



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 12 OCTOBER 2016 AT 1.00 PM

EXECUTIVE MEETING ROOM, FLOOR 3 OF THE GUILDHALL,
PORTSMOUTH.

Telephone enquiries to Lucy Wingham 02392 834662

Email: lucy.wingham@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors 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

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to 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 - 14 September 2016 (Pages 1 - 10)

RECOMMENDED that the minutes of the Planning Committee held on 14 September 2016 be confirmed as a correct record and be signed by the Chair.

4 Updates on previous planning applications by the Assistant Director of Culture and City Development

Planning applications

5 16/01317/FUL - Land adjacent to 263 Tangier Road, Portsmouth, PO3 6PQ (planning application no. 1) (Pages 11 - 24)

Construction of two storey dwelling house adjoining existing property.

6 16/01344/FUL - 400 Copnor Road, Portsmouth, PO3 5EW (planning application no. 2)

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

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.

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 14 September 2016 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Frank Jonas (Chair)
Scott Harris (Vice-Chair)
Jennie Brent
Yahiya Chowdhury
Ken Ellcome
Colin Galloway
Lee Hunt
Hugh Mason
Darren Sanders (Standing Deputy)
Lynne Stagg (Standing Deputy)

Also in attendance
Councillor Tom Wood

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.

103. Apologies (AI 1)

Apologies for absence were received from Councillors Steve Pitt (represented by Councillor Darren Sanders) and Councillor Vernon-Jackson (represented by Councillor Lynne Stagg).

104. Declaration of Members' Interests (AI 2)

Councillor Hugh Mason declared a personal and prejudicial interest (a disclosable pecuniary interest) in planning application 16/01325/COT - 32 Chelsea Road as he was the applicant and advised he would leave the room during discussion of this item.

Councillor Lynne Stagg declared a personal interest in planning application 16/01210/FUL - 25 Baileys Road, as she knows the owner of the property.

Councillors Darren Sanders, Frank Jonas, Lee Hunt and Lynne Stagg all declared a personal interest in planning application 16/01325/COT - 32 Chelsea Road as they all know and work as elected members alongside Councillor Mason who is the applicant.

105. Minutes of previous meeting - 17 August 2016 (AI 3)

RESOLVED that the minutes of the previous meeting held on 17 August 2016 be approved and signed by the Chair as a correct record.

106. Updates on Previous Planning Applications by the Assistant Director of Culture and City Development (AI 4)

There were no updates.

107. 16/00840/FUL - Site Of Former Savoy Court & Savoy Buildings South Parade Southsea PO4 0SR (AI 5)

The planning officer introduced the report and explained that this application had been deferred from the August Planning Committee to enable further clarification with the applicant regarding the height of the proposed wall. A members' site visit had taken place on Monday 12 September to view the proposed boundary wall between the site and Alhambra Road.

Deputations were then heard whose points are summarised.

Mr and Mrs O'Driscoll, objecting to the application, whose points included:

- The proposed wall is not a like for like replacement.
- Unsure whether applicant had permission to knock down the existing wall.
- Discussion with the residents in neighbouring properties has not taken place.
- The wall is not owned by the applicant.
- The wall is the subject of ongoing legal proceedings.

Mr Burns, on behalf of McCarthy Stone, the applicant, whose points included:

- Since the application was deferred the applicant has met with neighbouring properties to discuss their concerns.
- The proposed wall will provide privacy to neighbouring properties.
- Agreed to re-instate pre-existing wall.
- The previous wall was dilapidated.
- Materials of the new wall would be in keeping with the area.

Members' questions

In response to questions the following points were clarified by officers:

- The matter of the ownership of the wall, or any legal proceedings relating to that issue, is not a material planning consideration.
- The proposed red brick (Hathaway Brindled) would be in keeping with the other properties in this area.
- The previous wall was finished in a mix of materials but a large part was red/brown brick and the inside of the wall was painted brickwork.
- It was the officers' view that this proposal is very similar to the former wall.

- Officers advised that the committee could not recommend an amendment to the application to include two more courses to the wall, as suggested by the neighbouring residents. If the committee were minded to do this the application would need to be deferred for further amendments, and brought back to committee.
- Planning permission was not required by the applicant in order to remove the previous wall as this was permitted development.
- Concerns from the residents regarding the condition their properties will be left in if the wall is built, is a matter for the landowners and the applicant. However officers advised that they could monitor progress and although they could not enforce anything, they could facilitate discussion with both parties.

Members' comments

Members felt that the applicant could have improved the consultation with the neighbouring properties regarding the proposal and understood their concerns. Members were also concerned that the proposed wall was not exactly a like for like replacement.

RESOLVED that conditional permission be granted subject to the conditions outlined in the Assistant Director of Culture & City Development's report.

108. 16/00611/FUL - Rear Of 70/70A Albert Road Southsea PO5 2SL (AI 6)

This application was withdrawn from the agenda as the one objector removed their objection and deputation request.

109. 16/01209/FUL - 11 Baileys Road Southsea PO5 1EA (AI 7)

The planning officer introduced the report and reported in the supplementary matters list that in addition to the three letters of objection reported within the Committee report, a further letter of representation has been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident objecting whose points included:

- All of the HMO applications on the agenda today highlight a need for a change to the council's HMO policy.
- There are 63 houses in Bailey's Road and 34 of these are HMO's.
- It is no longer a mixed and balanced community.
- Lack of communication between the planning and licensing departments within the council regarding HMO' - licensing do not seem to be aware when a new HMO application is granted.

Dr Willoughby, local resident, objecting, whose points included:

- PCC has stated its aim to create mixed and balanced communities in the HMO supplementary planning document however this area is already oversaturated with HMO's and this therefore goes against the council's aims.
- The HMO density is already significantly over the council's 10% target and potentially in excess of 50%. The simultaneous effect of this application and the other three applications on the agenda today for Bailey's Road and Margate Road would be significant.
- This property originally had 5 bedrooms and this proposal would increase this to 8 bedrooms which is an overdevelopment of the site.
- Urge committee to refuse the application.

Councillor Tom Wood, ward councillor, objecting to the application, whose points included:

- Planning reasons to refuse the application under PCS20 and the HMO supplementary planning document. The SPD states that a community will be imbalanced if more than 10% of properties are HMO's.
- The HMO density in this area is already 5 times above this so this application should be refused.
- Visited the property the previous evening and there are already 8 people occupying the property.
- Cumulative impact to the community given the compounding effects of relatively high levels of HMO's and the number of applications within this area.
- Should be able to consider the impact on the area of approving each application.

Mr McDermott, Agent, whose points included:

- PCS20 and the HMO SPD are clear and unambiguous planning documents and this development conforms to these.
- The development is already in use as a HMO, this application is seeking to increase the number of bedrooms from 6 to 8.
- Similar applications to this that have been refused and have gone to appeal the planning inspector concluded that there was no substantive impact on the intensity of activity in the surrounding area.

Members' questions

In response to questions, the following matters were clarified:

- Adopted policy within the Local Plan and the HMO gives more detailed information. The SPD identifies that up to 10% of dwellings can be HMO's however there were areas of the city such as this one, where HMO use was already over 10% before the SPD was adopted in 2012.
- This property is already operating as a HMO and HMO's in this area are significantly over the 10% threshold. Increasing the number of residents from 6 to 8 does not impact the balance of HMO's in an area.
- There are 6 bedrooms currently in the property. The Council's private sector housing team have confirmed that the proposed new room sizes conform to the minimum standards and that the amount of communal space is adequate for the number of proposed bedrooms.
- The planning inspector will look at each appeal decision separately and the committee need to have regard to the outcome of the appeal decisions in

Telephone Road and Beatrice Road as listed in the report, as this application is similar.

- No pre-applications took place prior to the application being submitted.
- The application is for a sui generis 8 bedroomed house. The planning team could not enforce that only 8 people would live there, this would be controlled through the council's housing licensing team and a licence would dictate how many people per bedroom. If the property was occupied more intensively than what has been agreed, the council could take action.
- The city has a diverse housing need which includes HMO's. If this need is not met then it could create overcrowded homes or even homelessness so the council is looking to meet all housing needs.
- In 2010 the government planning regulations were amended so that changes of use between dwellinghouses and houses in multiple occupation could take place without the need for an application for planning permission. This is why the HMO density is over 10% in this area.
- With regard to the point Cllr Wood raised in his deputation that there are already 8 people living in the property, the Assistant Director of Culture and City Development advised that following the meeting she would instruct officers to follow this up with the enforcement and compliance team.

The Assistant Director of Culture and City Development advised members that as a committee, it is their duty to determine planning applications under the council's adopted policies. If the committee felt that the policies are not addressing these issues that they could request to take this back through the PRED portfolio for discussion to change the policy.

Members' comments

Members were very concerned that by allowing this application, it would create an unbalanced community and have a negative impact on the other residents in the vicinity. There was also concern regarding the lack of communal space and the increased noise that two extra residents would bring to the property.

RESOLVED that the application be refused for the following reason: The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.

Members of the committee said that although the current HMO policy is a good policy it needs to be revisited as it does not address some of the issues raised in the applications the committee were being asked to consider at the meeting. It was suggested that a meeting be held with the committee members (including the standing deputies) and officers to discuss the issues, to enable officers to proceed with reviewing and amending the policy. The Assistant Director of Culture and City Development would arrange a meeting with committee members as soon as possible to discuss issues that were concerning members. The Chair and Assistant Director of Culture and City Development would then meet with the portfolio holder to

discuss revising the SPD. The recommendations would be reported to PRED and then consulted on, before the amendments can be formally adopted. It was estimated that 6 months was a reasonable timescale for this process.

RESOLVED that the HMO supplementary planning document be reviewed and following consultation a report taken to the PRED portfolio for consideration. The Committee asked officers to start this process as a matter of urgency.

110. 16/01210/FUL - 25 Baileys Road Southsea PO5 1EA (AI 8)

The planning officer introduced the report and reported in the supplementary matters list that in addition to the three letters of objection reported within the Committee report, a further two letters of representation have been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident objecting to the application. She advised that all the points raised in her earlier deputation are all relevant to this application as well and she added:

- A change to the HMO policy is needed.
- HMO's are having an impact on the lives of other residents some of whom are elderly or have young families and go out to work
- Very disappointed that areas such as Baileys Road are not staying as family areas. Residents are 'stuck' in their homes as they cannot sell them as the number of HMO's locally puts buyers off.
- Proposal will impact on parking, sewers and noise levels.

Dr Willoughby, local resident objecting to the application. He advised that all the points raised in his earlier deputation were all relevant to this application as well and added:

- Already over 50% HMO's in the area
- Properties have been taken from 4/5 bed properties up to 7/8 bed properties.
- These applications cloak the real intensity increases.
- Ask committee to refuse application.

Councillor Tom Wood, ward councillor objecting to the application who advised his earlier points were relevant to this application and added:

- The planning inspector said that councillors can consider the cumulative effect of applications that have already been granted.

Mr Oliver, applicant, whose points included:

- The application seeks to increase the number of residents from 6 to 8.

- It would not be possible to allow further people to live there as there is limited space.
- He referred to the planning inspectors' comments on the planning appeals in both Telephone Road and Beatrice Road, which are similar applications which were allowed on appeal, and suggested that the committee should listen to the advice of their officers.

Mr McDermott, agent, who advised his points in his earlier deputation were also relevant to this application. He added that:

- There would be no reduction in communal space.
- Asked that the committee applied full and proper weight to the planning inspectors decisions for both Telephone Road and Beatrice Road from 2012 that are similar to this application and were both allowed on appeal.

Members' questions

In response to questions the following points were clarified:

- An application for change of use from a C4 or C3 to a Sui generis is technically a new application however as it is already a HMO the 10% policy cannot be considered.
- The additional bedroom would be achieved by turning the study into a bedroom.

Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community.

**RESOLVED that the application be refused for the following reasons:
The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.**

111. 16/01211/FUL - 37 Margate Road Southsea PO5 1EY (AI 9)

The planning officer introduced the report and reported in the supplementary matters list that in addition to 4 letters of objection reported within the Committee report, a further letter of representation has been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident, objecting who advised that all her points raised in the earlier deputations were relevant to this application. She added that in Margate Road there are 102 houses and 62 of them are HMO's.

Dr Willoughby, local resident, objecting, who advised that all his points raised in his earlier deputations were relevant to this application and he had nothing further to add.

Councillor Tom Wood, ward councillor, who advised that all his points raised in his earlier deputations were relevant to this application and he had nothing further to add.

Mr McDermott, agent, who advised that all his points raised in his earlier deputation were relevant to this application and added that there would be no reduction in the amount of communal space.

Members' questions

Members sought clarification to the layout of bedroom 7 and officers advised that there would be two skylights in this bedroom.

Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community and the neighbouring properties.

RESOLVED that the application be refused for the following reasons:

- (1) The application would have an adverse impact upon the amenity of neighbouring properties caused by noise and disturbance to**
- (2) There is already an imbalance in HMO's in the area and this application would exacerbate the imbalance, with a disproportionately impactful effect on the and balance of the community.**
- (3) The over intensive use would reduce the amenity of the property.**

112. 16/01223/FUL - 80 Margate Road Southsea PO5 1EZ (AI 10)

The planning officer introduced the report and reported in the supplementary matters list that in addition to the five 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) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Alderman Sally Thomas, local resident, whose points included:

- 64 out of 102 properties on this road are HMO's.
- There have already been two sink holes on this road and additional water pipes installed due to pressures on the sewer system, this would exacerbate the issue.
- The population density in this area is colossal.
- Rubbish often left out on the wrong day and frequent issues with rodents in the area.
- Increase in noise
- A balance needs to be struck - these houses were built and designed as family houses and 8 unrelated individuals in a property is overcrowding.

Hazel Taylor, local resident, objecting to the application - she advised that she had nothing further to add to her previous comments which all applied to this application.

Dr Willoughby, local resident, objecting to the application. He advised that all his previous points raised his deputations were relevant to this application and added that he was pleased that the committee had agreed to review the HMO SPD.

Councillor Tom wood, ward councillor, who advised that all his previous points he made in his earlier deputation were relevant to this application and added that he had visited this property the previous evening and it was already occupied by 8 students.

Mr McDermott, agent who said that all of his previous points made in his earlier deputation were relevant and he had nothing further to add.

Members' questions

There were no questions.

Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community and the neighbouring properties.

RESOLVED that the application be refused for the following reasons:

The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.

113. 16/01325/COT - 32 Chelsea Road Southsea PO5 1NJ (AI 11)

Councillor Hugh Mason withdrew from the room before the commencement of this item due to his personal and prejudicial interest, (a disclosable pecuniary interest) in this application being the applicant.

The planning officer introduced the report.

Members' questions

In response to a question the planning officer advised that a tree surgeon would be carrying out the works.

Members' comments

Members had no objections to the application and were pleased that replacement trees would be planted to replace those trees that would be felled.

RESOLVED that the committee had no objections to the proposed works.

The meeting concluded at 4.20 pm.

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Signed by the Chair of the meeting
Councillor Frank Jonas

Agenda Item 5

PLANNING COMMITTEE

12 OCTOBER 2016

1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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02	16/01344/FUL	400 Copnor Road Portsmouth PO3 5EW	PAGE 10

LAND ADJACENT TO 263 TANGIER ROAD PORTSMOUTH PO3 6PQ**CONSTRUCTION OF TWO STOREY DWELLING HOUSE ADJOINING EXISTING PROPERTY****Application Submitted By:**

Martin Critchley Architect
FAO Mr Martin Critchley

On behalf of:

E. C. Investments Ltd
C/O Peter Dack

RDD: 4th August 2016

LDD: 17th October 2016

SUMMARY OF MAIN ISSUES

This application is being considered by the Planning Committee at the request of Councillor Sanders.

Summary of main issues

The determining issues with the application are whether the principle of an additional dwelling house is acceptable. Also issues of the design of the proposed dwelling, the impact that it could potentially have on the amenity of the future occupiers and the amenity of the neighbouring occupiers need to be considered. Also whether the requirements of the Solent Special Protection Areas Supplementary Planning Document have been satisfactorily addressed and whether there would be any potential issues on Threatened Species and car/cycle parking and refuse storage.

Site and Surroundings

This application relates to a plot of land which is adjacent to 263 Tangier Road on the northern side of the road towards the eastern end of Tangier Road. Immediately adjacent to the site is a larger area of open space which is predominantly used for dog walking and recreational activities. The site is located within Flood Zone 3. The proposal would be constructed at the eastern end of a group of red brick terraced properties. The eastern side of Tangier Road and the adjoining roads are predominantly characterised by similar residential terraced properties.

Proposal

The applicant seeks permission for the construction of a two storey dwelling house adjoining the existing property. The ground floor comprises a kitchen, a living room and a WC. The first floor comprises two bedrooms and a bathroom. The proposed property benefits from a rear garden and a small front forecourt.

Once constructed the proposed property would have the benefit of a rear private space of 24.7 square metres which is in keeping with the similar properties in the locality.

Planning History

There is no relevant planning history for this application.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS19 (Housing mix, size and affordable homes), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), PCS17 (Transport),

CONSULTATIONS

Natural England

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Ecology

Provided the SRMP payment is secured from the applicant then I would raise no major concerns over this development proposal.

Developments that affect building roofs can affect bats, which are legally protected. Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The application site has a simple roof, with interlocking concrete tiles. Photos suggest this is in good condition with a well-mortared gable verge. As such, I would consider there to be no reasonable likelihood that bats would be present and affected and I would raise no specific concerns over this proposal.

I would nevertheless suggest an advisory note is added to the planning permission as follows:

- Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Mineral and Waste Consultation

No comments received.

Coastal and Drainage

No comments received.

Environmental Health

Further to the above application I can confirm there are no outright objections to the proposed development; however past measurement exercises carried out adjacent to this location indicates that it may be subjected to elevated levels of road traffic noise therefore if permission is considered appropriate I would recommend the following condition.

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

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

Contaminated Land Team

The application site is adjacent to a disused landfill and there are very few tests on adjacent land but historical testing*† has found variable soil concentrations in the wider area. Given the sensitive end use of the proposed development, the condition below is required

As a precaution, the house should have gas protection either by the addition of a gas proof membrane or by virtue of the building design. As part of the building process, the soil will need to be tested for geotechnical reasons and as part of this testing samples of the topsoil and subsoil must also be tested for standard contaminants to include heavy metals, metalloids, sulphates, Speciated Polycyclic Aromatic Hydrocarbons (PAH), asbestos presence, Soil Organic Matter, pH.

Environment Agency

No comments received.

REPRESENTATIONS

One letter of objection has been received from the neighbouring occupier. Their concerns are as follows:

1. Access is required to the rear garden for access to the flat- this is shown on Deeds.
2. 263a will lose rear garden.
3. Not enough space for garden.
4. Flooding.
5. Sky dish and boiler flue are located on the eastern side of the building.
6. deeds state that the roof of 263 cannot be altered.

COMMENT

The determining issues with the application are whether the principle of an additional dwelling house is acceptable. Also issues of the design of the proposed dwelling, the impact that it could potentially have on the amenity of the future occupiers and the amenity of the neighbouring occupiers need to be considered. Also whether the requirements of the Solent Special Protection Areas Supplementary Planning Document have been satisfactorily addressed and whether there would be any potential issues on Threatened Species and car/cycle parking and refuse storage.

Principle

Policy PCS19 of the Portsmouth Plan states that the provision of accommodation should meet the needs of families and larger households. Therefore developments should achieve a target of 40% family housing where appropriate. The proposed dwelling is a family sized property and this would help to maintain the housing delivery numbers in Portsmouth and meet the requirements of Policy PCS19.

The property is located within a residential location. Tangier Road is predominantly characterised by residential terraced properties with small front gardens. The application site is a plot of land which is adjacent to the end-of terrace property. The proposed dwelling house

would be similar in appearance to the neighbouring property and it would maintain the symmetrical design of two windows on the first floor with another window on the ground floor adjacent to the front door. It is therefore considered that this development would be acceptable given the context of the surrounding area.

Design

The applicant proposes to construct a two storey end of terrace property. It would have the same height and with a slightly smaller width than the adjoining property. It would be constructed of the same brick and stonework with a recessed front door and tall windows which is similar to the other properties within the terrace. It would have a front door, a small window and another large window on the ground floor. It would also have two windows on the first floor. The rear elevation would also have two windows on the first floor and a window and a door on the ground floor. There would also be two side windows on the ground and first floor of the eastern elevation.

The proposal benefits from a rear garden. The neighbouring occupier has objected stating that the proposal would cause the loss of the rear garden to their property (No 263 Tangier Road). The submitted plans show that the private open space for of 263 Tangier Road will be 31 square metres. No 263 Tangier Road would have an adequate private open space and whilst the proposal results in the reduction in the area, the amenity value of the private open space at the side of 263 is limited. The siting of the proposal is therefore considered to be an acceptable outcome.

The proposal has been designed in a way so that it is similar in appearance to the other terraces within the property and therefore the terrace would maintain its uniformity. It is therefore considered that the proposal would be acceptable in design terms and it would be an acceptable addition within the context of the surrounding area. In this instance it is not considered appropriate to remove any permitted development rights.

Flooding

Policy PCS12 of the Portsmouth Plan states that Flood risk assessments for development proposals in flood zones 2 & 3 will be required to form part of the planning application and must demonstrate that the development is safe, and will continue to be safe over the lifetime of the development.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest floor risk unless there are overriding reasons to prefer a different location.
- The development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

The submitted floor risk assessment states that the risk of flooding is a 'one-off' catastrophic 1:500 catastrophic event causing inundation from the sea, to a depth of up to 1.5m inside the building. The flood risk is tidal, therefore the maximum events predicted will only ever be at the 'top of the tide' and for the duration of approximately an hour before the level drops away. Event predictability is effective and accurate from a combination of tidal charts and weather predictions. Adequate warnings will be given of any likely flood events. It is therefore reasonable that the occupiers of the property will be able to make temporary protection measures, and remove valuable goods, and themselves for the duration of any flood event. Inundation of the

dwelling house will be progressive, allowing time for escape. During the event of flooding during the night time, the first floor will be above the inundation depth.

The applicant has also proposed the following protection measures:

1. Seal service entry connections.
2. Any service outlets to be 600mm above floor level.
3. All drain and service access covers to have locking covers and frames.

The submitted flood risk assessment sufficiently demonstrates that the proposed development is appropriately flood resilient and resistant, and includes safe access and escape routes and that the residual risk can be safely managed, including emergency planning. On this basis the proposal is considered to have satisfied the policy requirement.

Amenity on neighbouring occupiers

The proposed dwelling would have the same footprint as the neighbouring property, therefore it is not considered that the siting of the proposal would have a significant impact on the amenity of the neighbouring occupiers. There are no residential properties to the east of the property, therefore it is not considered that the proposed windows on the side elevation would have a significant impact in terms of overlooking and loss of privacy.

The number of proposed occupants within the dwellinghouse is unlikely to be different to the number of occupants within the properties in the surrounding terrace. Therefore it is not considered that the proposal dwelling house would have a significant impact on the amenity of the neighbouring occupiers in terms of noise and disturbance.

Housing Size

The proposed dwelling house would exceed the space standards in the nationally described space standards. The property would be laid out to allow all habitable rooms to benefit from an appropriate degree of light and outlook. Accordingly it is considered that the proposal would provide appropriate living conditions for future occupiers.

Parking

There is no off-street parking available. However it is considered that the on-street parking opposite the property would be adequate for the future occupiers.

Cycle/Bin Storage

The applicant has provided details of cycle and bin storage facilities located within the rear garden of the property. It is considered that these facilities would be adequate for the future occupiers of the properties.

Threatened Species

The Council's Ecologist has commented stating that developments that affect building roofs can affect bats, which are legally protected. Circular 06/2005 identifies that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that there may be affected by proposed development, is established before planning permission is granted.

The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The application site has a simple roof, with interlocking concrete tiles. Photos suggest this is in good condition with and a well-mortared gable verge. As such, the Ecologist considers there to be no reasonable likelihood that bats would be present and affected. Therefore no objection is raised. The proposal is not likely to adversely affect Threatened Species.

An informative would be included on the permission as a precautionary measure, to ensure that if there is evidence to suggest that bats are present then the development should sought further advice from Natural England and/or a professional ecologist.

Increased Recreation in the Special Protection Area

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations (and in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document), on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD as such, the scale of mitigation has been calculated as (1*£176) = £176. The provision of this mitigation will ensure that the proposal would not give rise to a significant effect on the SPAs and can be permitted.

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: 1642-101, 1642-303, 1642-102, 1642-103, 1642-502, 1642-402.
3. Prior to the first occupation of the property as a dwellinghouse, secure and weatherproof bicycle storage facilities shall be provided in accordance with a detailed scheme (to include materials, size, appearance and security) to be submitted to and approved in writing by the Local Planning Authority, The facilities thereafter shall be retained.
4. Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

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

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 appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
4. To protect the amenities of the future occupiers of the dwelling house, in accordance with PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

400 COPNOR ROAD PORTSMOUTH PO3 5EW

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

Application Submitted By:

Town Planning Experts
FAO Mr Jonathan McDermott

On behalf of:

Mr L Tiley

RDD: 8th August 2016

LDD: 4th October 2016

SUMMARY OF MAIN ISSUES

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

The site

This application relates to a two-storey end of terrace dwelling located on Copnor Road close to its intersections with Green Lane. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear. There is a car parking space located within the front courtyard and access to the rear garden plot via a roller shutter and dropped kerb.

The application site is situated within a short terrace of five properties fronting Copnor Road. On street parking is located on Green Lane and Lovett Road whilst no parking is permitted on Copnor Road due to its classification. The site is located in close proximity to a wide range of shops and services and is located 800m walk away from Hilsea Train Station and a few metres away from the nearest bus stop.

The Proposal

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

Planning History

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

POLICY CONTEXT

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

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

CONSULTATIONS

HMO Consultation Memo

No response received,

Private Sector Housing

No response received,

REPRESENTATIONS

At the time of writing, twenty-five letters of representation have been received from local residents objecting on the grounds of: (a) pressure on existing car parking, (b) insufficient family housing in the area (c) the notification/advertising process for this application is unacceptable (d) work has been started before granting permission (e) increase in noise and disturbance (f) increase in refuse (g) the development will have an impact on the elderly in their surrounding area. (h) increase in anti-social behaviour (i) granting permission would set an unfavourable precedent for future HMO Developments

The application is referred to the Planning Committee as a result of a call in request by Councillor Robert New.

COMMENT

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

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

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

Based on information held by the City Council, of the 39 properties within a 50 metre radius of the application site, one is thought to be in lawful use as a HMO. Therefore, as the granting of

planning permission would increase the proportion of HMOs to just 5.12%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

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

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

Whilst concerns are raised in respect of the personal circumstances of future occupiers, it should also be noted that this application must consider the desirability of the proposed use and not the future user/s. Stepping away from the planning merits of the proposal, having regard to the layout of the property across three floors, the City Council's Private Sector Housing Team highlight that if the property was occupied by five or more individuals, a mandatory licence would be required from the City Council. In addition to ensuring adequate size standards, sanitary facilities and fire safety, the licence would allow the City Council's Private Sector Housing Team to assist should the property not be managed in an appropriate manner.

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

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

The representations suggest that the granting of planning permission would set a precedent allowing further HMOs within the surrounding area. However, it should be noted that all planning

applications are determined on their individual merits having regard to the adopted planning policies that are relevant at the time of determination.

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

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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

Assistant Director of Culture & City Development
3rd October 2016

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