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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 14 SEPTEMBER 2016 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 02392 834056

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### Planning Committee Members:

Councillors Frank Jonas (Chair), Scott Harris (Vice-Chair), Jennie Brent, Yahiya Chowdhury, Ken Ellcome, Colin Galloway, Lee Hunt, Hugh Mason, Steve Pitt and Gerald Vernon-Jackson CBE

### Standing Deputies

Councillors Steve Hastings, Suzy Horton, Stephen Morgan, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Tom Wood and Rob Wood

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(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](http://www.portsmouth.gov.uk)

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

## AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of previous meeting - 17 August 2016 (Pages 1 - 14)

The minutes of the Planning Committee held on 17 August 2016 are attached.

**RECOMMENDED that the minutes of the Planning Committee held on 17**

**August 2016 be confirmed as a correct record and signed by the Chair.**

**4 Updates on Previous Planning Applications by the Assistant Director of Culture and City Development**

**5 16/00840/FUL - Site Of Former Savoy Court & Savoy Buildings South Parade Southsea PO4 0SR (Pages 15 - 48)**

Construction of wall along common boundary with rear of numbers 20-34 Alhambra road.

**6 16/00611/FUL - Rear Of 70/70A Albert Road Southsea PO5 2SL**

Conversion of old stables and stores to form a dwelling to include the installation of a new dormer, door and windows and provision of a cycle and bin store.

**7 16/01209/FUL - 11 Baileys Road Southsea PO5 1EA**

Change of use from purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) to 8 bedroom house in multiple occupation (sui generis).

**8 16/01210/FUL - 25 Baileys Road Southsea PO5 1EA**

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

**9 16/01211/FUL - 37 Margate Road Southsea PO5 1EY**

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

**10 16/01223/FUL - 80 Margate Road Southsea PO5 1EZ**

Change of use from purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) to 8 bedroom house in multiple occupation (sui generis).

**11 16/01325/COT - 32 Chelsea Road Southsea PO5 1NJ**

Within conservation area no.15: copper beech - crown reduce in height by 1.25m, lateral spread by up to 1.2m and removal of lower branch; conference pear - fell and replace with a Williams bon Chretien; cherry tree - fell and replace with a dwarf (2m) cherry tree.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 17 August 2016 at 1.00 pm in the Conference Room A - Civic Offices

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

### Present

Councillors Frank Jonas (Chair)  
Scott Harris (Vice-Chair)  
Jennie Brent  
Yahiya Chowdhury  
Ken Ellcome  
Colin Galloway  
Suzy Horton (Standing deputy)  
Steve Pitt  
Lynne Stagg (Standing deputy)  
Tom Wood (Standing deputy)

Also in attendance  
Councillors Matthew Winnington and Luke Stubbs

### Welcome

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

### Guildhall, Fire Procedure

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

### 86. Apologies (AI 1)

Apologies for absence were received from Councillors Gerald Vernon-Jackson and Hugh Mason. Standing deputies Councillors Suzy Horton and Lynne Stagg were in attendance.

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

Councillor Yahiya Chowdhury declared a prejudicial interest in planning application 16/00975/FUL - 8 Fearon Road, Portsmouth. He agreed to leave the room during discussion of this item.

Councillor Suzy Horton declared a non-prejudicial interest in planning application 16/00885/FUL - 12-40 Isambard Brunel Road, Portsmouth as she is an employee of the University of Portsmouth.

**88. Minutes of previous meetings - 6 July (special) & 20 July 2016 (AI 3)**

**RESOLVED** that the minutes of the meetings held on 6 and 20 July 2016 be approved and signed by the Chair as correct records.

**89. Updates on Previous Planning Applications by the Assistant Director of Culture & City Development (AI 4)**

The Assistant Director of Culture and City Development updated the committee on planning application 16/00142 - Number One, 8 Surrey Street, Portsmouth in that officers were asked to reassess the necessity of removing the zebra crossing and consult with the chair and vice-chair. The zebra crossing is not an appropriate design, the most appropriate being a raised platform which would operate the same as the Stanhope Road arm to the roundabout which works well.

**90. Planning appeal decision relating to 1 North End Avenue, Portsmouth (AI 5)**

**RESOLVED** that the Inspectors Report and findings against the Council leading to an award of costs be noted.

**91. Planning appeal decision relating to 26 Merton Road, Portsmouth (AI 6)**

**RESOLVED** that the Inspectors Report and findings against the Council leading to the award of costs be noted.

**92. Reliance on Council's Geographical Information System - 194-196 Fratton Road, Portsmouth (AI 7)**

The Assistant Director of Culture and City Development explained that the application had been deferred from the July Planning Committee meeting to enable the planning officer to undertake land survey necessary to clarify the precise distance from the subject property to the flats at No.179-183 Fratton Road. The agent for the application had demonstrated that the proposed development is within 50 metres of No.179-183 Fratton Road and this cannot be refuted. The Council relies on its own GIS system which is the basis for assessing HMO applications. The planning officers do not undertake measurements in the field as they are not land surveyors and those sections of the Council that regularly survey land would defer to the applicant's expert source.

The Assistant Director of Culture and City Development reported in the supplementary matters list that the planning history of the site includes two further relevant applications not referred to in the report:

15/01944/FUL - permission in February 2016 for conversion of existing maisonette to upper floors and rear of ground floor retail unit to form two maisonettes and a flat and construction of single storey rear extension and provision of associated cycle/refuse stores.

16/00574/FUL - current application for conversion of existing maisonette to upper floors and rear of ground floor retail unit to form two maisonettes and a flat and construction of single storey rear extension and provision of associated cycle/refuse stores (amended scheme 15/01944/FUL).

### Deputations

A deputation was heard from Mr Stubbings, the applicant/agent, who included the following points in his representation:

- At the last meeting in July this was recommended to refuse based on the imbalance of HMOs in the area.
- Discrepancy of the number of properties within the 50m radius.
- Survey undertaken by the applicant is appended to the report.
- There are 80 properties if the block of flats is included.
- Officers declined to do the survey despite your request.
- There is not an imbalance and this application is within the 10% threshold.
- Property has been vacant for some time.
- The HMO will accommodate students.

### Members' questions

Members sought clarification on the differing 50m radius results and the methods used to reach the results.

### Members' comments

Members were happy to accept the survey results from the applicant due to the variable distance being so close and the fact that officers could not dispute the results.

**RESOLVED that conditional permission be granted.**

## **PLANNING APPLICATIONS**

93. **16/00724/FUL - 51 Hudson Road, Southsea, PO5 1HB - Change of use from house in multiple occupation (Class C4) to house in multiple occupation for up to 7 people (sui generis) (AI 8)**

The planning officer introduced the report.

### Deputations

A deputation was heard from Mr James Oliver, the applicant/agent, who included the following points in his representation:

- The property was purchased in February 2016 and has been substantially refurbished.
- All rooms are over the standard occupancy size.
- Do have an HMO licence.
- HMOs do not cause problems if they are properly managed.

### Members' questions

Members asked if there is a point where the cumulative effect can be considered in terms of the number of additional people to an area. In response the Assistant Director of Culture and City Development explained that the number of occupants is controlled through the licensing powers and that the reason for the policy is to create mixed and balanced communities.

**RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the**

**conditions outlined within the report and subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas. Delegated authority was also granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to above has not been secured within two weeks of the date of the resolution.**

**94. 16/00975/FUL - 8 Fearon Road, Portsmouth, PO2 0NJ - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (AI 9)**

This application had been referred to the Planning Committee at the request of Councillor Harris.

Councillor Chowdhury left the room during discussion of this item following his earlier declaration of interest.

The planning officer introduced the report and referred to the supplementary matters list which reported that in addition to 26 letters of objection reported within the committee report, a further three letters of representation have been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) parking; (b) family orientated character of the area; and (c) noise and disturbance and anti-social behaviour. Written deputations have also been received and were attached to the list. All of the matters raised within the representations have been addressed within the main report.

On page 8 of the committee report the 'count' data is reported as 2 HMOs out of the 63 properties. This should read 2 HMOs out of 63 properties within a 50m radius. The resultant HMO percentage would therefore be 4.83% and not 4.76% as reported.

Deputations

A deputation was heard from Mr Colin Sarling, the applicant, who included the following points in his representation:

- Policy PCS20 restricts HMOs in an area when it reaches a certain threshold.
- The threshold is currently under 5%.
- Will use a management property company to manage the occupants.
- The property has been well kitted out so target is working professionals and not students.
- Transport is within walking distance.
- Will provide a cycle shed at the rear of the garden, access from the alleyway so bikes do not need to be brought in through the property.

A deputation was also heard from Councillor Harris who included the following points in his representation:

- Objecting on behalf of local residents.
- There is a GP surgery at the end of Fearon Road which creates a lot of parking issues.
- Residents are fed up.



- There is also a bus stop on Stubbington Avenue which takes away more on-street parking.
- Should consider the number of objections from local residents.
- This affects residents' quality of life.
- This property should remain as a family home.

#### Members' comments

Members felt that the applicant has the expertise to manage the property and that as there were no HMOs in the street and only 4.83% within the 50m radius, there were no reasons to refuse the application.

**RESOLVED that conditional permission be granted subject to the conditions outlined within the report.**

**95. 16/01098/FUL - 6 Western Terrace, Portsmouth, PO2 8JX - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (A1 10)**

The planning officer introduced the report and brought to members attention the supplementary matters list which reported that on page 11 of the committee report the 'count' date is reported as is 1 HMO out of the 55 properties. Please note that this should read 1 HMO out of 54 properties within a 50m radius. The resultant HMO percentage would therefore be 3.70% and not 3.64% as reported.

#### Deputations

A deputation was heard from Mr Chris Broyd, the agent, who included the following points in his representation:

- There is a growing need for houses for sharing.
- The local authority needs to add all types of housing including affordable.
- There is a 10% tipping unbalance in a community. This is 3.70%.
- Client understands the neighbours concerns.
- A management agency will be managing the property.
- The client has an impeccable record with his other properties.

Deputations were also heard from Ms Wren and Mr Staley, both residents of Western Terrace who included the following points in their representations:

- 148 residents signed the petition. The report lists 6 objectors which is incorrect.
- This will make a bad situation much worse. You need a car to get around.
- Providing cycle storage isn't the answer.
- Short term renters have different priorities.
- We all look out for each other on the Terrace and we will lose that sense of security we have.
- Concerned about the loft being converted into another bedroom.
- With no landlord present concerned that the property will get wrecked.
- This property is unsuitable as an HMO.
- Western Terrace is a hidden gem and all neighbours pull together.
- 6 occupants in one property is not suitable for the Terrace.
- This is a small home with parking out front.
- Have an autistic child and neighbours all know him and look out for him.
- Urge you to think about the existing residents.

- We do need affordable housing but for a family and not 6 single people.
- The occupants will not look after our surroundings or our neighbours.

#### Members' questions

Members queried the number of signatures on the petition. In response, the planning officer clarified that only the front page of the petition had been noted and therefore accepted that could be over 140 signatures.

#### Members' comments

Members felt that a number of working young professionals, such as nurses would be attracted to a property like this in a nice area. Members sympathised with the residents' concerns and suggested that the residents strengthen the community and welcome the new occupants to The Terrace.

**RESOLVED that conditional permission be granted subject to the conditions outlined within the report.**

#### **96. 16/00933/CS3 - 231 Highbury Grove, Cosham, Portsmouth - Construction of extension onto existing single storey rear extension (AI 11)**

The planning officer reported in the supplementary matters list that the objector who had made a deputation request had withdrawn their request and no longer wished to speak. The application had therefore been withdrawn from the agenda.

#### **97. 16/00840/FUL - Site of Former Savoy Court & Savoy Buildings, South Parade, Southsea - Construction of replacement boundary wall to rear of numbers 20-34 Alhambra Road (AI 12)**

The planning officer introduced the report.

#### Deputations

A deputation was heard from Mr Alex Child, the agent who included the following points in his representation:

- Comprehensive report from the planning officer.
- Old wall needed to come down as structurally it was unsafe.
- New wall will look better and will be structurally safe.

A deputation was also heard from Mr O'Driscoll, a resident of Freestone Road who included the following points in his representation:

- How can the developer build a wall which is owned by myself?
- Met with the developer who has offered a compensation package so they know they're in the wrong.
- Not building the wall to the existing height.
- Builders have run roughshod.

#### Members' questions

Members sought clarification on the height of the original wall in comparison to the wall height seeking permission.

### Members' comments

Members felt that the proposed wall was of an insufficient height to provide residents with the protection of overlooking and noted that residents wanted a wall height of 4.5m to protect their privacy.

**RESOLVED that the application be deferred so as to enable further clarification with the applicant regarding the height of the proposed wall.**

**98. 16/00917/FUL - 116-118 Clarendon Road, Southsea, PO4 0SE - Change of use from hotel (Class C1) to 25 bedroom house in multiple occupation (Sui Generis) with associated cycle and refuse storage (AI 13)**

This item had been referred to the Planning Committee at the request of Councillor Winnington.

The planning officer introduced the report.

### Deputations

A deputation was heard from Mr Simon Hill on behalf of PLC Architects, the agent, who included the following points in his representation:

- Significant misinterpretation being bandied about. The change of use is in accordance with local policy.
- Currently short term occupancy.
- Letting agency would like to stay away from the hostel use and wish for the occupants of the building to integrate with the community.
- Significant amount of monies has been spent on the refurbishment.
- The change of use allows tenants to remain for longer.
- Looking to attract students and working professionals.
- Will have regular inspections and management of the property.
- Other buildings managed by the agency have no record of anti-social behaviour.
- Some internal remodelling is required but not any external works.
- Weekly rubbish collection contract with Biffa.
- Target age group are 25% of population of the city.

Deputations were also heard from Councillors Matthew Winnington and Jennie Brent. Councillor Winnington included the following points in his representation:

- Shouldn't be looking at HMO with 25 people in one building.
- Building should be converted into flats.
- Had planning permission for a hotel/guesthouse.
- Constantly told we need hotels in the city so it should either remain as a hotel or be converted into flats.
- Occupants are not students or working professionals.
- Going to lose one parking space which will have a huge impact.
- Cannot conceive 25 occupants in one building.
- The HMO is not needed or appropriate for the area.

Councillor Jennie Brent included the following points in her presentation:

- Previous use was the focus for trouble.
- Largest house of people living together.
- Cut price proposal.

- Cheap bin store.
- Nuisance value does count.
- Is it really fair to impose this scheme on the local residents?

#### Members' questions

Members sought clarification on the HMO data count and the number of cookers/fridges which would be provided.

#### Members' comments

Members were concerned that with 25 occupants, some of whom will have cars, that there will additional pressure on parking and that this would be the largest HMO in the city. Members also felt that this would have an impact on residential amenity in the area and that the management of the property would be critical in protecting local residents. Members also had concerns regarding the refuse and cycle storage.

**RESOLVED that planning permission be refused for the following reasons:**

**Simon to complete.**

- 99. 16/00731/FUL - Land at the rear of 244-248 Southampton Road, Portsmouth, PO6 4QD - Construction of 10 semi-detached and terraced two and two-and-a half storey dwellings with associated parking and landscaping (accessed from Neelands Grove) (AI 14)**

The planning officer introduced the report.

#### Deputations

A deputation was heard from Mr Wilkes, the agent who included the following points in his representation:

- In a sub sustainable location in the rear gardens of Southampton Road properties.
- Are slow worms present which will be translocated to an adjacent site.
- Proposal is a mix of housing type including two affordable properties.
- Site accessed from Neelands Grove.
- No risk of flooding.
- Provision of allotments on the site is not feasible.

A deputation was also heard from Ms Heather Elson, a resident of Sullivan Close who included the following points in her representation:

- Main objection is the access.
- Corner of Portsdown Road is tight and large HGVs always mount the pavement to turn.
- Noise and dust from the development.
- Question the height of the properties backing on to the railway line. Believe that these properties should be two-storey.
- Will also block sunlight in to the rear gardens.
- Lack of play area so will encourage children to play in the close. Noise from this.
- Will there be street lighting?
- Access to Neelands Grove is a major issue.
- Not accessible through Sullivan Close either.
- This is just garden grabbing for more housing.

- New development will create more traffic problems in the area.

#### Members' questions

Members sought clarification on the size of the properties and the number of car parking spaces being provided. The planning officer responded by saying that during the lifetime of the development the proposed dwellings have been amended to meet the minimum bedroom and overall size standards and that there will be 18 car parking spaces provided.

#### Members' comments

Members were encouraged to see that the Head of Community Housing was looking into the provision of disabled accommodation and requested that this be pursued with the developer.

**RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the conditions outlined within the report and subject to the prior completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to secure affordable housing and SPA mitigation. Delegated authority was also granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within six weeks of the date of the resolution.**

- 100. 16/00885/FUL - 12-40 Isambard Brunel Road, Portsmouth, PO1 2DR - Construction of a part 8 & 10 storey building to the east and part 9, 10 & 13 storey building to the west of 'Margaret Rule Hall' for a Halls of Residence (Class C1) for students containing 484 study/bedrooms and communal facilities, to include 704sqm of commercial floorspace (for use within Class A1, A2, A3 or B1) on part of the ground floor, with associated landscaping and cycle parking, after the demolition of existing buildings (AI 15)**

The planning officer introduced the report and referred members to the supplementary matters list which reported that a further letter of objection had been received from the University of Portsmouth reiterating concerns with the impact on residents of Margaret Rule Halls and Greetham Street schemes and the type of student accommodation that "...we believe there is no evidence of a requirement for additional student accommodation at higher rental levels." The site is identified as a development opportunity in the City Centre Masterplan SPD. Implementation of any planning permission for the site's redevelopment inevitably brings some inconvenience and disruption to surrounding properties. As the owners of the most affected neighbouring occupiers it is in UNITE's interest to minimise such impact, as far as practicable. Any grant of planning permission for a Halls of Residence does not control whether a higher or lower level of specification and subsequent rental levels is provided; this would be similar to proposals for an hotel - any grant of planning permission has no direct control of whether the standard of accommodation is offered at a budget or higher quality end of the market.

In the consultation responses, the Council's Drainage Team requested details of how the site is proposed to be drained. Following submission and its review, the Drainage Team advise that the outline drainage design appears suitable for the development.

Page 65 of the committee report also refers to concern by Environmental Health that a 486kW output CHP unit may impact on local air requiring AQ assessment. The proposed CHP plant has changed and is now substantially smaller, with a thermal input of 147kW (natural gas) and electrical and thermal outputs of 50kW and 95kW respectively. The applicants consider AQ assessment should not be required and unlikely to give rise to a significant effect; EH accept this.

Page 69 of the committee report lists, at 1 to 7, the planning obligations considered necessary to make the application acceptable. There is also a requirement for the applicant to make a financial contribution for Traffic Regulation Order(s) prior to removal of an existing subway and closure of the existing bus lane on Isambard Brunel Road including alternative crossing arrangements and relocation of bus stops (prior to erection of the site construction compound).

UNITE request that the trigger for relevant 'pre-commencement' conditions (no's 3, 8, 11, 14, 18 and 21) be reworded to exclude demolition i.e. to read "No development (except demolition) shall take place until..." Given the tight delivery timescale before the start of the new academic year in Autumn 2018, this request is considered reasonable to allow removal of the existing buildings but still prohibit construction until details are finalised pursuant to these conditions.

The BREEAM re-assessment confirms that the primary component of this scheme, the halls of residence of 12,081sqm, targets an 'Excellent' rating to accord with Policy PCS15 and the relevant SPD. The committee report also identifies that the secondary component of 704sqm of ground floor commercial units would achieve a rating of 'Very Good', recognising that this falls short of meeting the requirements of policy PCS15 but still represents the highest rating feasible for a building shell (before tenant fit out). An additional BREEAM condition is therefore requested for the different rating of 'Very Good' for the ground floor commercial units (separate from condition 18, now intended to cover the halls of residence only).

### Deputations

A deputation was heard from Mr Fishlock, the applicant, who included the following points in his representation:

- UNITE provide beds/homes for thousands of students and work closely in partnership with education authorities.
- Have been in Portsmouth since 2001 and provide 2200 beds within our four properties all with Portsmouth University.
- Been through a long consultation period and negotiations.
- Premises will be managed 24hr.
- Will also improve facilities for Margaret Rule Hall.
- Provision of accommodation alleviates pressure on housing in Portsmouth.
- All year groups live in our properties not just first year students.
- Provide some studio flats.
- Always worked well with Portsmouth University.

A deputation was also heard from Bernie Topham, from the University of Portsmouth who included the following points in her representation:

- Proposal for accommodation does not meet requirements of University and will have an impact on residents in Margaret Rule Hall.

- Have just entered into an agreement with UNITE regarding other properties.
- Any accommodation should be based on our advice.
- Safety of occupants of Margaret Rule Hall during construction.
- Students are opting for cheaper accommodation.
- We'll end up with an access of higher rental level accommodation.
- This proposal does not meet students' current needs.
- Concerned about the unsafe walkway and the control over the entrance to Margaret Rule Hall.
- An alternative access route needs to be identified.
- If permission is to be granted would ask for additional conditions relating to construction should not commence until access has been agreed with the University and ground floor entrance is controlled.
- Wish to protect the amenity of our students.
- Uncontrolled commercial uses.

A deputation was also heard from Councillor Luke Stubbs who included the following points in his representation:

- Station Square is changing.
- Frees up accommodation that would otherwise be occupied by students for families.
- Provides construction jobs.
- Creates a real feeling of growth.
- Environment in the immediate area will be more pedestrian friendly.
- Commercial use will create jobs.
- This is about providing options for students.
- Council does not set rent rates, hotel rates etc.,
- Financial benefits to the council.
- If the application is refused the council will have to reduce its capital spending.
- This is a good quality design.
- This is a two year construction period.

#### Members' questions

Members asked what provision is being made for the move in/move out weekends, the safety of the walkway, availability of car parking and loading/unloading bays.

#### Members' comments

Members were disappointed to hear that UNITE and the University have not been able to work together on this proposal. They felt it was an excellent development which would bring life to a rather drab part of the City.

**RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the conditions outlined within the report and subject to the prior completion of a contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued. Delegated authority was also granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary and to refuse planning permission if the**

contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) has not been completed within one month of the date of the resolution, and once the applicant has secured a legal interest in the land, delegated authority be granted to the Assistant Director of Culture and City Development to complete legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 278 Highways Act 1980 with principal terms as outlined in the committee report and such additional items as the Assistant Director of Culture and City Development considers reasonable and necessary having regard to material considerations at the time the planning permission was issued.

#### **101. Exclusion of the press and public (AI 16)**

The legal advisor reported that the developer had agreed to open up the information contained within the exempt appendix attached to 15/02010/PAMOD - request to modify legal agreement attached to planning permission 12/01382/FUL relating to land at 249 Fratton Road, Portsmouth and therefore members proceeded to discuss the matter in full in open session.

#### **102. 15/02010/PAMOD - Request to modify legal agreement attached to planning permission 12/01382/FUL relating to land at 249 Fratton Road, Portsmouth (AI 17)**

The Assistant Director of Culture and City Development introduced the report and circulated the appendix, as referred to in minute 101/2016 to members. Members were given an opportunity to read the report and were reminded that attached to the supplementary matters list was a written deputation which had been received from a local resident.

##### Deputations

Deputations were heard from Katy Harris and Raj Laly, on behalf of the applicant JCL Ltd who included the following points in their representation:

- JCL Ltd have been investing in Portsmouth since 2001.
- The site was purchased at a high price in 2008.
- Early 2015 JCL Ltd spoke to housing associations regarding the sale of the affordable housing element of the development.
- One housing association offered £135k for all three units of affordable housing but this has since been withdrawn.
- In November 2015 JCL Ltd were offered £750k for the sale of the whole site.
- Would have been more beneficial to have more units on the site but permission wasn't granted.
- Felt it was our duty to go ahead with the build.
- Viability study high-lighted that we're on a shortfall.
- Will continue to do more housing projects in the city but very difficult to go ahead with the current setting.
- Costs were tight from the start but created the building in essence because the sight was an eyesore.

A deputation was also heard from Mr Jerry Brown who included the following points in his representation:



- Not had an opportunity to fully read and digest the contents of the report which was circulated at the meeting.
- The public should have been given more information on the reason for the recommendation.
- Are members truly confident about the viability assessment.
- Cannot see that anything has significantly changed since.
- A full document of 'then and now' should have been provided to members.
- Any profit now or in the future should come to the council.
- The scheme has been built and people already live there.
- There needs to be some sort of acceptance as this is the builders risk when they buy and develop property.

#### Members' questions

Members sought clarification on the building costs and what the additional costs relate to. Members queried why they were considering provisional figures when the property was purchased and the build is now complete.

#### Members' comments

Members felt that in business there are peaks and troughs and that the company should absorb the loss of this development. Members suggested that the affordable housing be rented out over a period of time so at least some of the loss could be recouped and then the company could try to sell the properties. Members were very concerned that there is a need for housing and it would be unacceptable to leave properties vacant or have them illegally occupied.

**RESOLVED that subject to the agreement of the applicant, three of the flats to be rented at 20% below the market value with a view to re-assess the development viability in September 2018.**

The meeting concluded at 6.25 pm.

.....  
Signed by the Chair of the meeting  
Councillor Frank Jonas

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# Agenda Item 5

## **PLANNING COMMITTEE 14 SEPTEMBER 2016**

**1 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> 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*, 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**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	16/00840/FUL	Site Of Former Savoy Court & Savoy Buildings South Parade Southsea PO4 0SR	PAGE 4
02	16/00611/FUL	Rear Of 70/70A Albert Road Southsea PO5 2SL	PAGE 7
03	16/01209/FUL	11 Baileys Road Southsea PO5 1EA	PAGE 12
04	16/01210/FUL	25 Baileys Road Southsea PO5 1EA	PAGE 17
05	16/01211/FUL	37 Margate Road Southsea PO5 1EY	PAGE 22
06	16/01223/FUL	80 Margate Road Southsea PO5 1EZ	PAGE 27
07	16/01325/COT	32 Chelsea Road Southsea PO5 1NJ	PAGE 32

**SITE OF FORMER SAVOY COURT & SAVOY BUILDINGS SOUTH PARADE SOUTHSEA  
PO4 0SR****CONSTRUCTION OF WALL ALONG COMMON BOUNDARY WITH REAR OF NUMBERS 20-34 ALHAMBRA ROAD****Application Submitted By:**

The Planning Bureau Ltd  
FAO Mr Matthew Shellum

**On behalf of:**

McCarthy & Stone Retirement Lifestyles Ltd.  
FAO McCarthy & S

**RDD:** 25th May 2016

**LDD:** 4th August 2016

**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the proposal is acceptable in design and heritage terms and whether the proposed use would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers.

This application has been referred to the Planning Committee following a deputation request by the owner of a neighbouring property. The application was deferred at the meeting on 17th August to seek further clarification with the applicant regarding the height of the proposed wall. Amended plans have since been received with further neighbour notification having been undertaken. The amended plans relate to a wall that would measure 4.25 metres tall when viewed from the rear gardens of properties in Alhambra Road. The first two metres of the wall above ground level would form a retaining structure for the former Savoy site where the ground level is approximately two metres above that in Alhambra Road. The change in ground levels would result in the proposed wall measuring 2.25 metres in height when viewed from within the Savoy site. The height of the wall shown on the amended plans represents an increase in height of approximately 0.25 metres above that shown on the originally submitted drawing.

**The site and surroundings**

The wider application site covers just under ½ hectare and is bounded by roads on 3 sides. It is located in a prominent seafront location at a pinch point where buildings are closest to the beach, positioned opposite and within the setting of the Grade II listed South Parade Pier. To the west, at Nos 38-42 South Parade, is a part 3/4-storey Grade II listed building. The site lies within the 'East Southsea' Conservation Area and adjoins 'The Sea Front' Conservation Area.

**Proposal**

This application seeks planning permission for the construction of a boundary wall approximately 55 metres in length to the rear of numbers 20 - 34 (evens) Alhambra Road. The wall would measure a maximum of 4.25 metres when measured from Alhambra Road with the lower half of the wall being a retaining structure for the former Savoy site where ground level is approximately two metres above that in Alhambra Road. The proposed wall would measure 2.25 metres in height when viewed from within the Savoy site. A previous boundary wall which measured around four metres in height was removed on safety grounds earlier this year. The

height of the wall shown on the amended plans represents an increase of approximately 0.25 metres above that shown on the originally submitted drawings.

#### Relevant planning history

The site is currently being developed pursuant to a permission granted on appeal in June 2015 for a mixed use development comprising a part seven, part five storey building to provide 31 Retirement Living flats (C3), 66 Assisted Living (Extra Care) flats (C2), a ground floor retail unit (A1) and associated surface car parking spaces and landscaping.

### **POLICY CONTEXT**

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

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

### **CONSULTATIONS**

**None.**

### **REPRESENTATIONS**

One objection has been received from the owner of an adjacent property in Alhambra Road on the grounds the wall is not owned by the applicant but by the adjacent property owner.

No representations have, at the time of writing, been received in respect of the amended plans. Any representations that are received will be reported at the meeting.

### **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in design and heritage terms and whether the proposed use would have would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers.

#### Amenity

The proposed wall would be a similar height, as detailed on the plans, to that which formerly existed as the boundary between the Savoy site and the rear gardens of properties in Alhambra Road and would be finished in a red brick chosen to replicate the finish of most of the previous wall. In amenity terms it is considered that the proposed wall would have no significantly greater impact on the living conditions of the occupiers of properties in Alhambra Road than the previous wall. A wall of the height proposed is considered necessary to provide a suitable separation between the development under construction on the site in order to screen the car parking area adjacent to the rear gardens of the Alhambra Road properties.

## Design & Heritage

The proposed red brick (Hathaway Brindeled) would provide an appropriate and acceptable visual appearance that would preserve the character and appearance of the East Southsea Conservation Area. Due to its location the proposal would not affect the setting of neighbouring listed buildings.

## Other Matters

The applicant has confirmed that the wall and the land on which it is located is within their ownership. The applicant has been in dialogue with the owners and occupiers of the neighbouring properties in regard to access to enable the construction of the replacement wall.

## Conclusions

The proposal is considered acceptable in amenity, heritage and design grounds terms and is 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: 162.S.01 Rev.A; and SE-1975-05-LA-408 Rev.E
- 3) The replacement wall hereby permitted shall be finished using a Hathaway Brindled brick by Wienberger laid in a stretcher bond or any alternative brick or bond pattern that may be agreed in writing by the Local Planning Authority.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of the residential amenities of the occupiers of existing and future residents and to preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

### **1) PRO-ACTIVITY STATEMENT**

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



REAR OF 70/70A ALBERT ROAD SOUTHSEA PO5 2SL

**CONVERSION OF OLD STABLES AND STORES TO FORM A DWELLING TO INCLUDE THE INSTALLATION OF A NEW DORMER, DOOR AND WINDOWS AND PROVISION OF A CYCLE AND BIN STORE**

**Application Submitted By:**

The Project Support Practice  
FAO Mr D J Boddy

**On behalf of:**

Lowcross Property LLP  
c/o Agent

**RDD:** 14th April 2016

**LDD:** 6th July 2016

**SUMMARY OF MAIN ISSUES**

The determining issues in this case are: a) whether the conversion of the building would be acceptable and whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers; b) whether the external alterations are appropriate in design terms; c) whether the proposal would adequately address the transport needs of future occupiers; d) whether there would be suitable refuse/recycling facilities at the property; and, e) whether there is suitable mitigation in respect of habitats mitigation.

The application is referred to the planning committee due to a deputation request from a neighbouring resident.

**The Site**

This application relates to a two-storey property located at the rear of No.70/70A Albert Road and is accessed by narrow private road 'Theatre Mews', that is to the west of Southsea Infant School and accessed from Napier Road. On first appearances, Theatre Mews appears as an area that may be used for the storage of refuse or materials ancillary to the shops on Albert Road. There are however, two houses with dedicated off-road parking in what is an unexpected break in the urban fabric, giving a comparatively verdant character to what is an otherwise bustling shopping district and densely populated area. Originally, the building was used as a stable but has since become ancillary storage for a shop on Albert Road and is in a poor condition.

**The Proposal**

The applicant seeks permission for the conversion of old stables and stores to form a dwelling to include the installation of a new dormer, door and windows and provision of a cycle and bin store.

**Relevant Planning History**

There is no relevant planning history for this site.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS8 (District centres), PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS8 (District Centres), PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), PCS19 (Housing Mix, size and the provision of affordable homes), PCS21 (Housing Density) and PCS23 (Design and Conservation).

The Parking Standards Supplementary Planning Document would also be a material consideration.

## **CONSULTATIONS**

### **Environmental Health**

Consideration has been given to this proposed development being located close to commercial premises in particular the Fifth Hants public house and the food business premise the Crafty Hot Dog shop.

As the Hot Dog shop does not open until the 4th June 2016 I am unable to comment as to whether any noise or odours from this premise will have any effect on the proposed development. However, should planning permission be granted complaints of this nature can be dealt with under the Environmental Protection Act 1990.

The Fifth Hants public house has a premise licence which allows them to provide entertainment (recorded music) until 02:00hrs Friday to Sunday and until 01:00hrs Monday to Thursday. As there is already existing residential accommodation in Theatre Mews I have checked Environmental Health's complaints data base and can confirm that we have not received any noise complaints since 2013.

Due to the proposed development being located at the rear of 70/70A Albert Road, it will be shielded from traffic noise in the area.

In summary, no objections are raised to this application being granted.

## **REPRESENTATIONS**

One representation has been received objecting on the following ground: the location of the front door opposite the lounge window would result in a loss of privacy.

## **COMMENT**

The determining issues in this case are: a) whether the conversion of the building would be acceptable and whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers; b) whether the external alterations are appropriate in design terms; c) whether the proposal would adequately address the transport needs of future occupiers; d) whether there would be suitable refuse/recycling facilities at the property; and, e) whether there is suitable mitigation in respect of habitats mitigation.

## Procedural Matters

This application relates to an area at the rear of 70/70A that was originally a stable and yard, and has been used for a number of years for ancillary storage for the shops on Albert Road before being abandoned. As such, it is considered that the property benefits from a 'fall-back position' within Class M of the General Permitted Development Order 2015

## Principle of conversion and Standard of Accommodation

The minimum floor space for a two bed, three person two storey dwellinghouse must be 70m<sup>2</sup> with 2.0m<sup>2</sup> built in storage. The floor space for the dwelling would exceed the requirements in the National Described Space Standards and each room would have adequate access to light and outlook that is considered to provide an acceptable standard of living for future occupiers. The proposal is therefore considered to be acceptable in principle.

## Design

The existing building is a former stable and now serves as an ancillary storage area for shops on Albert Road and has a 'tired', derelict appearance. The proposed development would include the formation of a new dwellinghouse and the external appearance of the building would be re-developed and completed in a mixture of render at ground floor level, with timber effect weatherboarding at first floor level that would provide some relief and interest to the building.

On the existing building there are few windows and natural light and outlook is restricted inside the property and in order to provide an acceptable standard of light and outlook, a number of additional openings would be inserted into the north, west and south facing elevations of the building with rooflights and dwarf dormers in the roofslopes. These windows would be completed in brown UPVC and it is considered that the size of the windows, their position on the various elevations and roofslopes and the use of materials is appropriate to the recipient property and the surrounding area.

## Highways

The use of the property as a two bed, three person dwelling would generate the requirement for 1.5 vehicle parking spaces and 2 long stay cycle spaces. The submitted information includes details of cycle storage that would be located underneath an existing staircase that is adjacent to the property and the red line on the submitted location plan includes this area within the site ownership. In order to secure appropriate cycle storage, this could be secured by a suitably worded planning condition.

Whilst there is a forecourt area adjacent to the property that could be used for the off-road storage of a vehicle, it does not comply with the dimensions required in the Parking Standards Supplementary Planning Document and has not therefore been taken into account. Whilst the property would not therefore benefit from off-road parking and could not comply with the Parking Standards SPD, the constraints of the site are such that no off-road parking can be provided. However, given that the property is within a short walk of the Albert Road District Centre and its associated shops and services, and there is some parking provision in the local area, an objection on highways grounds could not be sustained.

## Refuse / recycling materials

Details submitted with the application indicate that the refuse/recycling at the property will be stored underneath the stairs. It is likely that these bins would have to be moved to the kerbside on collection days but the distance of some 25 metres is considered to be reasonable and would comply with the distance specified by the Council's Waste Inspectors. A condition requiring the waste facilities as shown on the submitted drawings could be imposed to secure their implementation.

## Impact on residential amenity

The original plans included a front door to the property that would have been opposite a neighbouring properties living room (No.3 Theatre Mews). Objections were raised in relation to loss of privacy from users of this door and the perceived sense of overlooking. As such, amended plans have been sought and the entrance to the property has been moved and would now be positioned on the east elevation, away from No.3. There would however be a small window on the flank wall facing No.3 to allow some light into the hallway but this window, given its proposed limited size and separation with the elevation of the property opposite is not considered to result in a perceived or actual sense of overlooking. As such, it is considered that the use of the property as a dwellinghouse would not have a significant impact on residential amenity and the proposal is in accordance with policy PCS23 of the Portsmouth Plan.

## SPA Mitigation

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176 (1 x £176). It is considered that, subject to the inclusion of an appropriate level of mitigation within a unilateral undertaking or payment through an agreement under S111 of the Local Government Act, there would not be a significant effect on the SPAs. As of 1st April 2016 and in line with the Retail Price Index, the cost of mitigation for each new dwelling rose from £174 to £176. However, the LPA and Solent Recreation Mitigation Partnership makes an allowance for those legal agreements signed before the 1st April 2016. As such, the level of mitigation provided (£176) for a new dwelling is considered to be appropriate. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

## **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, Revised Proposed Elevations (04/16/TM-6), Revised Proposed Ground Floor (04/16/TM-3) and Revised Proposed First Floor (04/16/TM-4).

3) Prior to first occupation of the property, secure and weatherproof bicycle storage facilities for 2 long-stay bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

4) Prior to first occupation of the property, secure and weatherproof refuse/recycling storage facilities shall be provided at the site and shall thereafter be retained for the secure storage of refuse/recycling at all times.

**The reasons for the conditions are:**

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

**1) PRO-ACTIVITY STATEMENT**

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

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11 BAILEYS ROAD SOUTHSEA PO5 1EA

**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

Thorns Young Ltd  
FAO Mr Sam Appleton

**On behalf of:**

OMPD Ltd  
FAO Mr James Oliver

**RDD:** 18th July 2016

**LDD:** 15th September 2016

**SUMMARY OF MAIN ISSUES**

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

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

**The Site**

The application relates to a two-storey mid-terraced property located to the north-west side of Baileys Road close to the intersections of Somers Road and Winston Churchill Avenue. The property fronts directly onto the back edge of the pavement and comprises a kitchen, two lounges, bathroom, W/C and a study at ground floor, three bedrooms and a bathroom at first floor level and three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

**Proposal**

This application seeks planning permission to use the property as a 8 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

**Relevant planning history**

In regards to relevant planning history, Planning Application Reference: 16/00832/FUL was granted permission in May 2016 for a lawful change of use from Class C3, (Dwellinghouse) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Highways Engineer**

Baileys Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 8).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

## **REPRESENTATIONS**

At the time of writing, three letters of representation has been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

## **COMMENT**

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

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom, eight person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00832/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

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

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

#### Impact on residential amenity

The proposal involves the use of the ground floor lounge and study as additional bedrooms to create an 8 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

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

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

Although these appeal decisions relate to 7 bed, sui-generis HMO's, the rationale of the inspector's comments are still applicable for this proposed change of use to an 8 bed, sui-generis HMO.

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

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

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.



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

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

**RECOMMENDATION A:** That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

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

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1039.16.SUI

### **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.

#### 1) 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.

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**25 BAILEYS ROAD SOUTHSEA PO5 1EA****CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd  
FAO Mr Sam Appleton

**On behalf of:**

OMPD Ltd  
FAO Mr James Oliver

**RDD:** 18th July 2016

**LDD:** 15th September 2016

**SUMMARY OF MAIN ISSUES**

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

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

**The Site**

The application relates to a two-storey mid-terraced property located to the north-west side of Baileys Road close to the intersections of Somers Road and Winston Churchill Avenue. The property fronts directly onto the back edge of the pavement and comprises a kitchen/lounge, shower, W/C and a study at ground floor, three bedrooms and a bathroom at first floor level and three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

**Proposal**

This application seeks planning permission to use the property as a 7 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

**Relevant planning history**

In regards to relevant planning history, Planning Application Reference: 16/00833/FUL was granted permission in May 2016 for a lawful change of use from Class C3, (Dwellinghouse) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Highways Engineer**

Baileys Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 7).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

## **REPRESENTATIONS**

At the time of writing, three letters of representation have been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

## **COMMENT**

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

### **Principle of the use**

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00833/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

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

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

#### Impact on residential amenity

The proposal involves the use of the ground floor study as an additional bedroom to create a 7 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.' A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

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

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

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth

policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

**RECOMMENDATION A:** That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

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

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1040.16.SUI

### **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.

### **1) 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.

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**37 MARGATE ROAD SOUTHSEA PO5 1EY**

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

**Application Submitted By:**

Thorns Young Ltd  
FAO Mr Sam Appleton

**On behalf of:**

OMPD Ltd  
FAO Mr James Oliver

**RDD:** 18th July 2016

**LDD:** 15th September 2016

**SUMMARY OF MAIN ISSUES**

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

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

**The Site**

The application relates to a two-storey mid-terraced property located to the north-west side of Margate Road close to the intersections of Somers Road and Cottage Grove. The property fronts directly onto the back edge of a small walled enclosure and comprises three bedrooms, W/C and a bathroom at ground floor, two bedrooms and a kitchen/lounge at first floor level and a bedroom, bathroom and study within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

**Proposal**

This application seeks planning permission to use the property as a 7 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse). The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

**Relevant planning history**

In regards to relevant planning history, Planning Application Reference: 16/00834/FUL was granted permission in June 2016 for a lawful change of use from Class C4, (House in Multiple Occupation) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)



## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Highways Engineer**

Margate Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 7).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

## **REPRESENTATIONS**

At the time of writing, four letters of representation have been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people. d) further parking limitations, e) increased noise disturbance, f) increase in rubbish build up.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

## **COMMENT**

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

### **Principle of the use**

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00834/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

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

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

#### Impact on residential amenity

The proposal involves the use of the third floor study as an additional bedroom to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.' A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

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

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

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth

policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

**RECOMMENDATION A:** That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

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

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1041.16.SUI

### **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.

### **1) 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.

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**80 MARGATE ROAD SOUTHSEA PO5 1EZ**

**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

Thorns Young Ltd  
FAO Mr Sam Appleton

**On behalf of:**

OMPD Ltd  
FAO Mr James Oliver

**RDD:** 20th July 2016

**LDD:** 28th September 2016

**SUMMARY OF MAIN ISSUES**

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

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

**The Site**

The application relates to a two-storey mid-terraced property located centrally along Margate Road close to the intersections of Somers Road and Cottage Grove. The property fronts directly onto the back edge of a small walled enclosure and comprises a bathroom, W/C, a study and a kitchen/lounge at ground floor, three bedrooms and a bathroom at first floor level and a three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

**Proposal**

This application seeks planning permission to use the property as a 8 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

**Relevant planning history**

In regards to relevant planning history, Planning Application Reference: 16/00835/FUL was granted permission in May 2016 for a lawful change of use from Class C4, (House in Multiple Occupation) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Highways Engineer**

Margate Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 8).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

## **REPRESENTATIONS**

At the time of writing, five letters of representation has been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people. d) further parking limitations, e) increased noise disturbance, f) increase in rubbish build up.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

## **COMMENT**

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

### **Principle of the use**

Planning permission is sought for the use of the property as an eight bedroom, eight person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00835/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

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

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

#### Impact on residential amenity

The proposal involves the use of the lounge and the study as additional bedrooms to create a 8 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

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

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

Although these appeal decisions relate to 7 bed, sui-generis HMO's, the rationale of the inspector's comments are still applicable for this proposed change of use to an 8 bed, sui-generis HMO.

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

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

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

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

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

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

**RECOMMENDATION A:** That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

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

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1042.16.SUI

### **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.



## 1) 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.

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**32 CHELSEA ROAD SOUTHSEA PO5 1NJ**

**WITHIN CONSERVATION AREA NO.15: COPPER BEECH - CROWN REDUCE IN HEIGHT BY 1.25M, LATERAL SPREAD BY UP TO 1.2M AND REMOVAL OF LOWER BRANCH;  
CONFERENCE PEAR - FELL AND REPLACE WITH A WILLIAMS BON CHRETIEN;  
CHERRY TREE - FELL AND REPLACE WITH A DWARF (2M) CHERRY TREE**

**Application Submitted By:**

Dr Hugh Mason

**On behalf of:**

Dr Hugh Mason

**RDD:** 5th August 2016

**LDD:** 26th September 2016

**SUMMARY OF MAIN ISSUES**

This prior notification application is to be determined by the planning committee as the applicant is a Member of the Planning Committee, Cllr Mason.

**Reason for Conservation Area Consent**

Conservation Area Consent is required when an applicant proposes to do works to a tree within a Conservation Area. This is because the trees in Conservation Areas often make a significant contribution to the visual amenity of the surrounding area. Anyone proposing to carry out works on trees within a Conservation Area must serve notice on the Local Planning Authority of their intention to undertake works on a tree, it is a prior notification. The notice contains information to identify the trees, details of the proposed works and reasons. The Local Planning Authority will then consider whether the proposed works should be carried out. If it is considered that the works should not be carried out then the Local Planning Authority can make a formal Tree Preservation Order on the tree.

**The proposal**

The applicant proposes to carry out the following works to the trees within Conservation Area No 15 (Campbell Road Conservation Area)

- 1) Copper Beech- crown reduce in height by 1.25m, lateral spread by up to 1.2m and the removal of the lower branch;
- 2) Conference Pear- fell and replace with a Williams Bon Chretien;
- 3) Cherry Tree- fell and replace with a dwarf (2m) cherry tree

**The site and surroundings**

The trees in this application are located within the front and rear garden of 32 Chelsea Road which is a semi-detached Victorian property located on the eastern side of Chelsea Road. It is located within the Campbell Road Conservation Area.

## Planning History

In June 2010 a COT application was submitted to fell the false Lime tree and to crown thin by 20% the Copper Beech within Conservation Area 15. There was no objection to the application (Ref 10/00929/COT)

## LEGAL FRAMEWORK

The subject matter is not a planning application, but a prior notification of the intention to undertake works to trees in a conservation area.

Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require applicants to notify the local planning authority, using a 'section 211 notice', six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the local planning authority gives written consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree. After the 6 week period, the application is deemed consent and the applicant can proceed with the works providing that the local planning authority does not wish to make a Tree Preservation Order.

## CONSULTATIONS

### **None.**

This type of application does not trigger the requirement for any internal or external consultations. The Local Planning Authority has six weeks to form its view and respond to the applicant, after which the works are deemed to have consent and can be undertaken.

## REPRESENTATIONS

This type of application does not trigger any notification procedures.

## COMMENT

The main issue that is considered during this application is whether the trees are worthy of a Tree Preservation Order (TPO).

The three questions that are considered when determining this application are:

- 1) Is the tree visible to the public?
- 2) How important is the tree within the setting?
- 3) Is the shape of the tree of high quality?

### Visibility of the Trees

The Copper Beech and the Conference Pear Tree are both located within the rear garden of the property and cannot be seen from the public realm, therefore it was considered that they do not make a significant contribution to the visual amenity of the Campbell Road Conservation Area.

The Cherry Tree is visible from the public realm as it is located within the front garden of the property. However, it is not considered that the tree is a high quality specimen and it does not make a significant contribution to the amenity of the Campbell Road Conservation Area.

Having regard to the above it is concluded that the Copper Beech, Conference Pear Tree and Cherry Tree are not worthy of a TPO, and that their removal can be supported.

### Setting

The trees in this application are located within the front and rear garden of 32 Chelsea Road which is a semi-detached Victorian property located on the eastern side of Chelsea Road. It is located within the Campbell Road Conservation Area.

Chelsea Road includes 2 terraces at the southern end dating from before 1865 a stucco terrace (1-13) and a three storey red brick terrace (4-28). The remainder of the road is a mixture of semi-detached and terraced properties, most with single storey bay windows. There are many trees and shrubs within the Campbell Road Conservation that make a significant contribution to the visual amenity, particularly in Campbell Road, Outram Road and Victoria Road North. However, Chelsea Road itself does not particularly prominent and many trees of high amenity value. There are no trees with TPOs within Chelsea Road.

Having regard to the existing character of the streetscene and the impacts that would be generated from the removal of the Cherry Tree, it is not considered to have a significant impact on the visual amenity of Chelsea Road. On this basis the proposal is considered to be acceptable.

### Quality

The quality of the trees is a key consideration. The Cherry tree is not considered to be a high quality specimen and it therefore does not make a significant contribution to the visual amenity of the Campbell Road Conservation Area.

It is therefore considered that the trees are not worthy of Tree Preservation Orders and subsequently the proposed works are considered to be acceptable.

**RECOMMENDATION                      No Objection**