



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 17 JULY 2019 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith, Democratic Services Tel: 9283 4057

Email: Democratic@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Steve Pitt, Suzy Horton, Lee Hunt, Donna Jones, Terry Norton, Luke Stubbs and Claire Udy

Standing Deputies

Councillors Chris Attwell, Jo Hooper, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Lynne Stagg, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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

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

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

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of Previous Meeting - 19 June 2019 (Pages 5 - 10)**

RECOMMENDED that the minutes of the previous meeting of the Planning Committee held on 19 June 2019 be approved as a correct

record and signed by the Chair.

4 Update on previous applications and nitrates

To receive any updates on previous planning applications by the Interim Assistant Director for City Development.

Planning Applications

- 5 19/00315/HOU -10 Driftwood Gardens Southsea PO4 9ND - Construction of single-storey rear extension incorporating balcony; construction of single-storey front extension connecting the main property to the garage (to facilitate the conversion of garage to a habitable room with associated external alterations) (Pages 11 - 40)**
- 6 19/00419/FUL - 24 Walden Road Portsmouth PO2 8PJ - Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C4 (dwelling house)**
- 7 19/00712/FUL - 110 Stubbington Avenue Portsmouth PO2 0JG - Change of use from dwellinghouse (class C3) to purposes falling within class C3 (dwellinghouse) and class C4 (house in multiple occupation)**
- 8 19/00764/FUL - 56 Shadwell Road Portsmouth PO2 9EJ - Change of use from class C3 (dwellinghouse) to purposes falling within class C3 (dwelling house) and/or class C4 (house of multiple occupation)**
- 9 19/00809/FUL - Fratton Park Frogmore Road Southsea PO4 8RA - Construction of replacement television camera gantry and installation of floodlighting to the South Stand**
- 10 Exclusion of Press and Public**

In view of the contents of the appendix only for the following item on the agenda the Committee is RECOMMENDED adopt the following motion:

"That, under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following item on the grounds that the appendix contains information defined as exempt in paragraphs 3 & 5, Part 1 of Schedule 12A to the Local Government Act 1972"

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

Item

Exemption Para Nos*

Appeal against non- determination at
14 Wisborough Road (appendix only)

3 & 5

*3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

11 Appeal against non-determination at 14 Wisborough Road, Southea PO5 2RE (Pages 41 - 44)

An appeal for non-determination has been received in relation to a planning application for the 'Change of use from purposes falling within a C4 (house in multiple occupation) to 7 person 7 bedroom house in multiple occupation (sui generis) (18/02058/FUL)'. The Local Planning Authority is required to inform the Planning Inspectorate as to how the application would have been determined.

The purpose of this report is to establish the position of the Local Planning Authority so that it can be provided to the Planning Inspector.

An exempt appendix will be circulated to members of the committee.

Recommendation

Having regard to the new material planning consideration, refusal is recommended for the following reason:

In the absence of a suitable agreement to secure appropriate mitigation measures for the increased discharge of nitrogen and phosphorus into the Solent, the development would be likely to have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF, policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Special Regulations (as amended).

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 19 June 2019 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Judith Smyth (Chair)
Matthew Atkins
Suzy Horton
Lee Hunt
Donna Jones
Terry Norton
Steve Pitt
Rob Wood

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

54. Apologies for absence

Apologies for absence had been received from Councillors Hugh Mason (Chair) and Claire Udy. In the absence of the Chair Councillor Smyth (Vice-Chair) would chair the meeting. Cllr Rob Wood was attending as Cllr Hugh Mason's standing deputy.

55. Declaration of Members' Interests

Item 6

Councillor Pitt explained for sake of transparency that the applicant for item 6 had asked to meet him the following day on a different matter unrelated to the planning application. Councillor Pitt has had no prior knowledge or contact with the applicant.

Councillor Jones declared a personal, non-prejudicial interest as she knew of the applicant as a casual acquaintance.

56. Minutes of the previous meeting

RESOLVED that the minutes of the Planning Committee held on 23 May 2019 be agreed as a correct record and signed by the chair. Although Councillor Smyth had not been present at the previous meeting a motion in favour of her signing the minutes was approved.

57. Updates on Previous Planning Applications

In response to a question from members the Development Manager explained the Planning Inspector had dismissed an appeal following a refusal for a sui generis house of multiple occupation (HMO) on the grounds of the adverse impact it would have on the character of a residential area, even though there were already a few HMOs there. The decision shows the council's planning policy can withstand challenges. A copy of the decision is available from officers.

58. Chair's Notices

Members noted the dates of the Planning Committee for the remainder of the year (all on Wednesdays at 1 pm) - 17 July, 14 August, 11 September, 9 October, 6 November, 4 December.

59. 19/00017/FUL - Connaught Arms, 119 Guildford Road, Portsmouth, PO1 5EA

Change of use from Class A4 (drinking establishment) to Class A1 (shop) to include external alterations to the shop front and construction of a single storey rear extension.

The Planning Officer introduced the report.

A deputation against the application was made by Councillor Dave Ashmore, ward councillor, who felt the proposal for a shop was unsuitable in a residential area, leading to more traffic, and that the building should be used for more homes.

Members' questions

In response to questions from members, officers clarified the following points:

- Two previous applications had been refused. The first application had been refused because of the scale of the extension and the design of its roof and the appearance of the roller shutters. An appeal against refusal had been dismissed although the Planning Inspector had no objection to the principle of the extension. The second application incorporating a smaller extension with a pitched roof was refused (prior to the Inspector's decision in the first application being issued) because of the scale of the extension and the roof design.
- The present application is the first time a change of use has been applied for. Permitted development rights permitting conversion to an A1 shop use expired in 2017.
- There is a rear service yard with vehicular access.
- The proposed application would require altering the windows and cutting through existing sandstone brickwork. The proposed design aims to keep the vertical

emphasis of the windows in the building's appearance. The building is not listed nor is it in a conservation area.

- The pitch of the proposed roof is 250 mm higher than the flat roof that was part of the application which was dismissed on appeal. The Inspector allowed a flat roof for the first application, but that did not preclude the opportunity for a pitched roof design, which officers considered could be a visual improvement as part of this new application.
- Members have to make a balanced decision. In officers' views the proposal still maintains the building's architectural features. The building currently has lawful use as a pub and could be used as a pub again entailing the disturbance associated with pubs.
- There is highly likely to be refrigeration and cooling equipment 24/7 although the applicant has not stated where this will be sited. This is why Environmental Health have recommended conditions in order to mitigate noise.
- The Highways Engineer has not lodged any objections on the grounds of safety. There are no specific controls or conditions around parking; cars would use surrounding roads.

Members' comments

During the discussion members made the following observations:

- A shop has a different pattern of deliveries from a pub. There may only be a weekly delivery with a pub whereas a shop selling fresh produce can have daily deliveries by several refrigerated lorries, the number of lorries depending on if it is a chain or not. The footfall with a shop is different from that of a pub. Furthermore, residents have recourse to the Licensing laws if there is disturbance from a pub.
- Policy PCS23 of the Portsmouth Plan covers the design, character and historical context of buildings in Portsmouth. The proposed shop will be very big with a large frontage and will substantially change residents' street scene in an area where there is already a shop. Replacing the windows with modern materials does not meet the requirement of Policy PCS23. The replacement windows would be an unsympathetic feature not in keeping with the unique architectural quality of the former pub and would detract from the street scene.
- Paragraph 91 of the National Planning Policy Framework refers to healthy, inclusive and safe places which promote social interaction. Even though the proposal is a good design for a shop on balance it is not appropriate in the area.
- The application may result in more trucks in the area; however, parking is an issue in most parts of Portsmouth. The proposed opening hours of 7 am to 9 pm seem reasonable. Empty buildings need to be used and the building will improve if it is used and occupied. It would be good to see the rest of the building being used for homes. Members need to consider the expense to taxpayers and the council if there was an appeal against refusal.
- Concern was expressed about the negative impact of noise and air quality from refrigeration and increased traffic. The area has a complex road system. Refusal could be considered on the grounds of amenity.
- Members discussed proposing refusal on the grounds that the application contravenes Policy PCS23. However, it was questioned if refusal on the grounds of contravention of PCS23 could be upheld and it was felt an appeal could not be risked.

Response from officers

In response to members' comments Planning officers advised:

- It is acknowledged there are differences between pubs and shops. There is an interplay between the use and character of an area.
- The building will be more attractive when it is renovated and re-used. It will still be a publicly accessible building and the overall character and majority of points of character will be maintained. The vertical emphasis of the windows will be maintained as they will not be cut across. The recess for the main door will still be fairly deep and will retain its architectural depth and shadowing. However, the window lights either side of the door would be lost.
- If the application is approved members could impose conditions relating to delivery times (there are currently no restrictions).
- Although members need to consider visual impact and the building's prominence in the street scene it is not listed nor does it have any statutory protection. Members need to have specific reasons and strong arguments for refusal.
- The council has a fiduciary duty regarding public finances. It has to consider if it could be deemed as acting unreasonably. Members can form an opinion contrary to that of officers if they think the design of the windows would cause harm. Not all cases attract costs; in fact, a case can be dismissed and the council can still have costs awarded against it if it is considered to have acted unreasonably.
- If members were minded to refuse the application on visual amenity grounds then this would be a subjective decision and as such not likely to attract a case of costs as forming an opinion contrary to an officer recommendation is not acting unreasonably. There are no policy grounds for refusal on change of use as the application is fully compliant with use from the perspective of the Portsmouth Plan. Refusal on change of use would be difficult to sustain at appeal.

Motion for deferral

Some members noted the report, in particular the section from the Highways Engineer, does not mention the Harbour School, which is due to re-open as a satellite of the Mary Rose School, and will have a different category of children. This could entail more traffic in the area as children with special needs and disabilities have more transport needs. The junction in the area is complex and dangerous. As it was unclear if the report had been written with knowledge or consideration of the re-opening of the Harbour School a motion to defer the meeting was proposed in order to gain more information to clarify the situation.

The Legal Advisor advised that a motion for deferral takes precedence over motions for or against proposals or any other matters. If members feel they do not have enough information on which to make a decision they can defer the business to a subsequent meeting. The Legal Advisor offered to send members a guidance note explaining precedence of actions at meetings.

There were no seconders for the proposal to defer the meeting so the motion fell.

A motion to refuse the application was defeated.

A motion to approve the application in accordance with the officers' recommendation was approved with the Chair exercising a casting vote in favour of granting permission.

RESOLVED that conditional permission be granted.

60. Water Quality Issues in the Solent Catchment Area and Planning Decisions

The Committee noted the report which had been presented to the Cabinet on 11 June. Planning officers advised they were working with PUSH and other local authorities to identify solutions and will keep the Committee updated. The Committee needs to be involved as a sounding board and is encouraged to challenge as the matter progresses. A PUSH lead planning officers meeting is being held the following day which will give officers the opportunity to see why other local authorities (Havant Borough Council and Southampton City Council) have decided to proceed at risk with planning applications.

61. Planning Training

The Chair and officers reminded members of the training sessions on Tuesday 25 June and Thursday 18 July (both 9.15 am to 4.30 pm). Members only need to attend one session. It may be possible to attend the morning of one session and the afternoon of the other if it suits members' other commitments.

The meeting concluded at 2.40 pm.

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Agenda Item 5

PLANNING COMMITTEE 17 JULY 2019

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

REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 report by the Assistant Director - City Development 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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01

19/00315/HOU

WARD: EASTNEY & CRANESWATER

10 DRIFTWOOD GARDENS SOUTHSEA PO4 9ND

**CONSTRUCTION OF SINGLE-STOREY REAR EXTENSION INCORPORATING BALCONY;
CONSTRUCTION OF SINGLE-STOREY FRONT EXTENSION CONNECTING THE MAIN
PROPERTY TO THE GARAGE (TO FACILITATE THE CONVERSION OF GARAGE TO A
HABITABLE ROOM WITH ASSOCIATED EXTERNAL ALTERATIONS).**

Application Submitted By:

Carl Architect Ltd
FAO Mr Carl Leroy-Smith

On behalf of:

Mrs Hazel Ledger

RDD: 25th February 2019

LDD: 29th April 2019

SUMMARY OF MAIN ISSUES

The main determining issues are:

- * whether the design of the proposed extensions are appropriate in the context of the recipient building and the wider surrounding area;
- * whether the proposal would result in any significant parking/highway implications;
- * whether the proposed development would be likely to result in any significant loss of residential amenity to occupiers of surrounding dwellings.

The application is being presented to the Planning Committee at the request of Cllr Stubbs.

Site

The application site comprises a detached dwelling located within the south-west corner of Driftwood Gardens, a residential development of 24 houses permitted in the late 1970's. The property is brick clad and faces south over Eastney Esplanade and beach, with a conservatory and small extension with balcony to rear, 2-storey side extension to west and a detached double garage to the north.

Proposal

The application seeks planning permission for the construction of a single storey rear (south) extension incorporating a balcony and a single storey front (north) extension connecting the main house to the garage. The application also refers to the conversion of the garage to a habitable room with associated external alterations.

Planning History

The relevant planning history includes:

A*30441/A - Outline application for the redevelopment of the site for residential purposes - conditional permission dated 11.01.1978

A*30441/A/RMA1 - Reserved matters application - permission dated 15.11.1978

A*33561 - Erection of conservatory - permission dated 06.10.1987

A*33561/AB - Construction of two storey side extension to west elevation, single storey extension/balcony and conservatory to rear (south) (revised scheme A*33561/AA) - Conditional permission dated 31.10.1996

C*30441/E - Erection of 2m high brick wall fronting Eastney Esplanade (rear Of Nos 10 11 12 14 16 18 20 22 23 And 24 Driftwood Gardens) - Conditional permission dated 19.11.1985

POLICY CONTEXT

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

In addition to the above policies, the aims and objectives of the National Planning Policy Framework are relevant.

CONSULTATIONS

Contaminated Land Team

The site was part of Eastney Barracks (Royal Marines Staff Quarters), and so there is the potential for contamination to be present. Given the relatively limited scope of the works a condition relating to land contamination is not required, but the following informative should be added to any planning approval granted:

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175:2011+A2:2017. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

REPRESENTATIONS

Seven representations have been received: 5 objections (from both the owner and the occupier of no.9 Driftwood Gardens, including photographs of parked vehicles in the road); a holding objection from Cllr Stubbs, and 1 support (from no.11 Driftwood Gardens).

The grounds of objection to the application are as follows:

- * concern that existing garage is to be converted into a habitable room, in terms of its proximity to no.9, which would cause excessive noise and light pollution to the property and loss of privacy to the dining room;
- * question whether single skin brickwork is suitable for a dwelling;
- * loss of double garage for parking purposes would result in insufficient parking within the site for size of property, causing cars to be parked on narrow road restricting emergency access and exacerbating existing parking congestion; proposal would cause environmental issues as it would intensify existing parking problems; would restrict access to side of nos. 9 and 11;

- * the property is already overdeveloped;
- * no need for garage to be converted;
- * concerned that the floor plans indicate a change of use to up to 3 dwellings (2 in main house and 1 in garage) - out of character with area/over development of site;
- * want a covenant or condition placed on the property to prevent future sub-division;
- * concern about validity of Notice served (following receipt of revised red line and ownership certificate to reflect historic overhanging of garage at no.10 over land in no.9's ownership).

The grounds of support for the application are as follows:

- * most properties in the estate have been improved and extended over the years;
- * almost without exception, those on the east side have constructed or extended balconies as is proposed in this case;
- * driveway serving no.10 is shared exclusively between nos.10 and 11 - width of driveway would still be adequate and not cause any loss of amenity or inconvenience to no.11 whilst accessing the driveway;
- * understand proposal is to enable family members of current occupier to move in and have their own accommodation within the house to assist applicant - admirable solution to growing problem when elderly wish to remain in own homes but are unable due to lack of carers.

COMMENT

The main determining issues are:

- * whether the design of the proposed extensions are appropriate in the context of the recipient building and the wider surrounding area;
- * whether the proposal would result in any significant parking/highway implications;
- * whether the proposed development would be likely to result in any significant loss of residential amenity to occupiers of surrounding dwellings.

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.

There are no site specific land use policies that discourage the principle of residential extensions in this area. Extensions to existing properties within the residential curtilage would not be considered to result in any adverse impact on the nature conservation interests of the nearby beach.

The application cites three different elements to the proposal with a view to improving and extending the dwellinghouse in order to accommodate the daughter and son-in-law of the current elderly owner, to offer care and assistance in the future should the applicant become less independent.

- Single storey rear extension with balcony:

The existing conservatory and single storey flat roofed addition with balcony, currently on the south elevation of the dwelling, would be removed. A single storey flat roofed brick extension

with stone coping would be constructed with a depth of 3.3m and a width of 15.1m which would stretch across the full rear (south) elevation of the dwellinghouse. The face brickwork and window/door framing within this extension would match as closely as possible those on the main dwelling. A balcony, with frameless glass balustrading, would be created above this extension with a width of approximately 12m (stopping approximately 3m short of the westernmost edge of the extension).

This extension is considered acceptable in terms of its size, location and overall design in the context of the recipient building and also the wider surrounding area. Being single storey with glass balustrading above, it would not be an unduly prominent feature as seen from either surrounding properties nor the public domain to the south.

- Single storey extension to front:

The infill extension proposed to link the main house and the garage would be a relatively modest addition. It would comprise a single storey extension with dual pitch roof, constructed externally of materials to match the main house (brick and tile) achieving a maximum height of 3m with a rooflight to the east facing roofslope and patio doors to the west.

This extension is very modest in scale with materials to match as closely as possible those of the main house. Given that the dwelling is set back some way from the adopted highway it would not be a readily prominent feature as seen from the public domain. The extension is therefore considered appropriate in design and to sit comfortably in the context of the recipient dwelling and the wider area.

- Conversion of garage and associated external alterations:

In the absence of a planning condition requiring the retention of the garage for parking purposes, the use of the garage for any purpose incidental to the use of the dwellinghouse would not represent a material change of use for which planning permission would be required. Therefore, the conversion of the garage to a study for uses incidental to the primary function of the main building as a dwellinghouse, does not require permission.

The proposal involves the removal of the garage doors and alterations to the front elevation of the garage to provide a single door to serve a garden store and two windows to serve the conversion to a study room. Whilst altering the appearance of the front (east) elevation of the garage, these proposals are considered acceptable in overall design terms.

Parking/Highway Issues

The existing dwellinghouse accommodates 4 bedrooms. The dwellinghouse as proposed also demonstrates 4 bedrooms. The car parking requirement for a 4+ dwellinghouse under the Parking Standards and Transport Assessments SPD is 2 spaces. Two car parking spaces can be accommodated adjacent each other (i.e. independently accessible) in front of the garage within the curtilage of the property and therefore parking within the site would remain satisfactorily provided for. As such it is not considered that the proposal would increase pressure on the on-street parking availability within Driftwood Gardens.

Residential Amenity

- Single storey rear extension with balcony:

The proposed rear extension, due to its single storey nature and modest depth, would not be considered to result in any significant impact upon the amenities of neighbours to the east or west. The set-back of the balcony on the western side would serve to adequately protect the amenities of the adjacent property to the west by ensuring that any loss of privacy (real or perceived) would not be to any significant level. South facing balconies are fairly common on

properties within Driftwood Gardens that face directly over Eastney Esplanade and as such there is already a degree of mutual overlooking. The proposed balcony would, on its eastern side, have a similar relationship as it currently does with no.11's balcony. It is not considered that this relationship would be any more harmful than at present in terms of the impact upon privacy.

It is noted that the occupier of no.11 supports the application.

- Single storey extension to front:

Given the existing boundary fence between the application site and no.10 Esplanade Gardens to the west, the intervening distances between buildings and the modest scale of the infill extension it is not considered that the addition nor its openings would result in any significant loss of amenity to occupiers of no.10 Esplanade Gardens or any other surrounding properties.

- Conversion of garage and associated external alterations:

As discussed above, the internal conversion of the garage to a ancillary study is not under the control of the local planning authority (LPA).

The external alterations are not considered to result in any significant impact or loss of residential amenity to surrounding properties including no.9 Driftwood Gardens. The height of the existing boundary wall between no.10 and no.9 is sufficient to prevent any direct overlooking or light pollution from the proposed new windows towards no.9 and existing planting within the garden area of no.9 also serves to act as a screen.

Comments on other issues raised within representations

Representations have raised concern that the property is to be sub-divided into separate residential units given that the proposed floor plans demonstrate duplicate facilities (such as 2 kitchens, 2 dining areas and 2 lounges). The floor plans do not however show internal divisions or physical barriers to prevent free flow throughout the property nor separate entrances. The agent has confirmed that the property will not be sub-divided internally to form two separate units and that the proposed layout is so that the applicant and her elderly mother can live together but also have a degree of independence from one another.

A proposal to create an additional self-contained unit of accommodation would be a material change of use for which planning permission would be required. It is therefore not appropriate to impose a condition on this application to prevent future sub-division as suggested by an objection received. Covenants are beyond the planning remit and therefore not applicable.

The LPA has no control over how the existing garage is used, providing it is incidental to the primary use of the site as a single dwellinghouse.

The internal construction solutions to facilitate the conversion of the garage to a study are beyond the planning remit. It is understood that the conversion from a garage to any habitable room would need to be the subject of Building Regulation approval.

Whilst it is acknowledged that the site has previously benefited from planning permissions for various extensions it is not considered that the proposals the subject of this planning application would represent overdevelopment of the site.

The red line and ownership certificate was amended during the course of the application and Notice served on No.9 Driftwood Garden to reflect the historic situation of the guttering of no.10's garage appearing to overhang land in the ownership of no.9. The 21 day period for comment has passed.

Conclusion

The proposal is considered to accord with policies PCS23 and PCS17 of the Portsmouth Plan and is capable of support.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Proposed Floor Plans 010 Revision E, and Proposed Elevations 011 Revision D.
- 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

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.

24 WALDEN ROAD PORTSMOUTH PO2 8PJ**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C4 (DWELLING HOUSE).****Application Submitted By:**

Mr Babatunde Bakare

On behalf of:

Mr Babatunde Bakare

RDD: 14th March 2019**LDD:** 10th June 2019**SUMMARY OF MAIN ISSUES**

This application has been brought in front of Committee, as the proposed Communal Living Space has an under provision and as such the application is contrary to the HMO SPD as amended July 2018.

The main determining issues for this application relate to the following:

- a) Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- b) Standard of living accommodation;
- c) Impact on the amenities of neighbouring residents;
- d) Parking and refuse storage;

Site and proposal

The area surrounding the application site is primarily residential and characterised by rows of two-storey terrace dwellinghouses that all feature ground-floor bay windows. The application is located on the northern side of Walden Road and relates to a two-storey mid-terrace dwellinghouse.

Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse).

Internally the property features a combined kitchen and living room, WC and bedroom at ground floor level and two bedrooms, a bathroom and a studio at first floor level.

The internal layout would not be altered for the application.

Planning history

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

Private Sector Housing

Based on the layout and sizes provided there are no adverse comments. This property would not require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

One representation has been received from a neighbouring resident raising an objection because of issues around parking.

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.

Principle of the use

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). 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 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, of the 87 properties within a 50 metre radius of the application site, one (1) property was identified as in lawful use as HMOs. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No additional HMOs were brought to the attention of the LPA. Including the application site would bring the percentage of HMOs up to 2.27% lower than the 10% threshold above which an area is considered to be imbalanced.

A second strand policy introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: "An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or

- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

The proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs."

It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of Accommodation

The Houses in Multiple Occupation SPD, as amended in July 2018, 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:

(HMO SPD-JUL 2018)	Area provided:	Required standard:
GF Bedroom 1 (double)	12m ²	11.5m ²
FF Bedroom 2 (double)	13.5m ²	11.5m ²
FF Bedroom 3 (single)	9.29m ²	7.5m ²
Combined living space	20.1m ²	24m ²
Bathroom	3.41m ²	3.74m ²
WC	1.46m ²	undefined

Having regards to the SPD guidelines, it is noted that the combined living area has an under provision of 3.9m², however given the additional space within all the bedrooms, as well as the other communal spaces, such as the dressing room at first floor level, this under provision is considered to be acceptable. Further the bathroom also has an under provision of 0.33m², however the property benefits from a separate WC and as such this under provision is also considered to be acceptable. In addition to the matters raised above it is noted that there are no objections from the Private Sector housing department.

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (July 2018), the property is considered to provide an adequate standard of living accommodation to facilitate 3-6 persons sharing.

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

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.

Highways/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 for a Class C3 dwellinghouse with four or more bedrooms would also be 2 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 include an outbuilding (Store) within the rear garden, this was confirmed by the officer on site and it is considered that this outbuilding is appropriate for the provision and retention of bicycle storage.

Waste

The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal .

Nitrates

Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such it is not considered to represent an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.

Conclusion

Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Floor Plan - 24 Walden Road; and Location Plan - 1:1250.

3) Unless otherwise agreed in writing, the bicycle storage hereby approved shall be provided for and retained in accordance with drawing reference (annotated as 'Store'): 24 Walden Road

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.

110 STUBBINGTON AVENUE PORTSMOUTH PO2 0JG**CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) AND CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Jay Durai

RDD: 1st May 2019

LDD: 27th June 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following the submission of a petition of objection containing 52 signatures.

The main determining issues for this application relate to the following:

- a) Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- b) Standard of living accommodation;
- c) Impact on the amenities of neighbouring residents;
- d) Parking and refuse storage;

Site and Proposal

The application site relates to a two storey mid terrace property situated to the south of Stubbington Avenue. The surrounding area is residential and is characterised by properties of a similar size and design.

Planning permission is sought for the change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse).

The majority of the internal layout would remain unchanged with the ground floor living room being converted into an additional bedroom.

Planning History

There is no relevant planning history associated within the application site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in 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),

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

Private Sector Housing

This property would not require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

5 representations have been received and one petition containing 52 signatures objecting to the proposed development on the following grounds:

- (a) Concerns around parking;
- (b) Noise and disturbance;
- (c) Loss of suitable properties for families; and,
- (d) Ownership issues.

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.

Principle of the use

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a dwellinghouse (ClassC3). For reference, a Class C4 HMO is defined as a property occupied by between three and six 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, of the 46 properties within a 50 metre radius of the application site, no other properties were identified as in lawful use as HMOs. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express

permission of the LPA. Beyond its own data sources, no additional HMOs have been brought to the attention of the LPA. Including the application site would bring the percentage of HMOs up to 2.17%, therefore lower than the 10% threshold above which an area is considered to be imbalanced. One objection received made reference to additional HMO's in the vicinity, however, following further investigation no specific properties were brought forward.

A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states:

"An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

This proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of 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. The Applicant has confirmed that each of the four bedrooms would be single occupancy.

(HMO SPD-JUL 2018)	Area Provided	Required Standard
Bedroom 1 (downstairs)	15.46m ²	7.5m ²
Bedroom 2 (upstairs)	20.25m ²	7.5m ²
Bedroom 3 (middle)	9.7m ²	7.5m ²
Bedroom 4 (back)	13.79m ²	7.5m ²
Kitchen	16.2m ²	7m ²
Living room	20.7m ²	11m ²
Bathroom + wc	3.9m ²	3.74m ²
Additional living space	4m ²	

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (July 2018), the property is considered to provide an adequate standard of living accommodation to facilitate 3-6 persons sharing.

Impact on amenity

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

concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

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.

Highways/Parking

The City's 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. No off-road parking could be provided at this site, but that is the same as for the current Class C3 use, for a similar level of occupation to the proposed. As such, a refusal for parking grounds could not be sustained.

The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However the garden or forecourt would both be considered appropriate for the provision and retention of suitable bicycle storage facilities which can be required through a suitably worded planning condition

Waste

The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.

Other matters raised in representations

-Ownership issues

One representation received raised questions regarding the ownership of the property. Whilst it is possible to apply for planning permission for land you do not own, the relevant owners must be informed. Consequently, notice was served on the current owners and a Certificate B was submitted. In addition, the LPA have consulted the current owners for 21 days, this consultation period is still ongoing and due to finish on the 22nd July, 2019.

Nitrates

Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such it is not considered to represent an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.

Conclusion

Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable.

Subject to no further representations raising new material planning issues, delegated authority is sought to the Assistant Director Planning and Economic Growth to issue the decision after expiry of the consultation period to grant;

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 and Floor Plans PG.4049 19 2.
- 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.

56 SHADWELL ROAD PORTSMOUTH PO2 9EJ**CHANGE OF USE FROM CLASS C3 (DWELLINGHOUSE) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) AND/OR CLASS C4 (HOUSE OF MULTIPLE OCCUPATION)****Application Submitted By:**

Mr Dain Norman

On behalf of:

Mr Dain Norman

RDD: 13th May 2019**LDD:** 16th July 2019**SUMMARY OF MAIN ISSUES**

This application has been brought in front of Committee, for the following reasons: (a) the significant number of objection comments received from local residents; (b) the submission of a petition of objection containing 106 signatures and (c) The open plan living space is undersized and as such the application is contrary to the HMO SPD as amended July 2018.

Site

The application site is a two-storey mid-terraced property. It is constructed of brickwork and slightly set back by a gate and small front garden area.

Proposal

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

History

None

POLICY CONTEXT

The relevant policies within would include:

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) and houses in multiple occupation SPD would also be a material consideration.

CONSULTATIONS**Private Sector Housing**

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

The Private Sector Housing Team (PSHT) has offered comments in relation to the standard of internal accommodation with respect to the Housing Act 2004. These comments will be passed to the applicant via an informative.

REPRESENTATIONS

A petition of objection has been received with 106 signatures.

37 no. Individual Objections summarised as below:-

- a) Too many HMOs in Shadwell Road and surroundings roads;
- b) Lack of parking provisions;
- c) Anti-social and unreasonable behaviour;
- d) Reduced air quality due to increased population density;
- e) Sewage and drainage;
- f) Increase in litter and waste;
- g) Level of noise; and
- h) Sizes of bedrooms is not in line with policy

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.

Principle of the use

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). 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 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, no HMOs within a 50m radius of the application site were identified as in lawful use. However, it has been drawn to the attention of the LPA that there are other properties throughout Shadwell Road that are operating as HMOs. Irrespective of whether these are being used unlawfully as HMOs, the addresses provided would not fall within the 33 properties forming part of the 50m radius of the site and would therefore not constitute as part of the 10% calculations.

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

A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: "An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

This proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs. It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of 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. The Applicant has confirmed that each of the three bedrooms would be single occupancy.

HMO SPD - JULY 2018	Area Provided (m2)	Required Standard (m2)
Bedroom 1	14.06m2	11.5m2
En-suite 1	2.84 m2	unspecified
Shared Bathroom	3.86 m2	3.74 m2
Bedroom 2	10.71 m2	11.5m2
Bedroom 3	10.22 m2	11.5 m2
Bedroom 4	13.91 m2	11.5m2
En-suite 4	2.88m2	unspecified
Bedroom 5	12.42m2	11.5m2
En-suite 5	3.08m2	unspecified
Open Plan Living Space	18.74m2	24m2

The open plan living space would fall short of the expected combined living space, by approx. 5m2. In instances where the communal area is smaller than required and the bedrooms are larger than required the LPA can take 1m2 from each room over 10m2. Therefore taking 1m2 from each of the 5 no. bedrooms, would cumulate to 5m2, as such meaning that this would even out the lack of communal space.

It should also be noted that a C4 use only allows a maximum of 6 occupants. It is noted that objections have been received, detailing that the 5 double bedrooms could potentially facilitate 10 occupants, however this is not what the application is applying for. The applicant confirms that the property would generally have 5 occupants, (however a licence for 6 occupants may be applied for in the event there were to be a couple). In the event 2 persons would be in 1 room they would be likely to use bedroom; 1, 4 or 5 (which are larger than the 11.5m2 required for 2 persons sharing 1 room).

In addition to this, it should also be noted that 3 of the 5 bedrooms would provide an en-suite. Currently there is no requirement to even provide an en-suite. Within guidance it states that for 5 people 1 bathroom and 1 WC should be provided. In the event that there would be a sixth person occupying the property the requirements for 6-10 occupants would be 2 bathrooms and 2 WCs. The property provides 1 shared bathroom and 3 en-suites therefore the facilities the proposal provides would fall comfortably within these guidelines.

Given that the property would be occupied by up to 6 persons the bedroom sizes are over the expected SPD size. As such, it is considered that the slightly under-sized communal space is adequately compensated by the size of bedrooms exceeding the minimum standards set out in the SPD, where occupiers would have plenty of storage and living space. This 'compensatory approach' has been established on appeal in Portsmouth.

To conclude, given the reasons above, the property the property is considered to provide an adequate standard of living accommodation to facilitate up to 6 persons sharing.

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

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.

Highways/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 4+ bedrooms.

Numerous objections have been received with specific regards to the parking provisions. From a site visit, it was apparent that properties along Shadwell Road rely on on-street parking, as no property has the provision for off-street parking. As no off-street parking could be provided at this site, given that this is the same scenario as for the current Class C3 use, a reason for refusal on the basis of parking grounds could not be sustained.

In terms of cycle parking, the submitted drawings indicate this provision would be located to the rear of the garden in an area measuring 5.9mx1.9m. These provisions are considered to be in line with the Parking Standards SPD.

To conclude, given the above, a reason for refusal on the basis of parking grounds could not be sustained, therefore the proposal would, on balance, be acceptable.

Waste

The storage of refuse and recyclable materials would be located to the frontage of the site, where an objection on waste grounds would not form a sustainable reason for refusal .

Nitrates

Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such it is not considered to represent an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.

Conclusion

Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: MRE-SR-001 Sheet 1 and MRE-SR-001 Sheet 2.
- 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.
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FRATTON PARK FROGMORE ROAD SOUTHSEA PO4 8RA**CONSTRUCTION OF REPLACEMENT TELEVISION CAMERA GANTRY AND
INSTALLATION OF FLOODLIGHTING TO THE SOUTH STAND****Application Submitted By:**

Mr Matthew Pickup
Pickup Town Planning

On behalf of:

Mr Mark Catlin
Portsmouth Community Football Club Limited

RDD: 21st May 2019

LDD: 17th July 2019

SUMMARY OF MAIN ISSUES

The application is brought to the Planning Committee for its determination rather than by Planning Officers under Delegated Powers due to Councillor Donna Jones' position of employment as Strategic Stadium Development Consultant by the football club.

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

- (a) Whether the principle of the proposed development is acceptable.
- (b) Whether the design and appearance of the development is acceptable and its impact on the surrounding streetscene.
- (c) Whether the proposal would have a significant impact on the amenity of adjoining occupiers.
- (d) Whether the proposal would have a significant impact on the local highway network.

Site

The application relates to the southern section (the 'South Stand') of Fratton Park, which lies north of Carisbrooke Road. The South Stand currently comprises a 2-tier terrace of seating, walkways and stairs leading to ground level. Directly south of the site is a row of terraced houses that form Carisbrooke Road. The gardens of these properties are situated on the boundary edge. Further south of the site exists rows of terraced housing leading to the match day entrances of the ground. The site is located within 'Fratton Park and South Side of Rodney Road', as identified by Policy PCS7 of Portsmouth Plan.

Built in 1925 the South Stand replaced the previous Grand Stand and for years was the only sheltered stand to the ground. Still visible are the original double curved roof trusses and large spanning east-west truss designed by Archibald Leitch. Other original design elements have been hidden or replaced due to the demand for additional seating within the stand. The TV gantry was a much later addition to the stand (ref.A*10453/AH). The design of the TV gantry has long since been superseded by the broadcasting requirements of today.

Towards the north of the site is the north stand and the football club's car park and further north of the wider football club site is a light industrial site, with various commercial uses, predominantly B1, B2 and B8. Beyond the eastern boundary of the wider football site is residential development and beyond the western boundary is a Tesco store.

Proposal

The application seeks planning permission for both the replacement and enlargement of the existing TV gantry, located within the north facing roof plane of the South Stand, together with the installation of 8 new floodlight columns, which would be evenly spaced (4 each side) either side of the TV gantry. Additional floodlighting would also be provided on both the frame of the proposed gantry and the underside of the eaves of the existing South Stand.

- Television Camera Gantry

The north roof plane of Fratton Park's South Stand currently accommodates a small, centrally located, TV camera gantry (ref: A*10453/AH). The proposed development would result in the construction of a gable fronted roof extension which would accommodate a new TV gantry. The structure would have a width of 20.8m, with its front façade being constructed on the stands existing eaves. At its centre point the ridge of the extension would measure approximately 6.7m higher than the Stand's eaves. The height of the gabled extension would reduce to 2.9m (above the height of the eaves) at its western and eastern sides. The apex of the gable would also be approximately 1.2m higher than the Stand's existing ridge.

The gabled gantry would be positioned centrally within the roof of the South Stand, between two of the Stand's existing supporting columns, with the apex of the gable aligning with the centre line of the existing football pitch. It will be noted that the front elevation of the gantry would be constructed with a metal frame which echoes the architectural style of the South Stand's renowned football architect Archibald Leitch. The roof and sides of the proposed gantry would be finished in blue coloured metal sheeting. The north side of the extension would be set behind a 1.1m high glazed balustrade but would otherwise be open fronted.

Access into the gantry would be via a new staircase, which would originate from the highest tier of seating the South Stand, and along a 9.5m long walkway. Two sets of steps would lead down from either side of the walkway allowing access to the gantry platform. The platform would measure approximately 3.9m deep by 16m (increasing to 19.9m at the rear) wide. The enlarged gantry would accommodate 3 TV cameras, 3 match commentators together with an area for the Clubs PA announcers. At both the eastern and western end of the gantry would be vertical 'escape ladders'.

- Floodlights

The floodlight columns which would be installed to the roof of the South Stand would be set above the level of the eaves by approximately 2.0m and would have a height of 2.6m. Each of the columns would have a 'cross-arm' at the top upon which would be installed three halogen lamps. The lamps would be re-purposed from the ground's four existing floodlight columns. The columns would be evenly spaced along the roof with gaps of 10.0m between new floodlights.

In addition to the lighting that would be provided on the new columns it is also proposed to install floodlighting to both the 'zig-zag' gabled frame of the proposed gantry and the underside of the eaves of the existing stand. As such, 10 clusters of 3 floodlight lamps would be attached to the underside of the South Stand's eaves. These would be immediately beneath, and in alignment with, the lighting that would be provided on the new columns and TV gantry.

Relevant Planning history

07/00690/FUL: Construction of extension to upper tier of south stand to form additional 370 seats and TV gantry. Conditional permission (25.05.2007).

A*35917/AB: New Fratton stand (west end) alterations and extensions (involving seating) to north and south terraces, provision of car park and new vehicular access from Anson Road (revised scheme: DA: A*35917/AA). Conditional permission (04.04.1996).

A*10453/AH: Construction of camera Platform on roof of south stand. Permission (01.01.1991).

A*10453/AA: First floor extension to rear of south stand. Conditional permission (03.07.1989).

A*10453/Z4: Revised cladding of north and south stands elevations. Permission (25.08.1988).

A*10453/K: Alterations to the terracing and the erection of a new refreshment kiosk under the south stand. Permission (11.04.1958).

A*10453/G: The erection of a covered stand. Permission (20.04.1956).

POLICY CONTEXT

The relevant policies within would include:

In addition to the National Planning Policy Framework, the relevant policy within the Portsmouth Plan would include: PCS7 (Fratton Park and the South Side of Rodney Road); PCS17 (Transport) and, PCS23 (Design and Conservation).

CONSULTATIONS

Highways Engineer

Subject to the lighting being fitted with a shield to prevent direct illumination of the public highway and causing driver distraction, I would not wish to raise an objection to this application.

Sport England

No objection.

Environmental Health

I have looked at the information provided and the spillage from the additional spot lighting levels falls within the recommended guidelines from the Institute of Lighting Professionals until 23:00hrs, if the lighting was left on after this time then it is likely that it would cause a loss of amenity to the residents in Alverstone Road.

I would recommend that should planning permission be granted then a condition is applied to ensure the lights are switched off after 23:00hrs.

REPRESENTATIONS

None received.

COMMENT

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

- (a) Whether the principle of the proposed development is acceptable.
- (b) Whether the design and appearance of the development is acceptable and its impact on the surrounding streetscene.
- (c) Whether the proposal would have a significant impact on the amenity of adjoining occupiers.
- (d) Whether the proposal would have a significant impact on the local highway network.

Principle

The north roof plane of Fratton Park's South Stand currently accommodates a small centrally located, TV camera gantry. This gantry is open to the elements and is only accessible via a vertical ladder from the South Stand's upper seating tier.

The replacement TV gantry is required in order for the Club to provide television broadcasters with modern day, fit for purpose accommodation for their camera crews and match commentators. The new gantry would also accommodate the Club's Public Address (PA) facilities. The proposed floodlighting would form part of a new, comprehensive system that would eventually replace the grounds existing floodlight columns and enable the Club to provide improved pitch lighting that would meet the standards of both the VAR (Video Assistant Referee) and UEFA (Union of European Football Associations).

The application proposal is considered, therefore, to be compliant with Policy PCS7 as it would result in the improvement of the existing stadium with enhanced facilities.

Design

The proposed TV gantry has been designed in a manner which is considered to respect and reflect the character and appearance of the existing stand that was designed by the early 20th Century football architect Archibald Leitch. Similarly, the proposed floodlights are of a modest size and would appear proportionate to the size and scale of the South Stand's roof. Furthermore, due to the nature of the surrounding area it is not considered that the development would be intrusive or out of keeping.

Having regard to the above information it is considered that the proposed television camera gantry and floodlighting to the South Stand would be acceptable in design and character terms and would accord with the principles of the NPPF and policy PCS23 of the Portsmouth Local Plan.

Amenity

Fratton Park currently has four floodlight columns which vary in height from between 34m and 36m and which are located within each corner of the ground. Two of the floodlight columns have already been decommissioned with their lighting having been replaced by new floodlighting to the roofs of the Fratton End and North Stand. The remaining two floodlight columns are to be decommissioned at the end of this season.

The Environmental Health Team (EHT) have reviewed the relevant documents and the submitted lighting scheme (received: 04.07.2019) and state that 'the spillage from the additional spot lighting levels falls within the recommended guidelines from the Institute of Lighting Professionals until 23:00hrs, if the lighting was left on after this time then it is likely that it would cause a loss of amenity to the residents in Alverstone Road'. The EHT therefore recommend that a condition is applied to ensure the lights are switched off after 23:00hrs.

The National Planning Policy Framework (July 2018) states that: 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

The Football Club has hosted floodlit games at Fratton Park since 1963 where light has been emitted from the light clusters at the top of the 4 corner towers which had a height of between 34m and 36m. The light spill from the original floodlight towers was far greater than from the currently proposed, much improved lighting scheme. It is noted that the LPA did not impose conditions on earlier applications for replacement floodlight towers restricting their hours of use. Furthermore, no objections were received from local residents in relation to the proposal.

Therefore, with regards to the above, it is not considered necessary or reasonable to impose a condition restricting the hours of lighting.

In addition, evening games at Fratton Park generally 'kick off' between 7.45 and 8pm, but can be later, depending on television broadcasting requirements etc. If these games (90 minutes long plus added time at the end of each half and 15-20 minute half time break) go into extra time this can extend the game by around 45 minutes. If the game then needs to go to a penalty 'shoot-out' this could be later. Potentially, a cup game that 'kicks off' at 8pm could finish as 9.55pm, taking into account the half time break and added time at the end of each half. An additional 45 minutes for extra time would take this to 10.45pm. Penalties can go on for around 15-20 minutes (i.e. 11.00-11.05pm).

Following an evening game the ground has to be cleared. This has to comply with Health and Safety Regulations and also meet the requirements of the emergency services (police, fire, ambulance etc.) This can vary depending on the size of the crowd etc. As such, the Club needs to have flexibility over the operation of the floodlights as the Club cannot compromise its ability to play evening football matches or crowd safety considerations. Therefore, with regards to the above, it would be considered unreasonable to impose a condition restricting the hours of lighting.

With regards to residential amenity, it is considered that the development would have little, if any, impact on local residents' enjoyment of their homes. The proposed lighting would be highly effective in providing a level of light on the pitch that would meet the standards of both VAR and UEFA. Additionally, the height above ground level of the proposed floodlighting would be approximately 16m to 18m lower than the lighting provided by the original four floodlight columns. As such, the light spill from the grounds floodlighting system would be significantly reduced, and mostly contained within immediate stadium interior. It is therefore considered that the proposed floodlighting would not significantly affect nearby residential amenity in terms of light spill.

Given the nature and location of the proposed television camera gantry, it is not considered that this element of the proposal would unduly impact upon residential amenity, in terms of loss of privacy, outlook or light.

It is therefore considered that the proposed development would not be harmful to neighbour amenity in accordance with Policy PCS23 of the Portsmouth Plan.

Highways

The Local Highways Authority (LHA) raise no objection to the proposal, subject to the lighting being fitted with a shield to prevent direct illumination of the public highway and causing driver distraction. The lights are to be positioned along the roof of the south stand with supplementary lighting fixed to the underside of the eaves, providing an evenly lit pitch. The lights are to be set at a height lower than the south stand ridge to avoid light spill. In addition, it is noted that the lights would be fitted with a shield to the upper section (including sides) and the lighting would be directed downward towards the pitch.

In light of the above, the proposed floodlighting is not considered to have an impact on highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.

Conclusion

Having regard to the above information it is contended that the application as proposed would preserve the character and appearance of the football stadium and surrounding area, would be proportionate to and in keeping with its purpose and function and would not result in unacceptable harm to the residential amenities of the adjoining neighbours or the highway. The

development would therefore comply with the objectives of the NPPF and the requirements of Policies PCS7, PCS17 and PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan (18.121_C_100/REV.00); Proposed block plan (18.121_C_101/REV00); Proposed floor plan (18.121_C_200); Proposed elevations (18.121_C_210); Proposed Sections (18.121_C_220); Proposed roof plan (18.121_C_201/REV.00); and, Indicative 3D view (18.121_C_230/00).
- 3) The floodlights hereby permitted shall be installed in accordance with details provided within the 'Design & Access Statement' (produced by HGP Architects, dated May 2019) and the 'Portsmouth FC Fixture Relocation' (produced by Musco lighting, dated 17.04.2019) and shall be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To protect the amenity of adjoining or nearby residential occupiers from excessive nuisance from floodlighting and noise/general disturbance at night-time and into the early morning, in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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Agenda item:

Decision maker: Planning Committee 17 July 2019

Subject: Appeal against non-determination at 14 Wisborough Road St Jude Southsea PO5 2RE

Report by: Assistant Director, Planning & Economic Growth

Ward affected: St Jude

Key decision (over £250k): No

1. Purpose of report

An appeal for non-determination has been received in relation to a planning application for the 'Change of use from purposes falling within a C4 (house in multiple occupation) to 7 person 7 bedroom house in multiple occupation (sui generis) (18/02058/FUL)'. The Local Planning Authority is required to inform the Planning Inspectorate as to how the application would have been determined.

The purpose of this report is to establish the position of the Local Planning Authority so that it can be provided to the Planning Inspector.

2. Recommendation

Having regard to the new material planning consideration, refusal is recommended for the following reason:

1) In the absence of a suitable agreement to secure appropriate mitigation measures for the increased discharge of nitrogen and phosphorus into the Solent, the development would be likely to have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF, policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Special Regulations (as amended).

3. Background

A planning application was submitted on 24 April 2018 for the 'Change of use from purposes falling within a C4 (house in multiple occupation) to 7 person 7

bedroom house in multiple occupation (sui generis).’ This application was refused on 16 July 2018 for the following reasons:

- 1) The proposed change of use of the building to a seven-person, seven-bedroom House in Multiple Occupation (Sui Generis) would fail to support mixed and balanced communities by further imbalancing an area already imbalanced by a high concentration of HMO uses. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).
- 2) The use of the building as a seven bedroom, seven person House in Multiple Occupation (Sui Generis) would, as a result of the restricted size of the communal space and the number of WCs, fail to provide an adequate standard of living accommodation for future occupiers, and represent an over intensive use of the property. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and 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).

This refusal was subsequently the subject of an appeal and dismissed on 11 December 2018, however the only issue outstanding with the Planning Inspector was the impact upon SPA mitigation, and his concluding comments were:

"I have found that the development provides an adequate standard of accommodation for the occupiers and it does not result in harm to the mix and balance of the community. While it provides additional accommodation, this [SIC] does not outweigh its failure to mitigate its effect on the SPAs. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed."

Following this appeal decision, the application was re-submitted on 13 December 2018. The application was included on the agenda for the Planning Committee meeting held on 10 April 2019. A decision was deferred to undertake further research into the number of occupants within the property

On 18 April 2019 an appeal was lodged against non-determination. The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to Committee to confirm how the matter would be determined if Portsmouth City Council were the competent authority.

4. Reason for recommendation

To enable the Planning Committee to provide the Planning Inspector with a view as to how the application would have been determined if the Local Planning Authority was able to determine the application

5. Equality impact assessment (EIA)

The Council is not the decision making authority in this instance.

6. Head of legal services' comments

Comments to follow under exempt appendix due to legal advice.

7. Head of finance's comments

No comments required.

.....
 Signed by:

Appendices: Exempt appendix (legal advice)

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:

Title of document	Location
'Houses in multiple occupation' Supplementary Planning Document - revised July 2018	Planning Services https://www.portsmouth.gov.uk/ext/documents-external/revised-hmo-spd-july-2018.pdf
Officers report for planning application 18/02058/FUL	Planning Services
Appeal decision from previous application 18/00728/FUL APP/Z1775/W/18/3208412 dated 11 December 2018	Planning Services

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