

PLANNING COMMITTEE

18 OCTOBER 2017

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

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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BRUNEL HOUSE 42 THE HARD PORTSMOUTH PO1 3DS

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

Application Submitted By:

Stephen Hinsley
FAO Stephen Hinsley

On behalf of:

Makepeace Investments Ltd
FAO Sternlicht

RDD: 6th July 2017

LDD: 18th September 2017

SUMMARY OF MAIN ISSUES

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

Site and surroundings

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

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

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

Proposal

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

- Replacement of existing windows on the front elevation and rear elevations with new full height windows/coloured infill panels;
- Installation of new windows in a side wall (north elevation);

- Installation of new glazed doors and infill glazing panels to the front elevation, at ground floor level, beneath the existing entrance canopy (glazing to align with canopy overhang);
- Installation of insulated render to existing canopy; and,
- Reduction in height of lift enclosure to roof.

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

Planning history

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

- 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)
- 17/01180/FUL - Application for change of use of the ground floor of the building to retail (Class A1) and gymnasium (Class D2)

Previous applications relating to Brunel House include the following:

- 16/00003/PACOU - Application for Prior Approval for change of use to 242 dwellings - Prior Approval not required, 15 April 2016.
- 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.

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

POLICY CONTEXT

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

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

CONSULTATIONS

Environmental Health

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

REPRESENTATIONS

One representation received has been received raising objection on the grounds of:

- (a) poor design;
- (b) existing building is unsafe; and,
- (c) something better needs to be planned for the site.

One representation of comment has also been received from The Portsmouth Society (note that these comments relate generally to the three applications under consideration):

- (i) welcome the reuse of the building;
- (ii) soft landscaping to the frontage would be an improvement;
- (iii) support the inclusion of a lift; and,
- (iv) concern that some of the flats are too small.

COMMENT

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

Principle of the proposal

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

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

Whilst it may be desirable to fully redevelop the Brunel House site, as envisaged within the SPD, the local authority is required to assess all planning applications as received, on their own

merits. The proposal to carry out external alterations to the building in conjunction with a change of use is considered acceptable in principle. The determining issue is whether the proposed alterations are of a high enough quality having regard to the prominent and historic location and the policy objectives for the site.

Design and appearance

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

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

Front elevation

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

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

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

Rear elevation

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

Side elevations

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

Impact on heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The site lies within 'HM Naval Base and St George's Square' Conservation Area, and is close to 'Gunwharf' Conservation Area and 'Portsea' Conservation Area. There are also other designated and non-designated heritage assets in the vicinity of the site, including Grade II listed buildings Nos 16 and 17 The Hard and

50 Havant Street, the locally listed former Portsmouth Harbour Signal Box near to the entrance to Gunwharf Quays, and the locally listed Ordnance Row to the south of the site.

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:
Site Location Plan - 16.1119/001;
Proposed front elevation - 16.1119/066A;
Proposed rear elevation - 16.1119/067A;
Proposed side elevations - 16.1119/068A;
Street view - 16.1119/069;
Proposed Typical Floor Section - 16.1119/071; and,
Proposed GF Typical Section - 16.1119/072.

- 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

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.

98 LONDON ROAD PORTSMOUTH PO2 0NA

OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT FOR CONSTRUCTION OF FIVE STOREY BUILDING TO PROVIDE 810SQM (GIA) SHOPS (CLASS A1), 317SQM (GIA) MEDICAL HUB (CLASS D1), ALONG WITH 4,164SQM (GIA) OF NURSING, CARE HOME AND ASSISTED LIVING ACCOMMODATION (CLASS C2), WITH ACCESS FROM STUBBINGTON AVENUE, FOLLOWING DEMOLITION OF EXISTING BUILDING (PRINCIPLES OF ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED)

Application Submitted By:

The Project Support Practice
FAO Mr Donald Boddy & Mr John Swain

On behalf of:

Mrs Trisha King

RDD: 20th February 2017

LDD: 19th July 2017

SUMMARY OF MAIN ISSUES

The main matter to consider in the determination of this application is whether the outline proposal contributes to the achievement of sustainable development in accordance with national and local policy. Key issues for consideration include:

- The principle of the proposal
- Design and appearance and relationship to surrounding buildings
- Traffic generation and parking
- Amenity for existing and future residents

Site and Proposal

The application relates to a large, 2-storey commercial premises located on the west side of London Road, between Stubbington Avenue to the north and Laburnum Grove to the south. The building is occupied by a Poundland store and dry cleaners at ground floor level, with ancillary facilities and storage to the rear. The first floor of the building is currently vacant.

The existing building covers the majority of the site and comprises brick built elevations on the north, south and eastern sides, with limited fenestration, giving it a bland and bulky appearance. The building has a flat roof, with a number of plant room projections extending above two-storey level. There is a small private car park to the rear of the site, which is accessed via an adjacent public car park from Stubbington Avenue. The rear boundary of the site is surrounded by a high brick wall.

The surrounding area is characterised by a mix of commercial and residential uses. To the south of the site is the former Odeon Cinema, which has a varied height with a large auditorium to the rear (approximately 16m in height), and a single-storey section to the front, with a tower feature above. The adjacent properties to the north of the site are a mix of single and two-storey commercial buildings, some of which have residential development above. Laburnum Grove to the south and Emsworth Road to the rear of the site are characterised predominantly by two-storey houses.

There is a locally listed building (Clarence Public House), to the north of the site and the site also lies within an area of archaeological potential.

Planning permission is sought for the construction of a five storey building to accommodate a mix of uses, including 2 x retail shops, a medical hub, a 59 bed care home and 24 self-contained flats intended for assisted living. The application has been submitted as an Outline application, with matters of access, appearance, layout and scale to be considered (landscaping reserved). A description of the accommodation proposed for each floor is outlined below.

Ground Floor:

At the front of the ground floor level there would be one large and one small retail unit fronting London Road, with associated storage facilities. To the rear of the ground floor a medical hub facility is proposed, which would extend over two floors (ground floor and mezzanine level), and would accommodate a doctors surgery, dentist, opticians and pharmacy. These facilities would be accessed from the rear of the building, via a communal entrance lobby.

In addition, on the northern side of the ground floor, a wardens flat is proposed, which would be associated with the care home facilities on the upper floors.

To the rear of the site, a 14 space car park is proposed, with one of the spaces shown to be used as an Ambulance bay. The car park area would also accommodate 3 motorcycle parking spaces, along with refuse and cycle storage facilities.

First Floor:

The first floor would accommodate 27 care home rooms, along with a communal dining room, seating area, residents lounge and cinema, a hardressers and meeting room. There would also be a communal terrace area on the southern side of the building and a conservatory on the northern side, and three of the rooms on the eastern side of the building would have access to a balcony.

Second Floor:

At second floor level there would be an additional 32 care home rooms, along with a small shared seating area, a residents lounge and cinema, and associated facilities including a staff room, treatment room and meeting room. The majority of rooms at second floor level would have access to a balcony.

Third Floor:

The third floor would accommodate 12 x 1-bedroom self-contained assisted living flats. These would comprise an open plan lounge / kitchen area, with a separate bedroom and bathroom. Ten of the flats would have access to external balconies.

Fourth Floor:

On the fourth floor there would be 11 x 1-bedroom and 1 x 2-bedroom self-contained assisted living flats. Ten of the flats would have access to external balconies.

Planning History

The most recent planning history for the site dates back to 2006 and 2009, when permission was granted for alterations to the building and shopfront, including roller shutters, access ramp and new doors (ref. 06/00280/FUL and 09/00601/FUL).

On the former Odeon cinema site to the south, a development of 15 houses and flats has received a resolution to grant planning permission under delegated powers, subject to the completion of a legal agreement (ref. 16/02107/OUT). The new dwellings would be constructed on the rear part of the site, on the site of the existing auditorium, and would have a maximum height of three-stories.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS8 (District centres), PCS23 (Design and Conservation), PCS17 (Transport), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS10 (Housing Delivery), PCS19 (Housing mix, size and affordable homes), DC21 (Contaminated Land),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include:

PCS8 (District centres), PCS23 (Design and Conservation), PCS17 (Transport), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS10 (Housing Delivery), PCS19 (Housing mix, size and affordable homes), along with saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2006.

CONSULTATIONS

Contaminated Land Team

I have reviewed the above application and given the scale of development and sensitive end-use, the following conditions, or similar, are requested. The property has had bomb landing previously.

(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 report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model created and refined in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible. The report shall state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in

advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

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.

Further info is available at: <https://www.gov.uk/guidance/land-affected-by-contamination>

Highways Engineer

There are a number of comments from the Highways Engineer with the proposed not being supported.

Original comments:

This application is for the construction of a mixed use development comprising of a 59-bed nursing home, 24 assisted living apartments, self-contained warden's apartment, medical hub (to include Doctors, Dentists, Physiotherapists & Opticians) and 2no. Retail units following the demolition of existing retail units. I have reviewed the documents submitted in support of the application and would make the following comment;

Access

London Road is the A2047, an important North-South route forming part of Portsmouth's primary road network. It is a single carriageway subject to a 30mph limit and is a main bus route and part of an identified Bus Rapid Transit (BRT) corridor. The existing retail units on the ground floor of the application site forms part of a Primary retail area in the North End District centre as designated in the Portsmouth Plan. The site is located on the eastern side of London Road, access to the proposed medical hub and care facility will be at the rear of the building via Stubbington Avenue car park.

The Stubbington Avenue car park is land privately owned by Portsmouth City council, therefore there is not direct access from the highway to the car parking on the site. During pre-application discussions, the applicant has indicated that right of way across the land is afforded to them however the Highway Authority has not received proof of this. Whilst this issue will not influence the outcome of the planning application, the applicant should give notice to the affected landowner(s) as to their intention. It is possible that should the land use of the car park change, access to the car park could be lost.

Traffic generation

No traffic assessment has been submitted in support of the application. A mixed use development such as that proposed will have a significant trip generation associated with it, each part of the development will have differing demands at different times and should be considered as a collection of uses. The existing retail units will be largely retained in their current form therefore trips associated with the care home and medical hub would represent additional trips to the network.

The site proposed will be compiled of 3 separate uses as defined in planning terms. This comprises 810sqm of A1 retail space, 317sqm of D1 healthcare institution and 4,164sqm of C2 nursing care home and assisted living accommodation. Each of these uses will require separate assessment to give an indication of the overall trip generation, given the scale of the development; a Transport Assessment would be required as detailed in the Parking standards and Transport Assessments Supplementary Planning Document (Section 6 Fig13). With the current information supplied, it is unclear as to the scale of the traffic increase that will be

generated by this development and what impact that this development would have on the local Highway network.

Parking

The Portsmouth Parking SPD sets out the required amount of parking provision that should be provided for at new residential dwellings. Buildings with a C2 use should provide 0.5spaces for every 4 residents plus 1 space per resident staff and 0.5spaces per non-resident staff. Visitor spaces should also be provided at a level of 10% of the total number of parking spaces. The Parking SPD does not give an expected number of spaces that should be provided for Class A1 & D2 uses rather these should be determined by the applicant and robustly justified.

It is proposed to include 14no. parking spaces within the scheme, these spaces would service the care home and medical hub. It has been proposed that the medical hub would have 16 staff in total upon opening, 11 of which would be medical professionals. I would expect that of those 16 staff, at least half would drive a vehicle to the site. At least 1 space would also be required for the live-in warden therefore it is likely that at most 5 spaces would remain to meet the parking demand of the proposed 180 care home staff and any visitors to residents of the care home and users of the medical hub. I therefore find it unlikely that the current parking proposals will provide sufficient parking to meet the demand associated with this development.

The applicant has provided a parking accumulation survey for the Stubbington Avenue car park to show that capacity is available within this car park to service the demand associated with the development that cannot be accommodated within the 14spaces on site. There is however no indication as to what that demand may be so although I agree that this car park often has spare capacity, whether or not that capacity is sufficient to accommodate the shortfall associated with the development is unknowable without an indication as to the likely parking demand.

There is significant stress on parking in the local area which is most critical in the evening and overnight when residents return home from work. A Transport Assessment for a nearby residential development stated: "A night time parking survey undertaken to inform the transport statement accompanying the planning application for 19 dwellings (15/01217/FUL) confirmed the high levels of on-street parking that take place in the nearby roads, recording parking stress at 100% and more in some roads". This severe pressure on parking which has been incrementally increased by previous developments close to the application site, regularly leads to vehicles parking on double yellow lines on corners of junctions; this blocks visibility at junctions and can impede crossing points and as such is a risk to Highway safety which would be further compromised by the shortfall in parking provision available for this site.

The Portsmouth Parking SPD also gives direction for the level of secure cycle storage that should be provided for new developments. This proposal would require 1no. long stay (secure) cycle parking places for every 6 staff members for the care home element. Visitor parking should also be provided at 10% of the total number of cycle spaces. The medical hub and retail units are considered commercial development and do not have an expected level of cycle parking spaces that should be provided. The SPD instead requires that sufficient cycle parking is provided in order for the development to achieve 2 BREEAM credits.

The application proposes 7cycle spaces. Presuming a third of staff on shift at any one time ($180/3=60$), a total of 10spaces would be required just for staff working within the care home.

Therefore the number of cycle parking falls below that required for the care home element before consideration is given to the other uses and visitor parking, therefore the application as it stands does not meet the basic requirements of the parking SPD.

Recommendation

As the application stands I must recommend that planning consent be refused on the grounds that the application does not meet the requirements of the Portsmouth Parking and Transport Assessments SPD in that a Transport Assessment has not been provided to adequately demonstrate the likely impact of the development upon the highway network.

Whilst the likely parking demand has not been determined, I find do not find it credible that 14 on-site spaces would be sufficient to meet the demand of the various uses in an area where no capacity exists on street to accommodate a parking shortfall associated with this development. Any shortfall is likely to exacerbate existing Highway safety issues in the local area.

Cycle parking is not provided to an adequate level to meet the requirements of the parking SPD and thus is contrary to planning policy.

Colas:

The developers would be required to contact Colas before any works commenced. All works must be undertaken from the rear of this development as the front is on a major road network.

Additional Comment 26/09/2017:

A transport assessment has now been prepared and submitted in response to initial comments (below) by the LHA. I have reviewed the TA and would make the following observations; The application is for the construction of a mixed use development comprising of a 59-bed nursing home, 24 assisted living apartments, self-contained warden's apartment, medical hub (to include Doctors, Dentists, Physiotherapists & Opticians) and 2no. Retail units following the demolition of existing retail units.

Trip generation

The overall level of trip generation has been calculated by deriving trip rates from the TRICS database. Due to the multiple uses proposed on the site, each use has been assessed separately to determine the overall predicted trip generation associated with the development. The existing site use is A1 retail totalling 2437m² GFA with a predicted two-way vehicle trip rate of 260 (AM Peak) and 357 (PM Peak) respectively. It is not clear however that this floor area is accurate as the application from submitted states that currently there is just 347m² GIA of retail on the site. This would clearly effect the current trip rate calculations significantly. It would appear that the lower number is far more representative of the current usable retail area with much of the ground and the entire upper floor either vacant or used for storage. It is therefore questionable whether the use of the established baseline trip rate is appropriate and/or credible. Proposed for the site is 819m² GFA A1 retail, 717m² GFA D1 Medical and a 59bed care home and 24 assisted living apartments (4164m² GFA). The predicted trip rate for the proposed retail unit is approximately half of the baseline (reflecting the reduction in floor space) and would suggest this is realistically similar to the existing trip rate despite the stated reduction in GFA. The medical hub is predicted to have 46 two-way movements in the AM Peak period and 45 in the PM Peak period with just 2 two-way movements in the AM Peak and 3 in the PM Peak. Therefore whilst I disagree that the overall impact will be less than the existing, I am of the opinion that presuming that the trip generation associated with the retail use is roughly balanced, the additional movements (approx. 50 two-way) associated with the Medical and care home uses would not be material to the operation of the local highway network.

Access

London Road is the A2047, an important North-South route forming part of Portsmouth's primary road network. It is a single carriageway subject to a 30mph limit and is a main bus route and part of an identified Bus Rapid Transit (BRT) corridor. The existing retail units on the ground floor of the application site forms part of a Primary retail area in the North End District centre as designated in the Portsmouth Plan. The site is located on the eastern side of London Road, access to the proposed medical hub and care facility will be at the rear of the building via Stubbington Avenue car park.

The Stubbington Avenue car park is land privately owned by Portsmouth City council, therefore there is not direct access from the highway to the car parking on the site. Equally the only access to London Road from the car park, and seemingly from London Road into the development is via an extremely narrow alleyway between two other existing buildings. Alternatively visitors to the site must access the site either via the alleyway which is narrower than required to provide safe access to wheelchairs and pushchairs or to walk through Stubbington Avenue car park within which there are no footways. This is would be a significant barrier to many of the people (including children, elderly and vulnerable persons) who would regularly visit the medical facilities. It is my opinion that access arrangements are significantly flawed and do not represent the require safe and suitable access as required by the National Planning Policy Framework.

Parking

The Portsmouth Parking SPD does not give an expected number of spaces that should be provided as part of non-residential development, rather it requires the applicant to justify any parking provision included within the proposal.

The TA has conducted significant analysis of the likely parking demand for each of the uses contained within the site. The area in which the development site is located is an area of high-accessibility with London Road a Bus Rapid Transit corridor. I would agree that the parking demand associated with the retail units already exists and is provided for either on street or within Stubbington Avenue car park.

Therefore the new demand generated by the development would be associated with the medical and care home uses. The care home consists of 59 bedrooms with 24 assisted living apartments; the planning application designates a C2 use for this facility however the assisted living apartments could more accurately be classed as a C3 use which has a higher expectation with regards to parking provision that should be included. That said, the applicant has applied for C2 use and as such both the care home and assisted living apartments will be assessed as C2 in regard to their likely parking demand.

I would therefore expect the following parking demand for the care home/assisted living apartments;

59 care home bedrooms = $59 / 4 = 15 * 0.5 = 7.5$ (8) spaces

24 assisted living apartments (assume 1 car household) = $24 / 4 = 8 * 0.5 = 4$ spaces

1 Resident warden = 1 space

Number of employees associated with C2 use is unknown therefore the level of provision for non-residential staff cannot be calculated.

Visitor spaces @ 10% = 1 space

Total demand excluding non-residential staff = 14 spaces

The total proposed parking provision totals 14 spaces, although one of the bays would double as an ambulance bay. Whilst the non-residential staff provision cannot be calculated, it is my opinion that much of the provision for residents is unlikely to be used by residents as many of them are likely to be incapable of driving a car and therefore that provision is likely to be available for use by staff. The TA has used data from other care homes in the wider local area to justify the amount of parking provided. Parking spot surveys were taken to count the amount of vehicles parked at the sites and then an average space per resident calculated; this gave a result of 0.67 spaces per resident which when applied to this development results in a likely demand of 13 spaces. Whilst the data is out of date and taken at sites outside of Portsmouth, I am satisfied that the locations of the surveys are likely more attractive for car drivers than the proposal site and therefore the assessment is acceptably robust.

With regard to the medical use, using the predicted parking accumulation within the TA, it is expected that the parking demand would be approx. 36 vehicles. No provision to accommodate these vehicles is available on site. Therefore these vehicles would need to be accommodated on street or in off street car parks. The applicant has suggested that there is sufficient available capacity in the Stubbington Avenue car park and Derby Road car park. Surveys were undertaken to establish the existing capacity in these car parks; it should be noted however that the Derby Road car park is currently undergoing refurbishment and is associated with the LIDL supermarket planned to open on London Road in late 2017. Therefore the survey data for this site is not material to this application as the conditions are likely to be quite different by the time this development would come into operation should planning permission be granted.

The survey taken in Stubbington Avenue car park found that there was an average capacity of 47 spaces (total capacity of 61). This would, seemingly accommodate the 36 space demand generated by the medical use. However the times at which the surveys were undertaken is not given therefore it is not clear that this capacity would actually be available at the predicted peak for parking demand between 14:00-15:00. Whilst I have no doubt that there would be some spare capacity, I find it difficult to believe that there would be capacity to this scale. This is especially the case between 15:00-16:00 when parking becomes free and yet the likely demand associated with the medical hub would still be approx 31 vehicles. Considering the information available, I am of the opinion that the demand associated with the medical hub could not be

accommodated in the car park in an area where no capacity exists on street to accommodate parking shortfall associated with the development.

With regard to cycle parking, it is unlikely that residents of the care home will require cycle parking however the staff will almost certainly require a provision. The parking SPD requires 1 space per 6 staff members. It is proposed to provide 7 spaces therefore assuming 42 staff on site at any one time. I believe that this is reasonable in terms of the care home however no provision has been identified for the medical hub. The medical hub is a non-residential use and therefore explicit numbers of spaces are not given in the Parking SPD. Rather, it is expected that the development achieve 2 BREEAM credits which include requirements for cycle facilities. For a GP surgery, the requirement is approx. 1 space per 2 consulting rooms therefore for this development a minimum of 2 spaces should be provided. There is also no visitor cycle parking proposed which should be at approximately 10% of the overall cycle parking provision. Therefore the cycle parking facilities do not meet the current required standard.

As the application stands I would wish to raise an objection on the following grounds;

Safe and suitable access has not been provided for pedestrians and as such is contrary to National Planning Policy Framework requirements

The parking provision proposed is not sufficient to accommodate the demand associated with the development and cannot be accommodated either on street or in the adjacent off street car park and as such is contrary to Portsmouth Planning policy

Cycle parking is not provided to the required standard and as such is in conflict with Portsmouth planning policy.

Environmental Health

Further to the above application there are no outright objections to the proposed development, however there are constraints due to the location of residential dwellings adjacent to a busy main road within an Air Quality Management Area.

I would therefore suggest that the application should be accompanied by an air quality assessment to establish whether the proposed development will have any adverse impact upon the AQMA and whether the exposure levels of future residents are likely to exceed the appropriate objectives.

If permission should be considered appropriate I would also suggest the following conditions to protect the amenity of future residents from road traffic noise or noise from the operation of plant and machinery associated with the retail units or medical centre.

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.

Prior to the installation of any fixed plant or machinery 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. Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant.

Natural England

No objection subject to appropriate mitigation being secured.

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in residential accommodation (Class C2 Nursing, Care Home and Assisted Living). 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). Class C2 residential accommodation may need to provide mitigation and will be assessed on a case-by-case basis based on an analysis of the likely impact of the residents, the level of care and other relevant issues.

Provided that the applicant is complying with this policy 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).

With the above mitigation in place, Natural England has no objection to this application.

Ecology

Thank you for consulting me on this outline application for mixed use development for construction of five storey building to provide 810sqm (GIA) shops (Class A1), 317sqm (GIA) medical hub (Class D1), along with 4,164sqm (GIA) of nursing, care home and assisted living accommodation (Class C2), with access from Stubbington Avenue, following demolition of existing building (principles of access, appearance, layout and scale to be considered) , which is not accompanied by any ecological information. Please accept my apologies for the delayed response.

Having reviewed available information and site details I would conclude that, despite the scale of the development, the site has negligible potential to support protected species and with reference to available biological records I have no concerns that this development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

The development will however 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).

Archaeology Advisor

Having reviewed our records I can confirm that there are no archaeological issues that I would wish to raise in this instance.

Waste Management Service

Having looked at the plans. I do have concerns about the bin locations. Firstly, they do not state if one bin store is for the shop and the other is assisted living flats and/or medical hub. Though the main issue is that both locations have access issues. The Palladin bin store doesn't appear to have a door, does it have shutters? Also we have not used paladin bins for approximately 20 years in the city (they were round). The main issue though is getting the bins out and round the parking space, especially if someone doesn't park in the lines. The one at the south of the development is more restricted as the crew would be expected to move a bin out between two, potentially, over hanging parked cars/vans. Finally, the other matter is the distance of collection, as the rear bin and parking area is adjacent to a public car park, of Stubbington Avenue, so the collection vehicle will need to drive into the car park/reverse in, before walking the bins out. The southern bin store is on the limit of 25 meters if taken from the boundary of the property. If they cannot get the vehicle into the car park it exceeds the distance by a far distance.

Updated comments:

I have looked at revised plan and it still doesn't work for the following reasons.

The bins with the shutters next to the main building should be on the opposite side of the passage, not only are they directly in front/under windows but the one nearest the bike shed doesn't look like it can physically get out of the bin area. You have to get the bins out and down the tight passage way then swing round by 90 degrees to avoid the car parking space. That is given that any vehicle parked there stays within the lines, otherwise access will be blocked.

The other bin area is also poorly designed. Again it is debateable whether or the bins can actually be moved out from the position shown in the plan due to the small amount of distance from the bin to the wall, especially if you are trying to get a recycling bin passed the refuse or vice versa. Then there is the matter of the door way which may just allow about allow the bins out, though opens straight on to a parking bay, meaning any vehicle using the bay will, unless a smart car, block any bins from being able to come out. Also the door way completely blocks access/egress to the bike store. Though not a massive problem, it is a potentially dangerous for anyone using the bike store as they could either get stuck in there or hit by the door.

The plan states that there will be couples of Sheffield hoops around the site for causal visitors, but they have not been indicated on the plan so it is impossible to know whether or not they will cause any additional issues with the waste collection.

Overall, I would say from a waste management aspect, this is a very poorly designed plan.

Private Sector Housing

No comments received.

REPRESENTATIONS

4 representations have been received, including one from the Portsmouth Society, raising objections on the following grounds:

- Ugly design, bland and uninspiring
- Poor relationship to surrounding buildings
- Would not enhance North End District Centre
- Poor access for pedestrians through a narrow alleyway resulting in public safety issues
- Lack of parking
- Increased problems with traffic congestion in the area

In addition, the Agent has submitted a petition in support of the application, with 302 signatures.

COMMENT

Principle of the proposal

The front part of the site lies within the primary area of the North End District Centre as defined by Policy PCS8 of the Portsmouth Plan. This seeks to encourage the retention of retail uses within the centres, along with other development to maintain and enhance the viability and vitality of the centres. The policy specifically highlights that one of the aims of the Council is to improve the District Centres by (among other things), supporting physical improvements that enhance the appearance of the centres as well as the pedestrian experience.

It is recognised that North End District Centre would benefit from regeneration and investment, and new development that would enhance the character and vitality of the centre would generally be supported in principle. There is also a recognised need within both national and local policy to plan for the needs of an aging population. Therefore, the proposal to provide a development incorporating a care home and assisted living accommodation, along with new health care facilities, whilst maintaining an active retail frontage onto London Road, is considered appropriate in principle. It is also recognised that the provision of new healthcare facilities could provide a benefit to the wider community and help support future development within the area. However, there are a number of concerns regarding the proposal that has been put forward, particularly in relation to matters of layout, design and amenity for future occupiers, as outlined under the relevant sections of this report.

The two upper floors of the development are proposed to accommodate 24 self-contained flats. Within the application information, these are described as 'assisted living flats', although no further information is provided to explain the precise nature of the use in terms of who would occupy them, whether there would be an age restriction, or what level of care the residents would receive. During the course of the application, the agent confirmed that these flats are proposed to be occupied in conjunction with the care home on the lower floors, with warden control and with the residents having access to the same communal facilities including the shared lounges and outdoor space. However, each flat is shown to be fully self-contained, with their own living space and some with private balconies. It is therefore not clear why the residents of these flats would necessarily require access to additional communal facilities. In terms of access to the flats, the floor plans suggest that it would be possible to access the third and fourth floor via communal staircases and lifts on the eastern side of the building, directly from the main entrance lobby. Therefore, from the submitted plans, it would appear that it would be possible to access the flats on the third and fourth floor independently of the care home.

Despite requests for further information during the course of the application to explain the precise nature of the use of the flats, no further information has been provided, other than to confirm that they would be for assisted living with warden control. Therefore, without any confirmation as to the intended occupiers of these units, or any agreement for them to be age restricted or subject to a specific level of care, it is considered that the proposed flats on the third and fourth floor could potentially be occupied as fully self-contained, private residential dwellings, which would fall within Use Class C3 and would be subject to specific policy requirements relating to matters such as space standards and affordable housing.

Scale, design and appearance

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraph 56 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Importantly, in paragraph 64, it is stated that permission should be refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy PCS23 of the Portsmouth Plan relates specifically to design and sets out a number of requirements for new development, the following of which are considered to be the most relevant to this proposal.

- Excellent architectural quality in new buildings and changes to existing buildings
- Delight and innovation
- Public and private spaces that are clearly defined, as well as being safe, vibrant and attractive
- Appropriate scale, density, layout, appearance and materials in relation to the particular context
- Flexibility to respond to future changes in use, lifestyle and demography
- Car parking and cycle storage should be secure, well designed, integral to the scheme and convenient to users
- Active street frontages in town centre uses
- Consideration of how to reduce crime through design
- Accessibility to all users
- Protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

There does not appear to be any clear design concept for the proposed development, other than to utilise the whole of the existing building footprint to maximise the development potential of the site. No proper regard appears to have been given to the relationship of the new development to the immediate surrounding properties and land uses, particularly to the rear of the site.

The front elevation of the building would extend above the retained retail shops, level with the existing front elevation up to fourth floor level. The appearance of the front façade would be broken up with windows, but the elevation is otherwise shown to be somewhat bland, with limited articulation or detailing indicated on any of the drawings. The fifth floor of the building would then be set back slightly from the front elevation, with space provided for private balconies to some of the top floor flats.

The south elevation of the building would comprise large sections of entirely blank walls. On the western side of the south elevation, the blank wall would extend the full five-storey height, extending back over 17m back from the frontage of the building. This part of the south elevation would be clearly visible from London Road, beyond the tower structure of the adjacent former cinema. When combined with the lack of detailing on the front elevation, it is considered that the proposed building, when viewed from London Road, would have an overly dominant, bland and uninspiring appearance, which would do nothing to enhance the character and quality of the North End District Centre.

As the southern side of the building extends back into the site, the proposal is for part of the upper floors to be set back from the southern elevation to create a communal terrace area for the residents of the care home. This set back would have a depth of approximately 4.5m and a length of approximately 17m. Beyond this set back, there would then be a further section of blank wall extending right up to the southern site boundary and up to the full 5-storey height. This section of the building would measure approximately 15.5m in depth, before dropping down to 3-storey height to a further depth of 18m. The southern side of the building would therefore be predominantly characterised by significant sections of blank wall, of between three and five stories in height.

The Agent has stated that the reason for providing substantial areas of blank wall without openings on the southern elevation is to take account of the potential development on the adjacent former cinema site. It is assumed that the matter that has been considered is the potential for overlooking and that by limiting the fenestration on the southern elevation, the

potential loss of privacy to occupiers of the adjacent site would be reduced. This reasoning is considered to be entirely unsound, as whilst it may prevent loss of privacy, it takes no account of the visual relationship between the two sites.

In its current form, the rear part of the site to the south is dominated by the large auditorium of the former Odeon cinema. However, there is a current application which has a resolution to grant permission for 15 dwellings, which would see the auditorium structure removed. It would seem that the proposed development subject to this application has given little consideration to the relationship with this adjacent site, either in its current form or with potential redevelopment. In its current form, the auditorium would significantly restrict the light and outlook afforded to the proposed communal terrace area on the south side of the building, as well as some of the care home rooms and flats that have windows facing south. On the other hand, should this adjacent building be removed and the site redeveloped, there would be an extremely poor visual relationship between the two developments, with views from the south dominated by the tall, bulky blank walls of the southern elevation.

On all sides of the site, with the exception of part of the east side (rear), the proposed building would follow the footprint of the existing building and extend right up to the site boundaries. This means that there would be no space available on the site to provide any form of defensible space or landscaping to soften or enhance the visual appearance of the building and its setting. On the northern side, the building would directly abut the boundary of the adjacent public car park. Whilst it is accepted that the existing building has a bulky appearance when viewed from the car park, this is not considered to justify the provision of a new building of even greater bulk. The other buildings along London Road that back onto the public car park predominantly range from single storey to three-storey in height. It is considered that, when viewed from the car park, the proposed building would appear overly dominant and out of scale with its surroundings. It is recognised that there is a large building to the north of the site on the corner with Stubbington Avenue (no.120 London Road / Cornerstone House), which is in use as flats and has a bland southern elevation backing directly onto a car park. However, this is a building which has been on the site for many years, originally constructed as a commercial building, and is not of a design that would be encouraged under current planning policy. The presence of a poorly designed building in close proximity to the site should not be seen as a justification for a new building of a poor design.

In response to concerns raised about the design during the course of the application process, the Agent has commented that design matters could be addressed at a later stage as the application is only in outline form. However, the application form clearly indicates that appearance is a matter for consideration at this outline stage, therefore it would be expected that details of the design would be agreed as part of the application (perhaps with the exception of precise details of materials, which could reasonably be expected to be dealt with by condition).

The Agent has also referred to the fact that the design of the building has been through various iterations and that the height and scale has been reduced. It should be noted that there is no 'in principle' objection to providing a building of up to five storeys in height on the site, given the mix of building styles and heights in the surrounding area and the presence of the large scale former cinema building to the south. The concerns in relation to the proposed scheme relate to the overall level of built form proposed for the site combined with a poor layout and design.

As additional information, the Agent has provided visual images of the proposed building in context and it is considered that these images simply compound the concerns about the appearance of the building in relation to its surroundings. The images emphasise how bulky and cramped the new building would appear on the site, with its elevations extending right up to the site boundaries on all sides other than to the rear where the small car park is proposed. Whilst the upper floors of the building would be set back on the northern and southern sides, this does not reduce the visual bulk which results from the sheer amount of built form being accommodated on the site.

In summary, the proposed development is considered to represent an overdevelopment of the site, with an overly dominant appearance, poor design and poor visual relationship to surrounding development. The proposal is therefore considered to be contrary to the principles of good design set out within the NPPF and the requirements of Policy PCS23 of the Portsmouth Plan.

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. There is a locally listed building (The Clarence Public House) to the north of the site, and the site also lies within an area of archaeological potential.

Due to the scale of the proposed development, it would be visible within the London Road streetscene from the north and south. The Clarence Public House lies to the north of the site, within a predominantly commercial area, and is surrounded by buildings of a variety of heights and styles. Whilst the new development would be visible from the public house when looking south down London Road, it is not considered that the impact of the development on the immediate setting of this locally listed building would be so harmful in itself to warrant refusal of the application. Nevertheless, the development is determined to have a general harmful impact on the overall character and appearance of the area due to its scale and poor design as outlined in the previous section of this report.

In relation to archaeology, the Archaeology Officer has confirmed that there are no archaeological issues in relation to the proposed development.

Layout

Whilst there is no in principle objection to the proposed uses within the building, the internal layout appears to be very poorly conceived, raising a number of queries and concerns in relation to the accessibility and legibility for users of the building and the standards of amenity space for future residents. Some of the specific points of concern in relation to the internal layout are set out below.

The main entrance for the building, for all uses other than the retail stores, would be from the rear of the site. The only way of accessing the rear of the site is via a Council owned car park behind the commercial premises in London Road, either from the main car park entrance on Stubbington Avenue or via a narrow and dark alleyway between Nos. 104 and 106 London Road. It is considered that this would represent both an unattractive and unsafe access for pedestrians. There is no specific pedestrian route through the adjacent car park and no proposals to enhance the route for pedestrians through either the car park or alleyway have been put forward as part of the development. It is therefore considered that the development would result in significant concerns with regard to access and pedestrian safety.

Whilst the plans suggest that there would be a door on the London Road frontage, providing access to a staircase leading to the upper floors, it is not clear from the rest of the floor plans how this staircase connects between the floors, as only a lift is shown in the same position on the first, second and third floors.

The first floor plan shows a large communal dining area for the residents of the care home. However, the only kitchen facility associated with the care home appears to be a small kitchen within the wardens flat at ground floor level. It is unrealistic that such a small kitchen facility would be sufficient to serve a care home of the size proposed.

This summary of some of the layout issues identified with the scheme further highlight the design flaws of the development, although it is accepted that some of these matters have the potential to be addressed through revisions to the internal layout.

Amenity for future residents

The main communal, external amenity area for the residents of the care home would be a terrace on the south side of the building and a conservatory on the north side of the building at first floor level. Due to the shape of the building, the conservatory would be enclosed on three sides by the development and given its northern orientation, it would not benefit from any direct sunlight. Furthermore, views from the conservatory would be over the adjacent car park and the rear of commercial units, which would not be an attractive outlook. In relation to the southern terrace, outlook and light to this terrace would be restricted by the bulk of the adjacent auditorium of the former Odeon cinema, which would also restrict light to some of the main habitable room windows of the south facing rooms and flats. It is therefore considered that the quality of external amenity space afforded to the residents from the conservatory and terrace would be poor.

In response to concerns raised during the application process about the quality of amenity space for the future residents, the Agent has stated that the whole of the roof of the building could be laid out as a roof garden. However, no clear plans of the roof garden have been provided and it is not clear how it would be accessed. For instance, if the roof garden was intended to be used by all residents, there would be a need for lift access as well as stairs, with associated lift shafts and lobbies, as well as raised perimeter walls or balustrading for safety, but detailed plans have been provided to show how such provisions would be accommodated into the design.

In terms of private amenity space, it is recognised that a number of the care home rooms and flats have been provided with balconies. However, some of these balconies would have an outlook directly over the adjacent public car park to the rear of the site, or to the rear of adjacent commercial units, which would not be an attractive outlook. Other balconies located on the northern side of the building would suffer from restricted light and outlook by virtue of their position facing into the recessed area on the northern side of the building.

Despite the provision of a variety of other communal areas inside the building, including residents lounges and cinemas, having regard to the points made above, it is not considered that the proposed development would provide a good quality of living environment for future residents, contrary to policy PCS23 of the Portsmouth Plan.

It is also relevant to note the comments of the Environmental Health Officer, who confirms that the site is located within an Air Quality Management Area on London Road. The Environmental Health Officer has requested that an Air Quality Assessment is undertaken to establish whether the exposure levels of future residents would be likely to exceed appropriate objectives. A request for an Air Quality Assessment was made during the application process but this has not been received. Within the Transport Assessment, it is stated that there are no Air Quality Management Areas in the vicinity of the site and therefore no assessment of air quality has been undertaken. This is clearly incorrect, given the comments of the Environmental Health Officer. In the absence of this information, it is not possible to determine whether the proposed development would be acceptable in terms of the potential impact of air quality on future residents.

The Environmental Health Officer also noted that there would be the potential for future residents to be adversely affected by noise from London Road. However, this matter could be satisfactorily addressed by the provision of suitable insulation, which could be secured by condition.

Amenity of surrounding residents

The nearest neighbouring residential dwellings are located on Emsworth Road to the rear (east) of the site. The nearest of these properties would be located between approximately 35 to 40m away from the nearest part of the rear elevation of the proposed new building. Given this separation distance, whilst the new building would be taller than the existing building on the site, it is not considered that it would result in any significant impact on the residents of Emsworth Road in terms of loss of outlook, light or privacy.

The three adjacent properties on London Road immediately to the north of the site are single-storey commercial buildings. The rear yards/gardens of these properties would be overshadowed by the northern 'wing' of the new building, however, given their commercial use, it is not considered that this impact would be so significant as to warrant a reason for refusal. There would appear to be a flat at first floor level within No.106, London Road to the north, which has a bedroom window facing east. There would be an angled distance of approximately 10m between the nearest part of the northern 'wing' of the proposed building and this neighbouring property, and having regard to the bulk of the existing building in this location, it is not considered that the additional height of the proposed building would have a significantly greater impact in terms of increased overshadowing or loss of outlook to this neighbouring property. The next adjacent property, No.108 London Road, comprises a bulky two-storey building extending to the boundary of the public car park and this building provides a degree of separation between the proposed development and residential uses above commercial premises further to the north.

Overall, whilst the proposal would represent a substantial development of the site, due to the distances between the new building and surrounding residential properties, it is not considered that neighbouring residents would be adversely affected by loss of outlook, light or privacy from the development.

Access, parking and highway implications

The development would have vehicle access from Stubbington Avenue, through an existing public car park. A car park would be provided to the rear of the site, providing 14 parking spaces, one of which is shown to be for an ambulance. In addition, the plans indicate three motorcycle parking bays and bicycle parking area.

A Transport Assessment (TA) has been submitted in support of the application, to seek to assess the likely traffic generation associated with the scheme and to justify the level of parking provision proposed. This has been reviewed by the Highways Engineer, who has raised a number of concerns, which are summarised under the following headings.

Trip generation

It is noted that the trip generation for the existing building is based on the entire floor area of the existing building, quoted as 2437sqm, which is believed to include the retail stores and associated storage areas. In comparison, the application form states that the existing retail floor area is 347.1sqm. It is therefore questionable whether the figure used for the existing trip rate is accurate or credible. It is considered that the trip rate associated with the existing retail stores (based on the floor area of 347sqm), is more likely to be around half of what is suggested in the TA, similar to the trip rate that would be associated with the new retail units to be included within the development.

The proposed medical hub and care facilities are predicted to generate approximately 50 additional two way trips per day. Notwithstanding the concerns regarding the inaccuracies within the TA, the Highways Engineer is satisfied that this level of additional trip generation would be unlikely to have a material impact on the operation of the highway network.

Public access

The site would be accessed from Stubbington Avenue, through an existing public car park which is privately owned by Portsmouth City Council. There are no footways through this car park, and no proposals to provide any footways as part of the proposed development. As noted earlier in this report, the only other means of access by pedestrians would be from London Road through a narrow alleyway, which is not of a suitable width to safely accommodate wheelchairs or pushchairs. Neither of these routes is considered to offer a safe access route for occupants of the care facilities or visitors to the medical hub. The NPPF makes it clear that the provision of a safe environment is a fundamental element of good, sustainable design. The NPPF states in paragraph 32 that safe and suitable access should be achieved for all, and in paragraph 58 that new development should (among other things), create 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. It is concluded that the access arrangements for the proposed development are significantly flawed and do not represent safe and suitable access as required by the NPPF.

Parking

The Highways Engineer is satisfied that the parking requirements for the proposed retail units would be similar to existing and could be accommodated on street or within the Stubbington Avenue car park.

In relation to the care home, it is accepted that occupants would be unlikely to own cars and that the main demand for spaces would be for staff. In relation to the assisted living flats, some queries remain as to the likely occupancy of these units and they are shown to be fully self-contained flats. However, the application is for C2 use and this is the basis on which the Highways Engineer has assessed the parking demand. The following parking requirement has been assessed for the care home elements of the scheme:

- 59 Care Home bedrooms - 8 spaces
- 24 assisted living apartments - 4 spaces
- 1 resident warden - 1 space
- Visitor spaces (10%) - 1 space
- Total - 14

The development includes provision for 14 spaces, although one is shown to be used as an ambulance parking bay. This would just about meet the need for the care home and assisted living residents, but does not take account of any need for staff. In addition, this does not take account of any parking demand that might be associated with the medical hub. The applicant has suggested that parking for the medical hub could satisfactorily be accommodated within either the Stubbington Road car park or a car park on Derby Road, both of which were determined to have capacity following a parking survey carried out for the TA. However, the Highways Engineer has noted that the Derby Road car park is currently undergoing refurbishment and is associated with a new Lidl store due to open on London Road later this year. The survey data is therefore not considered to be entirely accurate in relation to Derby Road car park. In relation to the Stubbington Avenue car park, the survey determined that there was an average capacity of 47 spaces, although the times at which the surveys were undertaken has not been provided. It is considered unlikely that such a high capacity would be available in peak times and therefore it is questionable whether all of the parking for the medical hub could be satisfactorily accommodated within this car park.

Taking account of the above comments, and the queries over the accuracies of the parking surveys, it is considered that there would be an overall lack of parking provided on site to accommodate all of the uses and that there may not be sufficient capacity on street or within the surrounding car parks to accommodate the shortfall.

Cycle parking

The plans indicate that cycle parking would be provided on the south side of the car park, with a 9 hoop rack. The plan also states that additional Sheffield cycle hoops would be provided around the car park for visitors but does not show where these would be located. The Highways Engineer considers that the development would require at least 9 cycle spaces (7 for the care facilities and 2 for the medical hub), along with an additional space for visitors. Whilst the plans show a slight shortfall, it is considered that this requirement could be met on site and could be secured through condition.

Waste facilities

The Waste Management Officer raised a number of concerns with the refuse facilities shown on the plans, including concerns relating to the accessibility of the stores, the type of facilities provided and the distance of the stores to the main highway.

In response to these concerns, the applicant has amended the size of the stores within the rear car park and indicated the type of doors that would be installed. They have noted that the warden would be responsible for positioning waste bins for collection, for the medical hub, nursing home and assisted living flats. For the retail units, they have indicated a separate location for refuse storage, with side access.

Having reviewed the revised details, the Waste Management Officer has continued to raise a number of concerns. The bin store on the northern side of the car park is shown to be located directly in front of windows of the building and it is questionable whether it would be possible to properly manoeuvre the bins through the passageway and around the adjacent parking space. An additional refuse store is shown in the south-east corner of the car park and this location also presents issues as its door would restrict access to the cycle storage once opened and it would be difficult to manoeuvre bins around the adjacent parking bay. In addition, all of the bin stores within the rear car park area are a significant distance from the public highway and it is unclear whether the car park has been designed to accommodate the access and turning of refuse vehicles.

Whilst it may be possible to address some of the above issues by further revisions to the plan, it is difficult to see how the concern regarding the distance to the public highway could be addressed.

Ecology and Impact on the Solent Special Protection Area (SPA):

The proposals have been reviewed by the County Ecologist, who is satisfied that the site has negligible potential to accommodate bats or other protected species and would not have an adverse impact on any locally-designated sites of wildlife importance.

In relation to the Solent 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 as a Special Protection Area, or otherwise affect protected habitats or 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. The development proposed is not necessary for the management of the SPA.

With regard to proposals for care homes and sheltered accommodation, in accordance with the SPD, the level of mitigation required is assessed on a case by case basis, based on an analysis of the likely impact of the residents, the level of care and other relevant issues. In this case, the scheme comprises a care home along with a number of assisted living flats. The development would inevitably result in an increase in population at the site and it is considered that this would lead to an effect, as described in Regulation 61 of the Habitats Regulations, on the SPA. However, despite requests for additional information through the course of the application, very little detail has been provided with regard to the intended level of care for the residents or the precise nature of the use of the upper floor flats. It has therefore not been possible to reach a determination as to the extent of the impact on the SPA or what would constitute an appropriate level of mitigation. It therefore cannot be determined that the development would not have an adverse impact on the SPA, contrary to policy PCS13 of the Portsmouth Plan and the Solent Special Protection Areas SPD.

RECOMMENDATION Refuse

The reasons for the refusal are:

- 1) The proposed development, by reason of its excessive scale and bulk along with its bland and unarticulated design, would represent a gross overdevelopment of the site and a poor form of development that would not relate sympathetically to its surroundings and would fail to enhance the character and appearance of the North End District Centre. The proposed development is therefore contrary to policies PCS8 and PCS23 of the Portsmouth Plan and the objectives of good design as set out within the National Planning Policy Framework.
- 2) The proposed development, due to the poor layout and positioning of private and communal external amenity space, with a conservatory located in an enclosed position on the northern elevation, a terrace with restricted light and outlook on the southern elevation and balconies facing directly over the adjacent car park and to the rear of commercial premises, would fail to provide a satisfactory standard of living environment for future occupants. The development would therefore be contrary to Policy PCS23 of the Portsmouth Plan.
- 3) In the absence of an Air Quality Assessment, it is not possible to determine the potential impact of exposure to air pollution on future residents of the development. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.
- 4) The location of the main entrance to the development on the east side of the site would result in the need for pedestrians to access the site via a public car park or via a narrow alleyway from London Road. This would represent an unattractive and unsafe means of access for pedestrians, resulting in significant safety concerns, contrary to Policies PCS17 and PCS23 of the Portsmouth Plan and the objectives for sustainable design as set out within the National Planning Policy Framework.
- 5) The proposed parking provision is insufficient to accommodate the demand associated with the proposed development and the submitted information is not sufficient to determine that the shortfall could satisfactorily be met on street or within surrounding public car parks. The proposal is therefore contrary to policy PCS17 of the Portsmouth Plan.
- 6) The proposed refuse storage facilities are inadequate in terms of their layout, design and distance from the public highway. The development would therefore fail to provide sufficient facilities for the storage and collection of refuse, contrary to policy PCS23 of the Portsmouth Plan.

8 MONTGOMERIE ROAD SOUTHSEA PO5 1ED**CHANGE OF USE FROM PURPOSES FALLING WITHIN A C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPATION) TO SUI GENERIS (HOUSE IN MULTIPLE OCCUPATION) FOR SEVEN OR MORE PEOPLE****Application Submitted By:**

Town Planning Experts
FAO Mr Jonathan McDermott

On behalf of:

ODMP Ltd
FAO Mr J Oliver

RDD: 23rd May 2017

LDD: 19th July 2017

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a number of deputation requests by local residents.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

The application relates to a four-storey mid-terraced dwelling located to the northern side of Montgomerie Road just to the east of its junction with Winston Churchill Avenue. The property is set back from the highway by a small front forecourt and comprises a kitchen, lounges and communal bathroom at lower ground floor, three bedrooms with associated en-suites at ground floor, three bedrooms and associated en-suites at first floor and two bedrooms and associated en-suites at second floor level. The property has a total of 8 bedrooms with an en-suite in each room.

Proposal

This application seeks planning permission to use the property as a house in multiple occupation (Sui Generis) for the occupation of seven or more people. The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse).

Relevant Planning History

In regards to relevant planning history, planning application reference: 16/00526/FUL was granted permission in May 2016 for a change of use from Class C4, (House in Multiple Occupation) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

Further to this a Certificate of Lawful Development (17/00731/CPE) was granted in June 2017 for external alterations to include the construction of a bay window (after removal of existing), new windows and render finish.

POLICY CONTEXT

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

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

CONSULTATIONS

Private Sector Housing

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 a C3 (dwelling house) or C4 (house in multiple occupation) to sui generis (house in multiple occupation) for seven or more people

Summary

A verification visit was conducted on 11th September 2017 at the above property and I can confirm the Private Sector Housing Team have no adverse comments to make regarding this application.

Highways Engineer

The application is for a change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to sui generis (house in multiple occupation) for seven or more people.

I have assessed the information provided and have the following comments.

Montgomerie Road is in the Somerstown area, a mainly residential area which is in close proximity to the city centre. Montgomerie Road is immediately south of Winston Churchill Avenue (A2030) with two frequent bus services (1,2) and just over a mile to the nearest railway station. The property is within the LB Residential Parking Zone offering 3 hours unrestricted parking, with no return within 4 hours.

The applicant has not provided any vehicle parking details.

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

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

REPRESENTATIONS

A total of 46 representations have been received objecting to the development on the grounds of

- (a) the density of HMO's already existing in the area.;
- (b) increased noise and disturbance;
- (c) increased rubbish;
- (d) increased demand for parking;
- (e) poor visual appearance of the physical alterations;
- (g) significance of fire risk for occupants;
- (h) impact of the over-intensification of property;
- (i) poor standard of accommodation for future occupants and
- (j) the lack of family housing being provided in the area.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom Sui Generis House in Multiple Occupation for the occupation of seven or more people. Upon granting permission for planning application reference ; 16/00526/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by Portsmouth City Council. On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as Purposes falling within Class C4 HMO or Class C3 (Dwellinghouse), the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Clarification of Physical Alterations to Property

Throughout the course of this application, as a response to communications received by local residents and Local Ward Councillors, clarification was sought on the extent of external alterations carried out on the recipient dwelling and if planning permission was required. In response, the applicant submitted a Certificate of Existing Development for the alterations including the construction of a bay window (after removal of existing), new windows and render finish for consideration by the Local Planning Authority. This application was granted a Certificate of Lawful Development by the City Solicitor in June 2017 and it was determined that the works completed were lawful under householder Permitted Development Rights. It is therefore important to note that this planning application does not consider any of the physical alterations but focuses on the nature of the change of use.

Impact on Residential Amenity

The proposal involves the use of the upper floors for additional bedrooms to create an eight bedroom 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 eight individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. Having sought clarification with the Private Sector Housing Team after conducting a verification site visit they have agreed that the proposal in its current format would be capable of attaining a valid licence for the occupation of eight un-related individuals and no adverse comments have been raised.

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

applicant has confirmed that bin and bicycle storage would be located in the front court yard of the property.

SPA mitigation

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

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

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

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

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500) PG 1008 16 21, PG 1008 16 20

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

LAND TO REAR OF FORMER PORTLAND HOTEL TONBRIDGE STREET SOUTHSEA**CONSTRUCTION OF FOUR-STOREY BUILDING COMPRISING SIX FLATS AND GROUND FLOOR OFFICE (CLASS B1A), TWO INTEGRAL GARAGES AND DETACHED CYCLE STORE****Application Submitted By:**

Pike Planning
FAO Mr John Pike

On behalf of:

Pike Planning
FAO Mr John Garrett

RDD: 16th June 2017

LDD: 4th October 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the principle of development is acceptable in the location proposed; whether the development is of an appropriate design; whether the proposal would preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area and the setting of the adjoining Listed Buildings; whether the proposal would provide an appropriate standard of living accommodation for future occupiers and whether it would have any significant adverse impact on the amenity of the occupiers of the adjoining properties. Other issues to consider are whether the proposal meets policy requirements in respect of SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

The Site

The application site comprises an irregular but broadly rectangular parcel of land located to the rear of the former Portland Hotel and numbers 3-7 Portland Terrace. The site fronts Tonbridge Street and is currently laid to hardstanding and formerly used as a car park. The site is in the same ownership as the former Portland Hotel although this lies outside the application site. The site lies within 'Owen's Southsea' Conservation Area with the adjacent former Portland Hotel and Portland Terrace being Grade II Listed buildings and Portland Court (40 Kent Road) entered on the City Council's Local List of Buildings of Architectural or Historic Interest. The site is located on the very edge of Flood Zone 3 and just outside of the Southsea Town Centre boundary. The site excludes the car parking spaces immediately to the rear of Portland Court.

Proposal

Planning permission is sought for the construction of a four-storey building comprising six dwellings and a ground floor office (Class B1a) with associated parking, bin and bike storage.

Relevant Planning History

An application for the construction of a four-storey building comprising a healthcare clinic (within Class D1) to the ground floor and six dwellings above (ref.13/01123/FUL) was refused in December 2013. The reasons for refusal were as follows:

1. The development would by virtue of its siting, be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development out of character with the contextual street scene. Furthermore the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

2. The proposed building would, by virtue of its scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

A similar application for the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six dwellings above (ref. 13/00409/FUL) was refused in September 2013. The reasons for refusal were identical to those for application 13/01123/FUL as detailed above.

Both planning applications (13/01123/FUL & 13/00409/FUL) were allowed at appeal on 25th April 2014 (APP/Z1775/A/14/2212705 & APP/Z1775/A/13/2207845 respectively). However, these permissions were not implemented and have now lapsed.

Planning permission and Listed Building Consent was granted in May 2017 (ref.16/01584/FUL & 16/01585/LBC) for the conversion of the adjoining former Portland Hotel to form 12 dwellings with external alterations.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). The Parking Standards SPD, the Housing standards SPD and the Technical Housing Standards - nationally described space standards, the Solent Special Protection Areas SPD and the 'Owen's Southsea' Conservation Area Guidelines are also relevant to the proposed development.

CONSULTATIONS

Contaminated Land Team

Given the scale of the proposed development, and the potentially contaminative historic use of the site including a dyers and cleaners c.1886 - c.1907, conditions relating to land contamination are requested.

Highways Engineer

Updated comments 22/08/2017

Comments regarding this application have previously been submitted by the Local Highway Authority (LHA) (below) however it has been brought to the attention of the LHA that the redline of the application has been amended resulting in a loss of parking provision associated with the proposed development.

Initially it had been proposed to provide 5 parking spaces and 2 garages providing a further 2 spaces (totalling 7 spaces). This was 0.5 spaces below the required amount of parking expected by Planning policy however this provided a space per dwelling and an additional space for the office use which was found to be acceptable.

The new proposals remove 3 spaces from the development leaving just 4 spaces for use by the development; 3.5(4) below the expected standard. An appeal decision has also been brought to my attention granting consent for 6 flats with either a coffee shop (A3) or Health clinic (D1) beneath and provision of 5 parking spaces. This differs from the new proposal in that the commercial unit is smaller to accommodate the two garages and a reduction of one parking space.

The HA would note that in the appeal decision, the inspector states "Five parking spaces would be provided for the 6 flats and this meets the requirements of the Residential Parking Standards Supplementary Planning Document"; this is an incorrect assumption, the parking standard would have been 7.5(8) spaces. The same parking demand applies for the proposed residential units therefore the initial judgement by the inspector allowed a development that had a significant shortfall in parking provision which is now to be increased further by the proposed development. It would not appear that parking was a material consideration in the earlier appeal decision as the Planning inspector appears to have been misinformed regarding the parking standards. The area in which the site is located is forms part of the KC resident's parking zone; a zone that already has a shortfall of over 300 spaces (in terms of spaces available to permits issued) therefore it is clear that any additional shortfall in spaces generated by this development could not be accommodated on street.

Therefore as the application stands the HA must recommend refusal on the following grounds;

- Insufficient parking provision has been included within the development in an area where no space exists on street to accommodate any additional shortfall associated with the development.

Initial Comments 4/7/17

This application is for the construction of a four-storey building comprising six flats and ground floor office (Class B1), two integral garages and detached cycle store. I have reviewed the Design, Planning & Access statement and supporting plans submitted in support of the application and would make the following comments;

The proposal site is currently vacant land accessed from Tonbridge Street which is primarily a service road to provide rear access to the retail units fronting Palmerston Road. The site has previously gained consent for a near identical development albeit this application includes an office use (B1) at ground floor rather than a health centre (D1). The three upper floors will contain 6 no. flats comprising 3 one-bedroom and 3 two-bedroom dwellings.

No trip generation assessment has been carried out in support of the application. The site is currently vacant thus inevitably any proposal would increase traffic generation associated with the site. That said, given the small scale of the development, The HA is satisfied that the proposal would not result in a material impact upon the local highway network.

The application does not propose to alter the existing accesses and whilst the proposal is likely to result in increased traffic movements, the HA is satisfied that the access would be suitable for the proposed development.

The Portsmouth Parking SPD gives the expected level of parking provision that should be included within new residential developments. This development is comprised of 3 x 1bed & 3 x 2bed apartments which would have a requirement of 7.5 spaces. It is proposed to include two garages and 5 parking spaces for the use of residents representing an under provision of 0.5spaces. It is stated that the garages will be for use by residents (presumably allocated to individual apartments) however it is unclear whether the 5 parking spaces are to be shared with the office at ground floor level.

The Portsmouth Parking SPD does not specify an expected level of parking spaces that should be provided for commercial development rather it is for the applicant to determine an

appropriate level of parking provision. Whilst the applicant has not done this, should two of the garages and four of the parking spaces be allocated for the 6 flats (one per flat) and the remaining space be allocated to the office, the HA believe this considered along with on-street pay & display provision and given the high accessibility of the area would be sufficient to accommodate the likely demand.

The Portsmouth Parking SPD requires new residential development to include cycle parking to an expected standard. For this development 2 spaces for each of the 2bed flats and 1 space per 1 bed flat are required. It is proposed to build a detached cycle store which will have 6 individual stores inside each with capacity for two cycles which is acceptable. No expected cycle provision is required for commercial development; rather it is required that commercial developments provide adequate cycle facilities to achieve two BREEAM credits for the development. Given the small size of the commercial unit, a single cycle parking space would suffice. No cycle parking is shown related to the commercial use however the HA is satisfied that there is sufficient space to provide this on site.

As the application stands the HA would not wish to raise a Highways objection however the following conditions should be secured;

- Vehicle parking should be provided prior to first occupation of the development and should be thereafter retained for use by residents
- Cycle parking should be provided prior to first occupation of the development and should be thereafter retained for use by residents

Leisure/Arb Officer

Although located within areas covered by Tree Preservation Orders, there are no trees within the area of the proposed development.

T12 TPO 128 is situated approx. 5m south of the proposed development, the root area is largely protected by existing hard surfacing and unlikely to be affected by the development.

Natural England

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has adopted Solent Special Protection Areas 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 SPD and an appropriate planning condition or obligation is attached to any planning permission to secure the contribution, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

With the above mitigation in place, Natural England has no objection to this application.

Ecology

Having reviewed available information and site details the ecology team would conclude that the site has negligible potential to support protected species and with reference to available biological records the ecology team has no concerns that this development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

The development will however 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).

Environmental Health

This consultation is with regard to the impact from the B1 use, the potential impact from road traffic noise on the future residents and the potential impact on local air quality from the vehicle journeys generated as a result of the proposal.

In assessing the suitability of the locality for residential use, it is important to understand the noise environment. In support of applications for very similar proposals at the same location in 2013 (13/00409/ful and 13/01123/ful) a noise survey was submitted. EH are unaware of any development since 2013 that would undermine the conclusion of that report and the proposed minimum reduction required by the glazing elements as being 35 dB(A).

Should you be minded to grant consent, EH recommend that it be a requirement that the installed residential glazing meets the above sound reduction. EH recommend that it be a requirement for the developer to confirm this through submitted information on the glazing specifications prior to installation.

With regards to the proposed B1 use, EH do not have any particular concerns about noise from this source provided the hours are restricted appropriately. Building regulations will determine the minimum standard for sound insulation between the B1 use and the residential premises above.

Due to the scale of the proposal and the limited number of parking spaces provided the impact on local air quality will be insignificant.

REPRESENTATIONS

Four letters of representation have been received from occupiers of Portland Terrace and from the Rookery Company that oversees the Property and residents of 40 Kent Road, Portland Court (12 Flats). Their objections can be summarised as follows: a) Proximity and impact on the adjoining buildings; b) Cramped form of development; c) Increased sense of enclosure; d) Overlooking and loss of privacy; e) Loss of light and outlook; f) Increased noise and disturbance; g) Highways impact including parking; h) Access to the rear of Portland Terrace; and i) Impact on property value.

COMMENT

The determining issues in the determination of this application relate to:

1. The principle of development;
2. Design including impact on heritage assets;
3. Internal living conditions and Impact on residential amenity;
4. Highway Implications;

5. Special Protection Areas (SPA) mitigation;
6. Other matters raised within representations.

Planning permission is sought for the construction of a four-storey building comprising six dwellings (3x1-bed & 3x2-bed) at upper floor levels with a small office (Class B1a), two garages and refuse storage facilities at ground floor level. A separate smaller building would provide bicycle storage facilities and would enclose a small communal garden area. An access to the rear of Portland Terrace would be maintained. Access to the four car parking spaces associated with the development would be from Tonbridge Street via an existing car park.

Whilst incorporating relatively minor changes at ground floor level, the development is very similar in terms of design, scale, massing and siting to that considered and refused by the Local Planning Authority in 2013 (13/01123/FUL & 13/00409/FUL), but subsequently allowed at appeal in April 2014 (APP/Z1775/A/14/2212705 & APP/Z1775/A/13/2207845 respectively). In allowing the appeals the Inspector concluded that: 'Both proposals would enhance the character and appearance of Owen's Southsea Conservation Area and would preserve the setting of the adjoining listed buildings including Portland Terrace and Portland Hotel. Overall these heritage assets would be conserved in a manner appropriate to their significance in line with the Framework. The living conditions of nearby residential occupiers would not be harmed. As a result the proposed developments would accord with the development plan and there are no other considerations which outweigh these findings. They are therefore acceptable for the reasons given and the appeals should be allowed'.

Whilst the current proposal does differ slightly from those previously permitted and the previous permissions have now lapsed, the views of the Inspector within the decisions must be given weight during the determination of this application.

The principle of development

The application site is located to the rear of commercial properties that front Palmerston Road precinct and residential properties that front Kent Road and Portland Road. These buildings effectively turn their back on the application site with service yards and car parks presenting a character that is much more austere than other parts of the conservation area.

Whilst the LPA previously concluded that the introduction of new development of a similar form to that proposed would be inappropriate in this location, would be odds with the prevailing pattern of development and would appear cramped within the street scene, the Inspector raised no concerns with the principle of development or its relationship with adjoining properties and land uses. Therefore, on the basis there have been no significant changes in circumstance since the decisions of the Inspector in 2014, it is considered that the principle of development has established by the Inspector would remain.

Furthermore, regard is made to Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas which reflects the public transport links and proximity to local facilities (PCS21).

The supporting text to PCS10 states: 'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites.

A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites is likely to continue and this development is unlikely to have a significant impact upon infrastructure provision'.

The previous permissions at the site proposed a Class D1 use (a healthcare clinic) and a Class A3 use (café) at ground floor level both of which were considered to be acceptable in principle. The current proposal incorporates an office (Class B1a) at ground floor level which is of a reduced floor area as a result of the inclusion of the integral garages. Having regard to the edge of centre location and the previous permissions at the site, the principle of a small office in this location is considered to be acceptable.

Design including impact on heritage assets

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework (NPPF) requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations.

In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 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.

In considering the design merits of the previous schemes the LPA concluded in both cases that: 'the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings'.

However, in considering both appeals, the Inspector opined that: 'Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that special attention should be paid to the desirability of preserving or enhancing its character or appearance. This is a matter that should be given considerable importance and weight. Many of the houses in the area were built and laid out by Thomas Ellis Owen from the 1830s onwards. The Conservation Area can be best characterised as a planned and picturesque villa suburb and this is the particular significance of the heritage asset. The proposals would be located on the very edge of the designated area facing Tonbridge Street. This provides vehicular access to the flats in Portland Terrace and also rear servicing for the premises in Palmerston Precinct which were re-developed in the post war period. There is documentary evidence that a building stood on the

appeal site in the past. This is referred to as Portland Hall and was apparently a ball room associated with the hotel. It was demolished in the 1950s following war damage. Although having a large footprint there are no details of its scale. It is also evident that the nature and function of Tonbridge Street has changed markedly since that time. However, what can be said is that the existing openness of the site is not part of its historic character. Tonbridge Street is at a point of transition between two contrasting styles of architecture. As the buildings turn their backs on the road there is little sense of place. Indeed, because it is undeveloped the appeal site makes a negative contribution to the qualities of the Conservation Area and the townscape at the entrance into Tonbridge Street from Kent Road is weak. The Council is not opposed to development in principle but considers that by addressing Tonbridge Street the proposals would create an artificial street scene. The Council's Guidelines for Conservation of 2006 note that Owen's Southsea is by design a densely built up area. The prevailing urban grain is of buildings close to one another facing onto streets. The proposals would therefore be entirely consistent with the existing pattern and layout of development. Tonbridge Street is not typical but the introduction of an additional built presence would be positive and would strengthen the identity of the Conservation Area. Furthermore, by reason of their proximity to existing buildings and their design, the proposals would be sufficiently connected with their surroundings to avoid an isolated or alien appearance. The proposals would be 4-storeys high but lower than their most immediate neighbours. They would therefore be subservient in scale. Structures of this magnitude would also hold their own against their taller neighbours and would not be 'lost' visually. Other buildings would be nearby but this is usual for the locality as is the position of the proposals on the back edge of footway. However, there would be space around the proposed developments on all sides so that they would not appear cramped. The proposals are designed in a traditional, classical style with render and a slate roof as well as other features that are compatible with the 'family' of buildings in this part of the Conservation Area. The windows would gradually reduce in size as they ascend to accord with the usual hierarchy for openings. The Council is critical on the basis that the proposals are too much of a slavish replication. However, by utilising ingredients from nearby buildings the proposals would harmonise with their surroundings. The proposals would reflect the identity of the surroundings and respond to local history and character thereby reinforcing local distinctiveness. Indeed, this is a site that in many ways is 'crying out' for redevelopment. By furthering and consolidating the type of development most associated with the Conservation Area the proposals would bring about an improvement to this heritage asset as referred to in paragraph 137 of the National Planning Policy Framework. Therefore the character and appearance of the Owen's Southsea Conservation Area would be enhanced. Moreover, the aims expressed in Policy PCS23 of the Portsmouth Plan would be met in that the proposals would be well designed, respect the character of the city, relate well to the geography and history of Portsmouth and be appropriate to their context'.

In terms of impact on the setting of the adjacent Listed Buildings the Inspector continued: 'Section 66 of the Act sets out a general duty to have special regard to the desirability of preserving listed buildings or their settings. The setting of a heritage asset is defined by the Framework as the surroundings in which it is experienced. St Jude's Church has a distinctive Gothic form. Although there would be a direct line of sight between the church and the proposals there are existing buildings that are much closer to it. Indeed, the status of St Jude's as a dominant focal point would remain unaltered and the important views of its spire identified in the Guidelines for Conservation would not be impeded. Therefore having regard to their separation the setting of the listed building would not be degraded by the proposals even on a cumulative basis. Portland Terrace and Portland Hotel have a grand Italianate front and this is its main significance. The rear elevation is less prepossessing. This façade has been compromised aesthetically by the removal of the original rear wings and the introduction of replacement windows and metal external stairs. Clearly there would be buildings of some stature where currently there are none. That said, historically Portland Hall would have stood behind the terrace. Indeed, the proposals would not be so near to the back of this listed building that its identity would be confused or impaired. Views of it would be interrupted but not removed altogether and, in any event, the rear elevation is not one of its attributes. In these circumstances the proposals would not detract from the significance of the heritage asset. In conclusion the setting of adjoining listed buildings would not be adversely affected but would be

preserved. By relating well to the geography and history of Portsmouth in this respect the relevant proviso within Policy PCS23 would also be complied with'.

Externally the current proposal is virtually identical to the schemes previously considered with the exception of the ground floor treatment to the northern elevation into the car park. Here two garage doors have been inserted to replace two windows and a section of railings. This is not considered to be a positive intervention with the garage doors appearing out of keeping with the overall style of the building. This change would be to the most prominent elevation of the building and visible from Kent Road and to those entering Tonbridge Street from the north.

However, having regard to the very strong views of the Inspector that very similar proposals at the site were of a high quality design that would have enhanced the character and appearance of the conservation area, it is considered that the relatively minor alterations to the northern elevation, however disappointing they may be, would not detract from the overall design to the point where the proposal moves from having a positive impact on the character and appearance of the conservation area, to one of harm. On the basis the building retains much of its previous design characteristics including scale, massing, siting and detailing, it is considered that the changes would not alter its relationship with the adjoining heritage assets.

Therefore, placing weight on the previous decisions of the Inspector, it is considered that the proposal would preserve the character and appearance of the conservation area and the setting of the nearby heritage assets. As such the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

Internal living conditions and Impact on residential amenity

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

In considering the impact of the previous schemes on the amenity of neighbouring occupiers, the LPA concluded that the proposed buildings would by virtue of their scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal.

However, in considering the two appeals, the Inspector opined that: 'The east facing elevation of Portland Terrace contains a series of windows to habitable rooms including some at semi-basement level. Clearly the proposals would be visible from many of these and the existing outlook would change but this does not necessarily mean that harm would occur. Indeed, whilst the proposed buildings would be near to this fenestration they would not be in such proximity that those inside would be entirely enclosed. For some it would be possible to see around the proposals whilst those on the upper floors in particular would be able to see the sky above them. This is also a locality where closely spaced buildings are the norm. Overall I am satisfied that the proposals would not be so overpowering that permission should be withheld for this reason. There are also misgivings about privacy but the schemes have been devised so that the closest rear windows would serve bathrooms. The rear facing bedroom windows would be about 20m away and this inter-relationship is acceptable as no significant overlooking would occur. The Study also confirms that the rear windows at Portland Court would not be deprived of daylight or sunlight to an unreasonable degree having regard to BRE guidance. The proposals would not

be sited directly behind this block and the proposed bedroom windows in the side would be positioned forward of the back elevation of these adjoining flats. For these reasons the juxtaposition between existing and proposed buildings would be satisfactory. In conclusion on this issue the proposals would not harm the living conditions of the occupiers of Portland Terrace. They would not infringe the relevant criterion in Policy PCS23 of the Portsmouth Plan which seeks to protect amenity and the provision of a good standard of living environment for neighbouring occupiers. In common with the Council I have also reached similar findings in relation to occupiers of Portland Court'.

Whilst the LPA did not reach the same conclusion as the Inspector and the views raised within representations are noted, on the basis the proposed building has not changed in terms of its scale, massing, siting or window placement and there have been no significant changes in circumstance since the decision of the Inspector, it is considered that any reason for refusal based impact on the amenity of neighbouring occupiers could not be sustained.

Internally, all of the proposed units would exceed the minimum standards set out within the nationally described space standards and would benefit from an acceptable standard of natural light and outlook, although the building's design and internal living conditions could be improved with the inclusion of larger windows. A small communal garden to the rear would provide some limited external space for future occupiers.

The City Council's Environmental Health Team highlight that the Building Control regime would ensure adequate sound insulation between the commercial use at ground floor level and the dwellings above and a suitably worded planning condition relating to window specification could be imposed to ensure noise levels are of an acceptable level within habitable rooms.

Highway Implications

As highlighted above, the current proposal seeks to incorporate two integral garages at ground floor level accessed from the adjoining car park. In addition, two further parking spaces would be sited to the north-west corner of the main building adjacent to the outbuilding. The Parking Standards Supplementary Planning Document sets a requirement of 7.5 (8) off-road parking spaces for the six dwellings and it is noted that the proposal would also result in the loss of an area of hardstanding that has been used to provide off-road parking facilities in the past.

The Highways Authority highlight that as the site is currently vacant, any proposal would inevitably increase traffic within the area. However, given the limited scale of the development and the number of dwellings proposed, it is considered that the increased trip generation would not result in a material impact on the local highway network and the proposed access to the site would be suitable.

As initially submitted, the proposal incorporated 5 car parking spaces (3 external and 2 integral garages) which was comparable to the level of parking provision previously considered to be acceptable by both the LPA and the Inspector (13/01123/FUL & 13/00409/FUL). However, it was established that one of the external spaces had subsequently been allocated to the development permitted at the former Portland Hotel (16/01584/FUL) immediately to the north-west. As a result the number of spaces associated with this development has been reduced from 5 to 4, an under provision of 4 spaces.

The Highways Authority has considered the amended parking layout and highlight that the area in which the application site is located forms part of the KC resident's parking zone. This zone already has a shortfall of over 300 spaces (in terms of spaces available to permits issued) and any additional shortfall generated by this development could not be accommodated on street.

Whilst the concerns of the Highways Authority are noted, the planning assessment of this application must strike a balance between these concerns, the previous permissions at the site which proposed just 1 additional car parking space, the contribution the development would

make towards meeting the city's housing need as set out within Policy PCS10 and PCS21, as detailed above and the benefits of developing a site within a conservation area that has fallen into a poor state of repair. Consideration must also be given to the location of the application site in close proximity to shops, services, leisure facilities and transport links allowing residents to make local trips without the use of a car.

Balancing all of these issues and placing significant weight on the previous permissions at the site, it is considered that a reduced parking provision of a single space compared to that previously found to be acceptable by both the LPA and the Inspector would not be so harmful as to sustain an objection on parking standards.

Bicycle storage facilities are proposed within a single-storey detached building to the rear which could provide adequate storage facilities for future occupiers. The City Council's refuse team highlighted that collection from the bin store shown would be problematic given its position to the rear of the building and the position of the parking spaces. There is however, scope to switch part of the refuse and bicycle storage facilities and allow access through the parking spaces. Therefore, notwithstanding the submitted details, it is considered that the final design and location of both refuse and bicycle storage facilities could be reserved by a suitably worded planning condition.

Special Protection Areas (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 as a Special Protection Area, or otherwise affect protected habitats or 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. 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.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs) (as set out in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document). The development is not necessary for the management of the SPA.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £1086.00 (6 x £181). It is considered that, subject to the inclusion of an appropriate level of mitigation within a unilateral undertaking or payment through an agreement under S111 of the Local Government Act, there would not be a significant effect on the SPAs. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Other matters raised within representations

Representations raise concerns over access to the rear of Portland Terrace in the event of an emergency. However, on the basis the site is currently fenced off preventing access and the car park areas to the north and south would remain, it is considered that access for emergency vehicles would not be compromised.

Impact on property value is not a material planning consideration.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £1086.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 17-2252-112 P5, 17-2252-113 P5, 17-2252-110 P6, 17-2252-111 P3, 17-2252-117 P1, 17-2252-114 P1, 17-2252-115 P1 and 17-2252-116 P1.
- 3) Unless otherwise agreed in writing with the Local Planning Authority, 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 desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;
and unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;
and, unless otherwise agreed in writing by the LPA,
 - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.
- 4) Unless otherwise agreed in writing with the Local Planning Authority, 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)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

5) (a) Notwithstanding the submitted details, development shall not commence until a full schedule of materials and finishes (including samples where necessary) to be used in the construction of all external surfaces (included the main building, bicycle store, areas of hardstanding and boundary treatments) has been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall then be carried out in full accordance with the approved schedule of materials unless otherwise agreed in writing by the Local Planning Authority.

6) (a) Notwithstanding the submitted details, development shall not commence until detailed constructional drawings of key architectural features (including precise window fabrication, stuck courses/rustication at ground floor level, projecting rendered detail courses, projecting window surrounds, chimney, corbels, railings and garage doors) at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall thereafter be carried out in full accordance with the approved details.

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development a scheme for insulating habitable rooms against road traffic and commercial noise shall be submitted to the Local Planning Authority for approval in writing. 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.

(b) The development shall then be carried out in full accordance with the approved scheme prior to first occupation of any of the dwellings hereby permitted.

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until a detailed hard and soft landscaping scheme for the external areas which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the first occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

9) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) parking facilities (2 external spaces & 2 garages) shall be provided in accordance with approved drawings 17-2252-110 P6 & 17-2252-111 P3.

(b) The approved parking provision shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles only.

10) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development has:

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

11) (a) Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied until secure and waterproof bicycle storage facilities have been provided in accordance with a detailed scheme (to include location, materials, size and appearance) to be submitted to and approved in writing by the Local Planning Authority.

(b) The approved facilities shall thereafter be retained for the storage of bicycles at all times.

12) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until facilities for the storage of refuse and recyclable materials have been provided in accordance with a detailed scheme (to include location, materials, size and appearance) to be submitted to and approved in writing by the Local Planning Authority.

(b) The approved facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.

13) The ground floor commercial unit (as labelled on approved drawing 17-2252-111 P3) hereby permitted shall be used as an office within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose without the prior written permission of the Local Planning Authority sought through the submission of a formal planning application.

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 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.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interests of visual amenity having regard to the site's location within the 'Owen's Southsea' Conservation Area and in close proximity to a number of statutory listed buildings in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 6) In the interests of visual amenity having regard to the specific and significant contribution these features make to the overall design concept of the building and its location with 'Owen's Southsea' Conservation Area and in close proximity to a number of statutory listed buildings in

accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.

7) 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.

8) To secure a high quality setting to the development in the interests of visual amenity in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan.

9) To ensure that adequate provision is made for the parking of cars in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.

10) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.

11) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

12) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

13) To control the scope of the permission granted in the interests of amenity having regard to the proximity of the application site to residential properties within the same building in accordance with policy PCS23 of the Portsmouth Plan.

52 CRANESWATER AVENUE SOUTHSEA PO4 0PB**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Tony Brown

On behalf of:

Mrs Sayyida Sharifa Abdulla Al-Said

RDD: 21st June 2017**LDD:** 29th September 2017**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

The site

This application relates to a two-storey detached dwellinghouse located on the west side of Craneswater Avenue. The property is within the 'Craneswater and Eastern Parade' Conservation Area (No.29).

The proposal

This application relates to a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house). On 1st November 2011, an Article 4(2) Direction came into effect and removed permitted development rights for a change of use from a Class C3 to a Class C4.

Planning history

Whilst there is some planning history for this site it is not considered relevant to the determination of this application for planning permission.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and HMO SPD would also be a material consideration.

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 72 it is required that Local

Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

Also the NPPF at paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

CONSULTATIONS

Private Sector Housing

The application has not provided any floor plans so no comments can be made by the Private Sector Housing Team in regard to the compliance of regulations in relation to the Housing Act 2004.

REPRESENTATIONS

Ten objections have been received on the grounds of:

- (a) the neighbour consultation process has not been correctly followed. The consultation period should have been extended over summer;
- (b) planning statement does not address procedure notes;
- (c) no proposed floor plans have been submitted;
- (d) covenant on houses prevents their sub-division and use for business purposes;
- (e) sub-division of house is unnecessary given the shortage of family homes;
- (f) not an appropriate use for the conservation area;
- (g) outdoor space is important for these houses and given the gardens adjoin each other, any increase in occupiers using the garden could significantly increase noise and disturbance;
- (h) rise in anti-social behaviour;
- (i) increased parking pressure;
- (j) internal works are not compliant with Private Sector Housing or Building Regulations;
- (k) city already saturated with HMOs and there is no additional demand;
- (l) a high number of HMOs are empty and not fully occupied;
- (m) three others HMOs in the 50m radius;
- (n) flats in Norman Court should be discounted;
- (o) no heritage statement has been submitted;
- (p) property has been maintained in a poor state;
- (q) poor rubbish collection practises by current occupiers;
- (r) no management details for HMO use; and,
- (s) no indication of type of tenant.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

An Article 4(2) Direction does not restrict any alterations or development at this property. The local planning authority does not therefore have any control in relation to replacement of windows, doors or other features on the front elevation.

Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, 3 of the 55 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 5.46%, rising to 7.27% if permission was granted, under the 10% threshold set out within the HMO SPD.

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

1. Coach House in Bridge Road; and,
2. Converted Sub Station in St Ronans Road;

The HMO Count Data sent to ward councillors confirms the HMO on Bridge Road and St Ronans Road have already been included in the count data, with an additional HMO in Norman Court. The count data has not therefore been amended.

Impact on amenity

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

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 7.27%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

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

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

In October 2013 relating to the issue of increased noise and disturbance at 32 Tottenham Road (APP/Z1775/A/13/2200024), the Inspector stated that: 'I consider that the proposal would not necessarily give rise to a level of activity (including any associated noise and disturbance) which would be significantly greater than that which could be associated with a typical family household. It would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings. Issues of past events of loud music being played and rubbish left to frontages are noted, but are not a determining issue in this planning appeal. I also acknowledge the concerns raised by third parties with regard to car parking and speeding issues, however I have not been made aware of any objections being raised by the Highway Authority with regard to highway safety matters and these matters do not outweigh my findings that the proposal would maintain a mixed and balanced community.'

A further appeal allowed April 2013 at 9 Claydon Avenue (APP/Z1775/A/13/2190131), the Inspector stated: 'Thus permission at no 9 would increase this proportion to exactly 10%. Because the proposals would not increase the number of HMOs above the proportion supported by policy and adopted guidance I find that there would be no harm to the mix of housing in Claydon Avenue and the surrounding area...I therefore conclude that the effect of the proposal on the availability of a range of properties in the area to provide for a mixed and balanced community would not be seriously harmed by the appeal proposals. Hence there is no conflict with PP Policy PCS20 and the adopted HMO SPD which seeks to ensure that housing meets the needs of residents and that the community is not unbalanced by a concentration of HMOs.'

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."

Based on the material weight given to relevant Inspectorate decisions, it is considered that there would not be a significant impact on residential amenity with regards to increased noise and disturbance from the property being occupied either within Class C3 or Class C4.

Highways/Parking

The off-road parking requirements in accordance with the Parking Standards SPD do not increase for a Class C4 HMO. The parking requirement is the same as the use of the property within Class C3. The property benefits from off-road parking for two vehicles and is within 400 metres of a high frequency bus route. Conditions could be imposed to secure cycle parking for future occupiers.

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

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

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

Waste

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

Other matters raised within representations

The normal advertisement procedures have been correctly followed.

The current local list requirements do not require floor plans for Class C4 applications.

Covenants are private legal matters and would not be appropriate to consider as part of the determination of this application.

Internal works would not require planning permission and the Council's Building Control department have been informed.

Conclusion

Based on all matters raised within representations, national and local policy and all other material considerations, it is considered that the development is acceptable for the reasons highlighted above and an objection could not be sustained.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 Revision D003).
- 3) Prior to the first occupation of the property as a House in Multiple Occupation, details of secure and weatherproof bicycle storage shall be submitted to and approved in writing the Local Planning Authority. The bicycle storage facilities shall thereafter be retained.
- 4) Prior to the first occupation of the property as a House in Multiple Occupation, details of weatherproof refuse storage shall be submitted to and approved in writing the Local Planning Authority. The refuse storage facilities shall thereafter be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the property in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 4) To prevent the build-up of waste in accordance with policy PCS15 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.

11 PLAYFAIR ROAD SOUTHSEA PO5 1EQ**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr A Pandya

RDD: 17th July 2017

LDD: 13th September 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

This application relates to a two-storey mid-terraced dwelling located on Playfair Road close to its intersection with St Andrews Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

The site is located in close proximity to a range of shops and services on Somers Road and Elm Grove and is located in close proximity to a high frequency bus corridor located on Winston Churchill Avenue. Also within walking distance are Southsea and Fratton Train Stations.

Proposal

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

Relevant planning history

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

POLICY CONTEXT

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

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

CONSULTATIONS

Private Sector Housing

Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis)

Summary

- 3 Storeys
- 7 Bedrooms

This property would require to be licenced under Part 2, Housing Act 2004 and from the information provided with the application, including the specific room sizes, I have no adverse comments to make.

Please note the required facilities for the property.

Kitchen/living/dining.

The overall space required for a shared open planned kitchen/dining/living area where bedrooms exceed 10m² is 22.5m², of which the kitchen must be 11m² for the exclusive use of food preparation and storage. The following amenities are required:

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

Personal hygiene requirement

2 x bathroom and 2 x WC's (one of the WC's can be contained within one of the bathrooms).

A shower/bathroom must be a minimum of 2.74m² / 3.74m² to ensure adequate drying and changing space. The bath / shower room must contain:

- Bath and/or shower
- WC
- WHB
- Heating
- Ventilation

The WC needs to be a minimum of 1300 x 900mm (1.17m²) and include a WHB.

Highways Engineer

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

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

Where an application property already has 4 or more bedrooms, the expected parking demand of a HMO(sui generis) would be the same as the existing use as per SPD standards and as

such would not be required to provide any further spaces despite an increase in the number of bedrooms.

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

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

REPRESENTATIONS

A total of 49 representations have been received objecting to the development on the grounds of:

- (a) over-intensification of the property;
- (b) drawings do not accurately reflect the extent of changes carried out on the property;
- (c) the density of HMO's already existing in Playfair Road;
- (d) the application should be considered in the context of the new HMO SPD;
- (e) the plans provide a lack of clarity regarding room sizes;
- (f) the proposal would lead to an increase in noise and disturbance;
- (g) increased rubbish;
- (h) increased parking demand;
- (i) increased pressure on water and sewerage networks;
- (j) would set a poor precedent and
- (k) would have an impact on housing prices in the area.

COMMENT

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

Principle of the Use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The applicant has submitted a Statutory Declaration outlining the use of the property as a C4 HMO prior to November 2011. This has been corroborated with Council Tax records and information held on the HMO database. Therefore it is considered that on the balance of probabilities the property has been continuously used as a C4 HMO from November 2011 to the current date.

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

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

Impact on Residential Amenity

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

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

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

In terms of internal living conditions, the property currently comprises shared toilet and bathroom facilities (toilet, basin, shower and bath) at ground, first and second floor level. At ground floor level a communal lounge and kitchen would have a floor area of approximately 24 sq.m. with access to cooking, storage and preparation facilities including two ovens, one microwave/grill, multiple cupboards two fridge/freezers, one set of gas hobs, multiple sockets two sinks and drainers and a washing machine/tumble dryer. There is also a seating area with sofas and a breakfast bar. Overall it is considered that the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

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

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

Parking

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

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

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

SPA mitigation

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

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

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

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

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500), 9003 16 3

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

6 ADMIRAL SQUARE NELSON ROAD SOUTHSEA PO5 2DQ**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE)
TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Mr Michael Baker

On behalf of:

Mr Michael Baker

RDD: 25th July 2017**LDD:** 18th October 2017**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

The site

This application relates to a four storey mid-terraced dwellinghouse located in the north-west corner of this gated development in the 'Owen's Southsea' Conservation Area (No.2). There are several trees on the east, south and west boundaries that are protected by a Tree Preservation Order No.44 and the locally listed 3 Ormsby Road is in close proximity to the east (local list description: Two storey, rendered villa with crenellations. High garden boundary wall. House possibly by T. E. Owen date 1850). This development is accessed via secure gates and the building is surrounded by a 2 metre high wall.

The proposal

The applicant seeks permission for a change of use from purposes falling within Class C3 (dwelling house) to purposes falling within Class C4 (house in multiple occupation). On 1st November 2011, an Article 4(2) Direction came into effect and removed permitted development rights for a change of use from a Class C3 to a Class C4.

Relevant planning history

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and HMO SPD would also be a material consideration.

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed

Buildings and Conservation Areas) Act 1990 (as amended) at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

Also the NPPF at paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

CONSULTATIONS

Private Sector Housing

None.

REPRESENTATIONS

Councillor Symes has requested this application be determined by the planning committee and that a site visit takes place.

Ten representations have been received objecting on the grounds of:

- (a) there are enough students living in the neighbourhood;
- (b) increased waste from additional occupiers could increase or attract vermin;
- (c) the property only has one allocated parking space and this will add pressure to surrounding roads;
- (d) the city has enough HMOs;
- (e) this is a family orientated area;
- (f) the resulting noise, disturbance and anti-social behaviour created by a HMO;
- (g) sense of security and community in this gated community would be lost;
- (h) only 32 flats of the 99 included from Holmbush Court should be included in count in accordance with the new SPD Para. 124 viii;
- (i) illegal HMOs need to be considered in the count data; and,
- (j) a HMO would fails to protect the amenity of neighbouring properties.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, 1 of the 124 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0.81%, rising to 1.61% if permission was granted, under the 10% threshold set out within the HMO SPD.

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

1. 4 Admirals Square (HMO since July 2011, added to count data);
2. 14 Admirals Square (not a HMO);
3. Basement flat, 11 Grove Road South (not a HMO);
4. 11 Grove Road South (not a HMO); and,
5. 1A Grove Road South (not a HMO).

Even with the addition of one extra property, the revised HMO Count Data would rise to 2.42%, under the 10% threshold in the SPD.

Impact on amenity

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

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 2.42%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

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

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

In October 2013 relating to the issue of increased noise and disturbance at 32 Tottenham Road (APP/Z1775/A/13/2200024), the Inspector stated that: 'I consider that the proposal would not necessarily give rise to a level of activity (including any associated noise and disturbance) which would be significantly greater than that which could be associated with a typical family household. It would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings. Issues of past events of loud music being played and rubbish left to frontages are noted, but are not a determining issue in this planning appeal. I also acknowledge the concerns raised by third parties with regard to car parking and speeding issues, however I have not been made aware of any objections being raised by the Highway Authority with regard to highway safety matters and these matters do not outweigh my findings that the proposal would maintain a mixed and balanced community.'

A further appeal allowed April 2013 at 9 Claydon Avenue (APP/Z1775/A/13/2190131), the Inspector stated: 'Thus permission at no 9 would increase this proportion to exactly 10%. Because the proposals would not increase the number of HMOs above the proportion supported by policy and adopted guidance I find that there would be no harm to the mix of housing in Claydon Avenue and the surrounding area...I therefore conclude that the effect of the proposal on the availability of a range of properties in the area to provide for a mixed and balanced community would not be seriously harmed by the appeal proposals. Hence there is no conflict with PP Policy PCS20 and the adopted HMO SPD which seeks to ensure that housing meets the needs of residents and that the community is not unbalanced by a concentration of HMOs.'

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."

Based on the material weight given to relevant Inspectorate decisions, it is considered that there would not be a significant impact on residential amenity with regards to increased noise and disturbance from the property being occupied either within Class C3 or Class C4.

Highways/Parking

The off-road parking requirements in accordance with the Parking Standards SPD do not increase for a Class C4 HMO. The parking requirement is the same as the use of the property within Class C3. The property benefits from off-road parking for a vehicle and is within 400 metres of a high frequency bus route and within a short walk of Southsea Town Centre. As highlighted in the site description this is a gated community and it is not considered appropriate to impose conditions in relation to cycle parking.

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

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

Having regard to this relevant decision and all other material planning considerations, it is not considered that an objection on highways grounds could be sustained.

Waste

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

Conclusion

Based on all matters raised within representations, national and local policy and all other material considerations, it is considered that the development is acceptable for the reasons highlighted above and an objection could not be sustained.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 10.08.2017).
- 3) Prior to the occupation of the property as a house in multiple occupation, details of weatherproof waste storage facilities shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be permanently retained in the approved condition.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To prevent the unnecessary build-up of waste in accordance with policy PCS15 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

THE FERRYMAN GUEST HOUSE 16 VICTORIA ROAD SOUTH SOUTHSEA PO5 2BZ

CONSTRUCTION OF FIRST FLOOR REAR EXTENSION WITH OBSCURE GLAZED SCREENS; EXTERNAL ALTERATIONS TO PROVIDE "JULIET" BALCONIES; INSTALLATION OF EXTERNAL STAIRCASE AND HOOPED LADDER ACCESS TO REAR; AND INSTALLATION OF PV ARRAY AT ROOF LEVEL

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

The Ferryman Guest House
FAO Mr James Harrison

RDD: 2nd August 2017

LDD: 28th September 2017

SUMMARY OF MAIN ISSUES

The determining issues are whether:

- (a) the proposal is acceptable in design terms and the impact on heritage assets;
- (b) there would be any impact on protected trees;
- (c) the development would increase the risk of flooding;
- (d) there would be an increased requirement for off-road parking at this site; and,
- (e) there would be any significant impact on residential amenity. Whether this revised scheme overcomes the previous reason for refusal would also be a material consideration.

The site

The application site comprises the curtilage of number 16 Victoria Road South, a four-storey detached property currently in use as the Ferryman Guest House. The site is located within the 'Owens Southsea' Conservation Area (No.2) and adjacent to the locally listed No.18. There are four trees in the rear garden protected by tree preservation order No.49 (T47, T48, T52 and T54) and the property is within an indicative area of flooding (zone two).

The character and appearance of this conservation area is described in the council's 'Guidelines for conservation': "Victoria Road South forms the eastern boundary of the Owen's Southsea Conservation Area (with the eastern side of the road being located within the East Southsea Conservation Area). This part of the Conservation Area includes Cavendish, Hereford and Stafford Roads) leading from Victoria Road South to Albany Road. These date from between 1874-1900 and comprise late Victorian villas and semi-detached houses in a variety of materials, mainly brick or render but including stone and flint. These roads have a distinct building line and there is less tree planting than in other parts of the Conservation Area. Most properties have retained boundary walls and gate pillars. There are further Edwardian villas in Victoria Road South."

The proposal

The applicant seeks permission for construction of first floor rear extension with obscure glazed screens; external alterations to provide "Juliet" balconies; installation of external staircase and hooped ladder access to rear; and installation of pv array at roof level.

Relevant planning history

A similar proposal for 'Construction of first floor rear extension and modifications to existing ground floor extension, new French windows and "Juliet" balconies to first and second floor front and rear elevations and photo-voltaic panels on main flat roof' (ref. 16/00575/FUL) was refused at planning committee in June 2016 against officer recommendation for the following reason:

1. In the opinion of the Local Planning Authority, the proposed first floor extension would, by reason of its scale and siting, result in an unneighbourly increased sense of enclosure and loss of light and outlook to the detriment of the living conditions of the occupiers of Empire House. Furthermore the unsympathetic appearance of the proposed first floor extension would fail to preserve the character or appearance of 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

There is a concurrent application that seeks consent within Tree Preservation Order No.49 - Fell Limes (T47 and T54) that is pending consideration ref. 17/01426/TPO.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS12 (Flood Risk) and PCS23 (Design and Conservation).

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

Also the NPPF at paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At paragraph 135, the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

CONSULTATIONS

Leisure/Arb Officer

A site visit has not been undertaken on this occasion as the Arboricultural Officer has previously visited the site in relation to refused application 16/00775/FUL that was overturned by members' at planning committee. Comments made in relation to this application indicated that protected trees onsite were on the perimeter of the site and unlikely to be impacted upon by the proposed development. These remain extant.

Recorded management history suggests the remaining trees of TPO49 are not routinely managed:

47 Lime

A*10205/B - Lop - 12/10/81

B*10205/AB - Re-pollard - 1/10/93

B*10205/AC - thin 20%, reduce 1m, reshape - 6/7/99

B*10205/AD - reduce 20% - 14/2/02

48 Lime

A*10205/B - Fell and not replace - 12/10/81

B*10205/AB - Re-pollard - 1/10/93

B*10205/AC - Fell & replace - 6/7/99

54 Lime

A*10205/B - Lop - 12/10/81

B*10205/AA - Re-pollard to old cuts - 18/11/91

B*10205/AC - thin 20%, reduce 1m, reshape - 6/7/99

B*10205/AD - reduce 20% - 14/2/02

52 Flowering cherry

A*10205/B - Lop - 12/10/81

B*10205/AA - Re-pollard to old cuts - 18/11/91

B*10205/AC - Fell & replace - 6/7/99

No evidence is provided to support the assertion made in the Planning, heritage, design and access statement dated July 17:

Both trees in the rear garden are not seen as appropriate and would be replaced by semi-mature species more suited to this small garden.

If the removal of the trees is prerequisite for the development proposal an Arboricultural Survey, Impact Assessment and supporting documents is to be provided with supporting evidence to justify felling.

If the removal of the trees is not prerequisite for the development proposal a separate TPO application should be submitted.

Recommendations

In respect of the trees the application be refused pending correct submission of supporting evidence and documents.

Coastal And Drainage

No comments regarding the application.

Contaminated Land Team

The Contaminated Land Team has reviewed the above application together with information held on our GIS and give that the works in the main are above ground a condition relating to contamination is not required.

The proposed development is situated on/adjacent to the Great Morass, a historic tidal inlet from the sea which has previously been associated with a significant thickness of peat and infilling. An informative should be added, advising the developer that they should contact this department if any unexpected materials or materials of concern (such as oily, ashy, odorous or fibrous materials) are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

Eastern Solent Coastal Partnership

The Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development. The site is shown to lie within the Environment Agency's Flood Zone 2, and is therefore considered to be at risk of experiencing a 1:1000 year (0.1% annual probability) extreme tidal flood event. However, from 2025 onwards the site is predicted to lie within Flood Zone 3, and will therefore be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal level for Portsmouth Harbour is 3.2mAOD, increasing to a predicted 4.3mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) dated July 2017, which sufficiently outlines how flood risk at the site will be mitigated. As stated within the FRA, the proposed first floor extension will be located above both the present day and predicted 2115 1:200 year extreme tidal flood level for Portsmouth Harbour. Therefore, the upper floor could provide occupants of the building with safe internal refuge during an extreme tidal flood event. In addition, the FRA recommends that all occupants of the building sign up to the Government's Flood Warning Service.

Environment Agency

None.

REPRESENTATIONS

None.

COMMENT

The determining issues are whether:

- (a) the proposal is acceptable in design terms and the impact on heritage assets;
- (b) there would be any impact on protected trees;
- (c) the development would increase the risk of flooding;
- (d) there would be an increased requirement for off-road parking at this site; and,
- (e) there would be any significant impact on residential amenity. Whether this revised scheme overcomes the previous reason for refusal would also be a material consideration.

Procedural

Application 16/00575/FUL was refused by Members' of the Planning Committee on 30.06.2016 against the recommendation of officers. Although there are some similarities with the previous scheme, the applicant has added additional elements to this revised scheme including a spiral staircase, hopped ladder, additional terraces and privacy screens. Although no representations have been received, it is considered necessary for the planning committee to determine the application.

Design and impact on heritage assets

The previous reason for refusal stated:

'In the opinion of the Local Planning Authority, the proposed first floor extension would, by reason of its scale and siting, result in an neighbourly increased sense of enclosure and loss of light and outlook to the detriment of the living conditions of the occupiers of Empire House. Furthermore the unsympathetic appearance of the proposed first floor extension would fail to preserve the character or appearance of 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.'

On the front elevation, the applicant would install Juliet balconies at first and second floor level with the windows replaced by aluminium framed doors - Juliet balconies and French doors would also be installed on the rear elevation. As the existing window openings would remain unchanged and the doors would be similar in appearance to the window style on the property, it is considered that they would be appropriate additions that would relate to the guesthouse and preserve the character and appearance of the conservation area.

Development would include construction of a first floor extension that would project 2.1 metres from the rear elevation of the guesthouse and completed in brickwork to match the existing property. Window detailing and method of opening would be similar to that on the existing property and a brick course would be inserted above the window to give some symmetry and relationship with the existing building. The extension would be set in from the north common boundary by 2.3 metres and a 1.8 metre high obscure glazed privacy screen would be installed (additional screens would be installed at second and third floor level). Located adjacent to this extension, a spiral staircase would allow access from ground floor level to the roof for maintenance and access but would not form part of the roof terrace area. This staircase would be relatively open in terms of its appearance and would project some 0.3 metres from the side elevation between the guesthouse and the property to the north. Given the distance separation from this staircase to the footway of some 20.58 metres, this is not considered to be visually obtrusive and would preserve the character and appearance of the conservation area.

A window would be installed on the first floor extension on the rear elevation to provide light an extended area for one of the rooms for guests. This modest window that is of similar appearance and scale in relation to others on this property is considered an appropriate addition that would preserve the character and appearance of the conservation area.

To provide access to the panels on the roof, a hopped ladder system would be installed on the rear elevation adjacent to the first floor extension. Although this ladder would be sited adjacent to the first floor extension and have a limited projection above the existing roof terrace balustrade at third floor level, it is a utilitarian addition to the rear elevation to serve the purpose of allowing access to the roof. An additional ladder would be secured to the outside face of the rear elevation at third floor level would be the final access ladder needed to allow servicing of the solar panels. Solar panels would be installed on the flat roof of the existing mansard roof and would be mounted at an angle to maximise their efficiency.

In a conservation area, solar panels and ladders affixed to the elevations of the building are considered to be alien additions. In this case, it is considered that these additions would cause less than substantial harm to the character and appearance of the conservation area. As such, regard has been given to paragraph 134 of the NPPF (highlighted in the policies section).

In terms of the siting of the ladders, the proposed location for installation is the rear elevation and would be considered as the most suitable location to reduce their appearance from neighbouring properties and the public realm. In terms of the solar panels, whilst the substantial height of the four storey nature of the existing building and their setback position from the front elevation would limit their visibility from the public realm they would still be visible from windows in the upper floors of neighbouring properties. However, the NPPF places weight on the

reduction of emissions and the encouragement of sustainable power generation. The benefits of reducing reliance on non-renewable forms of energy should be encouraged and it is considered that the harm to the character and appearance of the conservation area would be outweighed by the benefits of sustainable energy generation.

Impact on protected trees

Although there are four protected trees in the rear garden of the guesthouse, they would not have to be felled to allow the development to commence. As such, it is considered that with conditions to secure appropriate tree protection for the trunk, canopy and root, it is considered the development is acceptable.

Flood risk

Portsmouth is at risk of flooding from a variety of sources. Flooding from the sea could potentially have the most catastrophic impact in Portsmouth, particularly if this is as a result of a breach in the flood defences. The application site is within flood zone three but given the modest scale of the development, it is considered that the development would not increase the risk of flooding at this site or surrounding area. Having regard to comments in the submitted flood risk assessment, it is considered the development would not increase the risk of flooding at this site or locally.

Highways/Parking

The submitted design and access statement on page six confirms there would be no increase in the number of letting rooms. Although PCS17 and the supporting Supplementary Planning Document expect developers to justify a proposed level of parking, it is not considered that in this case there is an increased requirement and comments within the design and access statement are deemed acceptable.

Impact on residential amenity

The previous reason for refusal stated the first floor extension would result in an neighbourly increased sense of enclosure and loss of light and outlook to the detriment of the living conditions of the occupiers of Empire House. At 2.1m in depth, the proposed first floor extension remains unchanged from the previously refused scheme.

This aspect of the proposal was not considered to give rise to sufficient harm to warrant refusal by officers. There is a separation distance of some 2.3m between the proposed first floor extension and Empire House (to the north). Empire House has a number of side windows facing the application property; 3 windows at ground floor level already face onto an existing single-storey addition and first floor side windows face onto existing brickwork across the 2.3m wide gap. There is a second floor side window. The applicant's Design & Access Statement comments: "The proposed first floor extension would not, it is considered, have any significant impact on the daylight and sunlight penetration into this window. There would be a small change to the outlook from this window but not a significant impact that would seriously diminish the amenity enjoyed within the property." This is considered a fair assessment and the impact on the occupiers of Empire House would be so significant to warrant withholding permission.

The rear gardens of other nearby properties are relatively compact and there is limited spatial separation. Whilst some degree of overlooking occurs from the existing roof terrace at second floor level, it is considered that the introduction of an additional terrace at first floor level would be likely to exacerbate this. However, it is considered that with a condition to secure an opaque (galzed) privacy screen on the north and west sides, that any overlooking would be adequately mitigated. It is therefore considered that with conditions, the development would not give rise to any significant impact on the amenities of neighbouring properties.

Conclusion

Having regards to observations on site visit, the previous committee reason for refusal and all other material planning considerations, that with conditions the development is acceptable and would accord with local and national planning policy.

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: 1300 Rev C; 1301 Rev AC; and, 1201 Rev AC.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the protected trees located in the rear garden of the property on the west and south boundaries of the site. The approved measures shall then be implemented and retained during all works associated with this permission.
- 5) (A) No development shall take place at the site until details of the alignment, appearance and materials/finishes of obscure glazed screens (using glass not film) to a minimum of Pilkington Level three (or equivalent as may be agreed in writing with the local planning authority) on the north and west sides of the roof terrace and to a height of not less than 1.7m above finished floor level of the roof terrace shall have been submitted to and approved in writing by the local planning authority; and,
(B) Before the roof terrace at first floor level is brought into use the approved obscure glazed screens shall be installed on the north and west sides of the roof terrace and these privacy screens shall thereafter be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the high amenity value of the protected trees into the future and to preserve the character and appearance of the 'Owen's Southsea' Conservation Area in accordance with policy PCS13 and PCS23 of the Portsmouth Plan.
- 5) To protect the amenity of the occupiers of neighbouring properties from overlooking in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives 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, in

this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

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

D.M. Designs
FAO Mr D.P Manns

On behalf of:

Justine Bennett

RDD: 2nd August 2017

LDD: 28th September 2017

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

SUMMARY OF MAIN ISSUES

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

Site and Surroundings

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

Proposal

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

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

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

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

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

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

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

Planning History

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

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

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

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

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

COMMENT

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

Design

The property is a semi-detached house with a rear single storey flat roof extension. The adjoining neighbour (No 1) has a two storey flat roof extension which is constructed up to the boundary with the application site. The applicant proposes to construct an additional storey above the existing single storey extension to accommodate two additional bedrooms.

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

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

Amenity

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

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

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

Other issues raised in objections

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

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

Conclusion

As a result of the pitched roof design, the proposal has been significantly reduced in bulk and has a more appropriate appearance, than the previously refused scheme. Therefore, the proposal would no longer represent a visually obtrusive feature. Furthermore, the proposed extension would align with the neighbouring flat roof extension of No 1 Paignton Avenue. Therefore, it is not considered to result in any loss of light, outlook or increased sense of enclosure. The proposal has therefore overcome the previous reason for refusal. It is therefore, considered that the proposal would be in accordance with PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: BENNETT01A 1of1 Rev B A0

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

239 POWERSCOURT ROAD PORTSMOUTH PO2 7JJ

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

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Alex Venables

RDD: 15th August 2017

LDD: 11th October 2017

SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle;
- 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 terraced property located on the north side of Powerscourt Road, between the junctions of Bedhampton Road and Wallace Road. The property has a small front forecourt and a garden to the rear. The property has been extended at roof level with rooflight windows on the front roofslope and a dormer window to the rear.

The property received planning permission at appeal in July 2017 for a flexible use as either a dwellinghouse (C3) or house in multiple occupation (C4) (application ref. 16/02009/FUL). This would allow the property to be occupied by up to 6 unrelated persons. Planning permission is now sought for a change of use from Class C4 to a 7-bedroom house in multiple occupation, which is classed as a Sui Generis Use. An additional bedroom has been created at ground floor level in place of a lounge.

Internally, the property comprises the following:

- o Ground Floor - 2 x bedrooms with en-suite shower rooms and 1 x kitchen / dining area.
- o First Floor - 2 x bedrooms with en-suite shower rooms, 1 x bedroom without ensuite and 1 x shared shower room.
- o Second Floor - 2 x bedrooms with en-suite shower rooms.

The floor areas of the rooms are as follows:

- o Bedroom 1 (ground floor) - 9.2sqm
- o Bedroom 2 (ground floor) - 8.3sqm
- o Bedroom 3 (first floor) - 6.6sqm
- o Bedroom 4 (first floor) - 10.7sqm
- o Bedroom 5 (first floor)- 8.9sqm
- o Bedroom 6 (second floor) - 8.1sqm

- o Bedroom 7 (second floor) - 9sqm
- o Kitchen/Communal Area - 20.8sqm

Planning history

The previous application ref. 16/02009/FUL, was for permission for a flexible use of the property as either a C3 dwellinghouse or a Class C4 HMO. The floor plans submitted with this previous application showed that the dwelling would have 6 bedrooms, along with a lounge, kitchen and dining room at ground floor level. The application was recommended for permission but was refused at the planning committee on 8 February 2017 for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed use of the property as a house in multiple occupation shared between three to six persons would result in significant additional demand and increased pressure for parking in an area that is over-capacity with limited on-street parking and in the absence of off-street parking would result in further unacceptable pressure for parking to the detriment of local residents. The proposal would therefore be contrary to policies PCS17 (Transport) and PCS23 (Design and Conservation) of the Portsmouth Plan and the Parking Standards Supplementary Planning Document.
2. In the opinion of the Local Planning Authority, the proposed change of use of the property as a house of multiple occupation shared between three to six unrelated persons would be likely to lead to a significant increase in activity resulting in an unacceptable degree of additional noise and disturbance to the detriment of the residential amenities of the occupiers of neighbouring properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

The application was subsequently allowed at appeal on 26 July 2017. Commentary on the Inspectors decision is included in the comments section of this report.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), PCS17 (Transport),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within would include: PCS23 (Design and Conservation), PCS17 (Transport) and PCS13 (A Greener Portsmouth).

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 OF MULTIPLE OCCUPATION) TO 7-BEDROOM HOUSE OF MULTIPLE OCCUPATION (SUI GENERIS)

Summary

3 storeys

7 bedrooms

This property would require to be licenced under Part 2, Housing Act 2004.

Shared kitchen, lounge and dining

The kitchen/dining size proposed is too small and does not meet the space requirement of 27.5m² for an open planned communal kitchen/lounge/dining based on 7 individuals sharing.

The minimum kitchen size for the exclusive use of food preparation and storage is 11m² 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 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

It is recommended the proposal of this floor is reviewed and the bedroom proposed alongside reinstated to its original purpose to provide the appropriate space required.

Personal hygiene

The minimum size for a bath/shower room is 3.74m² and 2.74m² 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 1.17m² (1300mm x 900mm) and include a wash hand basin.

Highways Engineer

No comments recieved

REPRESENTATIONS

1 representation has been received, raising objections on the following grounds:

- unacceptable to squeeze an additional bedroom into an already crowded house;
- inadequate refuse storage provision;
- increased parking problems;
- increased noise and disturbance.

COMMENT

Principle of the proposal

Planning permission is sought for the use of the property as to 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 at appeal in July 2017. This would allow it to be occupied by up to 6 unrelated persons. The proposal would therefore result in the addition of 1 further bedroom within the property, to allow it to be occupied by up to 7 unrelated persons. Given the existing lawful use, which would allow it to be used as a C4 HMO, the proposed change of use to a slightly larger HMO is not considered to alter the balance of such uses within the area.

The above view has been reached by Inspectors in recent appeal decisions. In an appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent

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

Concerns have been raised previously in respect of the intensification of use at individual HMO properties and the cumulative impact of similar developments in significantly increasing the number of occupants within a given area. However, in considering the appeal at 37 Margate Road, the Inspector concluded that: '...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area'. In this case, the property is proposed to change from a C4 HMO, which could be occupied by up to 6 persons, to a 7-bedroom HMO for 7 persons (increase in 1 person).

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

Impact on Residential Amenity

The representation received from a local resident has raised concerns about increased noise and disturbance from a further intensification of the use. The addition of 1 further bedroom has been created through the conversion of a previous lounge at ground floor level. 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 6 unrelated persons or by a family of an unrestricted size.

In determining the previous appeal at this property for the C4 HMO, the Inspector noted the following in relation to noise and disturbance: 'Although persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance'. The current proposal is to increase the potential occupancy of the dwelling by 1 additional person, and, having regard to the comments made by the Inspector, it is not considered that this would result in a significant increase in noise and disturbance.

Standard of accommodation

In terms of internal living conditions for future residents, the property comprises 7 bedrooms, 6 of which have en-suite shower rooms, along with an additional shared shower room and communal kitchen/ living area at ground floor level. The 7th bedroom has been created through the conversion of a lounge that was originally located next to the kitchen at ground floor level.

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application and has confirmed that the size of the communal kitchen / living room is below the minimum size that would be required for 7 occupants. The communal area as proposed would be 20.8sqm, but the minimum size required is 27.5sqm. The property would therefore not provide a satisfactory standard of living space for the future occupants of the building, contrary to policy PCS23 of the Portsmouth Plan.

Parking, cycle and refuse storage

One of the reasons for refusal of the previous application for the C4 HMO use of the property related to parking. On this matter, the appeal Inspector noted that whilst there were difficulties with parking in the area, the Adopted Parking Standards required the same level of parking for

the existing house as for an HMO. He also noted that the site was close to a high frequency bus route and within a short walk of the North End Local Centre. Taking these matters into account, he did not consider that the proposed use would result in a significant worsening of the parking situation in the area. The current proposal would increase the potential occupancy of the dwelling by 1 additional person, and having regard to the views of the appeal Inspector, it is not considered that this would significantly impact on the demand for parking in the surrounding area.

In terms of cycle storage, the Adopted Parking Standards require space for the storage of 4 cycles to be provided, and this could be accommodated within an existing large shed in the rear garden.

In relation to refuse storage, the Waste Management Officer has noted that there may be a requirement for communal bin storage facilities for the property. An informative could be added to advise the applicant to contact the Council to confirm these requirements.

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. No agreement for the payment of the financial contribution has been reached at this stage.

RECOMMENDATION Refuse

The reasons for the refusal are:

1) The proposed change of use of the building to a House in Multiple Occupation (Sui Generis) would, as a result of the proposed layout and size the communal facilities (kitchen / living 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.

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).

10 CLARENCE ROAD SOUTHSEA PO5 2LG**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

McManus Design Ltd
FAO Mr Richard McManus

On behalf of:

10 Clarence Road Ltd
FAO Mr Philip Moore

RDD: 15th August 2017

LDD: 11th October 2017

SUMMARY OF MAIN ISSUES

This application has been called into Planning Committee upon the request of 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 respect of car and cycle parking, and the storage of refuse and recyclable materials.

The site

This application relates to a two-storey mid-terraced dwelling located on Clarence Road close to its intersection with Florence Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear. The property is located within the "East Southsea" Conservation Area (No.19)

On street permit parking is located on Clarence Road. The site is located in close proximity to a range of shops and a service located on Clarendon 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

In regards to relevant planning history, planning application reference: A*30498 was granted permission in 1977 for the conversion of the property to form two flats.

POLICY CONTEXT

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

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

CONSULTATIONS

Private Sector Housing

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 dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)

Summary

Personal hygiene requirement

No bath/shower room or en-suites have been proposed in the layout.

A shower/bathroom or en-suite must be a minimum of 2.74m² / 3.74m² / 2.74m² respectively to ensure adequate drying and changing space.

All must contain:

Bath and/or shower

WC

Wash Hand Basin (WHB)

Heating

Ventilation

Kitchen/dining

The minimum size of the kitchen area must be 7m² and have the following amenities provided in a safe and usable layout.

1 x conventional cooker (combination microwave may be used in lieu of second cooker).

1 x single bowl sink and integral drainer

1 x under counter fridge and a separate freezer or 1 x equivalent combined fridge freezer.

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

2000mm (l) x 500mm (d) worktops.

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

REPRESENTATIONS

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

- (a) density of HMO's already existing;
- (b) increased noise and disturbance and
- (c) increase parking demand.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. 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 187 properties within a 50 metre radius of the application site, 11 are considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 6.41%, 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 Monitoring Officers, these properties included Flat 4 - 1 Beach Road, Flat 4- 3 Beach Road, Flat 5- 3 Beach Road, Flat 3- 9 South Parade, 3 Solent Apartments- 16-17 South Parade, 4 Solent Apartments- 16-17 South Parade, 19 Arundel Court 18-19 South Parade, 9 Mary Rose Court 20-21 South Parade, 23 Mary Rose Court 20-21 South Parade, 8 Glendower Apartments. 20-23 South Parade, 22 Carlton Court 24-25 South Parade. 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, that all of these properties (11) are in use as Class C3 residential dwellings. It should be noted that in the representation received, No.14 Clarence Road is identified as a HMO. This property is a registered HMO and has been included in the count data as part of determining this planning application.

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January

2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses. However, given the density of HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful at this particular point in time.

Stepping away from the planning merits of the proposal, having regard to the layout of the property across three floors, the City Council's Private Sector Housing Team highlight that if the property was occupied by five or more individuals, a mandatory licence would be required from the City Council. In addition to ensuring adequate size standards, sanitary facilities and fire safety, the licence would allow the City Council's Private Sector Housing Team to assist should the property not be managed in an appropriate manner.

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

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PL-01, PL-02
- 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.

20 GRANADA ROAD SOUTHSEA PO4 0RH**CHANGE OF USE FROM PURPOSES FALLING WITHIN HMO (CLASS C4) OR DWELLING (CLASS C3) TO FORM 8 BEDROOM HMO (SUI GENERIS)****Application Submitted By:**

Mr Justin Bateman

On behalf of:

Mr Justin Bateman

RDD: 7th September 2017**LDD:** 3rd November 2017**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

This application relates to a two-storey semi-detached dwelling located on Granada Road close to its intersection with Alhambra Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

The site is located in close proximity to a range of shops and services on Clarendon Road and is located in close proximity to a high frequency bus corridor also located on Clarendon Road.

Proposal

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

Relevant Planning History

In terms of relevant planning history, planning application reference: 15/00053/FUL was granted in February 2015 for a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)

POLICY CONTEXT

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

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

CONSULTATIONS

Private Sector Housing

Proposal

Change of use from purposes falling within HMO (Class C4) or dwelling (Class C3) to form 8 bedroom HMO (Sui Generis)

Summary

-3 Storeys

-8 Bedrooms

This property would require to be licenced under Part 2, Housing Act 2004. Please note the following usability concerns and facility requirements.

Kitchen

I have concerns regarding the usability of the kitchens and the ability to use them in a safe manner. The following amenities are required for 7 individuals sharing.

- 2 x conventional cooker (irrespective of whether a combination microwave is provided)
- 2 x single bowl sinks and integral drainer
- 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

Personal hygiene

The minimum size for a bath/shower room is 3.74m² and 2.74m² 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.

The WC proposed on the first floor is too small, 1m² is proposed and does not fulfil the amenity requirements for a WC.

Where WC's are proposed they must be a minimum of 1.17m² (1300 x 900mm) and include a wash hand basin.

Highways Engineer

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

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

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

The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4 bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO (Sui generis), the cycle parking

provision required would remain the same as the current use and therefore additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

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

REPRESENTATIONS

None received.

COMMENT

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

Principle of the Use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The property already benefits from a lawful use as a Class C4-HMO which was granted planning permission in February 2015.

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

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

Impact on Residential Amenity

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

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns

the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

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

In terms of internal living conditions, the property currently comprises shared toilet and bathroom facilities (toilet, basin, shower and bath) at ground and first floor level with an ensuite provided for the tenant of bedroom 8 at second floor. At ground floor level a communal dining room and kitchen would have a floor area of approximately 29 sq.m. with access to cooking, storage and preparation facilities including two ovens, one microwave/grill, multiple cupboards a fridge/freezer, one set of gas hobs, multiple sockets two sinks and drainers and a washing machine. There are also several seating areas with sofas and a table and chairs.

Overall it is considered that the size of the property is capable of supporting the occupation of eight people subject to the provision of kitchen and personal hygiene facilities as outlined in the Private Sector Housing Departments consultation response. They confirm that the standard of accommodation is sufficient for the intended number of occupants and any licence application for its occupation by up to 8 individuals would be capable of support.

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

Parking

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

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

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

SPA mitigation

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

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

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

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

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawing - Drawing number:
Proposed Floorplan

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

Assistant Director of Culture and City Development
10th October 2017