
NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 26 FEBRUARY 2014 AT 2.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lucy Wingham 0239283 4662

Email: lucy.wingham@portsmouthcc.gov.uk

Planning Committee Members:

Councillors David Fuller (Chair), Les Stevens (Vice-Chair), Darron Phillips, Jacqui Hancock, Margaret Foster, Sandra Stockdale, Ken Ellcome, Frank Jonas, John Ferrett and Lee Mason

Standing Deputies

Councillors Donna Jones, April Windebank, Luke Stubbs, Rob Wood, Ken Ferrett, Leo Madden, Gerald Vernon-Jackson, Hugh Mason, Neill Young and Lee Hunt

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

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

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

AGENDA

- 1 Declaration of Members' Interests
- 2 Apologies
- 3 Minutes of the previous meeting of the Planning Committee - 29 January 2014 (Pages 1 - 8)

The minutes of the Planning Committee meeting held on 29 January 2014 are attached.

RECOMMENDED that the minutes of the Planning Committee meeting held on 29 January 2014 be agreed and signed by the chair as a correct record.

4 Updates provided by the City Development Manager on previous planning applications

5 13/01388/PAMOD - Request to modify legal agreement attached to planning permission 13/00005/FUL relating to land at Compass House, 227-229 Kingston Road (Pages 9 - 12)

Purpose

The purpose of the report is to request members consider the applicants request to modify the legal agreement attached to planning application 13/00005/FUL in relation to affordable housing provision.

RECOMMENDATION

To approve modification of the legal agreement to:

- (a) remove the requirement to provide three units of affordable housing;**
- (b) require a re-assessment of the viability of affordable housing if the development has not been occupied within 12 months.**

6 Planning Performance - Special Measures Designation (Pages 13 - 16)

Purpose

To advise the committee of the criteria for 'special measures' designation that can be made by the Secretary of State on any local planning authority. Such a designation would allow applicants for 'major developments' to apply directly to the Secretary of State for planning permission.

RECOMMENDATION that the report be noted.

7 New Homes Bonus (Pages 17 - 18)

Purpose

To advise the committee of the New Homes Bonus allocated to the council for period 2014-2015 and potential changes to future allocations.

RECOMMENDATION that the report is noted.

8 Planning appeal decision relation to 5 Albert Grove, Southsea (Pages 19 - 20)

Purpose

To advise the committee of the outcome of the appeal, which was dismissed.

RECOMMENDATION that the report be noted.

Planning applications

- 9** **13/01494/FUL - Pavilion Rugby Camp, Copnor Road, Portsmouth (Pages 21 - 44)**

Construction of part single/part 2-storey extension to existing clubhouse (following demolition of existing junior clubhouse).

- 10** **14/00009/FUL - 79 Margate Road, Southsea**

Change of use from house in multiple occupation (Class C4) to a house in multiple occupation (sui generis).

- 11** **13/01395/FUL - 97 Pretoria Road, Southsea**

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

- 12** **13/01511/FUL - Garages, Salcombe Avenue, Portsmouth**

Construction of detached garage and installation of new 1.8m high fencing and gates fronting Salcombe Avenue.

- 13** **14/00026/FUL - 14 Bruce Road, Southsea**

Conversion of building to form 3 flats.

This page is intentionally left blank

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 29 January 2014 at 2.00 pm in the Council Chamber - The Guildhall

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

Present

Councillors David Fuller (Chair)
Darron Phillips
Margaret Foster
Sandra Stockdale
Ken Ellcome
Frank Jonas
John Ferrett
Donna Jones (Standing Deputy) (In place of Lee Mason)
Hugh Mason (Standing Deputy) (In place of Jacqui Hancock)

Also in attendance

Councillors Luke Stubbs
Peter Eddis

Welcome

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

Guildhall, Fire Procedure

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

11. Apologies (AI 1)

Apologies for absence had been received from Councillor Jacqui Hancock (represented by standing deputy Councillor Hugh Mason who apologised that he would not be able to stay for the whole meeting) and Councillor Lee Mason who was represented by standing deputy Councillor Donna Jones who would also have to leave before the end of the meeting.

12. Declaration of Members' Interests (AI 2)

There were no declarations of members' interests at this meeting.

13. Minutes of Planning Committee held on 8 January 2014 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the meeting of the Planning Committee held on 8 January 2014 be agreed and signed by the chair as a correct record.

14. Updates provided by the City Development Manager on previous planning applications (AI 4)

There were no updates at this meeting.

15. Planning appeal decision relating to 12 St John's Road (AI 5)

(REFER TO REPORT BY CITY DEVELOPMENT MANAGER
AS SET OUT ON AGENDA)

RESOLVED that the report be noted.

(TAKE IN REPORT BY CITY DEVELOPMENT MANAGER)

Planning Applications

The order of business of the planning applications was varied so that report item 5 was taken first.

16. 13/01220/FUL - Crescent Snooker Club 136-138 Kingston Road Portsmouth Construction of part single, part two storey extension to form 7 flats above retained ground floor following demolition of existing first floor and alterations to ground floor to provide cycle & refuse stores (Report Item 5) (AI 10)

The City Development Manager's supplementary matters report on planning applications reported three further objections which had been received from the occupiers of properties in St Stephen's Road on the grounds of exacerbation of existing parking problem, increased noise and disturbance, loss of light and privacy and noise, disturbance and dirt during building works.

The applicant has submitted further information in support of the application addressing the lack of information referred to by the Highway Engineer. The Highway Engineer had considered the applicant's submission and concluded that a car free development would be acceptable in this location and refusal on highway grounds cannot be justified. The Highway Engineer raises no objection to the proposal subject to the provision and retention of bicycle storage facilities.

A deputation was made by Mr McManus, the applicant's agent in support of the application whose points included:

- There is good access from the site to public transport and amenities, frequent bus services along Kingston Road and the railway station nearby.
- The development meets the requirements of the SPD on parking and is in accordance with the Portsmouth Plan and national standards.
- The mass of the development had been reduced from the boundaries with residential properties.

- There had been use of sympathetic materials, a slate roof and brick rendering on the boundaries and would be built to a high specification with external amenity areas with planted terraces.

Members' Questions

These included clarification regarding the extent of the ground floor amusement arcade and licensing and planning conditions that would relate to noise.

Members' Comments

Members believed it was a good use of the site and a good combination of business and residential units and were largely supportive of the design and scale of the development, their only concern relating to parking. Members were disappointed that the highways engineer was not present to explain the comments submitted.

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

17. 13/01506/PLAREG - Abbeville 26 Nettlecombe Avenue Southsea Retention of existing garage/home office to include reduction of barn hip to half hip to west roofslope (amended scheme to application 13/00093/PLAREG) (Report Item 1) (AI 6)

The City Development Manager's supplementary matters report on planning applications reported that in addition to those previously reported, five further letters of representation have been received in respect of this proposal. This includes two letters of objection from the occupiers of an adjoining property and Ward Member Councillor Winnington raising concerns on the following grounds: (a) The outbuilding is out character with the surrounding area; (b) Overbearing impact on the surrounding properties; (c) Insufficient change from the previously refused proposal; (d) The outbuilding was built without the benefit of planning permission.

Points raised within three letters of support can be summarised as follow: (a) Outbuilding sympathetic to the main dwelling and enhances the character of the surrounding area; (b) The building is of a proportionate scale in relation to the main dwellinghouse; (c) The outbuilding represents an improvement on the previous outbuilding at the site. These points were addressed within the Committee Report.

Mr Robertson spoke as the owner of number 28 Nettlecombe Avenue adjacent to the site in opposition to the proposal whose points included:

- The house had been bought as it had a good size garden and in 2003 the plan was for a garage 4 metres away from the wall which had now been rendered onto.
- There was support from the planning officers and the inspector to uphold the refusal for the current oversized garage in the grounds of number 26 which dwarfed other garages in the area which was densely populated.
- It was higher and bulkier than other garages and not in keeping with a conservation area.

- This gave a feeling of being hemmed in and overlooked from the garden of number 28.

A deputation was then made by Mr Gladston, the applicant in support of his proposal, whose points included:

- He had spent a lot of time and detail in liaising with the council's conservation officer on the designs whereas his neighbour had let out his property.
- The location of the garage is where there used to be shambling outbuildings when it was a guesthouse and there used to be a garage at number 28 against the wall.
- There had been a mistake made by the builders putting the roof on leading to the series of applications.
- The issues of mass scale and amenity were all subjective.
- There was an attempt to go to a half hip on the roof and other residents were not objecting to this.

Councillor Luke Stubbs then wished to speak to make a comment neither for nor against the proposal. He wished to speak regarding both applications before the committee relating to this property at the same time, regarding the street scene and impact upon neighbours as this was not a problem in Bembridge Crescent but did have an effect on number 28 Nettlecombe Avenue. Whilst he would oppose the first application there were more complications with the second application and he felt there was the potential to have a garage but the level of impact needed to be assessed by the committee. In response the City Development Manager clarified that the two applications needed to be discussed separately with separate decisions being made by the committee.

Members' Questions

These included regarding the repeated appeal process, what level of advice had been given to the applicant and the involvement of the enforcement officers. It was confirmed that there had been correspondence from the enforcement officer advising the applicant to reduce the height and width.

Members' Comments

Members were concerned that the changes were not significant enough to overcome the previous reasons for refusal especially due to the scale of the building and its impact on number 28 Nettlecombe Avenue.

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

- 18. 13/01507/PLAREG - Abbeville 26 Nettlecombe Avenue Southsea Retention of existing garage/home office to include reduction of barn hip to full hip to west roofslope and removal of south facing dormer (amended scheme to application 13/00093/PLAREG)(Report Item 2) (AI 7)**

The City Development Manager's supplementary matters report outlined five additional letters of representation received in respect of this proposal. This includes

four letters of support from local residents whose views can be summarised as follows: (a) The outbuilding is sympathetic to the main dwelling and enhances the character of the surrounding area; (b) The outbuilding is of a proportionate scale in relation to the main dwellinghouse; (c) The outbuilding represents an improvement on the previous outbuilding at the site; (d) The proposal would provide off-road parking.

One letter of representation has been received from the occupiers of an adjoining property objecting on the following grounds: (a) The outbuilding is out character with the surrounding area; (b) Overbearing impact on the surrounding properties; (c) The outbuilding was built without the benefit of planning permission.

These points had been addressed within the Committee Report.

Mr Robertson spoke objecting to the proposal due to the impact on his property at number 28 Nettlecombe Avenue whose points included:

- Little had been done to alleviate the issues of height, width and mass and the feeling of being hemmed in and restricted in his own garden and it was overdevelopment of the site.

Mr Gladston then spoke in support of his application whose points included:

- This application was as far as he could go with the alterations to the roof without having to tear down the garage which was lower than the previous outbuildings.
- He had tried to find a compromise with the neighbours and the ward councillors had withdrawn their previous objections.
- There would be more light and space within the garden with the removal of the dormer.
- It would be costly but would be kept in the period style through the alterations.

There was a short break whilst members of the committee looked at the photographs circulated by the applicant.

Members' Questions

These included the angle of the roof on the western elevation.

Members' Comments

There was concern regarding the unauthorised building within a conservation area, the impact on the neighbouring property at number 28 Nettlecombe Avenue. It was however acknowledged that it was a better solution for the neighbouring properties in Bembridge Crescent.

RESOLVED that permission be refused for the reasons outlined in the City Development Manager's report.

(Councillor Donna Jones left the meeting at this point.)

19. 13/01478/HOU - 5 Marmion Avenue Southsea Construction of dormer windows to front and rear roof slopes (Report Item 3) (AI 8)

A deputation was made by Councillor Peter Eddis who was speaking on behalf of residents at 18 Nelson Road and the block of flats opposite which were overlooked by the proposal who points included that this was against the guidelines for Owens Southsea conservation area and this would spoil the attractive terrace. There would be exacerbated overlooking due to the narrow road and proximity of properties.

Members' Questions

It was asked if there were any dormers within the current terrace at the front of the properties (as it was confirmed that there were none presently however it was unknown as to whether there were any at the rear) and it was asked if Velux windows could be put in a conservation area which was confirmed.

Members' Comments

Members felt that there would not be grounds to object to the rear dormers but discussion took place regarding the impact at the front of the property and the impact on the Victorian street scene of the terrace. The level of overlooking was discussed.

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

20. 13/01510/HOU - 44A Craneswater Park Southsea Construction of dormer windows to front and rear roofslopes and single storey extension to front/side elevation to garage (Resubmission of 13/01202/HOU) (Report Item 4) (AI 9)

The City Development Manager's supplementary matters report included a request for referral to the committee from Councillor Luke Stubbs and reported that five further representations had been received from residents of Craneswater Mews maintaining their objections to the proposed dormers and suggest that rooflights are installed to the rear.

A deputation was made by Mr Greener objecting to the proposal whose points included:

- The impact on his own property with the proximity of the dormer window to his own main bedroom window
- the loss of privacy and the overlooking that would be caused to this property as well as to the communal garden
- the risk of precedent being set.

Councillor Stubbs then made a deputation objecting as ward councillor stressing that there were small back gardens in the area and if this was granted it would be close to the boundaries and the communal gardens, causing overlooking problems. He felt this could be suitable for a site visit.

There were no members' questions.

Members' Comments

Members were concerned regarding the impact of overlooking into the garden and properties to the rear and loss of privacy to the neighbouring properties. There was also concern regarding the design and rhythm of the roofs.

RESOLVED that permission be refused for the following reasons:-

The rear dormers would have an unacceptable relationship resulting in overlooking and a loss of privacy to the properties in Craneswater Mews and would therefore be contrary to policy PCS23 of the Portsmouth Plan.

(Councillor Mason left the meeting at this point.)

21. 13/01450/VOC - Petrol Station 144-160 Milton Road Portsmouth Application to remove condition 1 of planning permission 13/00604/VOC to allow premises to remain open 24hrs daily (Report Item 6) (AI 11)

The City Development Manager's supplementary matters list reported that within the consultation section of the report (page 27), the Environmental Protection Officer recommends that the wording of conditions 2 and 3 of 13/00604/VOC are included on any new planning permission issued in connection with the current application. For clarity, these are worded the same as Conditions 9 and 10 of the original permission (B*20326/AB) and are included as Conditions 2 and 3 within the recommendation for the current application. They read as follows:

Condition 2

The car wash and car vac shall only be operated between the hours of 8.00am to 8.00pm Mondays to Saturdays and 9.00am to 7.00pm on Sundays.

Reason: In the interests of the amenities of occupiers of nearby residential properties, in accordance with policy PCS23 of the Portsmouth Plan.

Condition 3

Noise from operations conducted on the premises shall not exceed either 45 dB(A) between 0800 and 1800 hours on Monday to Saturday, and 35 dB(A) at any other time - as measured inside any noise sensitive premises; or 55 dB(A) between the hours of 0800 and 1800 hours on Mondays to Saturday, and 45 dB(A) at any other time - as measured one metre outside the facade of any noise sensitive premises.

Reason: In the interests of the amenities of occupiers of nearby residential properties, in accordance with policy PCS23 of the Portsmouth Plan.

A deputation was made by Mr Kirby acting as agent on behalf of the applicant whose points included:

- that the management company were experienced nationally in running 24 hour garage sites

- there was the mixed commercial area siting made the application suitable as a site
- there had only been one objection of disturbance and there had been no complaints during the current operation of the garage
- there would be employment opportunities through the extended opening hours
- It was also reported that a site management plan was being submitted with the application which would address issues such as tannoy announcements, delivery hours to protect the amenities of neighbours.

Members' Questions

These included the impact of refuelling and delivery of goods.

Members' Comments

It was felt that a temporary approval would be appropriate so that the operation and the level of complaints could be monitored.

RESOLVED that conditional temporary permission be granted subject to the conditions outlined in the City Development Manager's report and supplementary matters report and also subject to an additional condition relating to an approved Management Plan.

The meeting concluded at 4.00 pm.

Signed by the Chair of the meeting
Councillor David Fuller



Agenda item: 5

Decision maker: Planning Committee

Subject: 13/01388/PAMOD - Request to modify legal agreement attached to planning permission 13/00005/FUL relating to land at Compass House, 227-229 Kingston Road

Report by: City Development Manager

Wards affected: Nelson

Key decision (over £250k): No

1 Purpose

The purpose of the report is to request Members consider the applicants request to modify the legal agreement attached to planning application 13/00005/FUL in relation to affordable housing provision.

2 Recommendation

Approve modification of the legal agreement to:

- (a) remove the requirement to provide three units of affordable housing;
- (b) require a re-assessment of the viability of affordable housing if the development has not been occupied within 12 months.

3 City Development Managers comments

The applicant obtained planning permission in October 2013 for the conversion of the upper floors to form 12 flats, external alterations to include the removal of an external staircase from the rear elevation, the installation and alteration of windows and the formation of a store for refuse/recyclable materials to ground floor. The permission was subject to a legal agreement requiring the provision of three units of affordable housing.

Portsmouth Plan policy PCS19 seeks affordable housing on sites of 8 or more dwellings, for a minimum of 25% on developments of between 11 and 13 dwellings. The supporting text recognises that other factors that will be taken into account in assessing the suitability of sites for affordable housing includes economic viability. This is consistent with the adopted Planning Obligations SPD (September 2008) that states if applications can satisfy the Council by way of open book negotiations that there is good reason why they should not make the contributions sought, it is likely that a reduced contribution will be negotiated or that certain benefits may not be sought.

The applicants have submitted a case to renegotiate the affordable housing requirements associated with the development on the basis that the scheme is not economically viable. In support, they have submitted a viability report dated November 2013 undertaken by S106 Affordable Housing. On the basis of the applicant's submission, it is their contention that the development is unable to make provision for affordable housing due to the economic viability of the scheme.

Economic viability has been established as a material consideration in the determination of planning applications with the National Planning Policy Framework recognising that viability is a central consideration in planning policy. The principles underlying economic viability rely on the assumption that land/building will be used in the form that secures the best value for the land owner. Therefore where an alternative value exists for the land/building that outweighs the value of the proposed redevelopment, then the land/building will not be brought forward for redevelopment.

In response to this request Dixon Searle LLP have, on behalf of the Council, undertaken a review of the submitted viability report. Dixon Searle conclude that the economics of the scheme as presented by the applicant are reasonable and demonstrate that the scheme is not economically viable. Having regard to the information provided by the applicant, Dixon Searle suggest that the even with no affordable housing provision the development would not appear to be economically viable at the present time.

A variation of the Agreement does not commit the Local Planning Authority to the same course of action should another scheme be submitted for consideration. The figures provided in support of the viability assessment are a snapshot in time. The decision could be made that the site should not be developed until such time as the scheme becomes viable. However the upper floors of the building are currently vacant, and in the absence of the implementation of the permission for a residential conversion, are likely to remain empty.

As the figures contained in the viability appraisal are only sound for a snapshot in time it is considered reasonable to reassess the situation should the development not be completed and flats occupied within an agreed period.

4 Representations

No s comments have been received.

5 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

6 Head of legal services' comments

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

7 Head of Finance’s comments

None

.....
 Signed by:

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

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

Title of document	Location
National Planning Policy Framework (March 2012) Community Infrastructure Levy Regulations 2010 Planning Obligations SPD (September 2008) Providing Affordable Housing in Portsmouth (May 2012)	

This page is intentionally left blank

Decision maker: Planning Committee

Subject: Planning Performance - Special Measures Designation

Report by: Claire Upton-Brown, City Development Manager

Ward affected: All

Key decision (over £250k):

1. Purpose of report

To advise the committee of the criteria for 'special measures' designation that can be made by the Secretary of State on any local planning authority. Such a designation would allow applicants for 'major developments' to apply directly to the Secretary of State for planning permission.

2. Recommendations

That the report is noted.

3. Background

As a way of making the planning system work more efficiency and effectively the government has introduced a 'special measures' designation whereby applicants for certain planning applications can bypass the local planning authority and apply directly to the Secretary of State for Communities and Local Government (Secretary of State) for planning permission. This is set out in Section 62A of the Town and Country Planning Act 1990, as introduced by the Growth and Infrastructure Act 2013.

A local planning authority can be designated only if the Secretary of State considers that the authority is not adequately performing their function of determining 'major development' applications¹.

The performance of local planning authorities will be assessed in two ways:

- the speed with which applications for major developments are dealt with (**speed of decision**), and
- the extent to which such decisions are overturned at appeal (the **quality of the decision**).

¹ A major development is defined 10 or more housing units or work on residential development on a site of 0.5 hectares or more; or the creation or change of use of 1000m² or more of gross floor space (does not include housing) or work on non-residential development on a site of 1 hectare or more.

The specific criteria to be used in assessing performance are set out below.

3.1 Speed of decision

The **measure** to be used is the average percentage of decisions on applications for major development made:

- within the statutory determination period²; or
- within such extended period as has been agreed in writing between the applicant and the local planning authority³;

as recorded in the data collected by the Department for Communities and Local Government.

The average percentage figure for the assessment period as a whole will be used.

The **assessment period** for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation.

The **threshold** for designation is 30% or fewer of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

3.2 Quality of decision

The **measure** to be used is the average percentage of decisions on applications for major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government.

The average percentage figure for the assessment period as a whole will be used.

The nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known.

The **assessment period** for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, taking into account the nine months to be allowed for beyond the end of the assessment period.

The **threshold** for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being overturned at appeal.

² The statutory period is 13 weeks, unless an application is subject to Environmental Impact Assessment, in which case a 16 week period applies.

³ This could be through a planning performance agreement or an agreed extension of time (provided this is in writing and sets out a timescale for the decision).

3.3 Designation and De-designation

The Secretary of State will decide approximately once each year whether any designations are to be made and whether any should be lifted.

Soon after a designation is made the local planning authority will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. The authority will need to agree the action plan with the Department of Communities and Local Government. The Department will make a formal assessment of progress against the action plan no later than eleven months following the date on which the local planning authority was designated.

In assessing whether a designation should be lifted, consideration will be given to:

- the potential capability of the designated local planning authority to deal effectively with applications for major development in future, and
- the effectiveness of the designated local planning authority in dealing with such applications during the period of its designation.

There are limited **exemptions** from being designated. Local planning authorities will not be liable for designation if they decided ten or fewer major development applications during the assessment period as a whole.

3.4 Current designations and how Portsmouth compares

At the time of writing this report, only one local planning authority (Blaby District Council in Leicestershire) has been designated as being in 'special measures'.

Using the criteria set out above, the tables below show Portsmouth's performance in terms of 'speed' and 'quality' of decisions on major development applications. This data is published on the government website as being the most up-to-date.

Speed of decision

24 months to the end of September 2013					
Total of Major Decisions	Total of Major Decisions within 13 weeks	Total of PPA ¹ Decisions	Total PPA, EoT or EIA ² Decisions within agreed time	% within 13 weeks or within agreed time without penalty for missing data	% within 13 weeks or within agreed time with penalty for missing data
54	23	0	0	42.6%	42.6%

¹Planning Performance Agreements

²Planning Performance Agreements, agreed extension of time (EoT) or applications with an Environmental Impact Assessment (EIA)

Quality of decision

24 months to the end of December 2012					
Total of Major Decisions	Major applications not decided ¹	Total of Major decisions and non-determined cases	Total Major appeal decisions	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
54	0	54	8	4	7%

¹ Includes only non-decided applications that are appealed

4. Reasons for recommendations

For information to the planning committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
 Signed by:

Appendices:

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

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

Title of document	Location
Improving Planning Performance - Criteria for Designation, Department of Communities and Local Government, June 2013	https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation
Live Tables on Planning Application Statistics	https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics

Agenda Item 7



Portsmouth
CITY COUNCIL

Agenda item: 7

Decision maker: Planning Committee

Subject: New Homes Bonus

Report by: Claire Upton-Brown, City Development Manager

Ward affected: All

Key decision (over £250k):

1. Purpose of report

To advise the committee of the New Homes Bonus allocated to the council for period 2014 - 2015 and potential changes to future allocations.

2. Recommendations

That the report is noted.

3. Background

The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their administrative area.

The New Homes Bonus is paid each year for 6 years (the bonus started in 2011 - 2012). It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. It is up to local councils to decide how the New Homes Bonus is spent.

For the period 2014 - 2015, the council has been allocated £2,094,547.

The table below sets out the total New Homes Bonus payment to date.

New Homes Bonus: Aggregate numbers of homes recognised for the four years 2011 / 2012 to 2014 / 2015					
	Net additions to housing stock (exc. empty homes)	Empty homes brought into use (net)	Affordable units rewarded	Total final payment for 2014 / 2015	Total New Homes bonus to date (inc. 2014 / 2015 payment)
Portsmouth	1,428	280	519	£2,094,547	£5,497,934

In the HM Treasury's autumn statement (December 2013), the Chancellor announced that the government would be carrying out an evaluation of the New Homes Bonus, which it hoped would be completed by Easter 2014. As part of the evaluation he stated that the government would consult on measures to further improve the incentive provided by the New Homes Bonus, in particular through mechanisms to withhold payments where planning approvals are granted on appeal.

This consultation has yet to take place therefore members of this committee will be kept informed as and when more information becomes available.

4. Reasons for recommendations

For information to the planning committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
 Signed by:

Appendices:

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

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

Title of document	Location
New Homes Bonus final allocations for 2014 to 2015	https://www.gov.uk/government/policies/increasing-the-number-of-available-homes/supporting-pages/new-homes-bonus
Autumn Statement 2013	https://www.gov.uk/government/publications/autumn-statement-2013-documents

Agenda Item 8



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: Planning appeal decision relating to 5 Albert Grove, Southsea

Report by: Claire Upton-Brown, City Development Manager

Ward affected: St Jude

Key decision (over £250k):

1. Purpose of report

To advise the Committee of the outcome of the appeal, which was dismissed.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered by the Planning Committee at its meeting on 11th September 2013. The application, for the conversion of the ground floor flat to form three studio flats, was recommended by Officers for refusal. This recommendation was agreed and planning permission was refused with the reasons for refusal relating to the cramped and poor standard of accommodation being provided and inadequate provision for the parking of cars.

The Inspector took the view that "that the amount of space provided in all the proposed units would be totally inadequate" and concluded that the proposal "would provide unsatisfactory living accommodation for future occupants arising from a lack of space combined with a sense of enclosure and lack of natural light".

The Inspector noted "that the on-street parking is operating very close to capacity throughout the day and during the evenings" and concluded "that the conversion would result in additional demand for parking leading to congestion in the area that would be likely to be detrimental to highway safety".

The appeal was dismissed.

An associated application for a full award of cost against the Council on the grounds of failure to provide evidence to support the reasons for refusal was refused.

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
 Signed by:

Appendices:

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

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

Title of document	Location
Planning application file 13/00810/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/132206858	Planning Services

Agenda Item 9

PLANNING COMMITTEE 26 FEBRUARY 2014

**2 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, 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*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

INDEX

Item No	Application No	Address	Page
01	13/01494/FUL	Pavilion Rugby Camp Copnor Road Portsmouth	PAGE 3
02	14/00009/FUL	79 Margate Road Southsea	PAGE 9
03	13/01395/FUL	97 Pretoria Road Southsea	PAGE 12
04	13/01511/FUL	Garages Salcombe Avenue Portsmouth	PAGE 15
05	14/00026/FUL	14 Bruce Road Southsea	PAGE 20

PAVILION RUGBY CAMP COPNOR ROAD PORTSMOUTH**CONSTRUCTION OF PART SINGLE/PART 2-STOREY EXTENSION TO EXISTING CLUBHOUSE (FOLLOWING DEMOLITION OF EXISTING JUNIOR CLUBHOUSE)****Application Submitted By:**

Peter Galloway Partnership

On behalf of:

Portsmouth Rugby Club

RDD: 16th December 2013**LDD:** 12th February 2014**SUMMARY OF MAIN ISSUES**

The main issues relating to this application are whether the use of the proposed extension would have a significant adverse effect on the living conditions of the occupiers of the adjoining and nearby residential properties, and whether the design and appearance of the extension would relate appropriately to the existing building and domestic scale of adjoining properties.

The site and surroundings

This application relates to a pair of buildings occupied by Portsmouth Rugby Football Club located immediately to the south of two-storey terraced houses fronting Woodpecker Way and Merlin Drive. The two-storey building comprises the main club premises, with ground floor changing rooms and associated facilities and a function suite and terrace at first floor level, and is situated to the east of the junior clubhouse. The latter comprises a single-storey building set a short distance off the side boundaries of Nos.21 and 22 Merlin Drive. The existing facilities are integral to the use of the adjoining playing pitches that extend southwards to the ROKO sport/leisure complex.

Woodpecker Way and Merlin Drive form part of a residential development undertaken in two phases, the second of which was completed after the two-storey main club building had been constructed. Both phases were pre-dated by the building that currently comprises the junior clubhouse. Further to the east lies a car park and Covers timber and d-i-y suppliers. The site falls within Zone 2 of the indicative floodplain.

The proposal

The applicant proposes to demolish the flat-roofed 19.5m by 10m single-storey junior clubhouse building and construct a part 2-storey/part single-storey extension to the main clubhouse building. The first floor element of the proposed extension would project 6.2m from the west elevation adjacent to the existing spectator terrace and 4m from the north-west corner of the building. The proposed first floor extension would have a half-hipped roof with an eaves level that matches the existing building and ridge height approximately 1m lower than the main building. The proposed use of the new extension would fall within Class D2 (sport and recreation) of the Use Classes Order.

The single-storey element would project 24.8m westwards from the main clubhouse building with an overall depth of 13.5m excluding a 4.2m by 3.3m store. This part of the extension would be occupied as the junior clubhouse and incorporate a clubroom with a kitchen/servery, changing/sanitary facilities, stores, an ancillary shop [14sqm] and a gymnasium. An internal staircase would lead up to the roof from the front of the building to access a spectator terrace

that would be screened from the rear and side by a tiled roof. The front section would comprise a low tiled roof to match the terrace on the main building. Access to the terrace from the main building would, however, be restricted by a gate and fencing.

Externally the proposed extension would be constructed using matching face-brickwork and roof tiles. At its western end the extension would have an eaves height of 2.5m rising to 3.6m at its junction with a hipped roof. The overall ridge height would be 5.75m lowering to 5m at its junction with the proposed two-storey extension.

Relevant planning history

The existing single-storey building, which historically has been used for purposes ancillary to the Rugby Camp playing fields, was constructed in the mid-1970's and pre-dated the residential development to the north. In addition to providing facilities for the applicant a local Children's Nursery also occupy the premises.

A number of proposals had been put forward for a new clubhouse/pavilion in the early 1990's culminating in the grant of full permission in 1996 for the construction of the existing two-storey building. That permission contained two restrictive conditions; one requiring that the function suite within the main building is vacated by midnight Fridays and Saturdays, and by 11pm Sundays to Thursdays, and the second limited the use of the existing clubhouse to a gymnasium, physiotherapy, and treatment rooms and required it to be vacated by 10pm daily. In 2003 permission was granted for the use of the main building as a day nursery, operating between 8am and 6pm, in addition to its use as a clubhouse.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS12 (Floodrisk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS17 (Transport), PCS18 (Local shops and services) and PCS23 (Design and Conservation).

Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2011-2016 would be a material consideration given the historic use of the land by the Ministry of Defence.

CONSULTATIONS

Coastal Partnership

The Coastal Partnership has no objection to the proposed development as submitted, the applicant has submitted an acceptable flood risk assessment. We would recommend that the applicant ensure residual flood risk is managed on this site by compiling an appropriate flood warning and evacuation plan for the property.

Coastal and Drainage

No comments received.

Contaminated Land Team

Given the limited scope of the works a condition relating to land contamination is not required. However, the developer should be made aware that the site is former MOD land (Hilsea Barracks), as and such the potential for contamination to exist at this site should not be discounted.

Given the above, an informative should be added to any planning permission granted, advising the developer of the above, and 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.

Environmental Health

The proposed development is a direct replacement of an existing facility of similar size with the inclusion of a small extension to provide gymnasium facilities and a link to the main pavilion. The design of the building has ensured there are no openings within the north and east facades, which face the neighbouring residential properties, apart from doors to access storage lockers. Consequently I do not envisage any change in amenity in terms of environmental noise as a result of the proposed development.

Crime Prevention Design Advisor

Steps should be taken to ensure that access to the roof cannot be gained via external fittings such as down pipes.

Sport England

As part of the assessment of this consultation, Sport England has contacted the Rugby Football Union (RFU) for their views on the proposal. The RFU comment that:

"The design of the new clubhouse will help the club to achieve their development plan and continue to grow. They have not yet asked the RFU for any funding so the plans have not yet been through our Architects."

The club house will be positioned on the site of the existing junior club house and will improve the facilities available to the club and assist the club to grow. The proposal is therefore considered to accord with Policy Exception E2 of Sport England's Playing Fields Policy in that: E2 The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use. This being the case, Sport England does not wish to raise an objection to this application.

Environment Agency

No comments received.

REPRESENTATIONS

Although acknowledging constructive pre-application meetings between residents and the applicant, three local residents have submitted representations raising a number of concerns.

Those concerns are summarised as follows:-

- a) It is clear to all that this new build will require funding and a good deal of investment to achieve; the applicant may wish to utilise the new facility for functions to generate income,
- b) The existing function room is hired out most weekends and the noise level from these functions is often so loud that doors and windows need to be shut,
- c) The applicant has not specified operating hours for the new facility,
- d) The new clubhouse must not be licensed and this must be a planning condition,
- e) The new balcony must be kept separate from the existing balcony and vacated after the last game of the day [also to be controlled by planning condition],
- f) A planning condition should be applied to require a noise level monitoring device directly linked to DJ equipment which cuts the music when noise levels exceed set standards, and
- g) Light loss.

COMMENT

The key issues are:-

- 1) Whether the proposed extension would adversely affect the living conditions of the occupiers of the adjoining and nearby residential properties, and
- 2) Whether in design terms the proposed extension would relate appropriately to the existing clubhouse building.

Other issues relevant to the consideration of the proposals include floodrisk, improving health, out-of-centre retail, and parking

Impact on living conditions

Impact on the living conditions of adjoining residents would stem from, firstly, its physical relationship in terms of building bulk and outlook, and secondly, from the use of the proposed building.

To the west of the application site lies a terrace of five two-storey houses with rear gardens between 8 and 10m in length backing onto the playing fields. A terrace of four similar houses are located to the north of the proposed single-storey extension with a parking court to the rear of 6m long gardens. The parking court backs onto 10m rear gardens to a terrace of two-storey houses fronting Woodpecker Way.

The west elevation of the proposed single-storey extension would be situated 3.4m off the common boundary with No.22 Merlin Drive to the east. That would be 0.6m closer than the existing building and have an eaves level of 2.4m rising to 3.6m adjacent to a hipped roof. The north elevation would be situated 4.1m from the common boundary with No.21 Merlin Drive, 1.9m closer than the existing building. At its nearest point the south-east corner of the house at No.22 would be 5m from the proposed building, while the gable wall to No.21 would be 7m from the proposed building. Given that the existing structure is flat roofed, the proposed extension would have a greater overall height by virtue of its pitched roof. However, the ridge height at 5.75m would be situated 11.4m from the side wall of No.21 and 6.7m away from the side boundary of No.22. It is considered that having regard to the separation distances between the proposed extension and the adjoining houses the living conditions of the adjoining residents would not be adversely affected in terms of either outlook or overshadowing.

The first floor element of the proposed extension would result in a comparatively modest increase in building bulk to the south-west of the Woodpecker Way houses. The eaves level of the existing building would be extended 3m further west and the north elevation of the extended building would incorporate an additional window. The submitted floor plans indicate that the window would serve an extension to the existing kitchen or a new office. It is considered that the first floor element of the proposals would, notwithstanding an increase in the bulk of the roof by carrying over a half-hip to match the existing building, maintain an acceptable level of outlook from the rear of the adjoining property fronting Woodpecker Way and would minimise overshadowing. Whilst the rear gardens to the Woodpecker Way houses have mutual overlooking, the proposed additional window to the north elevation of the clubhouse would give rise to a perceived loss of privacy in terms of first floor windows across a distance of approximately 11m. It is therefore proposed that a condition is imposed requiring the new window to be obscure glazed and non-opening below 1.7m above finished floor level.

In conclusion, it is considered that in terms of bulk and scale the proposed extension would relate satisfactorily to the adjoining residential properties, and would have no significant harm on the living conditions of the occupiers of those properties.

Concerns have been expressed by local residents in relation to the use of the proposed new facilities in the context of their experience of the existing clubhouse. The ground floor of the proposed extension would incorporate a clubroom and servery with a floor area similar to that being replaced. Mindful that the existing facility is the subject of a restriction limiting its use until no later than 10pm daily, and that local residents could reasonably expect that a new permission would not further erode their amenities, it would be considered appropriate to re-impose that limitation. This application for a replacement for an existing junior clubhouse at the site would not, however, afford local residents an opportunity to revisit the limitations imposed on the use of the main clubhouse.

Whilst local residents would seek restrictions on the sale of alcohol and provision of entertainment, these issues are more appropriately addressed by the Council as licensing authority. The proposed spectator terrace, whilst forming an extension of the existing terrace, would be separated by a gate and fence. Its use in conjunction with functions held in the main

building would therefore be controlled. The use of the terrace by spectators would, nevertheless, be screened to a height of 1.8m by the tiled roof to the north and west sides of the building. The proposed arrangement would ensure that the adjoining gardens are not overlooked.

It is therefore considered that in terms of the use of the proposed facilities, the proposed development would, subject to the imposition of a safeguarding condition, comply with policy PCS23 of the Portsmouth Plan.

Design

Policy PCS23 and the National Planning Policy Framework seeks to achieve the highest standards of architectural quality in new development which is also appropriate in scale, density, layout, appearance and materials in relation to the particular context.

The existing two-storey clubhouse sits against a backdrop of primarily two-storey terraced houses and complements those houses in terms of facing and roofing materials and built form. The existing Junior Clubhouse in comparison appears out of keeping. The proposed extension would take its cue from the domestic scale of existing buildings in the locality, and its roof form is considered to relate appropriately to the recipient building. Although representing a significant increase in the length of the building the proposed extension would, nevertheless, be considered to amount to a subservient feature in relation to the whole. In architectural terms it is therefore considered that the proposed extension would represent an acceptable addition to the existing building and, involving the removal of the existing pre-fabricated structure, would improve on distance views across the playing fields.

Other issues

Whilst resulting in an increase in floorspace the proposed building would not be considered to give rise to an objection on the grounds of flood risk. The predicted flood water level for this area would be 3.9m AOD without wave action. Having regard to the distance from the coast and intervening development it is unlikely that wave action would significantly affect buildings above that level. The proposed building would have a finished floor level of 4.225m AOD and is therefore considered unlikely to result in significant harm to people or property from a tidal inundation.

The proposed facilities would be consistent with the objectives of policy PCS14 in promoting and improving physical health by increasing opportunities for formal and informal exercise. Whilst the proposed extension would incorporate a modest shop unit, this would replace an existing facility which offers sportswear. This element of the proposal would therefore be considered acceptable in the context of the provision of out-of-centre retail facilities.

Although the proposed extension would involve an increase in floorspace by approximately 200sqm, the applicant is unable to provide additional car parking. However, it is considered that this shortcoming should not outweigh other benefits in terms of improved facilities and wider visual improvement to the area.

Conclusion

It is considered that the proposed development would offer a number of benefits in terms of replacing an aging pre-fabricated structure with purpose-built facilities while complementing the built form of the area between the playing fields and Norway Road and without adversely affecting the living conditions of nearby residents. It is therefore considered that, notwithstanding the absence of additional parking, the proposal would comply with the overall objectives of the Portsmouth Plan and National Planning Policy Framework.

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; 13/205/B01; 13/205/P01; 13/205/P04 B 13/205/P02 C; 13/205/P03 B; and, 13/205/P05 A.
- 3) The ground floor of the extension hereby approved shall be vacated by no later than 10pm daily and shall not be brought back into use until 8am the following day.
- 4) The proposed first floor window shown on drg.no. 13/205/P05 shall be obscure glazed and non-opening to a height of 1.7m above internal finished floor level.
- 5) Facilities shall be provided for the storage of bicycles in accordance with a scheme to be submitted to and approved by the local planning authority in writing, and the approved facilities shall be constructed and made ready for use before the facilities hereby approved are first brought into use. Those facilities shall thereafter be retained.
- 6) 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) To protect the amenities of the occupiers of the adjoining and nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the amenities of the occupiers of the adjoining and nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS23 of the Portsmouth Plan.
- 6) 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.

79 MARGATE ROAD SOUTHSEA**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns-Young Ltd

On behalf of:

Mr James Oliver

RDD: 6th January 2014**LDD:** 5th March 2014

The application is being presented to the Planning Committee due to a deputation request from an objector.

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, refuse and recyclable materials storage.

The site and its surroundings

This application relates to a three-storey, mid-terraced property located on the northern side of Margate Road. The property benefits from a shallow, walled forecourt and comprises a bedroom with en-suite, lounge and kitchen/dining area at ground floor level, three bedrooms all with en-suite facilities at first floor level and a further three bedrooms, again all en-suite, within the roofspace. However, the property is only currently occupied by 5 tenants as a Class C4 HMO. The surrounding area is characterised by densely populated residential terraces.

Proposal

Permission is sought for the use of the property as a House in Multiple Occupation (sui generis) where more than 6 individuals share some form of communal facilities. The property is currently in lawful use as a Class C4 HMO.

Relevant planning history

The relevant planning history includes:

12/00794/FUL - Change of use from house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) - granted planning permission 6/9/12.

It is noted that the property has recently been renovated and had its roofspace extended and converted into ancillary living accommodation (by the construction of a large box dormer to rear/side and rooflight to front) and that these works are not included within this application.

POLICY CONTEXT

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

In addition to the policies above, the aims and objectives of the National Planning Policy Framework and the Houses in Multiple Occupation (HMOs) Supplementary Planning Document which was formally adopted on the 16th October 2012 are also material to this application.

CONSULTATIONS

Highways Engineer

The site is located on the north side of Margate Road and lies in an area of medium accessibility to public transport. Residential parking scheme applies to both sides of the road. (3hrs No return to zone within 4hrs- LB Zone Permit Holders Exempt).

The application does not benefit from any off-street parking and none is proposed as part of the application. Constraints of the site are such that none can be provided. However, given that the site is within a short walk of local shops, services and transport facilities, it is considered that an objection on parking grounds could not be sustained.

REPRESENTATIONS

Three letters have been received objecting to the proposed change of use on the grounds of: (a) the existing high concentration of HMO's within Margate Road seriously affecting the quality of life of the remaining residents; (b) permission for this proposal will open the floodgates for other similar applications; (c) the property has recently been extensively renovated including the construction a dormer roof extension to the rear/side and rooflights to the front - however it is understood that HMO's do not benefit from permitted development rights and therefore these works should form part of the application; (d) lack of details regarding connection to foul drainage services, refuse storage and off road parking.

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, refuse and recyclable materials storage.

Planning permission is sought for the use of the property as a house in multiple occupation (sui generis HMO). The lawful use of the property was established as an HMO during the course of considering planning application 12/00794/FUL. Planning permission was subsequently granted for a change of use from a house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house). Given the current lawful use, 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.

The application site is a mid-terraced property. In its extended form the property would be laid out with seven bedrooms (all en-suite) with communal kitchen/dining, lounge areas at the rear of the ground floor. Whilst the accommodation of an additional person would lead to a more intensive occupation of upper floor bedrooms in a manner that may result in the transmission of noise and disturbance to the bedrooms of adjoining properties, regard must be had to the lawful use of the property that could allow its occupation by six persons.

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". As a result the Inspector imposed a condition limiting the number of residents to no more than seven "to protect living conditions".

Circular 11/95 (at paragraph 14) and paragraph 206 of the National Planning Policy Framework advise that planning conditions should only be imposed where they would meet all of the following six tests: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Appendix B to the Circular gives examples of those conditions which are not acceptable and states that a condition limiting the number of persons who could occupy a flat would be "unsatisfactory in enforcement terms since it would be difficult to monitor and require an intolerable degree of supervision". It is clear from the circular advice that the condition imposed by the Inspector is not appropriate and fails the test of enforceability. Accordingly it is considered inappropriate for a similar condition to be imposed in this case.

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 that the site is within a short walk of local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. As the lawful use of the property is as a HMO, it is not considered necessary to impose conditions requiring the provision of cycle or refuse storage facilities. However, the site does benefit from a small rear garden where such facilities could be provided if necessary.

Additional issues raised within objections

The issue of precedent has been raised, however each site and application must be considered on its own merits. The applicant is of the view that the property has been extended under the permitted development tolerances and as such the box dormer does not form part of the application. The application forms state that the foul sewage is to be disposed of via the mains sewer however given that the application seeks consideration of the change of use of the property rather than any physical works the details of connections to the existing system are beyond the remit of the scope of this application.

Conclusion

Given the current lawful use, the proposed change of 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. It is considered that the general activity and resultant noise associated with one more person residing at the property is not significant compared to the impact of the six that could reside in the property anyway. The proposal is therefore considered capable of support.

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: 6160.13.3.

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.

03 13/01395/FUL

WARD:CENTRAL SOUTHSEA

97 PRETORIA ROAD SOUTHSEA

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

Application Submitted By:

Mr Tim Devitt

RDD: 18th November 2013

LDD: 14th January 2014

This application is brought to the committee at the request of Councillor Hunt.

SUMMARY OF MAIN ISSUES

The determining issues for this application relate to the suitability of the proposed C3/C4 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 relating to car and cycle parking.

The site and its surroundings

The application relates to a two-storey, mid-terraced dwellinghouse located on the northern side of Pretoria Road; it has a shallow walled forecourt to the front but no off-street parking provision.

The property accommodates a bedroom, kitchen, lounge, lobby and w.c. at ground floor level and three additional bedrooms and a bathroom at first floor level.

Proposal

The lawful use of the property falls within Class C3 (dwellinghouse) of the Use Classes Order. This application seeks to change the use of this property from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). Normally, a change of use between Class C3 and Class C4 would be classed as permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On the 1st November 2011 however, Portsmouth City Council implemented an Article 4 Direction relating to HMOs. As a result, planning permission is now required for a change of use between Class C3 (dwellinghouse) and Class C4 (House in Multiple Occupation) where between three and six unrelated people share at least a kitchen and/or bathroom.

There is no relevant planning history.

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 above policies, the Houses in Multiple Occupation Supplementary Planning Document (which was formally adopted on the 16th October 2012) and the aims and objectives of the National Planning Policy Framework are also material to this application.

CONSULTATIONS

None

REPRESENTATIONS

None received

COMMENT

The determining issues for this application relate to the suitability of the proposed C3/C4 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 relating to car and cycle parking.

This application seeks permission to change the use of this property from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This would give the applicant greater flexibility to change between these two use classes.

Policy PCS20 of the Portsmouth Plan states that applications for changes 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 SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use.

Of the 70 properties located within a 50m radius of this property, 6 are currently known to be in Class C4 HMO use (8.57%). The use of this property for proposes falling within Class C3 or Class C4 would increase this to 7 out of 70 or 10%. The Houses in Multiple Occupation SPD

states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. Therefore, given that this threshold would not be exceeded by granting permission for a change of use of 97 Pretoria Road to Class C4, the use of this property for C3/C4 purposes does not give rise to an imbalance of such uses.

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, 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. 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. Having regard to the lack of any similar HMO uses in the locality, the impact of one HMO would not give rise to any adverse impacts at this point in time. It is therefore considered that the use of this property for C3/C4 purposes does not have a detrimental impact upon the living conditions of local residents.

There is no off street parking provision at this property and none is proposed as part of this application however, this property is located within a short walk of local transport links, shops and services. No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property. Storage for refuse and recyclable materials would remain unchanged.

Conclusion

It is considered that the use of this property for C3/C4 purposes would not give rise to an imbalance of uses within the local community and would not have a detrimental impact upon the living conditions of local residents and as such is capable of support subject to the recommended conditions.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Floor plans received 19/11/13.
- 3) Prior to the first occupation of the property as a Class C4 HMO, or such other period as may be agreed in writing by the Local Planning Authority, cycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for the use of occupiers of the property for that purpose.

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 cycle storage is provided for occupiers of this property in order to encourage an alternative use to the private car 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.

04 13/01511/FUL

WARD:BAFFINS

GARAGES SALCOMBE AVENUE PORTSMOUTH

CONSTRUCTION OF DETACHED GARAGE AND INSTALLATION OF NEW 1.8M HIGH FENCING AND GATES FRONTING SALCOMBE AVENUE

Application Submitted By:

Thorns-Young Ltd

On behalf of:

Mr Mick Ewans

RDD: 18th December 2013

LDD: 19th March 2014

SUMMARY OF MAIN ISSUES

The key issues relating to this application are whether the proposal is acceptable in design terms and whether it would have a significant impact on highway safety.

The site and surroundings

This application relates to a small garage court located to the northern end of Salcombe Avenue. The site currently contains four garages against the western boundary set back from the highway by an area of hardstanding. The site is bounded to the east and south by the side/rear garden and flank wall of No.47 Salcombe Avenue, to the north by Longmeadow Allotments (Burrfields Road) and to the west by Salcombe Avenue itself. A smaller garage court containing two garages is located immediately opposite. Salcombe Avenue is a cul-de-sac with parallel parking spaces to both sides of the carriageway. The only turning areas within the road are immediately in front of the two garage courts or directly in front of garages and parking areas towards at the southern end of Salcombe Avenue (to the rear of 9 & 11 Moneyfield Avenue).

The proposal

Permission is sought for the construction of a detached garage and the installation of new 1.8 metre high fencing and gates fronting Salcombe Avenue.

Relevant planning history

There is no relevant planning history for this site.

POLICY CONTEXT

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

CONSULTATIONS

Contaminated Land Team

Given the limited scope of the works, a condition relating to land contamination is not required. However, Information held on the Contaminated Land Team GIS indicates that the Property is located adjacent to a former landfill site.

A search of PCC's historical records was undertaken in the 1990s and confirmed that levelling of the area between Burrfields Road and Tangier Road was achieved by controlled tipping.

A site investigation was undertaken in January 1993 which confirmed that ground conditions across Longmeadow allotments comprised between 0.3 and 0.8 metres of topsoil overlying domestic refuse. Significant concentrations of landfill gas (methane and carbon dioxide) were detected within the area of fill, and elevated chemical contaminants at concentrations typical of a 1960s municipal landfill were encountered.

A quantified risk assessment indicated that the site was safe for use as allotments, however the consultants recommended that as a precautionary measure PCC should:

- a) construct a gas barrier along the perimeter to all housing areas; and
- b) place an additional 300mm of good quality clean topsoil over the site.

The works were undertaken in three phases between 1993 and 1996. The gas ventilation trench and cowls can be seen along the southern boundary of the Longmeadow allotment site (the northern boundary of the Property).

As such an informative should be added to any planning approval granted; advising the developer of the above, and that they should provide adequate ventilation to the proposed garage as a precautionary measure in order to remove any residual risk from ground gases. In addition, the developer should be advised to contact this department if any unexpected materials or materials of concern are uncovered as part of the works for advice on how to proceed.

Highways Engineer

The application site was previously owned by the City Council and has been sold to the applicant with specific rights of way, with or without vehicles, over the land for the benefit of the owners or occupiers of Garages 3 & 4 Salcombe Avenue. Opposite to the east of the site and adjacent to house number 44 another two garages (1 & 2) have been sold by the Council subject to restrictions 'not to park any vehicles on the access way at any time'.

Salcombe Avenue is an adopted residential cul-de sac serving approximately 46 dwellings. The width of the carriageway is 7.3m with 2.28m footways to both sides of the road.

The adopted area available for the turning of vehicles between garage plots measures 11.8m. Whilst this area does not provide a traditional turning head, there is sufficient space to turn cars and light goods vehicles. The Street Environment & Parks Team confirm that both the refuse & recycling waste collection vehicles reverse down the full length of Salcombe Avenue and drive out forwards accordingly.

The position of the proposed garage allows vehicles to enter and leave the site in a satisfactory manner. The drive through arrangement allows the cars to turn within the site. Therefore no objection is raised.

REPRESENTATIONS

At the time of writing this report, 21 letters of representation have been received from local residents. In addition, a petition containing the signatures of 49 named individuals (some of which had also submitted individual letters of representation) from 37 properties in Salcombe Avenue had also been received in objection to the proposal. The objections can be summarised as follows: (a) The development would look out of place; (b); Highway safety concerns relating to insufficient turning space to the northern end of Salcombe Avenue resulting in large vehicles (including refuse lorries, ambulances, HGVs and delivery vehicles) reversing the length of the road onto Moneyfield Avenue (c) Congestion; (d) Parking issues; (e) Damage to property resulting from vehicles reversing; (f) Issues related to surface water run-off and drainage; (g) Potential use of the garages for commercial purposes; (h) Statutory neighbour notification procedures not followed; (i) Restrictive covenants on the land; (j) Residents not told of the sale of garages; (k) The applicant does not live in Portsmouth.

COMMENT

The determining issues in the application are:

1. Visual appearance of the garage, fence and gates.
2. Impact on residential amenity
3. Highway implications
4. Others including matters raised in representations

Visual appearance

Permission is sought for the construction of a single garage fronting Salcombe Avenue and the installation of 1.8 metre high timber gates and fence. The garage would measure approximately 3 metres wide by 7 metres in length and would be topped with a dual pitched roof forming gables to the east and west facing elevations. The garage would be constructed in materials to match the adjoining dwellinghouse (No.47 Salcombe Avenue) and include garage doors to both the east and west facing elevations. A fence to enclose the existing garage court would be set-back from the highway flush with the eastern elevation of No.47 abutting an existing side extension.

Salcombe Avenue is currently terminated by a weld mesh fence with a large area of allotments beyond. Two garage courts are located at the east and west of the road at the end of two rows of residential properties. Whilst dwellings in the street are generally well presented, the character of the northern end of Salcombe Avenue is derived from the allotment and garage court uses which by their very nature do not make a positive contribution to the street scene. It is considered that the construction of a modest pitched roofed garage set slightly forward of the adjoining dwelling to the south would not appear obtrusive or unduly prominent within the street scene and would represent an improvement in design terms on the existing garages. The inclusion of a fence and gates between the proposed garage and the flank elevation of No.47, set back from the highway, would integrate the garage (visually) with the row of dwellings, would screen the garages beyond and improve security both within the garage court and the adjoining dwelling. It is therefore considered that the garage and adjoining fence/gates would represent a visual improvement within the street scene in line with the aims and objectives of policy PCS23 of the Portsmouth Plan.

Impact on residential amenity

Having regard to the relative positions of the gates/fence and garage to No.47 Salcombe Avenue, it is considered that the proposal would not have a significant adverse impact on the amenity of the adjoining occupiers in term of loss of light, outlook or increased sense of enclosure.

Highway implications

Salcombe Avenue is a cul-de-sac with parallel parking available on both sides of the carriageway along much of its length. As a result turning during the evenings and weekends is restricted to two small areas. The first is located at the southern end of Salcombe Avenue immediately to the rear of 9 & 11 Moneyfield Avenue where parking is restricted due to the presence of garages and off-road parking spaces. The second is immediately adjacent to the application site between the two garage courts. In this location the adopted highway extends up to the eastern edge of the application site finishing level with the front boundary walls of the adjoining dwelling. This is replicated to the eastern garage court giving a turning head of approximately 11.8 metres at the end of the road. Whilst the two garage courts are currently open and offer additional space for turning, they are in private ownership and do not form part of the adopted highway. Therefore, the areas of hardstanding at the two garage courts cannot be relied upon to provide additional turning space to the general public.

Amended drawings demonstrate that the proposed garage would be positioned to the eastern edge of the site, but would not encroach upon the adopted highway. In addition, and following discussions with the applicant, the proposed fence and gates have been pulled back approximately 2.5 metres from the eastern boundary of the site. On the basis that the development would be sited on private land where the general public have no right of access and would provide adequate access to the proposed garage and existing garages beyond, it is considered that an objection on highways grounds could not be sustained.

The proposal has also been considered by the City Council's Highways Engineer who concludes that whilst the adopted highway does not form a traditional turning head at the northern end of Salcombe Avenue, it would continue to provide adequate space to turn cars and light goods vehicles without them encroaching upon private land. It is also confirmed that refuse & recycling waste collection vehicles reverse down the full length of Salcombe Avenue and drive out in a forward gear as there is currently insufficient space for larger vehicles to turn. On the basis that there is currently insufficient space for larger vehicles to turn, it is considered that the proposal would significantly alter the existing turning arrangements. Therefore, the City Council's Highways Engineer raises no objection to the proposal.

Notwithstanding the details above, it is noted that part of the parking court to the eastern side of Salcombe Avenue is retained within the ownership of Portsmouth City Council and parking in front of these garages is restricted. Therefore, whilst not forming part of the adopted highway, this additional area could continue to provide additional informal turning space in the event of an emergency. Whilst not controllable through way of a planning condition, the applicant has also indicated that the area of hardstanding located between the proposed fence, gates and the adopted highway would remain open and access across it for turning purposes would not be restricted.

Other matters raised in representations

As highlighted within the representations received, it is understood that there are a number of restrictive covenants attached to the land that could potentially restrict the construction of the garage, the erection of a means of enclosure along the Salcombe Avenue frontage and the use of the site for business purposes. These are not however, planning considerations and would be a private legal matter for the applicant to resolve with the City Council as former land owner following the determination of this application.

The applicant has confirmed in writing that the garage would be used for domestic parking and storage. Any business use of the garage or the wider site, other than for domestic parking or storage purposes would need to be the subject of a separate application for planning application and would be determined on its own merits.

The garage court is currently hard surfaced with a drain located at the front of the site on Salcombe Avenue. It is considered that the replacement of an area of hard surface with a garage in the location proposed would not result in any significant drainage issues on this or the adjoining sites.

In respect of the neighbour notification process, the Local Planning Authority has a statutory duty to either notify the occupiers of adjoining properties or to display a site notice. In this instance, under the neighbour notification scheme, letters were sent to the occupants of the adjoining properties.

To address the final points (j & k), the process involving the sale of the garages and details of who they may have been sold to are not material planning issues and cannot be given any weight in the determination of this application.

In conclusion, it is considered that the proposal would make a positive contribution to the visual appearance of the street scene at the northern end of Salcombe Avenue and would not result in any significant highway implications. The proposal is therefore in accordance with the aims and objectives of policies PCS17 and 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: Amended Location Plan, Amended Block Plan and 6220.13 Rev-C.
- 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match, in type, colour and texture those used on the adjoining dwellinghouse (No.47 Salcombe Avenue).
- 4) The garage hereby permitted shall be used for the parking of vehicles or the storage of domestic items only.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of residential amenity having regard to the location of the site within a residential environment in accordance with the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

14 BRUCE ROAD SOUTHSEA**CONVERSION OF BUILDING TO FORM 3 FLATS****Application Submitted By:**

Derek Treagus Associates

On behalf of:

Mr J Singh

RDD: 10th January 2014**LDD:** 11th March 2014**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the use of the property as a three flats is acceptable; whether the use of the property for that purpose would preserve or enhance the character of the Conservation Area; whether the proposal would make adequate provision for the parking of cars and in so doing whether this proposal addresses and overcomes the reasons the previous application was refused. Other issues relate to the quality of the accommodation being provided and cycle storage.

The site and surroundings

This application relates to a substantial three-storey detached property located on the eastern side of Bruce Road to the south of its junction with Salisbury Road. Whilst the western side of Bruce Road is characterised by comparatively recent development, created by the sub-division of plots that ran through from Helena Road, the eastern side has a more uniform appearance with Edwardian styled houses set behind low panelled walls/piers. This part of Southsea falls within the Craneswater and Eastern Parade Conservation Area. The lawful planning use of the site is as a nursing home. The site is currently in use, without the benefit of planning permission, as two flats and a maisonette occupied as a HMO.

Proposal

This application seeks permission to subdivide the property to form three flats. The proposed flats would comprise a two-bedroom flat in the basement, a two-bedroom flat on the ground floor and a three bedroom maisonette on the first and second floors. Given that some of these uses have commenced, this application must be considered in the context of S73 of the Act which allows for retrospective applications.

Relevant planning history

This authorised planning use of the site is as a care home for adults with learning difficulties (a Class C2 use) dating from a permission 1989. An application to use the property as a house in multiple occupation with 14 bedrooms was refused permission in September 2011. A further application for a change of use to House in Multiple Occupation on upper floors, and self-contained basement flat was also refused in June 2013. Both applications were refused for two similar reasons relating to:

1) the use of part of the property as a house in multiple occupation being out of character with the surrounding area, representing an overintensive and unneighbourly use of the property by reason of the likely number and potentially transient nature of residents resulting in a level of activity that would result in an increase in noise and disturbance detrimental to the residential

amenities of the occupiers of nearby dwellings and to the overall character of the Conservation Area; and

2) inadequate car parking provision being likely to increase demand for on-street car parking facilities to the detriment of the environment of the area and the safety and convenience of the highway.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation).

Paragraphs 126 to 141 of the National Planning Policy Framework, the Residential Car Parking Standards and Housing Standard SPDs together with the Conservation Area Guidelines are relevant to the proposed development.

CONSULTATIONS

Highways Engineer

The parking standards suggest the proposed use should be served by 3.25 shared car parking spaces or 4 if allocated. The parking layout shown on the submitted drawing is impractical with the current location of the access being inappropriate.

Raise no objection subject to resiting of proposed parking, relocation of existing access to maximise off-street parking and details of cycle storage to be agreed.

REPRESENTATIONS

Objections have been received from the occupiers of 13 neighbouring properties on the grounds that the proposal is an overdevelopment of the site, that the development would impact the Conservation Area, makes inadequate provision for the parking of cars, lack of facilities for refuse storage and property being operated as an illegal HMO. One of the objectors states that they consider the current application has been issued as a delaying tactic for the continued unlawful use of this property as an HMO and that the top floor 3 bedroom flat may continue to be used an HMO should the application be permitted.

COMMENT

The main issues relevant to the determination of this application are:

1. Principle of conversion
2. Impact on the Conservation Area
3. Parking
4. Other issues - quality of the accommodation and cycle storage.

Principle of Development

The locality around the application site is residential in character, with the lawful use of the building being as a residential home within Class C2. A residential home is considered to be a specialist form of residential accommodation and whilst the number of residents would be greater than typically associated with a dwellinghouse of this size, such a use would be relatively low-key in nature. The principle of a change of use to a different form of residential accommodation may similarly be considered acceptable in principle subject to it not harming the character of the area or the residential amenities of local residents. This property is located in an area predominantly characterised by single family dwellings and substantial properties subdivided into flats.

This application seeks permission for a significantly less intensive use with the submitted drawings indicated that the property being laid out as two -two-bedroom and one three-bedroom flats. Having regard to the prevailing residential uses which make up the character of the area it is considered that the use of the property as three flats is appropriate and would not represent an overintensive use of the property. Furthermore it is considered that the proposed use would not be likely to give rise to a level of activity that would be at odds with the area or be likely to give rise to significant harm to the occupiers of neighbouring properties. Accordingly it is considered that this application appropriately addresses and overcome the first reason for the refusal of the two previous applications.

Impact on Conservation Area & Amenity

The previous application sought permission for large houses in multiple occupation which it was considered would be more akin to a hostel use or 'bedsitting rooms' type arrangement. It was considered that having regard to the level of activity that would be likely to be associated with such an intensive form of multiple occupancy, the previously proposed uses would be out of character with the area generally and have the potential to adversely affect the character and appearance of the Conservation Area and potentially give rise to a level of noise and disturbance that would have a harmful effect on the residential amenities of the occupiers of neighbouring properties.

The Conservation Area guidelines note that properties in Bruce Road date from around 1910 and has a different late Victorian/Edwardian architectural character in contrast to Conservation Areas in other earlier parts of Southsea such as those developed by Thomas Owen. The eastern side of Bruce Road was developed as substantial houses dating from the early 1900s. They are of red brick with red tiled roofs These houses are roughly 'L' shaped with a set back section treated in a variety of ways. The main elevations have two storey tile hung bays beneath gables of a variety of designs. Some are half timbered, some have a small roof or gable between the bay and the gable and in other cases the gable projects over the bay. Doors are mostly timber panelled and some are set in gothic doorcases. There are red brick panelled boundary walls with gate piers. The western side of Bruce Road includes modern infill of various types and with varying brick boundary walls.

The proposal would involve no alterations to the exterior of the building. Having regard to the likely level of activity that would be associated with the proposed use it is considered that this would not be so intensive so as to cause harm to the character and appearance of the Conservation Area.

Parking

The application indicates the provision of four off-street parking spaces. Having regard to the lawful use of the premises as a care home, the main demand for parking would be from staff and visitors during the working day with a lesser demand outside of working hours mainly for staff working nights. It is considered that the provision for four spaces to serve the proposed three flats is appropriate. Accordingly it is considered that this application adequately addresses and overcomes the second reason for the refusal of the two previous applications. The submitted drawings indicate a parking layout which would be less than convenient for users of the spaces, however it is considered that sufficient land is available within the site to provide off-street parking in a more appropriate manner and that a revised arrangement could be achieved through the imposition of a suitably worded planning condition.

Other Matters

The proposed flats would all exceed the minimum space standards associated with policy PCS19 and are laid out in a manner that provides an appropriate form of accommodation for occupiers. The submitted drawings indicate the provision for facilities for the storage of cycle

storage in the existing integral garage. It is considered that such provision is acceptable and can be secured through the imposition of a suitably worded planning condition.

Concerns have been raised by local residents about whether the approval of this application would resolve the current breach of planning control. Whilst these concerns are understandable, this application must be considered on its own planning merits having regard to the relevant national and local policies and all other relevant material planning considerations. In this case the fact that the property is currently being occupied without planning permission should not be given any weight in the determination of this application.

RECOMMENDATION Conditional Permission

Conditions

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 13.243.01.
- 2) Notwithstanding the details shown on the submitted drawing, car parking facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission (or any other extended timescale that may be agreed in writing by the Local Planning Authority) and thereafter retained for that purpose at all times.
- 3) Notwithstanding the details shown on the submitted drawing, secure cycle storage facilities shall be provided in accordance with a detailed scheme (to include the methods of storing and securing cycles) to be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission (or any other extended timescale that may be agreed in writing by the Local Planning Authority) and thereafter retained for that purpose at all times.

The reasons for the conditions are:

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) To ensure provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Residential Parking Standards SPD.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

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

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

.....
City Development Manager
17th February 2014

This page is intentionally left blank