



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 23 AUGUST 2017 AT 1PM

EXECUTIVE MEETING ROOM, THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino, 023 9283 4060
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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Jim Fleming (Chair), Frank Jonas BEM (Vice-Chair), Jennie Brent, David Fuller, Colin Galloway, Steve Hastings, Lee Hunt, Hugh Mason, Robert New and Steve Pitt

Standing Deputies

Councillors Suzy Horton, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Steve Wemyss, 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 (e.g. 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 the previous meeting - 26 July 2017.** (Pages 5 - 10)
RECOMMENDED that the minutes of the meeting held on 26 July 2017 be approved as a correct record.

4 Updates on previous applications by the Assistant Director of Culture & City Development.

Planning Applications.

5 17/00228/FUL - Land north of Catherine House, Stanhope Road, Portsmouth (Pages 11 - 88)

Construction of part 10 & 12 storey building to form 152- bedroom hotel (Class C1) comprising 6816m² of floorspace (GEA), to provide car parking on ground floor accessed from Stanhope Road.

6 17/00571/FUL - 13, Empshott Road, Southsea PO4 8AT.

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

7 17/00656/PLAREG - 62, High Street, Portsmouth PO1 2LY.

Retrospective application for the construction of roof to cover existing bin storage area to rear elevation (resubmission of 16/01551/PLAREG).

8 17/00764/FUL - 56 Old Wymering Lane, Portsmouth PO6 3NL.

Change of use from dwelling house (Class C3) to 8 person 7-bedroom house in multiple occupation (sui generis).

9 17/00760/ADV - 81-83, Palmerston Road, Southsea PO5 3PP.

Display of various illuminated and non-illuminated signs to front and side elevation.

10 17/00835/FUL - 13 Martin Road, Portsmouth PO3 6JZ.

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

11 17/00843/FUL - Portsmouth High School For Girls Science Block, Cecil Grove, Southsea PO5 3BT.

Alterations to boundary wall to include part reduction of wall by approx. 1.5m and construction of new supporting piers.

12 17/00921/FUL - 264A/B Havant Road, Portsmouth PO6 1PA.

Construction of a first floor extension.

13 17/00994/FUL - 46, Burlington Road, Portsmouth PO2 0DP.

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

14 17/00997/FUL - 51 Ranelagh Road, Portsmouth PO2 8EZ.

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

15 17/01014/PLAREG - 110-114 Palmerston Road, Southsea PO5 3PT.

Retrospective application for installation of outward opening windows fronting Palmerston Road and Auckland Road West.

16 17/01059/FUL - 143 Queens Road, Portsmouth PO2 7LU.

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

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, 26 July 2017 at 1.00 pm in the The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Jim Fleming (Chair)
Frank Jonas BEM (Vice-Chair)
Jennie Brent
Colin Galloway
Steve Hastings
Lee Hunt
Hugh Mason
Robert New
Steve Pitt
Suzy Horton (Standing Deputy)

Welcome

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

Guildhall, Fire Procedure

The Chair, Councillor Fleming, 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.

89. Apologies (AI 1)

Councillor David Fuller sent his apologies and was represented by Councillor Suzy Horton as his Standing Deputy.

90. Declaration of Members' Interests (AI 2)

There were no pecuniary interests to declare.
(Councillors Frank Jonas and Lee Hunt took legal advice at the meeting regarding the BMX Pump Track item due to their involvement as council representatives and knowledge of earlier plans but would be keeping an open mind on the application before them.)

91. Minutes of previous meetings - 14 & 28 June 2017 (AI 3)

RESOLVED that the minutes of the Planning Committees held on 14th and 28th June 2017 were both approved as correct records and signed by the chairs of each meeting.

92. Updates on previous applications by the Assistant Director of Culture & City Development (AI 4)

There were no updates.

93. 16/02090/FUL - 122 Church Road Portsmouth PO1 1QE - Conversion to form 5 flats including construction of new mansard roof, ground floor rear extension and associated external alterations and cycle/refuse stores (Report item 1) (AI 5)

D King had requested to speak at the meeting (in support of the application) but was not present.

A deputation in support was made by Mr J McDermott as the agent on behalf of the applicant whose points included:

- The application was designed to meet policy requirements, including meeting/exceeding space standards
- The roof structure had been reduced from the previous design
- The design had a sequence of sympathetic features
- This met car parking standards
- There was minor impact on the streetscene to accommodate larger flats

Members' Questions

Members wished to know more about the exact internal layout, including access to other floors and to the rear yard, and how the roof design could be more acceptable.

Members' Comments

Due to the differing opinions on the roof design it was suggested that a deferral would allow further discussion to take place with the applicant regarding finding a solution on the roof design.

RESOLVED that a decision on this application be deferred, to allow further negotiations with the applicant.

94. 17/00228/FUL - Land North Of Catherine House Stanhope Road Portsmouth - Construction of part 10 & 12 storey building to form 152-bedroom hotel (Class C1) and additional basement level comprising 5176 sqm of floorspace (GEA), to provide car parking on basement/ground floors accessed from Stanhope Road (report item 2) (AI 6)

The City Development Manager's Supplementary Matters Report stated that the applicants had requested a deferral of the hotel application pending "...amendments to the scheme to reduce the parking which in turn will result in keeping the trees in Victoria Park". The item was therefore not considered on this agenda.

95. 17/00453/FUL - Catherine Booth House And Land To Rear 1 Aylward Street Portsmouth PO1 3PH - Construction of part 6-/part 5-/part 3 storey building to form student halls of residence (class C1) comprising 20 study bedrooms, caretakers flat and associated facilities; reconfiguration of rear of Catherine

Booth House to incorporate new entrance and associated management offices (report item 3) (AI 7)

The City Development Manager's Supplementary Matters reported the comments of the Council's Ecologist, stating:

"Following the submission of further Bat Survey Reports, the Council's Ecologist is satisfied that the proposal would not affect bats or their roosts which receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Whilst there was no evidence of bats emerging from the building and no further survey work or mitigation measures are required, an informative drawing the developers attention to the legal protection of bats and their roosts is suggested.

Recommendation unchanged (but Informative regarding Bats to be added)."

A deputation was made by Mr Elliott Vials, as the agent in support of the applicant, whose points included:

- The architectural merit of the application which would provide accommodation for the University of Portsmouth
- It had been designed to complement Catherine Booth House and there was a step down from 6 to 3 storeys
- It would provide 20 rooms for full time students with short commuting distances for them so it was a car free scheme

Members' Questions

These included questioning the suitability of this location and the need for student accommodation and possible loss of light to the John Pounds Centre and the flats opposite. The Assistant Director of Culture & City Development clarified that the supply and demand for student accommodation was not a reason for refusal and the Local Plan was silent on this but sustainable city policies encouraged short walking distances and the application site was located close to University of Portsmouth teaching buildings. The enforcement of the conditions relating to student use was also raised. It was reported that fire regulation aspects would be dealt with by Building Control, and private housing regarding the Housing Act safety requirements.

Members' Comments

It was noted that there had not been objections by ward councillors and this type of application was more popular than HMO applications in the community. The design was of a high standard and the rooms were good sizes.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the City Development Manager's recommendations:

- (1) That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the planning obligations (as listed fully in recommendation 1);**

- (2) That delegated authority be granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary.
- (3) That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

96. 17/00496/FUL - 106 Baffins Road Portsmouth PO3 6BQ - Change of use from purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) to 7 bedroom 8 person house in multiple occupation (Sui Generis) (report item 4) (AI 8)

A deputation was made by Mr J McDermott, as agent for the applicant, in support of the application, whose points included:

- This was to cater for young professionals so was high quality starter accommodation
- The comments of Private Sector Housing confirmed that this meets or exceeds their standards

Members' Questions

It was asked how the individual rooms were accessed and how the ensuite facilities were ventilated; it was reported that the main rooms have opening windows (there is also capacity for mechanical ventilation but how the building operates is a matter for Building Control). Regarding size of rooms the report should reflect that all the rooms exceeding the space standards. There was some discussion regarding the possibility for rooms to be double occupancy and if this would be a change of use. The re-implication of the cycle storage condition was explained.

Members' Comments

Members were mindful of the quality of the accommodation but that if there were later more occupants than applied for this was a matter for Private Sector Housing enforcement and hoped that there would be liaison between the council departments.

RESOLVED that conditional permission be granted, subject to the conditions (and recommendations A & B) within the City Development Manager's report:

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

(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 three weeks of the date of the resolution pursuant to Recommendation A.

97. 17/00574/FUL - Land South Of Hilsea Lido Hilsea Bastion Garden London Road Portsmouth - Installation of BMX pump track to land south of Hilsea Lido (report item 5) (AI 9)

There were no deputations.

Members' Questions

It was asked what previous leisure uses there had been at the site, which had previously had tennis courts, and if there would be hours of opening: it was reported that this was City Council land for which a company had been commissioned to provide this facility which did not have formal opening hours. The possible impact on the ramparts was raised and it was noted that the buildings were not in use. The need for permission for events was raised, and this would not come back to committee for approval but to the Local Planning Authority's officers to consider impact on the highways network.

Members' Comments

Members welcomed that application which they felt was for a central, accessible location for city BMX cyclists and a good investment for them using Section 106 developer contributions. This would help promote cycling and would link in with the new cycleway route close to the site.

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

98. 17/00701/FUL - Flat A 1 Whitwell Road Southsea PO4 0QP - Change of use from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (Report item 6) (AI 10)

The City Development Manager's Supplementary Matters Report gave additional information that:

"The applicant advises:

(a) Each flat has in its lease the right to park one motor vehicle on the forecourt. Contrary to the report however, parking spaces are not allocated.

(b) There is indication of the proposed method of storage for waste. My plans show this as does the supporting statement.

Page 65 of the Officers' report states: 'When producing the HMO Count Data, three of the four properties on the HMO list sent to councillors have been identified for checking ie they may not be occupied within Class C4.' This is an error. No additional properties have been brought to the attention of the LPA to investigate and there are no known HMOs inside the 50 metre radius."

A deputation was made by Mr A Walker, the applicant, in support of his application, whose points included:

- He circulated details of the waste storage facilities and internal pictures of the property
- There was one parking space provided for the flat, as part of the lease

Members' Questions

It was asked how big the rear bedroom was but there were no to scale plans available. The City Development Manager reported that this would need to be licensed so room sizes would be dealt with by Private Sector Housing and that for a

C4 proposal there was not the requirement to submit a floor plan. Internal partitions could be moved without the need for planning permission. It was also asked why this required an application; a submission had been made that needed determination.

There were no further comments.

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

99. Dates of future meetings (information item) (AI 11)

The dates of future meetings in 2017 were noted as:
23 August, 20 September, 18 October, 15 November and 13 December
(all Wednesdays at 1pm)

The meeting concluded at 3.00 pm.

Signed by the Chair of Planning
Councillor Jim Fleming

Agenda Item 5

PLANNING COMMITTEE 23 AUGUST 2017

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

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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LAND NORTH OF CATHERINE HOUSE STANHOPE ROAD PORTSMOUTH**CONSTRUCTION OF PART 10 & 12 STOREY BUILDING TO FORM 152-BEDROOM HOTEL (CLASS C1) COMPRISING 6816 SQM OF FLOORSPACE (GEA), TO PROVIDE CAR PARKING ON GROUND FLOOR ACCESSED FROM STANHOPE ROAD****Application Submitted By:**

Phil Salmon Planning Ltd

On behalf of:

CHG Property Developments Ltd

RDD: 13th February 2017**LDD:** 8th June 2017**SUMMARY OF MAIN ISSUES**

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a hotel, highways implications, impact on trees, design including the appropriateness for a tall building in this location and its impact on heritage assets, sustainable design and construction, and impact on residential amenity.

Site and surroundings

Covering an area of 0.125ha, the site is in a prominent gateway position into the city centre. It is located on the north side of 'Catherine House' (ex-Zurich House) and on the west side of Stanhope Road overlooking the junction between Stanhope Road, Unicorn Road, Edinburgh Road, and Bishop Crispian Way. It is 130m from the pedestrian precinct at Commercial Road, just 176m from the Portsmouth and Southsea Railway Station and Edinburgh Road bus interchange area only 60m away.

The site itself comprises of previously laid out car parking spaces that served Zurich House in its former use as offices, an area of landscaping accommodating a group of trees and an area of footway hardstanding that is currently part of the public highway but during works of construction next door is enclosed by security hoardings.

To the west, the site abuts Victoria Park and in recognition of its importance the park is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. It was first registered in 1984 and is Grade II listed; one of four park pedestrian entrances is situated immediately next to the application site. Victoria Park was laid out on the former glacis and adjacent open land of the Portsea ramparts. The park is a fine example of late 19th century municipal landscaping with belts of vegetation screening the park from surrounding roads and buildings. A collection of monuments were moved to the park from various sites around the city, including a miniature marble Chinese temple of 1899-1902 commemorating HMS Orlando. Victoria Park is one of only three registered parks and gardens in the city. It was planned and laid out in 1878 by Alexander Mackenzie, a garden designer of national significance in the mid/late Victorian period. The design of the park was influenced by picturesque principles which can be seen in the meandering layout of the paths, and the strong diagonal axis bisecting it.

The site is located within the City Centre, as defined by policy PCS4 of the Portsmouth Plan. It immediately adjoins and affects the setting of 'The Guildhall and Victoria Park' Conservation Area (No18). The conservation area comprises of three main parts, the civic quarter including the Guildhall and War Memorial, main university campus centred around Burnaby Road and Victoria Park. There is a considerable number of other nearby heritage assets but those assets in closest proximity to the application are identified below.

Listed Buildings - Grade II:

The former Connaught Drill Hall in Stanhope Road

*Cathedral Church of St John the Evangelist

The *Cathedral (1877-96) for the Roman Catholic Diocese of Portsmouth is in the 'French' gothic style with curved apse. The building has aesthetic value through its rich and impressive architectural detailing and historic value as the first catholic cathedral in the city. Although, separated by Bishop Crispian Way, Victoria Park extents the entire flank of the cathedral and is the key element in its southern setting. The Cathedral is largely screened from the park (and from open views of 'Catherine House' and the development site) by the park's railings, hedge, shrubbery and the intermittent tree cover along the length of its boundary.

Undesignated heritage assets on the list of locally important buildings:

13 Edinburgh Road - dated 1898, a prominent corner building with turret and short ogee shaped spire and decorative gable

Railway level crossing gate - a vestige of the old railway line that provided a service to HM Naval Base nearby to the north

There are also public utilities (electricity undertakings - low and high voltage cables) crossing the northernmost part of the application site as well as running parallel to and in close proximity to the common boundary that connect to the sub-station, a brick/tile pavilion, nearby in the Park.

Proposal

Planning permission is sought for a 152-bedroom hotel (Class C1). The applicants, CHG Developments, are described as having extensive experience of delivering 'Travelodge' hotels across the south of England. In a part 10 and 12-storey building of 6816 sqm of gross internal floorspace, the proposal would comprise of 8 floors (from second to ninth floor) each with 19 rooms providing one accessible room, nine family rooms, and nine double rooms. An elliptical tower forms the corner feature onto the junction of Edinburgh Road/Stanhope Road. An ancillary restaurant area would be provided at first floor level.

The application has been the subject of amendment, deleting a basement (parking) level.

As originally submitted, 51 car parking spaces were proposed over two levels, at basement and ground floors. It included 5 parking bays displaced from 'Catherine House', which were to serve the halls of residence (required by planning permission ref 15/00821/FUL). The part of the site for these 5 parking bays has now been excluded from the hotel application. Following deletion of the basement, 26 parking spaces are now proposed to serve the hotel all at ground level.

Vehicular access would be shared with 'Catherine House' in close proximity to the former entrance from Stanhope Road that served the previous surface parking area. A stopping up order would be required to close that part of the site forming the public highway (presently located behind the site security hoarding surrounding the site) at its northernmost end.

A service/loading bay would be provided on Stanhope Road.

Existing trees are located both within the site and immediately adjoining it, whose canopies extend across the boundary. The trees within the site are still required to be removed to facilitate the hotel building. The construction of basement level car parking required a retaining

structure up to the common boundary of Victoria Park. It would have needed the embankment to be excavated and existing established trees immediately abutting the north-east corner entrance of Victoria Park would have been lost. Amendment now ensures the trees are retained.

The boundary between the site and Victoria Park currently comprises of temporary hoardings in front of anti-climb weldmesh fencing. The original proposal for a traditional brick wall, with recessed panels, to be built along the boundary of the park has been amended to painted railings.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS11 (Employment Land), PCS4 (Portsmouth city centre), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation), PCS24 (Tall buildings),

Saved policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

Site-specific policy PCS11 (employment land) relates to the application (formerly part of Zurich House). PCS11 seeks to encourage economic growth by protecting sites for 'employment uses' (use class B1, B2 and B8) and also specifically identifies the Station Square and Station Street area as the location within the city centre where new office development will be expected to be delivered. It also sits within a policy context of PCS4 and related City Centre masterplan that sets out guidance for acceptable 'city centre' uses for the site, including ground floor retail, with offices, hotels and / or residential uses above. Conversion and extension to a halls of residence within Class C1 accepted the loss of offices at the former Zurich House.

Objective 3 of the Portsmouth Plan is sought to be achieved by "Providing tourist related facilities, including hotels, to support the visitor industry in the areas linked to the city's waterfront and maritime heritage" (para 2.13, p.15). Tourism South East data (2013) estimates the city has 9.2 million visitors each year with over 12,000 jobs supported by tourism. Portsmouth hotel supply data (March 2015) showed the city to be served by 35 hotels, with 1930 letting rooms. An 84-bedroom Premier Inn in the city centre has subsequently been opened in October 2015.

A report was commissioned into future hotel requirements in the city entitled Portsmouth Hotel Futures (2007) that has shown there is need for 12-15 new hotels in Portsmouth up until 2026 and followed by an additional report South Hampshire Hotel Futures (2010) covering the sub-region, identifying the M27/A27 corridor as a likely location for future hotel growth. An updated "Hotel Investment Prospectus" (2015) has no particular planning status but identifies hotel investment opportunities as including land adjoining 'Zurich House'.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 17 Core planning principles for decision making
- 19 Significant weight on the need to support economic growth through the planning system
- 32 Transport Statements and Assessments
- 34 Locate developments generating significant movement where need to travel minimised

- 35 Development designed for sustainable travel
- 56 Great importance to design and good design indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Local design review arrangements provide support to ensure high design standards
- 64 Refuse poor design that fails to improve the character and quality of an area
- 96 New development should minimise energy consumption
- 118 Principle should be applied to conserve and enhance biodiversity
- 120 Responsibility for a safe development where a site is affected by contamination
- 121 Site to be suitable for its new use taking account of ground conditions
- 123 Impacts of noise and air quality should be mitigated and managed
- 128 Applicants should describe the significance and potential impact on any heritage assets
- 129 Lpa's should assess significance of any heritage asset, including its setting
- 132 Great weight should be given to conservation of heritage assets
- 133 Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm
- 134 Less than substantial harm to heritage assets should be weighed against public benefits
- 135 Significance of non-designated heritage assets should be taken into account
- 139 Weight to non-designated heritage assets of archaeological interest (where significant)
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 204 Use of planning obligations and conditions to make development acceptable

The City Centre Masterplan SPD (January 2013) is a material planning consideration when determining planning applications on this site and (at pages 42-48) identifies 'Site 4 Stanhope Road west' as a 'significant gateway site' and states that there is an 'important opportunity to develop the site for a mix of city centre uses within a striking built form' and that 'A strong interface with Victoria Park must form part of the layout... Buildings must address and overlook the Park...'. The masterplan also provides guidance on general design principles on a range of issues, such as access points, key building elevations, active edges, storey heights, planting, materials, lighting and street furniture; the purpose of the design principles is to ensure that new development and public realm improvements are of the highest quality. Further assessment of this guidance will be made in the comments section of this report.

The Tall Buildings SPD (June 2012) is also a material consideration when determining this planning application. Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD identify a number of areas of opportunity for tall buildings within the city. The city centre is one of those areas identified as an 'area of opportunity' for tall buildings (defined as above 5 storeys and/or 20m in height). To facilitate and encourage the design of tall buildings of the highest quality the SPD also identifies criteria which any tall building should address. These are dealt with in the comments section of this report.

Other Supplementary Planning Documents (SPD) also provide relevant policy guidance:
 Parking Standards and Transport Assessments SPD (July 2014)
 Sustainable Design & Construction SPD (January 2013) and
 Reducing Crime Through Design SPD (March 2006)
 Achieving Employment and Skills Plans (July 2013).

CONSULTATIONS

Design Review Panel

Presented at pre-application stage, the panel acknowledged that some thought had gone in to this scheme and that a modest improvement on its earlier iteration had been achieved. Despite this, they considered the effort less sincere than it could have been and were disappointed by it overall.

It was noted that the scheme appeared to be a 'standard' Travelodge with the addition of an ellipse at one end. The panel discussed the architectural language of the scheme, and the unsatisfying results which its formulaic 'kit of parts' approach generated. The strictures imposed by the brief together with the scheme's failure to respond and adapt in a more bespoke fashion to site context and constraints (in particular the adjacent listed park) were perceived as a major shortcoming of the proposal. It was felt that insufficient adaptation of a 'standardised product' has generated an unimaginative design for a site which justifies and deserves better.

The proposal was also considered problematic in relation to other factors including its relationship to public realm. The size and scale of the entrance/front door was thought 'mean' and its location inappropriate and poorly justified. The absence of active frontage at ground floor level along Stanhope Road was also considered inappropriate for a city centre building of this scale. (The panel noted the relationship between this feature, and the location and quantum of parking which it was suggested the hotel operator required).

Responses provided in the presentation indicated that the development model for the scheme would not permit the relinquishing of some or all of the parking, and would thereby prevent enhancement of the scheme's relationship with the public realm. In light of this inflexibility, and its implications, the panel questioned whether this is the right site for this type of building. In addition, there was also a lack of clarity regarding the siting of the building in relation to the eastern boundary of the grade II listed park, and the subsequent impact on trees both within the site and park (where the AVR's did not provide detail or clarity in this regard). It was also suggested that the AVR's implied a building of greater refinement than would actually be the case.

The recommendation of the panel is that the proposal not supported in its current form.

Leisure/Arb Officer

The updated arboricultural advice that the trees within Victoria Park are to be retained is accepted and agreed (subject to impact assessment for any works within the root protection area, tree safeguarding measures etc.). Details of supplementary Arboricultural Impact Assessment and replacement for trees in Group 1 are awaited. Any further tree related comments will be reported at the meeting.

(10.04.17) As originally submitted, the proposal would have a major impact upon Victoria Park and the trees therein; it was recommended that it be refused.

In summary, the applicant's Arboricultural Consultant identifies most of the trees as being of importance within either the Victoria Park landscape or at the junction of Stanhope Rd/Bishop Crispian Way:

- Hornbeam (B) (Tree 1696) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape
- Bay Laurel I (Tree 1697) - a low graded tree of poor quality and small stature and low impact in the Park landscape
- Purple Plum I (Tree 1698) - a low graded tree of poor quality and small stature and low impact in the Park landscape
- Sycamore (B) (Tree 1699) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape
- Red Chestnut (B) (Tree 1701) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape
- London Planes & Ash (B/C) (Group 1) - a moderate graded grouping of young trees with merged crowns and whilst they lack individual merit collectively they have a value in the landscape on the corner of Stanhope Road.

Coastal And Drainage

The main concern with this application is groundwater, however, it appears to have been well considered.

Waste Management Service

No comments received.

Garden History Society

No comments received.

Southern Electric

No comments received.

Hampshire Fire & Rescue Service

HF&RS has considered the information provided and the following comments are made:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

Additional recommendations are offered by HF&RS on an advisory basis only (which do not form part of any current legal requirement) in relation to: Access for high reach appliances; water supplies; sprinklers; fire-fighting and the environment; and, timber-framed buildings. Guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2). Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN1-902790-32-4), are available for purchase from the FPA (www.thefpa.co.uk) and from Construction Industry Press (www.cip-books.com).

Southern Water

Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

However, the assessment indicates that the combined discharge from both foul and surface water cannot exceed 1.8 l/s. Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, SW would like the following condition to be attached to any permission:

"Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

SW suggest the following informative:

'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.'

The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Highways Contractor (Colas)

No comments received.

Environmental Health

No objection is raised to the proposed development. As there is no permanent residential accommodation associated with the development and it is not considered necessary to impose any requirements to mitigate road traffic noise upon guests as it is clearly in the interests of the applicant to ensure comfortable conditions for their customers, which they have confirmed within their Design and Access Statement.

In terms of noise impacts from the operation of the development the nearest residential dwellings are currently within student halls of residence at 'Catherine House', 'The Bishops House' in Bishop Crispian Way and 'Aggie Weston House' in Edinburgh Road.

The traffic statement indicates that increased traffic flows will be minimal, however at this stage there is little detail regarding any mechanical plant associated with the development.

In terms of air quality although the scale of the development and the associated underground car park indicates a potential requirement for an air quality assessment, the predicted traffic movements and the absence of any Air Quality Management Areas likely to be affected by the development, confirms that air quality is not a material consideration.

Therefore should permission be considered appropriate it is suggested the following condition be imposed to protect the amenity of nearby residents:

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

Contaminated Land Team

The supporting report is for a larger site including the former 'Zurich House' itself.

- Ground Investigation Report for Stanhope Road Land north of Catherine House. June 2015. GEA. J15094

This application comprises the northern quarter of the area investigated in this report. A later version of the report Issue #6 dated December 2015 for the Zurich House part of the site does include reference to sources omitted from this report such as the petroleum storage the location of Zurich House or the wholesale woollen merchants to the south of Zurich House.

The desk study and the updated site investigation reports with the final conceptual model should be submitted to ensure the sampling and assessment is complete for this northern end of the site. The standard conditions are therefore requested to ensure these submissions are made (where the reason for imposition is: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors).

Natural England

No comments received.

Ecology

No concerns raised that this development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. However you may wish to consult Natural England (NE) on this application.

You are encouraged to seek biodiversity enhancements for this proposal. While this is a highly urban location, buildings such as this offer good opportunities to incorporate simple, low-cost, unobtrusive features that benefit a range of bird species, particularly swifts and peregrine falcon.

Highways Engineer

Updated comments

A Technical note produced by Transport Seeds (dated 31st July 2017) has been reviewed and the following observations made, which should be considered alongside earlier representations. The technical note explains the intention to remove the previously proposed basement car park from the application and provide 26 parking spaces to serve the proposed development. Whilst the previously proposed quantum of parking intended to be provided for this development exceeded that required, it had previously been confirmed that 5 of the parking spaces proposed as a part of this development would be permanently allocated to the student accommodation provided in the adjoining St Catherine's House to replace that parking lost in creating the access

arrangement for this proposal. The technical note confirms the intention to retain these spaces for the use of 'Catherine House' and this should be secured by condition to be imposed on any consent.

Despite the revised proposals now only providing less than 50% of the originally intended parking provision, it remains satisfactory that the application site is located in a highly sustainable location, in close proximity to both rail and bus services with significant opportunity to manage the demand for travel associated with the use by private cars. The initial TS considered the proximity and availability of public car parks and reported in para 2.5.3 that 'Overall despite proposals to include an on-site car park there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand' and this view is accepted.

A dedicated loading bay is proposed to be provided off Stanhope Road for deliveries to the hotel. This should be reconfigured to provide a tapered entrance and exit. It should be noted that the use of any loading bay within the highway cannot be restricted for specific users rather this will be available to any vehicle making local deliveries. This will need to be controlled by traffic regulation order and a fee of £3000 should be secured through planning obligation to facilitate that. The location of this bay will require the relocation of both the advanced direction traffic sign and CCTV provision which will need to be reflected in the S278 agreement necessary for the implementation of these works.

Previous comments in respect of the travel plan are maintained and, in conclusion, no highway objection is raised to this application, subject to the following conditions/obligations:

- That a revised detail of the loading bay to provide a tapered entrance and exit be submitted to and approved by the local planning authority prior to the commencement of development with this to be implemented and retained prior to the occupation of the development, noting this will require both the relocation of the ADS sign and CCTV and a TRO to prevent indiscriminate parking in the loading bay;
- That a revised plan be submitted to and approved by the local planning authority prior to the commencement of development indicating 5 parking spaces on the ground floor be permanently allocated to the adjoin student accommodation and the mechanism for control of access to those reflecting the requirement for the retention of those spaces within the planning consent issued for that development; and
- The submission of a revised travel plan for approval by the LPA prior to occupation of the development determining a maximum driver mode share of 17.2%, specific interventions to be implemented in the event that this mode share is exceeded and removal of the space sharing mechanism during student change over periods with the adjoining student accommodation

A section 106 agreement will be required to secure £3000 funding of any TRO necessary in respect of the loading bay and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation.

(01.06.17) Initial comments stated: The Transport Statement (TS) submitted in support of this application has been reviewed and the following observations offered. The site is located immediately to the north of the old Zurich House building in part occupying a section of car park which would have been associated with that use and in part on land which is currently defined as public highway. This land is currently redundant not being required to provide parking associated with the student accommodation currently being provided in the Zurich House building. Whilst the local highway authority has no objection in principle to the stopping up of this part of the public highway, if highway rights on this land were to be rescinded control of the land would revert to the title holder.

The TS has been informed through pre-application consultation with the local highway authority and draws from that produced for the redevelopment of Zurich House updating that to reflect the impact of subsequent committed developments:

Given that the initial TS was found sound I am comfortable that this is a robust approach, I am satisfied that the application site is located in a highly sustainable location, in close proximity to both rail and bus services with significant opportunity to manage the demand for travel associated with the use by private case. Paragraph 4.1.3 of the TS determines that the proposal will increase traffic flows on the local road network in the am and pm peak periods by 4% and 3% respectively. This is likely to fall within the daily variation of traffic flow on these roads and consequently I do not believe to be a material consideration in the context of this application.

A dedicated loading bay is proposed to be provided off Stanhope Road for deliveries to the hotel. This should be reconfigured to provide a tapered entrance and exit. It should be noted that the use of any loading bay within the highway cannot be restricted for specific users rather this will be available to any vehicle making local deliveries.

The TS considers the proximity and availability of public car parks and reports in para 2.5.3 that 'Overall despite proposals to include an on-site car park there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand.'

Despite its central location and proximity to public car parks with over 2000 spaces available for overnight parking (para 5.1.3 refers), the application proposes 51 parking spaces to be provided on the lower and ground floors to be dedicated to the hotel. Of these, 4 spaces (two on each level) have been designed as 'accessible' spaces for dedicated use by Blue Badge Holders. The car park will also include provision for secure storage of up to 5 motorcycles and up to 10 bicycles. A parking accumulation assessment determines that in a worst case scenario the hotel will generate a demand for 52 parking spaces.

Vehicular access to these spaces will be from Stanhope Road and will share the same access arrangement as that serving Zurich House. The access arrangements require the loss of 5 parking spaces from the Zurich House basement car park with suggested management arrangements to accommodate overspill from the student halls at Zurich house within the hotel car park during student change over days. This is contrary to the specific advice given at the pre application stage vis:

'....5 spaces will be lost from those provided for the Zurich House development although 5 spaces will be reserved in the hotel car park to substitute for those during the student change over periods on the assumption that 15 of those spaces are only utilised to manage the student changeover demand. However the planning consent for the Zurich development requires the retention of those spaces to serve that development and it cannot be assumed that these are not required for that consented development outside of the changeover period. Even if they were reserving 5 spaces within the hotel parking provision for that use would reduce the hotel parking facilities and it is not clear where hotel guests would park during those periods. Any proposal should demonstrate how those lost spaces are reprovided and retained solely for the Zurich house development as part of the application.'

Given the finding in para 2.5.3 of the TS reported above it is clear that the quantum of parking to be provided on site for the hotel is not necessary with there being '..more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand' and 5 of those spaces at the ground floor level should be permanently allocated to the student accommodation to replace those lost in the creation of the proposed access arrangements.

An outline Travel Plan is included in Appendix D to the TS, which sets out measures that will be promoted and identifies a preliminary interim modal share target. It is suggested that maximum modal share targets can only be established after an initial baseline survey has been undertaken although such modal share assumptions are made in the determination of the traffic generation likely to arise from the development. This level of traffic generation ie drivers 34.4% should be assumed as a maximum tolerance with specific further interventions identified and to be implemented in the event that this modal share is exceeded. The Travel Plan refers to a mechanism to make 5 parking spaces available to the adjoining student accommodation during

change over periods although as discussed above this is not an acceptable approach and those spaces need to be retained for that use at all times.

In conclusion, no highway objection is raised to this application subject to the following conditions:

- * That a revised detail of the loading bay to provide a tapered entrance and exit be submitted to and approved by the local planning authority prior to the commencement of development;
- * That a revised plan be submitted to and approved by the local planning authority prior to the commencement of development indicating 5 parking spaces on the ground floor be permanently allocated to the adjoin student accommodation and the mechanism for control of access to those reflecting the requirement for the retention of those spaces within the planning consent issued for that development; and
- * The submission of a revised Travel Plan for approval by the LPA prior to occupation of the development determining a maximum driver mode share of 34.4%, specific interventions to be implemented in the event that this mode share is exceeded and removal of the space sharing mechanism during student change over periods with the adjoining student accommodation.

A section 106 agreement will be required to secure funding of any TRO necessary in respect of the loading and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation.

REPRESENTATIONS

The Portsmouth Society object to this application, commenting "We are pleased to see that the applicant has significantly amended their design following pre-application discussions and have interpreted the curvature of Stanhope Road and Zurich House with a bold elliptical corner stack. As well as following the soft round edges of Zurich House the proposed main entrance stack has significant amounts of glazing. However the two long sides of the proposed hotel are unfortunately prison-like in their lack of fenestration. The ratio of wall to window is significantly over-stated. This results in facades which are disappointing from the outside and depressing for the occupants inside. The views over the park in particular could provide residents with a good and lasting impression of Portsmouth. Instead they are encouraged to be inward looking. Enlarging the windows would be a simple but very significant improvement resulting in a clean and airy design, attractive both to Portsmouth and for Travelodge and their customers. Also could some variation in colour be made to the cladding which appears rather bland and can it be confirmed that the materials used will not weather and fade in our maritime climate."

A total of four representations have also been received in support of the hotel and includes a very detailed letter written by 'Travelodge' who would be looking to take a 25-year lease on the development commenting on their business as low cost hotel operators, site selection, the regeneration opportunities, employment (10 full-time and 22 part-time staff that equates to 21 full time equivalent jobs), expenditure in the local economy (higher than full service hotels), approach to design, car parking provision and conclusions that amongst other things describes a hope to open in late 2018.

The other support comments include: hotel will provide affordable central town accommodation; significant short-term and moderate long-term employment opportunities; although not to everyone's liking the development is better than a hoarded site with risk to fly-tipping and vandalism; address an apparent over focus on Gunwharf; the design makes provision for on-site parking; and, regeneration is to be encouraged.

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a hotel, highways implications, impact on trees, design including the

appropriateness for a tall building in this location and its impact on heritage assets, sustainable design and construction, and impact on residential amenity.

Principle of a hotel

A hotel is a 'town centre' use. Under 'Other town centre uses' policy PCS4 identifies a need for an additional 12 to 15 hotels in the city and defines the city centre as nine localities including 'Station Square and Station' where "Hotels will also be suitable in this locality in order to exploit its particularly high accessibility...".

The City Centre masterplan SPD includes the application site, as 'Site 4'. The masterplan identifies a key opportunity for the enhancement of the relationship between buildings on Stanhope Road and the eastern flank of Victoria Park. Buildings must address and overlook Victoria Park and create a strong interface with it. The SPD considers a need to separate this site from the neighbouring Zurich building (for servicing) and must respond to the landmark qualities of the Zurich building, given the site's prominent corner location and to make a positive contribution to the skyline of Portsmouth.

The proposed hotel would be separated from 'Catherine House'; there would be a gap of around 23m between them, to maintain servicing. The hotel includes an elliptical tower to make a feature of its prominent corner location. The design is examined further in this report although a shortcoming of the overall scheme would be a lack of an active ground floor that could have offered a potentially more positive contribution to the vitality and viability of this part of the city centre. Ground floor parking is proposed to be obscured and animated by 'glazed shopfronts' (forming a series of Travelodge signage panels) with timber louvred panels above/either side of the glazed screens and tensile fabric awnings over. The applicants comment that they did consider the desirability of an active ground floor but hold the view it would be to the detriment of achieving a viable and workable hotel business plan, discounting it in favour of maximising on-site guest parking.

Highways implications

The original and updated views of the Highways Authority are set out in full in the Consultation section of the report. It agrees with the applicant's original Transport Statement (TS) that despite on-site car parking there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand. The Highways Authority did not, however, accept that 5 parking spaces displaced from the halls of residence site next door are simply given over for the period of move in/move out at the start and finish of the academic year. The part of the site covering these spaces has since been excluded from the application. An updated technical note has been received and reviewed by Highways Authority.

If approved, the Highways Authority require revision to the details of the loading bay to provide a tapered entrance/exit and its implementation through a section 278 agreement. A section 106 agreement would be required to secure funding of any TRO necessary in respect of the loading bay and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation.

Impact on trees

Existing trees are located both within the site and immediately adjoining it, whose canopies extend across the boundary. The applicant's arboricultural assessment identifies most of the trees as being of importance within either the Victoria Park landscape or at the junction of Stanhope Rd and Bishop Crispian Way:

- Hornbeam (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1696)
- Bay Laurel I - a low graded tree of poor quality and small stature and low impact in the Park landscape (Tree 1697)

- Purple Plum I - a low graded tree of poor quality and small stature and low impact in the Park landscape (Tree 1698)
- Sycamore (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1699)
- Red Chestnut (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1701)
- Group 1 - London Planes & Ash (B/C) - a moderate graded grouping of young trees with merged crowns and whilst they lack individual merit collectively they have a value in the landscape on the corner of Stanhope Road.

Trees within the site (Group 1) require removal to facilitate the hotel building. The loss of trees on the application site itself, outside of the listed park/conservation area, would be regrettable but somewhat inevitable if the opportunity and efficient use of the site for this or any other quality development is to be realised. Although mitigation of such loss by replacement tree planting proximate to the application site would be sought, it is impractical due to underground services.

As originally submitted, construction of basement/ground floor level car parking included a retaining structure up to the common boundary of Victoria Park. Existing ground level variations within the site reflect the old railway embankment on the western site boundary, which falls significantly. Trees outside of the site but along the boundary in Victoria Park will inevitably have spread their roots within the embankment. To provide two floors of parking for 51 cars, the embankment would need to be excavated and existing established trees close to the north-east corner entrance of Victoria Park would be lost. The loss would be contrary to policy PCS13 requiring development is informed and influenced by the presence of trees.

A traditional brick wall, with recessed panels, was proposed to be built up to the boundary of the park for a length of over 40m. This would have been in stark contrast and a discordant feature compared to existing railings (or other anti-climb fencing) softened by tree and other planting that characterises the perimeter of the park and this part of the conservation area. The wall has since been amended to railings.

As amended, the basement has been deleted and the trees are to be retained. The contribution of the trees to the park's setting has a bearing not only on its arboricultural but also on its heritage significance. The proposed amendments designed to prevent the loss of trees within the listed park are considered essential to preserving the setting of the park and conservation area.

Design/tall buildings/impact on heritage assets

Policies PCS4 (Portsmouth city centre), PCS23 (design and conservation) and PCS24 (Tall buildings) seek well designed and respectful development of architectural excellence, to create a city centre that Portsmouth can be proud of and, in the case of tall buildings, designs that are positive and elegant, well-proportioned and neither bulky nor over dominant. Any proposed development of the application site must have regard to the setting of various listed buildings including the nearby Cathedral and former TA centre, the setting of 'The Guildhall and Victoria Park' Conservation Area and the setting of the (listed) Victoria Park. The proposed building of 12-storesys also requires tall buildings assessment.

Unfortunately, neither the details of the tall buildings assessment nor the heritage assessment were particularly well crafted; an updated Heritage Assessment has, however, been provided that now represents a more considered and credible appraisal.

At the early stages of design development an understanding of the higher architectural quality of building required for this gateway location and sensitive location to relate sympathetically with the listed park and other heritage assets as well as the neighbouring site was absent. The relationship to 'Catherine House' would be of significance but given the gateway position, so too is the street, junction elevations and the relationship to the Park. In response, the design of the

scheme was reviewed, increasing the height of the building in relation to 'Catherine House' and introduction of an elliptical shaped tower to respect the curvature to the road and its gateway junction. The underwhelming entrance to the hotel was still weak and design solution still not considered to make the most of views over the park in terms of orientation and inclusion of bedrooms within the tower. The significance of retaining existing trees at the north-east entrance into Victoria Park and the lack of an active street frontage onto Stanhope Road effects achieving a suitable design quality.

The proposal was presented to the Design Review Panel at pre-application stage (see Consultations section of this report). Following pre-application advice and Design Review Panel comments the Design & Access Statement describes "a full analysis of the scheme has taken place and the proposal has been redesigned to address the issues raised. The scheme consists of an elliptical shaped glazed tower located on the corner of Stanhope Road Unicorn Road and Edinburgh Road being 12 stories high, with the main bedroom block to the south of the tower back towards Zurich House, being reduced in height by two storeys."

The tenth floor is dedicated to plant, with access to roof-mounted photovoltaic panels screened by a perimeter wall. A ladder access would be provided to the eleventh (top) floor roofspace. The structural design of building would be of reinforced concrete to the basement and ground floor with a steel frame to all of the upper floors and ribdeck concrete floors (where internal walls would be formed of non-loadbearing metal studwork). The elliptical tower would be clad in curtain walling with faceted glass panels of varying widths and tints. The elevations would comprise of a combination of stone composite cladding and aluminium panels with staggered windows. The main entrance would provide lobby/lift access to the first floor reception that is now designed as a two-storey height of curtain walling with sliding glazed entrance doors and glazing at first floor from the lounge seating. The stone composite cladding would continue through into the entrance lobby. Aluminium clad columns are proposed to rise two-storeys. In terms of its siting, the elliptical tower would be located within approximately 2m of the Park boundary (at its very north-eastern point) whilst the main body of the building would be set back up to 14m from the Park boundary, broadly aligning with the ex-Zurich building. The footprint of the hotel would then 'curve in' towards the Park boundary (to a minimum distance of circa 3m).

The site is located in an 'area of opportunity' for tall buildings. In terms of its height, at 48.6m AOD (to fascia level of the elliptical tower) this would compare with 56.2m height of 'Catherine House' (next door, to the south-east), which is clearly a tall building in close proximity. It would be considered to reinforce the "cluster" of tall buildings that already exists with other buildings framing Victoria Park (the Guildhall, Civic Offices, Cathedral and UoP Park Building) and nearby at No8 Surrey Street (170m to the south-east, under construction). This cluster characteristic is recognised in the Tall Buildings SPD as one of the reasons for encouraging tall buildings in the city centre. A pre-requisite for any tall building is that the design must be excellent and in the case of this particular site the setting of heritage assets (listed buildings, conservation area and listed Park) should be appropriate.

Concern has been expressed from the Panel and the Portsmouth Society that the design falls short of being good enough for this prominent and sensitive city centre site and both question its relationship to the Park. In general, the contemporary hotel building is considered well enough designed and the (faceted) elliptical tower, with double-height entrance, an adequate feature to mark the prominent corner junction notwithstanding the absence of an active ground floor. As originally submitted, the proposal failed to be informed and influenced by the presence of trees and their unacceptable loss resulted in a poor relationship to and resulting harm on the setting of the (listed) Park/conservation area. Subsequent amendment is considered to have satisfactorily resolved this failing, provided planning conditions require proper safeguarding of the trees during any works of construction at the site and any works within the root protection area of the trees are undertaken to a suitable specification (and thereafter retained).

Particular obligations fall upon the council in determining any application which affects a listed building or its setting or within/setting of a conservation area. The Town & Country Planning

(Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

The applicant's (updated) heritage assessment considers that the value of Victoria Park or any of the other heritage assets would not suffer material harm commenting "The quality of the design of the proposed development may be valued now and in the future and the long-term consequences have been demonstrated to be benign." Furthermore, it states: "It is recognised in local planning policy, that the application site is a suitable location for a tall building. The innovative and attractive design of the proposed development would ensure a suitable termination to the northern end of the former Zurich site that would not harm the significance of the heritage assets that are the nearby listed buildings (both statutory and locally). In terms of the impact on Victoria Park and the wider conservation area, it is considered the development as proposed, taken as a whole, would at least preserve and, arguably, enhance the character and appearance. The proposed boundary treatment to the park is, of course, of importance and therefore the detailed design of the proposed wall could be the subject of an appropriate planning condition in order to ensure a sympathetic context with the park. Clearly in time the proposed planting would ensure this wall would merge into the greenery and create a suitably sympathetic boundary treatment. In respect of the tree removal and replacement it is not considered that this would cause long-term harm, whether that be substantial or less than substantial, to the significance of the heritage assets that are the conservation area and historic park. However, if the view is taken that the harm caused would be less than substantial, there are certainly public benefits (Paragraph 134 of the NPPF) that would result from the proposed development. These public benefits are set out in the already submitted planning and heritage statement."

The construction of basement car parking up to the common boundary of the Park would have resulted in the loss of existing trees in close proximity to its north-east entrance, contrary to policy PCS13. New development should be informed and influenced by the presence of trees and should protect and enhance the city's natural and cultural heritage. 'Victoria Park' is a very important green infrastructure asset and heritage asset; it is also a component part of 'Guildhall & Victoria Park' Conservation Area (No18).

Despite an aim to respect fully the heritage importance and characteristics of Victoria Park the applicant's initial heritage assessment that concluded the impact to the park by the loss of trees would be mitigated and through replacement tree planting elsewhere in the park would enhance its landscape quality was not considered credible and could not be accepted. The existing trees near the north-east park entrance contribute positively to the park's character and amenity. They possess value as existing and familiar elements of the parkscape and their presence contributes to the significance of both the park and conservation area. If the proposed development was permitted and the trees felled, the character of this part of the park would be fundamentally altered. The erection of a solid brick wall would clearly contrast this section of the

boundary treatment with the rest of the park, be more visually prominent and 'harden' the park boundary near the north-east entrance, harmful to the significance of the asset.

The height, massing and overall scale of the proposed hotel would give it a major presence and impact within the setting of the park/conservation area. Retention of the existing trees would contribute to softening of the development from within the park and the loss of existing trees represents a less respectful and unsympathetic erosion of its setting and introduction of a hard urban edge.

The significance and impact of the loss of the existing trees within the park and conservation area are considered to be very high. The most appropriate design solution required the existing terracing supporting the root protection area of the existing trees to be avoided, to enable their retention.

The applicant had provided an updated heritage assessment. This was considered and the range of assets considered appropriate and proportionate to the scheme. Where the applicant made a judgment on an asset's significance (and/or contribution of setting to that significance) it has, however, tended to downplay its importance. Officers have made an assessment of the assets which 'grades' their significance according to a hierarchy, identifying nearly all of the assets as of high importance. A similar assessment has also been undertaken on the impact (harm) of the proposal on the setting of each asset.

When considered in overview, the findings were that the proposal would cause harm (of varying degrees) to the setting of all of the assessed assets where the impact of the scheme would be greatest on the grade II registered Victoria Park. Despite the appreciable individual and cumulative levels of harm that have been attributed to the scheme (none of which have been identified as substantial in their own right) and in a city centre location appropriate for a tall building make an, on balance, opinion of 'less than substantial' harm for the scheme overall.

As already identified, para 134 of the NPPF states "Where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." The applicant's describe the public benefits as follows:

- The application site is a genuine brown field opportunity to regenerate a city centre site asset that has been boarded up for many years;
- The development site serves as a continuation of the regeneration of Stanhope Road kick-started by the change of use of Zurich House (now 'Catherine House');
- The hotel use would draw people through an area of the city centre that now suffers from a number of vacant commercial properties, and would therefore enhance the opportunity for shops premises to become more marketable.
- The hotel use would create a significant number of jobs;
- The hotel would provide for a significant number of bed spaces the need for which has been identified both locally and sub-regionally in the greater Portsmouth / south Hampshire area;
- Whilst the scheme would have an impact on existing trees adjoining the site within Victoria Park; the scheme provides for a direct contribution towards further enhancement of the listed public space and its associated landscaping;
- The proposed design would result in a landmark building feature that would provide further townscape definition to Unicorn Road, Stanhope Road and Edinburgh Road, within the heart of the City Centre;
- A key market for the hotel comprises of visitors to the city linked to Portsmouth University events and student change over periods. There is a direct relationship between the hotel and 'Catherine House' in this regard, and would serve to enhance further education facilities offered by the city; and,
- The scheme would be delivered quickly with a genuine design-based and economic benefit being achieved within 18 months from permission being granted. This would represent an important investment injection to the local economy.

Basement parking has been deleted, existing trees in the park are now to be retained and railings are to form a boundary enclosure similar to others around the park. As amended, the less than substantial harm to the setting of heritage assets is now considered to be outweighed by public benefits of the hotel proposal.

Impact on residential amenity

The nearest dwellings are located 20m from the application site on the upper floors of No13 Edinburgh Road; their outlook onto a parking area and park beyond to a hotel will markedly change but the proposal is not considered to give rise to any significant impact on the amenities of the occupiers of the nearest residential properties. In the consultation comments from Environmental Health a condition is recommended be imposed to deal with noise from any plant or equipment. In addition, details of any kitchen extract ventilation system serving the hotel is also considered necessary to avoid excessive nuisance from cooking odours and fumes.

Sustainable design and construction

Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change in Portsmouth by achieving (a) at least BREEAM 'Excellent' and (b) to use Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions by 10%, as part of the selection of measures to meet the overall BREEAM level. The Sustainable Design & Construction SPD encourages BREEAM pre-assessment. The applicant's Design & Access Statement recognises the policy requirements and although no pre-assessment has been produced in support of the application the following information provides some indication of how BREEAM 'Excellent' with 10% LZC energy technologies would be intended.

"The proposed development has been designed to minimise operational carbon emissions. Savings are delivered through Energy efficiency and sustainable measures and secondly through the incorporation of energy efficient technology.

- Use of prefabricated bathroom pods
- Minimum water storage
- Improve U-values of the external envelope
- Improve air tightness
- Use of low energy compact fluorescent light fittings
- Use of high frequency lighting controls
- Microwave detector control of corridor lighting and PIR control for back of house lighting
- Fitting spray taps with flow restriction
- Aerated shower heads
- Installation of dual flush toilets

The hotel rooms and public areas have air conditioning which incorporate an air source heat pump within each condensers which will achieve an energy saving of 26% due to Low and Zero Carbon Technologies (LZCT). Solar panels are proposed to be located on the roof."

Planning conditions would be necessary requiring pre-construction assessment and post-construction certification, to demonstrate BREEAM 'excellent' including 10% LZC technologies from the selection criteria to comply with policy PCS15.

Conclusions

The use of the site for a hotel is appropriate to the city centre location. The proposal raises no significant highway impact, subject to planning obligations identified by the Highways Authority. The height, massing and scale of the proposal in a prominent gateway position into the city centre would give it a major presence and the 10/12-storey building is considered well enough designed to make a townscape contribution to Stanhope Road. Such a large building would have a very significant impact on heritage assets including the listed park/conservation area (to

the west). Important amendments now delete basement parking, existing trees in the park are to be retained and boundary enclosure to be railings similar to others around the park. As amended, the less than substantial harm to the setting of heritage assets is now considered to be outweighed by public benefits of the hotel development, to accord with national and local planning policy, subject to planning obligations to secure:

- 1 Prepare, implement and monitor a revised Travel Plan for approval by the LPA prior to occupation of the hotel development determining a maximum driver mode share of 17.2%, specific interventions to be implemented in the event that this mode share is exceeded and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation, payable upon implementation of planning permission;
- 2 Funding of £3000 for any Traffic Regulation Order necessary in respect of the loading bay payable upon implementation of planning permission or upon commencing work on the TRO (whichever is the sooner);
- 3 The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people) before development commences;
- 4 The payment of a Project Management Fee (for item 3) upon implementation of planning permission.

RECOMMENDATION I That delegated authority be granted to the Assistant Director of Culture & City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure planning obligations with principal terms as outlined in the report;

RECOMMENDATION II That delegated authority be granted to the Assistant Director of Culture & City Development to add/amend conditions where necessary.

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

Conditions

- 2) 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 - TLPM_LP-C;

Site Plan - TLPM_01D;

Proposed Ground Floor Plan - TLPM_03C;

Proposed 1st & 2nd Floor Plans - TLPM_04A;

Proposed 3rd & 4th Floor Plans - TLPM_05A;

Proposed 5th & 6th Floor Plans - TLPM_06A;

Proposed 7th & 8th Floor Plans - TLPM_07A;

Proposed 9th & 10th Floor Plans - TLPM_08A;

Proposed 11th Floor Plan - TLPM_09;

Proposed Boundary fence - TLPM_15A;

Proposed East Elevation - TLPM_16C;

Proposed North Elevation - TLPM_17B;

Proposed West Elevation - TLPM_18C;

Proposed South Elevation - TLPM_19A;

Proposed Section-A - TLPM_20B;

Proposed car park screening - TLPM_21;

Proposed Part North Elevation - TLPM_22; and,
Proposed Entrance Lobby - TLPM_23.

3) No development shall take place at the site until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
- c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3I that any remediation scheme required and approved under the provisions of conditions 3I has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

5) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 03, which evidence shall in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

6) Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

7) No development shall commence on site until a scheme for the safeguarding of all trees not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

8) Details of the external architectural lighting effects (during the hours of darkness), including details of the siting and appearance of any luminaires, shall be submitted to and approved in writing by the Local Planning Authority; the architectural lighting shall be carried out as an integral part of the development and shall thereafter be retained.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or other enactment modifying or revoking that Order, no structure or plant or apparatus shall be externally mounted on the building and roof including any works permitted by Part 16 of Schedule 2 of that Order (with the exception of the photovoltaic panels shown on the approved Tenth Floor Roof Plan and the mast feature shown on the approved Tower Roof Plan) without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

10) No development shall take place at the site until there has been submitted to and approved in writing by the local planning authority:-

(a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality;

and following the substantial completion of the building shell:-

(b) A report to assess the impact that the proposed development may have upon television and radio equipment signals in the locality; and, unless otherwise agreed in writing by the Local Planning Authority:-

I A detailed scheme for a scheme for the mitigation of any significant adverse effects upon TV/radio reception created by the building.

Such measures as may be approved shall be implemented within 2 months of the approval of details, or within any other period of time approved in writing by the Local Planning Authority, and thereafter retained.

11) Prior to the first use of the hotel secure/weatherproof cycle storage facilities in the ground floor position as shown on Site Plan TLPM_01D shall be provided and made available for use in accordance with a detailed scheme for both long-stay (staff) and short-stay (visitor) cycle storage provision that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and such approved secure/weatherproof cycle storage facilities shall thereafter be retained for those purposes at all times.

12) Prior to the first use of the hotel the proposed facilities for the storage of refuse and recyclable materials shall be provided and made available for use in the position shown on Ground Floor Plan TLPM_03C; and the facilities for the storage of refuse and recyclable materials shall thereafter be retained for those purposes at all times.

13) Before any cooking process is undertaken on the premises, an extract ventilation system incorporating measures to suppress odours and fumes shall have been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The approved extraction system shall be operated and retained in such a manner to effectively suppress the emissions of fumes or smell for as long as the restaurant use continues.

14) Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to and approved in writing by the local authority. On approval, the scheme shall be implemented and thereafter maintained. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented and thereafter retained.

15) No development shall take place at the site until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The hotel shall not be brought into use until the drainage works have been carried out in accordance with the approved scheme and timetable.

16) No development shall take place at the site until a scheme for biodiversity enhancement shall have been submitted to and approved in writing by the Local Planning Authority; and the approved biodiversity enhancement shall be implemented in full out before the hotel is first brought into use. A verification report shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that the biodiversity enhancements have been implemented in full. The approved biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

17) (a) No development shall take place until revised details have been submitted to and approved in writing by the Local Planning Authority relating to the loading bay to provide a kerbed layby with tapered entrance and exit; and,
(b) the highway works under (a) shall be laid out and constructed in accordance with the approved details and the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of the hotel.

18) Prior to the first use of the hotel the proposed railings/brick piers and (in part) low brick plinth, shall be constructed in accordance with the details shown on Boundary Fence Detail TLPM_15A and on the alignment shown on Site Plan TLPM_01D and colour finished in black; and the boundary railings shall thereafter be retained in such condition.

The reasons for the conditions are:

- 2) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 7) To ensure that trees immediately adjoining the site and within the (listed) Victoria Park are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the features of the listed park and the setting of the 'Guildhall and Victoria Park' Conservation Area, in accordance with policies PCS13 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) In order to secure the highest design quality for a building in this important and sensitive location over 24 hours (rather than daytime only) in a very visually prominent position and its

impact on heritage assets, to accord with policies PCS4, PCS23 and PCS24 of the Portsmouth Plan.

9) To ensure the skyline and 'clean lines' of this building remain free of visual clutter, to accord with policy PCS23 and PCS24 of the Portsmouth Plan.

10) To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, to accord with Policy PCS23 of the Portsmouth Plan.

11) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS17 of the Portsmouth Plan.

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

13) To prevent nuisance from excessive cooking odours or fumes and ensure a quality design solution for any extraction system, having regard to this important gateway site and sensitive location in relation to an array of heritage assets, amongst others, Victoria Park, the character and appearance of the 'Guildhall and Victoria Park' Conservation Area and the setting of the adjacent listed buildings, in the interests of visual amenity in accordance with policies PCS4, PCS23 and PCS24 of the Portsmouth Plan.

14) To protect neighbouring uses from excessive noise, in accordance with policy PCS23 of the Portsmouth Plan.

15) To reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

16) To enhance biodiversity value of the development site, in accordance with policy PCS13 of the Portsmouth Plan.

17) In the interests of maintaining a safe and efficient highway network, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

18) In the interests of amenity and to preserve the setting of the listed park and the setting of the 'Guildhall and Victoria Park' Conservation Area, in accordance with policies PCS13 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

PRO-ACTIVITY STATEMENT

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

13 EMPSHOTT ROAD SOUTHSEA PO4 8AT**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Mr Enrique Granell Mena

On behalf of:

Mr Enrique Granell Mena

RDD: 3rd April 2017**LDD:** 5th June 2017**SUMMARY OF MAIN ISSUES**

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

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the north side of Empshott Road. The property benefits from a small front forecourt and enclosed rear garden.

Proposal

The applicant seeks permission for a change of use from house in multiple occupation (Class C4) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

Planning history

There is no relevant planning history for this site.

POLICY CONTEXT

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

CONSULTATIONS

None.

REPRESENTATIONS

One representation has been received (with Deputation request) raising objection on the grounds of increased parking pressure in the area and the knock-on effect of businesses using the road to park will make matters worse.

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 material 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 applicant has indicated that the property has been lawfully occupied as a Class C4 HMO since 1st November 2011 and has submitted evidence in the form of:

(a) Tenancy agreements from September 2012 till present indicating the property has been occupied by at least three persons;

(b) The property has been registered on council tax as student discounted since September 2007 to present (although names and number of occupiers not available);

I The managing agents have provided the names, contact details and guarantors of four students who occupied the property from September 2011 to August 2012;

(d) Signed statement from the management company Beals indicating the property has been occupied by four unrelated persons from September 2011 to August 2012 (not a statutory deceleration and no legal weight given); and,

I A breakdown of rental payments made from October 2011 to present day from four unrelated persons to the former owner.

It is considered that on the balance of probabilities and based on the evidence submitted for consideration that the property has a lawful use as a Class C4 HMO.

Policy PCS20 (Houses in multiple occupation (HMOs): ensuring mixed and balanced communities) of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. This is supported by the guidance within the National Planning Policy Framework which seeks to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'.

Notwithstanding the provisions of the policies detailed above, it is, however, considered that by virtue of the property's current lawful use as a Class C4 HMO, the introduction of a level of flexibility that would enable an interchange between Class C3 and C4 uses would not result in an overall change to the balance of uses in the context of the surrounding area. It is therefore considered that this application would be capable of support.

Having regard to the current lawful use, it is also considered that the use of the property either as a HMO by up to six persons or the occupation of the property as a dwellinghouse (Class C3) would not significantly alter the living conditions of the occupiers of neighbouring properties or put significant increased pressure on local facilities.

The application site does not benefit from off-street parking and no additional parking is proposed as part of this application (the constraints of the site are such that none can be provided). Given that the site is located within a short walk of the city centre and the Pompey

Centre, local transport links and is currently in use as a Class C4 HMO, it is considered that an objection on car parking standards could not be sustained.

As the property is already in use as a HMO, it is not considered to be reasonable to impose conditions requiring the provision and retention of bicycle and refuse storage facilities.

RECOMMENDATION Conditional Permission

Conditions

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 02.04.2017); ground and first floor plan.

The reason for the condition is:

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

PRO-ACTIVITY STATEMENT

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

62 HIGH STREET PORTSMOUTH PO1 2LY

RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF ROOF TO COVER EXISTING BIN STORAGE AREA TO REAR ELEVATION (RESUBMISSION OF 16/01551/PLAREG)

Application Submitted By:

Ms Katherine Preston

On behalf of:

Ms Katherine Preston

RDD: 12th April 2017

LDD: 8th August 2017

SUMMARY OF MAIN ISSUES

The determining issues in this application are whether the works would relate suitably to the recipient property, the "Old Portsmouth" Conservation Area and the surrounding context in terms of its design. Furthermore consideration must be given to the impact these works have had on the amenities of neighbouring occupiers, and whether the amended scheme has overcome the previous reason for refusal.

The site

This application relates to a two-storey, mid-terraced property located on High Street. The property itself was constructed in the early 18th century and is located at a prominent junction within the Old Portsmouth Conservation Area. Whilst the property is not a designated heritage asset, it is in close proximity to a number of Scheduled Monuments, Locally Listed Heritage Assets and Nationally Listed Heritage Assets. Most notably it adjoins to No.63 High Street which is a Grade II Listed Building.

The proposal

The proposal seeks retrospective planning permission for the retention of an existing bin shed to the rear (south) of the property along the boundary with No. 4 Battery Row. It should be noted that whilst the bin store has been erected, the applicant has proposed a different roofing material than the existing plastic corrugated roof.

Planning History

In terms of relevant planning history, planning application reference: 16/01551/PLAREG was refused in January 2017. The reason for refusal stated: "The covered refuse storage area to the rear of the building by virtue of its excessive bulk and alien appearance (in non-traditional materials) is an incongruous and visually unsympathetic development that has a poor relationship with the recipient property and its surroundings which fails to preserve or enhance the character and appearance of the "Old Portsmouth" Conservation Area. The proposal is therefore considered to be contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF."

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

Two representations have been received, one deputising the application and requesting for the item to be represented at planning committee, the other outlining concerns including:

- (a) development is leading to an increase in damp,
- (b) ownership of boundary walls,
- (c) accuracy of submitted information,
- (d) location of commercial kitchen in relation to bin store,
- (e) increased fire risk,
- (f) commercial waste disposal techniques.

COMMENT

The determining issues in this application are whether the works would relate suitably to the recipient property, the "Old Portsmouth" Conservation Area and the surrounding context in terms of its design. Furthermore consideration must be given to the impact these works have had on the amenities of neighbouring occupiers, and whether the amended scheme has overcome the previous reason for refusal.

Design

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The existing self-supported roof structure is fixed to the side elevation of an extension to the rear of the application site. It is elevated above ground floor level by approx. 2.7m at its highest point and slopes to the west to a height of 2.2m. The roof covers an area used for bin storage measuring 3.1m in depth and 1.9m in width and is constructed from a timber frame with clear, corrugated, polythene roofing sheets. There is a separation distance of approx. 0.05m between the bottom of the roofslope and the boundary wall of No. 4 Battery Row.

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.

Whilst the structure is not visible from the public realm, it would be visible from the rear windows of No. 2-4 Battery Row and 12-17 Grand Parade. The revisions made in the amended application include replacing the existing plastic corrugated roof with slate roof tiles and the

addition of a Upvc gutter and downpipe. In the opinion of the Local Planning Authority this has alleviated previously expressed concerns regarding the design impact of the development. The development in its amended format is therefore considered to preserve the character or appearance of the Old Portsmouth Conservation Area.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Due to the angle of the roofslope, and the proximity to the shared boundary wall with No. 4 Battery Row, the existing structure is likely to cause some impact in terms of rainwater runoff. Whilst it is acknowledged that this would be an issue for Building Control, it is considered that the amended scheme to include the provision of a gutter and downpipe would alleviate previous concerns relating to neighbouring amenity identified in planning application reference:16/01551/PLAREG. The provision of a covered roof over existing bin storage is also considered to help and mitigate against any potential odour issues that may arise from the use of this area.

Concerns Raised in Representations

A number of concerns have been raised in the representations regarding rubbish disposal, fire safety and boundary wall issues. It should be noted that these elements of the representations cannot be controlled by the planning system and are individually considered either by the Waste Disposal Authority or Building Regulations.

To conclude the amended scheme has addressed design and amenity concerns previously identified in planning application reference:16/01551/PLAREG and is therefore considered to be capable of support.

RECOMMENDATION Conditional Permission

Conditions

- 2) The proposed replacement roof cladding and drainage system hereby approved shall be implemented within a time period of three months from the date of the decision notice (unless otherwise agreed in writing by the Local Planning Authority).
- 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: LW1111-PO2 REV A, LW1111-PO3 REV A, Location Plan (1:1250), Site Plan (1:500)
- 3) The materials to be used in the construction of the external surfaces hereby permitted shall be constructed in accordance with the approved plans (or such alternative external materials as may be submitted to and agreed in writing by the Local Planning Authority.)

The reasons for the conditions are:

- 2) In order to ensure the protection of neighbouring amenities in accordance with Policy PCS23 of the Portsmouth Plan.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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

81-83 PALMERSTON ROAD SOUTHSEA PO5 3PP**DISPLAY OF VARIOUS ILLUMINATED AND NON-ILLUMINATED SIGNS TO FRONT AND SIDE ELEVATION****Application Submitted By:**Mr Scott Halls
Tibbatts Abel**On behalf of:**Mr Ian Grundy
Foundation Inns**RDD:** 28th April 2017**LDD:** 3rd July 2017**SUMMARY OF MAIN ISSUES**

The determining issues in this case relate to visual amenity and public safety.

The site

This application relates to a two-storey end of terrace property that is used as a public house at ground floor level with a flat at first floor level. Council tax records indicate this property has previously been owned by Owens public house and may be an ancillary use to the ground floor. The property is located at the Southern End of Palmerston Road and is within Southsea Town Centre. The property is located to the north-west of the 'Owen's Southsea' Conservation Area and to the north of 'The Seafront' Conservation Area.

The proposal

The applicant seeks consent for the display of various illuminated and non-illuminated signs to front and side elevation. The signs have been already installed and painted on the side elevation. The proposed advertisements relate to the western (front) and southern (side) elevations and are separately addressed in this report.

On the front (western) elevation facing Palmerston Road, the fascia signs have been replaced with dark wooden planks with white letters that are illuminated by a light line to 500cd/m². At first floor level, a hanging sign has replaced the existing and projects some 1.5 metres from the elevation of the building. It is externally illuminated to 500cd/m². The signs on the front elevation are consistent with the entrance to a commercial property.

The painted wall sign occupies most of the height and width of the side elevation of the property facing towards the southern end of Palmerston Road and Villiers Road and reads 'The Southsea Village ESTD 2017 Craft Beers Stone based Pizza Fresh Coffee.' The plans indicate that the main body of the sign would have black lettering on a white/grey background with a distillery machine in the central part with the flank wall to which it is sited is painted a dark grey/black.

Planning history

The relevant planning history for this site relates to:

(a) Display of externally illuminated double sided pictorial hanging sign (at first floor level); two amenity boards; and two fascia signs that was granted conditional consent in December 1998 ref. B*10339/AD.

(b) Display of two internally illuminated display cases to front elevation that was refused in January 2004 ref. B*10339/AG. This application was a resubmission of an application that was refused in June 2003 ref. B*10339/AF due to incongruous features that would have been detrimental to the appearance of the building and streetscene; and,

I Display of externally illuminated sign to south elevation ref. B*10339/AB that was refused in October 1997 and dismissed on appeal.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk) and PCS23 (Design and Conservation). The Southsea Town Centre Area Action Plan would also be a material consideration.

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

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

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

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage, in particular its links to the sea; protect and enhance important views and settings of key buildings across the sea, harbour and from Portsdown Hill and improving accessibility for all users. Additionally, the NPPF at paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other considerations

For planning purposes, 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements."

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 at Part 3 Paragraph 14 allow the local planning authority to:

14.—(1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

in a case to which paragraph (2) applies, decline to determine the application.

CONSULTATIONS

None.

REPRESENTATIONS

Councillors Symes has requested this application be determined by the planning committee and has objected, as well as Councillor Tompkins (objection only) on the following grounds: the size and scale of the sign is out of keeping and dominated street that is totally unacceptable to many residents and has an adverse impact on the neighbouring conservation area.

Nine objections have been received objecting to the proposal on the grounds of:

(a) inappropriate location for advertising, it is out of scale and dominated the streetscene;

(b) impact of sign on setting of the 'Owen's Southsea' and 'The Seafront' Conservation Areas;

no planning notice was not displayed right outside premises;

(d) advert has been put up before public consultation expired and application determined;

this is an eye sore for local residents;

(f) sign applied for is different to that on southern elevation;

(g) sign covers approximately 70% of height of the three storey building and more than 80% of width;

(h) no consultation with local residents has taken place; and,

(i) Southsea has been a town since 19th Century so the name 'Southsea Village' is misleading.

COMMENT

The determining issues in this case relate to visual amenity and public safety.

Front (West) elevation

The signs are located in an established commercial area that has a number of uses on the Palmerston Road frontage and some of the surrounding streets. The adverts on the front elevation have replaced those already on the fascia.

On the front (western) elevation facing Palmerston Road, the fascia signs have been replaced with dark wooden planks with white letters that are illuminated by a light line to 500cd/m² and

project 0.05 metres from the face of the building. At first floor level, a hanging sign has replaced the existing and projects some 1.5 metres from the elevation of the building. It is externally illuminated to 500cd/m² and is of an appropriate scale in relation to the existing building. The signs are some 4 metres above ground level to their base with fascia signs being 5.20 metres in width and the hanging sign 1.10 metres. The dark colour of the fascia and hanging signs when considered against the dark colour of the frontage relates appropriately to the recipient property, wide commercial streetscene and preserves the setting of 'The Seafront' Conservation Area.

With regards to the setting of the 'Owen's Southsea' Conservation Area, it is considered that as the signs are not visible when viewed from its boundary on Villiers Road (at the main entrance door to Palm Court) and having regard to the six storey building Villiers Court that blocks any views, it is not therefore considered that signs on the front elevation have an impact on the setting of this conservation area.

Although the signs are considered to be illuminated to a high level, it is noted that with the limited 20 m.p.h. speed limited on Palmerston Road, the single and one-way carriageway and the speed bump to reduce the speed of driver that the signs would not have any significant impact on highway safety.

South flank (side) elevation

The applicant has applied for consent for the display of a painted sign that has been applied to the southern side elevation that is considered to meet the definition of an advert as defined at section 336(1) of the Town and Country Planning Act 1990 (as amended).

The painted wall sign occupies most of the height and width of the side elevation of the property facing towards the southern end of Palmerston Road and Villiers Road and reads 'The Southsea Village ESTD 2017 Craft Beers Stone based Pizza Fresh Coffee.' The plans indicate that the main body of the sign would have black lettering on a white/grey background with a distillery machine in the central part with the flank wall to which it is sited is painted a dark grey/black.

In terms of dimensions, this painted sign is some 6.70 metres in height, 4.50 metres wide and 2.80 metres from ground level to the base of the advert. The painted sign is not illuminated.

During the course of the application scaffolding masked the side elevation of the building. Following the removal of this scaffolding, it is clear that the sign has been painted on the flank wall without express consent from the LPA.

The National Planning Policy Framework (paragraph 67) states that 'Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.

The painted sign that has already been applied to the flank elevation covers over 50% in terms of its height and width. Although the colour scheme and the text of the sign is visually appropriate, it is considered that by virtue of its excessive scale and size on a prominent elevation would amount to a visually obtrusive and overly prominent form of development harmful to the recipient building and the setting of 'The Seafront' Conservation Area.

Having regard to the comments as above in relation to the 'Owen's Southsea' Conservation Area, it is not considered reasonable to argue that the painted sign would have an impact on the setting of this conservation area.

It is worth briefly stepping away from the merits of this application to discuss pre-application the applicant had with the LPA. In the submitted application form the applicant states: 'based on the submitted information, it is considered that should an application be submitted it is likely to be capable of support at officer level.' The sign submitted for pre-application was substantially smaller than the advert that has been applied to the southern elevation of the building. It is not considered reasonable for the applicant to rely on this advice for signage that is significantly different to the submitted scheme.

The Local Planning Authority has the ability to issue split decisions on applications seeking advertisement consent. In this case, given that the signs on the front elevation are considered acceptable, it is deemed necessary to progress to a split decision. The two recommendations to Members of the planning committee are:

Recommendation A: Grant Conditional Consent for the fascia and hanging signs on the front (west) elevation) subject to luminance conditions; and,

Recommendation B: Refuse Advertisement Consent for the display of a painted sign on the south flank (side) elevation and the matter to be passed to Planning Enforcement to resolve.

RECOMMENDATION Split decision

Recommendation A:

Grant Advertisement Consent for the fascia and hanging signs on the front (west) elevation).

Condition

- 2) The luminance of the two fascia and one hanging sign on the front (West) elevation shall not exceed 500 candelas per square metre and be statically illuminated only.

The reason for the condition is:

- 2) In order to protect the amenity of the adjoining area in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of paragraph 67 of the National Planning Framework.

Recommendation B:

Refuse Advertisement Consent for the display of a painted sign on the south flank (side) elevation.

The reason for the Local Planning Authority's split decision is:-

The painted sign on the southern (flank) side elevation, by virtue of its excessive scale, size and inappropriate siting on a prominent elevation, amounts to a visually obtrusive and overly prominent feature that is detrimental to the visual amenity of the recipient building, the wider streetscene and the setting of 'The Seafront' Conservation Area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

56 OLD WYMERING LANE PORTSMOUTH PO6 3NL

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO 8 PERSON 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Mr Mark Turner

On behalf of:

Mr Mark Turner

RDD: 28th April 2017

LDD: 17th July 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a three-storey mid-terraced property located to the eastern side of Old Wymering Lane. The property forms part of a small 'L-shaped' development comprising a mix of houses and flats with communal and private garden space and a parking court. The application property incorporates a small front garden and a larger rear garden which can be accessed by a shared passageway through an undercroft with the neighbouring property to the north (No.58). The property is currently laid out as a shared house comprising a bedroom, shower room and communal kitchen at ground floor level, three bedrooms and a communal living room at first floor level and a further three bedrooms, a shower room and separate toilet at second floor level. The surrounding area is predominantly residential in character with a mix of houses and flats.

The site is located just outside of the 'Old Wymering' Conservation Area with the Church of St. Peter and St. Paul (Grade II* listed) and the vicarage (Grade II listed) located just to the south and Wymering Manor (Grade II* listed) located slightly further to the west.

Proposal

Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a seven bedroom eight person House in Multiple Occupation (Sui Generis).

Relevant planning history

Planning permission was granted in 1970 (ref.A*13094/C) for the construction of 17 dwellings and 12 garages.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs)

Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

The property was licensed for 8 people in December 2016 where it was noted that a lounge was required as one of the bedrooms was slightly undersized. From the plans provided, it would appear that the lounge is in situ.

REPRESENTATIONS

At the time of writing, five letters of representation has been received from local residents in opposition to the proposal. Their concerns can be summarised as follows:

- a) The development is out of character for the area;
- b) Over intensive use of the property;
- c) Increased noise, disturbance and anti-social behaviour;
- d) Impact on Parking;
- e) Increase in refuse/waste; and
- f) Impact on property values.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the change of use to Sui Generis HMOs to be referred to the Committee for determination.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom eight person House in Multiple Occupation (Sui Generis). Whilst the property appears to have been used unlawfully as a HMO in the past, this is likely to have been as a smaller Class C4 HMO (between 3 and 6 unrelated individuals) and not as a Sui Generis HMO (7 or more occupants).

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 Supplementary Planning Document (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, it has been established that none of the 40 residential properties within a 50 metre radius were in use as HMOs. Therefore, as the granting of planning permission would increase the proportion of HMOs to just 2.5%, it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses. As such, the proposal is considered to be acceptable in principle.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities

and points to the cumulative environmental effects of HMO concentrations. However, given that there is not a significant concentration of HMOs within the surrounding area, it is considered that the introduction of one HMO would not be significantly harmful at this particular point in time.

Impact on residential amenity

It is generally considered that the level of activity associated with the use of any individual property as a HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour".

It is accepted that the application seeks permission for eight individuals rather than six, however, Inspectors have also taken the view that this would be comparable to a large family and that there is insufficient evidence to demonstrate that the use of a given property by eight individuals would result in material harm to the living conditions of local residents or unbalance the local community. (11 Baileys Road - Appeal ref.APP/Z1775/W/16/3159989, February 2017; 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

It is noted that representations refer to noise and disturbance and anti-social behaviour associated with the unlawful use of the property as a HMO in the past. In this respect regard is made to the recent appeal decision at 11 Malvern Road (APP/Z1775/W/16/3158162 - Feb 2017) where residents also raised similar concerns in respect of an unlawful HMO. The Inspector opined that: 'I have noted the evidence before me of incidents of anti-social behaviour and noise and disturbance at the appeal site and the concern of neighbours and local hotels that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, such matters are a consequence of the behaviour of the occupants, which is a matter that is not controlled under the planning regime. The behaviour of future occupants is controlled by other legislation and I am making a decision on the basis of the planning merits of the appeal alone. If those matters were controlled through the appropriate legislation, the appeal development could contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as set out in paragraph 69 of the National Planning Policy Framework (the Framework)'.

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

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property. The City Council's Environmental Health Team confirm that there are currently no open complaints in respect of the application property. A single complaint was received in 2014 although no further action was taken.

In terms of internal living conditions, the property has recently been renovated to a high standard and benefits from communal facilities within a kitchen at ground floor level and a living room at first floor level. A bathroom at ground floor level (shower, w/c and wash basin), a

shower room at second floor level (shower, w/c and wash basin) and a separate w/c at second floor level provides adequate sanitary facilities for future occupiers.

The City Council's Private Sector Housing Team has considered the submitted drawings and confirm that the proposed accommodation is appropriate for the number of occupants proposed and a licence for its occupation by up to 8 people was granted December 2016. It is highlighted that an additional communal living area was required as part of the licence as one of the bedrooms was slightly undersized. On the basis that an additional communal living is shown on the submitted drawings, it is considered that the proposal would provide an acceptable standard of living accommodation for future occupiers.

Parking

Whilst the wider development benefits from a small car park and garages, it is highlighted that the application site does not benefit from any off-street parking and none is proposed as part of this application. At a site visit in the middle of a week day it was noted that parking in the area was under significant stress and vehicles were parked partially on the pavement and within areas of soft landscaping which detracted from the character of the area. This appears to reflect the views raised within representations.

Notwithstanding the existing parking problems, it is noted that the City Council's Parking Standards SPD, which sets the level of off-road parking facilities for new developments within the city, seeks the same number of parking spaces for a Sui Generis HMO with four or more bedrooms as it does for a Class C3 dwellinghouse with four or more bedrooms. This is based on a view that individuals living within a HMO are less likely to own a private vehicle.

Therefore, whilst this may not always be the case, having regard to the lawful use of the property as a dwellinghouse with 4 or more bedrooms, it is considered that an objection on parking impacts could not be sustained.

It is considered that there is sufficient external space at the property to store refuse and bicycles, although this would need to be managed by the occupants in the same way as any other dwelling within the area (i.e. taking bins out on the appropriate days)

Impact on Heritage Assets

On the basis the proposal would not result in any external changes to the property and the use would be in keeping with the residential nature of the area, it is considered that the proposal would preserve the setting of the neighbouring heritage assets to the south and east namely the 'Old Wymering' Conservation Area, the Church of St. Peter and St. Paul (Grade II* listed), the vicarage (Grade II listed) and Wymering Manor (Grade II* listed).

SPA mitigation

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3

dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

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

Other matters raised within representations

Impact on property value is not a material planning consideration.

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

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

RECOMMENDATION Conditional Permission

Conditions

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

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Block Plan, Ground Floor Plan, First Floor Plan and Second Floor Plan.

- 3) (a) Prior to first occupation of the property as a Sui Generis House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site.
(b) The bicycle storage facilities provided pursuant to Condition 3(a) shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 2) 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.

13 MARTIN ROAD PORTSMOUTH PO3 6JZ**CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE)****Application Submitted By:**

Mr Mark Croston

On behalf of:

Mr Mark Croston

RDD: 15th May 2017**LDD:** 20th July 2017**SUMMARY OF MAIN ISSUES**

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

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the west side of Martin Road. The property benefits from a front forecourt and an enclosed rear garden.

The proposal

The applicant seeks permission for the change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). A city wide Article 4(2) Direction came into force on 1st November 2011 that restricts the permitted development change from a Class C3 to a Class C4.

Planning history

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards and Houses in Multiple Occupation Supplementary Planning Documents would also be a material consideration.

CONSULTATIONS**Private Sector Housing**

This property would not require a license.

REPRESENTATIONS

42 representations have been received objecting to the proposal on the grounds of:

- (a) increased parking issues and congestion;
- (b) type of people occupying property;
- I Baffins is a family housing area not for bedsits;
- (d) precedent for other developments;
- I increase in anti-social behaviour (ASB), noise and fear for safety;
- (f) decrease value of homes;
- (g) lack of consultation from council or applicant;
- (h) impact on services (police/schools);
- (i) over-crowding of property;
- (j) landlord is not living here and is using this for financial gain;
- (k) the property is not in an accessible area;
- (l) no benefit to the local area;
- (m) no plans have been submitted;
- (n) high level of rubbish associated with HMOs; and,
- (o) more than 10% of properties are in use as HMOs.

COMMENT

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

Principle

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

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, none of the 62 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0%, rising to 1.61% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Two additional properties have been brought to the attention of the LPA to investigate, 113 Dover Road and 103 Folkstone Road. As these two properties do not fall within the 50 metre radius, they have not been investigated.

Impact on residential amenity

The applicant is not required to provide floor plans for a change of use from a Class C3 to a Class C3/C4. Internal works to provide bedrooms would not require planning permission.

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a

dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations.

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

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

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

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

Highways/Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). The property is within 400 metres of a high frequency bus route and 400 metres of the Tangier Road local centre and its associated shops and services as defined by policy PCS18 of the Portsmouth Plan. As the property benefits from an enclosed rear garden, it is considered that conditions could be imposed in relation to secure and weatherproof cycle storage.

Waste

There is no indication of the proposed method of storage for refuse and recyclable materials which could be addressed by way of a planning condition. The property benefits from an enclosed rear garden that could be used for the storage of refuse. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

Other matters raised within representations

There is separate legislation that is better suited to address issues with anti-social behaviour and safety issues and the LPA has no control over future occupiers of the property. The applicant may require a license from the Council's Private Sector Housing team who may

The loss of property value and whether the applicant intends to use this property for financial gain are not material considerations in the determination of this application.

Any future application for planning permission will be assessed for its own merits. The LPA has correctly advertised the application in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 No.595 and the applicant is under no legal obligation to consult with neighbours.

Conclusion

Based on all material planning considerations, it is considered that the development complies with national and local planning policy and is therefore acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 2) 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: TQRQM17135095938273 (Site Location Plan scale 1:1250)

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, details of secure and weatherproof bicycle storage facilities for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities at the site shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 2) 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.

**PORTSMOUTH HIGH SCHOOL FOR GIRLS SCIENCE BLOCK CECIL GROVE SOUTHSEA
PO5 3BT****ALTERATIONS TO BOUNDARY WALL TO INCLUDE PART REDUCTION OF WALL BY
APPROX 1.5M AND CONSTRUCTION OF NEW SUPPORTING PIERS****Application Submitted By:**

Benison Associates
FAO Mr Michael Conway

On behalf of:

Girls Day School Trust
FAO Ms Touloumbadjian

RDD: 16th May 2017

LDD: 7th August 2017

SUMMARY OF MAIN ISSUES

The determining issues are whether the design of the development is appropriate in this location and its impact on heritage assets and whether there would be a significant impact on residential amenity. Other considerations are whether the development would increase the risk of flooding at the site or area.

The site

This application relates to a two-storey brick built building located on the north side of Cecil Grove that is used as the science block for Portsmouth High School for Girls. The application site is adjacent to the 'Castle Road' Conservation Area (No.12) and the setting of the locally listed buildings 68 to 74 Castle Street. The Grade II listed building Bligh House (Nos. 78 and 80) are within a short distance of the site at the junction with Cecil Grove. The site is within an indicative area of flooding (zone two).

The proposal

The applicant seeks permission for alterations to boundary wall to include part reduction of wall by approx. 1.5m and construction of new supporting piers. The existing wall is approximately 20.65 metres in length of which 7.5 metres would be reduced in height by 1.5 metres. The reduced height of this section of the wall would be 4.3 metres (5.8 metres before reduction). The wall would then slope downwards for 2.5 metres of its length to reach its lowest height of 2.4 metres. This application has arisen due to an investigation from Planning Enforcement Officers after scaffolding was erected to support a wall with structural issues.

Planning history

Although there is an extensive planning history for this site, none of it is considered relevant to the determination of this application.

POLICY CONTEXT

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

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

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

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

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage, in particular its links to the sea; protect and enhance important views and settings of key buildings across the sea, harbour and from Portsdown Hill and improving accessibility for all users. Additionally, the NPPF at paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

CONSULTATIONS

Contaminated Land Team

Given the limited ground works, conditions related to land contamination are not requested.

REPRESENTATIONS

Two representations have been received and deputising the scheme on the grounds of:
(a) issues in relation to the party wall and whether a notice would be required;
(b) reduction of 1.5 metres to the wall would be at odds with the neighbouring property;
I will more scaffolding be required; and, (d) who will the damage to the wall be covered by.

One general comment has been received in relation to the impact on parking at Castle Court and whether any spaces would be lost. The applicants have confirmed via email that access to Castle Court car park would be required to undertake repair works as part of the development and the liaison with the flats management company will take place to keep disruption to a minimum.

COMMENT

The determining issues are whether the design of the development is appropriate in this location and its impact on heritage assets and whether there would be a significant impact on residential amenity. Other considerations are whether the development would increase the risk of flooding at the site or area and whether there would be an impact on trees at the site.

Design and impact on heritage assets

The wall straddles the boundary with the 'Castle Road' Conservation Area although it is not locally or statutory listed. Permission is sought for the demolition of 1.5 metres of the boundary wall. The conservation area guidelines in relation to boundary walls state:

'Several parts of this conservation area abut straight onto the highway, for example, Great Southsea Street, Kent Road and the southern part of Castle Road. The northern part of Castle Road features mainly short forecourts with a variety of boundary treatments including railings, fences, and low boundary walls. Several other roads are characterised by short front garden/forecourt areas such as Yarborough Road which has low panelled boundary walls with gate piers. Garden Lane is characterised by long gardens fronted by fences, walls, and hedges on the side and the back walls or garages of St. Edward's Road properties on the north.

(2) The City Council will encourage the retention of existing original boundary walls, gate pillars, gates, fences or railings and their restoration where appropriate.

(ii) The City Council will encourage the reinstatement of walls, gate pillars, gates, fences, or railings to match the original style of that property.

(iii) The City Council will discourage the removal, demolition or unsympathetic alteration of existing walls, gate pillars, fences or railings which are of architectural or townscape value.'

The existing wall is approximately 20.65 metres in length of which 7.5 metres would be reduced in height by 1.5 metres. The reduced height of this section of the wall would be 4.3 metres (5.8 metres before reduction). The wall would then slope downwards for 2.5 metres of its length to reach its lowest height of 2.4 metres. On the school side of the wall and in order to support the wall, five steel columns to 5.5 metres in height behind the section of wall that would not be reduced would be installed, with 4 metre in height support columns on the reduced section installed. These steel columns would be encased in brickwork to match the existing to match the existing 2.4 metres in height buttresses.

In the supporting access/heritage statement the applicants' state: 'Various crack repairs and pointing repairs will be carried out to assist in conserving the existing wall. Soft landscaping will be provided to match and blend in with the surrounding existing garden area. It is proposed to retain and replace the existing planting and grass directly adjacent the boundary wall. The proposed support and repairs to the boundary wall will in our opinion assist in ensuring its longevity and stability, and improve its existing appearance.'

The existing wall has significant cracks along its length that is currently being supported by scaffolding. As highlighted above, walls form an important part of the character and appearance of the conservation area although there is not one style or design that is common throughout. Although the wall is on the boundary of the conservation area and therefore affects its setting and that of several locally listed buildings, it is not highly visible from other properties in the conservation area, other than those on Castle Road. Although visible from Cecil Grove this area is not in the conservation area. Despite this not being a justification to remove part of the wall, it is considered that a reduction in height and the construction of supporting columns encased in

brickwork would be of an appropriate reduction in terms of scale and would ensure the future retention of the wall that has identifiable structural issues (as highlighted in supporting statements from applicant). As such, it is considered that the development to the boundary wall would preserve the character and appearance of the conservation area and the setting of heritage assets in the immediate area.

Impact on trees

The trees located on the school site in close proximity to the boundary wall are not protected by a tree preservation order and they are not within the conservation area. The applicant could therefore remove them without seeking consent from the local planning authority. However, conditions could be imposed to secure details to protect their roots, canopy and trunk as part of the development and demolition.

Impact on residential amenity

The 1.5 metre reduction in the height of the boundary wall would have some impact for properties on Castle Road with regards to an altered outlook and the potential for a sense of overlooking from the first floor windows on the school that would become visible.

Although the outlook for properties facing the reduced in height section of the wall would change for properties on Castle Road, it is not considered that the boundary wall changes would be harmful and may actually increase the outlook from the rear gardens and elevations of these properties, albeit onto the science block of Portsmouth High School for Girls.

With regards to overlooking, it is noted that the trees in flowering months would provide some degree of screening from the science block although this level of cover would change with the seasons. But, by virtue of the distance separation of some 24.8 metres to the closest facing windows on 70 Castle Road, it is not considered that any impact would be so significant to warrant withholding permission.

Flood risk

Portsmouth is at risk of flooding from a variety of sources. Flooding from the sea could potentially have the most catastrophic impact in Portsmouth, particularly if this is as a result of a breach in the flood defences.

The submitted design and access does not make reference to flood risk although it is not considered that the reduction in the height of the wall and the construction of buttresses would increase the risk of flooding at this site or locally.

Other matters raised within representations

Matters in relation to the Party Wall Act and the costs associated with damages to the wall are civil matters that would need to be addressed between the applicant and neighbouring properties. The applicant has confirmed sole ownership of the wall and it is considered that the certificate A as submitted is correct. Access for scaffolding would be a civil matter to resolve between interested parties.

RECOMMENDATION Conditional Permission

Conditions

- 2) 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: 03217 - 02 (Site location plan scale 1:500 dated 08.06.17) and 03217 - 01 (Remedial Works to Wall scale 1:100 dated 05.05.17).

3) No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the trees on site that are located adjacent to the boundary wall.

The approved measures shall then be implemented and retained during all works associated with this permission.

The reasons for the conditions are:

- 2) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To protect the high amenity value of the protected trees (T1 and T2) into the future in accordance with policy PCS13 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.

264A/B HAVANT ROAD PORTSMOUTH PO6 1PA

CONSTRUCTION OF A FIRST FLOOR EXTENSION

Application Submitted By:

Ken Ross RIBA & Associates
FAO Mr Kenneth Ross

On behalf of:

Drayton Community Pharmacy
FAO Mr Mohamed Amiralli

RDD: 31st May 2017

LDD: 10th August 2017

SUMMARY OF MAIN ISSUES

The determining issues are whether:

- (a) the principle of development is acceptable in this location;
- (b) if the design of the first floor extension is appropriate to the recipient property and wider streetscene;
- (c) if there would be a significant impact on the local highways network/parking; and,
- (d) if there would be a significant impact on residential amenity.

The site

This application relates to a single storey building located on the south side of Havant Road. The property is occupied at ground floor level by Drayton Community Chemist, a local pharmacy that has reached capacity in terms of the available space for the amount of prescriptions that are issued. Located to the west is a nail salon and the east a dog grooming parlour with ancillary office space at first floor level. Properties on this side of Havant Road are generally occupied at ground floor level by commercial businesses with some residential accommodation (flats) on the upper floors. On the north side of the street are larger properties setback from the highway some of which are occupied as care homes for the elderly.

The proposal

The applicant seeks permission for the construction of a first floor extension over both 264 A and B. It would be setback from the principal elevation by some 2.75 metres behind a 0.4 metre high parapet that would significantly reduce the appearance of any building bulk when viewed from the footway on Havant Road and lie flush with the rear elevation. In terms of the materials for the roof, a powder coated steel sheet would be used, similar to that on No.264C with rendered elevations

This extension would allow for the extension of the existing pharmacy by providing a storage area for prescriptions and allow the ground floor lobby to be remodelled. This pharmacy offers a late night opening service until 2300 and the General Pharmaceutical Council commented following a recent inspection that the existing pharmacy lacks necessary space to prepare and dispense medicines.

Although the first floor extension would straddle both 264 A and B, the proposed plans indicate that the access stairs from ground to first floor level that would be accessible by staff from within 264B and not 264A. No.264A would not be able to access the first floor extension.

Relevant planning history

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS18 (Local Centres) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) would also be a material consideration.

CONSULTATIONS

None.

REPRESENTATIONS

Ms. P Mordaunt MP has written to the local planning authority after being contacted by the neighbouring property and states: 'I understand that the majority of public comments made in relation to the above application support the proposed extension to the pharmacy, which is perceived to be a very valuable community asset. It is important however, that any application made should be the correct one and I would ask the Planning Authority to carefully consider, and review the application.

Two representations have been received objecting (and deputising) on the grounds of:

- (a) impact on privacy and loss of light;
- (b) need to ensure the first floor is capable of being converted back into a flat;
- I development will restrict access to western boundary to maintenance;
- (d) proposed extension is inconvenient and unacceptable and a site visit should be undertaken;
- I the chemist has generated a rubbish problem and there bin does not fit through the gate;
- (f) rights of way in private courtyard to the rear are affected;
- (g) devalue adjacent property No.264C and limit its potential future uses;
- (h) the property relies upon common boundary of No. 264C to support its roof;
- (i) existing structure may not be strong enough to support first floor; and,
- (j) the self-contained flat above No.264C has changed its use to staff room, kitchen, bathroom, office and store room.

24 representations have been received in support of the proposal on the grounds of:

- (a) fantastic support offered to local residents and service they provide in the community;
- (b) extra space will allow them to provide additional medical services as existing shop is cramped;
- I they provide 'above and beyond service';
- (d) they offer late night opening hours, 7 days per week when all other pharmacies are closed; I pharmacy provides services to a number of care homes and offer an emergency service to them and walk in patients; and,
- (f) this is the only shop without a first floor on it and looks off and approving build will help blend into landscape.

A petition of 179 signatures has been received in support of this proposal.

COMMENT

The determining issues are whether:

- (a) the principle of development is acceptable in this location;

(b) if the design of the first floor extension is appropriate to the recipient property and wider streetscene;

I if there would be a significant impact on the local highways network/parking; and,

(d) if there would be a significant impact on amenity.

Procedural

A neighbouring property has raised issues with rights of way with regards to the land to the rear of the site. This area is not part of the application site and the matters would therefore be a private legal interest.

The applicant has confirmed that Nos. 264 A and B are within his ownership and it is considered that Certificate A is correct.

Principle

Local centres along with local shops and services play a vital role in providing for the day to day needs of those living nearby. They are often used to 'top up' weekly shops and ensure that residents are able to access everyday essentials such as fresh produce, newspapers and other everyday essentials within a short distance of home and without the need to use a car. Policy PCS18 states:

'Other town centre uses will be supported provided that:

(a) The local centre would continue to provide for the local top-up shopping needs of nearby residents and there would not be an over-concentration of non-shopping uses in the local centre as a whole or in the vicinity of the proposed development; and

(b) There is no unacceptable adverse impact on the amenity of adjoining or nearby residents, taking into account the cumulative impact of other similar uses nearby.

The property is located within the Havant Road Local Centre and it not the subject of any site specific policy restrictions. As such, it is considered that subject to there being no significant impact on residential amenity or the local highways network for example, that the application for the construction of a first floor extension to provide additional space for a pharmacy is acceptable in principle.

Design

The development would include the construction of a first floor extension above the existing ground floor unit and over 264A to provide an additional 58m² of space for dispensing areas, staff room and cloakroom for the pharmacy. This would allow the ground floor to be remodelled to provide a new entrance lobby and waiting area although the level of staffing will remain unchanged. There would be no access from 264A to first floor level. It would have a hipped roof and would be of similar scale in terms of height, depth and width to the adjacent property No.264. A rendered finish would be applied on all elevations.

It would be setback from the principal elevation by some 2.75 metres behind a 0.4 metre high parapet that would significantly reduce the appearance of any building bulk when viewed from the footway on Havant Road. It would lie flush with the rear elevation of the existing ground floor of the property to the same extent as No.264C. When considered against the scale of the adjoining property Ashville House at three storeys, it is not considered that the first floor extension would appear as visually obtrusive or bulky and it of an appropriate scale in this location.

Due to the distance separation of approximately 34.3 metres to the footway on Aldsworth Close to the south, it is not considered it would appear as visually obtrusive or bulky when viewed from the public footway to the rear (south) of the site.

The extension would have windowless side elevations with relief provided on the front and rear elevations. Although the design of the windows on the front elevation would differ from those on No.264C, it is not considered that in this context it would be harmful to the visual amenity of the streetscene or adjoining properties. In terms of the materials for the roof, a powder coated steel sheet would be used, similar to that on No.264C with rendered elevations. In this case, it is considered that the materials for the roof would be appropriate in this specific context and it is considered that the construction of a first floor extension would be appropriate to the recipient and adjoining properties and to the wider streetscene.

Highways/parking

Havant Road is a classified highway and forms part of an east west strategic route across the north of the city. The carriageway is dual lane with footways on either side of the highway. There is some time restricted parking in front of the site that is limited to 2 hours Monday to Saturday between the hours of 0800 and 1800.

Parking standards for new developments are informed by the Portsmouth Parking SPD. Commercial premises are not given explicit numbers of spaces that should be provided instead applicants should justify their proposed parking provision as the needs of businesses premises vary significantly. The constraints of the site are such that no off-road parking can be provided.

The submitted information indicates that the intention is not to take on additional members of staff but to provide additional dispensary services for medications/prescriptions as the pharmacy does not have sufficient space in the present building as the number of customers using the pharmacy has increased. As such, it is not considered that the requirement for additional parking has increased and the addition of a first floor is considered to be compliant with the Parking Standards SPD.

Impact on amenity

The adjoining property No.262 (Ashville House) is occupied at ground floor level by an office with the upper floors converted to flats (by permission 12/00455/FUL). On the east flank elevation of this building at both first and second floor level, there are three windows at ground floor level with three above (six in total) that face onto the application site. The applicant, who has accessed the roof, and from observations on site visit whilst visiting No.264C, it is confirmed that the two windows closest Havant Road at first floor level are obscure glazed. The increased building bulk at first floor level would have an impact on these obscure glazed windows with regards to loss of light that are sited some 0.25 metres below eaves level on the first floor extension. There would be a distance separation of some 1.05 metres between the west elevation of the first floor extension and the windows on No.262. It is considered that given the pitch of the roof that would significantly reduce the building bulk adjacent to these windows, the course of the sun passing over the application site that for most part of the day there would be no significant impact with regards to loss of light.

Located towards the rear of the property, the windows here serve as secondary windows for bedrooms that have primary access to light and outlook through double doors with Juliet balconies on the rear elevation (information obtained from floor plans approved by permission 12/00455/FUL). The increased building bulk at first floor level would only cover 0.6 metres of a 1.8 metre in length side window. As such, it is not considered that the construction of a first floor extension would have a significant impact or increased sense of enclosure or loss of outlook on No.262.

In terms of the impact on the adjacent property to the east No.264C, this property has several windows on its western flank elevation. The occupiers of this property have submitted objection comments relating to the loss of light and outlook from the windows on the side elevation of the first floor extension at No.264C. Of these windows, the rear most serves a bathroom and has

obscure windows with the central window serving an office and the window at the front serving as a secondary window for a storage area.

There would be a distance separation of some 1.05 metres to the flank and unrelieved elevation of No.264B where there is currently an unobstructed distance of approximately 8.45 metres to the side elevation of Ashville House. The loss of this gap is considered to result in a sense of enclosure, loss of outlook and light for the first floor windows of No.264C, by virtue of the increased building bulk in close proximity to these windows. However, the present use of the adjoining building is a dog grooming parlour that has public opening hours of Monday to Saturday (excluding Wednesday) of 0830 to 1700. Although light and outlook for commercial properties are important, it is considered that given the nature of the current use, the impact on the occupiers and notably the middle room that serves the office (the front and rear rooms have additional windows to allow light and outlook to enter), that the impact would none the less be significant.

In determining the application, regard has been given to whether the public benefits to the scheme would outweigh any harm that may be caused to the windows on the side elevation of No.264C. As part of the application, the applicant submitted a report from the General Pharmaceutical Council following a recent inspection that highlighted the very limited size of the pharmacy and area to prepare and dispense medicines (this report contains sensitive information in relation to the pharmacy and its customers and is not therefore publically available in its entirety). As highlighted in the report, the pharmacy is of limited size and given their presence and contribution to the local community, additional space is likely to be required to provide these essential services. In addition to providing many prescriptions to local residents, the pharmacy also serves a number of local care homes. When considering the needs of the pharmacy, local community, comments in the General Pharmaceutical Council report and observation on site, that on balance, any harm caused with regards to increased sense of enclosure/overbearing impact, loss of light and outlook to No.264C would be outweighed by the significant public benefits of allowing a late night pharmacy to expand; and to continue to provide essential services to the local community.

Having regard to all material considerations the development would accord with the core planning principles of the National Planning Policy Framework and policies within the Portsmouth Plan.

Other matters raised within representations

There is separate legislation (Building Regulations) that is better placed to address structural issues with the property and constructed any permission(s) that may be granted.

The objectors concerns at No.264C also relate to the potential use of the first floor as a flat in the future and the impact this development would have on changing the use. The first floor is used as ancillary office space and staff room for the ground floor use and its conversion to a flat would require an application for planning permission. Any future applications for the redevelopment of No.264C will be considered for their planning merits at the time of an application and an application.

The loss of property value is not a material planning consideration. Any application for planning permission in relation to the use of No.264C will be considered for its planning merits.

The LPA's mapping system indicates that the land to the rear of the pharmacy is in private ownership. The size of bins or their ability to be removed from the premises would be the responsibility and their location would therefore be matters for the applicant, adjoining business owners and a private waste contractor to resolve. As this area does not form part of the submission or consideration, it is considered that the submitted Certificate A is correct.

RECOMMENDATION

Conditional Permission

Conditions

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

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan (scale 1:1250); Amarelli/Drayton/2017/Dispensary/01/02 (Proposed Elevations); and, Amarelli/Drayton/2017/Dispensary/01/01 (Proposed Floor Plans).

- 3) No development shall commence until exact details to include the colour of render and steel sheet roof have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be retained the approved condition (unless otherwise agreed in writing with the local planning authority).

The reasons for the conditions are:

- 2) To comply with Section 91 of the Town and Country Planning Act 1990.

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

- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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.

46 BURLINGTON ROAD PORTSMOUTH PO2 0DP**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSES OF MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE)****Application Submitted By:**

Coles Powell Ltd

On behalf of:

Coles Powell Ltd

FAO Miss Tara Powell

RDD: 9th June 2017**LDD:** 16th August 2017**SUMMARY OF MAIN ISSUES**

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

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the eastern side of Burlington Road. The property benefits from a front forecourt and a larger enclosed rear garden.

The proposal

The applicant seeks permission for the change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). A city wide Article 4(2) Direction came into force on 1st November 2011 that restricts the permitted development change from a Class C3 to a Class C4.

Planning history

There is no relevant planning history for this site.

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: PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards and Houses in Multiple Occupation Supplementary Planning Documents would also be a material consideration.

CONSULTATIONS

Private Sector Housing

Thank you for your email regarding the application received for the above property. Please find my comments below:

This property would not currently require a licence under Part 2, Housing Act 2004. From the information provided with the application, including the specific room sizes, I have no adverse comments to make with regard to the bedrooms or common areas.

The size of the bathroom is not marked on the plan, but would need to be a minimum of 3.74m² or 2.74m² if it is a shower room .

I would also like to ensure that the kitchen amenities provided within the property are:

1. On conventional cooker.
2. One single bowl sink and integral drainer.
3. On under counter refrigerator and a separate freezer or an equivalent combined fridge/freezer.
4. Two 500mm base units and two 1000mm wall units with doors or equivalent.
5. 2000mm (L) x 500mm (D) of clear usable work surface. This in addition to any surface which is used by permanent electrical items.
6. Two twin socket, located at least 150 mm above the work surface,

REPRESENTATIONS

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

- (a) increased parking demand,
- (b) increased noise and disturbance,
- (c) detrimental to the character of the area,
- (d) result in an increase of HMO's in the Copnor Ward,
- (e) property is too small to accommodate development,
- (f) potential future tenants,
- (g) impact on sense of community,
- (h) Impact on security of elderly occupants and young families,
- (i) increase in crime and disorder,
- (j) increased coming and goings,
- (k) decrease value of properties,
- (l) increased vulnerability,
- (m) increased social issues,
- (n) impact on infrastructure,
- (o) increased flood risk,
- (p) increase in anti-social behaviour,
- (q) increased pressure on schools, GP and dentist places.

In addition to this, a petition with 132 signatures from 91 properties has been submitted objecting to the proposed development.

COMMENT

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

Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property is currently in use as a dwellinghouse and the proposal would not exceed the 10% threshold if implemented.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, none of the 82 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0%, rising to 1.22% if permission was granted, which is under the 10% threshold set out within the HMO SPD.

It should be noted that throughout the process of this application, no additional properties were flagged to the Local Planning Authority for investigation.

Impact on Residential Amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations.

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

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

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

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

Highways/Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). The property is within 400 metres of a high frequency bus route and a five minute walk away from London Road and its associated shops and services. As the property benefits from an enclosed rear garden, it is considered that conditions could be imposed in relation to secure and weatherproof cycle storage.

Waste

There is no indication of the proposed method of storage for refuse and recyclable materials which could be addressed by way of a planning condition. The property benefits from an enclosed rear garden that could be used for the storage of refuse. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

Other matters raised within representations

There is separate legislation that is better suited to address issues with anti-social behaviour and safety issues and the LPA has no control over future occupiers of the property. The applicant may require a license from the Council's Private Sector Housing team who may

The loss of property value and whether the applicant intends to use this property for financial gain are not material considerations in the determination of this application.

Any future application for planning permission will be assessed for its own merits. The LPA has correctly advertised the application in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 No.595 and the applicant is under no legal obligation to consult with neighbours.

Conclusion

Based on all material planning considerations, it is considered that the development complies with national and local planning policy and is therefore acceptable.

RECOMMENDATION Conditional Permission

Conditions

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

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500) Site Layout and Floorplans

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, details of secure and weatherproof bicycle storage facilities for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities at the site shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 2) 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.

51 RANELAGH ROAD PORTSMOUTH PO2 8EZ

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

Application Submitted By:

Mr Mark Wright

On behalf of:

Mr Mark Wright

RDD: 9th June 2017

LDD: 7th August 2017

SUMMARY OF MAIN ISSUES

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

The site

This application relates to a two-storey mid-terraced dwellinghouse located on the south side of the street. The property abuts the back edge of the footway and benefits from an enclosed rear garden. The property is within an indicative area of flooding (zone two).

The proposal

The applicant seeks permission for a change of use from dwelling house (Class C3) to purposes falling within class C3 (dwelling house) or class C4 (house in multiple occupation). A city wide Article 4(2) Direction came into force on 1st November 2011 that restricts the permitted development change from a Class C3 to a Class C4.

Planning history

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS14 (A Healthy City), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards and Houses in Multiple Occupation Supplementary Planning Documents would also be a material consideration.

CONSULTATIONS

Private Sector Housing

At this time the property would not require to be licenced under Part 2, Housing Act 2004 and from the information provided with the application, including the specific room sizes, I have no adverse comments to make.

REPRESENTATIONS

20 representations have been received objecting on the grounds of:

- (a) this community area does not need HMOs;
- (b) increased pressure on parking and increased congestion (hence parking permit scheme in area;
- I no local benefit of a HMO;
- (d) no need for this type of accommodation given the amount of empty homes;
- I disturbances from occupiers with varied timetables particularly for shift workers;
- (f) safety/security of property and belongings;
- (g) high rates of anti-social behaviour, mess, noise and rubbish;
- (h) Stamshaw already heavily populated;
- (i) precedent for other HMO applications;
- (j) loss of property value;
- (k) applicant is using this for financial gain;
- (l) overcrowding of the property;
- (m) these properties are not suitable for this kind of development;
- (n) loss of a family home;
- (o) introduce transient population in the area;
- (p) loss of community feel in the area;
- (q) no demand for HMOs in this area;
- I tenants would not be vetted correctly and landlord does not care who he puts in as he does not live there;
- (s) shortages of affordable homes in Portsmouth;
- (t) families would be made homeless if this application is granted;
- (u) as houses are old they do not meet modern standards in law; and,
- (v) increased fire risk.

Although no deputations have been received, it is considered in the public interest for the planning committee to determine this application given the high number of objections contrary to officers' recommendation.

COMMENT

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

Principle

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

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

Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, none of the 88 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0%, rising to 1.36% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No additional properties have been brought to the attention of the LPA to investigate.

Impact on residential amenity

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

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations.

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

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

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

the proposed 1 additional bedroom, would result in material harm to their living conditions or unbalance the local community."

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

Highways/Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application. The property is not within an area that is highly accessible to public transport but is within a short walk (600 metres) of the North End District Centre and a high frequency bus route. As the property benefits from an enclosed rear garden, it is considered that conditions could be imposed in relation to secure and weatherproof cycle storage.

Waste

There is no indication of the proposed method of storage for refuse and recyclable materials which could be addressed by way of a planning condition. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

Other matters raised within representations

The LPA does not have any control over the potential future occupiers of the property. There is separate legislation that is better placed to address issues with noise and ASB. The property may require a license that could address issues with over-crowding.

The loss of property value and whether the applicant resides in the city are not a material planning considerations. The LPA has correctly followed the procedure as outlined in the Development Management Procedure Order in respect of advertising the application.

Floor plans are not required for this type of application and the applicant is not required to provide them, even if the item is being presented to planning committee.

If any future applications are made they will be assessed for their planning merits.

Conclusion

Based on all material planning considerations, it is considered that the development complies with national and local planning policy and is therefore acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 2) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 09.06.2017); Proposed Ground Floor and Existing First Floor.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, details of secure and weatherproof bicycle storage facilities for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities at the site shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 2) 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.

110 - 114 PALMERSTON ROAD SOUTHSEA PO5 3PT

RETROSPECTIVE APPLICATION FOR INSTALLATION OF OUTWARD OPENING WINDOWS FRONTING PALMERSTON ROAD AND AUCKLAND ROAD WEST

Application Submitted By:

Martin Ralph Chartered Surveyors
FAO Mr Jason Ralph

On behalf of:

Mr Ralls

RDD: 13th June 2017

LDD: 9th August 2017

SUMMARY OF MAIN ISSUES

The main issues for consideration in this application relate to the following:

- a) Pedestrian safety;
- b) Noise impact;
- c) Whether previous reasons for refusal have been addressed.

Site and Proposal

The application relates to a single-storey commercial premises located on the west side of Palmerston Road, on the corner with Auckland Road West. The site lies at the southern end of Southsea Town Centre, within an area defined as the Restaurant Quarter and Secondary Shopping Frontage within the Southsea Town Centre Area Action Plan (2007). The premises is currently in use as a bar / restaurant called Meat and Barrel. There is a mix of commercial uses within the southern part of Palmerston Road, including bars, restaurants and shops and a number of the properties have residential use on the upper floors. To the south of the site is a block of flats (Queen's Keep) and Auckland Road West is characterised predominantly by housing on its northern side, with garages and outbuildings on the southern side associated with the residential properties on Clarence Parade.

The application seeks retrospective permission for the installation of outward opening windows fronting Palmerston Road and Auckland Road West.

Planning History

The application follows a number of previous applications relating to the shopfront and windows, as summarised below.

- 16/00479/PLAREG - retrospective application for change of operation to existing windows facing Palmerston Road and Auckland Road West - refused 31/05/2016 for the following reason:

The retrospective application to change the operation to existing windows to open outwards over the adjacent public highway, would result in an unacceptable risk of injury to pedestrians using the footpath adjacent to the premises. The proposal is therefore contrary to Policy PCS17 of the Portsmouth Plan.

- 15/00570/VOC - application to vary condition 2 of planning permission 14/015451/PLAREG to approve amended drawings showing revised window openings to shopfront - refused 23/07/2015 for the following reason:

The proposed variation of condition two of planning permission 14/01545/PLAREG to allow the windows to open outwards over the adjacent public highway, would result in an unacceptable risk of injury to pedestrians using the footpath adjacent to the premises. The proposal is therefore contrary to Policy PCS17 and PCS23 of the Portsmouth Plan.

- 14/01545/PLAREG - retrospective application for the installation of a new shopfront - conditional permission 10/02/2015.
- 09/00624/FUL - installation of new shopfront and external alterations to rear elevation to include formation of new door with access ramp and steps (resubmission of 09/00624/FUL) - conditional permission 12/11/2009
- 09/00624/FUL - installation of new shopfront and external alterations to rear elevation to include formation of new door with access ramp and steps - refused 20/08/2009 for the following reason:

In the opinion of the City Council as local planning authority, in failing to satisfactorily address the loss of amenity arising from the use of the rear doors, the alterations to the premises would not provide adequate facilities for the provision of access and egress for disabled persons. The proposed alterations and access/egress arrangements for the disabled would therefore be contrary to the objectives of policy DC1 of the Portsmouth City Local Plan 2001-2011 and Planning Policy Statement 1: Delivering Sustainable Development and result in a loss of residential amenity contrary to policy DC5 of the Portsmouth City Local Plan 2001-2011.

POLICY CONTEXT

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

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the following policies of the Portsmouth Plan are relevant to the application:

CONSULTATIONS

Highways Engineer

This is a retrospective application for installation of outward opening windows fronting Palmerston Road (a section of which is licenced to provide outside seating for this establishment) and Auckland Road West.

I have assessed the application and planning history, visited the site and observed how the windows are proposed to operate and would make the following observations:

This proposal has been considered through previous applications to which the highway authority has recommended a reason for refusal as the windows would open over the public highway. Once open the window fold back flush and are secured against the fenestration. In this position they do not cause any obstruction to the passage of pedestrians on the highway.

This application varies from those previously submitted as it includes a risk management procedure for operation of the windows procedure to be incorporated into the health and safety training of staff. This provides for the window only to be operated by 2 members of staff, one internally and one externally (whilst being observed by the duty manager) such that it can be

ensured that there are no pedestrians passing whilst the windows are being operated. The procedure also requires that the duty manager checks the window fixing each time the windows are operated.

I am satisfied that the operation of the windows in accordance with this procedure mitigates the risk of incidents with pedestrians and as a consequence I would not wish to raise a highway objection to this proposal subject to securing through condition that the windows only be operated in accordance with the proposed procedure

Environmental Health

I write with regard to the above application for retrospective application for installation of outward opening windows fronting Palmerston Road and Auckland Road West.

This consultation is with regard to the potential impact on the amenity of neighbouring sensitive uses from the A3 use.

The A3 use is well established at this location and so my response will concentrate on the potential impact that the windows may have on neighbouring residential use. Since this is a retrospective application it seems that there will have been opportunities to open the windows although I have no information either way whether this has occurred. I note in the decision notice for 14/01454/PLAREG that condition two requires said windows to be fixed shut. I can report that we have received no noise complaints about 110-114 Palmerston Road since 2013.

When the windows of an A3 premises are opened noise will escape and potentially harm the amenity of neighbouring premises. It is not inevitable, however, that the level of noise escaping through open windows will result in significant harm - it all depends on what is occurring inside the premises. The closing of doors and windows when regulated entertainment is being provided is a common condition on premises licences (Licensing Act 2004) although the Live Music Act of 2012 has the effect of suspending all conditions when live music is being played (under certain conditions). Noise from premises can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990.

Should you wish to grant planning permission, perhaps restrictions could be applied as to when the windows could be opened, although this not a course of action I recommend as it is perhaps more appropriate to exercise control through statutory nuisance and Licensing.

REPRESENTATIONS

Seven representations have been received, raising comments and objections on the following grounds:

- a) unacceptable noise and disturbance when windows are open;
- b) granting permission would set a precedent for similar outward opening windows on other premises in the area;
- c) health and safety risk to pedestrians;
- d) windows being opened even though currently unauthorised;
- e) waste overflowing onto pavement on Auckland Road West;
- f) no need for this type of window.

COMMENT

Pedestrian Safety

This application follows two previous applications relating to the outward opening windows, both of which were refused on the grounds of pedestrian safety. It is therefore necessary to consider whether the previous reasons for refusal have been addressed through this new submission.

The application is supported by annotated elevation plans, along with a statement setting out a procedure for the opening of the windows to mitigate the risk to pedestrian safety.

The plans confirm that the windows open outwards with a swing of 180 degrees to enable them to be fixed flush with the face of the elevation. It is stated that the windows can be secured in their open position using Chubb 8K101 window locks. The accompanying statement sets out the following provisions for the opening of the windows:

- Staff to be trained in the procedure for operating the windows.
- Only trained staff to operate the windows.
- Windows only to be opened when a manager or supervisor is present to observe that the following safety procedures are adhered to:
- One staff member to operate the mechanism internally, whilst a second stands on the public highway;
- Outside staff member to check that the public highway is clear before opening the windows;
- Windows to be guided into their open position, secured / locked and checked for stability;
- Reverse procedure to be carried out for the closing of the windows.

The Highways Officer has reviewed the procedure for opening the windows and is satisfied that, provided the procedure is adhered to, the risk of incidents with pedestrians would be mitigated. It is considered that adherence to the procedure can be satisfactorily controlled by condition and on this basis, no highway safety objection is raised.

Noise

Concerns have been raised by local residents in relation to noise and disturbance from the premises, which is considered to be exacerbated when the windows are open. The site lies within an area of Palmerston Road where there are a number of other bars and restaurants, including those with late night opening hours. The premises has an existing outdoor seating area on the Palmerston Road frontage, as do a number of the other bars and restaurants. In this context, it is not considered that the increase in noise and disturbance that may result from the opening of the windows would be so significant as to warrant refusal of the application. The Environmental Health Officer has noted that no noise complaints have been received in relation to the premises since 2013 and that any future noise concerns could be satisfactorily dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990. It must also be recognised that previous applications were refused solely on the grounds of pedestrian safety, with no previous reasons for refusal relating to noise and disturbance.

Other matters raised in representations

Concerns have been raised that allowing the windows to be retained on this premises would result in similar types of windows being installed on other buildings within Palmerston Road, with the potential to further increase noise and disturbance and increase the risk to pedestrian safety. Any proposals for new, outward opening windows on other buildings would require planning permission and would be assessed on their own merits, with the potential impact on noise and safety being the main determining issues.

Concerns have also been raised in relation to rubbish from the rear of the premises over spilling onto the pavement in Auckland Road West. This is a separate matter that would need to be assessed outside of the planning system in accordance with Environmental Protection legislation.

RECOMMENDATION

Conditional Permission

Conditions

- 2) The windows shall be operated strictly in accordance with the approved 'Procedure for Operation of Windows Opening onto Public Highway', dated 26 January 2017.
- 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: 16/123/SP 02A1 - PROPOSED PLANS AND ELEVATIONS

The reasons for the conditions are:

- 2) To mitigate the risk of injury to pedestrians, in accordance with Policy PCS17 of the Portsmouth Plan.
- 2) To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

143 QUEENS ROAD PORTSMOUTH PO2 7LU

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

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Venables

RDD: 19th June 2017

LDD: 16th August 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a two-storey mid-terrace dwelling located on Queens Road close to its intersections with Langley Road and Paulsgrove Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

On street parking is located on Queens Road and nearby adjoining streets. The site is located in close proximity to a wide range of shops and services on Kingston Road and is located 500m walk away from a high frequency bus corridor also located on London Road. Further to this Fratton Train Station is located 1.3 miles to the south of the site.

Proposal

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

Relevant planning history

In terms of relevant planning history planning application reference 16/01484/FUL was granted conditional permission in October 2016 for the change of use from a dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

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

(HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

I have no adverse concerns regarding this proposed development.

Please note the following requirements

Kitchen requirement

2 x conventional cookers (a combination microwave may be used in lieu of a second)

1 x double sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)

2 x under counter fridge and a separate freezer or 2 x equivalent fridge/freezer

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

Worktops - 2500mm (l) x 500mm (d)

3 x twin socket located at least 150mm above the work surface

Personal hygiene requirement

1 x bathroom and 1 x WC (the bathroom and WC may be combined).

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

A shower/bathroom must be a minimum of 2.74sqm/3.74sqm to ensure adequate drying and changing space. The bathroom must contain a bath and/or shower a WC and a WHB.

Highways Engineer

This application proposes a change of use from purposes falling within C4 (HMO) to 7bed house in multiple occupation (sui generis). I have reviewed the documents submitted with the application and would make the following comments:

Queens Road is a residential road in the North End area of Portsmouth that runs from East to West between Kingston Road and Copnor Road and is subject to a 20mph speed limit. There is on street parking arranged along much of its length controlled by double yellow line restrictions. 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 4bedrooms should provide 2 spaces per dwelling. The parking requirement of the proposed use would therefore equate to that required for the existing use 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 given the established policy position I would not wish to raise a Highway objection.

REPRESENTATIONS

Three representations have been received objecting to the development on the grounds of:

- (a) overpopulation of area;
- (b) increased parking demand;
- I property is not suitable for HMO use;
- (d) erosion of quality of life;
- I increased noise and disturbance;
- (f) increased overlooking; and
- (g) a loss of privacy.

COMMENT

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

Principle of the Use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis HMO. The property already benefits from a lawful use as a Class C4-HMO which was granted planning permission in October 2016.

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

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

Impact on Residential Amenity

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

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

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

In terms of internal living conditions, the property currently comprises shared bathroom facilities (toilet, basin, shower and bath) at first floor level whilst ensembles are provided in 6 of the 7 rooms. At ground floor level a communal lounge and kitchen would have a floor area of approximately 26 sq.m. with access to cooking, storage and preparation facilities including two ovens, one microwave, multiple cupboards two fridge/freezers, two sets of gas hobs, multiple sockets two sinks and drainers and two washing machines. There is also a seating area with a table/chairs and sofas whilst an additional seating area is provided in the rear yard. Overall it is considered that the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

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

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

Parking

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

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

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

SPA mitigation

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

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

mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

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

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

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

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500), PG 1059 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.

PRO-ACTIVITY STATEMENT

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

Assistant Director of Culture and City Development
15th August 2017

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