University of Portsmouth** - Holding objection - dated 12.01.18

Please take this email as confirmation of a holding objection on behalf of the University of Portsmouth, in respect of application 17/02056/OUT for a student housing development at the Social Club, Unity Hall, Coburg Street. We will be providing a formal written response and grounds to the application early next week.

***NB: No further correspondence has been received at the time of writing this report.***

#### **COMMENT**

Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by Paragraph 50 of the NPPF which states that "...local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".

As outlined above, the application seeks outline permission for the redevelopment of the Unity Hall site for the delivery of 80no purpose built student accommodation units, within a building ranging from 5 to 10 storeys in height. which is considered a 'tall building'. The application site lies within one of the preferred locations for tall buildings, Fratton, as set out in Policy PCS24 of the Portsmouth Plan. The site also lies within an 'area of opportunity' for tall buildings, 'Fratton', as identified within the Council's 'Tall Buildings' SPD, which is discussed in more detail later on in this report.

The Council's 'Student Halls of Residence' SPD (adopted October 2014) states that new halls of residence should be located close to the University or other educational establishments in order to ensure that journeys are made by foot or bicycle and therefore reduce the need for a car. It states that the preferred locations for such schemes would be the city centre or locations within walking/cycling distance. The 'City Centre Masterplan' (2013) identifies a number of development sites with the potential for student accommodation. The application site does not fall within the city centre and was not identified within the 'City Centre Masterplan'. However, the site lies within easy reach of the University and language schools within the city.

The application is an amended scheme to that considered under application 17/00924/OUT, which sought outline permission for 96no purpose built student accommodation units, in a building ranging from 4 to 10 storeys in height. As noted above, application 17/00924/OUT was considered by Members in November 2017 - Members resolved to grant outline planning permission for the scheme, subject to the completion of a legal agreement. As such, the principle of a purpose built student accommodation scheme on this site was found to be acceptable under the earlier application and the current application proposes the same use for the site, with a reduction in the overall scale and massing of the building, reflecting the reduction in the size of the application site. The principle of the development is therefore considered to be acceptable.

Historically, there have been insufficient student hall places to accommodate all first year students. The University of Portsmouth has now stated it is able to offer a room in halls to all full-time UK/EU students who make Portsmouth their first choice and apply in advance of the deadline. The University has stated that the Council should discourage purpose built-accommodation unless supported by the University, and is seeking to play a part in revising the approach to student accommodation in the new Local Plan. This is being considered by the Council, but Council's current approach to new student accommodation is in response to continuing market interest in delivering new student accommodation, and an understanding that demand exists from 2nd and 3rd year students, as well as mature students, for this type of accommodation.

It is however acknowledged that significant numbers of student bedrooms have recently been provided within the City, as summarised below:

- Greetham St - 836 study bedrooms
- Earlsdon Street - 35 study bedrooms
- Guildhall Walk - 25 study bedrooms
- The Registry - 41 study bedrooms
- Zurich House - 999 study bedrooms
- Europa House - 242 study bedrooms
- Middle Street - 124 study bedrooms
- Lake Road - 30 study bedrooms

In addition, the following schemes are either under construction or going through the planning process:

- The Trafalgar - 136 study bedrooms
- Isambard Brunel Road - 484 study bedrooms
- Surrey Street - 576 study bedrooms
- Stanhope House - 256 study bedrooms
- Middle Street - 66 study bedrooms
- Wingfield House - 295 study bedrooms
- 10 Guildhall Walk - 65 study bedrooms
- Venture Tower - 97 study bedrooms
- Hampshire Court Hotel - 38 study bedrooms

It is also noted that there is a resolution to grant outline permission for 96no bedrooms, under the earlier application relating to this site, ref: 17/00924/OUT - as referred to above, the legal agreement relating to this application is currently being prepared and once completed, outline permission will be granted.

The University has lodged a holding objection to the application, but no further details have been received, at the time of writing this report. The proposed development of 80 purpose built study bedrooms on this site would therefore make a contribution towards meeting the need for students choosing to study within Portsmouth and thereby contributing to the wider economic

regeneration of the city. Notwithstanding this assessment, at present there is no obligation on a developer to identify a need for further student accommodation which ultimately will be determined by the market rather than through the planning system. The potential risk of oversupply is noted and the Council is seeking to mitigate this by separately recording bespoke student accommodation and publishing regular updates of supply in its Authority Monitoring Report on its website.

Proposals for residential development are normally subject to a number of detailed policy requirements, such as the delivery of affordable housing, the provision of public open space, car parking spaces and compliance with nationally prescribed minimum space standards. Given the specialist nature and differing occupancy requirements of purpose built student accommodation, such requirements are not generally applied to this type of application. However, in order to justify waiving these requirements, the Council needs to be satisfied that the proposed student accommodation conforms with the norms set out in the Codes for Accommodation, provided either by Universities or set out within Appendix 1 of the 'Student Halls of Residence' SPD and that the accommodation will be restricted to term-time use for students on a recognised full-time course of study.

As with the earlier application, 17/00924/OUT, in order to achieve these restrictions, the applicants are required to enter into a S106 agreement, restricting the proposed accommodation to temporary term-time accommodation for occupation solely or principally by students on a recognised full-time course of study and to ensure that the property does not become permanent, general needs housing. The applicants have been made aware of this requirement and work on the legal agreement is progressing.

### **Loss of Existing Building**

As with the earlier outline application relating to this site, ref: 17/00924/OUT, the proposed redevelopment requires the demolition of the existing building, Unity Hall, which dates from 1926. The building was last in use as the Labour Club, prior to closing in 2012. It is understood from the Design & Access Statement that the building is now used for occasional sporting events.

Policy PCS23 (Design & Conservation) outlines the expectations for new development in design terms, to ensure the delivery of well-designed schemes, which respect the character of the city. As such, new development should relate well to the geography and history of Portsmouth, including the City's built heritage. However, the existing building, Unity Hall, is not listed. As such, the building is not considered to be a designated heritage asset in its own right, nor does it fall within a conservation area.

The building is not without architectural interest - its façade is chamfered at the junctions of Holbrook Road and Coburg Street, with the design responding to the corner with the suggestion of a tower feature which is emphasised in stone. This is complemented by a stone plinth detail, heavy plain frieze at first floor and stone window surrounds, arches and brackets, some elements of which are further embellished with a number of neoclassical /'baroque' motifs. These features are modest in size and number but are considered to show a degree of craftsmanship and add an element of visual interest to the building.

However, the building does not create or form part of a striking view or vista within the immediate area in townscape terms and is partially screened in views from the north and south by the slightly set back position from the roundabout junction to the south and tree planting on both Holbrook Road and Coburg Street. In terms of its overall design, there is a lack of symmetry within the composition of the building and a degree of awkwardness in its proportions, massing and the rhythm and pattern of window openings. The building has also been subject to significant and unsympathetic alterations, with the remodelling of the principal entrance, alterations to the windows and a large brick extension to the rear. There are also sections of razor wire on the eastern sections of the building which are a detrimental and intrusive feature

within the immediate streetscene and at odds with the predominantly residential character of the areas to the north and east of the site.

When taking all of these factors into consideration, the level of significance that can be attributed to the building is considered to be low, particularly when compared with other buildings of a similar age and use within the city. Unity Hall is neither a designated heritage asset or locally listed and it is noted that its loss was considered to be acceptable under the earlier application. The loss of the existing building would not result in any harm to designated or non-designated heritage assets and as such, it is not considered that a refusal of outline permission could be justified on heritage grounds. As such, the proposals are considered to comply with the aims of Policy PCS23 on these grounds.

### **Siting, Layout & Design Issues**

As set out above, the application seeks approval of the layout, scale and appearance of the proposed development, with the detailed issues of landscaping and access to be considered at Reserved Matters stage, should outline permission be granted.

Policies PCS23 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.

The supporting 'Design & Access Statement' (DAS) states that the 'composition' of the scheme results in the proposed building acting as a 'focal point' when looking north/south along Holbrook Road and eastwards along Arundel Street. It goes on to state that the building is 'articulated to focus on the tower element, whilst adding a different dynamic to each elevation, to enhance each elevation in the process.

In terms of scale and appearance, the proposed building would measure from between four and ten storeys in height and therefore constitutes a tall building. Policy PCS24 relates to tall buildings and identifies preferred locations for such buildings within the City. This is supported by the Council's 'Tall Buildings' SPD (adopted 2012). The SPD identifies nine 'areas of opportunity' for tall buildings within the City. The application site lies within the 'Fratton' area of opportunity, with the SPD stating that the Fratton area of opportunity has been 'identified as a possible location for tall buildings on the basis of its proximity to Fratton railway station, Fratton district centre and the number of important roads and two major roundabouts.' It goes on to state that the area may offer an opportunity for a landmark building and that proposals in this area should:

- Where appropriate, have due regard to the domestic scale of adjacent buildings, particularly on the northern boundary of sub areas A and C and the southern boundary of sub area D
- Where appropriate, give particular consideration to their potential impact on views towards and/or the setting of St Mary's Church

The application is supported by a 'Tall Buildings' Statement and 3D visual representations have also been provided by the applicants.

Given the corner location of the plot and its position in relation to the adjacent section of highway, the roundabout and the scale of nearby residential blocks, the construction of a tall building on the site is considered to be acceptable in street scape terms and the proposed scheme largely mirrors the design approach proposed under application 17/0924/OUT. The building has been designed to step up in height towards the Holbrook Road elevation, with the

bulk and massing of the building responding at its eastern end to the neighbouring three storey buildings. The tallest element of the building, given the separation between the two 'blocks' of the overall scheme and the differentiation in terms of materials and articulation, would, to a degree, be read as a separate entity on the western section of the site, benefitting from the more open surroundings afforded to the site by the adjacent sections of highway and roundabout junction. The lower overall height and massing of Block B provides a linking section of built form within the streetscene, from the ten storey element of Block A, down to the three storey blocks immediately to the east. The more rectangular form of this element of the building also reflects and responds the form of the neighbouring residential blocks to the east and the Lords Court development to the north.

Whilst the ten storey form of Block A would be in stark contrast to the existing street scene, where nearby buildings are generally much lower in height and more traditional in terms of materials, this does not in itself render the scheme unacceptable - again, it is noted that this scale of built form was considered acceptable in this location under the earlier application. The overall scale and bulk of this element of the building is broken up by the careful use of differing external materials, creating a range of textures across the elevations of the Block A and adding visual interest to the form of the building itself and the surrounding street scene. The grey cladding panels proposed on the southern and western elevations provide a degree of vertical emphasis to the corner element of the building and contribute to the rhythm of the building created by the pattern of fenestration. By contrast, the use of white cladding panels and the larger pattern of windows in the lower sections of Block A create a more horizontal emphasis in this section of the building, which complements the style and design of the corner element.

Block B is more subservient in scale, form and materials, being 5 storeys in height and brick built. The detailing in this section is more subtle, with the main interest arising from the pattern and rhythm created by the windows and coloured panels and surrounds. The glazed linking section between the two blocks also helps to emphasise the corner feature created by Block A, by providing a distinct sense of separation between the two elements of the building. The design of the northern and eastern elevations of Block B maintains this same design approach which is considered appropriate.

With regards to materials, the proposed elevations show a colour scheme of grey and white cladding, with contrasting blue detailing used across the building, in the columns of Block A, as well as the window panelling and window surrounds. Block B would be brick built but again incorporates a number of blue detailing features, helping to tie the two blocks together. Whilst the proposed blue feature colour is considered more acceptable than the orange proposed under the earlier application, the success of the scheme will to a large degree depend on the quality and crispness of the materials used and the detailing of the individual elevations. As such, it is recommended that a condition be applied requiring full details and samples of all external materials, including a range of colour samples for the feature elements, to ensure a high quality finish and appearance to the building.

Overall, in light of the issues outlined above, it is considered that the proposed building would make a positive and striking contribution to the existing street scene, acting as a landmark feature on this corner plot. The proposals are therefore considered to comply with Policies PCS23 and PCS24 of the adopted Local Plan and the aims of the NPPF with regards to the delivery of good design.

### **Landscaping Issues**

As noted above, the detailed landscaping proposals for the scheme would be considered at reserved matters stage, should outline permission be granted. The plans do not show the provision of any areas of soft landscaping but it is considered that there would be scope for such features within the enclosed courtyard area at the rear of the building. As such, the proposals are considered to be in accordance with Policy PCS13 in this respect.



## **Residential Amenity Issues**

Policy PCS23 (Design & Conservation) lists a number of criteria against which development proposals will be assessed, including the need to protect 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. In terms of residential amenity, there are two elements for consideration, these being the impact on existing neighbouring residents to the site and secondly, the impact on future occupiers of the scheme. 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. In terms of future occupiers, consideration also needs to be given to noise and disturbance from the existing highway network.

### Residential Amenity

In terms of the potential for overlooking and loss of privacy, consideration needs to be given to the siting of the proposed building within the site and the position of windows. The eastern elevation of Block B, measuring 5 storeys in height is set back by approximately 18.4m to 20m from the facing western elevation of the neighbouring residential building, Wigmore House, which contains 4no windows at 1<sup>st</sup> and 2<sup>nd</sup> floor level, facing towards the application site. The proposed eastern elevation contains 4no windows, serving studio flats on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors - these units are also all served by additional windows on the southern elevations of the building. There is also a glazing panel which provides light to the landing areas on each floor. Given the separation distances to Wigmore House, it is not considered that these windows would result in any adverse impact in terms of overlooking or loss of privacy to neighbouring residents.

Consideration also needs to be given to the impact of the proposed building to existing neighbouring properties in terms of the physical presence of the building itself. The existing building is relatively modest in size and scale and does not generate any significant degree of overshadowing or impact the neighbouring residential blocks in terms of any sense of enclosure or overbearing physical impact. The proposed building would be significantly larger in scale than the current building and whilst not coming any closer, it would increase the scale and bulk of built form adjacent to the existing neighbouring buildings.

The supporting Tall Buildings Statement' contains solar study drawings for the four equinox points during the year, to demonstrate the impact of the proposed built form in terms of the degree of shadowing that would be created. Given the orientation of the application site in relation to the properties to the north and north-west, Lords Court, the proposed development would result in a greater degree of overshadowing to the western elevation of these neighbouring blocks during the winter months, in the mornings. The proposed design has sought to address and minimise this impact, by reducing the height of the building as it progresses eastwards across the site and setting the northern elevation of the building in from the site boundary. Given the siting of Block B in relation to the neighbouring blocks, it is not considered that the scheme would result in any adverse sense of enclosure to the western elevation of these buildings, which benefit from views out towards the area of parkland. These views and sense of setting would not be adversely affected. As such, whilst it is accepted that there would be a degree of additional overshadowing to these units, it is not considered that this would be so severe as to justify a reason of refusal on amenity grounds.

### Noise Impact

As noted above, the application site lies adjacent to Holbrook Road and in close proximity to Arundel Road, both of which are busy roads within the local highway network. The proposed floor and elevations plans show studio units facing Holbrook Road on the 2nd to 9th floor of the building, with windows serving these units within the western elevation of the building. The majority of these units are single aspect with the window facing Holbrook Road being the only

window for the individual studio units. The western elevation itself has a staggered building line and is set back approximately 3.2m and 4.4m from the highway boundary.

Whilst raising no objection to the principle of the proposed development, the Environmental Health Officer has stated that these habitable rooms will require protection against potential traffic noise. As such, a condition is recommended to secure a scheme for insulating habitable rooms to achieve specified acoustic criteria, in order to safeguard the amenities of the occupants of the development.

Should outline permission be granted, there would inevitably be a degree of short-term disturbance to neighbouring properties during the demolition and construction process. However, this disturbance is likely to be limited and would be unlikely to continue into the evening and would not justify a refusal of permission.

Overall, it is considered that the proposed development is unlikely to result in any significant impact on the amenities of neighbouring residents or the future occupiers of the development. Subject to the condition referred to above in respect of noise mitigation measures, the proposals are considered to comply with Policy PCS23 in this respect.

### **Standard of Accommodation**

It is important to ensure that any halls of residence provided within the city offer a good standard of accommodation and provide a good quality living environment with space to study. The plans show a total of 80no study bedrooms would all incorporate en-suite bathrooms, small kitchen areas and combined living/sleeping areas, each with an internal floor space of 25sqm. Communal lounge areas are provided throughout the building and the ground floor of the unit would also include laundry facilities, refuse collection and cycle storage facilities.

Private Sector Housing has confirmed no objection to the proposals and has made general comments regarding the internal layout of the units.

### Accessibility

The 'Student Halls of Residence' SPD states that proposals should include a proportion of accessible bedrooms and servicing facilities, in accordance with appropriate standards and regulations.

The main reception and office area for the proposed accommodation would be located at ground floor level, adjacent to the main entrance to the building on the western elevation, facing Holbrook Road. A secondary entrance is provided within the southern elevation, facing Coburg Street. Accessible studio flats are provided on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors and communal areas are provided on the ground to 8<sup>th</sup> floors of the building. As such, the proposals are considered to comply with the aims of the SPD in this regard.

### Secure by Design

The Crime Prevention Officer has confirmed no objection to the proposals, with the ground floor layout reflecting the plans considered under application 17/00924/OUT, which were amended to ensure a satisfactory layout in terms of crime prevention issues.

Overall, it is considered that the development would provide a good standard of accommodation for future occupiers and that the proposals comply with the aims of Policy PCS23 of the adopted Local Plan.

## **Refuse Storage**

The layout of the proposed refuse storage area shows double doors and the provision of 9no 1100 litre bins and the creation of a dropped kerb on adjacent to the refuse store, to facilitate access to this area. The Waste Management Officer has confirmed no objection to the proposals and a condition is recommended to ensure the provision of the required refuse collection area prior to the first occupation of the building. As such, the proposals are considered to comply with the aims of Policy PCS23 in this regard.

## **Sustainable Design & Construction**

All development within the City must comply with the relevant sustainable design and construction standards set out within Policy PCS15 of the adopted Local Plan and the Council's 'Sustainable Design and Construction' SPD. Both the policy and SPD require that non-residential developments which involve the construction of more than 500sq.m. of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards. A condition is therefore recommended to ensure that the proposed development complies with these requirements.

## **Ecology**

Policy PCS13 seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible.

### Designated Sites

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, both of which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the level of protected species they support, such as waders and Brent Geese. Evidence shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect on the interest features of the Solent SPAs and therefore mitigation measures must be secured before planning permission can be lawfully granted.

The Council's 'Solent Special Protection Areas' SPD (adopted April 2014), confirms that increases in population within 5.6km of the Solent SPAs through development, would lead to a significant effect on those SPAs. The proposed student accommodation would result in a net increase in population within this defined catchment area, which in all likelihood would lead to a significant effect, as described in the Conservation of Habitats and Species Regulations 2010 (as amended) on the Portsmouth Harbour and Chichester and Langstone Harbours SPAs.

The 'Solent Special Protection Areas' SPD sets out how this significant effect could be overcome. Paragraph 3.4 of the SPD states that while purpose built student accommodation will result in a net increase in population, it is considered that due to the characteristics of this type of development, specifically the absence of car parking and the inability of the residents to have pets, the level of disturbance created would be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off a lead. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package required should also be half that required for C3 housing.

The SPD goes on to state, in paragraph 3.5, that the average number of study bedrooms in a unit of purpose built student accommodation in the city is five. As such, for the purposes of providing SPA mitigation, five study bedrooms will be considered as equating to one unit of residential accommodation. In order to mitigate the impact of the proposed development as a result of increased recreation pressure on the SPAs, as detailed in the SPD, a financial

contribution is required in order to make the development acceptable in planning terms. The applicant has been made aware of this requirement and the necessary contribution is to be secured via a legal agreement.

It is considered that subject to this contribution being secured by a legal agreement, the proposed development would not result in a significant effect on the Solent SPAs. It is noted that the Natural England and the Ecology Officer have raised no objection to the proposals, subject to this mitigation being secured. The requirement for a legal agreement to secure the required mitigation is considered to be both directly related to and fairly and reasonably related in scale to the development. As such, subject to the completion of the required legal agreement, the proposals are considered to be in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Policy PCS13 in respect of European designated sites.

### Protected Species

The application is supported by a 'Preliminary Roost Assessment' which confirms that no bat roosts were identified within the existing building during the survey work undertaken. It concludes that the building is considered to be of negligible suitability for bats due to an absence of suitable features and its location within an urban setting with heavy traffic and artificial lighting. The Ecology Officer has confirmed no objection to the proposals in respect of bats and the proposals are considered to be in accordance with Policy PCS13 in this regard.

### **Highway Issues**

The Council's 'Parking Standards and Transport Assessments' SPD (adopted July 2014) states that for purpose built student accommodation, such as that proposed, the level of parking provision required will be determined by a Transport Assessment, which should include consideration of the use of the building outside of term time. No such assessment has been provided in respect of the proposed development. In addition, it is noted that no details have been provided to confirm how the development would be operated as student accommodation, or how the building would be used outside of term.

No parking space provision is shown to serve the proposed student accommodation. The application has been considered by the Council's Highway Engineer, who has stated that with the exception of staff members, the site would operate as a car free development. As such, it is not considered that the proposed accommodation would result in a material impact on the operation of the local highway network. However, specific provision would need to be made to cater for student arrivals and departures at the beginning/end of each academic year - no details have been provided in respect of this issue to date.

The Highway Engineer has therefore stated that a Travel Plan is required, to address the management arrangements for student arrivals and departures at the beginning and end of each academic year, as well as providing annual monitoring of these arrangements, as has been required of other student accommodation schemes within the City. In addition, a contribution is required to fund auditing work of the arrangements over the first five years of occupation of the development. Both the Travel Plan and auditing contribution can be secured via a legal agreement.

In terms of public transport, the Highway Engineer has commented that Arundel Street is a bus route served by services 13, 14, 15 and 21 providing a high quality and frequent service from the site to the city centre. As such, the site is considered to be accessible by sustainable modes of transport.

It is noted that the Portsmouth Cycle Forum has expressed concern that the application includes insufficient encouragement for future residents of the building to make sustainable travel choices. However, as noted above, the scheme does not provide parking for residents and the site is well served by public transport services, which offer reduced rates to students, thereby

encouraging the use of sustainable modes of transport, in accordance with the aims of Policy PCS17.

In terms of cycle storage, the SPD requires 1 space per student room/bedroom and that a lower level of provision may be accepted when robust evidence is provided to justify any such reduction. The application proposes 80 student rooms, which would equate to a requirement for 80 cycle storage spaces. The proposed layout shows a total of 60 spaces, provided in two storage rooms at ground floor level. Again, no justification has been provided in respect of this shortfall in provision and it is noted that the Portsmouth Cycle Forum has objected to the proposals on the grounds of inadequate provision. However, the Highways Engineer has confirmed no objection to the proposals on these grounds, due to the accessibility of the site by other means of sustainable transport, subject to a condition requiring the cycle storage spaces to be provided on site. It is also noted that this level of provision was accepted for the larger scheme of 96no units, proposed under application 17/00924/OUT.

Concerns have also been expressed by the PCF regarding the surrounding road layout being hazardous for pedestrians and cyclists. These concerns have been considered by the Highway Officer, who has commented that whilst these junctions are not ideal for cyclists and require some diversion from the most direct route to access controlled crossing facilities, the improvements suggested by the Forum to narrow the carriageway and widen footways to provide shared off road cycling facilities would significantly reduce the traffic capacity. This would have the effect of increasing congestion in peak periods and hence increased rates of air pollution. This is contrary to the guidance set out in paragraph 30 of the NPPF, where it is explained that '*encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion*'.

There is an existing toucan crossing on the southern side of the Holbrook Roundabout, with islands on each of the other arms facilitating crossing of the junction by pedestrians and cyclists on foot in two stages. Similarly, there are road cycle lanes to the west on Arundel Street making the most direct connection towards the university buildings in the city centre. As such, it is not considered that the scheme generates the requirement for highway works and the associated impacts in terms of congestion and air quality.

Given the constrained nature of the site and the parking restrictions in place along Coburg Street, it is considered reasonable to apply a condition requiring the submission of a construction management plan, to detail contractors' parking and areas for the storage of materials, as well as arrangements for deliveries etc to the site, to ensure no adverse impact to the highway network or the amenities of nearby residential properties. Overall, in light of the comments made above, the proposals are considered to comply with Policy PCS17 and the Council's 'Parking Standards and Transport Assessment' SPD and are therefore acceptable in highway terms.

### **Flooding & Drainage**

The application sites lies within Flood Zone 1 and is therefore at low risk of tidal flooding.

#### Foul Water Drainage

Southern Water has confirmed that it can provide foul sewage disposal to service the proposed development - it is not anticipated that this position would have change in the interim period.

#### Surface Water Drainage

The application is supported by a 'Surface Water Drainage Strategy' report - however, this report relates to the earlier application and does not reflect the amendments made to the application site boundary or the scale of the proposed development. Southern Water has requested that details of the proposed surface water strategy are submitted for approval, prior to the

commencement of development on the site. A condition is therefore recommended to this effect, to ensure the provision of an acceptable scheme on site. Subject to this condition, the proposals are considered to be in accordance with Policy PCS12 of the adopted Local Plan.

### **Contaminated Land**

Given the scale of development proposed and the sensitive nature of the proposed use of the site, this being student accommodation, it is recommended that detailed conditions are applied to secure a detailed contamination assessment and remediation measures as required.

### **CONCLUSIONS**

Overall, the proposed development is considered to be acceptable in policy terms and would assist in the delivery of specialist student accommodation within the city. The proposed building would result in the introduction of a landmark building which would make a significant and positive contribution to the character of the local area and surrounding streetscene. It is therefore recommended that subject to the completion of a legal agreement, as outlined below, that outline permission be granted.

## **RECOMMENDATION                      Conditional Permission**

### **Recommendation 1:**

**Delegate to the Assistant Director of Culture and City Development to PERMIT, subject to the completion of an agreement pursuant to Section 106 of the Town & Country Planning Act 1990, to secure the following planning obligations and the conditions outlined below:**

- 1. A provision to restrict the occupation of each study bedroom to an individual University of Portsmouth student (or an individual on an equivalent full-time course) during their period of study and to prevent the use of the halls of residence for any purpose during academic term times as anything other than residential accommodation for a student during their period of study;**
- 2. A requirement for a Register of Students to be kept and maintained as an accurate record of the student residents within the Halls of Residence and to provide a copy of this register to the Assistant Director of Culture and City Development upon request;**
- 3. A provision to ensure that all times, other than University of Portsmouth academic terms, the building is not used 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. A financial contribution towards mitigating the impact of the proposed development on the Solent Special Protection Areas, to be paid prior to first occupation of the building;**
- 5. The preparation, implementation and monitoring of a Travel Management Plan with the submission of contact details for the Travel Management Plan Co-Ordinator and details of arrangements for managing busy periods at the start and end of terms, with an associated financial contribution of £5,500 to enable the auditing of this plan**

### **Recommendation 2:**

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

### Recommendation 3:

**That delegated authority be granted to the Assistant Director of Culture and City Development to REFUSE planning permission, if the required legal agreement has not been completed within three months of the date of the resolution.**

#### Conditions

1. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
2. Application for approval of the reserved matters (landscaping and access) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
3. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings:

Location Plan - drawing 28038-PL100

Site Plan & Block Plan - drawing 28038-PL101

Ground Floor Plan - drawing 27963-PL102

1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Floor Plans - drawing 27693-PL103 Rev A

4<sup>th</sup>-8<sup>th</sup> Floor Plans - drawing 27693-PL104 Rev A

9<sup>th</sup> Floor Plan & Roof Plan - drawing 27693-PL105

Elevations - drawing 27693-PL106

Elevations - drawing 27693-PL107

Elevations - drawing 27693-PL108

Elevations - drawing 27693-PL109 Rev A

4. Prior to the commencement of construction works associated with the development hereby permitted, a scheme for insulating habitable rooms against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Day-time (living rooms and bedrooms): LAeq (16hr) (07:00 to 23:00) = 35dB

Night-time (bedrooms only): LAeq (8hr) (23:00 to 07:00) = 30dB and LAm<sub>ax</sub> 45dB

The approved scheme shall then be implemented in accordance with the approved details and prior to the first occupation of the building and thereafter retained.

5. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and

volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

6. The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (i)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

7. Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site until a detailed schedule of materials and finishes, including a range of colour options for the columns, feature cladding panels and window surrounds (shown as blue on the approved drawings) as well as samples of all materials to be used for all external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details.
8. 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 details of construction vehicle routing, deliveries timing, the provision of loading/offloading areas, site office and contractors' parking areas, access arrangements to the site and areas for the storage of materials. Implementation shall be in accordance with the approved details and maintained until the development is complete, unless first otherwise agreed in writing with the Local Planning Authority.
9. Prior to the commencement of the development hereby permitted, full details of the proposed surface/storm water drainage measures, including the layout, flow calculations and its planned future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details and thereafter permanently retained.



10. Within 3 months of the first occupation of the building hereby permitted (or within such extended period as may be agreed by the Local Planning Authority), written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE04 and two credits in issue TRA03. This evidence shall be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.
11. Prior to the first occupation of the building hereby permitted, bicycle storage facilities shall be provided and made available for use, in accordance with the approved drawings and shall thereafter be retained for such use at all times.
12. Prior to the first occupation of the building hereby permitted, facilities for the storage of refuse and recyclable materials shall be provided and made available for use, in accordance with the approved drawings and shall thereafter be retained for such use at all times.
13. Access to all flat roof areas shall be restricted for servicing and maintenance requirements only and at no time shall these areas be used as balconies or roof terrace areas.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or other enactment modifying or revoking that Order, no structure or plant or apparatus shall be externally mounted on the building, including any works permitted by Part 16 of Schedule 2 of that Order, without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.
15. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and following the substantial completion of the building shell:-
  - (b) A report to assess the impact that the proposed development may have upon television and radio equipment signals in the locality; and, unless otherwise agreed in writing by the Local Planning Authority:-
  - (c) A detailed scheme for a scheme for the mitigation of any significant adverse effects upon TV/radio reception created by the building.

Such measures as may be approved shall be implemented within 2 months of the approval of details, or within any other period of time approved in writing by the Local Planning Authority, and thereafter retained.

**The reasons for the conditions are:**

1. To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
2. To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
3. To ensure the development is implemented in accordance with the permission issued.

4. To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Local Plan (2012).
5. To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Saved Policy DC21 of the Portsmouth City Local Plan 2001-2011..
6. To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
7. In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).
8. To minimise the potential for conflict with or hazard to existing users of the surrounding highway network and impacts on adjoining residential/commercial properties, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).
9. In order to ensure adequate capacity in the local drainage network to serve the development which might otherwise increase flows to the public sewerage system, placing existing properties and land at a greater risk of flooding, in accordance with Policy PCS12 of the Portsmouth Plan (2012).
10. To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan (2012).
11. To ensure that adequate provision is made for cyclists using the building and to promote and encourage cycling as an alternative mode of transport to the private car, in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).
12. To ensure that adequate provision is made for the storage/collection of refuse and recycling materials, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
13. To prevent overlooking and to protect the privacy of the occupiers of neighbouring residential properties, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
14. To ensure the skyline and design concept for the building remains free of visual clutter in the interests of visual amenity, in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012).
15. To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, to accord with Policy PCS23 of the Portsmouth Plan.

Notes to Applicant:

1. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Assistant Director of Culture and City Development  
30th January 2018