



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 15 NOVEMBER 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 James Fleming (Chair), Frank Jonas BEM (Vice-Chair), Jennie Brent, David Fuller, Colin Galloway, Steve Hastings, Lee Hunt, Hugh Mason 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).

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A G E N D A

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meetings held on 20 September and 18 October 2017. (Pages 5 - 42)**

Please note that the minutes of the meeting held on 20 September were deferred at the previous meeting.
- 4 17/00924/OUT Social Club Unity Hall, Coburg Street Portsmouth. (Pages**

43 - 150)

- 5 17/01464/HOU - 24 Dean Road, Portsmouth PO6 3DG.**
- 6 17/01541/TPO - 29 Siskin Road, Southsea PO4 8UG.**
- 7 17/01542/TPO - 4 Reedling Drive, Southsea PO4 8UF**
- 8 17/01548/FUL - 32 Kingsland Close, Portsmouth PO6 4AL.**
- 9 17/01451FUL - 2 Stubbington Avenue, Portsmouth PO2 0HS.**
- 10 17/01696/FUL - 35 Chichester Road, Portsmouth PO2 0AA.**
- 11 17/01697/FUL - 333 London Road, Portsmouth PO2 9HQ.**
- 12 17/01413/FUL - 8 Pitcroft Road, Portsmouth PO2 8BD.**
- 13 17/01148/FUL - 19 Powerscourt Road, Portsmouth PO2 7JE.**
- 14 17/01577/FUL - 30 Hudson Road, Southsea PO5 1HD.**
- 15 17/01455/FUL - 239 Powerscourt Road, Portsmouth PO2 7JJ.**
- 16 17/01578/FUL - 69 Lyndhurst Road, Portsmouth PO2 0EE.**
- 17 17/01643/FUL - 15 Charles Street, Portsmouth PO1 1JD.**
- 18 17/01653/FUL - 129 Jervis Road, Portsmouth PO2 8PT.**

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 18 October 2017 at 1.00 pm in the Executive Meeting Room - The Guildhall - Floor 3

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

Present

Councillors James Fleming (Chair)
Jennie Brent
Lee Hunt
Steve Pitt
Gemma New (Standing Deputy)
Darren Sanders (Standing Deputy)

Also in attendance

Councillors L Symes

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.

135. Apologies (AI 1)

Apologies had been received from the following councillors: Steve Hastings (who was represented by Gemma New), Colin Galloway, Hugh Mason (who was represented by Darren Sanders), Frank Jonas and Robert New.

136. Declaration of Members' Interests (AI 2)

Councillor Jennie Brent explained that she would not be sitting on the committee for two ward items for which she would be representing Councillor Luke Stubbs (relating to Craneswater Avenue and Granada Road) and would leave the room following her deputations.

Councillor Lee Hunt would be withdrawing from the room for the items for which his partner Richard Adair would be speaking as a deputation (relating to Tonbridge Street, Admiral Square and Clarence Road).

Councillor Darren Sanders made a non-pecuniary interest for the sake of transparency in that he knew someone who lived to the rear of the former Portland Hotel site, but he had not discussed this with them. Also during the discussion of 98

London Road, he made a non-pecuniary declaration in that his relatives run a shop at 102 London Road.

Councillor Jim Fleming made a non-pecuniary interest during the discussion of the item relating to 10 Clarence Road, in that within a deputation a reference was made to Mr D Brewer, who he knew but had no business dealings with.

137. Minutes of Previous Meeting - Planning Committee 20 September 2017 (AI 3)

It was agreed that a decision on the accuracy of the minutes be deferred until the next meeting. This would allow a meeting with those challenging the record to see if agreement could be reached.

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

There were no updates given at this meeting.

139. 17/01181/FUL - Brunel House 42 The Hard Portsmouth PO1 3DS - External alterations to include replacement of existing windows/panels on front/rear elevations with new full height windows/coloured infill panels; new windows to side wall (north elevation); and installation of new glazed doors and infill glazing to ground floor level below existing canopy (report item 1) (AI 5)

The Chair allowed the usual order to be varied to allow the Leader of the Council to speak before the officer presentation, due to her council commitments.

The following deputations were made, whose points are summarised:

- i) Councillor Donna Jones as Leader of the Council and Cabinet Member with responsibility for Planning, Regeneration and Economic Development, spoke to object to the proposals, whose points included:
 - This was one of the prime development sites in the city and the appearance of the scheme was being decided which should be sympathetic to the Conservation Area and heritage setting
 - There had been major investment in the Hard Interchange where thousands of visitors would arrive and see the site which people do want to be redeveloped
 - Lengthy discussions had been had with the owners due to the importance of the site, with the Permitted Development rights being extended, to invite a worthy scheme but this application was disappointing and lacked hotel use
 - There was a poor quality of design for the cladding
 - Policy PCS23 should be a reason for refusal due to the design impact in the Conservation Area
- ii) Mr Hinsley the applicant's agent spoke in support of the application whose points included:

- The officer's report covered the facts for consideration, and this was an application purely relating to the design and appearance of the building as the change of use had already been granted
 - They had worked closely with the Conservation Officer and other Planning Officers and taken on board positive suggestions from them
 - The building had been vacant for many years
- iii) Mr R Oaten, the architect, also spoke in support, whose points included:
- The design aimed to take out the worst elements of the existing building (such as the windows) but retain the qualities of the building (the grid) to give it a new lease of life in the conversion to residential
 - The scheme improved the accommodation internally looking out and the visual appearance, so that it would not look like an office building
 - It was a scheme to last and not a quick make-over, with cleaned surfaces and colours that would not fade due to the high quality glazing system

Members' Questions

Members asked questions on the following:

- Could a scheme go ahead with less work required? The windows would need replacing for the residential use, and as this was within a Conservation Area planning permission was required for the window replacement
- Were there precedents created by the conversion of other office blocks in the city such Catherine House? It was noted that this scheme was different as it was in a Conservation Area and the design should be judged as to whether or not it was acceptable.
- It was clarified that there were not trees but plants on the roof terrace
- Whether there would be cleaning of the exterior?

Members' Comments

Members recognised that there had been some improvement in the scheme before them, with visual interest but there were still concerns that there were missed opportunities for this prime site to be a building that the city could be proud of. The South wall remained blank, and there could be relief through images of Brunel or lighting to add interest. Most members were therefore minded to defer consideration, rather than refuse this application, for further discussions to take place to make further improvements for this important site.

RESOLVED that consideration be deferred for further discussions to take place between the applicant and the City Development Manager.

- 140. 17/00288/OUT - 98 London Road Portsmouth PO2 0NA - Outline application for mixed use development for construction of five storey building to provide 810sqm (GIA) shops (Class A1), 317sqm (GIA) medical hub (Class D1), along with 4,164sqm (GIA) of nursing, care home and assisted living accommodation**

(Class C2), with access from Stubbington Avenue, following demolition of existing building (principles of access, appearance, layout and scale to be considered) (report item 2) (AI 6)

The City Development Manager's Supplementary Matters Report stated:

"The applicants have submitted a revised plan for refuse storage facilities within the car park. They have also clarified that the warden would be responsible for taking bins to the roadside for collection. The Waste Management Officer has confirmed that these changes would address the concerns that were raised in relation to refuse storage. This therefore addresses reason for refusal 6.

The applicants Transport Consultant has also submitted a response to the concerns raised by the Highway Engineer. In relation to pedestrian access, they note that the alleyway and public car park are already used by pedestrians and suggest that the alleyway is of a suitable width for wheelchair users, although do not provide specific evidence to support this. In relation to parking, they contend that the submitted parking survey has demonstrated adequate capacity in the local area to serve the medical hub. The revised plan also includes additional facilities for cycle storage. This information has been reviewed by the Highways Engineer, however, the additional comments are not considered sufficient to overcome the highway concerns that have been raised. The reasons for refusal relating to parking and public access therefore remain unchanged.

Reason for Refusal 6 to be removed.

Recommendation to remain as Refusal with the other 5 reasons unchanged."

After the officer's presentation, deputations were made in support, which are summarised:

- i) Mr Boddy, the applicant, whose points included:
 - There had been detailed discussions over years and meetings with planning officers, and in response to previous criticisms the development was restricted to 5 storeys to reduce the bulk
 - The design included recesses and balconies to add features which were not dissimilar to other buildings in the city, and there was a variety of heights
 - A former CQC inspector was instrumental in the design who was very experienced in the care sector
 - He disagreed with criticisms of the design in the City Development Manager's report, and there was inclusion of a large kitchen in the area above the warden's flat
 - Air conditioning was being provided to help combat the issues of air quality
 - The access issue was being looked into with another staircase or lift being considered, and there were not currently problems with pedestrian access
 - There was a high level of support for the scheme and it would improve an area where businesses were closing, and increase local employment

- ii) Mr S Harris, a healthcare consultant also spoke in support whose points included:
 - The Solent Health Hub was an exciting prospect and would ease the strain on GP surgeries in the area, and would bring in investment from other bodies
 - These would be excellent facilities for the good of the wider community

Members' Questions

Members raised questions on the following issues:

- The width and accessibility of the alleyway - it was thought to be approx. 1.2m wide, so there would be problems for people passing buggies
- Were there alternative accesses? - it was reported that there is an alternative access to the rear
- The siting of the kitchen above the warden's flat - this was on a mezzanine floor of the medical centre (plans were circulated and an error pointed out in the report regarding the siting of this kitchen)

(The applicant also referred to another main entrance on London Road, but this was not to the medical hub)

Members' Comments

Members voiced concerns regarding discrepancies, such as a decision on the provision of a lift. The City Development Manager commented on the submitted plans being unclear and the case officer had tried to seek clarity on details with the agent. There was also concern by members regarding the safety of pedestrian access, especially for vulnerable residents who would have to cross a car park. The Chair also raised concerns regarding air quality, with London Road having one of the worst levels for NO² and tall buildings had problems with dissipation; there was an absence of an air quality assessment with the application. Members were aware of the need for more care provision in the city but details were missing from this scheme and the access arrangements were unsatisfactory.

RESOLVED that the application be refused for the reasons set out in the City Development Manager's report, as revised by the Supplementary Matters list.

141. 17/00867/FUL - 8 Montgomerie Road Southsea PO5 1ED - Change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven or more people (report item 3) (AI 7)

After the City Development Manager's presentation deputations were heard, which are summarised:

- i) Dr M Willoughby, objecting, on behalf of the East St. Thomas Residents Forum, whose points included:
 - There is a density of 56% HMOs in the road, and this is for a 'super HMO' with developers taking advantage of a loophole with the SPD being out to

consultation and at the last committee a similar HMO application was deferred due to this period of consultation.

- The property had gone from 2 to 3 floors with off-set levels causing problems to adjoining neighbours, with possible fire safety implications
 - The doubling the number of occupants was an overdevelopment of the site, leading to more rubbish in the street and parking problems in the road
 - There was concern that one of the lounges would be converted to a 9th bedroom losing communal space
 - This was not a marginal increase
- ii) Ms K Webber, objecting, on behalf of the East St.Thomas Residents Forum, whose points included:
- There would be a cumulative impact of noise disturbance to neighbours, caused by groups returning late at night
 - Residents parking only allowed 2 permits per property and this house would have more than 2 cars, it would exacerbate the parking shortfall in the area
 - There were concerns of rubbish piling up in the street from an HMO and associated hygiene concerns
 - Loss of a family house
- iii) Ms H Taylor, objecting, on behalf of the East St.Thomas Residents Forum, whose points included:
- Her own experience of living next to a student HMO; students did not merge into the community and there was disturbance caused by noise, parties into the early hours, bad language, and fire alarms going off, which made the elderly residents feel vulnerable, and these had been reported to the Council, University of Portsmouth, police, the landlord and councillors.
 - There was an over-intensification of HMOs in the city which was causing stress to families and impacting on communities.
- iv) Mr Oliver, the applicant spoke to support the application, whose points included:
- He clarified that the application was for 8 persons and not 9, and the HMO licence was for 8
 - There had been a large reconfiguring and renovation of the building
 - There is a protective firewell in the centre of the stairwell, and fire alarms
 - The layout was over 4 floors, and the scheme was over twice the size of the Clarence Road property that the committee had passed

- The Planning Inspectors had seen well-managed properties so these did not lose at appeal
- Student behaviour is down to landlord management, and he lived locally and wanted to invest in this accommodation
- The bedrooms were of a good size, all over the minimum standards and the layout was not down to profit otherwise 10 would have been applied for
- If this was deferred he would seek non-determination with costs

Members' Questions

It was asked what the percentage of HMOs was for the 50m radius; this was confirmed at 34%. Members asked about the size of the en suites; these had not been given on the submitted plan.

Members' Comments

The possibility of deferring until the new SPD for HMOs was in place was considered. The size of rooms and en suites were considered and that a private sector HMO licence had been granted for 8 persons.

The Assistant Director of Culture & City Development advised the committee to make a decision rather than defer as there is still a policy in place, so an Inspector when considering this non-determination may award costs against the authority.

RESOLVED that conditional permission be granted, subject to the condition within the City Development Manager's report.

142. 17/01049/FUL - Land to Rear of Former Portland Hotel Tonbridge Street Southsea - construction of four-storey building comprising six flats and ground floor office (Class B1A), two integral garages and detached cycle store (report item 4) (AI 8)

The Chair agreed to vary the order for this to be brought forward on the agenda.

Councillor Lee Hunt withdrew from the room in accordance with his earlier declaration of interest for this item.

The City Development Manager's Supplementary Matters report stated that: "In addition to those previously reported within the Planning Committee report, two further letters of representation have been received from adjoining occupiers within Portland Court. Their objections can be summarised as follows: (a) Cramped form of development; (b) Loss of light; (c) Loss of privacy; and (d) Increased noise. These matters have been addressed within the Planning Committee report."

The following deputations were made, which are summarised:

- i) Miss Kilshaw (who reported that Miss Angus was not present to make her deputation) to object, whose points included:
 - She had lived in Portland Terrace for 10 years, and had previously attended the committee; she was objecting as her property with an extension which was the most affected by the proposal, but had not been consulted

- The importance of the site being within the Thomas Owen Conservation Area
 - This created a sense of enclosure
 - There were residential properties about the shops in Palmerston Road and this was an overdevelopment of the site
 - The amenities of the area were already under pressure
 - Concerns regarding fire engine access to properties
- ii) Mr R Adair spoke to object, whose points included:
- The committee should not rely on the previous Planning Inspectors decisions
 - This was out of character for the Thomas Owen Conservation Area, near a Grade II listed building
 - The Highways Team comments on the presumed garage use - it was unclear if the parking spaces would be used by the offices or flats and the impact of displaced parking in local residential streets, so there should be parking provision for each flat
 - It was overdevelopment of a cramped site
- iii) Mr J Garrett, the applicant spoke in support of his application, whose points included:
- There had previously been fire damage and there was tipping of rubbish on the car park
 - He had been through a lengthy planning process and had started to convert the hotel building with an expensive refurbishment scheme
 - He had looked into the issues of the foundations at no.3 and at the right of way
 - There were fire precautions with a dry riser access to the hotel
 - If it was left as it was it would be an eyesore, and he was removing the knotweed
 - The neighbours' concerns had been addressed in the previous application regarding daylight and noise, and there was a reduction in commercial space
 - He had used 2 architectural teams to find solutions so that the building sat well in the location, and he had increased the number of parking spaces allocated to the units
- iv) Ward Councillor Linda Symes spoke to object, whose points included:
- This design was less attractive than the previous one with the garages at the bottom and the loss of car parking spaces
 - The nearby residential parking zone lacked 300 spaces

- A bad development should not be placed on the site
- The right of way issue should be determined first

Members' Questions

Members questions included:

- When was the red line on the plans indicating parking spaces amended? It was reported that initially 5 spaces had been indicated in error and so the red line was reduced to take out a space and there had been further public consultation
- Was there sufficient access for emergency vehicles?
- The allocation of parking spaces - this was covered in condition 5 which allocated these to residential units only

Members' Comments

Members were mindful of PCC's parking policy and the comments made by the Highways Engineer regarding the reduction in the number of spaces provided, especially with the nearby parking zone being under great pressure, so this application would make the situation worse there. It was felt that the Planning Inspector had made an incorrect assumption on the council's parking policy.

RESOLVED that the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would fail to provide adequate off-road parking facilities in line with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document (SPD) which would exacerbate the significant parking shortfall within KC resident's parking zone that is already oversubscribed by more than 300 spaces (in terms of spaces available to permits issued). The proposal would therefore be contrary to the requirements of Policies PCS17, PCS23 and the Parking Standards and Transport Assessments SPD.
2. Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

143. 17/01087/FUL - 52 Craneswater Avenue Southsea PO4 0PB - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (report item 5) (AI 9)

The City Development Manager's Supplementary Matters Report stated:

"One letter of support has been received from the applicant. The applicant cannot attend committee. The applicant indicates there is a large forecourt that could be used for the off-road parking for three vehicles, and that internal furnishings would be of the highest quality for future occupiers."

Deputations were made, which are summarised:

- i) Ms D Emery, objecting, whose points included:
- This was in a Conservation Area so guidance was that the application should preserve or enhance the character of the area, and no heritage statement had been submitted
 - There is a restrictive covenant - this should remain a family dwelling and not be a business
 - The appearance of the Edwardian property's frontage would change with 6 separate refuse bins and cycle storage which would be unsightly, along with alterations for post and intercom provision
 - This would be the loss of a family dwelling
 - There were cases of refusals for similar applications in the area
 - There would not be adequate parking for the increased number of occupants
- ii) Councillor Jennie Brent made a deputation on behalf of fellow Ward Councillor Luke Stubbs (before she withdrew from the room to take no further part in the discussion of this item), whose points of objection included:
- This would change the pleasant nature of the road and was not good for the character of the locality, and there should be retained housing for a variety of sector needs
 - There had been a lot of objections
 - Lack of floor plan submitted
 - How the 10% rule was applied in this area
 - There had been 2 previous cases of refusals on Conservation Area grounds locally, which had been upheld on appeal
 - Increased noise and disturbance which would be detrimental to the amenity and character of the area

Members' Questions

The impact of this proposal in a Conservation Area was raised: the Assistant Director of Culture & City Development responded that there is no change to the physical appearance of the property, so the activity level would need to be considered to see if there was a similar level. Questions were then raised regarding the internal layout and storage of refuse and cycles (a condition would ask for details which the City Development Manager would seek to be to the rear of the property). It was confirmed that the covenant was not a planning consideration. The inclusion of the flats at Norman Court in the HMO count was queried: the new SPD was not yet adopted.

Members' Comments

Members were mindful of the precedent for decisions by the Planning Inspector to allow similar applications and that this was considered to be within the 10% threshold for HMOs on the current method. Members sympathised with the concerns of local residents but did not feel that there were sustainable planning grounds to refuse the application.

The Chair did ask that as the counting of the flats at Norman Court had been detrimental, this type of occurrence and should be looked at when considering the new SPD on HMOs.

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

144. 17/01235/FUL - 11 Playfair Road Southsea PO5 1EQ - Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis) (report item 6) (AI 10)

After the City Development Manager's presentation deputations were heard, which are summarised:

- i) Dr M Willoughby, objecting, on behalf of the East St.Thomas Residents Forum, whose points included:
 - There was a very high density of HMOs (two thirds of the road) and this was another 'super HMO' for profit
 - There was a lack of clarity such as on the communal areas
 - It should be deferred until the new SPD on HMOs had been adopted
 - The loft conversion meant an intensification of use and almost doubling the occupancy
 - Bedroom 3 did not meet space requirements
 - Such developments were unsustainable for the city
- ii) Ms K Webber, objecting, on behalf of the East St.Thomas Residents Forum, whose points included:
 - The continued over-intensification of the area was affecting the lives of local residents, with impact on parking, waste management and noise disturbance
 - There should be more balance with so many students
 - This should be rejected or deferred pending the outcome of the new SPD on HMOs
- iii) Ms H Taylor, objecting, on behalf of the East St.Thomas Residents Forum, whose points included:
 - Living next door to a student let property she was aware of the problems experienced by neighbours, of noise disturbance with the intensive use of the

property and more washing/showers as well as the coming and going of people

- These houses and streets were not designed for this use
- It was hoped that the new SPD would benefit residents rather than developers

iv) Ms C Webb made a deputation to support the applicant, whose points included:

- As a third year university student living at the property she had seen all the improvements made, with new heating system and removal of damp, through the refurbishments it now had a bright communal area and the bedrooms were up to the required standards
- The landlord was on the accreditation scheme and there was Building Regulations approval.

Members' Questions

Members queried the size of rooms, such as Bedroom 3 to ensure they met the space standards (which was 7.5m² for a single occupied room). It was asked if there was division between the kitchen and living room space and the provision of communal space. The exact size of the kitchen was not known. The Assistant Director of Culture and City Development clarified that the room sizes were controlled by the licence for the HMO.

Members' Comments

Members were concerned at the lack of communal space and by the lack of information on the size of rooms, layout and facilities as they wished to consider the amenity of occupiers and therefore needed more information.

RESOLVED that consideration of this application be deferred.

145. 17/01310/FUL - 6 Admiral Square Nelson Road Southsea PO5 2DQ - Change of use from purposes falling within Class C3 (dwelling house) to purposes falling within Class C4 (house in multiple occupation) (report item 7) (AI 11)

Councillor Hunt withdrew from the room for this item in accordance with his declaration of interest.

After the City Development Manager's presentation deputations were heard, whose points are summarised.

- i) Mr R Adair spoke to object, whose points included:
- Residents had raised their objections as this is a separate, gated community and they did not wish its character to be changed
 - There was already an HMO there and another would take it above the threshold
 - St. Jude ward had too many HMOs whilst other properties stood empty so was it needed?

ii) Ward Councillor Linda Symes spoke to object, whose points included:

- There were discrepancies in the calculations with more shared accommodation just outside the measured radius
- 6 unrelated people live and behave in a different way to a family
- It is a small enclave of houses and not a row of houses
- There was not sufficient parking provision so there would be an impact on the surrounding roads
- There are thin walls so there would be noise issues and the amenity of residents would be affected
- These properties were designed for family use

Members' Questions

The size of bathrooms was asked; the Assistant Director of Culture & City Development responded that this information had not been provided by the applicant (the licence is granted by Private Sector Housing who look at size of rooms) and this was not a legal requirement.

Members' Comments

It was noted that there were no comments from Private Sector Housing on the adequacy of provision. The unusual layout of the set of properties meant that properties face inwards, and this would change the nature of this unique community. The nature of the higher density of HMOs just outside of the radius was also noted, and may be another issue for the SPD to consider. The proximity of high density communities at St.Johns College and the McCarthy and Stone building and their impact was raised. There was already one HMO and another would breach the 10% threshold.

RESOLVED that permission be refused for the following reason:

In the opinion of the local planning authority, the gated community of Admiral Square has a unique character and with similar isolated clusters of development in the local area, the development is distinct and detached from the prevailing urban character of Portsmouth. The creation of the proposed HMO would significantly adversely affect and fail to protect the individual character of this gated community. This impact would be exacerbated by the presence of an existing HMO within Admiral Square and would undermine the retention of a mixed and balanced community within the development. The proposal is therefore considered to be contrary to Policies PCS20 and PCS23 of The Portsmouth Plan and the aims of the National Planning Policy Framework.

- 146. 17/01367/FUL - The Ferryman Guest House 16 Victoria Road South Southsea PO5 2BZ - Construction of first floor rear extension with obscure glazed screens; external alterations to provide "Juliet" balconies; installation of external staircase and hooped ladder access to rear; and installation of PV array at roof level (report item 8) (AI 12)**

The City Development Manager's Supplementary Matters report stated:
"The agent has queried why conditions four and five have been imposed. These conditions are to protect trees in the rear garden from any disturbance associated with the work and to protect residential amenity. The full reasoning for these conditions is outlined in the committee report."

Members' Questions

The impact of windows and screens (and views from the balconies) was raised and it was reported that the internal layout of the adjoining property had changed since the previous application.

Members' Comments

There were no comments.

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

147. 17/01373/HOU - 3 Paignton Avenue Portsmouth PO3 6LL - Construction of first floor rear extension (report item 9) (AI 13)

The City Development Manager's Supplementary Matters Report stated:

"In addition to the conditions on page 75, the following additional condition is included:

Condition:

4) The proposed side windows on the ground floor side elevation shown on drawing 'BENNETT01A REV B A0' shall be non-opening unless otherwise agreed in writing by the Local Planning Authority, and shall be permanently retained in that condition.

Reason:

4) To prevent the windows opening out onto the shared driveway in the interest of safety, in accordance with Policy PCS17 of the Portsmouth Plan."

Deputations of opposition were made, which are summarised:

i) Ms R Birch, whose points included:

- The effect on her property and the height and size was out of character with the rest of the road
- She had been told she could only have permission for a small extension to avoid invading the privacy of others but this extension would encroach on her property
- Problems by the weight of the wall which could cause damage to her property

ii) Miss B Murphy, whose points included:

- This would also affect her property's amenities
- There would be overlooking into her downstairs living area

- Loss of light to her building and garden area
- The extension would be obtrusive, overbearing and would give a sense of enclosure
- There were no other similar extensions in the road so it was out of character
- The applicant could have used the roof space
- There is not a shared driveway

Members Questions

Members asked about the changes compared to the previously submitted scheme, the line of the extension compared to the neighbouring properties and the level of overlooking. It was asked if the window could be obscured but were advised that this could be an issue with Building Regulations. It was asked why officers had suggested a pitch roof design: this was to be sympathetic with the style of the house.

Members' Comments

Members were concerned regarding the impact on the neighbouring properties at No.1 and No.5 Paignton Avenue, especially the loss of amenity at No.5. They considered the photographs circulated by one of the deputations in trying to assess the impact with relation to overlooking which they wished to consider further by undertaking a site visit.

RESOLVED that consideration of this application be deferred, to allow a site visit to be undertaken by the committee.

148. 17/01455/FUL - 239 Powerscourt Road Portsmouth PO2 7JJ - Change of use from purposes falling within Class C4 (house of multiple occupation) to 7-bedroom house of multiple occupation (Sui Generis) (report item 10) (AI 14)

This item had been withdrawn from this agenda so that consideration was deferred until a later meeting.

149. 17/01456/FUL - 10 Clarence Road Southsea PO5 2LG - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (report item 11) (AI 15)

The Chair agreed to vary the agenda order for this item to be taken earlier. Councillor Hunt withdrew from the room for the consideration of this item in accordance with his earlier declaration of interest.

Before the officer's presentation, it was asked that whether due to the emerging Supplementary Planning Document (SPD) which would update guidance on Houses in Multiple Occupation (HMO), whether consideration of this item should be deferred until the SPD was agreed? Claire Upton-Brown, the Assistant Director of Culture and City Development responded that there were several HMO applications for determination on this agenda and if these were not determined within the 8 week period there could be appeals on the grounds of non-determination, and possible costs incurred by the Council. It was therefore placed on record that members were

concerned that there may be reputational issues caused by an influx of such applications during the period of consultation on the developing SPD. It was stressed that each application would be considered on its own merit.

The City Development Manager's Supplementary Matters report stated:
"As a matter of clarification in response to comments raised by the Private Sector Housing Department relating to no bathrooms being included on the proposed layout, the applicant has confirmed that the property would have five ensuite bathrooms adjoining each of the bedrooms."

Deputations were made, which are summarised:

- i) Mr R Adair - objecting - whose points included:
 - St. Jude ward did not need any more HMO dwellings, when houses were standing empty, and there should be further investigation if there is a need and the 10% calculation rules
- ii) Mr P Moore, the applicant spoke in support of his application, whose points included:
 - The accommodation was designed for the young professionals market
 - He was investing in properties and upgrading them
 - There is an increase in young single people so the demand is there in the rented sector
 - The accommodation, with en-suites and communal provision, more than satisfied the council's housing standards
- iii) Ward Councillor Linda Symes spoke to support this application which would cater for young professionals in the city, and welcomed this as a good application for shared accommodation.

Members' Questions

The location of worktops on the plan was clarified.

Members' Comments

Members were pleased to see the sizes of bedrooms and provision of en-suites for each one, so welcomed the quality of this development which would provide a good standard of housing for local people.

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

- 150. 17/01556/FUL - 20 Granada Road Southsea PO4 0RH - Change of use from purposes falling within HMO (Class C4) or dwelling (Class C3) to form 8 bedroom HMO (Sui Generis) (report item 12) (AI 16)**

The City Development Manager's Supplementary Matters report stated:

"Further to the publication of the Planning Committee Report, two representations have been received objecting to the development on the grounds of: (a) the application site is being overdeveloped; (b) the proposal would have an impact on family housing; (c) the proposal would be out of character with the surrounding area; (d) the property would be overcrowded; (e) the property would be occupied by less respectful residents; (f) fire safety issues and (e) increased parking demand."

.....

It also clarified that the proposal section should read "This application seeks planning permission to use the property as an 8 bedroom, 8 person house in multiple occupation (Sui Generis)", not 7 person.

A deputation was due to be heard from the applicant Mr Bateman, but he was not present at the end of the meeting when this item was discussed.

Councillor Jennie Brent made a deputation on behalf of Councillor Luke Stubbs as ward councillor, before withdrawing from the room and taking no further part in the discussion of this item. The points made on behalf of Councillor Stubbs included:

- He was familiar with the building which had previously been a party office
- It was prone to flooding
- Private Sector Housing had indicated there were inadequate facilities and a small kitchen area
- The Council were consulting on the SPD policy to close the loophole for large HMOs
- It did not meet the national standards for shared accommodation

Members' Questions

Questions were asked on the details of layout and access to the upper rooms and their sizes.

Members' Comments

Member were concerned regarding the comments by Private Sector Housing and the sizes of rooms and layout was confusing, therefore a deferral was sought to seek clarification.

RESOLVED that consideration of this application be deferred.

The meeting concluded at 7.05 pm.

Signed by the Chair of the meeting
Councillor J Fleming

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 September 2017 at 1.00 pm in The Executive Meeting Room, Third Floor, The Guildhall

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

Present

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

Also in attendance

Councillors Alicia Denny and Linda Symes

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.

116. Apologies (AI 1)

Apologies for absence were received from Councillor David Fuller, Councillor Tom Wood was present as his standing deputy.

Councillors Robert New and Steve Hastings apologised as they would need to leave the meeting early. Councillor Lee Hunt apologised for arriving late to the meeting.

117. Declaration of Members' Interests (AI 2)

110-114 Palmerston Road

Councillors Robert New and Jim Fleming declared prejudicial interests as they know the owner of the premises. They would leave the room during the consideration of this application.

Councillor Steve Pitt declared a personal interest as he knows the owner of the premises but this was not prejudicial.

Public House, 119 Somers Road

Councillor Tom Wood informed the Committee that as he would make a deputation on this application, he would leave the room during the consideration of this item.

Former Dairy Site, Station Road

Councillor Pitt said he had received communication from the applicant regarding this item, but this would have no impact on his decision. Several other committee members said they had received the same letter from the applicant.

118. Minutes of Previous Meeting - 23 August 2017 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 23 August 2017 be approved as a correct record to be signed by the Chair.

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

There were no updates on previous planning applications.

The Assistant Director of Culture and City Development informed the committee that the consultation on the changes to the HMO SPD had started today and would last for 6 weeks, closing on 31 October. A report with the findings would then come back to the next PRED meeting. The committee were advised that they should only give minimal weight to the proposed changes in the document when considering the HMO applications on the agenda today.

120. Recent Inspector Decisions (AI 5)

The City Development Manger introduced the report.

RESOLVED that the report be noted.

121. 17/01014/PLAREG - 110 - 114 Palmerston Road Southsea PO5 3PT (AI 6)

Councillors Jim Fleming and Robert New had declared prejudicial interests so left the meeting during this item.

Councillor Frank Jonas chaired this item.

The planning officer introduced the report and reported in the supplementary matters list that one further representation had been received, noting that the staff of the premises are not currently operating the windows in accordance with the proposed procedure and that this is

presenting a health and safety issue. It is noted that the windows are being opened by one member of staff only with no supervision from the duty manager.

Deputations were then heard whose points are summarised:

Ms Susan Lloyd, objector, whose points included:

- She circulated some photos to the committee showing the open windows and gate which were taken a week after this application was discussed at the previous meeting.
- The new window-opening procedure is not being followed as it requires two members of staff and a duty manager to supervise. Whilst walking past the restaurant recently with her family, a member of staff was leaning out of the window to close it, narrowly missing hitting her husband as they were not concentrating what they were doing.
- The site is on a blind corner therefore dangerous for pedestrians walking past.

Mr Peter Cairns, objector, whose points included:

- He is registered blind and regularly walks along these narrow pavements outside the premises.
- The pavements are obstructed by cars parked on them.
- On previous occasions he had to ask the staff to close a large wooden gate which was swinging across the pavement in the wind.
- Despite the applications to have the windows open being refused, two and a half years later the owners continue to open them.
- Disregard to public safety.

Members' Questions

There were no questions.

Members' Comments

Members felt that the pavement on Palmerston Road is wide enough to allow for pedestrians to pass whilst the windows are open with a secure locking mechanism, however the pavement on Auckland Road West is too narrow for pedestrians to safely pass with outward opening windows. Members also noted the concerns raised in the deputations that the window opening procedures are not being adhered to with reports of people are hanging out of the windows to close them, causing a risk to passing pedestrians.

RESOLVED that the application be refused for the following reasons:

- (1) The outward opening windows over an adjoining highway would result in unacceptable risk of injury to pedestrians, specifically on Auckland Road West.**

(Councillors Fleming and New re-joined the meeting.)

122. 17/00224/OUT - Former Dairy Site Station Road Portsmouth PO6 1PL (AI 7)

(Councillor Hunt arrived during this item)

The planning officer introduced the report and reported in the supplementary matters list that a consultation response from Southern Water has been received and a copy is provided (as an appendix). In summary it describes: a sewer crosses part of the site, with potential for diversion (at the developer's expense); initial results indicate SW cannot accommodate the needs of this proposal unless discharge of surface water flow is no greater than existing levels, if proven to be connected; and, request for drainage related planning conditions and an informative. The recommendation is unchanged but drainage related planning conditions will be updated and a SW water informative added.

Deputations were then heard whose points are summarised:

Mr Roger Lattimore, supporter speaking on behalf of the residents of the last 7 houses in Station Road, whose points included:

- The initial plan had the entrance to the site further north which would have been right opposite his house in Station Road. Following a public meeting for residents, the applicant amended the plans to move the entrance further south as residents had suggested. This will create less of an impact on residents and provide a clearer view for traffic exiting the site.
- Station Road is a quiet road with traffic calming measures. He does not feel there would be an issue with increased traffic. When the dairy was in use numerous heavy duty vehicles travelling down the road so this will not be any worse than that.
- Opportunity for improvement to the site which will improve the area for residents who take pride in living in Station Road.

Ms Amanda Olley, Agent, whose points included:

- The Environment Agency has confirmed that the development will remain free from flooding.
- Traffic modelling has been carried out which has been accepted by the highways officer.
- Following the pre application advice they held a public meeting where residents requested that the site access be reconsidered and following this a revised access location has been proposed.

Members' Questions

In response to questions the following matters were clarified:

- Overall there will likely be an increase in traffic compared to when the dairy was in operation, however it will be a different range of traffic with more cars and less HGVs. There will be some impact on traffic particularly at the junction with Eastern Road with up to 11 additional vehicles up to 2022.

- Page 20 of the committee report discusses flood risk and there were serious concerns by the drainage team about surface water drainage. It was not clear why the site flooded in winter 2012/13 and a lot of work has taken place to ensure that this will not be repeated. The drainage strategy has since been updated and the drainage team are satisfied with the measures put in place by the applicant. Condition 14 states that no development shall take place until a detailed scheme for the proposed means of foul and sewerage disposal has been submitted.

Members' Comments

Members agreed that this was a sensible development with good access from Station Road and it was pleasing to hear that the applicant had listened to the concerns of residents and moved the entrance of the site. It was felt that the increase in traffic would not be any worse than the HGVs serving the dairy when this was in use. The Chair added that it was good to hear that residents supported the scheme.

RESOLVED

- (1) Delegated authority was granted to the Assistant Director Culture and City Development to grant conditional outline permission subject to the completion of an agreement pursuant to section 106 Town and Country Planning Act 1990 to secure planning obligations with principal terms as outlined in the report.**
- (2) Delegated authority was granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary.**
- (3) Delegated authority was 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.**

(Councillor New left at the end of this item)

123. 17/00265/FUL - 50 Hudson Road Southsea PO5 1HD (AI 10)

The planning officer introduced the report. Councillor Fleming added that there had been a request from highways to add in a condition about cycle parking which had not been included in the report. The Assistant Director of Culture and City Development said this would read 'that prior to the first occupation plans should be submitted to the LPA showing the provision of four secure waterproof cycle storage spaces'

Deputations were then heard whose points are summarised:

Ms Katherine Webber on behalf of Dr Martin Willoughby who was unable to attend due to work commitments (East St Thomas Residents) objecting whose points included:

- Surge of HMO applications over the last 12 months which the East St Thomas Residents have opposed.
- Over 70% of houses in Hudson Road are HMOs
- Multiple residents have said that the property previously had three brothers living there which would invalidate the application. The committee should therefore give greater weight to the residents who see the residents every day compared to the landlord who does not live in the area.

Mr James Oliver, applicant whose points included:

- The previous owner of the property signed a statutory declaration stating that the property has not been used for any other purpose other than C4 use.
- He has provided numerous tenancy agreements to the planning officer as evidence that the property is let to unrelated tenants.
- Turned rooms into en-suites to provide a high standard of accommodation.
- 6 similar applications have recently been refused and have always been successful when been appealed.
- The committee should follow the policy the council put in place in 2001.

Members' Questions

In response to questions the following matters were clarified:

- In situations such as these the council are establishing whether the use is established based on a balance of probabilities. That is not to say there is no other evidence to say three brothers were living in the property. The local planning authority can only make a decision based on the evidence before it. In this case based on the evidence available the offices have concluded that the property has been operating as C4 use. If there is evidence to the contrary this needs to be shared with the LPA however none has been received.
- The planning officer received an email from a resident saying they believed three brothers had been living in the property since 2012 but they could not provide specific dates or be 100% sure. It is a 6 bedroom house so even if three brothers occupied three rooms, the other three rooms may have been rented by unrelated individuals.
- A statutory declaration is not routinely asked for, it was on this occasion following the query raised at the June planning committee.
- The statutory declaration was signed by the previous owner covering a period since 1999 until Mr Oliver purchased the house.
- The committees' legal advisor explained the definition of balance of probabilities.
- As the property is already a C4 use the 10% measure of HMOs in the area is removed. There is no measure when changing from C4 use to Sui Generis. The current consultation on the HMO SPD is suggesting a change to this so that when over a 10% threshold applications for C4 to Sui Generis use are refused. The consultation has only just started so the committee can only give light weight to this as there is no guarantee

that this will be adopted. The committee should therefore make their decision today based on the current HMO SPD.

- The second lounge would become the 7th bedroom.

Members' Comments

Members were sympathetic to the concerns of residents in this ward with the amount of HMO applications that had been submitted recently and agreed with the statement in the deputation that the system is against residents as they are unable to appeal. There were mixed views from the committee; some members felt that as there was still some uncertainty as to whether this should be classed as a HMO the application should be refused. Other members felt that even if three brothers were resident it was likely that three other unrelated people occupied the other bedrooms therefore it should be classed as C4 use.

RESOLVED that the application be refused for the following reason: There is insufficient evidence to demonstrate the use as a C4, accordingly the change of use to sui generis would result in an unbalance in the community.

124. 17/00793/PLAREG - Public House 119 Somers Road Southsea (AI 11)

The planning officer introduced the report and reported in the supplementary matters list that five additional representation had been received in support for the following reasons:

- (a) The pub makes a valuable contribution to the streetscene;
- (b) The pub is disabled friendly and welcoming;
- (c) The completed changes are in keeping with other properties close by;
- (d) The pub provides a clean, safe environment for the local community;
- (e) The changes have kept the business viable; and
- (f) Loss of the pub would impact the local community as well as fire service and police personnel close by who frequent the pub.

Deputations were then heard whose points are summarised:

Mr Adrian Blackwood, supporter, whose points included:

- Commend the applicant as he had made improvements to the building to ensure sound is kept within the building and has made it look more appealing.
- Splendid and fit for purpose.
- The castellations are the dominant feature of the building and have not been altered.

Mr John Molloy, Applicant whose points included:

- Apologised for not applying for planning permission - he was not aware that the building was listed. It was made a listed building since he owned it but did not recall being notified.
- The alterations were to make the building structurally sound.

- The smaller windows that have been installed are to improve security and to limit the amount of noise to residents from the pub.

Councillor Tom Wood, ward councillor whose points included:

- Thanked the planning officer for his work on this application as he had been exceptionally helpful.
- He has done significant research into local listing and said that councils can choose whether to locally list a building.
- Does not mean that planning application should be refused.
- Mr Molloy did not realise the building was listed.
- The significant part of the building is its castellations, this should not stop improvements being made to the remainder of the building.

Councillor Tom Wood then left the room for the remainder of this item.

Members' Questions

In response to questions the following matters were clarified:

- The building is locally listed, not statutory listed therefore do not require listed building consent. The building is unique however not enough to be added to the statutory list.
- The LPA would expect the owner to consult with them before making any changes.
- A report went to PRED in 2003 with a list of properties with unique qualities to add to the local list and following that a letter was sent to the owners notifying of the LPA decision.
- The French windows on the east elevation appear to have been there originally but were then closed over.

Members' Comments

Although the works have not been carried out in the correct manner, which the applicant admits, members did not think the works were of the detriment of the pub. Members were pleased that the applicant wants to improve the pub for the local community especially as many local pubs are closing. It was noted that the unique part of this building is its castellations which had not been altered and approving this application would not set a precedent for the removal of these. Members felt that the east elevation works had been completed with a degree of sensitivity and were more concerned with the north elevation, however on balance felt that the alterations of the pub to increase security did not create adverse harm to the local listing.

RESOLVED Conditional Permission granted for the following reason: The security of the pub that has driven the design of the alteration outweighs the harm to the character and appearance of the locally listed building and does not set a precedent for the removal of the castellations.

125. 17/01029/FUL - 17 Marmion Road Southsea PO5 2AT (AI 9)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Mr Adam Peters (also on behalf of Carole Chantler and Georgia McCann) objector whose points included:

- Moved to Wilton Place 6 years ago and is very content with the mixed use of the area. Everything closes at 17:30 so noise is not an issue.
- Currently 4 cafes, 1 pub, 1 brasserie and 1 takeaway so plenty of options to cater for people doing shopping. If people want nightlife they have the option of Osborne Road and the south of Palmerston Road.
- No objection to mixed use of commercial areas.
- If approved will severely impact the quality of life for residents whose houses back directly onto the site as the restaurant will be open to 22:30.
- Would create additional traffic as the back will be used for deliveries, and increased noise causing a significant impact on residents.
- Staff on their breaks will congregate at the back if wanting to have a cigarette causing noise to residents.
- Would have no issue if the restaurant closed early evening.

Mr Graham Spencer, objector whose points included:

- Concerns over the increased noise and smell coming from the restaurant.
- Detrimental effect on life and no way the applicant can guarantee no additional noise.
- Cobbled Streets of Wilton Place act as an 'echo chamber' amplifying the level of noise.
- Marmion Road is an area with a particular character and has specialist shops.
- Back of building will inevitably be used for parking.

Mr Les Weymes, Agent whose points included:

- Ceiling requires investigation to determine what additional sound proofing is required to limit noise.
- Will retain the existing shopfront thereby preserving the street character.
- Simplify maintenance of fans.
- Seeks operational hours that accord with planning officers recommendation and trust that the committee accept that the hours are not late night use.

- The applicant would not object to adding a condition to restrict servicing at the rear to certain times of the day.

Councillor Linda Symes, ward councillor, whose points included:

- Notice on plans that the development is proposed to have an extremely small kitchen and very large bar which is a concern
- Osborne Road is typically a place where people go in the evening for meals/drinks and Marmion Road is much quieter once the shops close and is a quiet residential area.
- Want to continue to have a mix of shops in Marmion Road.
- This will create a huge impact on residential amenity.
- The application mentions that Waitrose car park can be used for parking however as people have been misusing the car park the top level has been closed off.
- Can put numerous conditions on but if there is no one there to police it these are unlikely to be adhered to.
- Huge impact on residential amenity.

Members' Questions

In response to questions the following matters were clarified:

- Wilton Place is a cul-de-sac.
- The location of deliveries has not been provided only some proposed delivery times.
- The planning policy team monitor frontages of town centre and have a series of documents they refer to compare and obtain an updated figure. In this case if approved the retail frontage would be 77% of A1 to be retained. All frontages are included and all usages of frontages mapped.
- Frontage includes the whole of primary frontage in Southsea town centre.
- Officers overlay frontage length and the uses of building to come to their calculation.
- Everything that has been graded A3 use at any time has been included in this calculation.

Members' Comments

Members felt that if this application was approved it would cause disturbance to residents, particularly to the flat above. Members commented that due to the south westerly wind direction and the height of buildings this will create a vortex and smells will travel through to the properties in Wilton Place. Members commented that deliveries would be very difficult due to the narrowness of Wilton Place and would block the road. This was therefore not an acceptable use. It was also felt that Marmion Road is a specialist area unique to Portsmouth that therefore this would not be an appropriate use. Members also commented that generally a number of shop owners are being forced out due to rising business rates. There is concern that the property will remain empty and

the committee would need to ensure it is robust when any further applications for vacant shops that come to committee.

RESOLVED that the application be refused on grounds of:

Due to the close proximity to residential properties the proposed use would result in an unacceptable loss of amenity to nearby residents' as a result unacceptable noise, disturbance, odours and smell and therefore be contrary to Policy PCS23.

126. 17/01272/FUL - 26 Jersey Road Portsmouth PO2 7PY (AI 12)

The planning officer introduced the report

Deputations were then heard whose points are summarised:

Ms Caryn Chamberlain, objector, whose points included:

- The previous application had 4 bedrooms when it previously was considered by the committee. When the application was re-submitted it still had the lounge proposed to change into bedroom 4 and the only change was the addition of a downstairs WC. The public sector housing team had identified that no lounge was identified and as a consequence did not meet the required standard.
- The application has since been amended so that the lounge is retained and there are only 3 bedrooms. Would there be any guarantee that the original 4th bedroom would not be reinstated?
- Only 1 bathroom with a separate WC under the stairs.
- Detrimental impact on adjoining residents.
- Although frequent bus links, nothing to stop residents each owning a car.
- Ideal houses for first time buyers and should be retained as a family home.
- This is a quiet residential road.
- Parking is already an issue in the evenings.

Ms Jackie Clark, objector, whose points included:

- Lives directly opposite the site in no. 21. Spent a lot of money doing up her home and if knew this was going to happen she would not have bought home. Will have an impact on property values.
- The developer does not live in the area.
- Very thin walls so noise will travel.
- If a family with young children occupied the property, there would be some noise but not late at night as children would be in bed.
- A lack of 3 bedroom family homes to rent in Portsmouth.
- No reason why this needs to be a HMO. This is a family orientated area. If a group of young people occupied the property they will have no respect to the working adults who live in the road.
- If issues with drinking/violence who do residents contact?

Mr Tom Vaughan, on behalf of the applicant, whose points included:

- High standard of accommodation provided and the property was previously uninhabitable. Extensive renovations have taken place.
- Changed proposed 4th bedroom to a communal room so now exceeds communal space requirements for a HMO. Also added a downstairs WC.
- There is a demand for shared housing in the city. No HMOs currently exist in Jersey Road.
- Will only be a maximum of 3 tenants who will be vetted through an estate agency. It will not be let to students - it is not in a student area.
- Would be perfect for staff working at QA with the bus links. Contact has been made with QA Hospital and there are a number of people wanting shared housing.
- High standard of accommodation so will attract professionals.
- Bin stores will be provided and has provided a waterproof bike store.
- Loss of property value is not a material consideration.
- He is personally responsible for any issues in the property. People will be on call if there are maintenance issues and will be resolved within 24 hours

Members' Questions

In response to questions the following matters were clarified:

- The property only has a licence for 3 people.
- The 4th bedroom was removed as this would reduce the amount of communal space under the required level of the Public Sector Housing Team.
- Officers advised that they could not answer building regulation query about whether the regulations had changed so that there now needs to be two doors between a communal area and WC but would investigate and inform the committee.
- The original 4th bedroom could not revert back to a bedroom as the restriction would come from the Private Sector Housing Team.

Members' Comments

Members noted that the applicant had addressed the previous concerns of the lack of communal space and it was clear that the property has been refurbished to a high standard. Members commented that they were pleased the application was now for a 3 bedroom HMO rather than the previous 4 bedroom proposal that was submitted.

Members were sympathetic to the concerns of the residents and some mentioned that they live/have lived in the vicinity of HMOs so are aware of the potential issues, however agreed that the committee must adhere to law and its planning policies. It was felt that the applicant had renovated the property to a high standard and this would attract young professionals. There is no reason to refuse it and if they did it was likely it would be granted permission if it is appealed.

The Chair added that the council can do more for residents if there are issues with it operating as a HMO compared to a private let. Members requested that the Assistant Director of Culture and City Development confirm via email the building regulations and the required number of doors between a communal area and WC.

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

(Councillor Steve Hastings left the meeting at this point)

127. 17/01189/FUL - 43 Edmund Road Southsea PO4 0HZ (AI 13)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Mr J Kennedy, objector whose points included:

- Lived in Edmund Road for over 50 years.
- Opposite no. 43 is a disabled bay with a huge van that parks there. Directly opposite there is normally a huge white van parked there so cars often have to inch through the gap that is left.
- There are 31 houses on the eastern end of Edmund Road, at least 10 of these are HMOs.
- The area was previously occupied by naval officer, and other professionals but slowly seen the area go downhill once the university was created.

Mr Steven Barlow, applicant, whose points included:

- A resident of Portsmouth for 40 years and as a student lived in a HMO.
- He is a hands on landlord and endeavours to resolve any issues/complaints quickly.
- Has been a landlord for 15 years and never had any complaints against him or any of his tenants.
- He has introduced himself to many of the neighbours but hasn't yet met Mr Kennedy.
- The current lawful use is C4.
- This is a huge property with 2-3 car parking spaces at the front. He only ever lets to students and currently only 1 resident has a car.
- Two letters of support have been received from the neighbouring attached property saying the property is well managed and it would not create any additional noise.
- Sustainable location, close to the university with two cycle stores.
- Complies with relevant council policies.

Members' Questions

In response to questions the following matters were clarified:

- Bedrooms 3 and 4 on the existing plan would both be subdivided to create the additional two bedrooms, creating 6 bedrooms in total.
- Bedrooms 3 and 4 would be smaller than the minimum requirements if the amendments to the HMO SPD are approved.
- There is no bathroom on the first floor just a WC. There are 3 WCs in total.
- Based on the information in the proposed new SPD bedrooms 7 and 8 could be let as double rooms however there may not be enough communal space for additional occupants.
- The Private Sector Housing team have based their response on room sizes and advised they are suitable for a single individual occupancy.

Members' Comments

One member felt that this application should be deferred until a decision on the amendments to the HMO SPD had been made. It was noted that under the new HMO SPD two of the bedrooms would be under the minimum size standards. Other members commented that the committee has to consider the applications with the position as it stands today and this application is reasonable. There was concern that there is no bathroom on the first floor and also that in the future 10 people could be living in the property which would be an over intensification.

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

128. 17/01192/HOU - 22 Exeter Road Southsea PO4 9PZ (AI 14)

(Councillor Steve Pitt was not present for this item)

The planning officer introduced the report.

Deputations were then heard whose points are summarised:

Mr Trapnell, objector, whose points included:

- Lack of accuracy in the applicants answers to questions.
- No mention in the officers report of the 90cm gap to his property
- States on the council's website that a resident's right to light should be taken into account. The proposal will block out light from his kitchen diner where they spend a lot of their time.
- Overbearing effect on adjacent properties.
- No properties to the west have two storey extensions.
- Invited his neighbour in so he could see the how much light they have in their kitchen/diner with the single storey extension and they commented that a second storey would impact further on their loss of light and they would rethink their plans.

- Will have a major effect on their amenities.

Members' Questions

In response to questions the following matters were clarified:

- Officers are not suggesting that because the single storey extension was permitted that a second storey would not have much more of an impact on the neighbouring property.
- Members need to consider the relationship of the window between the two properties and the amount of light that will be reduced if a second storey is permitted.
- The 45 degree angle is a rule of thumb guidance and not law.
- Officers had not completed a specific calculation on the impact on loss of light.

Members' Comments

Members commented that if the neighbouring property only had one window in their kitchen/diner they would be very concerned and object to the application, however as there are two windows (one obscured glazed) felt that the neighbouring property would still have sufficient light.

RESOLVED that permission be granted subject to the conditions set out in the City Development Managers report.

129. 17/01214/HOU - 56 Stubbington Avenue Portsmouth PO2 0JA (AI 15)

The planning officer introduced the report and reported in the supplementary matters list that a representation in support had been received from Councillor Young commenting: " I have sat in front of the planning committee several times to make deputations on planning applications for HMOs in this part of the city and one of residents biggest concerns is the impact on parking that these developments will have on the city. Here we have an application which is to create off road parking and the planning department decides to reject it. This application, I believe will have minimal street impact and will improve safety for the applicant"

The harm raised by the Highways Authority and identified in the reason for refusal relates solely to the impact on highway safety.

Deputations were then heard whose points are summarised:

Councillor Alicia Denny, ward councillor whose points included:

- Not many pedestrians using Stubbington Avenue apart from school drop off and pick up times, therefore this would not impact on pedestrians.
- If this is a statutory road why are there not double yellow lines down both sides of Stubbington Avenue?
- This proposal would remove one parked car from the road.
- The applicant only wants to park a small car on the forecourt, although not sure how there would be control over the size of the car

that parks in the space if the applicant were to move.

Councillor Robert New who was not able to stay until this part of the meeting had also submitted a written representation which was read out to the committee as follows:

"I'd like to convey my support along with ward colleagues for the application before you today, in particular regarding the dropped curb to allow vehicle access to the property.

I'd like to support the resident in that I think it's sensible to create off road parking where possible and given the nature of this section of Stubbington Avenue, I think the wider street impact will be minimal and improve vehicle security at the very least for the applicant."

Members' Questions

In response to questions the following matters were clarified:

- The parked car would overhang footway by 0.5m.
- The councils SPD guidance that states length should be 5m for a parking space. In this case it is 4.1m.
- The redundant bus stop is definitely being removed. Once it is removed the road could have spaces for cars to park on both sides of the road creating more parking spaces.

Members' Comments

Members felt that it would be very difficult for the applicant to navigate her car into the proposed forecourt space as once the bus stop is removed there will be cars parked either side of the entrance. Some members stated that once dropped kerbs are introduced it stops cars several parking on that section of the road even though one car will be removed onto the forecourt. It was also noted that if the wall was removed and a white line painted on the road to stop people parking over the entrance, this was not enforceable. The Chair added that paving over front gardens to create parking spaces also has an impact on surface water drainage so is not a sensible solution.

RESOLVED that the application be refused for the following reasons: The proposed dropped kerb and access to the site would result in a vehicle having to make multiple shunting movements over the footway and within the carriageway (in the event of vehicles travelling from the direction from which they arrived) which would result in a hazard and inconvenience to the users of the highway to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 of the Portsmouth Plan and saved policy DC26 of the Portsmouth City Local Plan 2001-2011.

130. 17/01329/FUL - 5 Edmund Road Southsea PO4 0LL (AI 19)

The planning officer introduced the report and reported from the SMAT list that an email has been received from the applicant confirming that the use of the property as an 8 bedroom HMO has been approved by the Housing Team. The applicant has also provided a statutory declaration stating that the property has not been used for any other purpose than C4 use since 1 September 2011 to the present day. The officer also reported that the size of the kitchen/dining/living space within the building has been confirmed as 28.41m² (rather than 26.68m² in the committee report).

Deputations were then heard whose points are summarised:

Mr Abhai Pandya, applicant, whose points included:

- The proposed room sizes are very generous.
- There are three showers and WCs.
- Neighbours have his phone number to report any issues with the tenants. He has only had one issue to date which was to tidy the garden and this was resolved within one hour.
- He has completely refurbished the property to a high standard.

Members' Questions

In response to questions the following matters were clarified:

- There is no WC on the second floor, tenants would need to use the facilities on the floor below.
- The three WCs also have showers. The plans were slightly out of date in that he has now added a shower to the downstairs WC as well.

Members' Comments

As with the previous similar applications, one member proposed that this application be deferred until the outcome of the SPD consultation is known as this may be approved but in the future the room sizes might be unacceptable. Members felt it was important to get a good standard of accommodation for residents and were not confident that the proposed changes were in the interest of residents. They were also not convinced that there is demand for extra rooms in the city and this was an issue across the city. The Chair added that the committee needed to be consistent with its decisions today.

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

131. 17/00920/FUL - 59 Liss Road Southsea PO4 8AS (AI 8)

The planning officer introduced the report. There were no deputations.

Members' Questions

Officers advised that there were 12 HMOs in the area and in the context of PCS 20 this would account for 50%.

Members' Comments

As with the previous HMO applications, one member proposed that the application be deferred until the outcome of the SPD is known.

RESOLVED that this application be deferred until the revised SPD is adopted.

132. 17/01215/FUL - 1 Edmund Road Southsea PO4 0LL (AI 16)

The planning officer introduced the report.

There were no deputations.

Members' Questions

There were no questions.

Members' Comments

As with the previous HMO applications, one member proposed that the application be deferred until the outcome of the SPD is known. Members commented that this was the third HMO application for Edmund Road on this agenda in an area where the level of HMOs is already over 10% and in light of this it should be deferred.

RESOLVED that the application be deferred until the revised SPD is adopted.

133. 17/01240/FUL - 63 Jessie Road Southsea PO4 0EJ (AI 17)

The planning officer introduced the report.

There were no deputations.

Members' Questions

In response to a query on room sizes the planning officers confirmed these were:

Bedroom 7 - 10.34m²

Bathroom (first floor) - 4.42m²

Bedroom 6 - 8.36m²

Bedroom 3 - 9.68m²

Bedroom 4 - 8.06m²

Bedroom 5 - 9.06m²

Bedroom 1 - 12.95m²

Bathroom (second floor) - 3.46m²

Bedroom 2 - 7.82m²

The officers did not have the benefit of a head height drawing so could not comment on whether there is enough liveable space in bedroom 1 which

goes into the roofspace.

Members' Comments

One of the issues raised by the Public Sector Housing Team is that communal areas are under the required size. As this application removes one of the communal areas dropping it under so less than the required standard which is a concern, particularly as it would be possible to meet the required room standards.

RESOLVED that the application be refused on the grounds of the change of use would result in an inadequate standard of living accommodation lacking adequate amenity space.

134. 17/01243/FUL - 61A Osborne Road Southsea PO5 3LS (AI 18)

This item was withdrawn by the applicant prior to the meeting.

The meeting concluded at 6.25 pm.

Signed by the Chair of the meeting
Councillor Jim Fleming

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Agenda Item 4

PLANNING COMMITTEE 15 NOVEMBER 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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SOCIAL CLUB UNITY HALL COBURG STREET PORTSMOUTH**OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 10 STOREY BUILDING TO FORM HALLS OF RESIDENCE COMPRISING 133 STUDY/BEDROOMS (CLASS C1) AND COMMUNAL FACILITIES, CYCLE/REFUSE STORES, CAR PARKING AND ASSOCIATED WORKS (PRINCIPLES OF APPEARANCE, LAYOUT AND SCALE TO CONSIDERED)****Application Submitted By:**

PDP Architecture LLP
FAO Mr Elliott Vials

On behalf of:

Brownsea Build Ltd
FAO Mr Peter Ling

RDD: 31st May 2017

LDD: 25th September 2017

SUMMARY OF MAIN ISSUES

This application has been referred to Committee by the Assistant Director of Culture and City Development as it proposes specialist student accommodation in area not identified for such development within the Council's 'City Centre Masterplan' (2013).

The main issues for consideration are as set out below:

- a) Whether the proposal would contribute to the achievement of sustainable development in accordance with national and local planning policy;
- b) Whether the principle of a student Halls of Residence in this location is acceptable;
- c) Whether the proposed development is acceptable in design terms, including whether a tall building is acceptable in this location;
- d) Whether the proposed scheme complies with the requirements for sustainable design and construction;
- e) Whether it would be acceptable in highway terms;
- f) Whether it would provide an acceptable standard of accommodation for future occupiers; and,
- g) Whether there would be an adverse impact on the Solent Special Protection Areas (SPAs)

Site Description

The application site measures approximately 0.118ha in size and lies at the corner of Coburg Street and Holbrook Road, encompassing the existing Unity Hall site and the adjoining garage court site immediately to the east. Unity Hall was used by the Portsmouth Labour Club until 2012 and is now used for occasional sporting activities. There is also a small sub-station in the south-west corner of the garage court site, adjacent to the existing vehicular access. The Unity Hall section of the site measures approximately 758sqm in area, with the garage court site measuring approximately 426sqm in area.

The existing garage court is served by an access on to Coburg Street.

Coburg Street lies to the south of the site, with a public footpath running along the southern boundary of the application site. The Portsmouth Deaf Centre, lies on the southern side of Coburg Street. Wigmore House, a 3 storey residential block, lies to the east of the application site, adjacent to the existing garage court area. Lord's Court lies adjacent to the north-east corner of the application site, which is again a residential development comprising a series of three main blocks. The block which lies adjacent to the application site is 4 storey in height. The majority of the northern site boundary abuts a park and play area, which is enclosed to the east and north by the residential blocks within the Lord's Court development. The block which lies adjacent to the north-eastern corner of the application site is 4 storeys in height and the block which lies at the northern end of the park is 6 storeys in height. The western site boundary abuts Holbrook Road, with the Holbrook Road/Arundel Street roundabout lying to the south of the site.

The Proposal

The application seeks outline planning permission for the redevelopment of the site to provide purpose built self-contained student accommodation in two linked blocks, ranging from 4 to 10 storeys in height, following the demolition of the existing building, Unity Hall. Block A, positioned in the western half of the site, would be 9 and 10 storeys in height - the building then steps down to 5 and 4 storey sections within Block B.

The application has undergone a number of revisions during the consideration process with regards to the level of accommodation being proposed. When submitted, the application proposed 133no 1-bed studio units. Following initial concern regarding the size of the individual units and the level of communal space being provided to serve these units, the scheme was amended to 117no units, with a further reduction to the 96no units currently proposed.

The proposed accommodation would be provided as set out below:

- Ground floor - lobby, social space (126sqm), WC, store room, 2no cycle store rooms, plant room, laundry, refuse store and office
- 1st floor - 12no 1-bed studios, 1no communal lounge area (47sqm) and 1no shared study area (44sqm)
- 2nd floor - 18no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge (47sqm)
- 3rd floor - 18no 1-bed studios, 1no 1-bed DDA studio and 1no communal lounge (47sqm)
- 4th floor - 12no 1-bed studios and 2no communal lounges (32sqm and 47sqm)
- 5th floor - 7no 1-bed studios and 1 no communal lounge (32sqm)
- 6th floor - 7no 1-bed studios and 1no communal lounge (32sqm)
- 7th floor - 7no 1-bed studios and 1no communal lounge (32sqm)
- 8th floor - 7no 1-bed studios, 1no communal lounge (32sqm)
- 9th floor - 5no 1-bed studios

The proposed studio flats would measure 25 sqm in area, with the DDA units measuring 32sqm. The communal lounge and shared study areas on the 1st to 8th floors range in size, as outlined above, from 32sqm to 47sqm, with the ground floor social space measuring 126sqm. This results in an overall provision of 518sqm of communal space throughout the building.

The application site also encompasses the existing garage blocks which lie to the east of the existing building. The application proposes that these garages be demolished, with the provision of 16no parking spaces in this area of the site, for use by the Council. No parking provision is proposed for the student accommodation but 60no cycle storage spaces are proposed at ground floor level.

The application seeks outline permission, with approval of the proposed appearance, layout and scale only at this stage. Should outline permission be granted, the details relating to the access and landscaping would be considered at Reserved Matter stage.

The application is supported by the following documents:

- Design and Access Statement
- Tall Buildings Assessment
- Preliminary Roost Assessment
- Surface Water Drainage Strategy

Relevant Planning History

- A*17079/AB [28.01.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey, stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage (after demolition of existing building) (outline application) - Withdrawn, April 2004
- A*38940/AA [20.10.2004] - Unity Hall, Deaf Centre And Coburg Street Garages - Construction of part 4/5/6/8 storey building to comprise ground floor community hall, doctors, dentists surgeries and cycle storage above semi-basement parking, bicycle storage; deaf centre and ten flats at first floor level; and sixty-two flats at second to seventh floor levels; provision of surface car park and relocated electricity sub-station to rear; landscaping and new pedestrian/cycle path adjacent to eastern boundary (Outline) (Amended Scheme) - Withdrawn (Finally Disposed Of), Dec 2012
- A*17079/AC [20.10.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage facilities after demolition of existing building (outline permission) - Refused, Jan 2005
- A*38940/AB [27.09.2005] - Unity Hall, Deaf Centre And Coburg Street Garages Arundel Street/Coburg Street - Construction of part 4/part 5/part 6 storey building comprising community hall at ground floor level and 31 flats at 1st to 5th floor levels with basement cycle store and car park; construction of part 3/part 4/part 5/part 6/ part 10 storey building comprising health centre, pharmacy at ground floor level, replacement deaf centre and 4 flats at first floor level and 49 flats at 2nd to 9th floor levels with basement cycle store and car park and provision of surface car park, alterations to Coburg Street to form a turning head and provision of landscaping (outline application) - Withdrawn, July 2006

POLICY CONTEXT

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development that means approving development proposals that accord with development plan policies without delay, as outlined in paragraph 14.

In addition, the application should be assessed against the development management policies and other relevant paragraphs within the NPPF and in particular, Chapters 1 (Building a strong competitive economy, 4 (Promoting Sustainable Transport), 7 (Requiring Good Design), 11 (Conserving and Enhancing the Natural Environment).

The relevant policies within the Portsmouth Plan include:

- PCS10 - 'Housing Delivery' which sets out the proposed level of housing delivery during the plan period, 2010 to 2027.
- PCS12 - 'Flood Risk' sets out the methods to be adopted to reduce flood risk when considering development proposals.

- PCS 13 - 'A Greener Portsmouth' sets out the ways in which the green infrastructure network will be protected, enhanced and provided in the assessment of development proposals
- PCS14 - 'A Healthy City' sets out the Council's aims for creating a healthy city and improving the well-being of its residents by measures such as the provision of open space, recreation and leisure facilities, improving air quality and improving access to public transport services.
- PCS15 - 'Sustainable Design and Construction' states that all development must contribute to addressing climate change by complying with specified standards in respect of energy efficiency.
- PCS17 'Transport' sets out the Council's aims for the delivery of a strategy that will reduce the need to travel and provide a sustainable and integrated transport network.
- PCS23 'Design & Conservation' states that all new development must be well designed and in particular, respect the character of the city. It sets out a number of expectations for new development, including excellent architectural quality, the protection and enhancement of the city's historic townscape, an appropriate scale, density, layout, appearance and use of materials in relation to the context and the protection of amenity and a good standard of living environment for neighbouring and future residents.
- PCS24 'Tall Buildings' defines the preferred locations within the City for tall buildings and requires proposals to follow the assessment criteria within the Council's 'Tall Buildings' SPD.

Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Tall Buildings (June 2012)
- City Centre Masterplan (Jan 2013)
- Achieving Employment and Skills Plan (July 2013)
- Solent Special Protection Areas (April 2014)
- Parking Standards and Transport Assessments (July 2014)
- Student Halls of Residence (Oct 2014)

CONSULTATIONS

Private Sector Housing

Original comments - objection - 28.07.17:

Definitions:

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor)—

- (a) Which forms part of a building,
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

Summary:

The proposed studio flats with the exception of the 3 accessible studios bedrooms (located on the First, Second and Third floor) are under the minimum size requirement of 25sqm.

Personal hygiene

The location of the en-suites cause concern as there is a reliance on the en-suite door being closed to enable the tenant to enter/exit the flat safely.

Concerns are raised with the usability of the en-suites specifically the provision of drying/changing space and the ability for a tenant to be able to use this space safely. The minimum size standard for an en-suite is 2.74sqm and must be enclosed with a WC, bath/shower unit and WHB. Where a WC is proposed on the ground floor a minimum space size of 1300x900mm (1.17sqm) is required and must include a wash hand basin.

As the proposal currently stands it is recommended that a review of the en-suite provision to mitigate the concerns raised.

Kitchen facilities

The minimum size standard for a kitchen area within a studio flat is 5.5sqm. Each kitchen must include a:

- A fridge and freezer.
- A gas or electrical cooking appliance with an oven, grill, and at least two hobs. A combination microwave is acceptable, but the appliance is to be properly and safely fitted. A minimum splash back of tiles to a height of 300 mm is to be provided.
- A sink with drainer with a minimum splash back of tiles to a height of 300 mm is to be provided.
- A fixed work surface of suitable impervious material to give a food preparation surface of not less than 1m x 500mm in size per occupant. This area is in addition to that occupied by any cooking appliances or any permanently installed equipment. A minimum splash back of tiles to a height of 300 mm is to be provided.
- A food storage cupboard with a minimum capacity of 0.4m³ per occupant. NOTE: Space within the unit under the sink is not acceptable for this purpose.
- At least two electrical sockets at worktop level, which must be situated conveniently for the occupants to use for other non-fixed cooking appliances, such as kettles.
- Based on the proposed location of the kitchen area within each flat a fire suppression system, such as a domestic sprinkler system will be required.

Communal areas

To encourage residents to 'socialise and mix' large communal areas with natural light and comfortable furnishings are expected. This proposal provides 6 communal lounges located on the Ground - 4th floor inclusive, totalling 178sqm. There are no communal areas located on floors 5 - 8 inclusive.

The standard communal space expected is 5sqm per bed space and the development proposes 133 studio flats, consequently requiring 665sqm of communal lounge areas.

Based on the omission of communal areas on the 5th - 8th floor and the lack of communal provision per bed space it is suggested that the communal facilities are reviewed to meet the required standards.

Additional comments - dated 16.10.17

Revised Plans submitted Oct 2017 in response to a previous consultation. Based on the information provided with the application, including the specific room sizes, I have no adverse comments to make.

Southern Water - comment - dated 28.07.17

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the surface water disposal needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water 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.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and a 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."

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable, (surface water) sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. 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".

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."

Natural England - no objection - dated 14.07.17

In summary, no objection subject to appropriate mitigation being secured.

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in student accommodation. Natural England is aware that Portsmouth City Council has adopted the Solent Special Protection Area Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with this policy in relation to student accommodation and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

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

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. Should the proposal change, please consult us again.

Ecology

Initial comments - objection - 21.07.17:

The outline application is not supported by any ecological information.

There is a concern that the development may affect bats, which are protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended) (commonly referred to as the Habitats Regulations). It is advised that permission should not be granted until sufficient information is provided to either confirm that bats are not present, or, if present, that sufficient measures are in place to ensure that impacts will be mitigated / compensated for as appropriate.

It is, however, highlighted that the presence of bats (or indeed any protected species) is not a block to development. The legislation is designed to enable development to proceed, provided that the impacts to the affected species have been properly addressed.

Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The existing building would appear to include features which may be suitable to support roosting bats, notably hanging tiles. Furthermore it appears to be in a poor state of repair which could add features which could support suitable roosting sites. Whilst the site is not located within optimal foraging habitat; parks, tree avenues and recreation grounds are all located within close

proximity to the site and there are a number of records for bat species which may use the types of roost features likely to be present in central Portsmouth.

If bats are present then the demolition of Unity Hall would result in the destruction of any roosts present and possible killing or injury of any bats present.

It is therefore considered that there is a reasonable likelihood that bats would be present and affected by the development and it is therefore necessary to request the applicant to provide further information on this issue.

It is advised that the applicant be requested to provide further information. It is suggested that the applicant contacts a suitably experienced ecologist to conduct a bat survey to an appropriate level. The Chartered Institute of Ecology and Environmental Management (CIEEM) web directory <http://www.cieem.net/members-directory> may assist in finding a local ecologist, while an on-line search will identify several local consultants. The applicant would be advised to obtain a number of quotes, and more local organisations may prove to be more cost effective and be more familiar with the ecology of the local area. This survey is likely to comprise an initial visual survey and may also require a number of visits at dusk / dawn during the summer months. All survey work should be carried out to recognised standards, as set out in the Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016), unless otherwise fully justified by the ecological consultant. The survey report should include results of the inspections of the internals and externals of the affected building, including identification of any areas not accessed. The report should also include an assessment of the impacts the development will have on bats and if required, details of mitigation measures to be followed to show that the favourable conservation status of identified species would be maintained.

Once this information has been obtained, the planning authority will be in a position to consider, if bats are affected, the likelihood of the development being granted a licence.

Unfortunately it is not appropriate to defer bat surveys as a condition of a planning permission - Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible.

Solent SPAs

The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £181 per new dwelling for the SRMP (from April 2017, as updated).

Therefore, if you were minded to grant permission it is advised that you secure this contribution from the applicant.

Additional comments - dated 10.08.17 - no objection:

Updated information in support this application comprises a Preliminary Roost Assessment (AGB Environmental, August 2017).

The Preliminary Roost Assessment has reported that the building did not contain any evidence of roosting bats and the features present offered negligible potential to support roosting bats. On the basis of the information provided, no further concerns are raised in relation to impacts on bat roosts.

Previous comments relating to Solent SPA impacts and the SRMP are not affected by this additional information.

Environmental Health - no objection - dated 31.07.17

Traffic Noise

Consideration has been given to the proposed development being located next to a busy road, habitable rooms fronting onto Holbrook Road and Arundel Street will require protection against traffic noise. It is therefore suggest imposition of the following condition should permission be considered appropriate.

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

Daytime (Living rooms and bedrooms): LAeq(16hr) (7:00 to 23:00) 35dB,

Night-time (Bedrooms only): LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

Traffic Movements

Due to the restricted parking spaces (16 in total) the proposed development is unlikely to generate significant traffic movements in the area.

Plant Noise

It is note that on the ground floor there is a plant room and also an existing substation, residential accommodation on the first floor will require protection from operational noise from this plant. Should you be minded to grant consent, it is possible to proceed through condition to mitigate against these potential impacts:

"Prior to the commencement of construction works a scheme for insulating habitable rooms on the first floor against noise from the ground floor plant room and the electrical substation shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved:

Living rooms and bedrooms: Noise criterion curve NC25 based on values of Leq(5mins)"

Highways Engineer

Initial comments - no objection - dated 09.08.17

This is an outline application for the construction of up to 10 storey building to form student halls of residence comprising 133 study/bedrooms (Class C1) and communal facilities, cycle/refuse stores, car parking and associated works.

The relevant supporting documents, assessments and plans submitted in support of the application have been reviewed and the following observations offered. Coburg Street is an unclassified road largely providing access to residential dwellings. It has a narrow single carriageway with parking restricted by double yellow lines on both sides of the road. The site is located at the western end of Coburg Street adjacent to the roundabout junction between Holbrook Road and Arundel Street.

Arundel Street is a bus route served by service 13, 14, 15 and 21 providing a high quality and frequent service from the site to the city centre and as a consequence it is considered that the site is accessible by sustainable means of transport. No details are provided to explain how the development would be operated or managed either as a student hall of residence or outside of the academic term.

Only 60 cycle parking spaces are proposed in the application which compares with the 133 spaces required in the relevant SPD. No case has been made in the supporting information to justify such an under provision of cycle parking spaces although it is to reasonably meet the demands of tenants.

No specific car parking provision is proposed to be made for the halls of residence which, with the exception of staff, would satisfy general use operated as a car-free development. It is considered that the development would not have a material impact on the operation of the local highway network although specific provision would need to be made for student arrivals and departures at the end of each academic year.

Whilst no specific parking provision is proposed for the hall of residence the application site includes a 16 space car park which is referenced in para 15.5 of the design and access statement as being 'retained on the adjoining site for Portsmouth City Council use'. This currently operates as a garage compound and it should be established if these are associated with any of the surrounding residential dwellings in planning terms. I am unaware of any discussion with PCC regarding the on-going operation and management of such a parking area which would be better incorporated into the development and managed as a part of the site to provide parking for staff / disabled tenants and facilitate the demands for parking at the beginning and end of the academic years.

As this application stands, the Highways Authority raises no highway objection subject to conditions / planning obligation requiring that:

- Prior to occupation a travel plan being submitted to and approved by the LPA to address the management arrangements for student arrivals and departure at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence within the city, supported with a £5500 fee to facility council auditing of the arrangements annually over the first 5 years of occupation.
- The development shall not be occupied until 60 secure cycle parking spaces have been provided on site.
- The development shall not be used for other than student accommodation.

Additional comments - no objection - dated 25.10.17

This is an outline application which has been amended since my previous representation for the construction of up to a 10 storey building to form student halls of residence described as comprising 117 study/bedrooms (rather than 133) and communal facilities, cycle/refuse stores, car parking and associated works. I have reviewed the relevant supporting documents, assessment and plans submitted in support of the application and my previous observations remain largely valid.

Coburg Street is an unclassified road largely providing access to residential dwellings. It has a narrow single carriageway with parking restricted by double yellow lines on both sides of the road. The site is located at the western end of Coburg Street adjacent to the roundabout junction between Holbrook Street and Arundel Street.

Arundel Street is a bus route served by Services 13, 14, 15 and 21 and providing a high quality and frequent service from the site to the city centre and as a consequence, I am satisfied that the site is accessible by means of sustainable transport.

The revised Design and Access Statement submitted in support of the application explains the intention to provide 96 student studio apartments which is different to the 117 bedrooms indicated in the description but tallies with the number of accommodation rooms detailed on the drawings and my assessment is made on that basis.

No details are provided to explain how the development would be operated or managed as a student hall of residence or outside of the academic term. Nor are details provided to explain how the student arrivals and departures would be managed at the beginning and end of each academic year.

Only 60 cycle spaces are proposed in the application which compares with the 96 spaces required in the relevant SPD. No case has been made in the supporting information to justify such an under provision of cycle spaces although I am satisfied that this would reasonably meet the demands of the tenants.

No specific car parking provision is proposed to be made for the halls of residence which I am satisfied that, with the exception of staff, would be operated as a car free development. As such, I am satisfied that the development would not have a material impact on the operation of the local highway network although specific provision would need to be made for student arrivals and departures at the end of each academic year.

Whilst no specific parking provision is proposed for the halls of residence, a 16 space car park is retained to the east of the building within the application site which is referenced in para 12.0 of the Design and Access Statement as being 'retained under the ownership of Portsmouth City Council'. This currently operates as a garage compound and it should be established if these are associated with any of the surrounding residential dwellings in planning terms. I am unaware of any discussion with PCC regarding the ongoing operation and management of such a parking area which would be better incorporated into the development and managed as part of the site to provide parking for staff/disabled tenants and facilitate the demands for parking at the beginning and end of the academic years.

As this application stands, I would not wish to raise a highway objection subject to conditions /planning obligation requiring that:

- Prior to occupation a travel plan be submitted to and approved by the LPA to address management arrangements for student arrivals and departure at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence with the city, supported with a £5,500 fee

to facility council auditing of the arrangements annually over the first 5 years of occupation.

- The development shall not be occupied until 60 secure cycle parking spaces have been provided on the site
- The development shall not be used for other than student accommodation

Waste Management Service

Initial comments - dated 25.07.17

Having viewed the plans, as long as there is someone to manage the bins so that the full ones are swapped with the empty ones (due to the two deep rows), then there should not be an issue with this bin store. The bins displayed are adequate, as long as they are 1100 litre bins, and the layout is straight forward. That said, it should be noted that Portsmouth City Council would not collect the waste from the building, they would need a private contractor due to the nature of the building. Also there will be a need for a dropped kerb directly outside of the bin area and it would also be recommended that there is a combination lock for the bin area, bumps boards etc as per our standard list of requirements.

Additional comments - dated 18.10.17

That looks fine to me.

Contaminated Land Team

Following review of the outline application, given the scale and sensitive end-use and the reports available from assessments of land condition in the wider area, the imposition of relevant site contamination/ remediation conditions are requested.

Crime Prevention Design Advisor - comment 25.07.17

The following comments are made with reference to crime prevention.

At the ground floor level the northern elevation (overlooking the park) of the building is not straight leading to the creation of a small area (recess) between the buildings with very limited natural surveillance, this leads to an external door tucked away behind the cycle store wall. In this position this door will be very vulnerable to crime. In the first instance it is recommended that this door is removed from the final scheme. If this is not desirable the door must be moved to a position with greater natural surveillance and area of the recess created by the building design should be reduced at the ground floor level. As this is an external door, the door should be third party certificated to LPS 1175 SR2.

The external cycle store has a double door, such an arrangement often leads to security issues with second leaf being left insecure. Planning guidance advises "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits etc." Therefore, it is recommended that this double door is replaced with a single door. As this is an external door it would be recommend that it is third party certificated to LPS 1175 SR2.

With the current configuration it is possible for visitors to gain access to the rear of the reception desk, which compromises the safety and security of the receptionist. Therefore, it is recommended that the reception desk is redesigned so as to prevent casual access to the rear of the reception desk.

Coastal And Drainage

Initial comments - dated 12.07.17 - objection

As the site is at low surface water and tidal flood risk (Flood Zone 1), it is noted that a Flood Risk Assessment is noted required. However, there should be a drainage strategy. Discharge of run-off from the proposed development should not exceed the present rate, and if it presently drains direct onto highway this should be rectified in future in order to comply with the Highways Act 1980. It is accepted that the most feasible way of draining the site is to public sewer (if it does not currently do so), records show there is a surface water sewer in the near vicinity. This approach will require a capacity check from Southern Water. It would appear there is scope for a green roof, which has many benefits including reducing run-off, which is an ideal outcome from an LLFA perspective.

Additional comments - dated 29.08.17:

The drainage strategy is considered relevant for the site and acceptable in principle.

Design Review Panel - comment 11.08.17

The Panel commented on the tightness of this site and noted the change in footprint and materials that have occurred since their initial consideration of the scheme.

Although the evolution in materials was acknowledged as an improvement, the panel remained concerned that the scheme's appearance was too disparate and that the site is too small to justify its impact. Indeed the lack of justification, demonstrating that its scale is appropriate and that it won't cause excessive harm to its surrounding context, was the principle point of discussion.

Despite the design evolution, (principally the change in materials), that has taken place, the Panel remained unconvinced by this proposal and were satisfied that comments made in relation to the initial scheme still stand.

REPRESENTATIONS

Portsmouth Society - objection:

- The existing Unity Hall is of high quality and is dignified as it carefully wraps around the street corner. It is an architecturally pleasing 2/3 storey building comprising red brick and contrasting stonework in the style of A. E. Cogswell, the respected Portsmouth architect who was very active designing good buildings in the Edwardian period.
- It has details such as curved stone lintels and porthole windows and has style
- If it cannot be retained as part of a scheme?
- We deserve a better replacement that should add to character of Portsmouth's street scape - proposal fails to do this on many levels
- It is much too tall and would be tallest building for some considerable distance in every direction
- Portsmouth's Planning Department has produced a Development Guidance Note specifically for this site saying it has potential for a building of 4 to 8 storeys
- Proposal is 10 storeys tall - does not meet the stated criteria being 25% over the maximum recommended height
- By virtue of its height, it is not only too prominent in the area, it literally and physically puts its neighbours in the shade - particularly true of the pocket park and children's play area next door
- Design is poor with mishmash of styles and materials over four different blocks

- Unfortunately, one theme is sharp edges and angular nature of the development, failing to reflect the soft feeling of its predecessor and neighbouring park and many mature trees
- Facades are just plain with no interesting materials
- We already have one architect's folly to live with, the tall featureless block festooned with yellow in Greetham Street - please don't make same mistake of including gimmicks of primary colours and spindly supports instead of good design
- This approach is unappealing now but would look dated in only a few years' time

Portsmouth Cycle Forum - objection -20.08.17

PCF would like to object to this planning application on the following grounds:

- There is insufficient encouragement for the residents of the building to make sustainable travel choices
- The bike parking is inadequate
- The surrounding road layout is hazardous for walking and cycling

PCF recognise the benefit the University of Portsmouth brings to the city and also that this landmark building would increase the diversity of the local population. Therefore in principle we are in favour of this development with the following observations and recommendations.

Accessibility

As with many similar developments, the design and access statement makes a point about 'good' accessibility by walking and cycling, avoiding the need to provide parking spaces. In principle, we agree active travel should be encouraged over private vehicle use. However, the route from the building to the university faces a huge barrier which is the Holbrook Road/Arundel Street junction.

Currently there is a well-used toucan crossing south of the roundabout. On the other arms there are informal traffic islands allowing two-stage crossing by foot. For such a highly populated area this is insufficient. Most drivers are focused on vehicles at the roundabout and the road ahead rather than pedestrians walking to cross. Often these vehicles are close to 30mph if there is little traffic on the junction.

There is a danger that if these hazards are not addressed collisions between cars and pedestrians or cyclists will increase.

As with the roundabout on Winston Churchill Avenue, this junction is much larger than is necessary for the type and volume of traffic using it. Each arm should be reduced to single lane, with a tighter turn. This will slow traffic down on approach and exit, to allow pedestrians to cross safely.

Reducing the carriageway width will allow both sides of Holbrook Road to have wider footways converted to shared foot/cycle use. Such a development would enable safe cycle journeys between this part of Fratton and other parts of the city, reducing the pressure of vehicles on roads. It would also allow the crossings to be upgraded to zebra-type 'Tiger' crossings, as has been used in London. These are similar to zebra crossings, but allow cycle routes to cross alongside, without the disruption to traffic flows from controlled crossings.

Recommendations:

- Provide secure cycle parking one space per flat
- Provide cycle parking outside entrance for visitors
- Create shared cycle/footpaths either side of Holbrook Road
- Reduce carriageway width to slow down traffic

- Create shared cycle/foot crossings on each arm of roundabout

Any costs for engineering measures proposed can be taken from the anticipated CIL funds required of the developer.

COMMENT

Principle of Development

Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by Paragraph 50 of the NPPF which states that "...local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".

As outlined above, the application seeks outline permission for the redevelopment of the Unity Hall site for the delivery of 96 no purpose built student accommodation units, within a building ranging from 4 to 10 storeys in height, which is considered a 'tall building'. The application site lies within one of the preferred locations for tall buildings, Fratton, as set out in Policy PCS24 of the Portsmouth Plan. The site also lies within an 'area of opportunity' for tall buildings, 'Fratton', as identified within the Council's 'Tall Buildings' SPD, which is discussed in more detail later on in this report.

The Council's 'Student Halls of Residence' SPD (adopted October 2014) states that new halls of residence should be located close to the University or other educational establishments in order to ensure that journeys are made by foot or bicycle and therefore reduce the need for a car. It states that the preferred locations for such schemes would be the city centre or locations within walking/cycling distance. The 'City Centre Masterplan' (2013) identifies a number of development sites with the potential for student accommodation. The application site does not fall within the city centre and was not identified within the 'City Centre Masterplan'. However, the site lies within easy reach of the University and language schools within the city.

The University of Portsmouth (UOP) currently has just under 4,000 student bed spaces (3,852) and wishes to provide a space in a 'Hall of Residence' for all first year students. There is also a growing demand from 2nd and 3rd year students, as well as mature students, for this type of accommodation. In 2015/16, UOP could only offer 90% of their first year students a place in a 'Hall of Residence', translating to only 30% of the full-time student population of 19,100 students being accommodated in halls.

It is however acknowledged that significant numbers of student bedrooms have recently been provided within the City, as summarised below:

- Greetham St - 836 study bedrooms
- Earlsdon Street - 35 study bedrooms
- Guildhall Walk - 25 study bedrooms
- The Registry - 41 study bedrooms
- Zurich House - 999 study bedrooms

In addition, the following schemes are either under construction or going through the planning process:

- Europa House - 262 study bedrooms
- Middle Street - 124 study bedrooms
- The Trafalgar - 83 study bedrooms
- Lake Road - 30 study bedrooms

- Isambard Brunel Road - 484 study bedrooms
- Surrey Street - 576 study bedrooms
- Stanhope House - 256 study bedrooms
- Middle Street - 66 study bedrooms

The UOP has reported consistent growth in student numbers, with some 4,000 more students registered on full-time courses in 2016 than in 2008. This assessment does not assume any increase in the student intake (i.e. - the number of students attending the UOP) and does not cater for the growing demand for this type of accommodation from 2nd and 3rd year students. It is therefore considered that there is still a demonstrable need for new student accommodation within the city. The proposed development of 96 purpose built student units on this site would therefore make a contribution towards meeting this need for students choosing to study within the city and thereby contributing to the wider economic regeneration of the city.

Proposals for residential development are normally subject to a number of detailed policy requirements, such as the delivery of affordable housing, the provision of public open space, car parking spaces and compliance with nationally prescribed minimum space standards. Given the specialist nature and differing occupancy requirements of purpose built student accommodation, such requirements are not generally applied to this type of application. However, in order to justify waiving these requirements, the Council needs to be satisfied that the proposed student accommodation conforms with the norms set out in the Codes for Accommodation, provided either by Universities or set out within Appendix 1 of the 'Student Halls of Residence' SPD and that the accommodation will be restricted to term-time use for students on a recognised full-time course of study.

In order to achieve these restrictions, the applicants are required to enter into a S106 agreement, restricting the proposed accommodation to temporary term-time accommodation for occupation solely or principally by students on a recognised full-time course of study and to ensure that the property does not become permanent, general needs housing. The applicants have been made aware of this requirement and work on the legal agreement is progressing.

Therefore, given the on-going need for the delivery of student bedrooms within the city, the delivery of specialist student accommodation on this site is considered acceptable in principle, subject to the completion of the required legal agreement restricting the occupancy of the building and consideration of the detailed aspects of the proposals against the policy guidance outlined above.

Loss of Existing Building

The proposed redevelopment includes the demolition of the existing building, Unity Hall, which dates from 1926. The building was last in use as the Labour Club, prior to closing in 2012. It is understood from the Design & Access Statement that the building is now used for occasional sporting events. It is noted that the Portsmouth Society has objected to the proposals on a number of grounds, including the loss of Unity Hall itself.

Policy PCS23 (Design & Conservation) outlines the expectations for new development in design terms, to ensure the delivery of well-designed schemes, which respect the character of the city. As such, new development should relate well to the geography and history of Portsmouth, including the City's built heritage. However, the existing building, Unity Hall, is not listed. As such, the building is not considered to be a designated heritage asset in its own right, nor does it fall within a conservation area.

The Portsmouth Society has suggested that the design of Unity Hall is in the style of A. E Cogswell, a twentieth century local architect - however, no detailed evidence has been provided to support this view. The Council's Conservation Officer has commented that Cogswell's career impacted significantly on the city's townscape with an extensive legacy of surviving buildings, including churches, cinemas, banks, cemeteries, offices, shops and in particular, public houses

and school buildings. The best surviving examples of his work have been either statutorily or locally listed.

It is agreed that the building is not without architectural interest - its façade is chamfered at the junctions of Holbrook Road and Coburg Street, with the design responding to the corner with the suggestion of a tower feature which is emphasised in stone. This is complemented by a stone plinth detail, heavy plain frieze at first floor and stone window surrounds, arches and brackets, some elements of which are further embellished with a number of neoclassical /'baroque' motifs. These features are modest in size and number but are considered to show a degree of craftsmanship and add an element of visual interest to the building. The Conservation Officer has also commented that notwithstanding the quantity of stone used, its level of pure ornament is quite modest.

The building does not create or form part of a striking view or vista within the immediate area in townscape terms and is partially screened in views from the north and south by the slightly set back position from the roundabout junction to the south and tree planting on both Holbrook Road and Coburg Street. In terms of its overall design, the Conservation Officer has commented that there is a noticeable lack of symmetry within the composition of the building and a degree of awkwardness in its proportions, massing and the rhythm and pattern of window openings. The building has also been subject to significant and unsympathetic alterations, with the remodelling of the principal entrance, alterations to the windows and a large brick extension to the rear. There are also sections of razor wire on the eastern sections of the building which are a detrimental and intrusive feature within the immediate streetscene and at odds with the predominantly residential character of the areas to the north and east of the site.

When taking all of these factors into consideration, the level of significance that can be attributed to the building is considered to be low, particularly when compared with other buildings of a similar age and use within the city. Unity Hall is not locally listed and as outlined above, the Conservation Officer has commented that the building lacks the finesse and detail which characterise Cogswell's buildings. If conclusive evidence were to be provided of Cogswell being the architect, this would provide a degree of historical interest to the building but this would not be so significant as to enhance assessment of the building's importance, or strengthen any argument for the building to be retained on heritage grounds.

Part 5, Chapter 3 of the Localism Act (2011) and the Assets of Community Value (England) regulations deliver the 'Community Right to Bid' - these provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. The DCLG guidance, 'Community Right to Bid: Non-Statutory advice note for local authorities' (Oct 2012) states that a 'building or other land in a local authority's area is land of community value if in the opinion of the authority -

- a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community'.

Section 88(2) of the Localism Act (2011) extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years. However, no such nomination has been received in respect of the Unity Hall building, or any part of the site.

Whilst the concerns of the Portsmouth Society are noted, the building is not listed nor is it considered to be a non-designated heritage asset, for the reasons outlined above. Whilst the building has a local value in terms of it being a long-standing feature within the street scene and a visual tie with the history of the immediate area. However, it is not considered to be an 'asset of community value', as defined by the Localism Act (2011). The loss of the existing building

would not result in any harm to designated or non-designated heritage assets and as such, it is not considered that a refusal of outline permission could be justified on heritage grounds. As such, the proposals are considered to comply with the aims of Policy PCS23 on these grounds.

Siting, Layout & Design Issues

As set out above, the application seeks approval of the layout, scale and appearance of the proposed development, with the detailed issues of landscaping and access to be considered at Reserved Matters stage, should outline permission be granted.

Policies PCS23 echoes the principles of good design set out within the NPPF, stating that all new development must be well designed and in particular, respect the character of the city. It sets out a number of criteria which will be sought in new development, including excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.

The supporting 'Design & Access Statement' (DAS) states that the 'composition' of the scheme results in the proposed building acting as a 'focal point' when looking north/south along Holbrook Road and eastwards along Arundel Street. It goes on to state that the building is 'articulated to focus on the tower element, whilst adding a different dynamic to each elevation, to enhance each elevation in the process.

With regards to layout, as noted earlier in the report, amended plans have now been received, dated *9th October, reducing the proposed number of studios proposed from 117 to 96, in order to respond to the concerns raised by the Private Sector Housing in respect of the size of the studio units.

In terms of scale and appearance, the proposed building would measure from between four and ten storeys in height and is therefore constitutes a tall building. Policy PCS24 relates to tall buildings and identifies preferred locations for such buildings within the City. This is supported by the Council's 'Tall Buildings' SPD (adopted 2012). The SPD identifies nine 'areas of opportunity' for tall buildings within the City. The application site lies within the 'Fratton' area of opportunity, with the SPD stating that the Fratton area of opportunity has been 'identified as a possible location for tall buildings on the basis of its proximity to Fratton railway station, Fratton district centre and the number of important roads and two major roundabouts.' It goes on to state that the area may offer an opportunity for a landmark building and that proposals in this area should:

- Where appropriate, have due regard to the domestic scale of adjacent buildings, particularly on the northern boundary of sub areas A and C and the southern boundary of sub area D
- Where appropriate, give particular consideration to their potential impact on views towards and/or the setting of St Mary's Church

The application is supported by a 'Tall Buildings' Statement and 3D visual representations have also been provided by the applicants, although not of the latest iteration of the plans. It is noted that concern has been expressed by the Design Review Panel regarding the proposed design.

Given the corner location of the plot and its position in relation to the adjacent section of highway, the roundabout and the scale of nearby residential blocks, the construction of a tall building on the site is considered to be acceptable in street scape terms. The building has been designed to step up in height towards the Holbrook Road elevation, with the bulk and massing of the building responding at its eastern end to the neighbouring three storey buildings. The tallest element of the building, given the separation between the two 'blocks' of the overall scheme and the differentiation in terms of materials and articulation, would, to a degree, be read as a

separate entity on the western section of the site, benefitting from the more open surroundings afforded to the site by the adjacent sections of highway and roundabout junction. The lower overall height and massing of Block B provides a linking section of built form within the streetscene, from the ten storey element of Block A, down to the three storey blocks immediately to the east. The more rectangular form of this element of the building also reflects and responds the form of the neighbouring residential blocks to the east and the Lords Court development to the north.

Whilst the ten storey form of Block A would be in stark contrast to the existing street scene, where nearby buildings are generally much lower in height and more traditional in terms of materials, this does not in itself render the scheme unacceptable. The overall scale and bulk of this element of the building is broken up by the careful use of differing external materials, creating a range of textures across the elevations of the Block A and adding visual interest to the form of the building itself and the surrounding street scene. The grey cladding panels proposed on the southern and western elevations provide a degree of vertical emphasis to the corner element of the building and contribute to the rhythm of the building created by the pattern of fenestration. By contrast, the use of white cladding panels and the larger pattern of windows in the lower sections of Block A create a more horizontal emphasis in this section of the building, which complements the style and design of the corner element.

Block B is more subservient in scale, form and materials, being 4 and 5 storeys in height and brick built. The detailing in this section is more subtle, with the main interest arising from the pattern and rhythm created by the windows and coloured panels and surrounds. The glazed linking section between the two blocks also helps to emphasise the corner feature created by Block A, by providing a distinct sense of separation between the two elements of the building. The design of the northern and eastern elevations of Block B maintains this same design approach which is considered appropriate.

A number of amendments have been made to add greater interest and natural surveillance at ground floor level, along the Coburg Street frontage, with additional glazing being provided. The design of Block A incorporates a number of columns supporting the building, creating a two storey covered area above the main entrance and circulation space along the Holbrook Road frontage - again, this detailing adds visual interest to the building and street scene and improves the legibility of the scheme, directing residents and visitors to the entrance.

With regards to materials, the proposed elevations show a colour scheme of grey and white cladding, with contrasting orange detailing used across the building, in the columns of Block A, as well as the window panelling and window surrounds. Block B would be brick built but again incorporates a number of orange detailing features, helping to tie the two Blocks together. It is noted that other examples of coloured cladding on tall buildings have not been particularly successful and the success of the scheme will to a large degree depend on the quality and crispness of the materials used and the detailing of the individual elevations. As such, it is recommended that a condition be applied requiring full details and samples of all external materials, including a range of colour samples for the feature elements, to ensure a high quality finish and appearance to the building.

Overall, in light of the issues outlined above, it is considered that the proposed building would make a positive and striking contribution to the existing street scene, acting as a landmark feature on this corner plot. The proposals are therefore considered to comply with Policies PCS23 and PCS24 of the adopted Local Plan and the aims of the NPPF with regards to the delivery of good design.

Trees & Landscaping Issues

As noted above, the detailed landscaping proposals for the scheme would be considered at reserved matters stage, should outline permission be granted. The plans do show small areas of landscaping within the parking court area in the eastern half of the site, which is considered acceptable.

Consideration has also been given to the potential impact to the existing trees which lie in the park area immediately to the north of the site. Following receipt of the revised plans, the Council's Arboricultural Officer has confirmed no objection to the proposals, subject to a condition requiring details of tree protection measures. The proposals are therefore considered to be in accordance with Policy PCS13.

Residential Amenity Issues

Policy PCS23 (Design & Conservation) lists a number of criteria against which development proposals will be assessed, including the need to protect 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. In terms of residential amenity, there are two elements for consideration, these being the impact on existing neighbouring residents to the site and secondly, the impact on future occupiers of the scheme. With regards to existing residents, consideration needs to be given to the potential impact in terms of any potential overlooking, loss of privacy, loss of light/outlook and general noise and disturbance issues. In terms of future occupiers, consideration also needs to be given to noise and disturbance from the existing highway network.

Residential Amenity

In terms of the potential for overlooking and loss of privacy, consideration needs to be given to the siting of the proposed building within the site and the position of windows. The eastern elevation of Block B, measuring 4 storeys in height is set back by approximately 7m to 9.4m from the facing western elevation of the neighbouring residential building, Wigmore House, which contains 4no windows at 1st and 2nd floor level, facing towards the application site. The proposed eastern elevation contains 6no windows, serving studio flats on the 1st, 2nd and 3rd floors - however, these units are all served by additional windows on the southern and northern elevations of the building. There is also a glazing panel which provides light to the landing areas on each floor. As such, given the proximity to the neighbouring properties, a condition could be applied to require these windows to be obscure glazed, to safeguard the amenities of both the existing residents and future occupants of the proposed building.

Consideration also needs to be given to the impact of the proposed building to existing neighbouring properties in terms of the physical presence of the building itself. The existing building is relatively modest in size and scale and does not generate any significant degree of overshadowing or impact the neighbouring residential blocks in terms of any sense of enclosure or overbearing physical impact. The proposed building would be significantly larger in scale and would result in new areas of built form being positioned much closer to the existing buildings than is currently the case.

The supporting Tall Buildings Statement' contains solar study drawings for the four equinox points during the year, to demonstrate the impact of the proposed built form in terms of the degree of shadowing that would be created. Given the orientation of the application site in relation to the properties to the north and north-west, Lords Court, the proposed development would result in a greater degree of overshadowing to the western elevation of these neighbouring blocks during the winter months, in the mornings. The proposed design has sought to address and minimise this impact, by reducing the height of the building as it progresses eastwards across the site and setting the northern elevation of the building in from the site boundary. Given the siting of Block B in relation to the neighbouring blocks, it is not considered that the scheme would result in any adverse sense of enclosure to the western elevation of these buildings, which benefit from views out towards the area of parkland. These views and sense of setting would not be adversely affected. As such, whilst it is accepted that there would be a degree of additional overshadowing to these units, it is not considered that this would be so severe as to justify a reason of refusal on amenity grounds.

Noise Impact

As noted above, the application site lies adjacent to Holbrook Road and in close proximity to Arundel Road, both of which are busy roads within the local highway network. The proposed floor and elevations plans show studio units facing Holbrook Road on the 2nd to 9th floor of the building, with windows serving these units within the western elevation of the building. The majority of these units are single aspect with the window facing Holbrook Road being the only window for the individual studio units. The western elevation itself has a staggered building line and is set back approximately 3.2m and 4.4m from the highway boundary.

Whilst raising no objection to the principle of the proposed development, the Environmental Health Officer has stated that these habitable rooms will require protection against potential traffic noise. As such, a condition is recommended to secure a scheme for insulating habitable rooms to achieve specified acoustic criteria, in order to safeguard the amenities of the occupants of the development.

The layout also shows a plant room at ground floor level and there is an existing substation positioned within the garage court area, in the eastern half of the site. The Environmental Health Officer has commented that the first floor units will therefore require protection against any potential noise impact arising from operational noise. A further condition is therefore recommended requiring details of a scheme for insulating the first floor rooms to be submitted for approval.

Should outline permission be granted, there would inevitably be a degree of short-term disturbance to neighbouring properties during the demolition and construction process. However, this disturbance is likely to be limited and would be unlikely to continue into the evening and would not justify a refusal of permission.

Overall, it is considered that the proposed development is unlikely to result in any significant impact on the amenities of neighbouring residents or the future occupiers of the development. Subject to the conditions referred to above in respect of noise mitigation measures, the proposals are considered to comply with Policy PCS23 in this respect.

Standard of Accommodation

It is important to ensure that any halls of residence provided within the city offer a good standard of accommodation and provide a good quality living environment with space to study. As noted previously, the proposals have been substantially amended during the determination process to address concerns regarding the size of the individual units proposed and the level of communal space within the building.

The revised plans now show a total of 96no study bedrooms would all incorporate en-suite bathrooms, small kitchen areas and combined living/sleeping areas, each with an internal floor space of 25sqm. An area of 'shared study space' is provided, as well as communal lounge areas throughout the building. The ground floor of the unit would also include laundry facilities, refuse collection and cycle storage facilities.

Following receipt of these latest amended plans, Private Sector Housing has confirmed no objection to the proposals and has made general comments regarding the internal layout of the units - these comments have been included as an informative note to the applicants. Amendments have also been made to the design of Block B, to improve the outlook to the student rooms in the eastern elevation of Block A and the physical relationship between the facing elevations of Blocks A and B.

Overall, it is considered that the development would provide a good standard of accommodation for future occupiers and that the proposals comply with the aims of Policy PCS23 of the adopted Local Plan.

Accessibility & Secure By Design

Accessibility

The 'Student Halls of Residence' SPD states that proposals should include a proportion of accessible bedrooms and servicing facilities, in accordance with appropriate standards and regulations.

The main reception and office area for the proposed accommodation would be located at ground floor level, adjacent to the main entrance to the building on the western elevation, facing Holbrook Road. A secondary entrance is provided within the southern elevation, facing Coburg Street. Accessible studio flats are provided on the 2nd and 3rd floors and communal areas are provided on the ground to 8th floors of the building. As such, the proposals are considered to comply with the aims of the SPD in this regard.

Secure by Design

A number of concerns were raised by the Crime Prevention Officer with regards to the proposed layout, as originally provided. These related to limited natural surveillance in the courtyard at the rear of the building, security issues arising from the door arrangements proposed for the cycle store and the internal configuration of the reception area. The revised plans have sought to address and overcome all of these issues, with alterations to the layout of the courtyard and internal reception area and the provision of a single door to the external cycle store. Further comments are awaited from the Crime Prevention Officer in respect of these amendments.

Sustainable Design & Construction

All development within the City must comply with the relevant sustainable design and construction standards set out within Policy PCS15 of the adopted Local Plan and the Council's 'Sustainable Design and Construction' SPD. In order to comply with this guidance, the proposed development needs to achieve a rating level of BREEAM 'Excellent', as well as meeting minimum standards in terms of cycle facilities and the provision of low or zero carbon technologies.

No pre-assessment information has been provided with the application. However, it is considered that there is a technical solution to meet the requirements of the policy and SPD guidance. As such, it is considered necessary and reasonable to apply a condition requiring the proposals to achieve compliance with the requirements of Policy PCS15 and the SPD, to ensure the proposed development is acceptable in planning terms.

Refuse Storage

Following initial concerns raised by the Waste Management Officer, the layout of the proposed refuse storage area has been amended to show double doors and the provision of 9no 1100 litre bins and the creation of a dropped kerb adjacent to the refuse store, to facilitate access to this area. The Waste Management Officer has now confirmed no objection to the proposals and a condition is recommended to ensure the provision of the required refuse collection area prior to the first occupation of the building. As such, the proposals are considered to comply with the aims of Policy PCS23 in this regard.

Ecology

Policy PCS13 seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible.

Designated Sites

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, both of which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the level of protected species they support, such as waders and Brent Geese. Evidence shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect on the interest features of the Solent SPAs and therefore mitigation measures must be secured before planning permission can be lawfully granted.

The Council's 'Solent Special Protection Areas' SPD (adopted April 2014), confirms that increases in population within 5.6km of the Solent SPAs through development, would lead to a significant effect on those SPAs. The proposed student accommodation would result in a net increase in population within this defined catchment area, which in all likelihood would lead to a significant effect, as described in the Conservation of Habitats and Species Regulations 2010 (as amended) on the Portsmouth Harbour and Chichester and Langstone Harbours SPAs.

The 'Solent Special Protection Areas' SPD sets out how this significant effect could be overcome. Paragraph 3.4 of the SPD states that while purpose built student accommodation will result in a net increase in population, it is considered that due to the characteristics of this type of development, specifically the absence of car parking and the inability of the residents to have pets, the level of disturbance created would be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off a lead. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package required should also be half that required for C3 housing.

The SPD goes on to state, in paragraph 3.5, that the average number of study bedrooms in a unit of purpose built student accommodation in the city is five. As such, for the purposes of providing SPA mitigation, five study bedrooms will be considered as equating to one unit of residential accommodation. In order to mitigate the impact of the proposed development as a result of increased recreation pressure on the SPAs, as detailed in the SPD, a financial contribution of £1737.60 is required in order to make the development acceptable in planning terms. The applicant has been made aware of this requirement and the necessary contribution is to be secured via a legal agreement.

It is considered that subject to this contribution being secured by a legal agreement, the proposed development would not result in a significant effect on the Solent SPAs. It is noted that the Natural England and the Ecology Officer have raised no objection to the proposals, subject to this mitigation being secured. The requirement for a legal agreement to secure the required mitigation is considered to be both directly related to and fairly and reasonably related in scale to the development. As such, subject to the completion of the required legal agreement, the proposals are considered to be in accordance with Policy PCS13 in respect of European designated sites.

Protected Species

Following initial concerns raised by the Ecology Officer regarding the potential for the existing building to support roosting bats, a 'Preliminary Roost Assessment' report was submitted in August. No bat roosts were identified within the existing building during the survey work undertaken and the report concludes that the building is considered to be of negligible suitability for bats due to an absence of suitable features and its location within an urban setting with heavy traffic and artificial lighting. The Ecology Officer has now confirmed no objection to the proposals in respect of bats and the proposals are considered to be in accordance with Policy PCS13 in this regard.

Highway Issues

The Council's 'Parking Standards and Transport Assessments' SPD (adopted July 2014) states that for purpose built student accommodation, such as that proposed, the level of parking provision required will be determined by a Transport Assessment, which should include consideration of the use of the building outside of term time. No such assessment has been provided in respect of the proposed development. In addition, it is noted that no details have been provided to confirm how the development would be operated as student accommodation, or how the building would be used outside of term.

No parking space provision is shown to serve the proposed student accommodation. The application has been considered by the Council's Highway Engineer, who has stated that with the exception of staff members, the site would operate as a car free development. As such, it is not considered that the proposed accommodation would result in a material impact on the operation of the local highway network. However, specific provision would need to be made to cater for student arrivals and departures at the beginning/end of each academic year - no details have been provided in respect of this issue to date.

The Highway Engineer has therefore stated that a Travel Plan is required, to address the management arrangements for student arrivals and departures at the beginning and end of each academic year, as well as providing annual monitoring of these arrangements, as has been required of other student accommodation schemes within the City. In addition, a contribution is required to fund auditing work of the arrangements over the first five years of occupation of the development. Both the Travel Plan and auditing contribution can be secured via a legal agreement.

In terms of public transport, the Highway Engineer has commented that Arundel Street is a bus route served by services 13, 14, 15 and 21 providing a high quality and frequent service from the site to the city centre. As such, the site is considered to be accessible by sustainable modes of transport.

In terms of cycle storage, the SPD requires 1 space per student room/bedroom and that a lower level of provision may be accepted when robust evidence is provided to justify any such reduction. The application now proposes 96 student rooms, which would equate to a requirement for 96 cycle storage spaces. The proposed layout shows a total of 60 spaces, provided in two storage rooms at ground floor level. Again, no justification has been provided in respect of this shortfall in provision and it is noted that the Portsmouth Cycle Forum has objected to the proposals on the grounds of inadequate provision. However, the Highways Engineer has confirmed no objection to the proposals on these grounds, due to the accessibility of the site by other means of sustainable transport, subject to a condition requiring the cycle storage spaces to be provided on site.

With regards to the existing garage court, the Council's Asset Management Team have advised that the garages are managed by the Landport Area Housing Office and as at June this year, the garages were all fully let. It is understood that there has been some discussion between the applicants and the Asset Management Team regarding the proposed demolition of the garages - however, no agreement has been reached to date and comments received from the Asset Management Team indicate that there is no support for this on behalf of the Council. However, this in itself does not render the application unacceptable in planning terms. The Highways Officer has raised no objection to the proposed development operating on a car-free basis - as such, the proposed parking spaces shown on the site layout plan are not required to serve the student accommodation proposed and the application can be determined as proposed. Should outline permission be granted, the applicants would need to resolve the issue regarding the loss of the garages with the Council's Asset Management Team - if no agreement is reached, it may be that the applicants are in the position of having a planning permission they would not be able

to implement, but this does not prevent a decision being reached on the application itself at this stage.

Given the constrained nature of the site and the parking restrictions in place along Coburg Street, it is considered reasonable to apply a condition requiring the submission of a construction management plan, to detail contractors' parking and areas for the storage of materials, as well as arrangements for deliveries etc to the site, to ensure no adverse impact to the highway network or the amenities of nearby residential properties. Overall, in light of the comments made above and notwithstanding the ongoing discussions regarding the garage court area of the site, the proposals are considered to comply with Policy PCS17 and the Council's 'Parking Standards and Transport Assessment' SPD and are therefore acceptable in highway terms.

Drainage Issues

The application sites lies within Flood Zone 1 and is therefore at low risk of tidal flooding.

Foul Water Drainage

Southern Water has confirmed that it can provide foul sewage disposal to service the proposed development.

Surface Water Drainage

The application is supported by a 'Surface Water Drainage Strategy' report, which states that the intention is to continue to discharge run-off to the public surface water network, as is currently the case on the site. The application site currently consists of entirely impermeable surfaces. The proposed site layout shows small areas of soft landscaping, which would result in a minimal decrease in the extent of hard surfacing across the site. As such, there would be no increase in the level of surface water run-off as a result of the proposed development. Run-off water would also be attenuated within the site, via a system of geocellular storage crates beneath the proposed parking area, with the rate of discharge to the sewer network being restricted. The volume of surface water stored on site would also increase, as a result of the storage crates, which are shown to accommodate surface water run-off from all rainfall events, up to and including the 1 in 100 year event, including a 40% increase to allow for climate change. By reducing the flow rates and the volume of surface water run-off, the report concludes that the proposed strategy represents a reduction in flood risk to both the site itself and the surrounding area.

A condition is therefore recommended requiring the final detail for the proposed surface water drainage strategy to be submitted for approval, to ensure the provision of an acceptable scheme on site. Subject to this condition, the proposals are considered to be in accordance with Policy PCS12 of the adopted Local Plan.

Contaminated Land

Given the scale of development proposed and the sensitive nature of the proposed use of the site, this being student accommodation, it is recommended that detailed conditions are applied to secure a detailed contamination assessment and remediation measures as required.

CONCLUSIONS

Overall, the proposed development is considered to be acceptable in policy terms and would assist in the ongoing delivery of specialist student accommodation within the city. The proposed building would result in the introduction of a landmark building which would make a significant and positive contribution to the character of the local area and surrounding streetscene. It is therefore recommended that subject to the completion of a legal agreement, as outlined below, that outline permission be granted.

RECOMMENDATION - Conditional permission

Recommendation 1:

Delegate to the Assistant Director of Culture and City Development to PERMIT, subject to the completion of an agreement pursuant to Section 106 of the Town & Country Planning Act 1990, to secure the following planning obligations and the conditions outlined below:

- 1. A provision to restrict the occupation of each study bedroom to an individual University of Portsmouth student (or an individual on an equivalent full-time course) during their period of study and to prevent the use of the halls of residence for any purpose during academic term times as anything other than residential accommodation for a student during their period of study;**
- 2. A requirement for a Register of Students to be kept and maintained as an accurate record of the student residents within the Halls of Residence and to provide a copy of this register to the Assistant Director of Culture and City Development upon request;**
- 3. A provision to ensure that all times, other than University of Portsmouth academic terms, the building is not used for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;**
- 4. A financial contribution towards mitigating the impact of the proposed development on the Solent Special Protection Areas, to be paid prior to first occupation of the building;**
- 5. The preparation, implementation and monitoring of a Travel Management Plan with the submission of contact details for the Travel Management Plan Co-Ordinator and details of arrangements for managing busy periods at the start and end of terms, with an associated financial contribution of £5,500 to enable the auditing of this plan**

Recommendation 2:

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

Recommendation 3:

That delegated authority be granted to the Assistant Director of Culture and City Development to REFUSE planning permission, if the required legal agreement has not been completed within three months of the date of the resolution.

Conditions

- 1. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.**
- 2. Application for approval of the reserved matters (landscaping and access) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.**
- 3. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings:**

Site & Block Plan - drawing 27693-PL301 Rev B
Ground Floor Plan - drawing 27693-PL310 Rev C

1st, 2nd & 3rd Floor Plans - drawing 27693-PL311 Rev C
 4th-8th Floor Plans - drawing 27693-PL312 Rev D
 9th Floor Plans - drawing 27693-PL313 Rev B
 Elevations - drawing 27693-PL314 Rev B
 Elevations - drawing 27693-PL315 Rev B
 Elevations - drawing 27693-PL316 Rev B
 Elevations - drawing 27693-PL317 Rev B

4. Prior to the commencement of construction works associated with the development hereby permitted, a scheme for insulating habitable rooms against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Day-time (living rooms and bedrooms): LAeq (16hr) (07:00 to 23:00) = 35dB
 Night-time (bedrooms only): LAeq (8hr) (23:00 to 07:00) = 30dB and L_{Amax} 45dB

The approved scheme shall then be implemented in accordance with the approved details and prior to the first occupation of the building and thereafter retained.

5. Prior to the commencement of construction works associated with the development hereby permitted, a scheme for insulating habitable rooms on the first floor against noise from the ground floor plant room and the electrical sub-station shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria are achieved:

Living and Bedrooms: Noise criterion curve NC25 based on values of Leq (5mins)

The approved scheme shall then be implemented in accordance with the approved details and prior to the first occupation of the building and thereafter retained.

6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority, or within such extended period as may be agreed by the Local Planning Authority:
 - a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) A Site Investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013 and BS8576:2013 'Guidance on investigations for ground gas - permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use of can be made so by remediation; and, unless otherwise agreed in writing by the Local Planning Authority,
 - c) A Remediation Method Statement detailing the remedial works and measures to be undertaken to avoid risk contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief and validation plan, as detailed in BS8485:2015

'Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. The scheme shall take into account the sustainability of the proposed remedial approach and shall include nomination of a competent person to oversee the implementation and completion of the works.

7. The development hereby permitted shall not be first occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority, a stand-alone verification report by the competent person approved pursuant to Condition 3(c) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of the remedial scheme and as-built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination and waste disposal records. For the avoidance of doubt, in the event of it being confirmed in writing pursuant to Condition 6 above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.
8. Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site until a detailed schedule of materials and finishes, including samples, to be used for all external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details.
9. Prior to the commencement of the development hereby permitted, a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of construction vehicle routing, deliveries timing, the provision of loading/offloading areas, site office and contractors' parking areas, access arrangements to the site and areas for the storage of materials. Implementation shall be in accordance with the approved details and maintained until the development is complete, unless first otherwise agreed in writing with the Local Planning Authority.
10. Prior to the commencement of the development hereby permitted, full details of the proposed surface/storm water drainage measures, including the layout, flow calculations and its planned future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details and thereafter permanently retained.
11. No development 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 ENE04 and two credits in issue TRA03, unless otherwise first agreed in writing with the Local Planning Authority. The evidence shall be 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.
12. Within 3 months of the first occupation of the building hereby permitted (or within such extended period as may be agreed by the Local Planning Authority), written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority, demonstrating 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 ENE04 and two credits in issue TRA03. This evidence shall 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.

13. Prior to the first occupation of the building hereby permitted, bicycle storage facilities shall be provided and made available for use, in accordance with the approved drawings and shall thereafter be retained for such use at all times.
14. Prior to the first occupation of the building hereby permitted, facilities for the storage of refuse and recyclable materials shall be provided and made available for use, in accordance with the approved drawings and shall thereafter be retained for such use at all times.
15. Access to all flat roof areas shall be restricted for servicing and maintenance requirements only and at no time shall these areas be used as balconies or roof terrace areas.
16. 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, including any works permitted by Part 16 of Schedule 2 of that Order, without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

The reasons for the conditions are:

1. To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
2. To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
3. To ensure the development is implemented in accordance with the permission issued.
4. To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Local Plan (2012).
5. To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
6. To ensure that the site is free from prescribed contaminants in accordance with Saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
7. To ensure that the site is free from prescribed contaminants in accordance with Saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
8. In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).
9. To minimise the potential for conflict with or hazard to existing users of the surrounding highway network and impacts on adjoining residential/commercial properties, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).
10. In order to ensure adequate capacity in the local drainage network to serve the development which might otherwise increase flows to the public sewerage system, placing existing properties and land at a greater risk of flooding, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

11. To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan (2012).
12. To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan (2012).
13. To ensure that adequate provision is made for cyclists using the building and to promote and encourage cycling as an alternative mode of transport to the private car, in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).
14. To ensure that adequate provision is made for the storage/collection of refuse and recycling materials, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
15. To prevent overlooking and to protect the privacy of the occupiers of neighbouring residential properties, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
16. To ensure the skyline and design concept for the building remains free of visual clutter in the interests of visual amenity, in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012).

Notes to Applicant:

1. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk

24 DEAN ROAD PORTSMOUTH PO6 3DG**INSTALLATION OF 2.4M HIGH SECURITY GATES AND FENCING TO ENCLOSE ACCESSWAY****Application Submitted By:**

David Young Architectural

On behalf of:

Mr James Rogers

RDD: 17th August 2017**LDD:** 13th October 2017**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a deputation request from neighbouring residents, Nos24 & 22 Park Lane.

Summary of main issues

Given the deputation request and proposed siting of the fencing, a Members site visit has been arranged prior to Planning Committee.

The determining issues in this application relate to whether the proposal is acceptable in design terms and whether it would have any significant impact on the amenities of the surrounding occupiers, in addition to consideration of any other matters raised in representations.

Site and surroundings

A two-storey house occupies the application site. It is located at the southern end of a short terrace of four properties, which is on the east side of the cul-de-sac of Dean Road. The property is separated from another longer terrace of houses to the south by a private accessway measuring 3m in width between the side elevations of Nos22A and 24 Dean Road, which widens up to 6.3m toward the rear of the house. There is currently a 2m high boundary wall enclosing the private open space in the rear garden of No24, with the remaining land that is within the ownership of No24 forming in part the rear accessway.

The accessway leads the rear curtilages of properties fronting Park Lane and Dean Road some of which have rear garages and have relied on the land the subject of this application for access. Although the accessway is annotated on the applicant's drawings as a 'shared access' other supporting information, including a 'Certificate A' and land registry title confirm that the land is within the ownership of the applicant.

Review of the title information provided confirms that adjoining land owners including 22A, 26 and 28 Dean Road and 24 Park Lane have the benefit of a right of access over the land the subject of the application.

Proposal

The applicant seeks planning permission to enclose the accessway by security gates. The proposed means of enclosure includes (a) a pair of 2.4m high timber gates on posts positioned between the side walls of the houses across the 3m wide gap to No24 and next door at No22A and (b) 2.4m high close boarded timber fencing and a pair of gates to the rear of the site along a length of 9.7m.

The erection of a fence, wall or other means of enclosure often falls within the limits of 'permitted development'. However, in the circumstances relevant to this proposal, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that permission would be required if 'the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level'. As the proposed fence would measure 2.4m, planning permission is required.

The design of the proposed security gates and fencing would comprise of framed ledged and braced units with vertical tongued and grooved boarding, inset with cappings to top and bottom, with vertical posts each side.

The applicant has also advised that his intentions are to provide the occupiers of 22A, 26 and 28 Dean Road and 24 Park Lane with a key (providing a contribution towards the cost of the proposal is made) so as to maintain their access. While this is a civil matter and not a material planning consideration, the applicant's intentions are noted.

Planning history

A retrospective application (ref 15/01085/PLAREG) for 'Construction of single storey rear extension' was permitted in September 2015.

POLICY CONTEXT

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

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

CONSULTATIONS

None.

REPRESENTATIONS

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

- a) loss of access to garages;
- b) devaluation of property;
- c) intensification of fly-tipping; and,
- d) financial contribution towards the project.

These representations are from Nos22 and 24 Park Lane.

COMMENT

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the curtilage of the site and wider streetscene, the amenities of nearby occupiers and any other matters raised in representations.

Appearance

To the front (west) elevation, which faces Dean Road, the proposed security gates would be set back from the public highway by 2.3m and would be set flush with the principal elevation of No24 Dean Road. The proposed pair of security gates, on posts, would span a gap of 3m between No24 and No22A.

To the rear (east) of the site, the proposed security gates and fencing would adjoin an existing section of 1.8m timber fencing bounding No22A Dean Road, to the south. To the north of the site the proposed fencing would adjoin a 2m high brick wall bounding the rear garden of No24 Dean Road. The proposed length of the security gates to the rear would be 9.7m.

The design of the proposed security gates would comprise of framed ledged and braced units with vertical tongued and grooved boarding, inset with cappings to top and bottom, with vertical posts each side.

At 2.4m in height the proposed means of enclosure would be higher than other nearby boundary treatments. Whilst it is acknowledged, the proposed fencing and security gates would create a somewhat fortified appearance in relation to the building and wider streetscene (Dean Road) it is considered, on balance, that as a 2m high fence could be constructed utilising permitted development rights, the additional height of 40cm would not be of such significant visual harm to warrant the refusal of the application.

For the reasons stated above, it is considered that the proposed security gates and fencing would be acceptable in design terms and would relate appropriately to the curtilage of No24 and wider streetscene of Dean Road.

Amenity impact

Following a site visit, the amenity of all adjoining neighbours has been assessed. The neighbouring properties to the rear are some distance away and having regard to intervening garage structures are not considered to be significantly affected by the proposed gates/fencing.

The applicant has advised that the proposed location of the gate to the rear boundary could be sited to endeavour to improve the manoeuvring of a vehicle into the rear garage of Nos22 and 24 Park Lane.

In terms of impact to property No22A Dean Road, located to the south of the site, the proposed front gates would be set behind the principal elevation of No22A by 2.3m. Therefore, the proposed gates to No24 would not diminish light from or change the outlook to ground floor front windows of No22A. The proposal is not considered to have any amenity impact on the occupiers to the house to the north (at No26).

Other issues raised in representations

- Loss of access to garages

The ownership issue of the 'shared access' and appropriateness of the completed 'Certificate A' has been queried with the applicant's agent. In response, Land Registry title details have been provided to corroborate this claim and the applicant/agent are satisfied that all the land edged in red in the supporting site plan is within the applicant's ownership and control.

The area of land in question is not a Public Right of Way and is owned by the residents of No24 Dean Road, with unconditional access granted for Nos26 & 28 Dean Road and No24 Park Lane. Therefore, it is considered that the principle of the proposed security gates and fencing would be acceptable. The applicant has advised that keys would be provided to continue to enable access across the land (providing a contribution towards the cost of the proposal is made).

- Devaluation of property

The loss of property value is not a material planning consideration.

- Intensification of fly-tipping

The objectors express concerns that any further fly-tipping would be exacerbated onto a smaller area, but by reason of the modest proposal it is not considered to sustain a reason for refusal.

- Financial contribution towards the project

The objectors express concerns that the applicant requires a financial contribution towards the project in line with the deeds; however, this would be regarded as a private issue between neighbours and as such is not a material planning consideration.

In conclusion, for the reasons stated above, the proposed fencing/gates would be higher than neighbouring curtilages' and present a more fortified appearance but, on balance, not considered so harmful to its appearance or that of the wider area, to accord with policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan (OI1142889); Block plan (OI1142888); Proposed elevations and floor plans (210/2/17); and, Proposed rear elevation (1:100).

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

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.

29 SISKIN ROAD SOUTHSEA PO4 8UG**WITHIN TREE PRESERVATION ORDER NO.184 : LOMBARDI POPLAR (T25) - POLLARD TO A HEIGHT OF AROUND 8M****Application Submitted By:**

Hampshire Tree Services
FAO Mr Adam Mansell

On behalf of:

Mr Garry Shortman

RDD: 5th September 2017

LDD: 31st October 2017

SUMMARY OF MAIN ISSUES

This application has been called to the Planning Committee at the request of Councillor Ben Dowling.

Summary of the main issues

The determining issues are whether the proposed works to the Lombardy Poplar Tree (T25) are appropriate in terms of the continued well-being of the tree and its contribution to the visual amenity of the area.

Site and Surroundings

The application relates to a Lombardy Poplar (*Populus Nigra*) identified T25 in Tree Preservation Order No 184. The Tree Preservation Order encompasses the tree line which originally formed part of the northern boundary to a playing field and was formerly part of the grounds of St James Hospital. The playing field was developed to form the area now occupied by Milebush Park, Siskin Road and Reedling Drive. The tree lined boundary mainly consisted of Lombardy Poplar and Willow Trees. The subject of this application is located to the north of 29 Siskin Road within the rear garden.

Proposal

The applicant seeks consent to pollard T25 to a height of around 8m.

Pollarding is a method of pruning that keeps trees and shrubs smaller than they would naturally grow. It is normally started once a tree or shrub reaches a certain height, and annual pollarding will restrict the plant to that height.

In this situation pollarding is considered a viable option to allow the continued retention of the tree albeit at a smaller size and reduced future risk of failure.

Planning History

In August 2015 consent was refused to fell T24 and T25 (Ref 15/00978/TPO). The application was subsequently appealed and partially dismissed allowing only T24 to be felled. The Inspector stated that "T25 has a large crown without any basal decay. There is therefore no evidence that this tree has any significant structural defects. The crown contains some deadwood but this can be removed without need or justification for felling the tree".

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS13 (A Greener Portsmouth),

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

CONSULTATIONS

Leisure/Arb Officer

A site visit has not been undertaken on this occasion, the Arboricultural Officer is familiar with the tree in question.

Observations

T25 appears to be a healthy example of its species *Populus nigra* the Lombardy Poplar it is however now approaching the end of its life and the proposal to reduce to a height of 8m will prolong the process of decline allowing the retention of T25 while reducing risk of failure. This process will need to be revisited approximately every 4/5 years in order to control the regrowth triggered by this form of management.

TPO 184 encompasses the tree line which it is believed formed part of the northern boundary to the area used previously by St James Hospital as farm land and then sports fields prior to redevelopment, the area now occupied by Milebush Park, Siskin Road and Reedling Drive comprises of mainly Lombardy Poplar and Willow.

Introduced into Britain in the late 1700's Lombardy Poplar originated from the Lombardy region of northern Italy.

The timber is worthless but the tree is frequently planted as a landscaping feature due to its distinctive shape.

Poplar grow very rapidly in the early years, they have been planted in the past to create a quick screen.

Unlike other species Poplars are prone to breakage and are not long lived. In evolutionary terms they are a pioneer species, colonising open ground. They have adopted a strategy of rapid growth, at the partial expense of wood strength. This renders them more likely to fail in high winds than other trees. A life span of only 50 years is quite typical for this species.

Poplar have a low wood density due to their sacrifice of wood strength, they are therefore more susceptible to colonisation by decay fungi than other trees and, ineffective at forming barriers to isolate any decay that develops. Once colonised by decay fungi they cannot effectively be stopped, and an infected tree is likely to become hazardous.

These trees are approaching the end of their usefulness. They appear to have formed part of the hospital boundary and in my opinion should probably not have been included when the site was protected by TPO once redevelopment became a possibility. Granted they are of high

amenity value and visible for miles around, but were old when the TPO was made. Common sense could have prevailed here and if lost to the development more suitable species could have been planted as a condition of that development. These were fine for a field boundary, I question their value on a housing development.

Pollarding is a method of pruning that keeps trees and shrubs smaller than they would naturally grow. It is normally started once a tree or shrub reaches a certain height, and annual pollarding will restrict the plant to that height.

Pollarding is a pruning technique used for many reasons, including:

Preventing trees and shrubs outgrowing their allotted space

Pollarding can reduce the shade cast by a tree

May be necessary on street trees to prevent electric wires and streetlights being obstructed

In this situation pollarding is considered a viable option to allow the continued retention of the tree albeit at a smaller size and reduced future risk.

Pollarding a tree is usually done annually, and would need to be carried out every few years to avoid future potential problems.

The best time for pollarding many trees and shrubs is in late winter or early spring.

A consequence of pollarding is that pollarded trees tend to live longer than unpollarded specimens because they are maintained in a partially juvenile state, and they do not have the weight and windage of the top part of the tree.

Noting the failures and removals of other Poplar trees through decay and high winds in recent years the reduction of T25 is supported.

Recommendations

The application be granted.

REPRESENTATIONS

Four objection comments have been received from local residents on the grounds of:

- 1) roots cause damage to properties;
- 2) pollarding will only temporarily delay structural damage to nearby houses;
- 3) trees support biodiversity of local area;
- 4) loss of amenity.

One support comment has been received on the grounds that the proposed works will prolong the health of the tree.

COMMENT

The determining issues are whether the proposed works are appropriate in terms of the continued well-being of the tree and its contribution to the visual amenity of the area.

Taking into consideration the Arboricultural Officer's comments, T25 is of high amenity value as it is visible from the public realm. It is considered to be a healthy example of its species. However, it is now approaching the end of its life and the proposal to reduce to a height of 8m will prolong the process of decline allowing the retention of T25 while reducing risk of failure. This process will need to be revisited approximately every 4/5 years in order to control the regrowth triggered by this form of management.

Having regard to other failures and removal of other Poplar trees through decay and high winds in recent years, it is considered that the proposed works are in the interests of good arboricultural management and would ensure the long term health and amenity value afforded by the tree is continued into the future.

The objection comments state that the roots of the tree causes damage to the properties and the pollarding will only temporarily delay structural damage to the nearby houses. The Council has no evidence to determine that the tree is causing structural damage to the neighbouring properties.

Another objection comment states that the trees support the biodiversity of the area and the proposal would result in the loss of amenity. The proposed works are considered to be a viable option to allow the continued retention of the trees within the size therefore, they will continue to support the biodiversity of the area and contribute to the visual amenity.

The proposal is considered to be acceptable and in accordance with the PCS13 of the Portsmouth Plan.

RECOMMENDATION Conditional Consent

Conditions

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Lombardy Poplar (T25) other than to pollard to a height of 8m.
- 3) All work shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations).

The reasons for the conditions are:

- 1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.
- 3) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 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.

4 REEDLING DRIVE SOUTHSEA PO4 8UF

WITHIN TREE PRESERVATION ORDER NO.184 : LOMBARDI POPLAR (T23) - POLLARD TO A HEIGHT OF AROUND 8M

Application Submitted By:

Hampshire Tree Services
FAO Mr Adam Mansell

On behalf of:

Gillian Hickman

RDD: 5th September 2017

LDD: 31st October 2017

SUMMARY OF MAIN ISSUES

This application has been called to the Planning Committee at the request of Councillor Ben Dowling.

Summary of the main issues

The determining issues are whether the proposed works to T23 are appropriate in terms of the continued well-being of the tree and its contribution to the visual amenity of the area.

Site and Surroundings

The application relates to a Lombardy Poplar (*Populus Nigra*) identified T23 in Tree Preservation Order No 184. The Tree Preservation Order encompasses the tree line which originally formed part of the northern boundary to a playing field and was formerly part of the grounds of St James Hospital. The playing field was developed to form the area now occupied by Milebush Park, Siskin Road and Reedling Drive. The tree lined boundary mainly consisted of Lombardy Poplar and Willow Trees. The subject of this application is located to the north of 4 Reedling Drive within the rear garden.

Proposal

The applicant seeks consent to pollard T23 to a height of around 8m.

Planning History

In July 2009 consent was granted to crown lift to 5 metres Lombardy Poplar (T23). (Ref 09/00753/TPO).

In December 2016 consent was refused to crown reduce height by 6m (Ref 16/01610/TPO).

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS13 (A Greener Portsmouth),

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

CONSULTATIONS

Leisure/Arb Officer

A site visit has not been undertaken on this occasion, the Arboricultural Officer is familiar with the tree in question.

Observations

T23 appears to be a healthy example of its species *Populus nigra* the Lombardy Poplar it is however now approaching the end of its life and the proposal to reduce to a height of 8m will prolong the process of decline allowing the retention of T23 while reducing risk of failure. This process will need to be revisited approximately every 4/5 years in order to control the regrowth triggered by this form of management.

TPO 184 encompasses the tree line which it is believed formed part of the northern boundary to the area used previously by St James Hospital as farm land and then sports fields prior to redevelopment, the area now occupied by Milebush Park, Siskin Road and Reedling Drive comprises of mainly Lombardy Poplar and Willow.

Introduced into Britain in the late 1700's Lombardy Poplar originated from the Lombardy region of northern Italy.

The timber is worthless but the tree is frequently planted as a landscaping feature due to its distinctive shape.

Poplar grow very rapidly in the early years, they have been planted in the past to create a quick screen.

Unlike other species Poplars are prone to breakage and are not long lived. In evolutionary terms they are a pioneer species, colonising open ground. They have adopted a strategy of rapid growth, at the partial expense of wood strength. This renders them more likely to fail in high winds than other trees. A life span of only 50 years is quite typical for this species.

Poplar have a low wood density due to their sacrifice of wood strength, they are therefore more susceptible to colonisation by decay fungi than other trees and, ineffective at forming barriers to isolate any decay that develops. Once colonised by decay fungi they cannot effectively be stopped, and an infected tree is likely to become hazardous.

These trees are approaching the end of their usefulness. They appear to have formed part of the hospital boundary and in my opinion should probably not have been included when the site was protected by TPO once redevelopment became a possibility. Granted they are of high amenity value and visible for miles around, but were old when the TPO was made. Common sense could have prevailed here and if lost to the development more suitable species could have been planted as a condition of that development. These were fine for a field boundary, I question their value in a housing development.

Pollarding is a method of pruning that keeps trees and shrubs smaller than they would naturally grow. It is normally started once a tree or shrub reaches a certain height, and annual pollarding will restrict the plant to that height.

Pollarding is a pruning technique used for many reasons, including:

Preventing trees and shrubs outgrowing their allotted space

Pollarding can reduce the shade cast by a tree
May be necessary on street trees to prevent electric wires and streetlights being obstructed

In this situation pollarding is considered a viable option to allow the continued retention of the tree albeit at a smaller size and reduced future risk.

Pollarding a tree is usually done annually, and would need to be carried out every few years to avoid future potential problems.

The best time for pollarding many trees and shrubs is in late winter or early spring.

A consequence of pollarding is that pollarded trees tend to live longer than unpollarded specimens because they are maintained in a partially juvenile state, and they do not have the weight and windage of the top part of the tree.

Noting the failures and removals of other Poplar trees through decay and high winds in recent years the reduction of T23 is supported.

Recommendations

The application be granted.

REPRESENTATIONS

Four objection comments have been received from local residents on the grounds of:

- 1) roots cause damage to properties;
- 2) pollarding will delay structural damage;
- 3) trees support biodiversity of local area;
- 4) loss of amenity

One support comment has been received on the grounds that the proposed works will prolong the health of the tree.

COMMENT

The determining issues are whether the proposed works are appropriate in terms of the continued well-being of the tree and its contribution to the visual amenity of the area.

Taking into consideration the Arboricultural Officer's comments, T23 is of high amenity value as it is visible from the public realm. It is considered to be a healthy example of its species. However, it is now approaching the end of its life and the proposal to reduce to a height of 8m will prolong the process of decline allowing the retention of T23 while reducing risk of failure. This process will need to be revisited approximately every 4/5 years in order to control the regrowth triggered by this form of management.

Having regard to other failures and removal of other Poplar trees through decay and high winds in recent years, it is considered that the proposed works are in the interests of good arboricultural management and would ensure the long term health and amenity value afforded by the tree is continued into the future.

The objection comments state that the roots of the tree causes damage to the properties and the pollarding will only temporarily delay structural damage to the nearby houses. The Council has no evidence to determine that the tree is causing structural damage to the neighbouring properties.

Another objection comment states that the trees support the biodiversity of the area and the proposal would result in the loss of amenity. The proposed works are considered to be a viable

option to allow the continued retention of the trees within the size therefore, they will continue to support the biodiversity of the area and contribute to the visual amenity.

The proposal is considered to be acceptable and in accordance with the PCS13 of the Portsmouth Plan.

RECOMMENDATION Conditional Consent

Conditions

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Lombardy Poplar (T23) other than to pollard to a height of 8m.
- 3) All work shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations).

The reasons for the conditions are:

- 1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2) To ensure the amenity afforded by the tree is continued into the future in accordance with PCS13 of the Portsmouth Plan.
- 3) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 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.

32 KINGSLAND CLOSE PORTSMOUTH PO6 4AL**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Matthew Bartolo

On behalf of:

Mr Matthew Bartolo

RDD: 6th September 2017

LDD: 2nd November 2017

SUMMARY OF MAIN ISSUES

This application has been brought to planning committee due to a petition of 27 signatures contrary to officers' recommendation.

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 Kingsland Close at the north-eastern end of the cul-de-sac.

The proposal

The applicant seeks permission for a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house). On 1st November 2011, a city Article 4(2) Direction came into effect and planning permission is required to change the use of the property to a Class C4 HMO.

Planning history

It is not considered there is any relevant planning history in relation 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: PCS14 (A Healthy City), PCS17 (Transport), PCS20 (Houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and houses in multiple occupation SPD would also be a material consideration.

CONSULTATIONS

Private Sector Housing

There are no adverse comments to be made by the Portsmouth City Council Private Sector Housing Team regarding the proposal and the space sizes provided.

REPRESENTATIONS

A petition of 27 signatures has been received objecting to the application. Four objection comments have been received objecting on the grounds of:

- (a) increased parking pressure as they area is already over capacity;
- (b) this is a family orientated area and it is not clear who will occupy the property;
- (c) a HMO does not fit with the character of the area; and,
- (d) it could reduce the value of properties.

COMMENT

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

Principle

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

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, 0 of the 34 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 2.94% 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 amenity

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

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can

negatively impact upon the local area, the percentage if granted would be 2.94%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home. In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

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

Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C3 or C4.

Highways/Parking

The Parking Standards SPD does not require an increased parking provision for a Class C4 HMO. The application site benefits from an enclosed rear garden and conditions could be imposed to secure appropriate cycle storage. In dismissing an appeal at 239 Powerscourt Road, the Inspector stated that:

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

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

Waste

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

Other matters raised within representations

A change in property value is not a material consideration in the determination of this application.

Conclusion

Having regards to representations, national and local planning policy and all other material considerations, the development is considered to be acceptable.

RECOMMENDATION

Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 06.09.2017) and Proposed Floor Plans.
- 3) Prior to the first occupation of the property as a House in Multiple Occupation, cycle storage facilities shall (unless otherwise agreed in writing) be provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be retained.
- 4) Prior to first occupation of the dwelling as a Class C4 HMO, precise details of the storage location and size of refuse/recycling bins shall be submitted to and approved in writing by the local planning authority. The approved waste/recyclables storage facilities shall thereafter be retained.

The reasons for the conditions are:

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

2 STUBBINGTON AVENUE PORTSMOUTH PO2 0HS**CONSTRUCTION OF SINGLE-STOREY REAR/SIDE EXTENSIONS AND 2 DORMER WINDOWS; AND CHANGE OF USE TO FORM 8-BEDROOM, 8-PERSON HOUSE IN MULTIPLE OCCUPATION WITH ASSOCIATED REFUSE AND CYCLE STORAGE****Application Submitted By:**

Chris Flint Ass Ltd
FAO Chris Flint

On behalf of:

Mr P Stanley

RDD: 15th August 2017

LDD: 11th October 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether the external alterations are acceptable in design terms and whether the proposal 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 two-storey semi-detached property located to the southern side of Stubbington Avenue, just to the east of its junction with London Road. The property's western elevation is situated directly onto the back edge of the public footway. This in turn runs parallel to a service road which provides access to a public car park and a series of garages and service yards associated with dwellings to the east fronting Emsworth Road and commercial uses fronting London Road. These form part of the North End District Centre as defined by policy PCS8 of the Portsmouth Plan.

The surrounding area has a mixed character with a range of uses and building styles, although commercial uses predominate to the west with residential uses to the east.

Proposal

Planning permission is sought for the construction of a single-storey side extension and two dormer windows and change of use of the property to form an 8-bedroom, 8-person house in multiple occupation (Sui Generis) with associated refuse and cycle storage facilities. At the time of the site visit it was noted that construction work had commenced on the construction of a side extension which did not reflect the development shown on the submitted drawings. The proposal has subsequently been amended to reflect the development that has already taken place and to remove a single-storey rear extension from the proposal.

Relevant Planning History

An application for the conversion of the building to form four dwellings including the construction of single-storey side and rear extensions, dormer windows to the side roof slope and associated parking, refuse and cycle stores was refused in September 2017 (ref.17/00745/FUL). The reasons for refusal were as follows:

- 1) The proposed ground floor extensions would, by reason of their combined length, siting onto the back edge of the footway, inappropriate pattern and form of fenestration, absence of appropriate detailing and position at a prominent corner site, result in incongruous and visually discordant form of development that would fail to relate appropriately to the recipient building and the wider street scene. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.
- 2) The proposed dwellings (units 1,2 & 3) would, by reason of their restricted internal floorspace and headroom (unit 3), outlook, internal layout and window position (units 1 & 2), result in a cramped and enclosed form of development failing to provide an appropriate standard of living accommodation to the detriment of the residential amenities of future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policy PCS19 of the Portsmouth Plan and the requirements of the Technical Housing Standards - nationally described space standards.
- 3) The proposed residential units would fail to provide off-street parking in accordance with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document. This would exacerbate the existing on-street parking shortfall in an area where on-street demand regularly exceeds the spaces available, increasing the occurrences of indiscriminate parking at junctions which would result in reduced visibility and the obstruction of crossing points to the detriment of highway safety. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy PCS17 of the Portsmouth Plan.
- 4) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

Planning permission was granted in 1991 (ref.A*28692/AA) is sought for the use of the building (and annexe to the rear) as a medical surgery (Class D1). Condition 2 of this permission states: 'This permission shall be additional to the authorised use of the premises for Class B1)'.

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

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

Shared Kitchen/dining open planned - The shared kitchen/dining open planned area is undersize and does not meet the minimum space standards. The minimum floor space required for 8 unrelated individuals sharing where bedrooms exceed 10m² is 19.5m².

The proposed plan indicates a usable kitchen floor space of 14m², an unusable area of 2m² (door circulation space) and an unspecified area of 2.2m².

Bedroom 8 - second floor - Any space underneath a ceiling height of 1.5m is classed as unusable space. Other areas that are not classed as useable space are chimney breast, circulation spaces and behind doorways and around staircases. If the room has beams then the height from the floor to the beam must be a minimum of 2m.

The minimum size of a bedroom for single occupancy is 6.5m of usable space.

Shared Kitchen/dining open plan - The minimum kitchen size for the exclusive use of food preparation and storage is 11m² and the following facilities must be provided:

- 2 x conventional cooker (irrespective of whether a combination microwave is provided)
- 2 x single bowl sinks and integral drainer
- 2 x under counter fridges and a separate freezer or 2 equivalent combined fridge/freezers
- 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent
- 2500mm(l) x 500mm(d) worktops
- 3 x twin sockets, located at least 150mm above the work surface

Personal hygiene - No sizes for the proposed bath/shower rooms or WC have been provided. The minimum size for a bath/shower room is 3.74m² and 2.74m² of usable space (any space underneath a ceiling height of 1.5m is classed as unusable space) respectively and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

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

Environmental Health

Further to the above application Environmental Health can confirm there are no outright objections to the proposed development, however given the proximity of the adjacent public car park it is suggested that consideration needs to be given to the potential impact of noise from traffic movements upon the future residents.

Highways Engineer

The application site is located on Stubbington Avenue; the rear of the site can be accessed via a service road leading to a car park operated by PCC however the adopted highway stretches to the full length of the application site boundary. Stubbington Avenue is a busy east-west route linking the North End and Copnor areas of Portsmouth. It is a bus route and is subject to a 30mph speed limit. There is on-street parking controlled by double-yellow line restrictions however the demand for parking in Stubbington Avenue and nearby roads regularly exceeds the space available leading to regular parking on double yellow lines and causing a risk to highway safety.

No transport assessment has been provided in support of the application; however given the small scale of the development and that the existing use is likely to have a higher trip rate than the proposed use, the Highways Authority (HA) is satisfied that an assessment is not required and the development would not have a material impact upon the local highway network.

The Portsmouth Parking SPD gives the level of parking spaces that should be included with new residential development. The proposed development would have a parking demand of 2 vehicle spaces. It is proposed that two existing parking spaces at the front of the site accessed from Stubbington Avenue will be retained and therefore meets the SPD requirement.

The Portsmouth Parking SPD also requires that new developments provide cycle parking to an expected level. For any residential property with 4 or more bedrooms, 4 cycle parking spaces are required. It is proposed to include 4no cycle lockers to the rear of the site each with capacity for two cycles and thus meets the SPD requirements.

As the application stands, given the established policy position, the HA would not wish to raise a Highways objection.

REPRESENTATIONS

At the time of writing, three letters of representation had been received from local residents in opposition to the proposal. Their concerns can be summarised as follows: a) There are too many HMOs within the surrounding area; b) Impact on the living conditions of nearby residents; c) HMO properties are often neglected; d) living conditions for future occupiers; e) Parking; and f) Work has already commenced.

COMMENT

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

1. Principle of the proposed use
2. Internal living conditions and impact on amenity
3. Design
4. Highways Implications
5. Impact on the Solent Special Protection Areas

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom, eight person House in Multiple Occupation (Sui Generis). Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO (C4 or Sui Generis) 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 one of the 26 residential properties within a 50 metre radius was in use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to just 7.69% (12/26), 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. Therefore, 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 further 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". Whilst it is accepted that this large property is not already in use as a dwellinghouse, such a use would be acceptable in planning terms and therefore, the principles set out above within the appeal decision would be applicable.

It is also 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 make reference to the potential impact of the use on the amenity of nearby residents. 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 the immediate 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.

In terms of internal living conditions, the property would comprise eight bedrooms ranging between 10 and 20sq.m., a communal kitchen/living room at ground floor level, two bathrooms (each with bath, w/c and wash basin) and a separate w/c. The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings and advise that each of the proposed bedrooms would meet the minimum size standards required (6.52sq.m.) for a single occupant under the Housing Act 2004 and the relevant guidance documents. Where all bedrooms exceed 10sq.m. a reduced communal area is generally accepted. In this case three of the bedrooms exceed 18sq.m. allowing occupants to relax and undertake normal day to day activities within their own private spaces.

Whilst a separate living room would not be required in this instance, the combined kitchen/dining room would be expected to have a useable floor area of at least 19.5sq.m. Based on the revised drawings, the combined kitchen/dining room is annotated at 17.5sq.m. However, it is noted that

approximately 2sq.m. of this space comprises a corridor and 2.2sq.m. forms an unspecified area (cupboard). This would reduce the overall useable floorspace to just 13.3sq.m. falling significantly short of the standard required to allow for social activities that would be expected for individuals living as a group, as well as a safe environment for the cooking and consuming of food.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). Therefore, in the absence of adequate kitchen and dining facilities, it is considered that the proposed use of the property by eight individuals would fail to provide an adequate standard of living accommodation for future occupiers to the detriment of residential amenity.

Design

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; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Notwithstanding the concerns raised in respect of internal living conditions, the proposed facilities are reliant upon the construction of a single-storey side extension to replace a former conservatory. This extension would measure approximately 5.9m wide by 2.7 metres deep and would be positioned directly onto the back edge of the pavement. At the time of the site visit it was noted that this structure was already under construction with the rafters having been installed. It was noted that whilst the replacement structure is of a similar height to the conservatory it replaced, it includes a higher eaves with a shallower pitched roof compared to the adjoining 'lean-to' structures, incorporates seemingly random windows that did not match the size, proportions or alignment of existing windows on the building and was constructed in non-matching materials.

The existing building is similar to other dwellings within Stubbington Avenue and incorporates a two-storey bay window and decorative gable feature to its northern elevation. It is however, noted that the gable feature with supporting brackets is larger and more ornate than other within the area reflective of its prominent corner position and marking the end of residential uses in Stubbington Avenue. The side and rear elevations of the building do not exhibit the same quality but still incorporate large and interesting shaped window openings with decorative brick and stone headers, cills and surrounds. Whilst the existing/previous 'lean-to' structures to the side elevation are not of exceptional quality and the brickwork is not a perfect match to the original in places, they were relatively modest in scale and do not appear particularly incongruous in relation to the original building.

The proposed extension is smaller than that previously refused as part of planning application 17/00745/FUL. However, as a result of its specific design and finish (eaves height, roof pitch, window design and position and brickwork) as detailed above, it is considered that the single-storey extension as proposed fails to relate appropriately to the host building resulting in an incongruous and visually discordant form of development at a prominent corner site.

At roof level permission is also sought for the construction of two dormer windows identical to those proposed by planning application 17/00745/FUL. The dormers would be relatively modest in scale and would be set back from the eaves and down from the ridge reducing their dominance within the roof slope. Whilst not ideally positioned within the roof slope, with the use

of matching materials, it is considered that these features would not amount to visually dominant or obtrusive features within the street scene.

Parking

The application site is situated on Stubbington Avenue, a busy east-west route linking the North End and Copnor areas of Portsmouth, and adjacent to a PCC controlled public car park. On-street parking in the area is controlled by double-yellow line restrictions and the demand for existing on-street parking in Stubbington Avenue and nearby roads regularly exceeds the space available leading to regular parking on double yellow lines.

The application has been considered by the Highways Authority who highlight that the proposal is unlikely to result in a higher trip generation than the existing use at the site and would not have a material impact upon the local highway network. The submitted drawings indicate that the development would provide two off-road parking spaces at the front of the building from Stubbington Avenue in line with the requirements of the Parking Standards Supplementary Planning Document.

The Parking SPD also requires that all new developments provide adequate bicycle storage facilities. The submitted drawings indicate that these can be provided to the rear of the building although no details of appearance have been provided. However, this matter in addition to refuse storage facilities could be reserved by suitably worded planning conditions.

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 £362 (2 x £181 i.e. Sui Generis HMO is equivalent to two dwellinghouses). Notwithstanding the previous reason for refusal in this respect associated with planning application 17/00745/FUL, no indication of mitigation has been provided by the applicant. As a result, the scheme would be likely to lead to a significant effect on the SPAs and does not meet the provisions of the Habitats Regulations. As such, the proposals would be contrary to policy PCS13 and the Supplementary Planning Document in relation to the Special Protection Areas.

RECOMMENDATION

Refuse

Conditions

The reasons for the conditions are:

- 1) The proposed ground floor side extension would, by reason of its inconsistent eaves and roof pitch, inappropriate pattern and form of fenestration, absence of appropriate detailing, use of non-matching materials and siting directly onto the back edge of the pavement at a prominent corner site, result in incongruous and visually discordant form of development that would fail to relate appropriately to the recipient building and the wider street scene. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.
- 2) The proposed change of use of the building to an eight-person, eight-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/dining room), fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.
- 3) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

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.

35 CHICHESTER ROAD PORTSMOUTH PO2 0AA**CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SEVEN PERSON HMO (SUI GENERIS)****Application Submitted By:**

New Era Agency LTD
Mr Chris Broyd

On behalf of:

Mr David Manchester
New Era Agency LTD

RDD: 29th September 2017**LDD:** 28th November 2017**SUMMARY OF MAIN ISSUES**

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

The Site

This application relates to a two-storey mid-terraced dwelling located on Chichester Road close to its intersection with Emsworth Road in the Nelson Ward. The property is set back from the highway by a small forecourt and benefits from a larger garden area to the rear.

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

Proposal

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

Relevant Planning History

Planning application reference: 17/00409/FUL was granted conditional permission in May 2017 for a change of use from C3 (residential) to a mixed use C3/C4 House in Multiple Occupation (HMO).

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

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

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

CONSULTATIONS

Private Sector Housing

Proposal

CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SEVEN PERSON HMO (SUI GENERIS)

Summary

- 3 storeys
- 7 bedrooms

Based on the layout and sizes provided with this application this property would require to be licenced (additional) under Part 2, Housing Act 2004. There are no adverse comments from Private Sector Housing team in response of the proposal, however please note the following facility requirements.

Open planned shared kitchen/dining and lounge area

All bedrooms exceed 10m² in size and therefore a designated lounge area is not required.

The kitchen area needs to be a minimum of 11m² for the exclusive use of cooking, food preparation and storage. Facilities required for 7 individuals sharing are:

- 2 x conventional cooker (a combination microwave may be used in lieu of a second cooker).
- 1 x double bowl sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)
- 2 x under counter fridge and a separate freezer or 2 x equivalent combined fridge freezer.
- 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent.
- 2500mm (l) x 500mm (d) worktops.
- 3 x twin sockets, located at least 150mm above the work surface.

Personal hygiene

It has been noted the WC located on the ground floor is slightly undersize (1.05m²), however each bedroom has an en-suite and therefore the WC is an additional facility within the property. A WC must be 1.17m², contain a WC, a wash hand basin, heating and ventilation.

A shower room must include a shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

Highways Engineer

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

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

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

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

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

REPRESENTATIONS

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

- (a) Density of HMO's existing in the surrounding area;
- (b) increased parking demand;
- (c) increased pressure on existing water sewage, gas, electricity and internet services;
- (d) development would result in the loss of family housing;
- (e) increased noise pollution.

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 May 2017 (17/00409/FUL).

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.

Internal Living Conditions

A site visit was conducted in order to assess the acceptability of the proposed change of use. In terms of internal living conditions, the property would be comprised of a shared W/C and basin at ground floor level alongside a communal lounge and kitchen that would have a floor area of approximately 24 sq.m and would have access to cooking, cleaning, storage and preparation facilities. Overall it is considered that the shared kitchen/amenity space at the premises would be sufficient to meet the demands of the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

A total of 7 bedrooms with ensuite's would be provided including two bedrooms at ground floor level (following the conversion of an existing ground floor lounge), three bedrooms with ensuite's at first floor level and two bedrooms with ensuite's in the converted loft space. All of these rooms are considered to be of an appropriate size and would have suitable light, ventilation and outlook.

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application. They have confirmed that the property would require a licence to be issued under Part 2 of the Housing Act (2004). In their consultation response, the PSHT have highlighted the proposed layout would not raise any provisional, adverse comments in regards to the usability of the property as a seven bedroom sui-generis HMO subject to the provision of a range of cooking, sanitary and storage amenities. As the development has not been completed, reassurances have been sought from the applicant that these facilities would be provided. Prior to granting a licence, a verification visit would be conducted by the Private Sector Housing Team to confirm room sizes and ensure that these amenities have been provided.

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.

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) and PG.2025 17.
- 3) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate waste provision is made for future occupiers residing in the premises 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.

333 LONDON ROAD PORTSMOUTH PO2 9HQ**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO A 7 PERSON HMO (SUI GENERIS)****Application Submitted By:**

New Era Agency LTD
Mr Chris Broyd

On behalf of:

Mrs Caroline Sims
New Era Agency LTD

RDD: 29th September 2017**LDD:** 27th November 2017**SUMMARY OF MAIN ISSUES**

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

The Site

This application relates to a two-storey mid-terraced dwelling located on London Road close to its intersection with Magdalen Road in the Hilsea Ward. The property is set back from the highway by a small forecourt and benefits from a larger garden area to the rear.

The site is located in close proximity to a range of shops and services on London Road as well as a high frequency bus corridor also located on London Road. Further to this Hilsea train station is a one mile walk to the east of the application 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

Planning application reference: 16/01606/FUL was granted conditional permission in November 2016 for a change of use from C3 (residential) to a mixed use C3/C4 House in Multiple Occupation (HMO).

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

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

CONSULTATIONS

Private Sector Housing

Proposal

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

Summary

- 3 storeys
- 7 bedrooms

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

Open planned shared kitchen/dining and lounge area

Bedrooms 1, 3, 4, 5 and 6 exceed 10m² in usable floor size and therefore a reduction has been applied to the required shared lounge area. The minimum standard for a shared open planned kitchen/dining and lounge area is 27.5m², the proposal states 24.67m² which is acceptable.

The kitchen area needs to be a minimum of 11m² for the exclusive use of cooking, food preparation and storage. Facilities required for 7 individuals sharing are:

- 2 x conventional cooker (a combination microwave may be used in lieu of a second cooker).
- 1 x double bowl sink and integral drainer (a one and a half bowl sink is acceptable where a dishwasher is provided)
- 2 x under counter fridge and a separate freezer or 2 x equivalent combined fridge freezer.
- 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent.
- 2500mm (l) x 500mm (d) worktops.
- 3 x twin sockets, located at least 150mm above the work surface.

Personal hygiene

A shower room must be a minimum floor size of 2.74m² and include a shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

A WC must be a minimum floor size of 1.17m² and include a WC, wash hand basin, heating and ventilation.

Highways Engineer

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

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

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

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

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

REPRESENTATIONS

None received.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation 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 November 2016 (16/01606/FUL).

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.

Internal Living Conditions

A site visit was conducted in order to assess the acceptability of the proposed change of use. In terms of internal living conditions, the property would be comprised of a shared W/C and basin at ground floor level alongside a communal lounge and kitchen that would have a floor area of approximately 25 sq.m and would have access to cooking, cleaning, storage and preparation facilities. Overall it is considered that the shared kitchen/amenity space at the premises would be sufficient to meet the demands of the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

A total of 7 bedrooms with ensuite's would be provided including two bedrooms with ensuite's at ground floor level, three bedrooms with ensuite's at first floor level and two bedrooms with ensuite's in the converted loft space. All of these rooms are considered to be of an appropriate size and would have suitable light, ventilation and outlook.

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application. They have confirmed that the property would require a licence to be issued under Part 2 of the Housing Act (2004). In their consultation response, the PSHT have highlighted the proposed layout would not raise any provisional, adverse comments in regards to the usability of the property as a seven bedroom sui-generis HMO subject to the provision of a range of cooking, sanitary and storage amenities. As the development has not been completed, reassurances have been sought from the applicant that these facilities would be provided. Prior to granting a licence, a verification visit would be conducted by the Private Sector Housing Team to confirm room sizes and ensure that these amenities have been provided.

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.

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) and PG.2036 17.2.
- 3) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate waste provision is made for future occupiers residing in the premises 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.

8 PITCROFT ROAD PORTSMOUTH PO2 8BD**CHANGE OF USE FROM CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SUI GENERIS (HOUSE IN MULTIPLE OCCUPATION) FOR SEVEN UNRELATED PERSONS****Application Submitted By:**

New Era Agency
FAO Mr Chris Broyd

On behalf of:

New Era Agency
FAO Mr David Manchester

RDD: 8th August 2017

LDD: 4th October 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a two storey mid-terraced dwelling located on Pitcroft Road. The property is set back from the highway by a small front garden/ courtyard and garden to the rear.

The proposal

The applicant seeks permission for a change of use from Class C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven unrelated persons.

Planning history

Permission was granted in May 2017 for a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) ref. 17/00304/FUL.

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

Waste Management Service

Looking at this application it will need a communal bin for the refuse collection which will be at a cost to the developer.

Private Sector Housing

A license would be required. The proposed kitchen / dining area is too small to accommodate 7 individuals. Where an open planned kitchen/dining room is proposed the minimum floor space required for 7 individuals sharing is 19.5m², or which 11m² must be for the exclusive use of cooking, food preparation and storage.

REPRESENTATIONS

No representations have been received.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property for a seven person HMO (sui generis). Permission to use the property within Class C3 or Class C4 was granted in May 2017 ref. 17/00304/FUL.

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

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Ground floor

Bed	10.7m ²
Lounge	13.37m ²
WC	1.28m ²
Shower	2.48m ²
Kitchen	14.54m ²

First floor

Bed 4	12m ²
Shower	3.97m ²
Bed 5	7.5m ²
Bed 6	7.25m ²

Second floor

Bed 1	7.2m ²
Bed 2	7.4m ²
Bed 3	7.75m ²

The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings and advise that a license would be required. PSHT state: 'The proposed kitchen / dining area is too small to accommodate 7 individuals. Where an open planned kitchen/dining room is proposed the minimum floor space required for 7 individuals sharing is 19.5m², or which 11m² must be for the exclusive use of cooking, food preparation and storage.'

Having regards to comments from PSHT, it is considered that these matters would not form a sustainable reason for refusal in the determination of this application given that there would be 27.82m² of shared space.

The licensing process would 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.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by seven persons would provide an adequate standard of living accommodation for future occupiers.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook with the lounge/kitchen area being serviced by an access door into the rear garden and a window.

Impact on residential amenity

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

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

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

bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

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

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

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. Having sought clarification with the Private Sector Housing Team, they have agreed that the proposal in its current format would be capable of attaining a valid licence for the occupation of 7 un-related individuals subject to some minor alterations to the floor plans.

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). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. As conditions were not imposed on permission 17/003047/FUL, it is considered appropriate to impose this to prevent the unnecessary build-up of waste.

Solent Special Protection Areas

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.

Recommendations

Recommendation I: Subject to securing suitable mitigation for the Solent Special Protection Areas within 1 month of the date of this permission, to grant conditional planning permission.

Recommendation II: If suitable mitigation is not received within 1 month of any permission or such other agreed timescale in writing, to refuse the application due to impact on the Solent Special Protection Areas.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 19.01.2017); PG.2012 17 2 (Loft Conversion and Extension).
- 3) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that suitable waste storage facilities are provided for residents 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.

19 POWERSCOURT ROAD PORTSMOUTH PO2 7JE

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

Application Submitted By:

Town Planning Experts
FAO Miss Ema Baker

On behalf of:

Woodhenge Property Ltd
FAO Mr Venables

RDD: 30th June 2017

LDD: 18th October 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a two-storey mid-terraced dwelling with integral basement located on Powerscourt Road close to its intersection with Havant Road in the Nelson Ward. The property is set back from the highway by a small forecourt and benefits from a larger garden area to the rear.

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

Proposal

This application seeks planning permission to change the use of the property from C3-Residential to an 8 bedroom, 8 person house in multiple occupation (Sui Generis).

Relevant Planning History

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

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

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

CONSULTATIONS

Highways Engineer

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

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

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

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

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

Private Sector Housing

Summary

- 4 Storeys
- 8 Bedrooms

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

Basement

Based on the supplementary information provided by the applicant any previous concerns regarding the basement have been mitigated.

Communal kitchen, dining and living area

The kitchen must be a minimum of 11m² for the exclusive use of cooking, food preparation and storage.

Each kitchen must have the following facilities for 8 individuals sharing:

- 2 x conventional cookers (irrespective of whether a combination microwave is provided)
- 2 x single bowl sink and integral drainer
- 2 x under the counter fridge and a separate freezer or 2 x equivalent combined fridge/freezer
- 4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent

- Worktops 2500mm (l) x 500mm (d)
- 3 x twin sockets located at least 150mm above the work surface

Personal hygiene

A shower room must be a minimum of 2.74m² and include a WC, bath/shower, wash hand basin, heating and ventilation. The layout of the bath/shower room must be suitable to provide a usable changing and drying area.

The wall finishes and flooring shall be readily cleanable, the flooring well fitted and non-absorbent, and a suitable lock provided to the door.

WC's must be a minimum of 1.17m² and include a wash hand basin.

REPRESENTATIONS

Three representations have been received objecting to the development on the grounds of increased parking demand in the area.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom eight person House in Multiple Occupation (Sui Generis).

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 75 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 1.33%, 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 verbal representations have referred to potential noise, disturbance and anti-social behaviour associated with the use of the property as a HMO. 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. 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.

Internal Living Conditions

A site visit was conducted in order to assess the acceptability of the proposed change of use. In terms of internal living conditions, the property would be comprised of a shared kitchen and lounge at lower ground floor level that would have a floor area of approximately 35 sq.m and would have access to cooking, cleaning, storage and preparation facilities. Overall it is considered that the shared kitchen/amenity space at the premises would be sufficient to meet

the demands of the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers.

A total of eight bedrooms with six ensuite's would be provided including three bedrooms (with ensuite's) at ground floor level, three bedrooms (two with ensuite's) at first floor level and two bedrooms (one with ensuite) in the converted loft space. Further to this, bedroom four on the first floor and bedroom seven in the loft space would share a shower room also located in the loft space. All of these rooms are considered to be of an appropriate size and would have suitable light, ventilation and outlook.

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application. They have confirmed that the property would require a licence to be issued under Part 2 of the Housing Act (2004). In their consultation response, the PSHT have highlighted the proposed layout would not raise any provisional, adverse comments in regards to the usability of the property as an eight bedroom sui-generis HMO subject to the provision of a range of cooking, sanitary and storage amenities. Concerns were initially raised in regards to the usability of the basement in relation to the level of light that would enter the shared kitchen and lounge. Further to discussions between the applicant and the PSHT, previous concerns were mitigated by virtue of the existing basement windows being replaced and the additional supply of 20 energy saving LED lamps that would exceed the minimum Lux requirements of 300 Lux for the kitchen and 500 Lux for food preparation areas.

As the development has not been completed, reassurances have been sought from the applicant that these facilities would be provided. Prior to granting a licence, a verification visit would be conducted by the Private Sector Housing Team to confirm room sizes and ensure that these amenities have been provided.

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.

Parking

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)

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 three 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.2052.17.2 REV A PG.2052.17.1 REV A.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.
- 4) Prior to the first occupation of the property as an eight person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

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

4) To ensure that adequate waste provision is made for future occupiers residing in the premises 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.

30 HUDSON ROAD SOUTHSEA PO5 1HD

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE) TO FORM 8-BEDROOM/8-PERSON HMO (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Simon Pollick

RDD: 8th September 2017

LDD: 6th November 2017

SUMMARY OF MAIN ISSUES

This application has been brought to planning committee due to a city wide request for all sui generis HMOs to be determined by members.

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

The site

This application relates to 30 Hudson Road, a two storey, mid-terrace dwellinghouse located to the south of Hudson Road.

The proposal

The applicant seeks permission for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) to form 8-bedroom/8-person HMO (Sui Generis).

Planning history

Permission was granted in December 2013 for change of use from house in multiple occupation (Class C4) to purposes falling within dwelling house (Class C3) or house in multiple occupation (Class C4).

There is no other relevant planning history.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth) PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards

and houses in multiple occupation Supplementary Planning Documents (SPD) would also be a material consideration.

CONSULTATIONS

Private Sector Housing

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

Highways Engineer

REPRESENTATIONS

None.

COMMENT

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

Procedural

The applicant has requested the description of development be changed from a nine bed to an eight bed HMO.

Principle of the use

Planning permission is sought for the use of the property for a seven person House in Multiple Occupation. The application was granted permission for use within either Class C3/C4 in December 2013 ref. 13/01153/FUL. Having regard to the current lawful use as falling within Class C4 or Class C3, 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.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Bed 1: 12.8m²

Bed 2: 8.11m²

Bed 3: 8.69m²

Bed 4: 8.4m² (only floor space with a head height above 1.5m of head height included)

Bed 5: 7.25m²

Bed 6: 9.30m²

Bed 7: 8.66m²

Bed 8: 8.11m²

Study: 6.67m²

Dining/kitchen: 18.11m²

Ground floor WC: 1.11m²

Ground floor shower: 3.48m²

First floor shower: 3.48m²

The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings and advises that a license would be required. PSHT have raised some concern that the shared space is too small (27.5m² required, proposed 24.78m²). However, given that each of the bedrooms exceeds the minimum requirements for a license, it is not considered that an objection on these grounds for 2.72m² of shared floor space could be sustained.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by eight unrelated persons would provide an adequate standard of living accommodation for future occupiers.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook.

Impact on residential amenity

The proposal involves the use the property to create a 8 person 8 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size. The following material considerations are also relevant.

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

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

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

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

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

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

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). However, given the current lawful use of the property, the view of the Planning Inspectors detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. As conditions were not imposed on permission 17/00907/FUL, it is considered appropriate to impose this to prevent the unnecessary build-up of waste.

Solent Special Protection Areas

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

Planning decisions are taken in full view of national and local planning policy, the Equality Act and human rights and any other material considerations. The spurious comment in relation to the rise in crime figures is not considered to be relevant to the determination of this application.

Recommendations

Recommendation I: Subject to securing suitable mitigation for the Solent Special Protection Areas within 1 month of the date of this permission, to grant conditional planning permission.

Recommendation II: If suitable mitigation is not received within 1 month of any permission or such other agreed timescale in writing, to refuse the application due to impact on the Solent Special Protection Areas.

RECOMMENDATION Subject to Legal Agreement(s)

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 06.09.2017) and PG 1003 16.2 (Revised Floor Plan 27.10.2017).
- 3) Prior to the first occupation of the property as an eight person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and two 360L recycling bins shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that suitable waste storage facilities are provided for residents in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

239 POWERSCOURT ROAD PORTSMOUTH PO2 7JJ

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

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

Mr Alex Venables

RDD: 15th August 2017

LDD: 11th October 2017

SUMMARY OF MAIN ISSUES

SUMMARY OF MAIN ISSUES

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

- whether the proposal is acceptable in principle;
- whether the property would provide an adequate standard of living accommodation
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

Site and Proposal

The application relates to terraced property located on the north side of Powerscourt Road, between the junctions of Bedhampton Road and Wallace Road. The property has a small front forecourt and a garden to the rear. The property has been extended at roof level with rooflight windows on the front roofslope and a dormer window to the rear.

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

Internally, the property comprises the following:

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

The floor areas of the rooms are as follows:

- o Bedroom 1 (ground floor) - 9.2sqm
- o Bedroom 2 (ground floor) - 8.3sqm
- o Bedroom 3 (first floor) - 6.6sqm
- o Bedroom 4 (first floor) - 10.7sqm
- o Bedroom 5 (first floor)- 8.9sqm
- o Bedroom 6 (second floor) - 8.1sqm
- o Bedroom 7 (second floor) - 9sqm
- o Kitchen/Communal Area - 27.09sqm

Planning history

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

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

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

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), PCS17 (Transport),

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

CONSULTATIONS

HMO Consultation Memo

Private Sector Housing

Definitions

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor) —

(a) Which forms part of a building

- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
(c) Either the whole or a material part of which lies above or below some other part of the building.

Proposal

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

Summary

3 storeys

7 bedrooms

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

Shared kitchen, lounge and dining

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

The minimum kitchen size for the exclusive use of food preparation and storage is 11m² and the following facilities must be provided:

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

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

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

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

2500mm(l) x 500mm(d) worktops

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

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

Personal hygiene

The minimum size for a bath/shower room is 3.74m² and 2.74m² respectively and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

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

UPDATED COMMENTS

A verification visit was carried out on 11th October as the licencing officer had concerns over the communal space within the property as the plans provided within the licence application stated that the area was 22.8m² (this is different to the measurement provided with the planning application 20.8m²). The officer measured a number of bedrooms and the communal space during the visit. From these measurements the communal area is actually 27.09m², which is just under the required size of 27.5m². Due to the overall layout and size of the property, the officer felt in this instance, that this space was adequate for 7 people. A draft licence was issued as a result of this visit.

Highways Engineer

REPRESENTATIONS

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

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

COMMENT

Principle of the proposal

Planning permission is sought for the use of the property as to a 7-bedroom, 7 person Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission at appeal in July 2017. This would allow it to be occupied by up to 6 unrelated persons. The proposal would therefore result in the addition of 1 further bedroom within the property, to allow it to be occupied by up to 7 unrelated persons. Given the existing lawful use, which would allow it to be used as a C4 HMO, the proposed change of use to a slightly larger HMO is not considered to alter the balance of such uses within the area.

The above view has been reached by Inspectors in recent appeal decisions. In an appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City". (Similar decisions were reached by the Inspector at 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

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

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

It is relevant to note that a revision to the Council's Supplementary Planning Document (SPD) on HMO's is currently under consultation. Should the proposed revisions be implemented, subsequent applications for the change of use from C4 HMO's to Sui Generis HMO's would be determined on the basis of the 10% threshold that is currently applied to new HMO's. However, at this point in time, the proposed amendments to the SPD can only be afforded limited weight.

In any case, there are no other HMO's within a 50m radius of this application site. The percentage of HMO's in the area (taking account of the application property) is 1.33%, which is well below the 10% threshold outlined within the HMO Supplementary Planning Document (SPD).

Impact on Residential Amenity

The representation received from a local resident has raised concerns about increased noise and disturbance from a further intensification of the use. The addition of 1 further bedroom has been created through the conversion of a previous lounge at ground floor level. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property, which could result in the transmission of noise and disturbance to the adjoining

occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to 6 unrelated persons or by a family of an unrestricted size.

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

Standard of accommodation

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

The City Council's Private Sector Housing Team (PSHT) has been consulted as part of the determination of this application. Whilst the initial response of the PSHT raised concerns about the size of the ground floor communal area, they have since confirmed that the room has been measured on site and that it is considered to be of an acceptable size (approximately 27.09sqm). The applicants have also provided an updated floorplan and confirmed that the size of the communal room accords with that measured by the Housing Officer. On this basis, the proposed accommodation is considered to be acceptable for the number of occupants.

Parking, cycle and refuse storage

One of the reasons for refusal of the previous application for the C4 HMO use of the property related to parking. On this matter, the appeal Inspector noted that whilst there were difficulties with parking in the area, the Adopted Parking Standards required the same level of parking for the existing house as for an HMO. He also noted that the site was close to a high frequency bus route and within a short walk of the North End Local Centre. Taking these matters into account, he did not consider that the proposed use would result in a significant worsening of the parking situation in the area. The current proposal would increase the potential occupancy of the dwelling by 1 additional person, and having regard to the views of the appeal Inspector, it is not considered that this would significantly impact on the demand for parking in the surrounding area.

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

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

SPA mitigation

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

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

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

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; and FLOOR PLAN 106018 03.

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

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.

69 LYNDHURST ROAD PORTSMOUTH PO2 0EE**CHANGE OF USE FROM PURPOSES WITHIN CLASS C3 DWELLINGHOUSE/CLASS C4 HMO TO A HMO FOR 7 PERSONS (SUI GENERIS)****Application Submitted By:**

The Town Planning Experts
FAO Mr Keith Oliver

On behalf of:

Mr Trevor Wilcock

RDD: 8th September 2017

LDD: 6th November 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a two storey mid-terraced dwelling located on the west side of Lyndhurst Road.

The Proposal

The applicant seeks permission for a change of use from Class C3/Class C4 to 7 person House in Multiple Occupation (Sui Generis).

Planning history

Permission was granted in March 2017 for a change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) ref. 17/00014/FUL.

POLICY CONTEXT

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

CONSULTATIONS

Private Sector Housing

I have concerns regarding the door clearance area conflicting with the fridge/freezer door clearance.

I have concerns regarding the usability of the shower room located on the ground floor and the en-suite associated to the front bedroom 2nd floor, in respect of the provision of a safe area to dry and change. However, it is noted the room is of a very high quality, has a larger than standard shower with a bi-fold doors, a full size wash hand basin and WC.

Highways Engineer

REPRESENTATIONS

Two representations have been received objecting on the grounds of:

- (a) further increased pressure on parking;
- (b) give rise to anti-social behaviour;
- (c) increase in waste;
- (d) this is a family area and there are already too many HMOs;
- (e) amount of cars is dangerous for school children;
- (f) there is only provision for four bicycles at the property; and,
- (g) the living area/kitchen is not large enough for seven persons.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property for a seven person House in Multiple Occupation. The application was granted permission for use within either Class C3/C4 in July 2017 ref. 17/00907/FUL. Having regard to the current lawful use as falling within Class C4 or Class C3, 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.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Bed 1: 14.23m² with 3.24m² en-suite
Bed 2: 8.76m² with 3.4m² en-suite
Bed 3: 10.5m² with 2.52m² en-suite
Bed 4: 7.92m² with 1.56m² en-suite
Bed 5: 8.8m² with 1.85m² en-suite
Bed 6: 7.92m²

kitchen/lounge: 22.5m²
Ground floor WC: 1.52m²
Ground floor shower: 2.63m²

Ground floor cupboard: 0.88m²
First floor cupboard: 0.63m²

The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings. It is advised that although there are some concerns in relation to door opening, the property provides a high standard of living accommodation.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by seven unrelated persons would provide an adequate standard of living accommodation for future occupiers.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook.

Impact on residential amenity

The proposal involves the use of the property to create a 7 person HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size. The following material considerations are also relevant.

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

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

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

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

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

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

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). However, given the current lawful use of the property, the view of the Planning Inspectors detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. As conditions were not imposed on permission 17/00014/FUL, it is considered appropriate to impose this to prevent the unnecessary build-up of waste.

Solent Special Protection Areas

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

Planning decisions are taken in full view of national and local planning policy, the Equality Act and human rights and any other material considerations. The spurious comment in relation to the rise in crime figures is not considered to be relevant to the determination of this application.

Conclusion

Having regards to all representations, national and local planning policy and other material considerations, the following recommendations are suggested:

Recommendation I: Subject to securing suitable mitigation for the Solent Special Protection Areas within 1 month of the date of this permission, to grant conditional planning permission.

Recommendation II: If suitable mitigation is not received within 1 month of any permission or such other agreed timescale in writing, to refuse the application due to impact on the Solent Special Protection Areas.

RECOMMENDATION Subject to Legal Agreement(s)

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250) and PG.2003.17.2.
- 3) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that suitable waste storage facilities are provided for residents 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.

15 CHARLES STREET PORTSMOUTH PO1 1JD**CONSTRUCTION OF 2-STOREY SIDE EXTENSION AND USE OF ENLARGED PROPERTY AS A HOUSE IN MULTIPLE OCCUPATION FOR 8 PERSONS (SUI GENERIS)****Application Submitted By:**

FAO The Town Planning Experts
Mr Keith Oliver

On behalf of:

Mr Thai Bridgen

RDD: 20th September 2017

LDD: 24th November 2017

SUMMARY OF MAIN ISSUES

This application has been brought to planning committee due to a city wide call in for members to determine sui generis HMOs.

The determining issues are whether the design of the extension is appropriate in relation to the recipient property, streetscene and whether there would be an impact on residential amenity. Other 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, whether the proposal complies with policy requirements in respect of SPA mitigation, car, cycle parking and waste storage.

The site

This application relates to a two-storey end of terraced property located on the corner of Charles Street and Central Street.

The proposal

Permission is sought for the construction of 2-storey side extension and use of enlarged property as a house in multiple occupation for 8 persons (sui generis). The two-storey extension is under construction.

Planning history

Permission was granted in February 2016 for construction of 2 storey side extension ref. 15/02064/HOU. This is an extant permission.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), (PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary

Planning Document (SPD) and Solent Special Protection Areas SPD would also be a material consideration.

CONSULTATIONS

HMO Consultation Memo

Highways Engineer

Private Sector Housing

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

The en-suites proposed in Bedroom 1, 2, 4, 5, 6 and 7 are too small.

The minimum size for a bathroom is 3.74m², and a shower room 2.74m². Each must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

REPRESENTATIONS

None.

COMMENT

The determining issues are whether the design of the extension is appropriate in relation to the recipient property, streetscene and whether there would be an impact on residential amenity. Other 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, whether the proposal complies with policy requirements in respect of SPA mitigation, car, cycle parking and waste storage.

Design

Permission was granted in February 2016 ref. 15/02064/HOU for the construction of a two-storey side extension. This design of this extension remains mostly unaltered from the previous permission apart from the installation of two roof lights on the front roofslope and the removal of patio doors on the rear to be replaced by windows. The previous officers' report stated: 'The proposed alterations would include the construction of a two-storey side extension which would be set back 0.45 metres from the principal elevation and it would cover most of the width of the property. The eaves would align with the existing and the ridge height would be 0.2 metres lower than the existing with finishing materials similar to the existing property (brick and concrete roof tiles). It is considered that the proposed two-storey extension would be of a proportionate size that would be a subservient feature to the existing property.'

The rooflights on the front roofslope would be sited in the central part and on the rear elevation, patio doors from the original permission have been replaced with a window. Having regards to their sympathetic relationship with the existing property, they are considered to be appropriate additions in design terms.

Having regards to this previous extant permission, it is considered that the construction of a two-storey side extension would be acceptable in design terms.

Impact on residential amenity

The previous officers' report stated: 'It is considered that due to the spatial separation with neighbouring properties, there is unlikely to be an impact on residential amenity with regards to loss of light or outlook or result in increased overlooking. It is therefore considered that the

development is acceptable in the context of policy PCS23 of the Portsmouth Plan.' As the siting, scale and appearance of the two-storey extension has not changed, it is considered that this previous assessment is sound and an objection on this ground could not be sustained.

Principle of the use

Planning permission is sought for the use of the property for a eight person House in Multiple Occupation. In this case, council tax records confirm the names of persons occupying the property. On the balance of probabilities and in the absence of any sound conflicting evidence, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as falling within 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.

Briefly stepping away from the planning merits of this application, the HMO SPD has been advertised with proposed revisions. Even if the suggested alterations in this documents are adopted as council policy, this application would not be affected by the HMO Count Data, if granted being 3.92%.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Bed 1	9.56m ²	En-suite	2.32m ²
Bed 2	9.38m ²	En-suite	2.04m ²
Bed 3	10.36m ²	En-suite	2.76m ²
Bed 4	11.26m ²	En-suite	2.08m ²
Bed 5	12.26m ²	En-suite	2.52m ²
Bed 6	11.17m ²	En-suite	2.00m ²
Bed 7	11.72m ²	En-suite	2.08m ²

Kitchen/lounge 29.43m²

The City Council Private Sector Housing Team (PSHT) has not commented on this application. However, each of the rooms significantly exceed the minimum 6.5m² required by PSHT. As such, it is not considered that these matters would form a sustainable reason for refusal in the determination of this application.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by eight individuals would provide an adequate standard of living accommodation for future occupiers.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook with the lounge/kitchen area being serviced by an access door into the rear garden and a window.

Impact on residential amenity

The proposal involves the construction of a two-storey side extension to provide additional bedroom to create an 8 person HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights). The following material considerations are considered to be relevant to the determination of this application:

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

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

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

In light of the decisions above, it is considered that the occupation of the property by 8 individuals rather than six persons as a C4 HMO, would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. Having sought clarification with the Private Sector Housing Team, they have agreed that the proposal in its current format would be capable of attaining a valid licence for the occupation of 8 un-related individuals subject to some minor alterations to the floor plans.

Highways/parking

In accordance with the Parking Standards SPD, the existing four bedroom property would have an off-road parking requirement for two vehicles. The increase of three bedrooms would not

result in increased requirement for additional parking. The application site benefits from two-off road parking spaces. As the property benefits from enclosed rear garden conditions could be imposed to secure suitable weatherproof storage facilities for four bicycles in accordance with the Parking Standards SPD. The property is within 400 metres of a high frequency bus route and within a 600 metre walk of the city centre. As such, it is not considered that an objection on parking grounds could be sustained.

Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. It is considered appropriate to impose this to prevent the unnecessary build-up of waste.

Solent Special Protection Areas

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.

Conclusion

Based on all material considerations, it is considered that the development accords with national and local planning policy and is acceptable, subject to the following recommendations:

Recommendation I: Subject to securing suitable mitigation for the Solent Special Protection Areas within 1 month of the date of this permission, to grant conditional planning permission.

Recommendation II: If suitable mitigation is not received within 1 month of any permission or such other agreed timescale in writing, to refuse the application due to impact on the Solent Special Protection Areas.

RECOMMENDATION

Subject to Legal Agreement(s)

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250); 8281 15 2 Rev E and 8281 15 3 Rev B.
- 3) Prior to the first occupation of the property as an eight person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).
- 4) Prior to first occupation of the dwelling as an eight person house in multiple occupation (sui generis), precise details of secure and weatherproof bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. The approved bicycle storage facilities shall thereafter be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that suitable waste storage facilities are provided for residents in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure there is adequate provision for the storage of bicycles to encourage other sustainable modes of travel to the car in accordance with policies PCS14, 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.

129 JERVIS ROAD PORTSMOUTH PO2 8PT

CHANGE OF USE FROM CLASS C3/CLASS C4 TO 7 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

New Era Agency LTD
C/O Mr Chris Broyd

On behalf of:

Mr David Manchester
C/O New Era Agency LTD

RDD: 20th September 2017

LDD: 16th November 2017

SUMMARY OF MAIN ISSUES

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

The Site

This application relates to a two storey mid-terraced dwelling located on Jervis Road close to its intersection with Widley Road.

The Proposal

The applicant seeks permission for a change of use from Class C3/Class C4 to 7 person House in Multiple Occupation (Sui Generis).

Planning history

Permission was granted in July 2017 for a change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) ref. 17/00907/FUL.

POLICY CONTEXT

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

CONSULTATIONS

Waste Management Service

Due to the size of the HMO I would ask that a condition is placed on the application for a minimum of 2 x 360 litre refuse bins and 1 x 360 litre recycling bin to be used on site of the development. If this is not met I would ask that the application be refused.

Private Sector Housing

This property would require to be licenced under Part 2, Housing Act 2004. Bedroom 1 is located on the second floor with roof lights and is approximately 9.5m² in size. There is a concern regarding the amount of usable space in this bedroom.

HMO Consultation Memo

Highways Engineer

REPRESENTATIONS

A general comment from Penny Mourdant MP has requested the views of residents are carefully considered. Four representations have been received objecting on the grounds of:

- (a) objection comments from previous application should be transferred;
- (b) area is already overcrowded and there are too many HMOs;
- (c) it may result in additional cars with no space to park;
- (d) HMOs are destroying local communities;
- (e) human rights of surrounding families are being destroyed;
- (f) crime figures are rising; and,
- (g) waste conditions should be imposed.

COMMENT

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

Principle of the use

Planning permission is sought for the use of the property for a seven person House in Multiple Occupation. The application was granted permission for use within either Class C3/C4 in July 2017 ref. 17/00907/FUL. Having regard to the current lawful use as falling within Class C4 or Class C3, 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.

Standard of accommodation

In terms of internal living conditions, the property would benefit from the following size standards:

Bed 1: 9.5m² (approx. as no section has been provided it is not possible to accurately establish the useable floor area given roof slope)

Bed 2: 9.88m²

Bed 3: 13.26m²

Bed 4: 7.99m²

Bed 5: 10.20m²

Bed 6: 8.52m²

Kitchen/lounge: 22.76m²
Lounge (front): 10.5m² (approx. due to bay bay window)
Ground floor shower: 1.72m²
First floor shower: 2.31m²
Second floor shower: 2.2m²

The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings and advises that a license would be required. PSHT have raised some concern in relation to the useable floor space in bedroom one. Based on the comments from PSHT, it is considered that these matters would not form a sustainable reason for refusal in the determination of this application and the applicant could be advised by way of an informative.

Whilst the LPA is not bound by the requirements of the Housing Act 2004, the planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs). It could be argued that the provision of a good standard of living environment and sufficient space within bedrooms is more important within shared houses where the only private and secure facilities to store the occupiers' possessions or obtain privacy would be within their private bedrooms.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by seven unrelated persons would provide an adequate standard of living accommodation for future occupiers.

Each of the proposed bedrooms would have an acceptable access to natural light and outlook.

Impact on residential amenity

The proposal involves the use the property to create a 7 person HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size. The following material considerations are also relevant.

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

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

Having regard to comments received relating to over-intensification of the use and further imbalance the local community, the Planning Inspectorate following an appeal in September

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

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

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

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). However, given the current lawful use of the property, the view of the Planning Inspectors detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

Waste

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. As conditions were not imposed on permission 17/00907/FUL, it is considered appropriate to impose this to prevent the unnecessary build-up of waste.

Solent Special Protection Areas

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

Planning decisions are taken in full view of national and local planning policy, the Equality Act and human rights and any other material considerations. The spurious comment in relation to the rise in crime figures is not considered to be relevant to the determination of this application.

Recommendations

Recommendation I: Subject to securing suitable mitigation for the Solent Special Protection Areas within 1 month of the date of this permission, to grant conditional planning permission.

Recommendation II: If suitable mitigation is not received within 1 month of any permission or such other agreed timescale in writing, to refuse the application due to impact on the Solent Special Protection Areas.

RECOMMENDATION Subject to Legal Agreement(s)

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (scale 1:1250 dated 26.05.2017) and PG.2051 17 2 (dated May 2017).
- 3) Prior to the first occupation of the property as a seven person (Sui-Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that suitable waste storage facilities are provided for residents 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.

Assistant Director of Culture and City Development
7th November 2017

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