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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 13 DECEMBER 2017 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 02392 834056

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

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### Planning Committee Members:

Councillors James Fleming (Chair), Frank Jonas BEM (Vice-Chair), Jennie Brent, Colin Galloway, Steve Hastings, Lee Hunt, Hugh Mason, Gemma New, Steve Pitt and Gerald Vernon-Jackson CBE

### Standing Deputies

Councillors Alicia Denny, Suzy Horton, Darren Sanders, Lynne Stagg, David Tompkins, Steve Wemyss, Tom Wood and Rob Wood

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

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Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4916.

## A G E N D A

- 1      **Apologies**
- 2      **Declaration of Members' Interests**

**3 Minutes of Previous Meeting - 15 November 2017 (Pages 7 - 18)**

RECOMMENDED that the minutes of the Planning Committee held on 15 November 2017 be agreed as a correct record and signed by the Chair.

**4 Replacement Tree Planting in the Milton Area (Pages 19 - 20)**

Purpose of report

At the November Planning Committee meeting the Chair requested a report come back to the Committee detailing what replacement planting has been undertaken for trees in the Siskin Road and Reedling Drive area of Milton. The following report updates Members on this issue.

**RECOMMENDED**

**That the Planning Enforcement officers and Arboriculturalist maintain the existing system of monitoring and follow up where appropriate replacement tree planting with applicants.**

**5 Planning appeal decisions concluded up to December 2017 (Pages 21 - 26)**

Purpose of report

To advise the Planning Committee on the outcome of recent appeal decisions concluded up to December 2017.

**RECOMMENDED that individual Inspectors decisions are noted.**

**6 Updates of previous applications by the Assistant Director of Culture and City Development**

PLANNING APPLICATIONS (Pages 27 - 166)

**7 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.

**8 17/01104/FUL - The Shrubbery & Bay Tree Lodge 37 Grove Road South Southsea PO5 3QS**

Conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight

**9 17/01105/LBC - The Shrubbery & Bay Tree Lodge 37 Grove Road South**

### **Southsea PO5 3QS**

Conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight.

**10      17/01373/HOU - 3 Paignton Avenue Portsmouth PO3 6LL**

Construction of first floor rear extension

**11      17/01459/PLANREG - 104 Tangier Road Portsmouth PO3 6PG**

Retrospective application for construction of detached garage.

**12      17/01051/FUL - Venture Tower 57-67 Fratton Road Portsmouth**

Change of use of building (1st-8th floor) to form a student hall of residence (Class C1) comprising 88 student study units and managers accommodation; external alterations to include construction of extensions and alterations to all elevations, replacement cladding, windows & shopfronts; provision of communal facilities, bicycle and refuse storage

**13      17/01462/FUL - 8 Queens Road Fratton Portsmouth**

Conversion of existing building with first floor extension and erection of new second storey to form 6no. one-bedroom units and 2no. two-bedroom units, with associated works and provision of secure cycle and bin storage (amended description)

**14      17/01610/FUL - 137 London Road Hilsea Portsmouth**

Raise height of 2-storey rear projection; construction of part 2-storey/part single-storey rear/side extension, and dormer extension to rear roofslope; and use of part of ground floor and upper floors as a HMO within Class C4 with associate cycle and refuse storage

**15      17/01740/FUL - 44 Belmont Street Southsea PO5 1ND**

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

**16      17/01741/FUL - 42 Belmont Street Southsea PO5 1ND**

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

**17      17/01849/FUL - 36 Belmont Street Southsea PO5 1ND**

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

**18      17/01850/FUL - 34 Belmont Steet Southsea PO5 1ND**

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

**19      17/01684/FUL - 20 Montgomerie Road Southsea PO5 1ED**

Change of use from purposes falling within a C4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (Sui Generis)

**20      17/01799/FUL - 137 Gladys Avenue Portsmouth PO2 9BD**

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

**21      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)

**22      17/01731/FUL - 56 Britannia Road North Southsea PO5 1SL**

Change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to a 6 bedroom/7 person house in multiple occupation (sui generis)

**23      17/01732/FUL - 186 St Augustine Road Southsea PO4 9AE**

Change of use from purposes falling within a house in multiple occupation (class C4) to a 6 bedroom/7 person house in multiple occupation (sui generis)

**24      17/01332/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)

**25      17/01332/FUL - 11A Portsmouth Road Portsmouth PO6 2SG**

Ground floor rear extension to include external alternations. Change of use of rear part of ground floor and first floor to form 8 bedroom house in multiple occupation (sui generis)

**26      17/01801/FUL - 41 Ranelagh Road Portsmouth PO2 8EZ**

Change of use from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation)

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 November 2017 at 1pm in the Executive Meeting Room, the Guildhall

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

### Present

Councillors James Fleming (Chair)  
Alicia Denny  
Frank Jonas BEM (Vice-Chair)  
Colin Galloway  
Steve Hastings  
Lee Hunt  
Hugh Mason  
Steve Pitt  
Gerald Vernon-Jackson CBE (left at item 166)

### 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.

#### 151. Apologies (AI 1)

Apologies had been received from Councillors Jennie Brent and Alicia Denny.

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

Councillor Vernon-Jackson declared a personal and prejudicial interest in item 1 as the owner displayed election posters for him. He will withdraw for this item.

#### 153. Minutes of the previous meetings held on 20 September and 18 October 2017. (AI 3)

The Chair informed the committee that since the previous meeting, discussions had taken place between the officers and members of public regarding the minutes of the meeting held on 20 September. The subsequent amended minutes attached to this agenda have been amended to take into account of as many comments as was possible.

**RESOLVED that the minutes of the meetings held on 20 September and 18 October be agreed as a correct record.**

The Chair altered the order of the items on the agenda to reduce the waiting time for those people making deputations.

#### 154. 17/01464/HOU - 24 Dean Road, Portsmouth PO6 3DG. (AI 5)

The Planning Officer introduced the application and explained that the Highways Department had been consulted regarding the distance between the fence and

highway and was satisfied that the gate would be inward-opening and the fence would be brought back by 5m.

Julia Johansen from 24 Park Lane included the following points in her deputation:

- She was representing Mr & Mrs Chalk form number 22 as well as making her own points.
- They would no longer be able to access their garages as the angle to enter the accessway would be too tight.
- Their properties would lose value if the garages could not be used.
- They have a legal right of access to access their garages.
- The applicant said that she would be given a key which she could share and asked for a financial contribution to the installation of the gate.

Beverley Rogers, the applicant included the following points in her deputation:

- It was not her intention to upset her neighbours. The application had been discussed with them.
- In February 2017 her house was burgled. Restricting access to the lane would make her feel safer and reduce anti-social behaviour.
- The angle for the cars to access the lane would be considered.
- Were the application to be refused, she could install lower gates without requiring permission.
- She has maintained this area at her own cost. Her neighbour only cuts the grass close to her property.

#### Members' Questions.

In response to members' questions the following points were clarified:

- The applicant assured members that she would be flexible to ensure the accessway would be accessible.
- The officers explained that the gates would open inwards.

#### Members' Comments.

Members noted that the scheme was good but were disappointed that the positions of the applicant and the objectors seemed entrenched.

They noted that the accessway should be accessible to enable the neighbours to park their cars in their garages.

Members agreed that officers could work with the applicant to create a design that would permit access.

**RESOLVED that authority be delegated to the Assistant Director of Culture and City Development to grant conditional permission subject to amended plans being drawn up.**



**155. 17/01541/TPO - 29 Siskin Road, Southsea PO4 8UG. (AI 6)**

The Planning Officer introduced the application.

Janice Burkinshaw included the following points in her deputation:

- When Siskin Road was built a representation was made regarding the trees and housing but was disregarded.
- The tree has an amenity and a historical value
- A willow tree was removed and not replaced as it should have been. She asked that an inspection be made to ensure mature trees are replaced after removal.
- The line of trees is deteriorating.
- This is near Milton Common which is a local authority nature reserve; these trees are therefore required for birds to continue to roost in them. Large numbers of starlings currently roost there.
- Ugly stumps are left after pollarding.
- The tree is not a danger to pedestrians as claimed in the report. She asked about the danger posed to pedestrians by the trees in Essex Road.

Ms Burkinshaw asked that her deputation was for both this application and the next.

Members' Questions.

In response to questions, the following points were clarified:

- Pollarding trees extends their life expectancy by encouraging growth in an immature state. It would need to be redressed regularly. Two years after pollarding, dense green leaves and twigs will regrow.
- The tree is not unhealthy. However, poplars sacrifice quality wood for fast growth making it more prone to fungi and parasites. The life expectancy is between 75 and 100 years. This tree was already mature in a painting of the line of trees in the 1950s.
- It is now about 20-25m tall.
- The trees in Essex Road are a different species which is tolerant of urban life and managed differently.
- No conversation had been carried out with residents in this area regarding tree management policy.

Members' Comments.

Members considered whether a condition could be added to ensure that the tree has a minimum height of 12m not 8m. They also noted that the tree was healthy, not at the end of its life and such a significant reduction in height and the resultant stump would not enhance the amenity of the area. It is also in an area where wildlife is encouraged. Further it was noted that starlings are a threatened species.

**RESOLVED that the application be granted permission subject to the conditions set out in the City Development Manager's report.**

Action

An inspection of the site be made of the site to assess whether the trees that have been removed have been replaced as required and a report be brought to the next meeting.

**156. 17/01542/TPO - 4 Reedling Drive, Southsea PO4 8UF (AI 7)**

The Planning Officer introduced the application.

Janice Burkinshaw's deputation for the previous application also applied to this one.

Members' Questions.

There were no questions.

Members' Comments.

Members considered setting a minimum height of 12m for the tree after it is pollarded.

**RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.**

**157. 17/01451FUL - 2 Stubbington Avenue, Portsmouth PO2 0HS. (AI 9)**

The Planning Officer introduced the application and added that in addition to those reported within the report, one further letter of representation has been received raising concerns over the accuracy of the City Council's House in Multiple Occupation (HMO) Database.

The Chair read out a written deputation from Ross Campbell in which he disputed the accuracy of the HMO database held by the council. He asked that all decisions on HMO applications be suspended until the database had been checked.

Members' Questions.

In response to questions, the following points were clarified:

- 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 (6.52m<sup>2</sup>.)
- A previous application for a larger extension wrapped around the building and subdivided was refused for four reasons and advice given.
- The application should be determined at this hearing.

Members' Comments.

There were no comments.

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

**158. 17/01696/FUL - 35 Chichester Road, Portsmouth PO2 0AA. (AI 10)**

The Planning Officer introduced the report and added that in addition to those reported, one further letter of representation had been received raising concerns over the accuracy of the City Council's HMO database.

Chris Broyd, agent for the applicant included the following points in his deputation:

- The building fully complies with all aspects of fire safety regulations.
- There will be a fully fitted kitchen with double ovens and hobs and lockable cupboards.

- The tenants will be professional sharers.
- There is a shortage of good quality HMOs for professionals.

#### Members' Questions.

In response to questions, the following points were clarified:

- It would not be possible to add a condition regarding the end user of this property.
- Bicycles can be brought in through the rear access of the property.
- The parking provision is in line with the Supplementary Document regarding parking.
- All the bedrooms are ensuite.
- This hearing must be determined based on the council's current policy.

#### Members' Comments.

Members noted that it is unfair to generalise about the tenants of HMOs. They noted that it is likely that there would be additional cars parked in the road. Members were pleased with the quality of the application and that generally improved applications were being submitted.

**RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.**

#### **159. 17/01697/FUL - 333 London Road, Portsmouth PO2 9HQ. (AI 11)**

The Planning Officer introduced the report.

Chris Broyd, agent for the applicant included the following points in his deputation:

- The plans are fully compliant with fire regulations.
- The neighbour's extension is bigger than his proposal.
- The outside toilet has been converted into a washroom with three washing machines, cupboards and a drying area.
- All the bedrooms are ensuite.
- The bottom area of the garden is grassed.
- The kitchen is fully furnished with a double sink, ovens, hoods and hobs.

#### Members' Questions.

In response to questions, the following points were clarified:

- The application because the committee had requested that all of them determine all these types of applications.
- A condition could be added for four bicycle storage spaces but that would reduce the size of the garden.
- On the top floor there is a study. Originally the boiler was there.
- The windows are standard double-glazed and A rated.
- The washroom and dryer area is part of the original building.

#### Members' Comments.

Members felt that the committee had been instrumental in raising standards in HMO applications; however it was important that these be monitored so that these did not slip. They also noted that residents are more confident about the standards of

HMOs. They agreed that the committee should allow the enforcement teams to focus on lower standard HMOs.

**RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.**

**160. 17/01413/FUL - 8 Pitcroft Road, Portsmouth PO2 8BD. (AI 12)**

The Assistant Director of Culture & City Development informed the committee that this application was subject to appeal and therefore could not be considered at this meeting.

**RESOLVED that this application would not be determined because an appeal has been launched for non-determination.**

**161. 17/01148/FUL - 19 Powerscourt Road, Portsmouth PO2 7JE. (AI 13)**

The Planning Officer introduced the application.

Members' Questions.

In response to questions, the following points were clarified:

- Once additional electric lights had been added to the plans, the Private Sector Housing Team was satisfied that the kitchen and living room area had sufficient lighting and ventilation.
- There are two windows in the basement; one is very small.
- Insufficient lighting could be a reason for refusing the application.
- The amenities will be looked at in details when the licence is considered.
- Fire safety is not a matter for the planning committee.

Members' Comments.

Members noted that the application must be determined in accordance with the council's policy. They expressed the following concerns: there is only one extractor fan in the kitchen; in case of a fire, tenants would have to go through the kitchen to access the stairs; the perceived inaccuracy of the HMO database particularly for the North of the city and that granting this application would permit the deterioration of the property.

**RESOLVED that this application be refused.**

Reasons

The proposed change of use to a House in Multiple Occupation (Sui Generis) would, as a result of the poor layout at lower ground floor level to accommodate shared communal facilities (kitchen/living facilities), fail to provide an adequate standard of living accommodation for future occupiers by virtue of a lack of natural light and ventilation 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 and the emerging (revised) House in Multiple Occupation Supplementary Planning Document (draft, September 2017).

**162. 17/01577/FUL - 30 Hudson Road, Southsea PO5 1HD. (AI 14)**

The Planning Officer introduced the application and added that a draft license has been granted the previous week.

Katherine Webber, East St Thomas Residents Forum included the following points in her deputation:

- This would be an over intensification of the property.
- In September 2016 it was agreed that the Supplementary Planning Document would be reviewed urgently. This had not yet been completed.
- Hudson Road has a 70% density of HMOs.
- There is an ongoing problem with noise nuisance from students at night.

Martin Willoughby, East St Thomas Residents Forum included the following points in his deputation:

- This would be an over development of the property.
- There would lead to a loss of residents' amenities.
- One of the WCs is smaller than the permitted minimum size.
- Two lounges converted to bedrooms.
- There is no provision for waste or bicycle storage.

Members' Questions.

In response to questions, the following points were clarified:

- The committee's decision must be based on current policy.
- One of the conditions stipulates that waste storage must be provided.
- Bedroom 4 has a head height of 1.5m.

Members' Comments.

Members commented that:

- There would be less amenity for tenants in relation to space and communal areas.
- The rooms are small.
- There is no storage provided for waste and bicycles.
- Any waste stored in the forecourt would be underneath a window.
- It is an over intensification of the property.

**RESOLVED that authority be delegated to the Assistant Director of Culture and City Development to determine the application.**

**163. 17/01455/FUL - 239 Powerscourt Road, Portsmouth PO2 7JJ. (AI 15)**

The Planning Officer introduced the application.

Nicholas Atkins included the following points in his deputation:

- This is a high quality accommodation for young professionals.
- Six bedrooms are ensuite and there is one communal bathroom.
- The design fully complies with the fire safety regulations.

- He is an accredited landlord with the Right to Rent scheme. The council officers who visited were very happy with the quality of the property.
- It will be managed by a property management agency.
- He lives 25 minutes away.
- There will not be a significant impact by the addition of one room.

#### Members' Questions.

In response to questions, the following points were clarified:

- Bedroom 3 has a single bed and no ensuite.
- Rely on the HMO database, maps and data provided to the council to know how many there are in the area.
- If a query is raised, we research and maybe visit.
- There is no reason to query any other properties in this area.
- There have been a number of applications from C4 to sui generis.
- The proportion of HMOs within a 50m radius is not a consideration for this application as the property is already being used within the C4 class.

#### Members' Comments.

Some concern regarding the accuracy of the database was raised. Members were mindful of the need for robust decisions as a number had been overturned by the Planning Inspector. The committee was satisfied with the size of the rooms.

**RESOLVED that the application be granted subject to the conditions set out in the report.**

#### **164. 17/01643/FUL - 15 Charles Street, Portsmouth PO1 1JD. (AI 17)**

The Planning Officer introduced the application.

Thai Bridgen, the applicant included the following points in his deputation:

- He has been in the District Landlords Association for over 40 years and an accredited landlord with the council for several years.
- He has installed 8 showers even though he was only required to install two.
- There is more than adequate storage in the kitchen.
- There is a shortage of this type of accommodation.
- He owns 20 properties and 42% of his tenants drive.
- Bicycle storage would be provided.

#### Members' Questions.

In response to questions, the following points were clarified:

- This proposal is for a later addition to the property and is significantly different.
- The applicant said he would consider providing more off-street parking.

#### Members' Comments.

There were no comments.

**RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.**

**165. 17/01653/FUL - 129 Jervis Road, Portsmouth PO2 8PT. (AI 18)**

Councillor Gemma New was absent for this item.

The Planning Officer introduced the application.

Chris Broyd, the agent for the applicant included the following points in his deputation:

- He has ensured that there is adequate head height in the loft conversion.
- Fire safety and comfort have been considered.
- The boiler has been upgraded.
- There are thumbscrew locks on the doors.
- The property has high quality furniture.
- He is happy for the neighbours to view the property.
- The bedrooms are as large as is possible.
- There is bin and bicycle storage.
- The garden is landscaped.

Members' Questions.

In response to questions, the following points were clarified:

- There would be a condition that bin storage must be provided. This is likely to in the forecourt.
- The bedrooms are all bigger than the minimum standard.
- The committee could determine that the large bedrooms mitigate for the small communal area.

Members' Comments.

Members were pleased that the rooms were larger than the minimum standard size for bedrooms.

**RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.**

**166. 17/00924/OUT Social Club Unity Hall, Coburg Street Portsmouth. (AI 4)**

The Planning Officer introduced the application and added this supplementary information:

The description of the application on page 3 of the agenda report refers to 133 units - following the receipt of amended plans, the application now proposes a total of 96 units.

Amendments to Conditions:

Condition 8 - (Materials) to be amended to read:

'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 a range of colour options for the columns, feature cladding panels and window surrounds (shown as orange on the approved drawings) as well as samples of all materials 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.'

Condition 11 to be deleted.

Additional conditions:

'The windows shown at first, second and third floor level in the eastern elevation of Block B of the building hereby permitted, as shown on drawing no 27693-PL311 Rev C (facing the western elevation of the adjacent building) shall be obscured glazed and must be maintained in that condition.

Reason: To safeguard the amenity of neighbouring residential properties, in accordance with Policy PCS23 of the Portsmouth Plan (2012).'

'No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-

- (a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality;  
and following the substantial completion of the building shell:-
- (b) A report to assess the impact that the proposed development may have upon television and radio equipment signals in the locality; and, unless otherwise agreed in writing by the Local Planning Authority:-
- (c) A detailed scheme for a scheme for the mitigation of any significant adverse effects upon TV/radio reception created by the building.

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

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

'Prior to the commencement of the development hereby permitted, details of either a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2012) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

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

Additional obligation to be included within the S106 agreement: Details of replacement tree planting in the event that the existing tree adjacent to the northern boundary of the site is incapable of being retained.

Mike Sanders, the agent for the applicant included the following points in his deputation:

- The potential for high rise development was identified in the Portsmouth Plan.



- The existing building has been neglected.
- High quality design and materials would be used.
- The colour of the cladding is open to discussion.
- After discussion with officers, the number of units were reduced but the size enlarged.
- The communal space is good
- It would be located 10 minutes from campus.

#### Member's Questions.

In response to questions, the following points were clarified:

- The active communal room will be visible to pedestrians walking past. This will make the street more interesting.
- There would be glass curves and open space between the columns.
- The Crime Prevention Officer has not raised any concerns about people gathering in front of the building.
- Fire regulations are not within the remit of this committee.
- The 16 garages on the site would be replaced by parking spaces.
- The two lifts meet the fire regulations.
- The transport department looks at pedestrian safety.
- There would be 7.-9.4m between the elevations.
- The university has not expanded; it offers more courses.
- The impact of the purpose built accommodation is not yet known.
- There is no intention to use the roof spaces.
- One of conditions ensures that the roof areas are not used as amenity space.

#### Members' Comments.

Some members praised the designs, but there was concern about the large number of buildings built in a short space of time.

**RESOVED that the application be granted conditional permission subject to the conditions set out in the City Development Manager's report, the updated and additional conditions set out in the Supplementary Matters Paper and the completion of the required legal agreement, within 3 months of the date of this resolution.**

#### **167. 17/01548/FUL - 32 Kingsland Close, Portsmouth PO6 4AL. (AI 8)**

The Planning Officer introduced the application.

#### Members' Questions.

In response to questions, the following points were clarified:

- There are two bathrooms.
- There would be artificial light in the kitchen.
- The licensing department would consider ventilation.
- The number of doors between the food preparation area and the wc is not a material consideration.

#### Members' Comments.

There were no comments.

**RESOLVED that the application be granted conditional permission subject to the conditions set out in the City Development Manager's report.**

**168. 17/01578/FUL - 69 Lyndhurst Road, Portsmouth PO2 0EE. (AI 16)**

The Planning Officer introduced the application.

Members' Questions.

Members were informed that according to the HMO database, there are not too many HMOs in the area.

Members' Comments.

Members expressed concern that the 50m radius included a church. They also noted that the kitchen/ lounge is significantly smaller than would be expected, but the rooms are comfortably larger than the minimum standard. Members also noted that although the Planning Department's HMO database is publically accessible, the cost of accessing the private sector Housing Team's HMO database is £5 per property and £200 per road. They asked that these be made more publically available and action be taken to improve their accuracy.

**RESOVLED that the application be granted subject to the conditions set out in the City Development Manager's report.**

The meeting concluded at 6pm.

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Signed by the Chair of the meeting  
Councillor James Fleming

# Agenda Item 4



Portsmouth  
CITY COUNCIL

Agenda item:

**Decision maker:** Planning Committee

**Subject:** Replacement Tree Planting in the Milton Area

**Report by:** Claire Upton-Brown  
Assistant Director Culture & City Development

**Wards affected:** Milton

**Key decision (over £250k):** No

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## 1. Purpose of report

At the November Planning Committee meeting the Chair requested a report come back to the Committee detailing what replacement planting has been undertaken for trees in the Siskin Road and Reedling Drive area of Milton. The following report updates Members on this issue.

## 2. Recommendations

That the Planning Enforcement officers and Arboriculturalist maintain the existing system of monitoring and follow up where appropriate replacement tree planting with applicants.

## 3. Summary

Address	TPO Tree No.	Tree	Date of permission	Date expires
Siskin Road 21	184 T28	Lombardy poplar	09/02/2017	09/02/2019
Siskin Road 27	184 T26	Willow	06/06/2017	06/06/2018
Siskin road 29	184 T24	Lombardy poplar	22/12/2015	22/12/2017

## 4. Conclusions

Having reviewed the information relevant for each of the cases it is concluded that none of the required planting dates have expired. The monitoring of these replacement plantings is undertaken with officers having a spreadsheet of each case, and this is regularly reviewed.

The officers are aware that No.27 and 29 Siskin Road have changed ownership since the felling of trees 26 and 24. The new owners will be responsible for implementing the replacement planting.

The owners of No.27 are seeking to establish what PCC requires in terms of the replacement planting.

In terms of No.29, the planning enforcement officers are in discussion with the new owner as a large turf area which was the previous site of T24 has been put to a gravel parking area.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

# Agenda Item 5



Portsmouth  
CITY COUNCIL

Agenda item:

**Decision maker:** Planning Committee

**Subject:** Planning appeal decisions concluded up to December 2017

**Report by:** Claire Upton-Brown  
Assistant Director Culture & City Development

**Wards affected:** Eastney & Craneswater, Nelson and Charles Dickens

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Planning Committee on the outcome of recent appeal decisions concluded up to December 2017.

**2. Recommendations**

That individual Inspectors decisions are noted.

**3. Summary**

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
57 Eastern Parade Southsea PO4 9RE (Eastney and Craneswater)	Construction of new roof extension, including front gable with balcony, and dormers. Numerous other external alterations.	<b>Officers Recommendation:</b> Conditional Permission  <b>Committee Decision:</b> Refusal	Allowed- Permission Granted	N/A
Land to the rear of 76 Chichester Road Portsmouth PO2 0AD (Nelson)	Construction of single storey dwelling house with associated cycle and refuse storage	Refusal	Dismissed- Permission refused	N/A
11-14 Clock Street Portsmouth PO1 3EP (Charles Dickens)	Outline application for construction of 4/5-storey building to form a 35 bed student hostel.	Refusal	Dismissed- Permission refused	N/A

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
12 Victoria Road South Southsea PO5 2DB (St. Jude)	Change of use of building from doctor's surgery (Class D1) to 10-bedroom student halls of residence.	<b>Officers Recommendation:</b> Conditional Permission  <b>Committee Decision:</b> Refusal	Allowed- Permission Granted	N/A

#### 4. Decisions in Focus

Three of the Inspectors decisions are detailed below to highlight points of interest.

##### 57 Eastern Road, Southsea, PO4 9RE-

The main issue considered in allowing this appeal was whether the proposal would preserve or enhance the character or appearance of the Craneswater and Eastern Parade Conservation Area and the setting of the Seafront and Eastney Barracks Conservation Areas.

The inspector made note that the Council had raised particular concern with regard to the height and bulk of the proposal, which it maintained would not respect the design and appearance of surrounding properties. In addressing this increase in bulk the inspector concluded: *"However, I observed that there are, nonetheless, other dwellings a very short distance to the west, along Eastern Parade, that are of a similar height and scale to that proposed. I am also mindful that the appeal site benefits from a generous plot size and the building to plot coverage would be similar to its neighbouring properties. It would therefore not appear cramped or out of keeping with the pattern or density of development in the immediate area. Further, it would follow the existing building line along Eastern Parade."*

Some of the representations received had raised concern in relation to the contemporary nature of some of the proposed alterations, the inspector opined: *"However, as set out above, there is a wide variation of architectural styles in the surrounding area and there are other examples of contemporary modifications to properties along Eastern Parade."* Further to this and in relation to the impact on the Conservation Area, the Inspector noted: *"I conclude that the scheme would preserve<sup>1</sup> the character and appearance of the Craneswater and Eastern Parade Conservation Area, and the setting of the Seafront and Eastney Barracks Conservation Areas."*

##### Land to the rear of 76 Chichester Road, PO2 0AD

The main issue considered in dismissing this appeal were the effect on: (i) the character and appearance of the area; and (ii) living conditions for occupiers at neighbouring properties, in terms of outlook.

Under delegated authority, the Council had sought to refuse planning permission for the development on design and amenity grounds. In a brief description of the site the inspector noted the character of the area; *"The locality is characterised predominantly by Victorian two storey terraced housing, built on a 'grid' road layout, creating a dense and tight-knit feel."*

In considering the siting of the dwelling in land to the rear of No. 76 Chichester Road it was interpreted that the development would be "shoehorned" into the site. Further to this the inspector noted: *"There would be limited separation to the existing host building. A significant section of the front elevation would directly abut the back edge of the pavement, in contrast with the set back of the terraced dwellings in Drayton Road. All these features would accentuate the restricted and confined impression of the dwelling within this constrained site."*

Picking up on the design and appearance of the dwelling, the Inspector took the view that the development would; *"be strikingly different from the other more traditional terraced houses nearby, and would appear discordant in this location."* Further to this, the Inspector made reference to the impact backland development can have on the urban grain of a particular area: *"The position of this new dwelling on rear garden land would jar with the existing urban grain of the area. Its unsympathetic juxtaposition with the neighbouring rear garden would not be in keeping with the local pattern of development and would appear visually incongruous, eroding the locality's character."*

In respect of neighbouring amenity, the Inspector took the view that the proposed development would significantly impact the residents of two flats located at No. 74 Chichester Road; *"The proposal's height and proximity means it would create an overbearing and oppressive effect at No 74, especially within the rear garden, resulting in a 'hemmed in' feeling, increasing the sense of enclosure, and harming the outlook of existing residents at that neighbouring property."*

#### **11-14 Clock Street, Portsmouth PO1 3EP-**

The main issue considered in dismissing this appeal was whether the development would preserve or enhance the character or appearance of the HM Naval Base and St Georges Square Conservation Area, and preserve the setting of listed buildings.

In introducing the appeal, the Inspector acknowledged the sites location in close proximity to a number of designated heritage assets, *"the immediate locality has a varied character, with a range of buildings of different ages, designs, heights and uses. This diversity creates an attractive mix of styles, rather than a unified and homogenous character. However, there is no doubt that because of the Conservation Area designation and presence of statutorily listed buildings, this is a sensitive site."*

The Inspector advised that whilst illustrative drawings had been submitted displaying a contemporary style building, as this was an outline planning application, only matters relating to access, layout and scale were relevant. In respect of the bulk and form of the proposal the inspector had raised some *"serious concerns about the scheme"* and noted: *"The building's block-like form and scale, rising to five storeys, pays little attention to its surroundings. The overall mass of the building would give the impression of an unduly bulky and dominant building."*

In relation to the sensitivities of the area and its distinctive heritage assets, the inspector opined: *"I see the site as forming an intrinsic component of the group of statutorily listed buildings on either side where a careful and sensitive approach is required. I do not consider the more recent developments provide a justification for this scheme."* However the inspector also noted the opportunities the site offers: *"The redevelopment of this car park offers the opportunity to 'stitch back' the street pattern, and to restore the historic building line and original tight urban form. However, it is crucial that any building is of a high quality design, commensurate with its location within the Conservation Area and its proximity to listed buildings."*

Concluding on the outline application and the special character of the site the inspector advised: *"The relevant legislation relating to listed buildings requires that where considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. I consider the proximity of the various*

*listed buildings identified above means that the proposal would adversely affect their setting. As such, I find that the proposal would fail to preserve the setting of these listed buildings, contrary to the relevant legislation and Policy PCS23 of the Portsmouth Plan."*

## **12 Victoria Road South, Southsea, PO5 2DB-**

The main issues considered in allowing this appeal were the effects of the development on the living conditions of the occupiers of neighbouring properties, particularly the flats in 4 Hereford Road and 12A Victoria Road South with regard to noise and disturbance.

The Planning Officers decision was overturned by the Planning Committee on the following grounds: *"In the opinion of the Local Planning Authority, the proposed development would, by reason of its intensive use as a Student Halls of Residence and close-knit relationship with adjoining properties, result in a significant increase in noise and disturbance which would have a detrimental impact on the amenities of the occupiers of neighbouring properties. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan."*

In reference to the built up nature of the area and the diversity of residential and commercial uses, in relation to matters raised about comings and goings, the inspector noted: *" Even though there would be noise associated with such comings and goings in the evenings and weekends, when the doctor's surgery was likely to have been closed, the extent of the noise would not be beyond that common in areas with a mix of residential and commercial properties."*

Elaborating further on concerns relating to noise and disturbance the inspector offered the view that: *"Given the detached nature of the building, noise from the normal use of the communal area would not result in any significant effects on neighbouring occupiers. It is likely that some noise would arise from the use of the garden, especially during periods of good weather. However a degree of noise associated with the use of a garden is to be expected and, in itself, not harmful."*

The inspector acknowledged that the development would give rise to some level of noise and disturbance however it was considered *"the small size of the garden area would go some way to limiting the number of people likely to use it at any one time and therefore have some effect on limiting the likelihood of noise and disturbance arising."*

The inspector made reference to information submitted alongside the appeal relating to a planning obligation that included the requirement for the occupation of the building to be subject to a Student Management and Community Liaison Plan (SM&CLP) and noted the purpose of the SM&CLP was to put management procedures in place and commit to providing local residents with a means of contacting the management team both during normal working hours and out of hours. IN respect of this commitment the inspector opined: *"With this safeguard in place I consider that unacceptable harm would not arise to the living conditions of the occupiers of the nearby residential properties. For the same reasons I consider that there would not be any undue impact on the operation of any of the nearby businesses."*

In addressing other matters relating to the impact on the Conservation Area the Inspector offered the view: *"This is in a discreet location and the works are appropriate to the character and appearance of the building. The existing fire escape would also be removed. Its appearance detracts from the rear of the property and so the removal of this feature would be a minor benefit of the scheme. Overall, the development would result in a modest enhancement to the character and appearance of the CA."*

Concerns raised regarding the dominance of student accommodation in the city were also addressed: *"There is some other student accommodation in the area, however I have no evidence*



*that this is at a point where it is becoming an unduly dominant form of development or detrimental to achieving a suitable mix of uses in the area."*

Concluding on the scheme the inspector noted: *"The development would accord with the development plan when it is considered as a whole. The concerns in respect of the development do not outweigh this. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed."*

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:**

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

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

<b>Title of document</b>	<b>Location</b>
Planning application: 17/00181/HOU (57 Eastern Parade Southsea, PO4 9RE)	Planning Services
Appeal decision: APP/Z1775/D/17/3177742 (57 Eastern Parade, Southsea, PO4 9RE)	Planning Services

Planning application: 17/00130/FUL (Land To Rear Of 76 Chichester Road, Portsmouth, PO2 0AD)	Planning Services
Appeal decision: APP/Z1775/W/17/3175360 (Land To Rear Of 76 Chichester Road, Portsmouth, PO2 0AD)	Planning Services
Planning application: 16/01479/OUT (11-14 Clock Street, Portsmouth, PO1 3EP)	Planning Services
Appeal decision: APP/Z1775/W/17/3175186 (11-14 Clock Street, Portsmouth, PO1 3EP)	Planning Services
Planning application: 16/01998/FUL (12 Victoria Road South, Southsea, PO5 2DB)	Planning Services
Appeal decision: APP/Z1775/W/17/3176847 (12 Victoria Road South, Southsea, PO5 2DB)	Planning Services

## **PLANNING COMMITTEE 13 DECEMBER 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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**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**

**Application Submitted By:**

Stephen Hinsley  
FAO Stephen Hinsley

**On behalf of:**

Makepeace Investments Ltd  
FAO Sternlicht

**RDD:** 6th July 2017

**LDD:** 18th September 2017

**SUMMARY OF MAIN ISSUES****UPDATE**

This application was deferred from the planning committee on 18 October 2017. The reason for deferral was for the applicants to consider amendments to the scheme to improve its visual appearance. Some suggestions made within members comments were that the scheme could potentially be improved with the incorporation of an architectural lighting scheme or the provision of artwork or detailing to the elevations, possibly linked to Brunel.

In response to the comments made at the October committee, the applicants have submitted revised plans incorporating the following amendments:

- o Provision of external architectural lighting strip to the top of the main building;
- o Incorporation of external down lighting at ground floor level over the entrance / shopfront;
- o Illuminated letter signage and illuminated horizontal band along the canopy over the entrance, and etching detail to the front glazing;
- o Orange panels to shopfront to be designed to allow light to shine through.

Amended drawings have been provided, including images to show how the lighting scheme would impact on the appearance of the building at night time.

Concerns were also raised by members in respect of the side elevations of the building, which are proposed to be retained with the existing brickwork. The original plans were for the provision of white render to these side elevations, but this was considered to be inappropriate due to the risk of discolouration and it was also felt that the render would have more of a 'bland' appearance than the existing brickwork. The proposal to retain and clean the brickwork is therefore considered to be a suitable alternative, which maintains some of the original form of the building.

There was also a suggestion at committee that the building could incorporate artwork or detailing with reference to Brunel. Having discussed this matter with the applicants, it was considered that there was a risk that any large form of artwork (e.g. to the side elevations), could appear incongruous and potentially detract from the appearance of the building and the

Conservation Area. A major piece of artwork has therefore not been proposed, although the amendments to the entrance canopy would highlight the buildings name, 'Brunel House', which is a clear reference to the areas association with Brunel. It is also relevant to note that there is a memorial to Brunel in close proximity to the site, to the south-east.

It is considered that the amendments to the entrance/shopfront and the addition of lighting in the proposed form would enhance the visual appearance of the building without resulting in an excessive or intrusive level of illumination. The amendments are considered to be of a suitable quality to lift the visual appearance of the building and to preserve the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and the setting of nearby heritage assets.

The recommendation for Conditional Permission remains the same.

## SUMMARY OF MAIN ISSUES

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and preserve the setting of other nearby heritage assets.

### Site and surroundings

A 12-storey building occupies the site fronting The Hard and positioned between Victory Road to the south and College Street to the north. The building was last used as offices but is currently vacant. Brunel House is positioned opposite the recently redeveloped Hard Interchange and the northern pedestrian entrance to Gunwharf Quays.

The site lies within 'HM Naval Base and St George's Square' Conservation Area and close to, and thereby affects the setting of, 'Gunwharf' Conservation Area and 'Portsea' Conservation Area. There are a number of other designated and non-designated heritage assets in the vicinity of the site, including Grade II buildings at Nos 16 and 17 The Hard and 50 Havant Street, to the north of the site, the locally listed former Portsmouth Harbour Signal Box near to the entrance to Gunwharf Quays to the west of the site, and the locally listed Ordnance Row to the south.

The site is also located within The Hard area of the city centre as defined by Policy PCS4 of the Portsmouth Plan.

### Proposal

Planning permission is sought for external alterations of Brunel House comprising of:

- o Replacement of existing windows on the front elevation and rear elevations with new full height windows/coloured infill panels;
- o Installation of new windows in a side wall (north elevation);
- o Installation of new glazed doors and infill glazing panels to the front elevation, at ground floor level, beneath the existing entrance canopy (glazing to align with canopy overhang);
- o Installation of insulated render to existing canopy; and,
- o Reduction in height of lift enclosure to roof.

This application has been the subject of amendment. The proposed introduction of insulated render on the side elevations of Brunel House has since been deleted. The originally suggested use of UPVc for the proposed fenestration was also not considered a suitable quality material for such a visually prominent building and has since been amended to powder-coated aluminium.

## Planning history

There are two further applications currently under consideration at Brunel House. These are as follows:

- o 17/00006/PACOU - Application for Prior Approval for the change of use of the building from B1 offices to 153 residential dwellings (Use Class C3)
- o 17/01180/FUL - Application for change of use of the ground floor of the building to retail (Class A1) and gymnasium (Class D2)

Previous applications relating to Brunel House include the following:

- o 16/00003/PACOU - Application for Prior Approval for change of use to 242 dwellings - Prior Approval not required, 15 April 2016.
- o 14/00402/FUL - Construction of a forty storey tower to include a Halls of Residence (Class C1) for students comprising 454 study/bedrooms; 313 residential flats; 877 sqm of commercial floorspace for use as Class A1 shop or A2 financial/professional services or A3 café/restaurant or A4 drinking establishment or A5 hot food takeaway and 70 sqm for use as Class B1 office or taxi office; and construction of a part 7/part 6 multi storey car park on Havant Street car park and former Ambulance station sites, after demolition of Brunel House, Victory Public House, 'City Wide Taxi's' building and former Ambulance Station.

This application was refused on 24 June 2016, for reasons relating to the design, scale and massing, impact on heritage assets and impact on the amenity of neighbouring residents.

- o A\*24391/AA - Construction of two additional floors, 2-storey front extension, 3 lift/stair enclosures and balconies including cladding/ window alterations to all elevations; use of ground/first floors for A1/A2/A3/B1, taxi office, health and fitness centre and dentist uses, and conversion of floors above to 54 flats and 3 maisonettes - Conditional permission, 8 July 2002.

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:  
PCS4 (Portsmouth city centre), PCS23 (Design and Conservation),

The aims and objectives of national planning policy in the NPPF would also be material to determination of the application.

## CONSULTATIONS

### Environmental Health

The application appears to only relate to alterations to the external façade of the building. The application form does not indicate any potential change of use to residential, therefore based on the assumption that the office use is to be retained we have no comments or recommendations.

## REPRESENTATIONS

One representation received has been received raising objection on the grounds of:

- (a) poor design;
- (b) existing building is unsafe; and,
- (c) something better needs to be planned for the site.

One representation of comment has also been received from The Portsmouth Society (note that these comments relate generally to the three applications under consideration):

- (i) welcome the reuse of the building;
- (ii) soft landscaping to the frontage would be an improvement;
- (iii) support the inclusion of a lift; and,

(iv) concern that some of the flats are too small.

## COMMENT

The main issues to consider in the determination of this application are the principle of the development and whether the proposed external alterations are acceptable in terms of their design, including whether they would preserve or enhance the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and preserve the setting of other nearby heritage assets.

### Principle of the proposal

Policy PCS4 of the Portsmouth Plan sets out the objective for The Hard area of the city centre to be 'shaped into a vibrant waterfront destination, building on its function as a key city gateway and its reputation as a unique area of historic character and charm'. Brunel House occupies a prominent position in the southern part of The Hard, and is recognised as an opportunity site for development within The Hard SPD. The Hard SPD sets out a number of objectives for all new development proposals in the area. This includes: '...realising the important role that the area could play in the city's economy by identifying opportunities that make best use of vacant sites and buildings, particularly those with little architectural or historic merit, and by promoting a mix of uses that bring 'life' to the area during the day and into the evening'; and 'ensuring that the design of new buildings and spaces is distinctive and of a high quality, and that it is sensitive to, and enhances, the historic character of the area'. In specific reference to the Brunel House site, the SPD notes that this forms part of an important gateway site and that there is a significant opportunity for a mixed use development incorporating a landmark building that positively contributes to the skyline of the city and that addresses both The Hard frontage and the interchange area to the west. The SPD goes on to state that whilst a redevelopment would be desirable, proposals for the reuse of existing buildings may also be considered.

Brunel House has been vacant for a number of years and has a run down appearance. Given its prominent location, there is a significant opportunity to enhance the site through redevelopment or appropriate reuse and alteration of the building, as identified within the SPD. This application relates solely to the proposed external alterations, but is linked to two separate applications for a change of use of the building to form residential development on the upper floors and a mix of retail and gymnasium on the ground floor. The application for change of use to residential was submitted as a Prior Approval application in accordance with Part O of the Town and Country Planning (General Permitted Development) Order 2015. This means that the principle of the change of use is acceptable and the Local Authority is only able to assess the application on matters relating to highway impact, flood risk and contaminated land. These matters were considered and the application was determined to be acceptable. The change of use of the ground floor has also been granted permission.

Whilst it may be desirable to fully redevelop the Brunel House site, as envisaged within the SPD, the local authority is required to assess all planning applications as received, on their own merits. The proposal to carry out external alterations to the building in conjunction with a change of use is considered acceptable in principle. The determining issue is whether the proposed alterations are of a high enough quality having regard to the prominent and historic location and the policy objectives for the site.

### Design and appearance

Whilst Brunel House is not considered to be of specific architectural or historic interest, it nevertheless has some architectural features of merit including the grid pattern of the front and rear facades, which are characteristic of tower blocks built in the 1960s and 70s. The proposed alterations seek to retain the original grid frame of the building and enhance its appearance through the installation of new full height windows and coloured glazed panels.



The proposed alterations have been subject to discussion with officers throughout the course of the application process. A summary of the key elements of the proposal and the amendments that have been made as a result of the discussions is set out below.

#### Front elevation

On the front elevation, the proposal is to retain the original frame of the building, remove the existing infill panels beneath the windows and install new full height windows and glazed panels.

The original plans were for the installation of panels in a variety of colours to the front elevation, but this has since been amended to a tonal variation of green, which is considered to represent a more subtle and visually attractive way of introducing colour to the building.

The original plans also indicated the use of UPVc windows throughout the whole building. Following concerns raised by officers in relation to the appearance of UPVc for such a large amount of windows on a tall building, the applicants have agreed to the use of powder-coated aluminium framed windows. This is considered to be a more appropriate material choice having regard to the historic setting of the site and would ensure that a more elegant window profile is achieved.

#### Rear elevation

A similar approach for a tonal variation in green and use of powder-coated aluminium framed windows is proposed to the rear of Brunel House but the concrete grid frame is less pronounced compared with the front of the building.

#### Side elevations

The use of insulated render has been deleted from the scheme and now proposes a vertical ribbon of windows of the north side wall only.

#### Impact on heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The site lies within 'HM Naval Base and St George's Square' Conservation Area, and is close to 'Gunwharf' Conservation Area and 'Portsea' Conservation Area. There are also other designated and non-designated heritage assets in the vicinity of the site, including Grade II listed buildings Nos 16 and 17 The Hard and 50 Havant Street, the locally listed former Portsmouth Harbour Signal Box near to the entrance to Gunwharf Quays, and the locally listed Ordnance Row to the south of the site.

Paragraphs 132-134 of the NPPF seeks to address the significance of any harm caused by a proposed development on heritage assets. The proposed external alterations would involve the provision of new glazing and coloured panels within the existing architectural frame of the building. The introduction of colour would inevitably result in an increased visual prominence of the building within its setting, but this is not considered inappropriate within a key city gateway location. Based on the amendments submitted during the course of the application, the alterations are now considered to be of a suitable quality to lift the visual appearance of the building and to preserve the character and appearance of 'HM Naval Base and St George's Square' Conservation Area and the setting of nearby heritage assets. It is therefore determined that the development would not cause harm to the setting of heritage assets and an assessment under paragraphs 132-134 of the NPPF is not considered necessary.

## **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:  
Site Location Plan - 16.1119/001;  
Proposed front elevation - 16.1119/066A;  
Proposed rear elevation - 16.1119/067A;  
Proposed side elevations - 16.1119/068A;  
Street view - 16.1119/069;  
Proposed Typical Floor Section - 16.1119/071A; and,  
Proposed GF Typical Section - 16.1119/072A.
- 3) No development shall take place at the site until (a) detailed constructional drawings (at 1:10 or such other suitable scale as may be agreed) of the profile, appearance and finish of the powder-coated aluminium frames to replacement windows/doors on the building and (b) samples of the aluminium window frames and coloured infill panels shall have been submitted to and approved in writing by the local planning authority; and the external alterations shall only be carried out in accordance with approved details/samples.

### **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 secure suitable quality external finishes to this visually prominent building and to preserve the setting of an array of heritage assets including the character and appearance of the conservation area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **PRO-ACTIVITY STATEMENT**

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

**THE SHRUBBERY & BAY TREE LODGE 37 GROVE ROAD SOUTH SOUTHSEA PO5 3QS**

**CONVERSION TO FORM SINGLE DWELLING TO INCLUDE SINGLE STOREY REAR EXTENSION (AFTER DEMOLITION OF EXISTING STRUCTURE); AND ASSOCIATED INTERNAL ALTERATIONS; EXTENSION TO EXISTING RAISED PLATFORM; ALTERATIONS TO EXISTING FENESTRATION AND INSTALLATION OF ROOFLIGHT**

**Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**On behalf of:**

Mr & Mrs Tim and Sue Fielder

**RDD:** 26th June 2017

**LDD:** 22nd August 2017

**SUMMARY OF MAIN ISSUES**

This application has been called to Planning Committee as a result of a deputation request from an adjoining neighbouring occupier.

This application relates to "The Shrubbery" & "Bay Tree Lodge" which are two adjoining buildings located at 37 Grove Road South. The application site is located in the "Owens Southsea" Conservation Area (No.2) in the St. Jude Ward and also falls within TPO 38, with several TPO protected trees located within the curtilage of the properties. The application site is located within a small cul-de-sac of three properties including; "The Shrubbery" (Grade II Listed), "Milford Lodge" (Grade II Listed) and Bay Tree Lodge. Adjoining the site are numerous other distinctive heritage assets including No. 35 Grove Road South (Grade II Listed) and St. Johns College (Grade II Listed).

"The Shrubbery" is a large detached two-storey building over an existing basement. "Bay Tree Lodge" was developed mid-twentieth century and is tagged on to the northern elevation of the original property. This two-storey side extension forms a separate unit of accommodation which is currently not accessible through "The Shrubbery".

The proposal is for the conversion of these two properties to form a single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight. It should be noted that an application for Listed Building Consent (ref: 17/01105/LBC) has been submitted alongside this planning application however this will be considered separately.

There is an extensive planning history at the application site relating to arboricultural works and the ongoing management of TPO protected trees. Most recently, 17/00733/TPO was granted conditional consent in June 2016 to fell T2 (Plum) located in the rear courtyard of the application site.

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Tree Officer**

It is accepted that TPO 38 T2 is to be felled following a previously granted consent (17/00733/TPO).

Two further trees are located within close proximity to the proposed development TPO 38 T3(Robinia pseudoacacia) , TPO 38 T4(Laurus nobilis).

Given the proximity of the trees to the development proposal a tree survey and arboricultural impact assessment must accompany this application as both trees may impose major constraints upon vehicle access and storage of material, during the demolition and construction phases of the development.

## **REPRESENTATIONS**

One deputation request has been received objecting to the development on the grounds of;

- (a) the works would result in an increased sense of enclosure following the development of extensions at neighbouring properties;
- (b) the development would create a walled environment and
- (c) the development would significantly increase overshadowing.

## **COMMENT**

The determining issues in this application are whether the design of the proposal is acceptable and whether it relates appropriately to the recipient building. Further to this, whether the proposal would have a significant impact on the amenity of the neighbouring occupiers. Matters relating to alterations to the listed building will be considered separately under planning application reference: 17/01105/LBC.

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

The proposal is for the conversion of "Bay Tree Lodge" to form a single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight.

It should be noted that the applicant had originally proposed to partially demolish "Bay Tree Lodge" to enable alterations to form a new hipped roof, single storey rear extension and alterations to the external elevations. The scheme has been significantly revised to its current

format as a result of ongoing negotiations between the applicant and the Local Planning Authority.

To achieve this conversion, a number of internal walls would be altered and removed to improve internal circulation, however these are works relating to the Listed Building Consent and do not form part of this assessment. A single storey rear extension has been proposed measuring approx. 4m in depth, 4m in width and 3.5m in height and would straddle the boundary between the application site and No. 27 Woodpath. This extension would have a mono-pitch roof slope and would be finished in matching white coloured smooth render whilst the roof slope would be clad in natural slate to match the recipient property. New timber framed French doors would provide access from this extension into the rear courtyard. In addition to this, the applicant has proposed to reconfigure existing windows and doors to enable functionality within newly formed internal rooms. Windows to the rear of "Bay Tree Lodge" would be shifted to the south, whilst the ground floor window and door would be replaced by a new set of bi-folding doors. Similar reconfigurations of the front (east) elevation of "Bay Tree Lodge" have been proposed with the existing front door being replaced with a new window to match that above, whilst another new window has been proposed on the single storey projection to the north of the site. Finally the applicant has also proposed to enlarge an existing area of raised decking to the south of the property. The existing terrace is located 2.4m above ground level and measures 5.9m in width and 3.9m in depth. This area would be extended to 5.3m in depth whilst the height and width of the decking would remain the same. The decking would be enclosed iron railings to match the existing terrace.

External alterations including the re-location of windows and doors on the front and rear elevations are considered to be respectful and in keeping with the recipient building by virtue of their size, matching materials and glazing bar details. The removal of the door on the front elevation of "Bay Tree Lodge" would help to provide some unity between the original dwelling and its adjoining two-storey projection. These alterations would give the impression that the buildings are untied and form one unit of accommodation.

Further to this, the enlargement of the outdoor terrace area to the south of the application site would be considered to have little visual impact and would relate appropriately to the existing terrace by virtue of the use of matching materials and the limited scale of the enlargement.

The construction of the single storey rear extension would be considered to relate appropriately to the recipient dwelling. The limited scale of this extension would help the development to appear as a subservient feature, whilst the use of matching materials would help to strengthen the relationship between original fabrics and the new development.

As a whole, the proposed alterations would be considered to have a good relationship with the recipient dwelling in design terms and would help to enhance the character and appearance of the "Owens Southsea" Conservation area.

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

Having regard to the amenities of neighbouring occupiers, external alterations to re-locate windows and doors are not considered to represent a significant loss of privacy. The installation of windows at ground floor on the front (east) elevation would serve only to provide views of the existing front courtyard whilst the window proposed at first floor on the rear elevation would replace an existing window in the same location with a smaller, similar style window. The outlook from this window would change very slightly but again would not create any new privacy or overlooking issues for neighbouring occupiers.

The existing external terrace lies within a large garden to the south of the application site, as the extension to this terrace would only encroach further into this space and would not be elevated any higher than its existing position, the relationship with neighbouring occupiers remains unchanged for this particular aspect of development.

In respect of the proposed single storey rear extension, this development would be located along the common shared boundary with No.27 Woodpath and would elevate approx. 1.5m above the existing boundary treatment. It is acknowledged that this development would have some impact on this occupier by virtue of its location along the common shared boundary, however the overall scale of the extension and its limited height are not considered to provide an undesirable sense of enclosure for the occupants of this property. The development would not create any new overshadowing issues as a result of the sites orientation (north-south) and the overall height of the surrounding built form. Further to this, the roof lights proposed for this extension would not create any new privacy or overlooking concerns.

## **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: 010G and 011F.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the trees in the grounds of No. 37 Grove Road South protected by preservation order No. 38. The approved measures shall then be implemented and retained during all works associated with this permission.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of preserving the high amenity value of protected trees and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting of the listed building and others in the immediate area.

**THE SHRUBBERY & BAY TREE LODGE 37 GROVE ROAD SOUTH SOUTHSEA PO5 3QS**

**CONVERSION TO FORM SINGLE DWELLING TO INCLUDE SINGLE STOREY REAR EXTENSION (AFTER DEMOLITION OF EXISTING STRUCTURE); AND ASSOCIATED INTERNAL ALTERATIONS; EXTENSION TO EXISTING RAISED PLATFORM; ALTERATIONS TO EXISTING FENESTRATION AND INSTALLATION OF ROOFLIGHT.**

**Application Submitted By:**

Mr John Pike  
Pike Planning

**On behalf of:**

Mr & Mrs Tim and Sue Fielder

**RDD:** 26th June 2017

**LDD:** 22nd August 2017

**SUMMARY OF MAIN ISSUES**

This application has been called to Planning Committee as a result of a deputation request from an adjoining neighbouring occupier.

This application relates to "The Shrubbery" & "Bay Tree Lodge" which are two adjoining buildings located at 37 Grove Road South. The application site is located in the "Owens Southsea" Conservation Area (No.2) in the St. Jude Ward and also falls within TPO 38, with several TPO protected trees located within the curtilage of the properties. The application site is located within a small cul-de-sac of three properties including; "The Shrubbery" (Grade II Listed), "Milford Lodge" (Grade II Listed) and Bay Tree Lodge. Adjoining the site are numerous other distinctive heritage assets including No. 35 Grove Road South (Grade II Listed) and St. Johns College (Grade II Listed).

"The Shrubbery" is a large detached two-storey building over an existing basement. "Bay Tree Lodge" was developed mid-twentieth century and is tagged on to the northern elevation of the original property. This two-storey side extension forms a separate unit of accommodation which is currently not accessible through "The Shrubbery".

The proposal is for the conversion to form single dwelling to include single storey rear extension (after demolition of existing structure); and associated internal alterations; extension to existing raised platform; alterations to existing fenestration and installation of rooflight. It should be noted that a full planning application (ref: 17/01104/FUL) has been submitted alongside this Listed Building Consent application however this will be considered separately.

There is an extensive planning history at the application site relating to arboricultural works and the ongoing management of TPO protected trees. Most recently, 17/00733/TPO was granted conditional consent in June 2016 to fell T2 (Plum) located in the rear courtyard of the application site.

## **POLICY CONTEXT**

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

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

## **CONSULTATIONS**

### **Historic England**

On the basis of the information available to date, no comments are offered. We suggest that you seek the views of your specialist conservation adviser.

### **Ancient Monuments Society**

No comments

### **Council For British Archaeology**

No comments

### **SPAB**

No comments

### **The Georgian Group**

No comments

### **The Victorian Society**

No comments

### **Twentieth Century Society**

No comments

### **The Portsmouth Society**

No comments

## **REPRESENTATIONS**

Two representations have been received objecting to the development on the grounds of;

- (a) potential damage to existing shared garages;
- (b) construction related vehicles will block access to shared garages;
- (c) noise, dirt and dust arising from construction works;
- (d) lack of communication with the applicants;
- (e) increased overshadowing;
- (f) increased sense of enclosure as a result of previously approved development adjoining the application site;
- (g) extensions would affect the character and appearance of the listed building.

Two representations have been received supporting the development on the grounds of:

- (a) alterations would be sympathetic to the Owens Southsea Conservation Area;
- (b) parking of vans on the shared access would not be problematic and
- (c) alterations to the structural integrity of the garage can be managed by shared owners.

## **COMMENT**

The determining issue in this application is whether the proposed alterations are of an acceptable design that would preserve the special architectural or historic interest of the Grade II listed building.

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.



To achieve this conversion, a number of internal walls would be altered and removed to improve internal circulation. A single storey rear extension has been proposed measuring approx. 4m in depth, 4m in width and 3.5m in height and would straddle the boundary between the application site and No. 27 Woodpath. This extension would have a mono-pitch roof slope and would be finished in matching white coloured smooth render whilst the roof slope would be clad in natural slate tiles to match the recipient property. New timber framed French doors would provide access from this extension into the rear courtyard. In addition to this, the applicant has proposed to reconfigure existing windows and doors to enable functionality within newly formed internal rooms. Windows to the rear of "Bay Tree Lodge" would be shifted to the south, whilst the ground floor window and door would be replaced by a new set of bi-folding doors. Similar reconfigurations of the front (east) elevation of "Bay Tree Lodge" have been proposed with the existing front door being replaced with a new window to match that above, whilst another new window has been proposed on the single storey projection to the north of the site. Finally the applicant has also proposed to enlarge an existing area of raised decking to the south of the property. The existing terrace is located 2.4m above ground level and measures 5.9m in width and 3.9m in depth. This area would be extended to 5.3m in depth whilst the height and width of the decking would remain the same. The decking would be enclosed iron railings to match the existing terrace.

External alterations including the re-location of windows and doors on the front and rear elevations are considered to be respectful and in keeping with the recipient listed building by virtue of their size, matching materials and glazing bar details.

The removal of the door on the front elevation of "Bay Tree Lodge" would help to provide some unity between the original dwelling and its adjoining two-storey projection. These alterations would give the impression that the buildings are untied and form one unit of accommodation. Further to this, the enlargement of the outdoor terrace area to the south of the application site would be considered to have little visual impact and would relate appropriately to the existing terrace by virtue of the use of matching materials and the limited scale of development.

The construction of the single storey rear extension would be considered to relate appropriately to the recipient dwelling. The limited scale of this extension would help the development to appear as a subservient feature relating to the existing property by the use of matching materials. The scale of the proposed works is considered to be appropriate by virtue of the subservient nature of the development in the context of the application site. The choice of sympathetic materials including hardwood framing, smooth render, natural slate and single glazed panels would relate appropriately to the Grade II Listed building and would help the proposed alterations to make a connection with the original building.

In response to the objection comments raised, matters relating to construction works and access are not something that the Planning Department can resolve. Further to this, issues relating to neighbouring amenity cannot be dealt with under this planning application however this would be assessed under the corresponding application for planning permission (ref: 17/01104/FUL).

It is considered that the proposed development would preserve the special architectural or historic interest of the Grade II Listed Building.

## **RECOMMENDATION                      Conditional Consent**

### **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: 010G and 011F.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan

**PRO-ACTIVITY STATEMENT**

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

**3 PAIGNTON AVENUE PORTSMOUTH PO3 6LL****CONSTRUCTION OF FIRST FLOOR REAR EXTENSION****Application Submitted By:**

D.M. Designs  
FAO Mr D.P Manns

**On behalf of:**

Justine Bennett

**RDD:** 2nd August 2017

**LDD:** 28th September 2017

**SUMMARY OF MAIN ISSUES****UPDATE**

This application was first considered by Members on the 18th October, where it was resolved to allow for further consideration of the relationship to the neighbouring properties and to allow for Members to undertake a viewing panel visit to the site. This visit is arranged for the 11th December.

**Design & Amenity Issues**

Policy PCS23 of the adopted Local Plan states all new development must be well designed and appropriate in scale, appearance and materials in relation to the particular context and should seek to ensure the protection of amenity and a good standard of living environment for neighbouring and local occupiers, as well as future residents, amongst other criteria.

There have been no amendments made to the design of the proposed extension since it was first considered by Members and as set out within the original committee report, it is considered that the overall scale and form of the proposals are acceptable in relation to the existing dwelling and in accordance with the aims of Policy PCS23.

With regards to the potential impact to residential amenity, further consideration has been given to the relationship to both No 1 and No 5 Paignton Avenue. It is also noted that objections have been received from both neighbouring properties, as set out within the original report.

In terms of the adjoining property, No 1 Paignton Avenue, it is not considered that there would be any adverse impact in terms of amenity. The proposed extension would extend to the same depth as the first floor extension to the rear of No 1 and as such, would not result in any undue sense of enclosure, overbearing physical presence or overshadowing to the adjoining property. The proposed windows in the rear elevation of the proposed extension would allow for a degree of overlooking to the rear garden area of No 1 but this relationship of mutual overlooking already exists between the properties and would not be increased to such a degree as to warrant a refusal of planning permission on these grounds. Overall, the relationship to No 1 Paignton Avenue is considered to be acceptable.

With regards to No 5 Paignton Avenue, it is noted that this neighbouring property is currently undergoing building works, with a new single storey extension constructed to the rear of the property. This extension has a side facing ground floor window in the southern elevation of the extension, facing towards the application site and bi-fold doors within the rear elevation, as well as a large skylight feature. There are views from this side facing window back towards the application property, No 3 and views from the existing first floor windows of No 3 towards this window, albeit at an oblique angle. As such, there is already mutual overlooking between the properties which again, is typical of this pattern of development.

The proposed extension would be visible from the rear garden area of No 5 and from the ground floor side facing window in the extension. However, given the separation distances between the properties, it is not considered that the extension would be visually intrusive or unduly enclosing or overbearing to the neighbouring property. The proposed extension is set back from the side building line to help reduce the overall bulk and preserve the sense of separation between the properties. Similarly, it is not considered that any additional overshadowing would be so severe as to justify a refusal of planning permission.

In terms of potential overlooking and loss of privacy, there would be views from the new rear first floor windows towards the rear of No 5 but as noted above, this relationship already exists and as such is no worse than the existing situation. It is noted that the plans show a new side facing first floor window, which would serve a bedroom within No 3. Again, this window would face the side elevation of No 5 and would allow views towards the side window and rear garden area - however, these views already exist from the existing first floor rear windows and as such, the proposals are not considered to result in an unacceptable degree of overlooking to the neighbouring property. However, a condition could be applied to require this window to be obscure glazed if required - this has been discussed with Building Control colleagues who have confirmed there would be no conflict with Building Regulations if such a requirement were imposed.

Overall, it is considered that the proposed extension is acceptable in terms of the relationship with No's 1 and 5 Paignton Avenue and would not result in any adverse impact to the residential amenities of these properties. As such, the proposal is considered to be in accordance with Policy PCS23 in this regard.

## SUMMARY OF MAIN ISSUES

The determining issues in this application relate to whether the proposal is acceptable in design terms, whether it would have any significant impact on the amenities of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.

Site and Surroundings

This application relates to a three bedroom semi-detached property which is located on the western side of Paignton Avenue near the corner where the road adjoins with Eastbourne Road. The surrounding area is characterised by similar residential semi-detached and terraced properties.

## Proposal

The applicant seeks permission for the construction of a first floor rear extension.

The proposal is to create a fourth bedroom and provide a family sized bathroom, converting the existing bathroom to an ensuite for bedroom 1.

The first floor extension would be 5.0m x 3.0m in depth. The extension projects 3.0m over the existing ground floor flat roof rear extension, however not for its full 5.5m length.

The proposed first floor extension aligns with the neighbouring semi detached property's first floor extension.

Each of the proposed bedrooms would benefit from a rear window orientated to the rear garden on the western elevation.

The proposed first floor extension would be provided with a pitched roof of matching roof tiles and the external walls would be of matching brick.

The proposal includes the addition of a window to the northern elevation serving the ground floor sitting room and a second serving the first floor bedroom 2. Both of these windows open onto the shared access way and face the flank brick wall of No.5 Paignton Avenue.

### Planning History

In July 2017 planning permission was refused for the construction of a first floor rear extension. The reason for refusal was as follows:

The proposed first floor extension would, by reason of its excessive bulk and unsympathetic boxy appearance, represent a visually obtrusive feature out of keeping with the recipient property that would result in an unneighbourly relationship detrimental to the amenities of occupiers of No 1 Paignton Avenue, notably in terms of loss of light and outlook and increased sense of enclosure. The proposal is therefore considered to be contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### POLICY CONTEXT

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

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:

- 1) proposal is out of character with surrounding properties;
- 2) large in scale;
- 3) Misleading drawings;
- 4) No other extensions of this type/size;
- 5) loss of outlook;
- 6) increased sense of enclosure;
- 7) overshadowing;
- 8) loss of privacy;
- 9) ground floor window will open out onto shared access way;
- 10) loss of light;
- 11) absence of inner and outer cavity wall;
- 12) lead box guttering in outer wall of No 1;
- 13) cause drainage problems for No 1;
- 14) shallow footings

## COMMENT

The determining issues in this application relate to whether the proposal is acceptable in design terms, whether it would have a significant impact on the amenities of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.

### Design

The property is a semi-detached house with a rear single storey flat roof extension. The adjoining neighbour (No 1) has a two storey flat roof extension which is constructed up to the boundary with the application site. The applicant proposes to construct an additional storey above the existing single storey extension to accommodate two additional bedrooms.

The proposed extension has been designed with a pitched roof which is a suitable outcome for the host property. The extension observes the same rear building line as the first floor flat roof extension of No.1 Paignton Avenue.

Having regard to the pitched roof design, the matching materials and the appropriate siting of the extension, it is considered to be acceptable in design terms and would relate appropriately to the recipient building.

### Amenity

The extension would align with the adjoining occupiers (No 1) two storey flat roof extension. Therefore, it would not result in any significant impact on the occupiers of No 1 in terms of increased sense of enclosure, loss of light and overshadowing.

There is a separation distance of approximately 5m between the proposal and the neighbouring property to the north (No 5). This is considered to be a sufficient separation distance and it is considered that it would not result in any significant impact on the occupiers of No 5 Paignton Avenue.

The rear windows would face onto the rear garden. Furthermore, the side window serving the living room will face onto the blank wall elevation of No 5 Paignton Avenue. Therefore, it is not considered that the proposal would result in any loss of privacy from direct overlooking.

### Other issues raised in objections

With regards to the proposed ground floor window serving the living room which opens out onto the shared access way. A suitably worded planning condition will be implemented to ensure that this window is non-opening. The first floor window serving Bedroom 2 is considered to be acceptable in terms of size of opening.

The other issues raised regarding the absence of the inner and outer leaf cavity wall, lead box gutter, drainage and footings are not material planning considerations and will therefore not be considered in the determination of this application. These issues will be dealt with by building control should permission be granted for this application.

### Conclusion

As a result of the pitched roof design, the proposal has been significantly reduced in bulk and has a more appropriate appearance, than the previously refused scheme. Therefore, the proposal would no longer represent a visually obtrusive feature. Furthermore, the proposed extension would align with the neighbouring flat roof extension of No 1 Paignton Avenue. Therefore, it is not considered to result in any loss of light, outlook or increased sense of enclosure. The proposal has therefore overcome the previous reason for refusal. It is therefore, considered that the proposal would be in accordance with 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: BENNETT01A 1of1 Rev B A0.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 4) The proposed ground floor 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.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To prevent the windows opening out onto the shared driveway in the interest of safety, in accordance with Policy PCS17 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.

**104 TANGIER ROAD PORTSMOUTH PO3 6PG****RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF DETACHED GARAGE****Application Submitted By:**

HRP Architects

FAO Mr Mark Holman

**On behalf of:**

Mr C Miller

**RDD:** 16th August 2017**LDD:** 3rd January 2018**SUMMARY OF MAIN ISSUES**

This application has been called to the Planning Committee based on a deputation request from Councillor Stagg.

**Summary of main issues**

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.

**Site and Surroundings**

The application site is a terraced property which is located on the southern side of Tangier Road. It is located opposite the junctions with Highgrove Road and Silchester Road. To the rear of the application site is Baffins Pond, associated park and open space. The property is a red brick terrace with a two-storey bay window to the front elevation. It is set back from the highway by a small front forecourt. The property benefits from a rear garden of approximately 50 metres in length. The topography of the site is flat and there are no protected trees onsite. There are timber boundary fences with neighbouring properties to the rear and a small brick boundary wall to the front boundary with Tangier Road.

The street is characterised by similar residential red brick terraced properties which are set back from the highway by small front forecourts. The majority of the properties in the terrace from 100 to 110 Tangier Road have garages / out buildings located within their rear gardens.

**Proposal**

The applicant seeks retrospective planning permission for the retention of a detached garage within the rear garden of the application site. The garage is ancillary to the residential use of the property and is used for general storage.

The garden has a depth of approximately 55m and a width of approximately 12m. All the other properties within the terrace have a similar garden size.



The garage is located at the rear end of the garden similarly, to other garages within the terrace. The garage is provided with patio style doors opening into the garden and a large garage style door opening onto the shared rear access. The garage also has a small high level window on the western elevation. It has a pitched roof with a height of 3.9m, and eaves 2.7m in height. It has a width of 5.1m and a depth of 6.6m.

The roof is constructed of plain tiles. The walls are constructed of brickwork with white render detailing on the western elevation.

### Planning History

There is no planning history for the application site. However, the application was submitted following an enforcement complaint relating to the unauthorised construction of the garage / out building. The enforcement officer advised the applicant that a planning application was required as the garage exceeded 2.5m in height and was therefore not within the limits of permitted development.

### POLICY CONTEXT

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

Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city. All new development must be appropriate in scale density, layout, appearance and materials in relation to the particular context.

Additionally, all new development must protect the 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.

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

This application has come about from an enforcement enquiry. The proposal requires the Local Planning Authority to consider whether the retention of the garage / out building would result in an unacceptable level of harm, and in the event that such harm would result, proceed to take necessary enforcement action for its removal. In assessing the proposal the test is not whether the LPA would have granted planning permission rather whether the retention of the structure would be acceptable in planning terms having regard to the relevant policies.

### CONSULTATIONS

None.

### REPRESENTATIONS

Two letters of objection have been received on the grounds of:

- 1) garage overhangs onto neighbouring garage;
- 2) garage is attached to neighbouring garage;
- 3) garage is constructed on neighbours land;
- 4) rainwater drains onto neighbouring garage

## COMMENT

Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and appropriate in scale, layout, appearance and materials in relation to the particular context, amongst other criteria.

### Design

The garage has been constructed on what appears to be a shared property boundary with 106 Tangier Road. The application is accompanied by a Certificate B being the necessary form of ownership in cases such as this. The garage is of a height and design commensurate with a domestic garage / out building. Ideally the proposal would have been sited to provide a setback off shared boundaries, however this is not before the Council for consideration. It is the design of the existing structure which is the subject of this assessment.

The scale of the garage / out building is considered to be acceptable in relation to its surroundings. The design of the roof pitches away from the shared boundaries assisting with minimising the overall bulk and visual impact. The materials, detailing and design of openings is in keeping with the general character of domestic out buildings and appropriate to this location. The orientation of openings does not lead to any adverse impacts to the amenities of the neighbouring properties.

The site is considered to retain a good sized garden therefore the proposal is not considered to result in the overdevelopment of the plot. It is therefore considered that the proposal would be acceptable in design terms and would therefore be in accordance with Policy PCS23 of the Portsmouth Plan.

### Impact on Amenity

Policy PCS23 of the Portsmouth Plan states that all new development should 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.

There is a separation distance of approximately 40m between the proposed garage and the neighbouring properties (No 102 and 106). This distance is considered to afford a substantial separation and not give rise to harm in terms of maintaining the privacy of adjoining occupiers.

Therefore, taking into consideration this separation distance between the nearest habitable rooms of the neighbouring properties, it is not considered that the proposed garage would result in any significant impact on the neighbouring occupiers in terms of loss of light, loss of privacy, overshadowing or increased sense of enclosure.

Additionally, both neighbouring properties have garages located within their rear gardens.

It is therefore considered that the garage does not result in any significant impact on the amenities of the neighbouring occupiers and is therefore in accordance with Policy PCS23 of the Portsmouth Plan.

### Property matters

The planning application has raised a number of property matters as the garage / out building is constructed to a shared boundary. It is unclear and there is uncertainty where the exact property boundary is in relation to the structure. The area is characterised by older development and these boundaries are not uniform and over time ambiguity with fence boundaries can occur. It is noted that this is one of the issues that has arisen with the application, however the planning system allows for these encroachments, and through the requirement of the correct property

ownership certificate, planning permission can be granted for structures straddling boundaries. This does lead to private property matters outside of the planning system.

In considering the harm which may arise from the structure, weight can only be given to the material planning consideration, not matters of property.

#### Conclusion

The key consideration of this application is whether the retention of the structure would give rise to unacceptable harm to the character of the area and the amenities of neighbouring properties. A full assessment has been undertaken and it is concluded that the design and siting do not give rise to such a level of harm that would warrant refusal of the application, and the enforcement of such a decision.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 8707-01.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those detailed in the approved drawing '8707-01'.
- 3) The garage hereby permitted shall only be used for domestic purposes that remain incidental and ancillary to the residential use of the existing house at No 104 Tangier Road.

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

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan
- 3) To ensure that the adjoining properties are not adversely affected by the development 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.

**VENTURE TOWER 57 - 67 FRATTON ROAD PORTSMOUTH PO1 5DL**

**CHANGE OF USE OF BUILDING (1ST-8TH FLOOR) TO FORM A STUDENT HALL OF RESIDENCE (CLASS C1) COMPRISING 97 STUDY BEDROOMS (WITHIN 86 UNITS) AND MANAGERS ACCOMMODATION; EXTERNAL ALTERATIONS TO INCLUDE CONSTRUCTION OF EXTENSIONS AND ALTERATIONS TO ALL ELEVATIONS, REPLACEMENT CLADDING, WINDOWS & SHOPFRONTS; PROVISION OF COMMUNAL FACILITIES, BICYCLE AND REFUSE STORAGE**

**Application Submitted By:**

DMH Stallard

FAO Mr Geoff Smith

**On behalf of:**

Bellstan Properties Ltd

**RDD:** 19th June 2017**LDD:** 1st November 2017**SUMMARY OF MAIN ISSUES**

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
- d) Whether it would be acceptable in highway terms;
- e) Whether it would provide an acceptable standard of accommodation for future occupiers;
- f) Whether the proposed scheme complies with the requirements for sustainable design and construction; and,
- g) Whether there would be an adverse impact on the Solent Special Protection Areas (SPAs)

**The site**

This application relates to a large purpose built 1960s office development situated to the corner of Fratton Road and Somers Road North. The building incorporates shops and takeaway restaurants at ground floor level fronting Fratton Road with a mix of uses above, although large parts of the building are currently vacant and have fallen into a poor state of repair. A small service area to the rear is accessed from Somers Road North and incorporates parking, refuse an extraction equipment associated with the commercial uses.

The site is located within the Primary Area of the Fratton District Centre as defined by policy PCS8 of the Portsmouth Plan and abuts the service yard associated with Asda and Iceland supermarkets within the Bridge Shopping Centre. The district centre stretches along Fratton Road with a mix of commercial uses at ground floor level with ancillary and residential uses above. Fratton Railway station is located just to the south-east.

## The Proposal

Planning permission is sought for the change of use of the building (1st-8th floor) to form a student halls of residence (Class C1) comprising 97 study bedrooms (within 86 units) and managers accommodation; external changes to include the construction of extensions to all elevations, replacement cladding, windows & shopfronts; and the provision of communal facilities, bicycle and refuse storage.

## Relevant Planning History

Planning permission was granted in April 2017 (ref.17/00246/FUL) for the change of use from a gym (Class D2) located at part first and second floor level to Offices (Class B1a).

Planning permission was granted in 2014 (ref.14/00002/FUL) for the change of use of part of first and second floor from offices (Class B1) to a gym (Class D2).

Planning permission was granted in 2010 (ref.10/00510/FUL) for the change of use of part second floor from offices (Class B1) to a language school (Class D1).

Planning permission was granted in 2005 (ref.A\*14210/AN) for the change of use of the fifth floor to a dance school (Class D2).

Planning permission was granted in 2003 (ref.A\*38437/AA) for the change of use of the first and second floors to form an advice and information centre (Community Alcohol and Drug Services) and ancillary office use within Class D1.

Planning permission was granted in 1989 (ref. A\*14210/AB) for the use of the 4th floor for educational and office purposes.

Planning permission was granted in 1983 (ref. A\*14210/T) for the use of the first floor as a darts and pool club.

Planning permission was granted in 1964 (ref. A\*14210/D) for the development of the land by the erection of shops with offices above.

## POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS8 (District Centres), PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and Conservation) and PCS24 (Tall buildings). Saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan would also be relevant.

Supplementary Planning Documents in respect of Tall Buildings, Parking Standards and Transport Assessments, Student Halls of Residence, Sustainable Design & Construction, Reducing Crime through Design and Solent Special Protection Areas would also be relevant to this application.

## CONSULTATIONS

### Private Sector Housing

Revised comments 27/11/2017

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.

"Self-contained flat" means a separate set of premises (whether or not on the same floor) -

- (a) Which forms part of a building
- (b) Either the whole or a material part of which lies above or below some other part of the building; and
- (c) In which all three basic amenities are available for the exclusive use of its occupants

Relevant documents considered - 1. Housing Act 2004. 2. BS 6465: Part 2:1996 3. BS 6465-1:2006A1:2009 4. National Code of Standards for Larger Developments.

Dwelling and facility sizes within student accommodation:

Taking into account the requirements under the Housing Act 2004, PSH feel that a suitable size for a self-contained flat, within this particular development for specific use by students under a term time only occupation tenancy is 19sq.m. for single occupation and for a double (where the occupants are forming a single household) 23sq.m. A suitable size of an open planned kitchen/dining area in a 2 bedroom shared twin studio where each bedroom is no less than 10m<sup>2</sup>, is 14sq.m. of which 5.5sq.m. must be for the exclusive use of cooking, food preparation and storage.

A suitable size of an open planned kitchen/dining area in a 6 bedroom cluster unit, where each bedroom is no less than 10sq.m., is 22.5sq.m., of which 11sq.m. must be for the exclusive use of cooking, food preparation and storage.

All bath or shower rooms must have a suitable layout and provide appropriate drying and changing space. As a minimum, a shower room should be 2.74sq.m. and a full bathroom should be 3.74sq.m.

Purpose built manufactured pod systems are acceptable as an alternative to a standard bath/shower room, but for exclusive use only and not as a shared communal facility. The pod must be between 1.8sq.m. and 2.07sq.m. in size, with the circle of clearance of no less than 450mm diameter and must include an open shower area.

- 1st Floor - 4972-061 B - 10 x 1 bedroom studios, 4 x Shared twin studio (shared cooking, living and dining facilities) and 1 x Double occupancy:

One bedroom studios - The kitchen location proposed in Bedroom 3 (unit 3), Bedroom 4 (unit 4), Bedroom 10 (unit 8) and Bedroom 15 (unit 11), does cause some concern in regard to the location and it is recommended the kitchen area is relocated away from the entrance door or a fire suppression system is installed within the kitchen area which will reduce the risk to the occupants.

No layout information has been provided for unit 13 and 14 (Bedrooms 17 and 18) and therefore no comment can be made in relation to these specific units. It could however be assumed these bedrooms replicate units 16 and 17 (Bedrooms 16 and 17) located on the 2nd floor and therefore there are no adverse comments to make based on the submitted plans.

Shared twin studio - Bedroom 5 and Bedroom 6 - The proposed open planned kitchen/dining area of 10sq.m. does not meet the minimum requirement of 14sq.m. for 2 sharing.

Shared twin studio - Bedroom 7 and bedroom 8 - The proposed open planned kitchen/dining area of 11.02sq.m. does not meet the minimum requirement of 14m<sup>2</sup> for 2 sharing.

Double occupancy - This room has not been identified on the plan no comments can be made. The minimum room size for double occupancy is 23sq.m.

En-suites - No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage. However, please note the dwelling and facility requirements detailed earlier in the document.

- 2nd Floor - 4972-062 A - 7 x 1 bedroom studios, 2 x shared twin studios cooking, living and dining facilities, 1 x 6 bedroom cluster with shared cooking, living and dining facilities and 1 x double occupancy:

6 bedroom cluster - The proposed open planned kitchen/dining area is 20m<sup>2</sup> slightly smaller than the required of 22sq.m. It is recommended this is addressed by the removal of the internal wall and a reconfiguration of the utilities to provide a safe and usable environment. There will be a duty to licence this property.

Double occupancy - This room has not been identified on the plan so comments can be made. The minimum room size for double occupancy is 23sq.m.

En-suites - No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage. However, please note the dwelling and facility requirements detailed earlier in the document.

- 3rd Floor - 4972-063 A - 10 x 1 bedroom studios:

1 Bedroom studios - PSH have concerns regarding the safe entrance and exit for each of the 1 bedroom studios as the main door shares the same circulation space as the storage provision door.

En-suites - No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage. However, please note the dwelling and facility requirements detailed earlier in the document.

4th - 8th Floor - 4972-064 A - 10 x 1 bedroom studios:

1 Bedroom studios - PSH have concerns regarding the safe entrance and exit for each of the 1-bedroom studios as the main door shares the same circulation space as the storage provision door.

En-suites - No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage. However, please note the dwelling and facility requirements detailed earlier in the document.

- Communal space - A communal space is essential to support a student's life style when they are residing in a hall of residence. It is important that developments provide spacious, furnished and well-lit communal areas for the exclusive use of the students. From the proposed plans, there is approximately 159.8m<sup>2</sup>, excluding the gym (38m<sup>2</sup>) and roof terrace (67m<sup>2</sup>)

2nd floor - Games room 44.31sq.m. and Study 9sq.m.m<sup>2</sup> and 17.51sq.m.

3rd floor - Common room 89sq.m.

PSH is satisfied with the communal space proposed with this development.

## **Contaminated Land Team**

This conversion of first to eighth floors leaves the ground floor as a commercial use. On the understanding that only limited ground works are required for a small extension a condition relating to land contamination is not requested.

The building itself is built on a former printers (c.1969-1972), along with various other small scale commercial uses, and as such the potential for contamination to be present should not be discounted. As such an informative should be added to any planning approval granted, requiring a watching brief for any ground works.

## **Environmental Health**

**Air Quality** - The air quality assessment indicates that annual mean NO<sub>2</sub> concentrations at the site have the potential to be close to the AQO of 40  $\mu\text{g}/\text{m}^3$  in 2018 at ground-level locations. The student residences will be built at first-floor level and above; concentrations of pollutants from a localised source generally dissipate over distance so only the first few floors of the building are likely to be affected by high concentrations of NO<sub>2</sub>. The report has recommended that non-openable windows be installed at the first, second and third floor on the Fratton Road façade, and to ensure there is adequate ventilation, mechanical ventilation is required in the affected rooms in order to limit the potential effects of poor air quality on the future occupants. A condition is suggested requiring the submission and approval of mechanical ventilation to habitable rooms on the first, second and third floors prior to first occupation.

**Commercial Odours** - An odour assessment has been carried out and this survey showed that the odour in the vicinity of the site was primarily that of food, the likely source of this was Domino's Pizza which is located directly below the Venture Tower building, on the ground floor. It would appear from the application that the ground floor will remain retail; should the food premises remain mitigation measures would be required in order to prevent a loss of amenity being caused to the student accommodation. A condition to this effect is suggested

**Lift Noise** - Sample noise and vibration measurements were obtained on the first, third, fifth and eighth floors by the acoustic consultants and it was found that the lift's voice announcements is likely to exceed that BS 8233's recommended guideline noise level of 25 dB L<sub>Amax,F</sub> in the bedrooms. The report has made recommendations that the noise from the lift is investigated further at the design stage of the project to ensure that appropriate noise mitigation can be incorporated into the buildings design.

**Traffic Noise** - Road traffic noise is potentially an issue at this location particularly with rooms fronting onto Fratton Road so appropriate sound insulation measures are likely to be required to ensure noise levels within habitable rooms are within recommended guidelines.

The noise assessment has specified that the proposed student rooms that overlook Fratton Road should be fitted with enhanced sound insulating windows and be equipped with passive or mechanical silenced ventilation so that a suitable internal noise environment can be achieved whilst maintaining adequate background air ventilation inside these rooms. A condition specifying sound insulation measures within habitable rooms is suggested.

**Fixed Plant Noise/Commercial Noise** - The acoustic consultant has carried out a BS4142 noise assessment and found that the fixed plant on the nearby commercial properties and the Venture Towers operates continuously and the noise levels are likely to have a significant adverse impact upon the student's accommodation on the lower floors.

In order to mitigate the potential commercial noise the developer may wish to consider repositioning the habitable rooms away from the noise sources or installing enhanced double glazing and mechanical ventilation. Consideration may also be given to replacing the fixed plant on the Venture Tower building with quieter equipment.



Asda Delivery Noise - Student accommodation that has a line-of-sight to the Asda delivery area are likely to be affected by noise from tonal reversing, impulsive clatter from forklifts were manoeuvring around the delivery area. Recommendations have been made by the acoustic consultant that the student rooms nearest to the Asda premises would need to be designed with a minimum composite façade sound reduction of 34 dB.

Roof Terrace - The application proposes an outdoor roof terrace on the 3rd floor of the development. WHO noise guidelines recommend that noise should not exceed 55 dB LAeq,T. The measurements taken by the acoustic consultant indicate that the noise level in this amenity space will exceed the guidelines without mitigation measures being provided. The applicant may therefore wish to consider an alternative use for this outdoor amenity space or install of a noise barrier around the perimeter of the roof terrace to provide screening from the road traffic noise from Fratton Road.

Summary - In summary the Environmental Health Team wish to raise no objections to this application being granted as there are technical solutions to protect the proposed occupants from environmental noise, air quality and odours, with the installation of sufficient mechanical ventilation, double glazing and suitable extraction equipment.

### **Highways Engineer**

30th November 2017 - Update

The Local Highways Authority (LHA) have now had opportunity to review the further information submitted in support of the application including revised plans, transport assessment and travel plan which incorporates the student intake management plan.

The LHA is comfortable that the revised cycle parking provision now detailed to be Josta two tier cycle stores with proposed enclosure and swing door to provide security meets the requirements of the SPD in nature although only approximately one third of the cycle parking standard has been provided in numerical terms for the student accommodation element of the proposals. This level of cycle parking provision is consistent with that provided for the student halls at both Zurich House and Greetham Street which has been observed to be underutilised. In that light the LHA would not wish to raise a highway objection on the basis of the proposed cycle parking provision.

The Student Intake Management Plan (appendix B to the Travel Plan) has been amended to state that the arrival of students would take place over 2 weekends in September with an allocated time slot of 30 minutes per arrival with a 5 minute buffer between slots, although no provision is made for parking subsequent to the limited unloading period. The LHA is not convinced that this arrangement will prove satisfactory although there are a number of P&D on street parking bays at the site frontage several of which could be suspended to better facilitate student arrival / departure and provide for a longer loading period. This would provide a satisfactory arrangement and the LHA is comfortable that any necessary modification to the Student Intake Management Plan can be required by condition.

In that light the LHA would not wish to raise a highway objection to this application subject to conditions/planning obligation requiring:

- Prior to occupation a student intake management 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 providing adequate parking for that and securing 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 32 secure, weather proof cycle parking spaces have been provided on site in accordance with the requirements of the SPD
- The development shall not be used for other than student accommodation.

Fratton Road is a classified road (A2047) forming a key link within the city's strategic highway network. This section forms part of the local shopping centre and is served by bus services 13, 15 and 18 whilst being within a reasonable walking distance of Fratton Rail Station. Parking is controlled on street by a system of pay and display parking, and parking restrictions of a variety of forms.

The LHA is satisfied that the site is well related to opportunities to travel by sustainable means of transport and can practically operate as a car free development during general operation. As a consequence this proposal is likely to have a less traffic impact than the existing consented uses of the site.

The application details 88 units of accommodation within the building with a number of those providing for multiple occupation. The LHA understand that such an arrangement will not be found acceptable by the LPA and that each unit of accommodation will be limited to single occupation and LHA have assessed the proposal on that basis.

Only 3 parking spaces are proposed to be retained on the application site, with one being related to the retained office use and 2 allocated for staff associated with the student accommodation. Given the accessibility of the building the LHA is satisfied that this provision will be sufficient to manage the general operation of the building although specific management arrangements will be required for the student arrival and departure at the beginning and end of each academic year.

Outside of academic periods it is envisaged that the building will accommodate short term lets and these should similarly be restricted to those following a course of study to reduce the likelihood of any significant demand for car parking by prospective residents.

Only 32 cycle parking spaces are proposed in the application, which compares with the 88 spaces required in the relevant SPD, and these are not provided in the sort of secure weather proof shelters required for long term cycle parking. Whilst I am comfortable with the case made to justify this lesser provision in absolute number of spaces the nature of the cycle parking is not appropriate for longer term cycle storage and this element will need to be revisited.

The student intake management plan assumes that students will move in over one weekend. Whilst the LHA is comfortable with the generality of the proposed management of the arrival arrangements a period of only 20 minutes for unloading with no provision for alternative parking will not be sufficient to meet the demands of students. In similar circumstances where other student halls of residents have constrained on-site parking opportunities a minimum 30 minute unloading period has been facilitated and operators have made alternative provision either by the suspension of on street parking spaces or arrangements with commercial car park operators to ensure parking availability locally for those who arrive early or wish to remain beyond the limited period available for actually unloading. The plan associated with the student accommodation at St Catherine's house is a good example of this. Given the potential for in the order of 44 arrivals each day a minimum of 22 such off-site parking spaces should be secured for each of the arrival days.

As this application stands I must recommend the following reasons for refusal:

- The application does not make appropriate provision for the storage of cycles in secure and weather proof environment in accordance with the requirements of the SPD
- The proposal does not make appropriate provision for vehicle parking associated with the student arrival and departures anticipated at the beginning and end of each academic year.

Should the LPA be minded to approve the application you should conditions / planning obligation should be secure requiring that:

- Prior to occupation a student intake management 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 providing adequate parking for that and securing 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 32 secure, weather proof cycle parking spaces have been provided on site in accordance with the requirements of the SPD
- The development shall not be used for other than student accommodation.

### **Crime Prevention Design Advisor**

No comments received.

### **Natural England**

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.

### **Ecology**

Having reviewed available information and site details, the Ecology Team (ET) would conclude that the site has negligible potential to support protected species and with reference to available biological records the ET have limited concerns that this development would adversely affect any locally designated sites of wildlife importance, or any legally protected or notable habitats or species. The ET would however note that this is a larger building with extensive external works proposed and so, if you were minded to grant permission, it is suggested that the following informative note is added to the decision notice:

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

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).

### **Hampshire Fire & Rescue Service**

No comments received.

### **Southern Water**

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

Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, 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 foul and 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 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. 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."

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.

### **Coastal And Drainage**

Building footprint unchanged, no objection raised.

## REPRESENTATIONS

Two letters of representation have been received on behalf of the Portsmouth Cycle Forum and the Portsmouth Society. Whilst raising no objection to the re-use of the building and recognising the potential benefits of introducing diversity into the Fratton area, objections are raised in respect of:

- a) There is insufficient encouragement for residents of the building to make sustainable travel choices;
- b) The bicycle parking provision is inadequate;
- c) The surrounding road layout is hazardous for cycling; and
- d) Insufficient provision (two) of wheelchair accessible units.

## COMMENT

The main issues for consideration are:

- 1. The principle of a Student Halls of Residence in this location;
- 2. Design;
- 3. Standard of accommodation for future occupiers;
- 4. Impact on the residential amenity nearby occupiers;
- 5. Highways implications;
- 6. Sustainable design and construction;
- 7. Impact on the Solent Special Protection Areas;
- 8. Other matters raised within representations.

Planning permission is sought for the change of use of the building (1st-8th floor) to form a student halls of residence (Class C1) comprising 97 study bedrooms. These would be contained within a mix (86 units) of self-contained studios, twodios (two en-suite bedrooms sharing a kitchen and living area) and a cluster flat. The ground floor uses fronting Fratton Road would remain, as too would a small area of offices at first and second floor on the Somers Road North frontage. In order to facilitate the conversion a number of small extensions and alterations are proposed including the installation of a new brick slip cladding system across the entire building. Access to the student halls would be from a main entrance on Fratton Road with a secondary entrance from Somers Road North through a small service yard which would accommodate refuse and bicycle storage facilities.

### 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)".

The application site is located within the 'Fratton Road' District Centre as defined by Policy PCS4 of the Portsmouth Plan. This policy as a whole seeks to consolidate existing centres to provide a core of retail uses and to prevent the loss of employment uses which make a significant contribution to their long term vitality and viability. Whilst encouraging town centre uses throughout, the policy states that: 'The loss of office (B1a) floorspace at first floor and above will generally be resisted. Proposals that would result in the loss of office floorspace at first floor and above will only be supported where the site is inherently unsuitable for continued employment use or the redevelopment would make a positive contribution to the vitality and viability of the area and create equivalent employment opportunities'.

Whilst the upper floors of Venture Tower were originally constructed to provide office accommodation, it is clear from the planning history that much of the office accommodation has been replaced by alternative uses in the past and the attractiveness of the remaining office space in its current condition/location is questionable. In this respect it is noted that the site/building is not identified as employment land by policy PCS11 of the Portsmouth Plan which seeks to retain and expand existing employment sites. The applicant has provided a letter from its marketing agents (Holloway Iliffe & Mitchell) which states that the building has become more outdated and will need significant investment to make it lettable again and even then there would be question marks as to whether it would be fully let partly due to the absence of parking facilities. It continues, over the past couple of years the building has become virtually empty and enquiry levels for this office space has been virtually zero.

The Students Halls of Residence SPD (October 2014) identifies the need to provide a good standard of student halls in the city with a preferred location in close proximity to existing University facilities and other educational establishments. The SPD identifies a number of opportunity sites within the city centre although it is noted that the application site is not included within this list. The University of Portsmouth (UOP) currently has just under 4,000 student bed spaces (3,657) and seeks 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 and overseas 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
- Former Zurich House (Catherine House) - 999 study bedrooms

In addition, the following schemes are either under construction or progressing 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
- Hampshire Terrace - 38 study bedrooms
- Unity Hall - 96 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 97 purpose built study bedrooms on this site would therefore make a contribution towards meeting this need for students choosing to study within Portsmouth and thereby contributing to the wider economic regeneration of the city. Notwithstanding this assessment, at present there is no obligation on a developer to identify a need for further student accommodation which ultimately will be determined by the market rather than through the planning system.

Whilst not located within one of the development sites identified within the Student Halls of Residence SPD, the application site is situated within close proximity of the main UOP campus (1-1.5km of most teaching blocks). Therefore, journeys by foot or bicycle would be achievable. The provision of purpose-built student accommodation would also contribute towards the delivery of new homes within the city, potentially freeing-up capacity within more traditional housing stock. The significant improvements to the visual appearance of the building as detailed below and the introduction of residential accommodation into the district centre would also contribute to the vitality and viability of the centre outweighing the presumption against the loss of existing remaining office accommodation within the building.

In light of the above, it is considered that the principle of redeveloping the site for purpose-built residential accommodation in the form of a Student Halls of Residence would be acceptable when considered against the aims and objectives of the National Planning Policy Framework (NPPF) (in particular paragraph 14 and chapters 1-4) and all the relevant local planning policies and supporting documents.

However, whilst the principle is considered to be acceptable, there will be certain standards and other policy requirements for new dwellings that would need to be put aside for specialist accommodation of this nature. This would include requirements in respect of space standards, the provision of affordable housing and parking. In order to waive these requirements the Council needs to be satisfied that the proposed halls of residence conforms with the norms set out in the Codes for accommodation provided either by Universities or in accordance with appendix 1 of the SPD, and will be restricted to use solely or principally for students on a recognised full-time course of study.

To achieve the appropriate restrictions the applicant will be required to enter into a Section 106 agreement which would include planning obligations restricting the halls of residence for occupation solely or principally by students on a recognised full-time course of study and to ensure the property does not become permanent (general needs) dwellings.

## Design

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework (NPPF) requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations.

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 (2012) which identifies nine 'areas of opportunity'. 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.'

Whilst the application site already incorporates a tall building, the applicant has acknowledged the need to comply with the Tall Buildings SPD and has provided a Tall Building Statement (TBS) and a series of accurate visual representations of the proposed building from a number of locations. Within their TBS the applicant states that Venture Tower comprises an eight-storey office block, positioned over retail premises which front onto Fratton Road. The first two floors over the whole extent of the ground floor retail premises, and the remaining six floors form a substantial tower block, which dominates Fratton District Centre.

Venture Tower is effectively divided into two separate elements. The first, a three-storey building that extends across the entire site with the exception of a small service yard to the rear. This

element has a painted concrete frame with a mix of shopfronts at ground floor level and ribbon windows with metal frames to the upper floors. The third floor has been constructed with a cantilevered element over the footway on Fratton Road and includes a slightly different window configuration which replicates the treatment to the larger tower element above. The main tower, which extends to 8-storeys, includes floor to ceiling crittal window frames with green blank panels to the lower portion of each floor. This structure is also constructed with a concrete frame but includes masonry to its east and west elevations and cast concrete louvres to its stairwell onto Fratton Road which also projects over the footway.

Although the building is of a particular age, has fallen into a poor state of repair and will not be to everyone's taste, it would have represented an interesting and contemporary addition to the street scene when originally constructed in the late 1960s, and still exhibits features of architectural interest and merit that should not be completely discounted. These features are not however, considered to be worthy of protection/retention when regard is made to overall appearance of the building and the contribution it makes to the wider townscape. Opportunities for refreshing the building's appearance and use clearly exist.

The applicant has sought to work with the existing structure with the submitted Design and Access Statement detailing a range of design solutions that have been considered and discounted. The submitted proposal suggests the complete re-cladding of the building with a brick slip system using texture, alignment and tonal changes to help break up the mass of larger elevations. Although the change from offices served by long ribbon windows to a residential use will inevitably result in a more solid appearance, the inclusion of wide floor to ceiling windows reduces this impact and provides a crisp modern appearance enlivened by the inclusion of projecting metal reveals and vertical brick panels to selected window openings. The proposal has been amended from that originally submitted to incorporate subtle framing detailing to the tower introducing a vertical emphasis and providing further articulation.

The proposal includes small extensions (approx.0.6m) to each side of the main tower and an infill extension at first floor level to the rear. Whilst increasing the width and mass of the main tower, it is considered that this modest increase would not be perceptible with the street scene. The most significant addition would be at third floor level with the introduction of a square extension to the south-east corner connected back to the main tower with an enclosed link corridor. This would give the impression of a full fourth floor to the Fratton Road elevation but read more as a 'floating' box in views from the south, aided by the inclusion of a parapet to the roof terrace, a change in brick colour and a further slight projection beyond the floor below. Large windows with projecting metal reveals define this feature and provide visual interest to the street scene.

The continuation of the same elevational treatments to the remaining office elements and the ground floor commercial uses would provide a comprehensive refresh of the building resulting in a crisp, modern and interesting finish with pleasing window proportions (ratio of solid to void) and subtle changes in colour or texture to enliven the more unrelieved elevations. Whilst the proposed colour palette is bold and does not seek to replicate the typical red, brown or buff brick tones more common throughout the area, the resultant building is considered to be of sufficient quality to stand alone.

Unfortunately the proposal does not seek to address the existing proliferation of plant and telecommunications equipment at roof level. However, the incorporation of a 1.4 metre high parapet feature would help reduce the visual impact of this equipment particularly within shorter distance views.

Overall it is considered that the alterations and additions could represent a significant improvement to the existing building in line with the requirements of PCS23 and PCS8 which seeks to encourage physical improvements that enhance the appearance of the city's district centres. However, the success of this design solution will ultimately hinge on the finer details in respect of materials, finish and the full implementation of the external changes to achieve the



design concept presented and considered. As such conditions are suggested requiring the submission and approval of all external materials and finishes, and to ensure that the development is completed in full accordance with the approved drawings as a single building operation. This is considered necessary and reasonable on the basis that a part implemented permission could actually result in further visual harm to the area and weight has been placed on the visual benefits of the proposal when balancing other policy requirements.

Whilst the inclusion of trees on drawings at upper floor level is often indicative, planting at this level would not only contribute to the quality of the external amenity space for residents, it would provide opportunities for biodiversity enhancement within the area, interest to the street scene and visual relief from the large areas of brickwork. As such a condition seeking the submission of a landscaping scheme is proposed that can explore the feasibility of large scale planting at this height or alternative solutions that could offer similar benefits.

In reaching the above conclusion in respect of design, significant weight has been placed on the quality of the external finishes suggested within the submission including the use of a brick slip system and the specific detailing explained within drawing 4972-076 Rev-A.

A similar proposal to that formally submitted was presented to the Design Review Panel (DRP) at pre-application stage. The panel considered that the building lends itself to student use and the analysis undertaken for this scheme was thought to be solid and the overall approach supported. The panel identified the need to identify an appropriate brick colour suggesting a grey as a contrast to the 'redness' of the area. They also expressed a preference for the inclusion of larger windows to break down the expanse of brickwork. Some concerns were raised over accommodation at first and second floor and the inclusion of design elements that have now been removed from the scheme. Overall it is considered that the views of the Panel have been taken into consideration as part of the final design process which is encouraging.

#### Standard of accommodation for future occupiers

Policy PCS23 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 of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.

In terms of internal living conditions, much of the accommodation would be formed by a series of self-contained studios ranging between 19 and 31sq.m. The remaining accommodation would comprise twodios (twin studios/two en-suite bedrooms sharing a kitchen and living area) and a cluster flat. In addition to living space within the individual units, occupiers would benefit from the use of a gym positioned centrally at first floor level, study and game rooms at second floor level and a large common room (89sq.m.) at third floor level within the new extension. Occupiers would also benefit from the use of a communal laundry facility and a roof terrace.

Following initial concerns raised by the City Council's Private Sector Housing Team (PSHT) in respect of a small number of the proposed units, the applicant has provided amended drawings removing two study bedrooms and reconfiguring the internal layout. The PSHT raise no significant concerns with the amended proposal but highlight that the position of some kitchens areas raise safety concerns, which could be overcome by the installation of a fire suppression system, and a clash of doors at the entrances to some studios which could be addressed through the use of sliding doors to bathrooms if necessary. The applicant has indicated that fire suppression systems would be installed to each of the study units and can be sought through the building control regime or the Housing Act through the PSHT as necessary.

The City Council's Environmental Health Team (EHT) has also considered the application along with the supporting Air Quality and Odour Assessment (AQA) and Noise and Vibration

assessment (NVA). They note that whilst located within an Air Quality Management Area, the student accommodation would be situated at first-floor level and above where concentrations of pollutants from localised sources generally dissipate over distance. The supporting AQA recommends that non-openable windows be installed at the first, second and third floor level on the Fratton Road façade with rooms mechanically ventilated in order to limit the potential effects of poor air quality on the future occupants. The EHT support this approach and recommend a condition to this effect.

In addition to traffic noise on Fratton Road, commercial noise associated with the operation plant and the adjoining supermarket service yard has been identified as a potential source of harm to future residents. However, having regard to the supporting assessments, the EHT highlight that there are technical solutions to address each of these concerns through the use of specific glazing types, insulation and mechanical ventilation to rooms at lower floor levels. Conditions seeking the submission of schemes to insulate habitable rooms against road traffic noise, commercial noise and plant noise and for the suppression and dispersal of odours and fumes associated with cooking operations within commercial units at ground floor level are suggested.

It is accepted that the standard of accommodation within a number of student units at first and second floor level, particularly to the rear of the site would not be of the highest possible quality as a result of their mechanical ventilation systems and outlook over service areas. However, these units are more generously sized and would still benefit from a good degree of natural light and views beyond the service areas. Overall, it is considered that with the safeguarding measures highlighted by the EHT and PSHT, the standard of accommodation proposed would be acceptable and when considered in combination with the significant visual improvements to the building and potential benefits to the district centre, the proposal would represent a sustainable re-use of the existing building.

The applicant has indicated that there would be an on-site manager (Unit 15 -first floor) who would be responsible for the wellbeing of future residents, to manage the communal facilities including the roof terrace, and to act as a point of contact in the event of disturbances.

Whilst seeking to ensure that all new developments are fully accessible for all, the Local Planning Authority does not have any specific policies that seek to define the number of units within this form of development that must be fully accessible.

#### Impact on the residential amenity nearby occupiers

Despite the dense urban form that is typical of the Fratton area, the site is relatively well separated from residential dwellings to the north, south and west. To the east, the site is bounded by the busy Fratton Road with a mix of commercial uses opposite including a large public house, shops, restaurants and hot food takeaways. A number of these buildings are single-storey in nature, although there do appear to be residential uses above at least two of these units. Residential uses are more typical beyond the Fratton Road frontage to the east.

In terms of general day to day activity, the proposed use is unlikely to generate significantly more comings and goings than the existing lawful use of the site if fully occupied. There would however, be a notable increase in activity around the site during the evening and at night when the offices would typically be closed. However, having regard to limited opportunities for increased noise and disturbance given the busy nature of this part of Fratton Road which includes a number of late night uses, it is considered that the proposal is unlikely to have any significant adverse impact on the residential amenity of nearby residents.

The greatest opportunity for noise and disturbance would come from the use of the roof terrace during periods of good weather. The submitted drawings indicate that this area would be landscaped to prevent direct access to the building's edge, although this would not prevent sound from travelling beyond these boundaries. Whilst it is expected that this area would be managed during the evenings to prevent excessive disturbance to students within the

neighbouring study rooms and safeguard the safety of students, it is considered that as a result of the degree of separation to the nearest residential properties and the presence of intervening structures, it would not be necessary to control the use of this space through condition.

#### Highways implications

The application site is located on Fratton Road which is classified (A2047) forming a key link within the city's strategic highway network. This section of Fratton Road is well served by bus services and is within close walking and cycling distance to Fratton Station, shops, services and university facilities. Parking within the area is generally on-street and controlled through pay and display meters and residents' parking zones.

The proposal has been considered by the Local Highways Authority (LHA) who highlight that as opportunities to travel by sustainable means of transport are available, the development can practically operate as a car free development during general operation and would, as a result, have a reduced impact on traffic when compared to the existing lawful uses at the site.

Following the submission of amended drawings, only 2 parking spaces are proposed to be retained on the site with the remaining spaces reused to provide secure bicycle storage facilities. Whilst the LHA raise no objection to the proposed level of parking, it is highlighted that a critical issue will be the management arrangements to be adopted for the arrivals and departures of tenants at the beginning and end of each academic year when there is likely to be a significant demand for access by car over a relatively short period.

To address initial concerns of the LHA, the applicant has provided an updated Transport Assessment and Travel Plan which includes a Student Intake Management Plan. These documents have been reviewed by the LHA who advise that whilst the arrangements suggested would not be satisfactory, on the basis there is technical solution to address these concerns, perhaps with the temporary suspension of Pay and Display Spaces on Fratton Road on intake/departure days, no objection is raised. This is subject to the submission of an updated Travel Plan/Student Intake Management Plan which would be secured through the legal agreement.

In terms of bicycle storage, the proposal incorporates secure facilities for 32 bikes within the rear yard. The LHA highlight that whilst the proposed facilities would only amount to approximately a third of the number sought by the Parking Standards SPD, the stores themselves and the associated security features would be acceptable. On the basis that the provision is broadly in line with that provided for the student halls at both Zurich House (Catherine House) and Greetham Street which has been observed to be underutilised, the LHA raise no objection to the proposed cycle parking provision. Whilst improvements to the cycle infrastructure within the city is encouraged, it is not considered that the measures sought by the Portsmouth Cycle Forum and the Portsmouth Society are necessary to make the development acceptable and a contribution to such works could not be justified.

Given the constrained nature of the site, the parking restrictions in the area and its proximity to a service yard/road used by heavy goods vehicles serving the adjacent supermarkets, it is considered reasonable to apply a condition requiring the submission of a construction management plan. This should detail contractors' parking and areas for the storage of materials, as well as arrangements for deliveries to the site to ensure no adverse impact to the surrounding highway network neighbouring land users.

The Waste Collection Team highlight that there would be sufficient capacity for the storage of refuse and recyclable materials on site although alternative layouts have been suggested combining waste from the student halls with the retained office use. A detailed waste management strategy can be required through a suitably worded planning condition.

## Sustainable design and construction

All new development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD, adopted in 2013). Both the policy and SPD require that non-residential developments which involve the construction of more than 500sq.m. of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards. However, it also states that if a development proposes the construction of less than 500sq.m. of new floorspace then there are no sustainable design standards which need to be met in order to obtain a planning permission. The applicant has however, submitted a Sustainability Statement highlighting that the development would incorporate sustainable design and construction techniques to minimise its demand for resources and contribute towards addressing climate change as sought by Policy PCS15 of the Portsmouth Plan.

Southern Water indicates that the proposal would increase flows into the foul and surface water sewerage system and that the current network cannot accommodate the needs of the development without the provision of additional local infrastructure. Given the existing 100% site coverage with impermeable materials, the City Council's Drainage Team indicate that the proposal would not increase surface water run-off and no objection is raised. In order to address the concerns of Southern Water a condition is proposed seeking the submission and approval (in consultation with Southern Water) of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable.

## Impact on the Solent Special Protection Areas

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the amount of protected species (such as waders and Brent Geese) that they support. 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 and therefore mitigation measures must be secured before planning permission can lawfully be granted.

The Solent Special Protection Areas Supplementary Planning Document (adopted in 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. This proposal for purpose-built student accommodation is approximately 2.5km from the Solent SPAs and will result in a net increase in population, and therefore a significant effect on the Solent SPAs.

As set out in the Solent Special Protection Areas Supplementary Planning Document, 'due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than Class C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose-built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing'.

The proposed halls of residence would result to a net increase in population, which in all likelihood would lead to a significant effect, (as described in the Conservation of Habitats and Species Regulations 2010) on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas (SPAs). This has been acknowledged by the applicant who has indicated that they will enter into a planning obligation to provide the necessary mitigation. The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £1,755.70 ( $97/5 \times £181/2$ ) where the SPD

states '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 a unit of residential accommodation'. In order to mitigate the recreational disturbance impacts of the proposed development the applicant will be required to make a financial contribution of £1,755.70 to make the development acceptable in planning terms.

It is considered that subject to the inclusion of this mitigation package within a legal agreement, there would not be a significant effect on the Solent SPAs and the requirement for a legal agreement to secure this mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

## Conclusion

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 proposal would result in significant visual enhancements to an existing dated and tired building which would make a positive contribution to the character of the surrounding area and the vitality and viability of the Fratton District Centre without significant adverse impact on surrounding and nearby occupiers.

**RECOMMENDATION 1** - That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

1. A provision to secure the accommodation of each study bedroom and the caretaker flat for an individual University of Portsmouth student (or those on an equivalent full-time course) during their period of study/the caretaker of the building, and not to use the halls of residence for any purpose during academic term times other than as residential accommodation for a student during their period of study;
2. To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to the Assistant Director of Culture and City Development upon request;
3. At all times, other than University of Portsmouth Academic Terms, not to use the halls of residence 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. Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution before development commences;
5. Prepare, implement and monitor a Travel Management Plan with the submission of contact details of the Travel Management Plan Coordinator and details of arrangements for managing busy periods at the start and end of terms with associated auditing contribution;
7. Prepare, implement and monitor a Community Liaison Plan with the submission details of how the development will operate with minimal disruption to local residents, points of contact both during office and out-of-office hours and procedures for addressing potential conflict.
8. The payment of associated fees upon implementation of planning permission.

**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 legal agreement has not been completed within three months of the date of the resolution.

## 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: 4972-001, 4972-060 Rev-C, 4972-061 Rev-B, 4972-062 Rev-A, 4972-063 Rev-A, 4972-064 Rev-A, 4972-065 Rev-A, 4972-066, 4972-070 Rev-A, 4972-071 Rev-A, 4972-072 Rev-A, 4972-073 Rev-A, 4972-074 Rev-A, 4972-075 Rev-A, 4972-076 Rev-A, 4972-080, 4972-081, 4972-082, 4972-083, 4972-084 and 4972-085.
- 3)
  - (a) No development pursuant to this permission shall commence until a detailed schedule of materials and finishes (including samples where requested) 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; and
  - (b) The development shall thereafter be carried out in full accordance with the schedule of materials approved pursuant to part (a) of this condition.
- 4) Unless otherwise agreed in writing with the Local Planning Authority, before the Student Halls of Residence hereby permitted is first occupied/brought into use, all external alterations and additions shall be carried out and completed as shown on the approved drawings (and pursuant to the requirements of Condition 3).
- 5)
  - (a) No development pursuant to this permission shall commence until a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.
  - (b) The development shall thereafter be carried out in full accordance with the approved scheme and timetable approved pursuant to part (a) of this condition
- 6)
  - (a) No development pursuant to this permission shall commence until a detailed scheme for the mechanical ventilation of habitable rooms on the first, second and third floors has been submitted to and approved in writing by the Local Planning Authority. The scheme should provide sufficient evidence to demonstrate that extract and purge ventilation rates can be achieved, and ensure that all associated air intakes and exhaust points are situated within areas where national air quality objectives are not exceeded; and
  - (b) The Student Halls of Residence hereby permitted shall not be occupied/brought into use until the means of mechanically ventilating habitable rooms on the first, second and third floor has been installed in accordance with the details approved pursuant to part (a) of this condition.
  - (c) The means of mechanically ventilating habitable rooms on the first, second and third floor approved pursuant to part (a) of this condition shall thereafter be retained at all times.
- 7)
  - (a) Before the Student Halls of Residence hereby permitted is first occupied/brought into use, a system to suppress and disperse odour and fumes associated with cooking operations within commercial units at ground floor level shall be installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment as per the method in Annexe C of "The Guidance on the control of odour and noise from commercial kitchen exhaust systems" DEFRA 2005" and detail any proposed equipment and associated maintenance programme; and

(b) The system to suppress and disperse odour and fumes approved pursuant to part (a) of this condition shall thereafter be retained at all times.

8)

(a) No development pursuant to this permission shall commence until a scheme for insulating habitable rooms against road traffic noise, commercial noise and plant 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:

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

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

(b) The measures detailed within the scheme approved pursuant to part (a) of this condition shall then be fully implemented in accordance with the approved details before the Student Halls of Residence is first occupied/brought into use and shall thereafter be retained at all times.

9)

(a) No development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority, and

(b) Unless otherwise agreed in writing by the Local Planning Authority, the approved Construction Management Plan shall be implemented in accordance with the details approved pursuant to part (a) of this condition and maintained until the development is complete.

10)

(a) Before the Student Halls of Residence hereby permitted is first occupied/brought into use, a detailed hard and soft landscaping scheme for the roof terrace which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance, together with details of seating, lighting, screening and surface treatments has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the occupation of the Halls of Residence or completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

11)

(a) Before the Student Halls of Residence hereby permitted is first occupied/brought into use, bicycle storage facilities (32 bicycles within Josta two tier cycle stores with enclosures) shall be provided, and made available for use, in accordance with the approved drawings; and

(b) The bicycle storage facilities approved pursuant to part (a) of this condition shall thereafter be retained for storage of bicycles at all times.

12)

(a) Notwithstanding the submitted details, before the Student Halls of Residence hereby permitted is first occupied/brought into use, facilities for the storage of refuse and recyclable materials associated with both the Student Halls of Residence and other commercial uses at the site shall be provided in accordance with a detailed scheme submitted to and approved in writing with the Local Planning Authority; and

(b) The refuse storage facilities approved pursuant to part (a) of this condition shall thereafter be retained for the storage of refuse and recyclable materials at all times.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure the development is fully implemented in accordance with the approved drawings in the interests of visual amenity having regard to the specific judgement that has been made in respect of the external alterations to the building and the positive impacts it would have on the surrounding area in accordance with policy PCS23 of the Portsmouth Plan.
- 5) 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).
- 6) To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Local Plan.
- 7) To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Local Plan.
- 8) To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Local Plan.
- 9) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network and impact on occupiers of adjoining residential/commercial properties in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 10) In the interests of visual amenity, to secure a high quality external amenity space for future residents, to protect the amenity of occupiers within the closest study bedrooms and to enhance biodiversity opportunities in accordance with policies PCS13, PCS15 and PCS23 of the Portsmouth Plan.
- 11) To ensure that adequate provision is made for cyclists using the halls of residence 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.
- 12) To ensure that adequate provision is made for the storage/collection of refuse and recyclable materials associated with existing and proposed uses at eh site in accordance with policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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



**8 QUEENS ROAD FRATTON PORTSMOUTH PO2 7NX****CONVERSION OF EXISTING BUILDING WITH FIRST FLOOR EXTENSION AND ERECTION OF NEW SECOND STOREY TO FORM 6NO. ONE-BEDROOM UNITS AND 2NO. TWO-BEDROOM UNITS, WITH ASSOCIATED WORKS AND PROVISION OF SECURE CYCLE AND BIN STORAGE (AMENDED DESCRIPTION)****Application Submitted By:**

HRP Architects  
FAO Mr Alex Paul

**On behalf of:**

Relcap Ltd  
FAO Mr Scott

**RDD:** 17th August 2017

**LDD:** 13th October 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to committee for determination due to an objection raised by the Highways Engineer on the basis of a shortfall in parking provision.

The main issues in the determination of this application relate to the following:

- The principle of the proposal having regard to the location within a Local Centre
- Design and appearance of the proposed extensions and impact on heritage assets
- Standard of living accommodation for future occupants
- Impact on the amenity of neighbouring residents
- Parking and highway implications
- Impact on the Solent Special Protection Area (SPA)

**Site**

The application site is located on the southern side of Queens Road, close to the junction with Kingston Road. The site is occupied by a part single, part 2-storey building constructed in the 1970's, which is currently vacant but was previously used as a doctors surgery. To the rear of the site is a hard surfaced parking area, with gated vehicle access from Queens Road. The rear boundary of the site is surrounded by a high boundary wall.

There is a single-storey building adjacent to the site to the east, beyond which is a row of 3-storey residential buildings. To the west of the site is a pair of 2-storey houses and opposite the site is Buckland United Reformed Church, which is locally listed. On Kingston Road, there is a mix of commercial and residential uses, with buildings varying between 2 and 3-storeys in height. The site lies within the Kingston Road Local Centre, as defined by Policy PCS18 of the Portsmouth Plan.

## Proposal

Planning permission is sought for the conversion and extension of the existing building to form 6 x 1-bedroom flats and 2 x 2-bedroom flats. Internally, the accommodation would be laid out as follows:

- Ground floor - communal entrance hall, 3 x 1-bedroom flats (including 1 disabled unit), and internal cycle and refuse storage;
- First floor - 2 x 1-bedroom flats and 1 x 2-bedroom flat;
- Second floor - 1 x 1-bedroom flat and 1 x 2-bedroom flat.

The original proposal was for 5 x 1-bedroom flats and 3 x 2-bedroom flats, but in order to achieve suitable refuse storage facilities within the building, one of the flats was reduced in size following amendments to the plans.

The building would be extended above the existing flat roof and to the rear, to provide an extended first floor and an additional second floor. At the front of the building, the extension would result in an increase in height of 2.5m. At the rear, the extension would be built over an existing single-storey projection, to the same depth and width, and would result in a 5m increase in height for the rear part of the building. The second floor extension would be set back from all sides of the building, with the exception of a new projecting bay feature on the front elevation.

To the rear of the site, the existing parking area would be formally laid out to provide 4 parking spaces (including 1 disabled space), and private amenity space would be provided for flats 1 and 2. Additional private and communal amenity space / terraces would be provided at second floor level. An internal cycle store for 12 cycles would be located inside the building at ground floor level, along with a bin store, which would have external doors on the front elevation.

## Planning history

The relevant planning history relating to the site is as follows:

- o A\*26749/A - erection of group practice surgery (after demolition of existing building) - permission 20/01/1972
- o A\*26749/AA - construction of 2-storey/first floor extensions, cladding and alterations to north, south and west elevations - permission 09/04/1998
- o A\*26749/AB - construction of 2-storey/ first floor extensions, cladding and alterations to north, south and west elevations - permission 16/06/2005
- o 09/01426/FUL - construction of first floor level and 2-storey extension to rear and installation of external staircase - permission 11/12/2009

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS18 (Local shops and services), PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density),

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

PCS17 (Transport), PCS18 (Local shops and services), PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density).

## CONSULTATIONS

### Environmental Health

No comments received.

## **Natural England**

### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

This application is within 5.6km of the Portsmouth Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has adopted Solent Special Protection Areas 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 SPD and an appropriate planning condition or obligation is attached to any planning permission to secure the contribution, 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.

## **Highways Engineer**

This application is for conversion of existing building with upper floor extensions to form 5 no One-bedroom flats and 3 no two-bedroom flats with associated parking and cycle storage. I have reviewed the information submitted and would make the following comment;

Queens Road is a residential road in the North End area of Portsmouth that runs from East to West between Kingston Road and Copnor Road and is subject to a 20mph speed limit. There is on street parking arranged along much of its length controlled by double yellow line restrictions. There is often demand for parking outstripping the capacity available on street leading to vehicles being parked on double yellow line restrictions at junctions causing a road safety hazard.

Access is currently available to the rear of the site where some car parking exists. It is proposed to retain this access and three parking spaces located at the rear of the site. I am comfortable that this proposal would not intensify use of this access and as such no alterations would be required.

No assessment of trip generation associated with the proposed development has been provided however I would expect that the existing use is likely to have a significantly higher associated trip generation than the proposed flats therefore I am satisfied that an assessment of the local highway network would not be required.

The Portsmouth Parking SPD gives the expected number of parking spaces that should be provided for new residential development. The proposed development would have an overall parking demand of 9.5(10) parking spaces. Capacity for 3 vehicles has been made available on the site however this is significantly short of the 10 spaces required by the Parking SPD. In an area where no capacity exists on street to accommodate a parking shortfall associated with the development, the current proposals are unacceptable in parking terms and are likely to exacerbate existing road safety issues.

The Portsmouth parking SPD also gives the expected amount of cycle parking that should be provided for new residential developments. The expected number of cycle spaces that should be provided for this development is 11 spaces plus a further space for visitors. It is proposed to provide 10 cycle parking spaces in a shared store, one less than is required. There is also no provision for visitors to the site. That said, I am of the opinion that sufficient cycle parking capacity can be provided on the site and could be secured by an appropriately worded condition.

As the application stands, I must raise a highways objection on the following grounds;

The parking shortfall associated with the proposed development cannot be accommodated on street and would likely exacerbate the existing issue of indiscriminate parking on yellow line restrictions thus increasing the risk to road safety.

### **UPDATED COMMENTS FOLLOWING RECEIPT OF FURTHER INFORMATION**

Following a conversation with Paul Basham associates regarding the objection raised by the LHA after considering the initial application and supporting evidence, further evidence has been submitted to address the concerns of the LHA. I have reviewed the further information prepared by Paul Basham Associates and would make the following comment;

The initial objection raised by the LHA was as follows;

o The parking shortfall associated with the proposed development cannot be accommodated on street and would likely exacerbate the existing issue of indiscriminate parking on yellow line restrictions thus increasing the risk to road safety.

The agent has sought to prove the presence of available on-street parking by conducting 2 "spot surveys" of the parking provision within 200m of the application site to gauge the likely availability of on-street parking spaces to accommodate the parking shortfall associated with the proposed development. The development had a parking demand for 9.5(10) spaces with 3 provided on site, a shortfall of 7 to be accommodated on street.

Of the roads surveyed within a 200m radius of the site, approx. 10 available spaces were found on each occasion. My contention is that the survey, especially on the weeknight, occurred earlier than the usual peak demand. Numerous parking enforcement operations carried out in this area between 22:00-03:00 have shown that no space exists on street to accommodate further demand reflected by the high number of penalty charge notices issued to vehicles parking on double yellow line restrictions which suggests that there are no other alternatives. It is my opinion that a survey carried out after 20:00/20:30 would have resulted in fewer available spaces.

The agent has also studied the relevant census data for the area in which the site is located, this would suggest that approx. 38% of households do not own a car, whilst this data is now 6 years old, it would be a reasonable assumption that at least 30-35% of households in this ward still live "car-free" and that perhaps not all residents of the proposed development would necessarily own a vehicle when considering the type of accommodation contained in the development and its proximity to shops, services and bus routes.

A layout change has also been made that relocates the bike store to the front of the site allowing for the 3 parking spaces to be shifted over and for a 4th space to be included. This will be designated as a disabled bay to serve one of the ground floor units that has been redesigned to be DDA compliant and reduced to one bedroom thus reducing the overall parking demand of the development to 9 spaces. This reduces the parking shortfall to 5 spaces in terms of SPD requirements.

The agent has brought to my attention a previous appeal decision that allowed a similar sized development in the same road as well as a subsequent permission granted at that same site to which the LHA did not object. The initial appeal decision was made in 2005 however that permission expired before being implemented, an application was then made again in 2015 at that site and granted permission as the earlier appeal decision was deemed material to the application. The LHA did object to the earlier application however the inspector felt that the impact of additional vehicles requiring parking did not constitute a "severe" impact. It should also be noted that the existing property at that site had an overnight parking demand already and was able to release two spaces by reinstating a redundant dropped kerb. Due to the fact that the appeal decision was for a different site with different characteristics and the considerable time that has passed since the appeal decision wherein traffic conditions have changed and further development carried out nearby since said appeal decision, I am of the opinion that the appeal decision is not material to the outcome of this application.

## Summary

The applicant has provided a robust justification for the parking shortfall associated with the proposed development. Whilst I note that the current use as a Doctor's surgery would create significantly more trips and likely a greater parking demand, the peak demand occurs at a different time of day to the peak demand associated with the proposed residential use. That said, I note that the designer has revised the layout to create an additional space and reduce the size of one of the units thus slightly reducing the overall parking demand whilst retaining the required cycle parking.

Whilst I believe that there is not the scale of spaces available as indicated by the parking spot survey, it would be unreasonable to suggest that there are not opportunities to park in the area in the absence of evidence to the contrary. Equally, given the demographic of the area, there is a good chance that not all residents would want to own a vehicle; although this is difficult to quantify, I would make the assumption that the overall parking demand could be reduced by up

to 2spaces to reflect this. This however would still leave a shortfall of at least 3 spaces to be accommodated on street.

The site is not in an area whereby a reduction in parking standard can be considered and although I would agree that the parking standard set out in the SPD is not necessarily fully representative of this area, the parking shortfall is so great that I must object to the proposal on the following grounds;

The parking shortfall associated with the proposed development cannot be accommodated on street and would likely exacerbate the existing issue of indiscriminate parking on yellow line restrictions thus increasing the risk to road safety.

If you are minded to approve the application, I would wish for you to secure the following conditions;

Vehicle parking should be provided as per drawing 8702/02/A prior to occupation of the development and thereafter retained for use by residents

Cycle parking should be provided as per drawing 8702/02/A prior to occupation of the development and thereafter retained for use by residents

It should also be noted that before commencing any works on the Highway, the relevant permissions must be sought from Colas in the first instance.

Cycle parking should be provided as per drawing 8702/02/A prior to occupation of the development and thereafter retained for use by residents

It should also be noted that before commencing any works on the Highway, the relevant permissions must be sought from Colas in the first instance.

### **Waste Management Service**

Looking at the plans I am not happy with the waste storage for this application. The bins come out straight on to a parking space and the walk way around doesn't look wide enough for the bins, also there is a matter of distance appearing to exceed 25 metres from the kerbside. If the plan is given permission in its current form we may require a condition is installed for the owner to make arrangements for the bins to be transported to the kerb side for their scheduled collection otherwise collections will not take place.

### **UPDATED COMMENTS**

I have looked at the plans and though they are definitely a move in the right direction there are a few things that still need ironing out. As you will see from the images from, I would ask for the following matters to be addressed.

The plan shows two bins in the bin store, but if the plan is to actual scale you cannot physically get the bins in or out from the bin store. I would suggest the developers lose the window next to the front door and extend the bin shed so that both bins have space to be moved in and out independent of each other, which will also allow the residents space to go in and place the refuse/recycling in the appropriate bin.

The bin store must be level with the pavement, the current elevations shows that it isn't flush with the pavement meaning you would have to step in and, again, you would not have safe access and egress to get the bins out as they can weigh up to ½ tonne when full.

### **REPRESENTATIONS**

1 representation has been received, raising objection on the grounds of lack of parking, which would worsen the parking situation in the area.

## COMMENT

### Principle of the proposal

The development would provide an additional 8 flats, contributing to the wider housing need within Portsmouth. In this respect, the proposal is considered to be in accordance with the objectives of Policies PCS10 and PCS19 of the Portsmouth Plan.

The site lies within the Kingston Road Local Centre as defined by Policy PCS18 of the Portsmouth Plan. This policy seeks to ensure that the Local Centres continue to fulfil their role as retail and service centres, to meet the needs of the local population. The Policy states that residential and office use (Class B1) will be encouraged within Local Centres but not at ground floor level. However, this site is not directly on the Kingston Road frontage and is in an area which is characterised by a mix of commercial and residential uses. The building was previously in use as a surgery but is currently vacant. A letter from the NHS was submitted in support of the application, explaining that the surgery had struggled to recruit new GP's and were unable to secure a merger with another practice in the city. The letter goes on to explain that despite exploring several options to try to keep the surgery open, including finding another practice to run it, no alternative solution was found. It is also stated in the letter that there are a number of other surgeries in the local area and that all former patients have been registered elsewhere. Therefore, whilst the proposed development would result in the loss of a community facility in a local centre, having regard to the points made in the letter, there is a risk that the building could simply remain vacant if an alternative use is not found. It is also relevant that although the site is within the defined local centre, it is not on the main Kingston Road frontage and the majority of Queen's Road is characterised by residential uses. The proposal to bring the building back into a viable use as residential flats is therefore considered appropriate in principle in this instance.

### Affordable Housing

Policy PCS19 states that affordable housing would be required for developments of 8 dwellings or more. However, following a change to Government policy in 2014 (which was upheld at the Court of Appeal in 2016), Local Authorities are no longer able to seek affordable housing on developments of 10 dwellings or less. Therefore, as the proposal is for a net increase in 8 dwellings, there is no requirement for affordable housing.

### Design and appearance and impact on heritage assets

The proposed development would be achieved through part conversion, part extension to the existing building. The existing building was constructed in the 1970's and has a somewhat unique appearance with curved corners and slim vertical windows on the upper floor. The proposed extensions have sought to respect the appearance of the existing building. There would be limited change to the footprint of the building at ground floor level, other than the construction of a modest extension to the front (north) elevation to form an entrance and projecting bay feature. At first floor level, the building would be extended to the rear, following the ground floor footprint and including curved corner walls as per the existing building. At second floor level the extension would be set back from the sides of the building to create a subservient appearance and the corner walls at the front of the second floor would also be designed with curved corners. In terms of materials, the brickwork walls at ground floor level would be retained and the upper floor extensions would be rendered, as per the existing first floor of the building. In addition, the windows at second floor level on the front elevation would line up with those on the first floor, maintaining the vertical emphasis. Overall, it is considered that the proposed development has been well designed to create a modern development which respects the unique appearance of the existing building.

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets.

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In this case, there is a locally listed building (Buckland United Reformed Church) opposite the site. The impact of the development on this heritage asset must therefore be considered.

The proposed development would be seen in context with the side elevation of the Church when viewed from further along Queens Road, looking west. As noted earlier in this section of the report, the proposed development has been designed to respect the design characteristics of the existing building and the additional second floor would be set back from the frontage of the building, creating a subservient appearance. Furthermore, the proposed three-storey height would respect the scale of the adjacent 3-storey residential buildings to the east. Therefore, whilst the building would be increased in size, it would respect the scale of surrounding development and it is not considered that it would appear unduly prominent or visually intrusive within the streetscene. It is therefore considered that the setting of the locally listed Church would be preserved.

There are some other locally listed buildings to the south-east of the site, on the west side of Kingston Road. However, due to the location of the proposed development fronting Queens Road rather than Kingston Road, it would not have a visual relationship to these locally listed buildings.

#### Layout and standard of living accommodation

All of the proposed flats would meet the minimum size standards set out within the Nationally Described Space Standards, and are considered to have a suitable standard of outlook and light, with the majority of the habitable room windows facing north or south, either over the street or to the rear amenity areas and car park.

Following concerns raised by officers regarding a general lack of external amenity space for the residents, the applicants amended the plans to provide additional amenity areas at ground floor and first floor level. This would include small private amenity areas for flats 1, 2 and 8 and a communal amenity area at first floor level, accessed via the shared hallway. Whilst ideally it would be preferable for more external amenity space to be provided, in this case it is considered that the benefits of providing on-site parking, in terms of easing the potential parking pressure on surrounding streets, outweighs the need for further amenity space to be provided in this case.

#### Impact on amenity of neighbouring residents

There are neighbouring residential properties to the east and west of the site. To the west, the adjacent property (No.6 Queens Road), has a blank part 2-storey, part single-storey flank wall extending to a greater depth than the building on the application site and there are no windows on this property that would be significantly affected by the development. Whilst the access driveway to the rear parking area runs immediately adjacent to the boundary with No.6, this is an existing access, which would have been used by a number of vehicles a day when the building was used as a surgery. It is therefore not considered that the development would result in any significant impact on the amenities of the residents of No.6 Queens Road, in terms of loss of outlook, light or privacy, or increased noise and disturbance.

To the east, there is a single-storey building which appears to be in commercial use immediately adjoining the application site. This building has a flat roof and extends back into the site along much of the length of the eastern boundary of the application site. The presence of this building provides a degree of separation between the application site and the nearest residential property (No.10 Queens Road), which is 3-storey in height and is believed to be in use as flats. There are some side facing windows on this building, which face directly over the application site and would be impacted to some extent by loss of light due to the proposed increased height

of the building. However, a review of the planning history and floorplans for this building suggest that the side facing windows and the rear windows closest to the application site serve hallways or bathrooms and are therefore non-habitable room windows. On this basis it is not considered that the proposed increase in height of the building at No.8 Queens Road would have a significant impact in terms of loss of outlook or light to the occupants of No.10.

With regard to privacy, it is considered that any potential overlooking from the proposed amenity areas at second floor level towards the residential properties to the east could be satisfactorily mitigated by the provision of appropriate screening, which could be secured by condition.

To the south-west of the site there are a number of windows on No. 158 Kingston road, which have an oblique view over the application site. This building is approximately 14m away from the proposed development and given that it is not directly to the rear of the site, it is not considered that the residents of this building would be significantly impacted by loss of outlook, light or privacy.

#### Parking and highway considerations

The proposed development would include the provision of 4 car parking spaces within the hardstanding area at the rear of the site. Access to the car park would be via the existing access from Queens Road, which is considered to be acceptable in terms of width and visibility. The Highways Engineer is satisfied that the level of traffic likely to be generated by the development would not have a significant impact on the local highway network.

The proposal for 6 x 1-bedroom flats and 2 x 2-bedroom flats would generate a requirement for 9 parking spaces in accordance with the Council's Adopted Parking Standards, along with 10 cycle spaces. The proposal to provide 4 car parking spaces would therefore fall short of the standards and the Highways Engineer has objected on this basis, noting that there is limited availability for on-street parking on surrounding streets. In response to this objection, the applicant employed a Highway Consultant who has submitted the results of 2 parking surveys. The surveys were undertaken at 19:16 on Thursday 12th October (for 40 minutes) and 21:00 on Saturday 14th October (for 60 minutes). The surveys indicated that there were up to 10 spaces available within 200m of the site on both occasions. The Consultant also made reference to an appeal decision at 106-108 Queens Road where a scheme for 7 flats received planning permission at appeal with no parking (ref. A\*38988/AA). This scheme was originally refused by the Council in 2005, with one of the reasons for refusal relating to parking. In relation to the matter of parking, the Inspector noted the following: 'I have noted the concerns by many local people about the difficulty in parking and the fear that the development would make matters worse. However, this is an urban location where people have the opportunity to travel by modes other than the private car... Furthermore, account must be taken of the existing commercial use, which has its own implications in terms of parking on the street. I have no evidence that the 7 one and two bedroom flats would result in a material increase in demand for kerbside spaces or lead to an unacceptable level of parking stress such as to warrant rejection of the scheme'.

A subsequent application for a similar development of 7 flats at 106-108 Queens Road was granted permission in 2015 (ref. 15/00686/FUL). This scheme also proposed no parking and in reaching the recommendation for permission, the Officer referred to the Inspectors comments as outlined above.

With regard to this application, the Highways Engineer has reviewed the additional information and whilst they accept that a robust justification for the shortfall in parking spaces has been provided, they have continued to maintain an objection due to concerns about the availability of on-street parking and have questioned the timing of the surveys.

In making a planning judgement on the matter of parking, consideration has been given to the following points:



- o The previous use of the property as a surgery, which would have generated a higher traffic and parking demand (albeit that parking demand would be at different times of the day);
- o The 2015 decision relating to 106-108 Queens Road (referenced above), for which consideration was given to the existing commercial use and the provision of no parking was considered acceptable;
- o The location of the site within a local centre with good access to public transport, providing options for alternative means of transport for residents;
- o The provision of cycle storage would to help encourage sustainable travel.

Taking account of all these matters, despite the concerns raised by the Highways Engineer, it is not considered an objection on highway grounds could be sustained.

In relation to cycle storage, the amended scheme includes an internal cycle store at ground floor level, which would accommodate 12 bikes, plus 2 visitor spaces in front of the building. This provision is acceptable in accordance with the Adopted Parking Standards.

#### Refuse storage

The refuse storage was originally proposed to be located at the rear of the site. However, this was not considered to be an appropriate location due to the distance between the store and the public highway, where bins would need to be moved on collection day. In response to these concerns, the applicants amended the plans to relocate the refuse store inside the building, with external doors on the front elevation. Further amendments were subsequently made to increase the size of the store and to position the doors level with the pavement to ensure ease of access, in accordance with further comments received from the Waste Management Officer. On the basis of the amendments, the refuse storage facilities are now considered to be acceptable.

#### Sustainable construction

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force in 2016 and can be required through suitably worded planning conditions.

The above requirements can be secured by condition.

#### Impact on the Solent Special Protection Area (SPA)

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

the European designated nature conservation sites along the Solent coast will continue to be protected.

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

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £1,448 (£181 x 8). The applicant has made the required contribution by way of a S111 Agreement. It is therefore considered that the proposal would not give rise to a significant effect on the SPAs.

## **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 AND EXISTING PLANS 8702 01; PROPOSED ELEVATIONS 8702 04 B; GROUND FLOOR PLAN 8702 02 B; FLOOR PLANS 8702 03 B.
- 3) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 4) Prior to occupation of the development hereby permitted, the cycle storage facilities shall be provided in accordance with the details shown on Plan ref. 8702 02 B, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be retained.
- 5) Prior to commencement of the development, details of boundary treatment / screening to the second floor amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details and thereafter retained.
- 6) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:
  - a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.
- 7) Prior to occupation of the development hereby permitted, four car parking spaces shall be provided in accordance with the details shown on Plan ref. 8702 02 B, unless otherwise agreed

in writing by the Local Planning Authority. The spaces shall thereafter be retained solely for the use of vehicle parking.

8) Prior to occupation of the development hereby permitted, the refuse storage facilities shall be provided in accordance with the details shown on Plan ref. 8702 02 B, unless otherwise agreed in writing by the Local Planning Authority, and 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) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) To ensure adequate provision of cycle storage to encourage sustainable travel in accordance with Policy PCS17 of the Portsmouth Plan.
- 5) To protect the privacy of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 7) To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy PCS17 of the Portsmouth Plan.
- 8) To ensure adequate provision for refuse storage, in the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

137 LONDON ROAD HILSEA PORTSMOUTH PO2 9AA

**RAISE HEIGHT OF 2-STOREY REAR PROJECTION; CONSTRUCTION OF PART 2-STOREY/PART SINGLE-STOREY REAR/SIDE EXTENSION, AND DORMER EXTENSION TO REAR ROOFSLOPE; AND USE OF PART OF GROUND FLOOR AND UPPER FLOORS AS A HMO WITHIN CLASS C4 WITH ASSOCIATE CYCLE AND REFUSE STORAGE**

**Application Submitted By:**

Brewers

FAO Mr Daryn Brewer

**On behalf of:**

Mr Robert Johnson

**RDD:** 14th September 2017

**LDD:** 10th November 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to committee for determination due to a highway safety objection raised by the Highways Engineer, on the basis of a shortfall in parking provision.

The determining issues in this application relate to the following:

- The principle of the proposal having regard to the location within a District Centre
- Design and visual impact of the proposed extensions
- The impact of the proposed HMO on the mix and balance of residential uses in the community
- Standard of living accommodation for future residents
- Impact on the amenities of neighbouring residents
- Parking and highway implications
- Whether suitable provision can be made for refuse storage and collection
- Impact on the Solent Special Protection Area (SPA)

**Site**

The application relates to a mid terrace property located on the west side of London Road, north of the roundabout junction with Gladys Avenue. The property is currently vacant but was previously in use as an Estate Agents office at ground floor level with ancillary offices over two floors above (including accommodation within the roofspace). At the rear of the property there is an existing part two, part single-storey projection with a doorway leading out into a small courtyard. There is rear access to the site via a narrow alleyway from Gladys Avenue.

The site is located within the North End District Centre (Secondary Area), as defined by Policy PCS8 of the Portsmouth Plan, and within an area identified as suitable for high density development under Policy PCS21 of the Portsmouth Plan.

**Proposal**

Planning permission is sought for the construction of a part single, part two-storey rear extension and rear dormer window, increase in roof height of the existing rear projection, and

conversion of part of the ground floor, along with the first and second floors to form a five bedroom house in multiple occupation (HMO). The existing shop front would also be altered to create two separate entrance doors.

At the rear of the property, the existing single-storey projection would be demolished and a new part two, part single-storey extension would be constructed. The single-storey element would infill the existing light well between No.137 and No.135 London Road and would measure 5.7m in depth, 1m in width and 2.2m in height with a flat roof. The two-storey element would adjoin the existing two-storey projection and would measure 1.2m in depth and 4.3m in height with a flat roof. The roof height of the existing rear projection would also be raised by approximately 0.4m. On the rear roofslope of the main building, a dormer window would be constructed, measuring 3m in width and 1.5m in height. The dormer would be set centrally within the roofslope, with a setback of between 0.4m and 0.6m from either side of the roof and approximately 1m from the eaves and ridge. At the front of the property, the existing shopfront would be altered to create separate entrances for the retained commercial unit and the HMO.

The original plans submitted with the application proposed larger extensions and a larger dormer window to the rear of the property, but these were reduced in size following concerns raised by Officers in relation to the size and design, and impact on neighbouring residents.

Internally, at ground floor level the existing A2 office would be reduced in size and a separate entrance door and corridor would be created to provide access to the HMO from London Road. A communal living room/ kitchen for the HMO would be located at the rear of the ground floor, with a centrally located staircase leading to the upper floors. On the first floor, there would be three bedrooms, each with en-suite bathrooms, and a further two bedrooms with en-suite bathrooms would be provided on the second floor.

The size of the rooms would be as follows:

- o Communal lounge / dining room / kitchen (ground floor) - 24.5m<sup>2</sup>
- o Bedroom 1 (first floor) - 12m<sup>2</sup>
- o En-suite to bedroom 1 - 2.6m<sup>2</sup>
- o Bedroom 2 (first floor) - 16m<sup>2</sup>
- o En-suite to bedroom 2 - 2.75m<sup>2</sup>
- o Bedroom3 (first floor) - 12m<sup>2</sup>
- o En-suite to bedroom 3 - 2.75m<sup>2</sup>
- o Bedroom 4 (second floor) - 12m<sup>2</sup>
- o En-suite to bedroom 4 - 2.35m<sup>2</sup>
- o Bedroom 5 (second floor) - 14.5m<sup>2</sup>
- o En-suite to bedroom 5 - 2.64m<sup>2</sup>

#### Planning History

There is no planning history relating to the property.

#### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS8 (District centres), PCS21 (Housing Density), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth),

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

PCS8 (District centres), PCS21 (Housing Density), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation), and PCS13 (A Greener Portsmouth).

## **CONSULTATIONS**

### **Highways Engineer**

This application proposes a change of use of part of ground floor and upper floors from A2 financial/professional services to C4 HMO. I have reviewed the documents submitted in support of this application and would make the following comment;

London Road is a strategic north-south route through the North End area of Portsmouth. The proposal site lies within a Portsmouth City Council designated district centre (secondary area) with a mix of shops, restaurants and takeaways. There is no on-street parking to the front of the application site instead a bus lane with double yellow line restriction immediately outside the site and a bus clearway on the western side of the road.

No transport assessment/statement has been submitted with the application. The proposed use as a HMO albeit with retained A2 element will likely have a lower trip generation associated with it and as such I am satisfied that a formal transport assessment is not required.

The application does not and presumably cannot make parking provision available. The Portsmouth Parking SPD does not give an expected level of parking demand associated with commercial premises however for the proposed use as a HMO; an expected parking demand of 2 spaces is given. Although the existing parking accumulation has not been provided, I am of the opinion that the likely demand would be greater than the 2 spaces required by the Parking SPD for the proposed new use. That said, the existing demand would occur during office hours and given that a commercial element is being retained, a demand would remain during the day. The peak demand for residential use is generally overnight at which time no space exists on street to accommodate any shortfall is associated with this development. There are existing regular occurrences of vehicles being parked on yellow line restrictions at junctions in the immediate area therefore creating a road safety risk; further development creating an increased shortfall of parking is likely to exacerbate this issue.

Cycle parking is also required for new residential development by the Portsmouth Parking SPD. For this development, a total of 4 spaces would be required. It is proposed that 5 cycle spaces will be provided in the rear yard which exceeds the amount required by planning policy and as such is acceptable.

As the application stands I would wish to raise a Highways objection on the following grounds;

Insufficient space exists on street to accommodate the parking shortfall associated with the proposed development which is likely to result in an increased risk to highway safety.

### **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**

RAISE HEIGHT OF 2-STOREY REAR PROJECTION; CONSTRUCTION OF PART 2-STOREY/PART SINGLE-STOREY REAR/SIDE EXTENSION, AND DORMER EXTENSION TO REAR ROOFSLOPE; AND USE OF PART OF GROUND FLOOR AND UPPER FLOORS AS A HMO WITHIN CLASS C4 WITH ASSOCIATE CYCLE AND REFUSE STORAGE

#### **Summary**

3 storeys

5 bedrooms

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

#### Bedroom 3

I have a concern with the location of the wardrobe and its shared circulation space with the bedroom door, specifically the ability of the main door and wardrobe being used in a safe manner without collision.

#### Open planned kitchen and dining area

The overall space required for a shared open planned kitchen/dining area is 11.5m<sup>2</sup>, of which the kitchen area must be 7m<sup>2</sup> for the exclusive use of cooking, food preparation and storage.

The following facilities are required:

1 x conventional cooker (oven, grill and four hotplates).

1 x single bowl sink and integral drainer.

1 x under counter fridge and a separate freezer or an equivalent combined fridge freezer.

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

2000mm (l) x 500mm (d) worktops.

2 x twin sockets located at least 150mm above the work surface.

#### Personal hygiene

No sizes for the proposed en-suites have been provided.

The minimum size for a shower room is 2.74m<sup>2</sup> of usable space and 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.

#### Contaminated Land Team

The address is near to the Brunswick Dyeing & Cleaning Co Ltd (operated from 1930s through to 1950s). A change of use will entail excavations along the edge with this former commercial site and so Given the sensitive end-use, samples of soil should be tested for pollutants indicative of past industrial usage. The testing is requested as a precaution and as such only a minimal scope is required and can be combined with the normal testing for geotechnical purposes. These samples will indicate if residual pollution is present and whether a full survey is required.

(i) 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 with the Local Planning Authority:

a) Testing of three samples of soil from the site collected from the southern boundary and other locations that may be of interest. The analyses shall include heavy metals, arsenic, cyanide, polycyclic aromatic hydrocarbons (16 EPA, fractionated hydrocarbons and both pH and percentage organic matter. The analyses shall use MCERTS methods (where available) conducted by an UKAS accredited laboratory; and unless otherwise agreed in writing by the LPA;

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013 and BS 8576:2013 '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 (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from 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 BS 8485:2015 - 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.

(ii) 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 (i)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 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 any doubt, in the event of it being confirmed in writing pursuant to Condition (i)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

### **Waste Management Service**

I have just looked at the plans for this application and it is going to be hard to make it work. There is no sign of a bin store for the business, and I can only assume the squares at the back are meant to be the bins. There is an alleyway at the rear but we would not access it from there due to the distance and width of the alleyway. Which means the residents would otherwise need to bring the bins through the house to the kerb side. It is highly likely that due to the makeup of the building they will need to have 2 x 360 litre communal bins, 1 for refuse and 1 for recycling which they will need to purchase from PCC at the developers expense.

### **REPRESENTATIONS**

None received.

### **COMMENT**

Principle of the proposal

The existing building is vacant but was previously used as an Estate Agents office at ground floor level with ancillary offices/ storage on the upper floors. The proposal is to convert part of the ground floor, first and second floors to create a 5-bedroom house in multiple occupation (HMO), and retain a smaller commercial space at ground floor level on the London Road frontage.

The site lies within the secondary area of the North End District Centre. Policy PCS8 generally supports the retention and provision of additional shopping and town centre uses within the District and Local Centres in order to maintain and enhance their viability. In the secondary areas, the policy states that in addition to town centre uses, residential use would also be supported in principle. The proposal to retain an element of commercial use on the London Road frontage and convert the rest of the building to residential use is therefore in accordance with the objectives of Policy PCS8. The proposal to provide additional residential development also accords with the wider housing delivery objectives of the Portsmouth Plan and the National Planning Policy Framework (NPPF).

Impact of the proposed HMO on the mix and balance of residential uses in the area

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of



such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended 21 November 2017), 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Based on information held by the City Council, out of 83 properties within a 50m radius, 1 is in use as a HMO, which amounts to 1.2%. If permission is granted for this property to be in HMO use, the percentage would be 2.4%, which is below the 10% threshold. This application would therefore not result in an imbalance of such uses and the proposal is considered acceptable in principle in accordance with Policy PCS20.

### Design and appearance

Policy PCS23 requires new development to achieve a high standard of design and to be appropriate in terms of its scale and design in relation to its particular context.

The proposal includes the construction of extensions and a dormer window to the rear of the property. At the front of the property, the existing shopfront would be altered and two separate doors would be installed, one to serve the retained commercial unit and one to provide access to the HMO to the rear. These alterations are considered to be relatively minor and appropriate in relation to the appearance of the existing building. There are no other proposed alterations to the front of the property therefore the development would not significantly impact on the appearance of the building within the London Road streetscene.

To the rear of the property, the proposed extensions would have a contemporary appearance, with flat roofs and the use of white render and grey cladding to the elevations (precise details to be agreed by condition). The rear of the buildings along this part of London Road have a varied appearance, with a variety of types and sizes of extensions and alterations, including dormer windows, external staircases and terrace areas. The property to the south of the site has an existing part single, part two-storey rear extension which has been rendered in white, and there is a pitched roof dormer on its rear roofslope. To the north, the adjoining property has a two-storey rear projection, which is rendered white, and there is a brick wall and metal fencing surrounding a first floor roof terrace. Given the varied appearance of properties in this location, it is not considered that there is one design of extension that would be most appropriate. The proposed contemporary design is considered to create a modern, crisp appearance for the rear of the building and the use of white render would relate to the materials used on some of the adjacent buildings.

In relation to the dormer window, the original plans were for a larger dormer that would have filled most of the rear roofslope and would have created an overly dominant and 'boxy' appearance. The plans have since been amended to reduce the size of the dormer and set it away from all sides of the roofslope, which would result in a more subservient feature, and its elevations would be clad in a material to match part of the proposed new extension.

Overall, the proposed extensions and dormer window are considered to be acceptable in terms of design in relation to the existing building and the character of the surrounding area, in accordance with Policy PCS23 of the Portsmouth Plan.

### Standard of living accommodation

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved for the proposed number of people. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Communal living/kitchen (ground floor) - 24.5m <sup>2</sup>	Minimum - 24m <sup>2</sup>
Bedroom 1 (first floor) - 12m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to bedroom 1 - 2.6m <sup>2</sup>	N/A
Bedroom 2 (first floor) - 16m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to bedroom 2 - 2.75m <sup>2</sup>	N/A
Bedroom3 (first floor) - 12m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to bedroom 3 - 2.75m <sup>2</sup>	N/A
Bedroom 4 (second floor) - 12m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to bedroom 4 - 2.35m <sup>2</sup>	N/A
Bedroom 5 (second floor) - 14.5m <sup>2</sup>	Minimum - 11.5m <sup>2</sup>
En-suite to bedroom 5 - 2.64m <sup>2</sup>	N/A

Whilst the SPD does not specify minimum sizes for en-suite shower rooms, the Private Sector Housing Team has commented that these should be 2.74m<sup>2</sup>. The proposed en-suites either meet this size requirement or are close to it and are considered acceptable. All of the other rooms within the property exceed the minimum size standards set out within the SPD and it is therefore considered that the property would provide a suitable standard of living accommodation for a HMO of the size proposed.

It is also considered that all of the bedrooms would have a suitable level of light and outlook, with windows facing either east or west, to the front or rear of the site. In relation to the ground floor communal area, the original plans showed a larger communal area but with a small window and a small external courtyard. The amended plans have slightly reduced the internal size of the communal area but in doing so, the size of the external courtyard has been increased and larger glazed doors are now proposed to open out into the courtyard to provide better light and outlook for the residents.

Having regard to the points raised above, it is considered that the proposed development would achieve a suitable standard of living accommodation for future occupants, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

#### Impact on the amenity of neighbouring residents

Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

To the south of the site, there are some small windows facing the application site at ground floor level and a larger window facing west into a light well. These windows serve offices and light and outlook is already restricted due to the position on the northern side of the building. The proposed development would include an infill extension to the existing light well on the application property. This extension would be 5.7m in depth and up to 2.2m in height with a flat roof. Although this extension would have some impact on the outlook from the windows of the adjacent property, it would be of a modest height and would not significantly affect the available light to the windows due to its orientation to the north. It is therefore not considered that the impact on the neighbouring property to the south in terms of loss of outlook or light would be so significant as to warrant refusal of the application. There are no new windows proposed on the south elevation of the extensions, therefore the privacy of the occupants of the property to the south would be protected.

To the north of the site, the adjoining property has a two-storey projection of the same depth as the existing projection on the application property, as well as a larger single-storey extension with a roof terrace above. There is a window at first floor level on the rear elevation of this neighbouring property, which is believed to serve a kitchen and the external terrace area was being used for hanging washing when viewed during the site visit. The proposed two-storey extension would project beyond the rear wall of the existing rear projection by an additional 1.2m

and would have a flat roof. In terms of height, there is an existing tall boundary wall between the two buildings and the extension would project approximately 0.9m higher than the wall. Given the modest increase in height above the existing wall and the modest depth of the extension, it is not considered that it would result in a significant impact on the amenities of the residents to the north in terms of loss of outlook or light. There would be no new windows on the north elevation and although there would be a new bedroom window on the rear elevation of the extension, the views from this window towards the adjacent terrace area would be partially restricted by the boundary wall. It is therefore not considered that the extension would significantly impact on the privacy of the neighbouring residents to the north.

The new dormer window would be set back within the main rear roofslope and would incorporate two windows. It is considered that views from these windows towards the neighbouring properties would be restricted to some extent by existing extensions and it is not considered that the dormer would result in a significant loss of privacy to neighbouring occupants.

To the west of the site there is a two-storey property, which has a blank wall abutting the western boundary with the application site. As there are no windows on the side wall of this neighbouring property, it is not considered that the occupants would be impacted by the proposed development in terms of loss of outlook, light or privacy.

Having regard to the points made above, it is considered that the development would protect the amenities of neighbouring residents, in accordance with Policy PCS23 of the Portsmouth Plan.

#### Parking and highway implications

There is no parking associated with the existing property and given the constrained nature of the site, there is no possibility of providing on-site parking. The Adopted Parking Standards SPD requires 2 parking spaces to be provided for a C4 HMO, along with 4 cycle parking spaces.

For commercial uses, the level of required parking is determined on a case by case basis in accordance with the Parking Standards SPD. With regard to the proposed commercial unit, given the location within a District Centre and the fact that the existing office has no associated parking and the proposal would result in a reduction in commercial / office space on site, it would not be considered reasonable to require on-site parking provision for this element of the scheme.

For the proposed HMO, the Highways Engineer has commented that there is already an issue in the area surrounding the site with illegal parking, particularly overnight, due to a lack of available on-street parking. It is considered that any additional development which could worsen the parking problems in the area would result in potential highway safety issues, and for this reason an objection is raised.

In making a planning judgement on this matter, there are a number of factors that are relevant to consider. The site is located within the North End District Centre, with good access to public transport (buses), and a variety of shops and services. Proposals for new residential development in this area is specifically supported (in principle), by both policy PCS8 and PCS21 of the Portsmouth Plan. PCS21 in particular encourages higher densities and intensification of residential development within District and Local Centres, due to the good public transport links and accessibility of local services and facilities. Whilst this policy does not specifically override the requirement for parking, its aim is to encourage development within accessible locations, where residents would have the option to use alternative means of transport. The development would also bring a currently vacant building into a long term viable use, which is a benefit that weighs in favour of the development. Overall, having regard to the District Centre location, the relatively small parking shortfall of 2 spaces and the benefits of the scheme in terms of bringing a vacant building back into viable use and provision of new residential accommodation, it is not considered that an objection on lack of parking could be sustained in this instance.

The development would include the provision of storage for 5 bicycles within the rear courtyard, and this is acceptable in accordance with the Adopted Parking Standards.

#### Refuse requirements

The Waste Management Officer originally raised concerns regarding the proposals for refuse storage and collection. The concerns related to a lack of bin storage for the commercial unit and the inadequate width of the rear alleyway for taking residential bins out for collection. These matters have been discussed further with the applicant and the Waste Management Officer and the plans have been amended to show a small bin store within the commercial unit. The applicant has also confirmed that residents would take their bins through the internal corridor for collection on the London Road frontage. These refuse storage arrangements are now considered to be acceptable.

#### Impact on the Solent Special Protection Area (SPA)

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

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

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £181. The applicant has confirmed that they are willing to meet this requirement. Therefore, subject to receipt of the required contribution, it is considered that the proposal would not give rise to a significant effect on the SPAs.

#### Conclusion

The proposed development is acceptable in principle within the North End District Centre and the HMO would provide a suitable standard of living accommodation for future occupants. Furthermore, the proposed extensions are acceptable in terms of design and would not have a significant impact on the amenities of neighbouring residents in terms of loss of outlook, light or privacy. Whilst there is an objection from the Highways Engineer due to a lack of on-site parking, given the location within the District Centre and the benefits of bringing a vacant building back into use and providing new residential development within a sustainable location, it is not considered that a refusal on lack of parking could be sustained. The proposal is therefore considered to accord with the relevant policies of the Portsmouth Plan and the aims and objectives of the NPPF.

## 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 AND EXISTING ELEVATIONS 02 A; PROPOSED FLOORPLANS 11 C; PROPOSED ELEVATIONS 12 B; AND FRONT ELEVATION 13 A.
- 3) 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 with the Local Planning Authority:
  - a) Testing of three samples of soil from the site collected from the southern boundary and other locations that may be of interest. The analyses shall include heavy metals, arsenic, cyanide, polyaromatic hydrocarbons (16 EPA, fractionated hydrocarbons and both pH and percentage organic matter. The analyses shall use MCERTS methods (where available) conducted by an UKAS accredited laboratory; and unless otherwise agreed in writing by the LPA;
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013 and BS 8576:2013 '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 (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from 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 BS 8485:2015 - 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.
- 4) 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 3c, 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 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 any doubt, in the event of it being confirmed in writing pursuant to Condition 3b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

- 5) Prior to occupation of the development, cycle storage facilities for 5 bicycles shall be provided in accordance with the approved plans ref. 11 C and 12 B, unless otherwise agreed in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be retained.
- 6) Prior to occupation of the development, provision for refuse storage shall be made in accordance with the details shown on approved plans ref. 11 C and 12 B, unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained.
- 7) The residential refuse bins shall be taken to the London Road frontage for collection only, unless alternative arrangements are otherwise agreed in writing by the Local Planning Authority.
- 8) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 9) Prior to the commencement of the development, a scheme for insulating habitable rooms against road traffic noise from London Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

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

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure adequate provision of cycle storage to encourage sustainable travel in accordance with Policy PCS17 of the Portsmouth Plan.
- 6) To ensure adequate provision for refuse storage, in the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) To ensure adequate provision for refuse collection, in the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.
- 8) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 9) To protect the amenity of the future occupants of the development, in accordance with Policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

**44 BELMONT STREET SOUTHSEA PO5 1ND****CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

C/o Agent

**RDD:** 3rd October 2017

**LDD:** 1st December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to planning committee due to a deputation request from a local resident.

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

**The site**

This application relates to a three-storey mid-terraced dwellinghouse located on the south side of the street. There is an area of hardstanding in front of the property, which can accommodate 1 car, and a garden to the rear. To the west of the site there is a Grade II listed building (No.18 Belmont Street).

The property is currently in use as a House in Multiple Occupation (HMO), which falls within Use Class C4 of the Town and Country Planning Use Classes Order. Planning permission is sought to change the use to a flexible use, for either a Class C4 HMO or a C3 dwellinghouse.

**The proposal**

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

The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force in Portsmouth. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

The applicant has provided evidence that the property has been lawfully used as a Class C4 HMO prior to the 1st of November 2011. It is important to note that the outcome of the recommendation will either enable the applicant the flexibility to change between Classes C3 (Residential) and C4 (HMO) or on the other hand, retain the existing Class C4 status without the ability to change to a Class C3 without prior consent from the Local Planning Authority.

#### Planning history

There is no relevant planning history for this site.

### **POLICY CONTEXT**

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

### **CONSULTATIONS**

**None.**

### **REPRESENTATIONS**

Four representations have been received on the grounds of:

- (a) amount of HMOs on Belmont Street and the percentage of HMOs is unbalanced;
- (b) amount of rubbish HMOs generate and their poor unkempt appearance;
- (c) noise and disturbance generated by students is anti-social; and,
- (d) more neighbouring properties should have been notified.

### **COMMENT**

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

#### Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The applicant has provided evidence in the form of tenancy agreements dating back to 1st September 2011 to present demonstrating the continuous occupation of the property by six unrelated persons. Council tax records indicate the property has been student discounted since 1st September 2010, although it does not confirm how many persons occupied the property. Based on the evidence submitted with the application, it is considered that the property has a lawful use as a Class C4 HMO.

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



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

#### Heritage

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The proposal relates solely to the use of the property and no external changes are proposed. It is not considered that the proposal would have any impact on the architectural and historic interest of the nearby listed building at No.18 Belmont Street.

#### Impact on amenity

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

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 any significant rise in noise and disturbance. 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 C4 or C3.

#### Highways/parking/waste

There is an area of hardstanding in front of the property, which could accommodate 1 car. There is no ability to provide further on-site parking provision. The Adopted Parking Standards would normally require 2 parking spaces for a C4 HMO or a C3 dwellinghouse with 4 or more Bedrooms. However, given that the property has been in use as a C4 HMO for a number of years and that there would be no change to the level of parking required for a C3 dwellinghouse, it is not considered that an objection on lack of parking could be sustained.

In addition, given that the site is located within a short walk of the Albert Road and Elm Grove District Centre, local transport links, shops and services, and is currently in use as a Class C4 HMO, it is considered that an objection on car parking standards could not be sustained.

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

#### Other matters raised in representations

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

#### Conclusion

The proposal is considered to accord with the objectives of maintaining mixed and balanced communities and would not have any significant impact on the character of the area or the amenities or neighbouring residents. The proposal therefore accords with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework (NPPF).

## **RECOMMENDATION                      Conditional Permission**

#### **Conditions**

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (dated 29.09.2017 scale 1:1250).

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

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

#### PRO-ACTIVITY STATEMENT

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

42 BELMONT STREET SOUTHSEA PO5 1ND

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

**Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

C/o Agent

**RDD:** 3rd October 2017

**LDD:** 1st December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to planning committee due to a deputation request from a local resident.

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

**The site**

This application relates to a three-storey mid-terraced dwellinghouse located on the south side of the street. There is an area of hardstanding in front of the property, which can accommodate 1 car, and a garden to the rear. To the west of the site there is a Grade II listed building (No.18 Belmont Street).

The property is currently in use as a House in Multiple Occupation (HMO), which falls within Use Class C4 of the Town and Country Planning Use Classes Order. Planning permission is sought to change the use to a flexible use, for either a Class C4 HMO or a C3 dwellinghouse.

**The proposal**

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

The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force in Portsmouth. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

The applicant has provided evidence that the property has been lawfully used as a Class C4 HMO prior to the 1st of November 2011. It is important to note that the outcome of the recommendation will either enable the applicant the flexibility to change between Classes C3 (Residential) and C4 (HMO) or on the other hand, retain the existing Class C4 status without the ability to change to a Class C3 without prior consent from the Local Planning Authority.

#### Planning history

There is no relevant planning history for this site.

### **POLICY CONTEXT**

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

### **CONSULTATIONS**

**None.**

### **REPRESENTATIONS**

Four representations have been received on the grounds of:

- (a) amount of HMOs on Belmont Street and the percentage of HMOs is unbalanced;
- (b) amount of rubbish HMOs generate and their poor unkempt appearance;
- (c) noise and disturbance generated by students is anti-social; and,
- (d) more neighbouring properties should have been notified.

### **COMMENT**

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

#### Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The applicant has provided evidence in the form of tenancy agreements dating back to 1st September 2011 to present demonstrating the continuous occupation of the property by six unrelated persons. Council tax records indicate the property has been student discounted since 1st September 2010, although it does not confirm how many persons occupied the property. Based on the evidence submitted with the application, it is considered that the property has a lawful use as a Class C4 HMO.

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

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

#### Heritage

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The proposal relates solely to the use of the property and no external changes are proposed. It is not considered that the proposal would have any impact on the architectural and historic interest of the nearby listed building at No.18 Belmont Street.

#### Impact on amenity

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

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 any significant rise in noise and disturbance. 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 C4 or C3.

#### Highways/parking/waste

There is an area of hardstanding in front of the property, which could accommodate 1 car. There is no ability to provide further on-site parking provision. The Adopted Parking Standards would normally require 2 parking spaces for a C4 HMO or a C3 dwellinghouse with 4 or more Bedrooms. However, given that the property has been in use as a C4 HMO for a number of years and that there would be no change to the level of parking required for a C3 dwellinghouse, it is not considered that an objection on lack of parking could be sustained.

In addition, given that the site is located within a short walk of the Albert Road and Elm Grove District Centre, local transport links, shops and services, and is currently in use as a Class C4 HMO, it is considered that an objection on car parking standards could not be sustained.

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

#### Other matters raised in representations

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

## **Conclusion**

The proposal is considered to accord with the objectives of maintaining mixed and balanced communities and would not have any significant impact on the character of the area or the amenities or neighbouring residents. The proposal therefore accords with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework (NPPF).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (dated 29.09.2017 scale 1:1250).

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

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

### **PRO-ACTIVITY STATEMENT**

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

**36 BELMONT STREET SOUTHSEA PO5 1ND****CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

New Era Agency Ltd  
FAO Mrs Sonia Smyths

**RDD:** 20th October 2017

**LDD:** 18th December 2017

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a deputation request from neighbouring resident, No. 30 Belmont Street.

The main issues in the determination of this application relate to the following:

- The principle of the proposal
- Impact on the character of the area and heritage assets;
- Impact on the amenity of neighbouring residents;
- Parking provision;

**Site and proposal**

The application relates to a three-storey terraced property located on the south side of Belmont Street. There is an area of hardstanding in front of the property, which can accommodate 1 car, and a garden to the rear. To the west of the site there is a Grade II listed building (No.18 Belmont Street).

The property is currently in use as a House in Multiple Occupation (HMO), which falls within Use Class C4 of the Town and Country Planning Use Classes Order. Planning permission is sought to change the use to a flexible use, for either a Class C4 HMO or a C3 dwellinghouse.

The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force in Portsmouth. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

The application site comprises of one bedroom and an open plan lounge and kitchen at ground floor, three bedrooms and a communal shower room/WC first floor and a bathroom and a further two bedrooms and a communal bathroom and a communal WC at second floor. The surrounding area is characterised by densely populated residential terraces and is in close proximity to a wide range of shops and services located on Elm Grove.

The applicant has provided evidence that the property has been lawfully used as a Class C4 HMO prior to the 1st of November 2011. It is important to note that the outcome of the recommendation will either enable the applicant the flexibility to change between Classes C3 (Residential) and C4 (HMO) or on the other hand, retain the existing Class C4 status without the ability to change to a Class C3 without prior consent from the Local Planning Authority.

#### Planning history

The only planning history relating to the site dates back to the 1970's when planning permission was granted for the dwelling as part of a development of 22 dwellings (ref. A\*28295, A and B).

#### Licensing history

The property currently has a mandatory HMO licence for 6 people. Prior to this, the property has been licensed since 2012.

### **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 would also be material to this application.

### **CONSULTATIONS**

**None.**

### **REPRESENTATIONS**

Four representations have been received, objecting on the following grounds:

- a) Impact on living environment for surrounding residents
- b) Problems with crime and littering
- c) Increased noise and disturbance to residents
- d) Too many HMOs already in the street
- e) Concern about lack of consultation to neighbours

In response to the objections, the applicant's Agent has made the following comment that there is no proposal to increase the number of occupants of the property and the change of use would allow it to be used flexibly and potentially house families.

### **COMMENT**

Principle of the proposal and existing use

The property is currently in use as a 6-bedroom, Class C4 house in multiple occupation (HMO). There is no planning history relating to the C4 use, but the applicant has submitted evidence with the application in the form of tenancy agreements, which indicate that the property has been used as an HMO since 1 September 2011 until the present day. This therefore confirms that the property was in use as an HMO prior to the Article 4 Direction that was brought into place on 1 November 2011. The evidence has been corroborated against records held by Portsmouth City Council in the form of Council Tax Records, existing licences and other



monitoring data. The C4 HMO use is therefore considered to be the existing lawful use of the property.

#### Impact on the character of the area and heritage assets

Policy PCS20 (Houses in multiple occupation: ensuring mixed and balanced communities) of the Portsmouth Plan, states that applications for a 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. A community would be considered imbalanced where more than 10% of properties within a 50m radius are in HMO use. This is supported by the guidance within the National Planning Policy Framework (NPPF), which seeks to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'.

In this case, the property already has a lawful use as a C4 HMO and the proposed change of use would allow the flexibility for the property to be occupied either as a C4 HMO for up to 6 unrelated people, or as a family dwelling. The proposal would therefore not be introducing a new HMO and would not result in any change in the balance of uses in the area. It is considered that allowing the flexibility for the property to be potentially occupied as a family dwelling could, in fact, have a positive impact on the balance of uses in the area. The proposal is therefore considered to be in accordance with Policy PCS20 of the Portsmouth Plan and the objectives of the NPPF.

The proposal relates solely to the use of the property and no external changes are proposed. It is not considered that the proposal would have any impact on the architectural and historic interest of the nearby listed building at No.18 Belmont Street.

#### Impact on residential amenity

Having regard to the current lawful use, it is not considered that the use of the property as either a C4 HMO or a C3 dwellinghouse would result in any significant impact in terms of increased noise or other disturbance to neighbouring residents.

As it is considered that there are few material planning differences between a Class C3 and a Class C4, the property could be used flexibly in either class and would not result any significant rise in noise and disturbance. 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 C4 or C3.

#### Parking and refuse facilities

There is an area of hardstanding in front of the property, which could accommodate 1 car. There is no ability to provide further on-site parking provision. The Adopted Parking Standards would normally require 2 parking spaces for a C4 HMO or a C3 dwellinghouse with 4 or more Bedrooms. However, given that the property has been in use as a C4 HMO for a number of years and that there would be no change to the level of parking required for a C3 dwellinghouse, it is not considered that an objection on lack of parking could be sustained.

In addition, given that the site is located within a short walk of the Albert Road and Elm Grove District Centre, local transport links, shops and services, and is currently in use as a Class C4 HMO, it is considered that an objection on car parking standards could not be sustained.

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

#### Other matters raised in representations

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

#### Conclusion

The proposal is considered to accord with the objectives of maintaining mixed and balanced communities and would not have any significant impact on the character of the area or the amenities or neighbouring residents. The proposal therefore accords with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework (NPPF).

## **RECOMMENDATION                      Conditional Permission**

#### **Conditions**

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan (BLJT-00658228); and, floor plans.

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

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

#### **PRO-ACTIVITY STATEMENT**

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

**34 BELMONT STREET SOUTHSEA PO5 1ND****CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

New Era Agency Ltd  
Chris Broyd

**On behalf of:**

C/O Agent

**RDD:** 20th October 2017

**LDD:** 18th December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to committee for determination following a deputation request from a local resident at 30 Belmont Street.

The main issues in the determination of this application relate to the following:

- The principle of the proposal
- Impact on the character of the area and heritage assets;
- Impact on the amenity of neighbouring residents;
- Parking provision;

**Site and proposal**

The application relates to a three-storey terraced property located on the south side of Belmont Street. There is an area of hardstanding in front of the property, which can accommodate 1 car, and a garden to the rear. To the west of the site there is a Grade II listed building (No.18 Belmont Street).

The property is currently in use as a house in multiple occupation (HMO), which falls within Use Class C4 of the Town and Country Planning Use Classes Order. Planning permission is sought to change the use to a flexible use, for either a Class C4 HMO or a C3 dwellinghouse.

The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force in Portsmouth. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

Internally, the property comprises the following:

- o Ground floor - 1 bedroom and an open plan lounge and kitchen
- o First floor - 3 bedrooms and a communal shower room/ WC
- o Second floor - 2 bedrooms, a communal bathroom and a communal WC

## Planning history

The only planning history relating to the site dates back to the 1970's when planning permission was granted for the dwelling as part of a development of 22 dwellings (ref. A\*28295, A and B).

## Licencing history

The property currently has a mandatory HMO licence for 6 people, granted on 27th April 2017, which runs until 20th April 2022. Prior to this, the property had a licence granted on 10 August 2013, expiring on 9 August 2018.

## 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 aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

## CONSULTATIONS

### REPRESENTATIONS

Four representations received, objecting on the following grounds:

- a) impact on living environment for surrounding residents
- b) problems with littering
- c) increased noise and disturbance to residents
- d) too many HMOs already in the street
- e) concern about lack of consultation to neighbours

In response to the objections, the applicant's Agent has made the following comment that there is no proposal to increase the number of occupants of the property and the change of use would allow it to be used flexibly and potentially house families.

## COMMENT

### Principle of the proposal and existing use

The property is currently in use as a 6-bedroom, Class C4 house in multiple occupation (HMO). There is no planning history relating to the C4 use, but the applicant has submitted evidence with the application in the form of tenancy agreements, which indicate that the property has been used as an HMO since 1 September 2011. This therefore confirms that the property was in use as an HMO prior to the Article 4 Direction that was brought into place on 1 November 2011. Council tax records also show that the property has been registered as a student house since 2004 and the property also has a current licence for a 6 person HMO until 2022. The C4 HMO use is therefore considered to be the existing lawful use of the property.

### Impact on the character of the area and heritage assets

Policy PCS20 (Houses in multiple occupation: ensuring mixed and balanced communities) of the Portsmouth Plan, states that applications for a 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. A community would be considered imbalanced where more than 10% of properties within a 50m radius are in HMO use. This is supported by the guidance within the National Planning Policy Framework (NPPF), which seeks to 'deliver a

wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'.

In this case, the property already has a lawful use as a C4 HMO and the proposed change of use would allow the flexibility for the property to be occupied either as a C4 HMO for up to 6 unrelated people, or as a family dwelling. The proposal would therefore not be introducing a new HMO and would not result in any change in the balance of uses in the area. It is considered that allowing the flexibility for the property to be potentially occupied as a family dwelling could, in fact, have a positive impact on the balance of uses in the area. The proposal is therefore considered to be in accordance with Policy PCS20 of the Portsmouth Plan and the objectives of the NPPF.

The proposal relates solely to the use of the property and no external changes are proposed. It is not considered that the proposal would have any impact on the architectural and historic interest of the nearby listed building at No.18 Belmont Street.

#### Impact on residential amenity

Having regard to the current lawful use, it is not considered that the use of the property as either a C4 HMO or a C3 dwellinghouse would result in any significant impact in terms of increased noise or other disturbance to neighbouring residents.

#### Parking and refuse facilities

There is an area of hardstanding in front of the property, which could accommodate 1 car. There is no ability to provide further on-site parking provision. The Adopted Parking Standards would normally require 2 parking spaces for a C4 HMO or a C3 dwellinghouse with 4 or more bedrooms. However, given that the property has been in use as a C4 HMO for a number of years and that there would be no change to the level of parking required for a C3 dwellinghouse, it is not considered that an objection on lack of parking could be sustained.

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

#### Other matters raised in representations

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

#### Conclusion

The proposal is considered to accord with the objectives of maintaining mixed and balanced communities and would not have any significant impact on the character of the area or the amenities or neighbouring residents. The proposal therefore accords with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework (NPPF).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: LOCATION PLAN 1:1250 FLOOR PLAN (RECEIVED 23 OCT 2017).

**The reasons for the conditions are:**

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

**PRO-ACTIVITY STATEMENT**

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

**20 MONTGOMERIE ROAD SOUTHSEA PO5 1ED****CHANGE OF USE FROM PURPOSES FALLING WITHIN A C4 (HOUSE IN MULTIPLE OCCUPANCY) TO HOUSE IN MULTIPLE OCCUPANCY FOR MORE THAN 6 PERSONS (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd  
Mr Sam Appleton

**On behalf of:**

Mr Kevin Zahra

**RDD:** 27th September 2017**LDD:** 24th November 2017**SUMMARY OF MAIN ISSUES**

This application has been brought to planning committee due to the standard call-in for all sui generis HMOs.

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 dwellinghouse that is in use as a C4 HMO located on the north side of Montgomerie Road just to the east of the A2030. The property is setback from the footway and benefits from an enclosed front forecourt and rear garden. The immediate area is characterised by high number of HMO properties.

**The proposal**

The applicant seeks permission for a change of use from purposes falling within a C4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (Sui Generis).

On 21st November 2017, Portsmouth City Council as local planning authority adopted a revised HMO SPD that is now the material consideration document in the determination of all HMO applications. This document replaces the previous version adopted in 2012.

**Planning History**

There is no relevant planning history for this site. The applicant has not submitted any evidence to substantiate the lawful use of the property within Class C4.

## **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 Supplementary Planning Document (SPD), Solent Special Protection Areas SPD and Houses in Multiple Occupation SPD (adopted 21st November 2017) would also be a material consideration.

## **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.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted

### **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 of site of the development. If this is not met I would ask that the application be refused

### **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.

Communal open planned kitchen and lounge

This proposed open planned area is 23.01m<sup>2</sup>, of which 11m<sup>2</sup> needs to be for the exclusive use of cooking, food preparation and storage. This areas footprint is acceptable as 5 out of the 7 bedrooms are greater than 10m<sup>2</sup> and therefore these individuals do not require a designated 'lounge' area



## REPRESENTATIONS

One support comments has been received stating a thriving student community should be allowed to grow.

## 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 6 or more person sui generis HMO. Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

In defining the 50 metre radius around the property, paragraph 1.23 viii states: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius if this proves impossible then all properties inside of this building will be included in the 'count'.'

In terms of the number of properties in the surrounding area, the demographic is comprised of:

- o 79 residential properties with 28 flats identified (each of the flats are fully within the 50m radius and have been included in the count data).
- o 28 properties known to be in use as a HMO. No additional properties have been brought to the attention of the LPA to investigate.

The current HMO count is therefore 35.44%. The addition of this sui generis HMO if granted would increase the HMO count to 36.71%.

Having regards to the balance of uses in the surrounding area, it is considered that the community is already imbalanced by a high concentration of HMOs and an additional sui generis HMO is not considered to be acceptable in principle. It is not therefore considered relevant if the application has provided evidence of the lawful use of the property as a Class C4 HMO as the percentage would still be significantly above the 10% threshold.

### Standard of accommodation

In terms of internal living conditions, the property benefits from the following:

Area	Provided
Bedroom 1	11.05m <sup>2</sup>
Bedroom 2 (not given a name on floor plan)	11.55m <sup>2</sup>
Bedroom 3	14.62m <sup>2</sup>
Bedroom 4	11.55m <sup>2</sup>
Bedroom 5	7.67m <sup>2</sup>
Bedroom 6	12.71m <sup>2</sup>
Bedroom 7	7.5m <sup>2</sup>
Lounge/kitchen	23.01 (27m <sup>2</sup> required, it is 3.99m <sup>2</sup> undersized)
Bathroom	5.76m <sup>2</sup>
Shower	5.12m <sup>2</sup>

The applicant has not indicated which rooms would provide additional occupants. However, based on the floor sizes in the revised SPD, the following rooms could provide double occupancy: 2, 3, 4 and 6.

In accordance with the requirement on page 9 of the HMO SPD, the property would also fail to provide the necessary sanitary facilities for a six or more persons HMO and would not provide sufficient living space for occupiers.

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.

The combined living/kitchen would be expected to provide a usable floor area of 27m<sup>2</sup>; the property would provide 23.01m<sup>2</sup>. The property would provide inadequate internal floor areas, 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.

Although the applicant has submitted evidence indicating the property already benefits from a lawful use within Class C4 and it could therefore be reasonably argued that the internal layout as shown on the submitted floor plans may be existing, it is considered that it is the addition on one additional person to the shared living spaces that would result in a significant level of harm as a result of undersized rooms.

Notwithstanding the common from Private Sector Housing, 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).

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.

Therefore, in light of the assessment above, it is considered that the proposed use of the property by seven persons would not provide an adequate standard of living accommodation for future occupiers.

#### Impact on residential amenity

The proposal involves the use of a ground floor lounge to provide an existing second floor bedroom to accommodate a seventh person. 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/waste

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.

Conditions to secure suitable bicycle and refuse storage would not however, overcome the harm identified above.

In accordance with paragraph 1.32 of the HMO SPD, conditions could be imposed to secure suitable refuse/recycling material storage.

#### 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. The applicant has not provided the correct level of mitigation and it is therefore considered that a sui generis HMO would, if allowed, have a significant impact on the Solent SPA.

## **Conclusion**

As highlighted above, it is considered that the development is not acceptable in principle and would fail to provide mixed and balanced communities, would not provide an acceptable standard of living for seven occupiers and would have a significant impact on the Solent Special Protection Areas.

## **RECOMMENDATION                      Refuse**

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

- 1) The intensification of the use to a 7 person sui generis HMO would fail to support a mixed and balanced community. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (adopted November 2017).
- 2) The proposed change of use of the building to a seven-person, six-bedroom House in Multiple Occupation (Sui Generis) would, as a result of the restricted size and layout of the communal facilities (kitchen/dining room) falling below the necessary 27m2 requirement, 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.

137 GLADYS AVENUE PORTSMOUTH PO2 9BD

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

**Application Submitted By:**

Miss Ema Baker  
Town Planning Experts

**On behalf of:**

New Look Properties Ltd

**RDD:** 12th October 2017

**LDD:** 8th December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to committee for determination following a number of deputation requests from local residents.

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

- whether the proposal is acceptable in principle;
- whether a suitable standard of living accommodation can be achieved;
- Impact on the character of the area and the amenity of neighbouring residents;
- whether there is sufficient provision for parking, cycle and refuse storage.

**Site**

The application relates to a two-storey terraced house located on the west side of Gladys Avenue, near to the junction with Ophir Road. The property has a bay window at ground floor level and a front forecourt, and there is a garden to the rear.

**Proposal**

Planning permission is sought for a change of use of the property from a single dwellinghouse (Use Class C3) to a flexible use for either a dwellinghouse (C3) or a House in Multiple Occupation (HMO) for between 3 and 6 persons (Use Class C4).

Internally, the property has a living room, kitchen and WC at ground floor level with three bedrooms, a shower room and study at first floor level. The sizes of the rooms are as follows:

- o Living room (ground floor) - 23.48m<sup>2</sup>
- o Kitchen (ground floor) - 20.26m<sup>2</sup>
- o WC (ground floor) - 2.28m<sup>2</sup>
- o Bedroom 1 (first floor) - 18.58m<sup>2</sup>
- o Bedroom 2 (first floor) - 11.46m<sup>2</sup>
- o Bedroom 3 (first floor) - 9.44m<sup>2</sup>
- o Shower room (first floor) - 5.26m<sup>2</sup>
- o Study (first floor) - 4.57m<sup>2</sup>

## Planning history

There is one historic planning application relating to the property, for the restoration of war damage in 1949 (ref. A\*13370).

## 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 aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include:

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

## CONSULTATIONS

### 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 DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE)

#### Summary

2 storeys

3 bedrooms

Based on the layout and sizes provided there are no adverse comments to make. This application this property would not require to be licenced under Part 2, Housing Act 2004.

## REPRESENTATIONS

21 representations have been received, objecting to the application on the following grounds:

- a) insufficient parking in the area
- b) highway safety concerns as a result of increased pressure for parking
- c) potential increase in noise and anti-social behaviour
- d) unknown who the tenants of the property would be
- e) risk of the property becoming overcrowded
- f) concern about lack of notification to local residents
- g) too many HMOs and flats already in the area
- h) poor standard of accommodation
- i) negative impact on the character of the area
- j) detrimental environmental impact through increased rubbish and pollution
- k) front forecourt too small for waste bins
- l) increased risk of crime

## COMMENT

### Principle of the proposal

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (HMO), to enable flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between 3 and 6 unrelated people who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended 21 November 2017), 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Based on information held by the City Council, out of 65 properties within a 50m radius, 1 is in use as a HMO, which amounts to 1.5%. If permission is granted for this property to be in HMO use, the percentage would be 3.1%, which is below the 10% threshold. This application would therefore not result in an imbalance of such uses and the proposal is considered acceptable in principle in accordance with Policy PCS20.

The Council's Housing Team has been consulted on the application but have commented that an HMO of this size in the proposed location would not be required to have a licence.

### Standard of living accommodation

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Living room (ground floor) - 23.48m <sup>2</sup>	Minimum - 11m <sup>2</sup>
Kitchen (ground floor) - 20.26m <sup>2</sup>	Minimum - 7m <sup>2</sup>
WC (ground floor) - 2.28m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
Bedroom 1 (first floor) - 18.58m <sup>2</sup>	Minimum (double) - 11.5m <sup>2</sup>
Bedroom 2 (first floor) - 11.46m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 3 (first floor) - 9.44m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Shower room (first floor) - 5.26m <sup>2</sup>	Minimum - 3.74m <sup>2</sup>
Study (first floor) - 4.57m <sup>2</sup>	N/A

All of the rooms within the property exceed the minimum size standards set out within the SPD and it is therefore considered that it would provide a suitable standard of living accommodation for a house in multiple occupation.

### Impact on the character of the area and residential amenity

Representations refer to the potential increase in noise, disturbance, anti-social behaviour and crime resulting from the use of the property as a HMO. It is, however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to

a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

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

#### Parking and cycle storage

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 1.5 off-road spaces for Class C4 HMOs with up to 3 bedrooms, which is the same as required for a C3 dwellinghouse with up to 3 bedrooms. In this case there is no parking associated with the dwelling and no opportunity to provide parking on site. However, it is considered that the level of occupation generally associated with the use of any given property as a HMO (C4) would not be materially different to the use of a property as a Class C3 dwellinghouse occupied by a single family. On that basis, it is not considered that the change of use would have a significant impact on the parking situation in the area or cause any significant highway safety concerns.

The Parking Standards SPD also require 2 cycle parking spaces to be provided. The submitted drawings do not indicate the provision of bicycle storage facilities, but there would be space within the garden to accommodate a cycle store and this can be secured by condition.

#### Refuse storage

Concerns have been raised in representations about lack of space for refuse storage. However, the property has a front forecourt and a rear garden where bins could be stored and the amount of storage required would be no greater than would be required for a C3 dwellinghouse.

#### Other matters raised within representations

Concerns have been raised about a lack of consultation about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

#### Conclusion

The proposed change of use from a C3 dwellinghouse to a C4 HMO would not result in an imbalance of HMO uses in the area and would not have a significant impact on the character of the area or the amenities of neighbouring residents. Furthermore, there is adequate space within the site to accommodate the required cycle and refuse storage. The proposal is therefore in accordance with policies PCS20 and PCS23 of the Portsmouth Plan and the Houses in Multiple Occupation SPD.



## **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; BLOCK PLAN 1:500 and FLOOR PLAN DATED 31/10/17.
- 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 2 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

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

### **PRO-ACTIVITY STATEMENT**

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

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)**

**Application Submitted By:**

Mr Justin Bateman

**On behalf of:**

Mr Justin Bateman

**RDD:** 7th September 2017

**LDD:** 3rd November 2017

**SUMMARY OF MAIN ISSUES**

**UPDATE**

This application was deferred from the planning committee on 18 October 2017. The decision to defer the application was based on the inaccuracies of the plans presented to the Planning Committee in comparison to the photographic evidence presented by the Case Officer.

In response to the comments made at the October committee, the applicant has submitted revised plans incorporating the following amendments:

- Changes to rooms within the property to reflect the true positioning of windows and doors.
- Changes to Bedroom 4 to provide a corridor and stair access to converted loft space.

The amendments made to the floorplans have been validated in correspondence with site visit photos and the Local Planning Authority is sufficiently satisfied that the plans reflect the current internal layout of the property.

It is important to note that the planning application as originally presented to the Planning Committee was assessed in accordance with the Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- October 2012, and based on the criteria identified in this document, the application was recommended for Conditional Permission.

Since the deferral of this item, the Local Planning Authority has adopted a revised version of this document titled: Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- November 2017. In light of the approved changes outlined in the newly adopted SPD, the recommendation for Conditional Permission remains unchanged.

-Paragraph 1.15 states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.'" Having undertaken a fresh analysis of the HMO count data, it is understood that three (inclusive of 20 Granada Road) of the 106 properties (2.83%) within the 50m radius surrounding the application site are currently in use lawfully as Class C4 HMO's. The intensification of HMO uses

within this area would therefore be acceptable in respect of the principles outlined in the newly adopted HMO SPD (November 2017)

-Paragraph 1.22 states: "In accordance with Policy PCS23, the City Council will seek to refuse applications for HMO development where such development would fail to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers. For the purpose of assessing applications for the change of use to C4 HMOs and Sui Generis HMOs, planning permission will only be granted where the proposal would not result in an over intensive use of the property."

Having assessed the property in respect of minimum space requirements identified on pages 8 and 9 of the SPD, it was considered that all eight bedrooms and the three bathrooms located on ground, first and second floors would be compliant with the newly adopted standards. Further to this the shared kitchen and separate lounge also meet the criteria outlined in the document. The living space for eight persons sharing therefore is considered to be adequate and compliant with Policy PCS 20- Houses in Multiple Occupation and the corresponding Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- November 2017.

Based on the policy provisions identified above, the recommendation is for Conditional Permission.

#### The Site

This application relates to a two-storey semi-detached dwelling located on Granada Road close to its intersection with Alhambra Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

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

#### Proposal

This application seeks planning permission to use the property as a 8 bedroom, 8 person house in multiple occupation (Sui Generis).

#### Relevant Planning History

In terms of relevant planning history, planning application reference: 15/00053/FUL was granted in February 2015 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)

### **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 (November 2017) 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.

#### Bedrooms

All bedrooms exceed 10m<sup>2</sup> therefore no dedicated living/lounge area is required.

#### Lounge/dining area - ground floor

This is 16.77m<sup>2</sup> and the requirement for a separate dining area is 14m<sup>2</sup>, therefore the required space standard is met.

#### Kitchen GF / Kitchen FF

The following amenities are required for 8 individuals sharing:

- 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

The ground floor kitchen measures 12.37m<sup>2</sup> and the 1st floor kitchen measures 9.81m<sup>2</sup>, collectively providing a cooking food storage and preparation provisions of 21.55m<sup>2</sup> in addition to a separate dining area.

The above facilities must be configured and laid out to provide a safe and usable environment

#### Personal hygiene

The minimum size for a bath/shower room is 3.74m<sup>2</sup> and 2.74m<sup>2</sup> 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.

It is noted the WC proposed on the first floor is slightly too small, 1m<sup>2</sup>. Where WC's are proposed they must be a minimum of 1.17m<sup>2</sup> (1300 x 900mm) and include a wash hand basin. However, on the condition the proposed bath/shower rooms contain a WC and wash hand basin, this WC is an 'additional' facility to the requirement for 7 sharing (bedroom 8 has an en-suite).

Therefore based on the information provided with this application the required standards for personal hygiene facilities are met within the property.

### 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**

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
- (g) increased parking demand.

## **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 an eight bedroom, eight person Sui Generis HMO. The property already benefits from a lawful use as a Class C4-HMO which was granted planning permission in February 2015.

Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

In terms of the number of properties in the surrounding area, the demographic is comprised of:  
-106 properties  
- 3 properties (inclusive of 20 Granada Road) are known to be in use as a lawful HMO. No additional properties have been brought to the attention of the LPA to investigate.

The current HMO count, inclusive of the application site, is therefore 2.83% which is considerably below the 10% threshold.

Having regards to the balance of uses in the surrounding area, it is considered that the community is currently balanced by a concentration of residential properties and HMO's uses therefore the proposal can be considered acceptable in principle.

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 (November 2017). 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).

#### Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	11.77m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Ground Floor)	10.81m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (Ground Floor)	14.99m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	22.3m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	13.76m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (First Floor)	11.31m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 7 (Second Floor)	15.77m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 8 (Second Floor)	21.08m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen (Ground Floor)	12.37m <sup>2</sup>	11m <sup>2</sup>
Kitchen (First Floor)	9.18m <sup>2</sup>	11m <sup>2</sup>
Lounge	16.77m <sup>2</sup>	14m <sup>2</sup>
Bathroom (Ground Floor)	4.14m <sup>2</sup>	3.74m <sup>2</sup>
Bathroom (First Floor)	4.23m <sup>2</sup>	3.74m <sup>2</sup>
Bathroom (Second Floor)	4.34m <sup>2</sup>	3.74m <sup>2</sup>
W/C (Ground Floor)	1.47m <sup>2</sup>	Not defined
W/C (First Floor)	1.00m <sup>2</sup>	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 8 persons sharing.

It is worth noting that the kitchen provided at first floor level is slightly undersize (1.82m<sup>2</sup>), however this is considered to be an additional facility and it is the view of the Local Planning Authority that this shortfall is acceptable given the overall compliance of the proposal. The property would provide adequate internal floor areas, exceeding 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.

The HMO SPD (November 2017) has not defined a minimum size standard for W/C's, the Private Sector Housing Department have provided clarification on this matter in their consultation comment stating: "the WC proposed on the first floor is slightly too small, 1m<sup>2</sup>. Where WC's are proposed they must be a minimum of 1.17m<sup>2</sup> (1300 x 900mm) and include a wash hand basin. However, on the condition the proposed bath/shower rooms contain a WC and wash hand basin, this WC is an 'additional' facility to the requirement for 7 sharing

(bedroom 8 has an en-suite). Therefore based on the information provided with this application the required standards for personal hygiene facilities are met within the property."

The licensing process would 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.

Notwithstanding the comments from Private Sector Housing, 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).

Each of the proposed bedrooms exceed the minimum space standard (7.5m<sup>2</sup>) and would have an acceptable degree of natural light, ventilation and outlook.

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

#### 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 eight 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.

#### 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 site's 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.

The applicant has provided four secure long-term cycle storage for the occupants in the rear yard which would be retained in compliance with conditions imposed under planning application reference: 15/00053/FUL. There is no requirement under the City Council's Parking Standards SPD to provide further cycle storage for changes of use to Sui-Generis HMO's

#### SPA mitigation

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

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

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

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

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

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500), PG 2103.17 REV A.
- 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).



**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.

56 BRITANNIA ROAD NORTH SOUTHSEA PO5 1SL

**CHANGE OF USE FROM PURPOSES FALLING WITHIN A C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPATION) TO A 6 BEDROOM/7 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

C/o Agent

**RDD:** 2nd October 2017

**LDD:** 15th December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to planning committee due to the standard call-in for all sui generis HMOs.

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-terrace Victorian dwellinghouse currently in use as a lawful C4 HMO located on the eastern side of Britannia Road North. Additional living accommodation is provided in the roof space of the dwellinghouse with a useable basement. The existing property is comprised of six bedrooms with accommodation at ground, first and second floor level. The property benefits from a large basement used as a kitchen/dining area with a study and additional living areas at ground floor level. At first floor, there are two separate bathrooms and two separate toilets. The property benefits from an enclosed rear garden. The dwelling is set back from the highway by means of a small forecourt and the surrounding area is characterised by similar residential properties, with Priory Secondary School to the north.

**The proposal**

The applicant seeks permission for a change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to a 6 bedroom/7 person house in multiple occupation (sui generis). To achieve this, the applicant is proposing one of the bedrooms be put to double occupancy.

On 21st November 2017, Portsmouth City Council as local planning authority adopted a revised HMO SPD that is now the material consideration document in the determination of all HMO applications. This document replaces the previous version adopted in 2012.

## Planning History

Permission was granted in February 2014 for change of use from house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation). The floor plans for this application indicated that two bedrooms existed at ground floor level with a lounge and kitchen, with three bedrooms at first floor level with a bathroom and separate WC. A basement was shown on the floor plans although this indicated no use for the HMO.

## 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 Supplementary Planning Document (SPD), Solent Special Protection Areas SPD and Houses in Multiple Occupation SPD (adopted 21st November 2017) would also be a material consideration.

## CONSULTATIONS

### Private Sector Housing

This proposed open planned area is 23.01m<sup>2</sup>, of which 11m<sup>2</sup> needs to be for the exclusive use of cooking, food preparation and storage. This areas footprint is acceptable as 5 out of the 7 bedrooms are greater than 10m<sup>2</sup> and therefore these individuals do not require a designated 'lounge' area.

### 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 4bedrooms 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 4bedrooms 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.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is

likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted

## **REPRESENTATIONS**

Two representations have been received objecting on the grounds of:

- (a) increased pressure on parking;
- (b) no need for further student accommodation;
- (c) the area is already over-saturated with HMOs;
- (d) properties generate high levels of rubbish;
- (e) increase noise and disturbance and rise in anti-social behaviour; and,
- (f) unlawful alterations to lightwell need planning permission.

## **COMMENT**

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

### **Principle of the use**

Planning permission is sought for the use of the property as a 6 bedroom 7 person HMO. Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

In defining the 50 metre radius around the property, paragraph 1.23 viii states: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius if this proves impossible then all properties inside of this building will be included in the 'count'.'

In terms of the number of properties in the surrounding area, the demographic is comprised of:

- o 63 residential properties (flats 2, 4, 6, 8 and 10 Harrow Road have been removed from the 'Count Data' due to the requirements of paragraph 1.23 viii).
- o 20 properties known to be in use as a HMO. No additional properties have been brought to the attention of the LPA to investigate.

The current HMO count is therefore 28.57%. The addition of this sui generis HMO if granted would increase the HMO count to 30.16%. It should however be noted that the application property is already occupied as a lawful C4 HMO with the proposed intensification of one of the bedrooms to accommodate a seventh person.

Having regards to the balance of uses in the surrounding area, it is considered that the community is already imbalanced by a high concentration of HMOs and an additional sui generis HMO is not considered to be acceptable in principle.

### **Standard of accommodation**

The applicant has not confirmed which bedroom would be used to provide double occupancy and therefore all of the internal space (for both private and personal amenity space) for the property are provided here, not just the room that would accommodate the seventh person. In terms of internal living conditions, the property benefits from the following:

Area	Provided	Required by the revised SPD
Kitchen/dining (basement)	27.77m <sup>2</sup>	27m <sup>2</sup>
Living (ground floor)	12.54m <sup>2</sup>	Additional beyond required
Study (ground floor)	10.63m <sup>2</sup>	Additional beyond required
Bedroom (ground floor)	12.99m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom front (first floor)	12.06 m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom middle (first floor)	10.63 m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom rear (first floor)	11.52 m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom front (2nd floor)	19.07 m <sup>2</sup>	11.5m <sup>2</sup>
Bedroom rear (2nd floor)	12.45 m <sup>2</sup>	7.5m <sup>2</sup>

It is worth noting that in accordance with the minimum bedroom space for double occupancy (and without the applicant's confirmation), it is considered that the following rooms could be used to provide the seventh person: ground floor bedroom, front and rear bedroom at first floor level, and both bedrooms at second floor level.

The property provides two bathrooms and two toilets.

The City Council Private Sector Housing Team (PSHT) has considered the submitted drawings and advises that a license would be required. PSHT consider the shared areas to be acceptable.

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.

The basement level kitchen has two escapes. The first through the internal stairs and there is an external door leading into the lightwell that has a ladder leading to street level.

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, both for the shared areas and the rooms identified above that are above 11.5m<sup>2</sup>, 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 existing second floor bedroom to accommodate a seventh person. 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/waste

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. However, conditions could be imposed to secure suitable bicycle storage facilities.

In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Council's Waste Inspectors have indicated conditions should be imposed to secure suitable refuse storage for future occupiers. In accordance with paragraph 1.32 of the HMO SPD, conditions could be imposed to secure suitable refuse/recycling material storage.

Conditions to secure suitable bicycle and refuse storage would not however, overcome the harm identified above.

### **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. The applicant has not provided the correct level of mitigation and it is therefore considered that a sui generis HMO would, if allowed, have a significant impact on the Solent SPA.

## **RECOMMENDATION                      Refuse**

### **Conditions**

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

- 1) The intensification of the use to a 7 person sui generis HMO would fail to support a mixed and balanced community. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (adopted November 2017).
- 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).

## 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.



186 ST AUGUSTINE ROAD SOUTHSEA PO4 9AE

**CHANGE OF USE FROM PURPOSES FALLING WITHIN A HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 6 BEDROOM/7 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

New Era Agency Ltd  
FAO Mr Chris Broyd

**On behalf of:**

C/o Agent

**RDD:** 3rd October 2017

**LDD:** 1st December 2017

**SUMMARY OF MAIN ISSUES**

This application has been brought to planning committee due to the standard call-in for all sui generis HMOs.

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 dwellinghouse currently in use as a lawful Class C4 HMO, located on the east side of St Augustine Road, just to the south of the junction with Devonshire Avenue. The property is setback from the footway and benefits from an enclosed front forecourt and rear garden. The property is located in a residential area and neighbouring properties are of similar appearance. The applicant has indicated the property is occupied as a Class C4 HMO and has submitted evidence in the form of tenancy agreements that confirms this.

**The proposal**

The applicant seeks permission for a change of use from purposes falling within a house in multiple occupation (Class C4) to a 6 bedroom/7 person house in multiple occupation (sui generis).

On 21st November 2017, Portsmouth City Council as local planning authority adopted a revised HMO SPD that is now the material consideration document in the determination of all HMO applications. This document replaces the previous version adopted in 2012.

**Planning History**

There is no relevant planning history for this site.

The applicant has submitted evidence in the form of tenancy agreements indicating the property has been continuously occupied as a Class C4 HMO since 1st November 2011.

## **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 Supplementary Planning Document (SPD), Solent Special Protection Areas SPD and Houses in Multiple Occupation SPD (adopted 21st November 2017) would also be a material consideration.

## **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.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted

### **Private Sector Housing**

None.

## **REPRESENTATIONS**

One representation has been received from a neighbouring property objecting on the grounds of:

- (a) increased rubbish;
- (b) further loss of housing and loss of affordable housing;
- (c) increased pressure on parking that reduces outside of university term; and,
- (d) no further need for this type of housing.

## COMMENT

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

### Principle of the use

Planning permission is sought for the use of the property as a 6 bedroom 7 person HMO. Paragraph 1.15 of the HMO SPD (adopted 21.11.2017) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.' "

In defining the 50 metre radius around the property, paragraph 1.23 viii states: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius if this proves impossible then all properties inside of this building will be included in the 'count'.'

In terms of the number of properties in the surrounding area, the demographic is comprised of:  
o 55 residential properties with 7 flats identified.

- It is considered that flats 1a Devonshire Avenue (ground and upper) are likely stacked atop each other, both should be retained in the count data.

- Flats 172 a/b and 192a St Augustine Road are also considered to be fully within the 50m radius around the property and should be included in the count data.

o 6 properties known to be in use as a HMO. No additional properties have been brought to the attention of the LPA to investigate.

The current HMO count is therefore 10.91%. The addition of this sui generis HMO if granted would increase the HMO count to 12.73%. It should however be noted that the application property is already occupied as a lawful C4 HMO with the proposed intensification of one of the bedrooms to accommodate a seventh person.

Having regards to the balance of uses in the surrounding area, it is considered that the community is already imbalanced by a high concentration of HMOs and an additional sui generis HMO is not considered to be acceptable in principle.

### Standard of accommodation

The applicant has not confirmed which bedroom would be used to provide double occupancy and therefore all of the internal space (for both private and personal amenity space) for the property are provided here, not just the room that would accommodate the seventh person. In terms of internal living conditions, the property benefits from the following:

Area	Provided	Required by the revised SPD
Ground floor		
Bedroom 6	9.94m <sup>2</sup>	7.5m <sup>2</sup>
Dining room	7.23m <sup>2</sup>	14m <sup>2</sup>
Living/kitchen	25.82m <sup>2</sup>	27m <sup>2</sup>
WC	1.5m <sup>2</sup>	
Shower room	2.02m <sup>2</sup>	
First floor		
Bedroom 3 (front)	11.69m <sup>2</sup>	7.5m <sup>2</sup>

Bedroom 2	7.23m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (rear)	12.84m <sup>2</sup>	7.5m <sup>2</sup>
Toilet	some 1.36m <sup>2</sup>	
Shower room	3.15m <sup>2</sup>	

#### Second floor

Bedroom 1	13.67m <sup>2</sup>	11.5m <sup>2</sup>
Bedroom 2	11.58m <sup>2</sup>	7.5m <sup>2</sup>

The property provides two bathrooms and two toilets.

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.

In terms of internal living conditions, the property would comprise seven bedrooms ranging from 7.23m<sup>2</sup> to 13.67m<sup>2</sup> as highlighted above. In accordance with the 11.5m<sup>2</sup> required to provide a double occupancy room as highlighted in the SPD, the following rooms would meet the required size standards to accommodate a seventh person: first floor bedrooms three (front and rear) and both second floor bedrooms.

The combined living/kitchen would be expected to provide a usable floor area of 27m<sup>2</sup>; the property would provide 25.82m<sup>2</sup>. A separate living room would be provided that would provide 7.23m<sup>2</sup>, with 14m<sup>2</sup> required. In either case, the property would provide inadequate internal floor areas for the size of the property, 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. As well as the inadequacies of the shared areas, there would be a short-fall of internal space for bedroom two at first floor level (7.23m<sup>2</sup> (0.27m<sup>2</sup> below the minimum)). However, as this room already exists at the property and the property could lawfully be used as a Class C4 HMO for 3-6 persons, it is not considered that a sustainable reason for refusal could be supported for the short coming of 0.27m<sup>2</sup> provided by this room.

Although the applicant has submitted evidence indicating the property already benefits from a lawful use within Class C4 and it could therefore be reasonably argued that the internal layout as shown on the submitted floor plans may be existing, it is considered that it is the addition on one additional person to the shared living spaces that would result in a significant level of harm as a result of undersized rooms.

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.

Therefore, in light of the assessment of the accommodation above, it is considered that the proposed use of the property by seven persons would not provide an adequate standard of living accommodation for future occupiers.

#### Impact on residential amenity

The proposal involves the use of a ground floor lounge to provide an existing second floor bedroom to accommodate a seventh person. 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/waste

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.

Conditions to secure suitable bicycle and refuse storage would not however, overcome the harm identified above.

In accordance with paragraph 1.32 of the HMO SPD, conditions could be imposed to secure suitable refuse/recycling material storage.

## 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. The applicant has not provided the correct level of mitigation and it is therefore considered that a sui generis HMO would, if allowed, have a significant impact on the Solent SPA.

### Conclusion

As highlighted above, it is considered that the development is not acceptable in principle and would fail to provide mixed and balanced communities, would not provide an acceptable standard of living for seven occupiers and would have a significant impact on the Solent Special Protection Areas.

## **RECOMMENDATION                      Refuse**

### **Conditions**

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

- 1) The intensification of the use to a 7 person sui generis HMO would fail to support a mixed and balanced community. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (adopted November 2017).
- 2) The proposed change of use of the building to a seven-person, six-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 the necessary shared communal space 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.

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)**

**Application Submitted By:**

Thorns Young Ltd  
FAO Mr Sam Appleton

**On behalf of:**

Mr A Pandya

**RDD:** 17th July 2017

**LDD:** 13th September 2017

**SUMMARY OF MAIN ISSUES**

**UPDATE**

This application was deferred from the planning committee on 18 October 2017. The decision to defer the application was based on the inaccuracies of the plans presented to the Planning Committee in comparison to the photographic evidence presented by the Case Officer.

In response to the comments made at the October committee, the applicant has submitted revised plans incorporating the following amendment:

- Changes to the kitchen/living space to reflect the true positioning of windows and doors.

The amendments made to the floorplans have been validated in correspondence with site visit photos and the Local Planning Authority is sufficiently satisfied that the plans reflect the current internal layout of the property.

It is important to note that the planning application as originally presented to the Planning Committee was assessed in accordance with the Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- October 2012, and based on the criteria identified in this document, the application was recommended for Conditional Permission.

Since the deferral of this item, the Local Planning Authority has adopted a revised version of this document titled: Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- November 2017. In light of the approved changes outlined in the newly adopted SPD, the recommendation for Conditional Permission has changed to one of refusal for the reasons outlined below:

-Paragraph 1.15 states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.'" Having undertaken a fresh analysis of the HMO count data, it is understood that fourteen of the sixty properties (23.3%) within the 50m radius surrounding the application site are currently in use lawfully as Class C4 HMO's and granting planning permission for this change of use would



increase the percentage of HMO's within the immediate area to 25%. The intensification of HMO uses within this area would therefore not be acceptable in respect of the principles outlined in the newly adopted HMO SPD (November 2017)

-Paragraph 1.22 states: "In accordance with Policy PCS23, the City Council will seek to refuse applications for HMO development where such development would fail to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers. For the purpose of assessing applications for the change of use to C4 HMOs and Sui Generis HMOs, planning permission will only be granted where the proposal would not result in an over intensive use of the property." Having assessed the property in respect of minimum space requirements identified on pages 8 and 9 of the SPD, it was considered that all seven bedrooms and the two bathrooms located on first and second floors were compliant with the newly adopted standards, however, the shared kitchen/living/dining space failed to meet the minimum standard of 27m<sup>2</sup> and was calculated at 22.33m<sup>2</sup>. The shared living space for seven persons sharing therefore is considered to be inadequate and contrary to Policy PCS 20- Houses in Multiple Occupation and the corresponding Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- November 2017.

Based on the policy provisions identified above, the recommendation is for refusal.

### The Site

This application relates to a two-storey mid-terraced dwelling located on Playfair Road close to its intersection with St Andrews Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

The site is located in close proximity to a range of shops and services on Somers Road and Elm Grove and is located in close proximity to a high frequency bus corridor located on Winston Churchill Avenue. Also within walking distance are Southsea and Fratton Train Stations.

### 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

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 (November 2017) and the Parking Standards SPD would also be material to this application.

To clarify, when this application was referred to the Planning Committee on 18th October the previous Houses in Multiple Occupation (HMOs) Supplementary Planning Document (October 2012) was in place. This has been replaced by the above mentioned SPD and as such the policies relevant to the assessment of this matter have changed.

## CONSULTATIONS

### Private Sector Housing

Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis)

Summary

- 3 Storeys
- 7 Bedrooms

This property would require to be licenced under Part 2, Housing Act 2004 and from the information provided with the application, including the specific room sizes, I have no adverse comments to make.

Please note the required facilities for the property.

Kitchen/living/dining.

The overall space required for a shared open planned kitchen/dining/living area where bedrooms exceed 10m<sup>2</sup> is 22.5m<sup>2</sup>, of which the kitchen must be 11m<sup>2</sup> for the exclusive use of food preparation and storage. The following amenities are required:

- 2 x conventional cooker (combination microwave may be used in lieu of 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 requirement

2 x bathroom and 2 x WC's (one of the WC's can be contained within one of the bathrooms).

A shower/bathroom must be a minimum of 2.74m<sup>2</sup> / 3.74m<sup>2</sup> to ensure adequate drying and changing space. The bath / shower room must contain:

- Bath and/or shower
- WC
- WHB
- Heating
- Ventilation

The WC needs to be a minimum of 1300 x 900mm (1.17m<sup>2</sup>) and include a WHB.

### 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**

A total of 49 representations have been received objecting to the development on the grounds of:

- (a) over-intensification of the property;
- (b) drawings do not accurately reflect the extent of changes carried out on the property;
- (c) the density of HMO's already existing in Playfair Road;
- (d) the application should be considered in the context of the new HMO SPD;
- (e) the plans provide a lack of clarity regarding room sizes;
- (f) the proposal would lead to an increase in noise and disturbance;
- (g) increased rubbish;
- (h) increased parking demand;
- (i) increased pressure on water and sewerage networks;
- (j) would set a poor precedent and
- (k) would have an impact on housing prices in the area.

Further to this, one representation has been received supporting the development on the grounds that there would be no material difference if the property were to be occupied by a family or students.

## **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 applicant has submitted a Statutory Declaration outlining the use of the property as a C4 HMO prior to November 2011. This has been corroborated with Council Tax records and information held on the HMO database. Therefore it is considered that on the balance of probabilities the property has been continuously used as a C4 HMO from November 2011 to the current date.

In respect of the requirements of the newly adopted HMO SPD (November 2017), Paragraph 1.13 states: "A community will be considered to be 'imbalanced' where more than 10% of residential properties within a 50m radius of the area surrounding the application property are already in HMO use." Paragraph 1.15 provides further clarification and states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold.'"

Having undertaken a fresh analysis of the HMO count data, it is understood that fourteen of the sixty properties (23.3%) within the 50m radius surrounding the application site are currently in use lawfully as Class C4 HMO's and granting planning permission for this change of use would increase the percentage of HMO's within the immediate area to 25%. The intensification of HMO uses within this area would therefore not be acceptable in respect of the principles outlined in the newly adopted HMO SPD (November 2017).

### 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 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

In terms of internal living conditions, the property currently comprises shared toilet and bathroom facilities (toilet, basin, shower and bath) at ground, first and second floor level. At ground floor level a communal lounge and kitchen would have a floor area of approximately 23 sq.m. with access to cooking, storage and preparation facilities including two ovens, one microwave/grill, multiple cupboards two fridge/freezers, one set of gas hobs, multiple sockets two sinks and drainers and a washing machine/tumble dryer. There is also a seating area with sofas and a breakfast bar.

Whilst the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants, it is noted that the size of this shared kitchen/living/dining space is inadequate in light of the minimum size standards identified in the HMO SPD (November 2017). Paragraph 1.22 states: "In accordance with Policy PCS23, the City Council will seek to refuse applications for HMO development where such development would fail to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers. For the purpose of assessing applications for the change of use to C4 HMOs and Sui Generis HMOs, planning permission will only be granted where the proposal would not result in an over intensive use of the property."

Having assessed the property in respect of minimum space requirements identified on pages 8 and 9 of the SPD, it was considered that all seven bedrooms and the two bathrooms located on first and second floors were compliant with the newly adopted standards, however, the shared kitchen/living/dining space failed to meet the minimum standard of 27m<sup>2</sup> and was calculated at 22.33m<sup>2</sup>. The shared living space for seven persons sharing therefore is considered to be inadequate and contrary to Policy PCS 20- Houses in Multiple Occupation and the corresponding Houses of Multiple Occupation (HMOs)- Ensuring mixed and balanced communities- Supplementary Planning Document (SPD)- November 2017. As a result of this, it

is considered that granting planning permission would be considered to result in an over-intensive use of the property

The City Council's Private Sector Housing Team (PSHT) have been consulted as part of the determination of this application. They confirm that the standard of accommodation and the associated facilities are sufficient for the intended number of occupants and any licence application for its occupation by up to 7 individuals would be capable of support. It should be noted that there is a degree of variation between the standards that are acceptable for the Licensing regime and the newly adopted minimum standards identified in the HMO SPD (November 2017).

#### Parking

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

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

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

#### SPA mitigation

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

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

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

## **RECOMMENDATION**

## **Refuse**

### **Conditions**

- 1) The proposed change of use from a HMO (Class C4) to a seven person Sui-Generis HMO would fail to support a mixed and balanced community in an area imbalanced by the level of similar such uses. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (November 2017)
- 2) The proposed change of use of the building to a House in Multiple Occupation (Sui Generis) would, as a result of the proposed layout and size the communal facilities (kitchen/living facilities), 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 and the emerging (revised) House in Multiple Occupation Supplementary Planning Document (draft, September 2017).
- 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).

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

### **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.

11A PORTSMOUTH ROAD PORTSMOUTH PO6 2SG

**EXTERNAL ALTERATIONS TO INCLUDE CHANGES TO WINDOWS AND CONSTRUCTION OF SINGL-STOREY REAR EXTENSION; CHANGE OF USE OF REAR PART OF GROUND FLOOR AND ENTIRE FIRST FLOOR TO FORM AN 8-BEDROOM, 9-PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

McAndrew Martin  
FAO Mr James Bengree

**On behalf of:**

Mr Robert Johnson

**RDD:** 28th July 2017

**LDD:** 12th 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, whether it would have a detrimental impact on the living conditions of adjoining and nearby residents and the acceptability of the external alterations and additions. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

**The Site**

The application relates to a two-storey end of terrace property located to the corner of Portsmouth Road and Windsor Road. The building incorporates a shop at ground floor level (previously a newsagents - Class A1) with a flat above accessed from Windsor Road. A single-storey rear projection extends into a small rear yard with an area of open hardstanding beyond. This provides 5-off road parking spaces served by a long stretch of dropped kerb onto Winsor Road. The site is separated from the first dwelling to the east by an access leading to a service yard serving commercial and residential properties that front Portsmouth Road.

The site is located within the Secondary Area of the Cosham District Centre, just to the south of Cosham railway station (45m) and just to the east of Cosham bus interchange (24m). The surrounding area comprises a mix of uses predominantly commercial to the north and residential to the south and east. Large areas of open space are situated to the south-west.

**The Proposal**

Planning permission is sought for the construction of a single-storey rear extension, external alterations to the existing building and the change of use of rear part of ground floor and entire first floor to form an 8-bedroom, 9-person house in multiple occupation (sui generis).

## Planning History

Planning permission was granted in August 2017 (ref. 17/01139/FUL) for the change of use of the rear part of ground floor and first floor to form a house in multiple occupation for up to 6 people (Class C4) and external alterations to include the construction of a single storey rear extension.

Planning permission was granted in 1994 (ref. A\*35778/AA) for the change of use of the first floor to form a self-contained flat.

## 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 (revised November 2017) and the Parking Standards SPD would also be material to this application.

## CONSULTATIONS

### Eastern Solent Coastal Partnership

Comments to follow

### Environment Agency

Updated comments pending following the submission of an updated Flood Risk Assessment

Initial comments 26th September 2017

In the absence of an acceptable FRA the EA object to the proposed development, as submitted.

Reasons - The site is partially located within tidal Flood Zones 3 and 2 of our Flood Map. These zones indicate land with a high (1 in 200 year) and medium probability (1 in 1000 year) of flooding from the sea respectively, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306). The proposed extension falls within Flood Zone 3.

The FRA submitted with this application does not comply with the requirements set out in the PPG (ref. 7-065-20140306). In particular, the submitted FRA fails to establish:

- How the proposed development is likely to be affected by current flooding (e.g. by identifying the design flood level (in mAOD) and depths) and flooding over the lifetime of the development, taking climate change into account;
- What measures are proposed to deal with these effects and risks and whether they are appropriate; and
- How any residual risks will be managed, including consideration of the requirement for flood emergency planning.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Overcoming the EAs objection - The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will be safe and appropriate in this area of flood risk. If this cannot be achieved we are likely to maintain our objection to the application. Production of a revised FRA will not in itself result in the removal of an objection. It must demonstrate that the risks have been adequately assessed, and that mitigation measures will make the development safe.



Flood evacuation plan - In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities (LPAs) to formally consider the emergency planning and rescue implications of new development in making their decisions.

The PPG states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (ref. 7-054- 20150415). The EA therefore recommend seeking comments from the relevant emergency planners. Please note that it is not our role to assess the detail of flood evacuation or emergency plans. We do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

### **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 - Ground floor extension to include external alterations. Change of use of rear part of ground floor and first floor to form 8-bedroom house in multiple occupation (Sui Generis)

Summary - Storeys: 2 - Bedrooms: 8

From the information provided with the application, including the specific room sizes, PSH have no adverse comments to make.

Kitchen/living open planned - The kitchen area in a shared open plan arrangement needs to be a minimum of 11m<sup>2</sup> for the exclusive use of food preparation and storage. The following amenities are required to meet the necessary standards:

- 2 x conventional cookers (irrespective of whether a combination microwave is provided).
- 2 x single bowl sinks and integral drainer
- 2 x under counter fridge and a separate freezer or 2 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 socket located at least 150mm above the work surface.

Personal Hygiene - Please note the bath/shower room facilities needed to meet the required standards. The minimum size for a bath/shower room is 3.74m<sup>2</sup> and 2.74m<sup>2</sup> 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.

### **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.

Where an application site has less than 4 bedrooms existing and seeks to be converted to a HMO (C4) or HMO (Sui Generis) should be consulted. Equally, if any aspect of the application is likely to result in a material change to the highway or operation of the highway and is not covered by the above guidance, the Highway Authority shall be consulted.

## **REPRESENTATIONS**

None received.

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

## **COMMENT**

The 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, whether the use would have a detrimental impact on the living conditions of adjoining and nearby residents, and the acceptability of the external alterations and additions in terms of design and impact on amenity. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation and parking.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO (Class C4, HMOs in Sui Generis use and mixed C3/C4 use) will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended 21 November 2017), 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are in HMO use.

Based on information held by the City Council, of the 123 properties within a 50 metre radius of the application site, none are considered to be in lawful use as HMOs. Therefore, as the granting of planning permission would increase the proportion of HMOs in the area to 0.81%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses. Therefore, the proposal is considered to be acceptable in principle.

It is noted that the 'count' data already lists 11A Portsmouth as a HMO. This is on the basis that planning permission was granted in August this year (ref. 17/01139/FUL) for the change of use of the rear part of the ground floor and the first floor to form a house in multiple occupation for up to 6 people (Class C4) with external alterations and additions. It is also noted that all of the flats within No.6 Portsmouth Road have been included within the 'count' data. The updated HMO SPD (November 2017) states at paragraph 123 viii) that: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius. If this proves impossible then all properties inside this building will be included within the 'count'.

Whilst the 50m radius would clearly exclude some flats located with No.6 Portsmouth Road (within the western side of the building), on the basis that there are no other HMOs within the surrounding area and the percentage of HMOs would remain below the 10% even if all properties with No.6 were excluded, the LPA has not sought to establish which of the properties within No.6 fall in part or wholly within the 50m radius.

Policy PCS8 of the Portsmouth Plan states that within the Secondary Areas of the district centres there are opportunities for town centre uses, although residential development will also be supported in principle. The retained shop would have a sufficient floorspace to remain attractive to potential occupiers and is identical to that previously approved as part of planning permission 17/01139/FUL.

## Design

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

The application proposes alterations to the existing building in the form of changes to the positions and proportions and the construction of a new single-storey rear extension following the removal of existing structures. On the basis that the alterations to the main building are identical to those approved as part of planning application 17/01139/FUL, the assessment of design should focus on the rear extension which is approximately 8 metres longer than the extension previously approved. The resultant extension would measure approximately 14.5m in length with a shallow hipped roof, and would contain windows to match those proposed to the existing building. A small courtyard would abut the adjoining access track and would house bin and bicycle storage facilities.

Whilst an extension of this length would not normally be encouraged, particularly on a prominent corner plot, significant weight is placed upon the existing visual appearance of the site and the presence of a similar extension to the rear of the adjoining property to the north. On balance, it is considered that with the use of matching materials, window proportions and headers and cills, the proposed extension would have an acceptable relationship with the host building and the wider street scene. The proposal would represent an improvement on the existing rear projections and concrete hard standing that has fallen into a poor state of repair.

## Flood Risk

The application site is shown to be located within but on the edge of both Flood Zones 2 & 3 of the Environment Agency's Flood Maps, but not within an area of high/very high hazard as shown

within the Strategic Flood Risk Assessment. As highlighted by Policy PCS12 of the Portsmouth Plan and the National Planning Policy Guidance, the sequential and exception tests will not be applied to applications for a change of use including to residential uses, although it is accepted that a large extension would provide additional residential accommodation at ground floor level.

Following initial concerns raised by the Environment Agency (EA), the applicant has provided an updated Flood Risk Assessment (FRA). This document highlights that: much of the sleeping accommodation would be located first floor level; safe and dry refuge space would exist at upper floor above predicted flood levels; safe access for emergency vehicles would remain; the developer would sign up to EA's Flood Warning Service; a flood evacuation plan would be kept up to date and displayed on the building's notice board; and that flood resilient construction techniques would be employed. In addition, given the existing 100% coverage of the site with non-permeable materials, it is considered that the proposal would not increase run-off rates into the sewer network.

Whilst the submitted FRA is brief, it is considered that it has identified the potential risk at the site and detailed how this risk would be managed and reduced. As such it is considered that the proposal would not result in an unacceptable risk to life or property and would not result in an increased risk of flooding elsewhere. Updated comments on the applicant's revised FRA from the EA and the Eastern Solent Coastal Partnership had not been received at the time of writing.

#### Internal living conditions

In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended on 21 November 2017, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would incorporate 8 en-suite bedrooms (containing shower, w/c and wash basin) ranging between 8.5sq.m. and 14.6sq.m. with a shared kitchen/living/dining area at ground floor level within the new extension. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Combined Living Area - 28.7m <sup>2</sup>	Minimum - 11m <sup>2</sup>
Bedroom 1 - 8.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 2 - 8.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 3 - 8.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 4 - 8.5m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 5 - 14.6m <sup>2</sup> (double)	Minimum (double) - 11.5m <sup>2</sup>
Bedroom 6 - 12.6m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 7 - 10.6m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Bedroom 8 - 11.4m <sup>2</sup>	Minimum (single) - 7.5m <sup>2</sup>
Ensuites 3.5 - 4.39m <sup>2</sup>	No set standard

All en-suite measurements are in addition to the bedroom sizes and are not inclusive.

All of the rooms within the property would exceed the minimum space standards set out within the SPD. With the benefit of en-suite facilities and access to natural light and ventilation, it is considered that the proposal would provide an acceptable standard of accommodation for future occupiers. No concerns have been raised by the City Council's Private Sector Housing Team.

Although future residents would not have access to any significant external amenity space, a small rear yard is retained, and the site is located in close proximity to large areas of public open space at Cosham Park and King George V playing fields.

#### Impact on residential amenity

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

The rear extension would be positioned adjacent to the blank flank elevation of the adjoining extension and would not project above the height of first floor windows. As such the rear extension is unlikely to have a significant adverse impact on the amenity of adjoining occupiers in terms of loss of light or outlook.

In terms of the proposed use, 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 proposal is larger than a typical Class C4 HMO or Class C3 dwellinghouse incorporating eight bedrooms. However, Inspectors have also taken the view that there is insufficient evidence to demonstrate that the use of a given property by eight or nine individuals would result in material harm to the living conditions of local residents or unbalance the local community. Furthermore, having regard to the immediate character of the surrounding area, the site's position adjacent to a busy road and railway line within a district centre, and the separation distances to more typical family dwellings to the east on Windsor Road, it is considered that the proposal would not have a significant adverse impact on the amenity of adjoining or nearby occupiers.

## Parking

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand associated with the existing 3-bedroom flat at the site would be 1.5 or effectively 2 when considered on an individual site basis. The larger shop use would have also generated its own demand for parking.

The proposal would however, result in the loss of five off-road parking spaces, although it is not clear whether these spaces are linked to the existing uses at the site or available to residents within the area. Following the construction of the extension, the existing dropped kerb onto Windsor Road would become redundant and could be removed to provide two on-street parking spaces that would be available for all residents within the area to use.

Therefore, notwithstanding the loss of the 5 off-road parking spaces, it is considered that having regard to the existing uses at the site with their associated parking demand, the creation of two on-road parking spaces, and the highly accessible location of the site adjacent to a railway station and bus interchange, the proposal is unlikely to have a significant impact on parking within the area and an objection on parking standards could not be sustained. A planning condition is proposed seeking the removal of the dropped kerb prior to first occupation of the HMO.

The submitted drawings indicate the provision of bicycle storage facilities in excess of that sought by the Parking Standards SPD within the rear yard. The storage facilities for refuse and recyclable materials are considered to be appropriate.

## 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 (having regard to the existing dwelling at the site). 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: 161P 1169.00 Rev-A, 161P 1169.01 Rev-A, 161P 1169.04 Rev-J (received by email on 29.11.2017).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted (including window headers and cills) shall match, in type, colour and texture those on the existing building.

4)

a) The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out and occupied in full accordance with the flood protection measures set out within the submitted Flood Risk Assessment (Produced by McAndrew Martin ref.161/P/1169 dated November 2017);

b) The flood protection measures set out within the approved Flood Risk Assessment shall thereafter be permanently retained.

5)

(a) Prior to first occupation/use of the building as a House in Multiple Occupation (Sui Generis) all habitable room windows shall be insulated against traffic noise to ensure that the following acoustic criteria will be achieved internally within habitable rooms:

Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB,

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

(b) The measures installed to achieve the acoustic criteria set out with part (a) of this condition shall thereafter be permanently retained.

6) Unless otherwise agreed in writing with the Local Authority, prior to first occupation/use of the building as a House in Multiple Occupation (Sui Generis), the redundant dropped kerb onto Windsor Road (approximately 11 metre stretch up to the proposed refuse store located to the eastern end of the application site) shall be removed and replaced with a full height kerb and reinstated footway to suit new levels.

7) Prior to first occupation/use of the building as a House in Multiple Occupation (Sui Generis), secure and waterproof bicycle storage facilities shall be provided in accordance with the approved drawings (161P 1169.04 Rev-I) and thereafter permanently retained.

8) Prior to first occupation/use of the building as a House in Multiple Occupation (Sui Generis), facilities for the storage of refuse and recyclable materials shall be provided in accordance with the approved drawings (161P 1169.04 Rev-I) and thereafter permanently 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) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

4) To minimise the risk from flooding in accordance with policy PCS12 of the Portsmouth Plan.

5) In the interests of aural amenity and to protect residential properties from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.

6) In the interests of highway safety and to ensure adequate parking provision in accordance with policy PCS17 of the Portsmouth Plan.

7) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

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

## PRO-ACTIVITY STATEMENT

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



41 RANELAGH ROAD PORTSMOUTH PO2 8EZ

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

**Application Submitted By:**

Mrs Zakiyyah Kleyn

**On behalf of:**

Mrs Zakiyyah Kleyn

**RDD:** 12th October 2017

**LDD:** 8th December 2017

**SUMMARY OF MAIN ISSUES**

This application has been called into Planning Committee as a result of a deputation request from a series of local residents

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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

**The site**

This application relates to a two-storey mid-terraced dwelling located on Ranelagh Road close to its intersection with Twyford Avenue. The property fronts directly on to the footpath and benefits from a larger garden to the rear. The property is serviced via a shared alleyway access to the rear of the application site. The property is also located within Flood Zone 2.

The site is located in close proximity to a range of shops and a service located on Twyford Road and is also well serviced by bus and cycle routes.

**The Proposal**

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

## Planning History

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

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS20 (Houses in Multiple Occupation (HMOs)), PCS17 (Transport), 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 (November 2017) and the Parking Standards SPD would also be material to this application.

## CONSULTATIONS

### Private Sector Housing

Based on the layout and sizes provided the property would not require to be licenced under Part 2, Housing Act 2004, nor are there any adverse comment so to make. Please note the facility requirements.

Kitchen

- 1 x conventional cooker (oven, grill and four hot plates)
- 1 x single bowl sink and integral drainer
- 1 x under counter fridges and a separate freezer or 1 equivalent combined fridge/freezers
- 2 x 500mm base units and 2 x 1000mm wall units with doors or equivalent
- 2000mm(l) x 500mm(d) worktops
- 2 x twin sockets, located at least 150mm above the work surface

Personal hygiene

The minimum size for a bath/shower room is 3.74m<sup>2</sup> and 2.74m<sup>2</sup> 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

### Highways Engineer

This application proposes a change of use from purposes falling within C3 Dwelling house to 4bed house in multiple occupation (C4 HMO). I have reviewed the documents submitted with the application and would make the following comments:

Ranelagh Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit. The road falls within the FG residents' parking zone (RPZ) which is currently has a permit issue broadly in line with the space available on street.

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

Portsmouth's residential parking standards state that the existing C3 dwelling house would have an expected parking demand of 1.5(2) spaces. The proposed development would increase the parking demand by 0.5spaces to 2. Whilst a slight increase, practically the parking demand is the same. The existing property is eligible for two parking permits for the RPZ which would not change with should this proposal be consented. Whilst a slight increase, this certainly would not

be a severe impact and practically, the level of permits that can be issued for the parking zone will not change.

The cycle parking required for the development will increase however. Currently, 2 spaces should be provided however the proposed change to a 4-bed HMO would require 4 spaces be provided in line with Portsmouth's Parking SPD. These are not shown on the plans however I am content that these could be secured by an adequately worded condition.

As the application stands I would not wish to raise a Highway objection subject to securing the following condition:

-Cycle parking to Portsmouth Parking SPD standards to be provided prior to occupation of the development and thereafter retained for use by residents.

## **REPRESENTATIONS**

Five representations have been received raising objection on the grounds of:

- (a) increased parking demand;
- (b) increased noise and disturbance;
- (c) would set a negative precedent;
- (d) the development would have a detrimental impact on the community;
- (e) HMO development is not required in this area;
- (f) the development would change the character of Ranelagh Road;
- (g) reduction of family housing available;
- (h) reduction in property values;
- (i) encourages interests of private landlords;
- (j) resulting impact of making families homeless;
- (k) safety and security of neighbouring properties;
- (l) increased noise and disturbance;
- (m) increased anti-social behaviour;
- (n) properties not suitable for HMO use;
- (o) increase in crime;
- (p) development would affect the health and wellbeing of neighbouring residents;
- (q) students should be housed in purpose built student accommodation in the city centre; (m) increased reliance on police services;
- (r) increased complaints;
- (s) the development would represent profits over communities;
- (t) safety of children in the area;
- (u) increased comings and goings;
- (v) increased fire risk;
- (w) pressure on existing sewerage and drainage services;
- (x) increased pressure on community services including doctors; and
- (y) increased flood risk.

In addition to this, a petition of objection has been received with 63 signatures from 52 properties essentially on the same grounds as mentioned above.

## **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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

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

as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

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

Based on information held by the City Council, of the 86 properties within a 50 metre radius of the application site, 1 is considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 2.33%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

#### Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (First Floor)	12.21m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (First Floor)	8.66m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (First Floor)	8.75m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen (Ground Floor)	8.74m <sup>2</sup>	7m <sup>2</sup>
Dining Room	11.33m <sup>2</sup>	11m <sup>2</sup>
Lounge	11.65m <sup>2</sup>	11m <sup>2</sup>
Shower Room (Ground Floor)	4.5m <sup>2</sup>	3.74m <sup>2</sup>
W/C (Ground Floor)	2.42m <sup>2</sup>	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 3 persons sharing.

#### Matters Raised in Representations

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

objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

Representations refer to the development having an impact on the sense of community in the area and the character of Ranelagh Road as a whole. The Houses in Multiple Occupation SPD (November 2017) paragraph A2.1 states: " National planning policy guidance (PPS1 and PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed in the future and to avoid situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing (HMOs)." In respect of this, given the low percentage of lawful HMO's in the surrounding area (50m radius) it is considered that the proposed change of use would not create a situation where the local community would become unbalanced and therefore the development would not be considered to have a detrimental impact on the sense of community or the character of Ranelagh Road.

In response to representations relating to undesirable behaviour, in addition to ensuring adequate size standards, sanitary facilities and fire safety, the City Council's Private Sector Housing Team can assist should the property not be managed in an appropriate manner. Finally matters relating to house values and private landlords interests are not material planning considerations.

### **Parking**

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 1.5 off-road spaces for Class C4 HMOs with up to three bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with up to three bedrooms would also be 1.5 off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

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

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

**The reasons for the conditions are:**

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

**PRO-ACTIVITY STATEMENT**

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.

Assistant Director of Culture and City Development  
5th December 2017