



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 8 JANUARY 2020 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Anna Martyn Tel 023 9283 4870

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

Planning Committee Members:

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

Standing Deputies

Councillors Chris Attwell, George Fielding, Jo Hooper, Suzy Horton, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Lynne Stagg, 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 meetings - 4 and 18 December 2019 (Pages 3 - 28)**

RECOMMENDED that the Minutes of the Planning Committee held on 4

December 2019 and 18 December 2019 be approved as a correct record to be signed by the Chair.

4 Updates on previous planning applications

Planning applications

5 19/00435/FUL - 11 Playfair Road, Southsea, PO5 1EQ (Pages 29 - 66)

Change of use from house in multiple occupation (Class C4) to a house in multiple occupancy for 7 bedroom / 7 people (sui generis).

6 19/01209/HOU - 21 Clarendon Road, Southsea, PO5 2ED

Construction of two-storey rear extension

7 19/01323/FUL - Plot E, Lakeside Business Park, Western Road, Portsmouth

Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping.

8 19/00806/FUL - 66 Margate Road, Southsea, PO5 1EZ

Change of use from house in multiple occupation (HMO) (Class C4) to house in multiple occupation for more than 6 persons (sui generis)

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.

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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, 4 December 2019 at 10am 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 Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Matthew Atkins
Steve Pitt
Lee Hunt
Terry Norton
Luke Stubbs
Claire Udy

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.

98. Apologies (AI 1)

Councillors Gerald Vernon-Jackson and Donna Jones sent their apologies. Councillor Frank Jonas deputised for Councillor Jones.

99. Declarations of Members' Interests (AI 2)

Sea Defences Applications.

The Chair reminded the committee that being a member of the Southsea Coastal Scheme Project Board was not a material interest.

He declared a non-prejudicial interest: he is the council's representative on the South East Flooding and Coastal Committee.

Councillor Pitt declared a non-prejudicial interest: he is the Chair of cross party discussion stakeholders advisory group.

Councillors Smyth and Stubbs also declared non-prejudicial interests: they are members of that advisory group.

Councillor Smyth added a non-prejudicial interest: her garden would be at risk of flooding if there were no sea defences.

19/01382/FUL - Knight & Lee, 53 - 57 Palmerston Road, Southsea, PO5 3QE

Councillor Pitt declared a non-prejudicial interest: as the Cabinet Member for Culture & City Development he has spoken to the applicant and had given no expectation of the decision.

19/00592/REM - Former Drayton Dairy, Station Road, Portsmouth

Councillor Atkins declared a non-prejudicial interest: he lives in that road.

Councillor Hunt asked why this committee could be held during purdah.

Kieran Laven, Planning Solicitor explained that there is an expectation that regulatory committees would continue to be held. The Planning Committee is apolitical and has a balanced membership. Members were reminded to keep the discussion to material considerations.

100. Minutes of the previous meeting held on 6 November 2019 (AI 3)

RESOLVED that the minutes of the meeting held on 6 November 2019 be approved as a correct record.

101. Chair's notices - Dates of future meetings (AI 4)

The Chair reminded members that the next meeting would be held on 18 December and start at 10am. He also informed the committee that agenda item 15 would be moved to item 14.

It was then agreed that officers would try to give approximate timings for the next meeting's items so that the public would have an idea of when to attend.

DECISION

The following dates were agreed (all starting at 1pm):

8 January

19 February

11 March

15 April

102. Updates on previous planning applications (AI 5)

The Head of Development Management informed members that the appeal decisions had only been received the day before and therefore the updates would be given at the next meeting.

103. Update on nitrates (AI 6)

The Assistant Director Planning & Economic Growth informed members that the interim mitigation strategy had been agreed by the Cabinet Member for Culture & City Development on 29 November and would apply to the applications at this committee meeting.

104. 19/01097/FUL - Southsea Seafront from Long Curtain Moat in the West to Eastney Marine Barracks in the East. (AI 7)

The Planning Officer introduced the application and informed members of the following supplementary matters:

At the top of p.28 of the report, second line, there is a missing word that should read "would NOT result in significant harm..."

The following consultee comments have been received.

Southern Water

Following review of the Drainage Strategy within Appendix I of the ES, it is requested that a planning condition be imposed requiring a drainage scheme [see condition 19] to be submitted for approval; and, there are detailed matters that SW require the applicant to take into account.

Defence Infrastructure, Land Management Services (HMNB)

Clarence playing field, Long Curtain Road, is the only MoD land holding directly affected. On-site parking is required. It is assumed the new access road will not impact on the existing sports pitches; any disruption should be kept to an absolute minimum. It is appreciated that other matters of detail would be dealt with outside of the planning application consultation process.

Environmental Health (Regulatory Services)

In relation to construction, impacts from piling has potential for some disruption where evening and night time working is unavoidable. The works are short term in nature, therefore any impacts will be of a short duration and temporary. Should mitigation measures be applied the resultant impact is considered minor adverse. These measures are considered appropriate to cover through the CEMP [see condition 20] or more appropriately controlled through other environmental protection legislation.

A further representation has been received from the Southsea Seafront Campaign. It reiterates previous objections. It emphasises comments from Historic England, the council's Conservation Officer, Commonwealth War Graves Commission and Naval Dockyards Society, adding "We support Historic England's requests for further design consideration and additional supporting information. Our major objection to what is proposed is that that it is inadequate in design terms and lacking in crucial landscaping detail...". Leaving details to conditions is not acceptable. It expresses hope for a response to the objection and disappointment it is unanswered.

A list of potential conditions had been circulated to the committee before the meeting.

Deputations against the application were heard from: David Ramsay, John Thurston, Celia Clark, Francis Graves, Charles Burns and Mike Dobson.

Zane Gunton, the agent spoke in favour of the application.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting: <https://livestream.com/accounts/14063785/Planning-04Dec2019>
Members' Questions.

In response to questions, the Planning Officers clarified the following points:

This scheme has evolved over time in response to feedback received during the consultation process. The scheme divides opinion. It is possible that other solutions could be found; however this is the one before members.

The scheme is predicated on the worst case scenario.

Until the finance is secured, full details would not be available. Climate change modelling may be altered in the future and the scheme may change accordingly e.g. in the section titled sub frontage 3, the road is currently narrow, there is parallel parking and the traffic is one way. The height of the bund at this location is a matter covered in condition no. 35.

There will be opportunities for alterations to the scheme in other areas as it develops. The public arts strategy and the finish on the promenade needs to be developed; a full public consultation would be held for these significant public matters.

The Highways Authority is responsible for the usage of the carriageway.

It is important to balance access by car which may be required for people with disabilities with the need to prioritise walking and cycling.

A groyne will be built adjacent to the hover travel building to keep the beach in place.

They did not know who would be responsible for the cost of maintaining the beach.

This sea defence project would not hinder the economy. There is no conflict with national and local policies.

The comments from the owners of Clarence Pier are included in the report. Flood gates and boards would be required behind the attractions to protect against extreme weather events. The partnership has looked into other possible measures in that area. The 25m wheel would still be visible over the wall and therefore people would know that there is a funfair behind the wall.

The amenity, recreation, social-economic impact is included in the economic statement. Some areas would experience minor detrimental impact during or after the construction period. Overall, the planning officers were satisfied with the positive impact that the scheme would have on the use of the Common and the seafront.

In response to questions, Zane Gunton explained that the car park near Clarence Pier would be insignificant as the road drops down to approximately 1.5m. The topography goes up and down and then raises to meet that. At its highest point it would be 80cm higher than the current height.

The war memorial is currently raised and 1.5m from the road. After the move, it would be 1m further away.

Some monuments are not in their original locations. Historic England has no objection to them being moved, particularly if they would be more appreciated in their new locations. There will be opportunities for modest improvements. They will lose their listed status but applications can be resubmitted afterwards.

Pedestrians have been prioritised in the scheme and the importance of the promenade is noted in the report.

The natural amphitheatre around the bandstand would remain. The promenade would be raised and rock armour installed.

Beach accessibility is currently poor and would be enhanced in some places with these defences.

Westbound traffic would not change. Eastbound traffic would be coming out of the D Day car park.

In response to questions, Zaine Gunton explained that:

The beach near the pyramids would be widened and step revetment installed.

There would be significant widening of the promenade and increased volume of the beach all the way along the seafront.

The Southsea Rowing Club and Mozarella Joes would have steps and a ramp incorporated to ensure access. Mozarella Jones has scour protection because of the loss of shingle but this is not flood protection.

The Blue Reef Aquarium would be beyond the defences.

There is nothing in the scheme to mitigate against the shingle being blasted onto the pier.

They are looking at a 10 year recycling programme. The Flood Defence Grant in Aid would be responsible for beach management and further capital for shingle change in that area.

Briny's Café is set back on the promenade and would not be impacted.

It is not possible to defend Southsea pier.

Southsea Beach Café is on the line of defence and will be demolished and new development will be introduced there.

The Coffee Cup will not be affected.

Members' Comments

It was noted that there is a need to protect the seafront and although access is essential, pedestrians and cyclists should be prioritised.

Members noted that the scheme would bring many benefits to the seafront and welcomed the opportunity to improve the settings of the monuments.

It was hoped that additional funding be secured, perhaps from the LEP.

Members did not wish to see Clarence Pier to be cut off but accepted the arguments from officers. It was hoped that better solutions would be found over time.

Councillor Stubbs abstained from the vote as he lives near South Parade Pier.

DECISION

Permission was granted subject to the conditions set out in the Planning Officer's Committee report and those circulated at the meeting.

It was also agreed that an informative note be added to the minutes that is it is the opinion of this committee that the planning aspects of matters referred to in conditions 17, 22, 23, 25, 26, 27 and 38 should be brought back to this committee and supported by a report about the consultation on those matters.

105. 19/01090/LBC - Seafront shelters Nos.7. 8 and 11, Clarence Esplanade, Southsea (AI 8)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

106. 10/01088/LBC - Monuments, various locations, Clarence Esplanade, Southsea (AI 9)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

107. 19/01129/LBC - South Parade Pier, South Parade, Southsea, PO4 0SW (AI 10)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

108. 19/01089/LBC - Lamp columns, various locations, Clarence Esplanade, South Parade and Eastney Esplanade, Southsea, PO4 0SW (AI 11)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

109. 19/01091/LBC - RN War Memorial, Clarence Esplanade, Southsea (AI 12)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

110. 19/00592/REM - FORMER DRAYTON DAIRY, STATION ROAD, PORTSMOUTH (AI 13)

Application for the approval of reserved matters in respect of layout, scale, appearance, materials and landscaping for the development of 108 dwellings with associated roads, cycle paths, footpaths, car parking and 'pocket park' as approved by outline application 17/00224/out (amended plans received September and November 2019)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- *Page 54 of the committee report states in error that there would be seven visitor car parking spaces. The total number of visitor spaces would be 17.*

The Assistant Director Planning & Economic Growth noted that the application is the first to be issued in accordance with the Interim Nutrient Neutral Mitigation [nitrates] Strategy. Officers request delegated authority to secure payment for nitrate credits under the S106 agreement.

A deputation in support of the application was made by Jeremy Gardiner, the applicant. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

In response to questions from members Planning Officers clarified the following points:

- Affordable housing units are distributed throughout the site.
- With regard to concerns about gardens being replaced by hard surfaces and thereby increasing the risk of water run-off condition no.3 removes permitted development rights Class F so a patio (or other hard surface) cannot be laid without permission. Most of the landscaping in front of properties is managed by the development company rather than individual householders. The drainage strategy is based on underground storage tanks for surface water run-off and is a combination of infiltration on green spaces and taking advantage of attenuation storage or a combined sewage system.
- The play equipment in the park is made of natural materials as they are more attractive than conventional metal equipment. The landscape architect had suggested using natural materials.
- The layout of driveways on the site is designed to allow unrestricted access for emergency vehicles. If cars parked in the designated turning spaces it would obstruct access to driveways.

Members' comments

- Local residents are generally in favour of the application though there are concerns over increased pressure on services such as schools and GPs.
- The removal of the wall from the application is a good improvement to the site's appearance and road safety.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

111. 18/02089/FUL - 142 MILTON ROAD, PORTSMOUTH, PO4 8PN (AI 15)

Construction of 4 storey residential block to form 12 flats; to include 13 car parking spaces with associated bicycle and refuse storage (following demolition of public house)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- *Two further letters of objection received, raising the points set out below. These matters are considered to be already addressed in the published Officer Report, or are more strategic, city-wide comments somewhat outside of the scope of the consideration of this particular planning application.*
 - *Over-crowded population, should not build more houses, need more local shops and better infrastructure;*
 - *The city is congested. If we want a car-free city, will have to bring more business to the city so people can walk to work (public transport is not good enough. The city's parking permit system does not work, it pushes people to park in areas without permits. Should build a multi-storey car park, for residents and match-day. Cycle paths are not widely spread enough;*
 - *The development will increase my travel time as I use this road frequently.*

The Assistant Director Planning & Economic Growth explained there is a one-year implementation period to ensure the nitrate credits are taken advantage of and not left unused. PCC can require a scheme to begin promptly but cannot control when it is completed.

A deputation against the application was made by Kimberly Barratt, a local resident and member of the Keep Milton Green group. Members had received a letter from the group that morning.

A deputation in favour of the application was made by Mark Holman, the applicant.

Deputations are not minuted but can be viewed as part of the webcast of the Meeting:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

In response to questions from members Planning Officers clarified the following points:

- When it became apparent that privacy was an issue for neighbouring residents the applicant was asked to revise their plans. In addition, the application has a boundary condition. It is unclear whether responsibility for the rear boundary belongs to the applicant or individual property owners but it is best if the applicant works to reach a compromise with neighbours rather than have individual treatments. Furthermore, the difference may not be that great for neighbours as the boundary is behind the outbuildings. A boundary on the southern side is also being considered to make the site more secure.
- If the developer makes a profit of over 5.4% then PCC is entitled to take some of the excess to put towards affordable housing. It is a difficult balance between the developer's need to break even or make a profit and PCC's obligation to provide affordable housing. It is difficult to say if more units on the site would have allowed a contribution to affordable housing. However, the current application is

assessed as the most suitable from the point of design and delivery even though this means it may not be able to support affordable housing.

- There is no provision for a disability adapted flat at the moment but if there is any profit in excess of 5.4% then a sum such as £1,000 or £2,000 could be put towards adapting one of the flats.
- The plans show the gardens as communal; it is up to the developer to see if they can be subdivided to provide further privacy.
- Independent consultants review applications to prevent applicants using tactics like having expensive fittings in properties as a way of avoiding providing affordable housing.
- The aisle in the top left hand part of the plans is wide enough to allow vehicles to turn left and leave the site facing forwards.
- The nitrates strategy is concerned with providing credits for developments, not funding them. It has no viability to make direct contributions to affordable housing. Contributions from developers are prioritised for affordable housing.

Members' comments

- The loss of another pub in the city is regrettable.
- Members expressed their disappointment that the application has no provision for affordable housing. It is unfortunate that the cost of building for developers does not match the requirement for affordable housing. With a 5% profit margin the developer could be at risk if the scheme ran into difficulties and still had to contribute to affordable housing. Profit is different from contingency.
- However, refusing the application will not address the problem, which is perhaps more a matter of policy. If a block of 12 flats cannot provide two affordable units then this is a reflection on the Portsmouth Plan and the NPPF, which may need revising.
- The Chair reminded members that the committee is a regulatory one and therefore independent of policies unless they are directly relevant to planning.
- It is hoped the applicant will reach a compromise with neighbours over the boundary and protecting their privacy.
- The application is typical and appropriate for a busy area of the city although some members felt there were too many similar developments. However, using the site is better than leaving it empty with hoardings around it. The flats will be less expensive than one or two larger properties.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

112. 19/01382/FUL - KNIGHT & LEE, 53 - 57 PALMERSTON ROAD, SOUTHSEA, PO5 3QE (AI 14)

Mixed use development comprising change of use of building, with partial demolition and extension at roof level (500sq.m. net floorspace) and excavation works at basement level, to provide retail (Class A1), café (A3), bars (A4), 43-bed hotel (C1), gymnasium (D2), cinema (D2) and offices (B1) with associated plant, equipment and enclosures

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- *At page 80 of the Committee Report reference is made to a midnight closing time for the food and drink uses and the bar. However, condition 18 refers to a 00:30hr closing time. For clarity the recommendation is in line with Condition 18.*

A deputation against the application was made by Martin Meadows, a local resident.

A deputation in support of the application was made by Peter Tisdale, the applicant.

Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

The Assistant Director said a deputation against the application had been submitted by Paul Denyer; members had already received a written copy. Mr Denyer was unable to present his deputation in person at short notice so the Planning Officer reiterated the main points of his deputation which can be viewed as part of the webcast:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

In response to questions from members Planning Officers clarified the following points:

- The Highways Engineer has responded to Mr Denyer's concerns.
- Although the building is not listed the application aims to be sympathetic to the architectural style and features; as part of this aim the applicant intends to keep the ground floor escalator if possible.
- The hotel rooms on the eastern flank do not have natural light or ventilation; they will be mechanically ventilated. The applicant explained they were close to finding a solution with the pipes.
- The change of use will entail more significant demand for parking during the evenings and weekends. Although there is very little overnight parking close to the site a parking survey provided by the applicant shows there is parking a short walk away so hotel guests would be expected to walk a little further. Guest houses can have a limited amount of parking permits in residential zones but hotels cannot.

Members' comments

- Members acknowledged that the retail sector has changed significantly since the creation of the Southsea Town Area Action Plan in 2007. There is less demand for traditional shops and footfall has been decreasing year on year in Palmerston Road.
- A hotel would be beneficial for people attending events such as Victorious and the Great South Run. The lack of parking and rooms with no natural light may be a disadvantage but members hoped it would succeed. Ships' cabins are a form of accommodation with no natural light or ventilation.
- There would be problems with parking if there were flats on the site.

- The variety of uses in the application will benefit the area more than having only or mainly flats on the site. Southsea needs creative and cultural anchors and the development could help increase its profile. Creative developments like co-working spaces are popular in other areas of the city.
- The inclusion of a cinema in the application could be a good opportunity to develop further the city's thriving independent cinema scene.
- Members hoped the development of the site would start without delay.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

The meeting concluded at 3.15 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 18 December 2019 at 10.00 am in the The Executive Meeting Room - Third Floor, The Guildhall

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

Present

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

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.

113. Apologies (AI 1)

Apologies for lateness were received from Cllr Pitt who had an emergency at home. Apologies for absence were received from Cllr Vernon-Jackson (not reported at the meeting as the email was not seen until after the meeting). Councillor Udy apologised that she would need to leave the meeting at 3pm.

114. Declaration of Members' Interests (AI 2)

Councillor Donna Jones declared a pecuniary interest in planning application 3, 43 Eastern Parade and left the room for the discussion of this item.

115. Update on previous planning applications (AI 3)

The Head of Development Management explained that since the last Planning Committee there were eight decisions received from the Planning Inspectorate, which were made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007, against the Council's refusal of advert consent for internally illuminated advertisements. Out of the eight, the council had appeals against two decisions dismissed and six allowed. A key

consideration of the Planning Inspector was to do with the nature of the immediate context of the sites where the adverts would be placed. Considering most were in strong commercially oriented sites, the Planning Inspector took the view that the additional signage would create no adverse visual impact on the street scene or immediate surroundings.

In addition there were three further decisions on householder applications received from the Planning Inspectorate, which were made under section 78 of the Town and Country Planning Act 1990 against the Council's refusal to grant planning permission. One of these was dismissed and two were allowed. Officers will reflect on the key issues arising from these and will ensure they aim for at least 80% in terms of decisions.

116. Update on nitrates (AI 4)

The Assistant Director Planning & Economic Growth informed members that the interim mitigation strategy had been agreed by the Cabinet Member for Culture & City Development on 29 November and officers were using this when making decisions on planning applications. As decisions are made, appropriate assessments are written up and sent to Natural England and officers await their individual comments on each application assessment. Officers continue to support the strategy and this was indicated in the recommendations within the committee reports before members today.

117. 18/01433/FUL - 90A Compton Road, Portsmouth PO2 0SR - Construction of six dwellinghouses with associated parking and installation of dropped kerbs to provide vehicular access onto Compton Road (following demolition of existing site buildings) (report item 1) (AI 5)

The Planning Officer introduced the application.

Mr Martin Hooper and Mr Martin Lewis, both of Compton Road, made deputations objecting to the application. Mr Lewis was also the former scout leader.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions.

In response to questions from members, the following points were clarified by the Planning Officers:

- The density on this land is 68 dwellings per hectare. Officers look at having around 40 dwellings per hectare as a minimum. Officers consider the character and grain of the local area when making their decisions.
- The footpath is currently not a recognised public right of way but an application for this is being considered. This is dealt with separately under different legislation and is not something that can be considered today. If it does become a public right of way the owners would have a duty to redirect it. Officers advised that the committee should be mindful of the footpath but as there is an additional route officers were satisfied there were no significant adverse implications, should it be identified as a public right of way.

- If a public right of way was already established a condition could be imposed to say there must be a footpath, but the application was still in progress. It was reasonable to assume that a public right of way on this site will be established. It was not for the planning committee to co-opt that legislative function.
- The Local Plan is still the primary policy the committee should be considering when making their decision. The application should be assessed by looking at the National Planning Policy Framework as a whole and significant weight needs to be given to housing need in the city and the lack of a 5 year housing supply. It is about how the policies are applied and it is always a case of judgement.
- The Council's parking requirement is two spaces per dwelling. The lines on the plan were to indicate that there is some on street parking. A different design with a smaller house could potentially allow for two parking spaces on the site, rather than one.
- With reference to concerns raised in the deputations about noise during the construction phase, the officer explained that condition 11 was for a construction management plan which must be submitted for approval prior to development commencing.
- With regard to the overlooking issues raised by one of the deputees, officers had made an assessment of the separation distances between buildings and there was a distance of approximately 16m between the front of the dwellings and those to the north, which was considered sufficient distance to prevent any adverse impact in terms of overlooking.
- The ownership of the scout hut was not a planning consideration as this was privately owned.
- On the plans, the white areas were counter space inside the building and outside parking space, green were reception rooms and blue areas were non habitable space.
- Individual equality impact assessments are not carried out for individual planning applications.

In response to a question from members, Mr Lewis explained that the scout hut was closed and some of the scouts who formerly used the scout hut had amalgamated with the 104th scout group in Hilsea. The scout hut was currently being used as storage since it had been closed.

Members' Comments

During the discussion members' generally felt that this was a good scheme and would provide much needed housing, but were concerned with the potential loss of footpath from Compton Road to Battenburg Avenue. It was noted that the site was close to Cliffdale Primary Academy, a special school and losing access to the footpath would be a huge change of routine to pupils, particularly if they have complex learning difficulties. It was noted however that there was a reasonable likelihood that the footpath would remain.

Members' were also concerned that the proposal did not meet parking standards and residents would lose the on street parking currently available in front of the scout hut. Some members felt that it would have been better to have smaller houses to allow for two parking spaces for each dwelling. The committee were very sympathetic to the views of the local residents and were disappointed that the applicant had not

spoken with residents prior to making the application, as this may have alleviated some of their concerns. Members noted that there would be an impact on residential amenity but felt that this was not significant enough to warrant refusal.

RESOLVED

- (1) Delegated authority was granted to the Assistant Director Planning & Economic Growth to grant conditional permission subject to the completion of a legal agreement to secure the development as nutrient-neutral and mitigation in line with Solent Recreation Mitigation Strategy.**
- (2) Delegated authority was granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;**
- (3) Delegated authority was granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a legal agreement to secure the development as nutrient-neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation 1 has not been completed within three months of the**

118. 19/01193/HOU - 33 Castle Road, Southsea PO5 3DE - Construction of two storey rear extension plus enlargement of existing basement and replacement windows and doors to front (report item 2) (AI 6)

The planning officer introduced the report and report and informed members of the following supplementary matters:

- 1. Policy PCS23 (Design and Conservation) of the Portsmouth Plan should be referred to within the Policy Context section. Policy PCS13 (A Greener Portsmouth) quoted is not relevant to this application.*
- 2. Following the receipt of amended floor plan drawings (to correct an error in the depth of the existing first floor rear projection shown at no.35), Condition 2 (approved plans) is to be updated to read as follows:*

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 Block Plan drawing no.431.P100_B, Proposed Floor and Roof Plan drawing no.431.P101_C (received 11/12/19), Proposed Elevations drawing no.431.P102_D, sash window, front door and basement door details (431.Keene) received 3 October 2019 and French door details for rear extension (431.Keene) received 10 October 2019.

Deputations were heard from Mr Sharman and Mr Anderson, neighbouring residents objecting to the proposal and Mr Moser the agent speaking in support of the application. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the Planning Officers clarified the following points:

- Officers clarified on the photographs where the rear extension would extend to. The rear extension will be in line with the rear extension of number 31. On the southern side the extension will extend 2.2m further than the neighbour's bathroom extension.
- There is a condition to ensure that all windows in the bathroom in the first floor extension will be obscured glazed and must be permanently maintained thereafter, as indicated in condition 4.

Members' Comments

Members' felt that the neighbouring properties had previously had significant extensions and the authority would leave itself in a difficult situation if it were to refuse the application. Some members felt that with the proposed extension coming out a further 2.2m this would create a sense of enclosure for the neighbouring property.

RESOLVED that the application be granted conditional permission subject to the conditions outlines in the planning officer's report.

119. 19/01232/HOU - 43 Eastern Parade, Southsea PO4 9RE - construction of two storey garage at rear of property (following demolition of existing garage) (description amended 30/10/19 and amended plan received 30/10/19) (report item 3) (AI 7)

(Councillor Jones left the room for the discussion of this item due to her pecuniary interest).

The planning officer introduced the report and report and informed members of the following supplementary matters:

One further representation has been received reiterating concerns previously raised and questioning what changes have been made in the latest revised plan.

To clarify, the revised plan (reference: Plans, Elevations & Section 100D) was submitted to correct an error in the annotation of the proposed materials. The materials would comprise roof tiles and facing brickwork.

The planning officer advised that there was one additional objection received this morning which was not included on the supplementary matters list which was circulated to the committee.

Deputations were heard from Mr Mavirkakis and Mr Higgins objecting to the application as neighbouring residents. Councillor Winnington also made a deputation as ward councillor.

Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the planning officers clarified the following points:

- The proposed garage would 5.5m in height which is 1.5m taller than the existing garage. The planning officer did not know how tall the garage was in relation to the balcony in the property in Selsey Avenue.
- The window in the garage was not proposed to be glazed but this could be a condition if the application was approved.
- The application was described as a two storey garage for ancillary use. This meant it could be used for anything that would take place in a home. For example if it were to be used for an independent activity such as a home office this would be acceptable but if staff were hired additional approval would be required.

Members' Comments

Members' felt that the height, scale and mass of the building by way of its two storey development was out of character and detrimental to the conservation area. The development would also be detrimental to the enjoyment of the properties in Selsey Avenue by reason of the size of the proposed development. Officers advised members to bear in mind that there are other similar sized outbuildings within a similar footprint in this area. The committee were reminded of the recent appeal decisions that the council had lost and advised that the authority would find this very difficult to defend if the committee refused the application and it went to an appeal.

RESOLVED that the application be refused for the following reason:

The proposed development would, by virtue of its height, scale, massing and rear position, result in a dominant feature to the rear private gardens of dwelling houses front Eastern Parade and Selsey Avenue which would be harmful to the overall character of the area and the setting of the Conservation Area. The proposal would therefore be contrary to Policy PCS23 (Design and Conservation Area) of the Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019) in relation to 'Requiring Good Design' and 'Conserving and enhancing the historic environment'.

- 120. 19/00574/FUL - Westmoors - 50 London Road, Cosham, Portsmouth - Construction of 4-storey building comprising 11 dwellings (Class C3) with associated vehicular access from St. George's Road, - Parking, landscaping, boundary treatments and bicycle/refuse storage following demolition of existing dwellinghouse (resubmission of 18/01492/FUL) (report item 4) (AI 8)**

(Councillor Norton was not permitted to take part in the discussion of this item as he was not present at the start of the officer's presentation).

(Councillor Pitt arrived prior to the start of this item)

The planning officer introduced the report.

Deputations were heard from Mr Heppell representing the applicant speaking in support of the application. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the planning officers clarified the following points:

- The overall height of the building will vary depending on where the measurements are taken, due to the site being on varying levels. The ridge of the flat roof will sit very close between the ridge of the existing house. The excavations will take place at the front of the property.
- Condition 1 relating to the time limit for development to begin had been reduced to 1 year from 3 from the date of permission being granted. This was linked to the nitrates statement as the authority is making available its nitrates bank and needs to ensure that developments come forward.
- There was a preliminary ecological assessment carried out on the site that looked at the flora and fauna and the presence of bats. Following on from that there were three separate bat surveys on three different evenings. On the first they did see a bat emerging from the property and other bats foraging in the rear garden, the second they saw evidence of bats foraging in the garden and the third witnessed nothing. The difference of opinion was that the county's ecologists suggested that a dawn survey should have taken place in addition to the three other surveys. The applicant's ecologists have suggested this was not necessary given the limited identification of bats seen from the other surveys. The council's ecologists advised that if officers can demonstrate through the three tests that this is necessary and the impact of the species can be mitigated, they had no objections to methodology to removing bats and providing mitigation on the site.
- Officers know there have been bats present on the site and they are a protected species, however the council's ecologist has confirmed there is a scheme of mitigation. As long as this was followed she was satisfied the third of the tests can be met. It had been left to the local authority to make a judgement whether the public benefits of the development would be sufficient to outweigh the need to carry out further survey work.
- There is level access from London Road to the units. There was no further capacity for the provision of parking on the site. Officers could add a condition to say two spaces must be allocated to the two affordable units on the lower ground floor. The units are not shown as being fully wheelchair accessible but the authority could work with the developer to try and explore this.
- The application is lacking 6 parking spaces but the applicant has demonstrated there is adequate capacity in the surrounding roads. The parking survey looked at parking in roads within a reasonable walking distance of the application site.
- There were 11 units proposed, 2 were affordable housing units which would be secured through a legal agreement. If the applicant wished to deviate from that the officers would have to take a view whether this would require a new application.

- Officers had previously highlighted the flat roof design as a concern and the application had been withdrawn. Alternative designs were considered and when the application was resubmitted the applicant had chosen not to take advice regarding a pitched roof. The flat roof was not ideal but it was not out of character as there are other flat roofed buildings in this area to the south.
- There is clearly a transition from the more traditional houses to the north and the redevelopment properties of the south. It will change the character of that block. The report acknowledges the flat roof does change the streetscape and the roofscape which is a shortcoming of the scheme.

Members' Comments

Members felt that the design of the building in this very prominent site would create an adverse effect on the street scene and felt this is contrary to PCS 23 of the Portsmouth Plan. Members felt however that affordable housing units were needed in the city. Members' were also concerned by the lack of parking provided by the applicant.

RESOLVED that the application be refused for the following reason:

The proposed development would, by virtue of its height, scale, massing and rear position, result in a dominant feature to the rear private gardens of dwelling houses front Eastern Parade and Selsey Avenue which would be harmful to the overall character of the area and the setting of the Conservation Area. The proposal would therefore be contrary to Policy PCS23 (Design and Conservation Area) of the Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019) in relation to 'Requiring Good Design' and 'Conserving and enhancing the historic environment'.

Informative: During the application process, it was agreed between the applicant(s) and the Local Planning Authority that a legal agreement would be satisfactorily completed to secure mitigation of the impact of the development on the Solent Special Protection Area in relation to increased recreational pressure and nitrogen output. The applicant is advised that in the absence of such legal agreement, the development would be likely to have a significant effect on the Solent Special Protection Areas and would be contrary to the National Planning Policy Framework (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Species Regulations 2017 (as amended). This matter would therefore need to be addressed as part of any subsequent appeal.

- 121. 18/01968/OUT - 62 Middle Street Southsea PO5 4BP - Outline Application for the demolition of existing buildings and the construction of student residential accommodation (21 units) in a four storey building (scale and access to be considered) (report item 5) (AI 9)**

(Councillor Udy apologised that she would need to leave the meeting during this item.)

The Assistant Director's Supplementary Matters List reported on the Impact on the Solent SPA - recreational impact mitigation:

"The applicants have confirmed that there are 2 x 2 bed flats within the existing building on the site.

The financial contribution required for mitigating the recreational impact of the development on the SPA (as set out on Page 61 of the Committee Report), has been recalculated as follows:

Proposed - 21 x student rooms

- Each 5 student rooms = 1 dwelling unit: $21/5 = 4.2$ (rounded up to 5)
- Amount calculated based on half the amount for a 5-bed dwelling: $£902/2 = £451$; $£451 \times 5 = £2,255$

Existing - 2 x 2 bed flats

- Amount for 2 bed flat = £500; $2 \times £500 = £1000$

Total payment required:

- $£2,255 - £1000 = £1,255$

Impact on the Solent SPA - nitrate impact:

The applicants have provided a statement setting out the water efficiency measures that would be incorporated into the proposed development. This would include the following:

- Incorporation of fittings with a low capacity or flow restrictors and /or aerating tap heads:
- Installation of low flow showers;
- Installation of dual flush WCs;
- No baths proposed in any of the units.

However, the above measures would not be sufficient in themselves to make the development 'nitrate neutral', therefore the applicants intend to rely on the Council's Nutrient-Neutral Mitigation Strategy to mitigate the impact of increased nitrates on the SPA.

An additional condition is required to ensure that the development is not occupied before the nitrate mitigation is in place.

Approved plans - Condition 3:

Please note that the list of approved plan numbers has been amended in Condition 3.

Amended Condition 3:

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: Existing Site Plan 277-ACG-B2-00-DR-A-0005 Rev. B; Proposed Site Plan 277-ACG-B2-00-DR-A-1051 Rev. B; Proposed Ground Floor Plan - Outline 277-ACG-B2-00-DR-A-2034 Rev. A; Proposed Elevation East - Outline 277-ACG-B2-00-DR-A-4017 Rev. A; and Proposed Elevation South- Outline 277-ACG-B2-00-DR-A-4016 Rev. A.

Additional Condition - Nitrate Neutrality Mitigation:

15: The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local

Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981. "

There had also been an email of objection sent to members of the committee by Councillor Corkery.

Deputations were made by:

- i) Mr Tarrant who spoke to oppose as a businessman affected by the application, also raising concerns regarding the loss of parking, the scale of development, ecology and loss of tree, as well as matters of rights of way and his fire escape.
- ii) Mr Christian, the applicant's agent to support the application, who stated that precedent had been set in the area for student accommodation, the site had good transport links and there was agreement for enhanced ecology and water efficiency measures.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

It was asked if some of the matters raised by Mr Tarrant were material planning matters; it was confirmed that some of these were not but were receiving attention from the City Solicitor. Regarding the ecological measures it was confirmed these would be achieved via an attached condition (no.9) with a biodiversity plan needing to be submitted. Regarding parking there would be a students' arrival and departures plan with no additional parking required for them, with the proximity of the site to the City Centre. It was asked of the objector if there had been consultation with business owners regarding future development; Mr Tarrant stated that he had not been consulted. In response to a question on policy matters, the Assistant Director reported that this was a change of use and there was not a specific policy to resist the demolition of existing residential units for student housing; there was a balance to be made with the diversion of students from other shared accommodation. The Planning Officer also responded to questions on the loss of ground floor office use in that there had been flexibility in the departing from the policy SNS8 (regarding Employment). It was confirmed that the removed cherry tree had not been a protected tree.

Members asked to have Councillor Corkery's email summarised; it was reported that his objection was based on his preference to have social housing on the site. It was confirmed that the access arrangements would be part of a Reserved Matters application. The applicant's agent was asked if there was a viability assessment and target occupancy known? Mr Christian did not have the information available but the applicant would be seeking to maximise occupancy and he confirmed that employment supply evidence had also been submitted.

Members' Comments

There had been some discussion on the ownership of the site and its effect on implementation and access and officers reiterated that this was an Outline Application and detailed design matters would be subject to a future Reserved Matters application. Members were mindful of what matters raised by the deputations were material to their consideration. There was some concern regarding the loss ground floor business and employment use and that this was contrary to policy.

RESOLVED that permission be refused for the following reason:

The application fails to retain employment uses on the site, resulting in a failure to retain and improve employment opportunities within the area need to act as a springboard for social and economic regeneration and the allocation for ground floor employment uses. This would therefore be contrary to Policy PCS6 of the Portsmouth Plan (2012), Policy SNS8 of the Somerstown and North Southsea Area Action Plan (2012) and the national advice in the National Planning Policy Framework (2019).

Informative: During the application process, it was agreed between the applicant(s) and the Local Planning Authority that a legal agreement would be satisfactorily completed to secure mitigation of the impact of the development on the Solent Special Protection Area in relation to increased recreational pressure and nitrogen output. The applicant is advised that in the absence of such legal agreement, the development would be likely to have a significant effect on the Solent Special Protection Areas and would be contrary to the National Planning Policy Framework (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Species Regulations 2017 (as amended). This matter would therefore need to be addressed as part of any subsequent appeal.

122. 19/00510/FUL -Land to rear of 76 Vernon Road, Portsmouth PO3 5DS - Construction of seven garages and one storage building (following demolition of existing outbuildings) and the construction of a fence (report item 6) (AI 10)

The Assistant Director's Supplementary Matters List reported that:

"Whilst indicating his intention to attend and address the Planning Committee in person, Councillor Robert New is unable to attend this meeting and instead provided a written representation. A copy the representation is appended to this Supplementary Matters item.

The points raised by Councillor Robert New have been addressed within the Committee Report.

To provide clarity, the proposed condition relating to Biodiversity has been amended to read as follows: 'Prior to the commencement of any works whatsoever on the site (including clearance of vegetation), a Biodiversity Mitigation and Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved and maintained on the site as approved during the lifetime of the development'.

A deputation was made by Mr Cox objecting on behalf of his mother in Glenthorne Road and some residents from Vernon Road. He was disappointed that there had not been a committee site visit and outlined the residents' concerns which included

the possible commercial use of the garages, increased volume of traffic, problems of access, security and light pollution, as well as environmental issues.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

It was confirmed that the case officer had visited the site three times and that emergency access to the site was a Building Regulations matter. The status of advice from DEFRA and Natural England was queried and it was reported by the Head of Development Management that the traditional orchard status had been reduced due to the work that had already taken place. The Assistant Director further reported that this area had not been designated as green space in the Local Plan and the level of potential harm caused was for members to consider.

Members' Comments

Members were concerned by the environmental impact with the encouragement of more car ownership, the potential for commercial activity to take place and did not see this proposal as adding significant community benefit. They believed this was contrary to the council's aims of "greening the city". It was also regretted that trees had been removed from the site. The Cabinet Member for Culture and City Development confirmed that sites for designation as open spaces were being surveyed.

RESOLVED that permission be refused for the following reason:

The proposed development would result in a net loss of existing open space and compromise the overall integrity of the green infrastructure network in the city, in opposition to Policy PCS13 of The Portsmouth Plan (2019) and the aims and objectives of the revised National Planning Policy Framework (2019).

123. 19/00709/HOU - 86 Lincoln Road, Portsmouth PO1 5BQ - Single storey extension to rear (following demolition of existing extension) and first floor extension to rear (report item 7) (AI 11)

Members' Questions

After the Planning Officer's presentation questions were asked regarding the measurements of the extension and impact on the adjacent property; this was an extra 3m. It was confirmed that the dormer window did not need planning permission and that whilst there were not similar extensions on the same side of the road there were examples on the other side.

Members' Comments

Members did consider the effect on the neighbouring property regarding enclosure and light, but also saw the benefit of the extension giving family use on the first floor.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director Planning & Economic Growth's report.

124. 19/01492/FUL - 87 Gladys Avenue, Portsmouth PO2 9BB - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House) (report item 8) (AI 12)

The Planning Officer in his presentation corrected the figure given in the report (page 81) regarding the undersize of the first floor bathroom was by 0.09m² (not 0.9m²).

Members' Questions

The siting of communal areas in the layout plans was examined.

Members' Comments

Members were satisfied by the provision of bathroom space and bedroom sizes, and the refitting was seen to be to a high quality. The location by a bus route was also acknowledged.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director Planning & Economic Growth's report.

125. 19/00408/FUL - Spinnaker Lodge, 464 London Road, Portsmouth PO2 9LE - Change of Use from Care home (Class C2) to 12 bedroom House in Multiple Occupation (Sui Generis) (report item 9) (AI 13)

The Assistant Director's Supplementary Matters List reported:

"Two additional representations have been received following the publication of the committee report, raising the following additional points to those outlined within the report:

- *Loss of care home and facilities for elderly and the disabled;*
- *Incorrect information on the application form.*

With regard to the loss of care home facilities, the property is vacant and there are no specific policies that would require the care home to be retained.

An amended application form has been received to correct an error in the applicant's stated address.

In addition to the above, the report omitted a condition to require Nitrate Neutrality Mitigation. This has now been added (Condition 6)."

The presenting officer circulated plans which showed the second floor layout which includes a kitchenette.

A deputation was made by Mr Tutton, the applicant's agent, in support of the application whose points included that this is a suitable location for accessing bus services, it contributed to meeting the city's housing need and would be for professional tenants.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions it was clarified that the second floor kitchen was in addition to the ground floor communal space. The photographs displayed had been taken in May (the consideration of the application had been in abeyance due to the wider nitrates issues). Whilst the application was for 12 bedrooms the number of occupants could be higher if couples shared rooms. It was asked if there would be overlooking of neighbours; the applicant was proposing obscure glazing, but this was not a condition. The Assistant Director responded to the question of late notification of the application which was due to the need to apply new guidance for which he apologised and reported that staff training was being undertaken. The use of 1 parking space was queried; the Planning Officer advised that it was for comparison to the exiting use.

Members' Comments

Members noted that some of the conversion works were had already taken place. The size of bedrooms, en-suite and kitchen provision in this large property was welcomed.

RESOLVED that

(I) That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy.

(II) That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;

(III) That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation I has not been completed within three months of the date of this resolution.

Nitrates Neutrality Mitigation -

6) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by, the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981

The meeting concluded at 4.06 pm.

.....
Signed by the Chair of the meeting
Councillor Hugh Mason

Agenda Item 5

PLANNING COMMITTEE 8TH JANUARY 2020

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

REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth 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

19/00435/FUL

WARD: ST THOMAS

11 PLAYFAIR ROAD SOUTHSEA PO5 1EQ

CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A HOUSE IN MULTIPLE OCCUPANCY FOR 7 BEDROOM/7 PEOPLE (SUI GENERIS).

Application Submitted By:

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr A Pandya

RDD: 15th March 2019

LDD: 20th May 2019

SUMMARY OF MAIN ISSUES

The application is brought to the Planning Committee for determination due to a deputation request by Martin Willoughby on behalf of the East St Thomas Residents Form.

The main issues for consideration are:

- The principle of development use;
- Standard of accommodation;
- Impact on residential amenities;
- Highway (Parking) and waste matters, and
- Impact on the Solent Special Protection Areas and Nitrates

Site

This application relates to a two-storey mid-terraced dwelling located on Playfair Road close to its intersection with St Andrews Road. The property is set back from the highway by a small front garden/courtyard and benefits from a larger rear garden.

The site is located in close proximity to a range of shops and services on Somers Road and Elm Grove and is located in close proximity to a high frequency bus corridor located on Winston Churchill Avenue. Also within walking distance are Southsea and Fratton Train Stations.

Proposal

This application seeks permission for the change of use from dwelling house (Class C3) and/or House in Multiple Occupation (Class C4) to a HMO for 7 bedroom/7 people (Sui Generis).

The submitted floor plans indicate that the HMO would comprise of:

Ground floor - Two bedrooms, a WC and a kitchen/living room;
First floor - three bedrooms and a bathroom;
Second floor - two bedrooms and a bathroom.

The proposed floorplans would replace the existing lounge at ground floor level with an additional bedroom.

Planning permission was granted in 2017 for the use of the property as either a dwellinghouse (Use Class C3), or a House in Multiple Occupation (HMO, Use Class C4), for up to 6 unrelated people (ref. 17/02050/FUL).

Planning history

17/02050/FUL: Change of use from purposes falling within Class C4 (House in Multiple Occupation) to purposes falling within Class C3 (dwellinghouse) and/or Class C4 (House in Multiple Occupation) (29.11.2017)

17/01235/FUL: Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis) Refused (13.12.2017). The reasons for refusal were as follows:

- 1) The proposed change of use from a HMO (Class C4) to a seven person Sui-Generis HMO would fail to support a mixed and balanced community in an area imbalanced by the level of similar such uses. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (November 2017)
- 2) The proposed change of use of the building to a House in Multiple Occupation (Sui Generis) would, as a result of the proposed layout and size the communal facilities (kitchen/living facilities), fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan and the emerging (revised) House in Multiple Occupation Supplementary Planning Document (draft, September 2017).
- 3) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

The appeal against the refusal of planning permission was dismissed (13.03.2019) with the only reason for refusal upheld by the Planning Inspector being the impact upon SPA mitigation. His concluding comments were:

"I have found that the development does not result in harm to the mix and balance of the community and it provides an adequate standard of accommodation for the occupiers. While it provides additional accommodation, this 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."

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

POLICY CONTEXT

Portsmouth Plan (2012)

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

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

Private Sector Housing have advised that the property would require to be licenced under Part 2, Housing Act 2004 and had no objections to the proposal.

REPRESENTATIONS

52 representations have been received from neighbouring resident's objection to the proposed scheme of the following grounds:

- (a) In opposition to the HMO SPD;
- (b) Over 10% in the prescribed area;
- (c) Works undertaken as Permitted Development extending properties;
- (d) Harmful effect on the living conditions of neighbouring occupiers;
- (e) The percentage of HMOs within the area;
- (f) Noise, disturbance and anti-social behaviour;
- (g) Rubbish bins blocking the roadway;
- (h) Litter; and
- (i) Unmanaged weeds and gardens.

In addition the East St. Thomas Residents Association has requested to make a deputation at Planning Committee.

COMMENT

The main issues for consideration are:

- The principle of development use;
- Standard of accommodation;
- Impact on residential amenities;
- Highway (Parking) and waste matters, and
- Impact on the Solent Special Protection Areas and Nitrates

Planning permission was refused in December 2017 for: Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis), under planning ref. 17/01235/FUL. A subsequent appeal was dismissed in March 2019.

Principle of development use

Change of use from purposes falling within class C4 (house in multiple occupation) to a house in multiple occupancy for 7 bedroom/7 people (Sui Generis). The property already benefits from a flexible lawful use as either a Class C4 HMO or a dwellinghouse, following the grant of planning permission in 2017 (ref. 17/02050/FUL).

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, October 2019), 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.

The Planning Inspector said in relation to the above policy *"The Council indicates that 14 of the 60 residential properties surrounding the appeal site, or 23%, are in Class C4 HMO use. It considers that the intensification of this HMO worsens the imbalance. I acknowledge the appeal in Manners Road, however, unlike in that case, the evidence in this appeal suggests that there has not been a significant intensification in the use of the HMOs around this site.*

I acknowledge the list of impacts which the Council suggests this intensification could have on the community. However, the number of houses in the area has not been reduced so I cannot see how the additional bedroom increases the competition for rented houses or inflates house prices. There is no substantive evidence that it reduces the affordability of housing or decreases the demand for services.

I acknowledge that consultations with residents suggest that problems occur at a greater rate in areas with high concentrations of HMOs or where the numbers of occupants within large HMOs exceed a family dwelling. However, the proposal would not increase the number of HMOs, and there is no evidence of the occupancy of those in the area which might lead to the harm described from this development, either in isolation, or cumulatively with the other HMOs. Moreover, there is no evidence of the problems referred to occurring in this area, nor any indication that the increase of 1 additional bedroom would either singly or cumulatively exacerbate any ill effect, including community cohesion and the quality of the local environment. I conclude on this issue that while I give significant weight to the Council's guidance, the house is already in HMO use and no material change to the balance of uses in the area has occurred. There is no substantive evidence that the development has resulted in harm to the mix and balance of the community. It does not therefore conflict with CS policy PCS20."

Given the views of the Inspector, it is not considered to be reasonable or practical to refuse the application based on the above policy.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (Oct 2019), 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:

In terms of internal living conditions, the property proposes the following accommodation:

(HMO SPD-October 2019)	Area Provided:	Required Standard:
Bedroom 7 (Ground floor)	13.41m ²	6.51m ²
Bedroom 6 (Ground floor)	12.06m ²	6.51m ²
Bedroom 5 (First floor)	15.48m ²	6.51m ²
Bedroom 4 (First floor)	12.06m ²	6.51m ²
Bedroom 3 (First floor)	7.7m ²	6.51m ²
Bedroom 2 (Second floor - in roof)	8.96m ²	6.51m ²
Bedroom 1 (Second floor - in roof)	7.98m ²	6.51m ²
WC (Ground floor)	1.6m ²	undefined
Bathroom (First floor)	3.7m ²	3.74m ²

Bathroom (Second floor)	5.13m ²	3.74m ²
Kitchen/Dining (Ground floor) 7+ persons	22.33m ²	34m ²

The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.

The Planning Inspector said in relation to the above "The area of the kitchen/dining/living room, at around 23m², is around 4m² below the minimum area indicated in the Council's HMO guidance of 27m². However, having regard to the overall spaciousness of the rest of the accommodation within the house, as well as the arrangement, utility and standard of the kitchen/dining/living room, in my judgement the shortfall in this case does not lead to an inadequate standard of accommodation.....I conclude that the development provides an adequate standard of accommodation for occupiers and is not an over-intensive use of the house. It does not conflict with CS policy PCS23 where it seeks a good standard of living environment for future residents and users of a development."

While the HMO SPD has since been updated in respect of room sizes, with the communal area now being more significantly undersized, the bedrooms are still well above the required standard. Further given that the inspector concluded that the development provides an adequate standard of accommodation for occupiers and is not an over-intensive use of the house, it is not considered to be reasonable or practical to refuse the application based on the above policy.

Impact on residential amenities

The proposal is to increase the number of bedrooms within the property from 6 to 7, allowing for occupation by up to 7 people. The current proposal therefore represents an increase in 1 person over the level of occupancy that would be allowed within the current C4 use.

In relation to the amenity of the surrounding of the surrounding occupiers the planning inspector previously stated that "I understand the concerns of neighbours which include additional parking demand, noise and smoking, litter and refuse generation. However, the additional bedroom is unlikely to place unsustainable pressure on the surrounding street parking or cause environmental harm from waste storage. I note that the highways authority considered the change to a large HMO would not conflict with the Council's Parking Standards, and it did not object. The risk of smoking or noise from occupiers disturbing neighbours would not be significantly greater than the present use of the house, and would be subject to local environmental controls."

Given the views of the Inspector, it is not considered to be reasonable or practical to refuse the application based on the above policy.

Highways (Parking)

There is no parking associated with the property and no proposal to provide on-site parking.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could be secured by condition.

Waste matters

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored within the rear garden, and could be secured by condition.

Impact on the Solent Special Protection Area (SPA) and Nitrates

The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.

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

There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the

Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200.

At the time of publication of this application report, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased, which will be just prior to actual occupation. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. It is therefore deemed to be subject to conditions and legal agreement, in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION I:

That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant **Conditional Permission** subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy.

RECOMMENDATION II:

That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III:

That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation I has not been completed within three months of the date of this resolution.

Conditions

Time limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 1:1250; Block Plan - 1:500; and Floor Plans - 9003 16 3 Rev C.

Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle storage

3) Prior to first occupation of the property as a 7 person, 7 bedroom Sui Generis, bicycle storage facilities to accommodate 4 bicycles shall be provided on site in accordance with the Parking Standards SPD and retained for the parking of bicycles at all times

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan

Nitrates Neutrality Mitigation

4) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by, the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

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.

21 CLARENDON ROAD SOUTHSEA PO5 2ED**CONSTRUCTION OF TWO-STOREY REAR EXTENSION****Application Submitted By:**

D M Adams Designs
FAO Mr Dean Adams

On behalf of:

Mr Mark Richards

RDD: 7th August 2019

LDD: 17th October 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation request from a neighbouring resident.

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

- The design of the proposed development would be appropriate in relation to the application house and the wider area;
- The proposal would preserve or enhance the character and appearance of the 'Owen's Southsea' conservation area;
- The proposal would be likely to result in any significant loss of residential amenity to occupiers of surrounding properties.

The Site

This application relates to a four storey (including basement) semi-detached dwelling situated on the northern side of Clarendon Road. The dwelling is set back from the road with a paved forecourt forward of the dwelling. To the east of the site is a driveway which is shared with the neighbouring property to the east, 23 Clarendon Road. To the rear of the dwelling is an enclosed garden. Boundary treatment consists of a low brick wall and mature hedging along the front (southern) boundary and a 1.5-1.8 metre brick wall along the rear eastern, northern and western boundary.

The surrounding area is predominantly residential in nature. Neighbouring properties on the northern side of Clarendon Road are characterised by pairs of Victorian semi-detached properties. To the south of the site properties vary in size and design.

The site is located within the Owen's Southsea Conservation Area (No.2) with Stanley Street Conservation Area (No.1) to the north of the site.

The Proposal

Permission is sought for a two storey extension to the rear which would project off the existing rear projection. The extension would have a depth of 4.2 metres therefore increasing the total depth of the rear projection to 8 metres. The extension would have a width of 3.6 metres and maximum height of 6.2 metres. The extension would include a window to the rear (north)

elevation, two windows to the west elevation and four roof lights. The extension would have a pitched roof to match the existing rear projection and proposed materials would include white render with facing brickwork and quoining on the corners to match the existing dwelling and rear projection.

Relevant Planning History

16/00823/HOU - Construction of single storey ground floor extension, 2 storey upper floor extension and alterations to the roof all at the rear of the property after demolition of existing balcony; installation of new windows to side elevation. Conditional Permission.

POLICY CONTEXT

Portsmouth Plan (2012):

- PCS23 (Design and Conservation).

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Owens Southsea Conservation Area Guidelines (2006)

CONSULTATIONS

None.

REPRESENTATIONS

Four letters of representation have been received objecting on the following grounds;

- a) Overlooking/ Loss of privacy
- b) Loss of light
- c) Overbearing
- d) Design not in keeping with the conservation area guidelines
- e) Concern that the property could be converted into flats.

COMMENT

Determining Issues

The main issues for consideration are;

- Design;
- Impact on the character and appearance of the 'Owen's Southsea' conservation area, and;
- Impact on residential amenities of occupiers of nearby properties.

Design

Policy PCS23 of the Portsmouth Plan (2012) 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 land- use policies that would discourage an appropriately designed extension to this property in this area. The acceptability of the proposal is therefore based on the particular merits of the site and the detailed scheme.

The property has a relatively modest footprint compared with the adjoining property to the west, 19 Clarendon Road, and is served by a rear garden measuring approximately 16 metres from the rear elevation of the dwelling to the rear boundary and 12 metres from the existing rear projection. Therefore, whilst the proposal would result in a relatively large rear extension overall, it is not considered incongruous or excessive in the context of its plot size or the surrounding developments. The extension would incorporate features that take reference from the existing property, in terms of matching materials, brick detailing and quoining. Concerns have been raised by neighbouring residents regarding the design of the window proposed to the north elevation. Whilst it is acknowledged that the window would be larger than the existing window, the window is considered to be compatible to its location and the scale of the extension. A planning condition is proposed to ensure that the extension would be completed in matching materials.

Impact on the character and appearance of the Conservation Area

With respect to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character of appearance of that area' during the decision making process.

For the reasons set out in the above section, the design quality of the proposed development is considered appropriate and acceptable in the context of both the recipient property and the wider area. In light of this, it is concluded that the proposal would preserve the character and appearance of the 'Owen's Southsea' and 'Stanley Street' conservation area. The proposal is considered to accord with the aims and objectives of paragraphs 189-202 of the National Planning Policy Framework (February 2019) and those within Policy PCS23 of the Portsmouth Plan (2012) in terms of protecting and preserving the city's historic townscape and heritage assets.

Impact on residential amenities of occupiers of nearby properties

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

The application has been the subject of a site visit where the impact on all neighbouring properties has been assessed. To help assess the impact of the proposed extension would have on the amenity of neighbouring properties in terms of overshadowing, a shadow diagram for the existing rear projection and proposed extension was submitted during the course of the application.

The closest neighbouring property to the proposed development would be the neighbouring development to the east of the site, 23 Clarendon Road. 23 Clarendon Road comprises of a ground floor flat with dental practice above. The proposed extension would be situated approximately 3 metres from the neighbouring property. The submitted shadow diagram demonstrates that the proposed extension would not have a significantly greater impact on the windows to the rear elevation of 23 Clarendon Road in terms of overshadowing. The shadow

diagram indicated the proposed extension would have a greater impact on the area of land situated behind 23 Clarendon Road, however, this area is a parking area serving 23 Clarendon Road and therefore can be afforded less protection. There are no windows proposed to the east elevation, therefore there are no issues of overlooking.

With regards to the neighbouring development to the west of the site, 19 Clarendon Road comprises of a dental practice within the main building and two residential flats (19a and 19b) within the rear extension. The proposed extension would be situated approximately 7.5 metres from the properties to the west. Concerns have been raised by neighbouring residents regarding overshadowing and loss of outlook to 19a and 19b Clarendon Road. The submitted shadow diagram indicated that the proposed extension would not have a significantly greater impact on the main windows serving the habitable rooms to the rear of 19 Clarendon Road. It is noted the extension would have a greater impact on the high level windows serving the living room of the ground floor flat, however, the room which would be affected is served by an additional window to the north elevation which would not be affected by the proposed development.

With regards to the basement flat, it is noted the extension would result in greater overshadowing in the earlier part of the day. However, having regard to the existing rear projections and boundary treatment, it is considered that the proposal would not be so harmful to sustain a reason for refusal on the grounds of overshadowing, loss of light, loss of outlook or increased sense of enclosure.

Concerns have been raised regarding overlooking from the proposed windows to the west elevation. There is an existing window to the west elevation meaning there is already a degree of mutual overlooking between adjacent/adjoining properties including separate planning units within 19 Clarendon Road, however, to ensure the proposed development does not result in a significantly greater level of overlooking, should permission be granted, a condition is proposed requiring the new windows to be obscure glazed up to 1.7 metres from the finished internal floor level.

With regards to the neighbouring properties to the north of the site, there would be a minimum separation distance of approximately 20 metres between the proposed rear extension and the rear elevation of properties along Stanley Street. Concerns have been raised regarding the potential for the proposed development to increase the level of overlooking towards the properties to the north and overshadowing. However, there is considered to be an adequate separation distance between the properties so as not to result in any undue overlooking, or any overshadowing.

Other matters raised in the representations

Concerns have been raised by neighbouring residents regarding the potential for the dwelling to be converted into flats in the future. This application seeks permission for a householder extension. Planning permission would be required to convert the property into flats and therefore would be within the control of the Local Planning Authority.

Conclusion

The scale, external appearance and materials of the proposed development are considered acceptable and would preserve the character and appearance of the existing house and the 'Owen's Southsea' and 'Stanley Street' conservation area. The proposal is also not considered to result in any significant adverse loss of residential amenity for occupiers of surrounding properties. As such, the proposal is considered to accord with Policy PCS23 of the Portsmouth Plan (2012) and is capable of support.

RECOMMENDATION

Conditional Permission

Conditions

Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 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: Existing Plans and Elevations 21CR-101; and Proposed Plans and Elevations 21CR-102.

Reason: To ensure the development is implemented in accordance with the permission granted.

External Materials

- 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.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Obscure Glazing

- 4) The first floor window to the west elevation of the development hereby permitted shall be obscure glazed (to a minimum of Pilkington Level 3, or equivalent) up to 1.7 metres from the finished internal floor level and only left hung (i.e. hinges located to the left) and thereafter permanently retained as such.

Reason: To protect the privacy of the adjoining properties and to prevent overlooking (actual and/or perceived) in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

PLOT E LAKESIDE BUSINESS PARK WESTERN ROAD PORTSMOUTH**CONSTRUCTION OF A TWO-STOREY BUILDING FOR CAR DEALERSHIP USE COMPRISING SHOWROOM, VALET FACILITIES, WORKSHOP AND MOT TESTING, WITH PROVISION OF CAR PARKING, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.****Application Submitted By:**

DWD LLP
FAO Mr Jon Bowen

On behalf of:

Guy Salmon Limited

RDD: 29th August 2019

LDD: 29th November 2019

SUMMARY OF MAIN ISSUES

This application is being heard at committee as it represents a departure from adopted policy. It follows a previous application for a similar scheme, which was granted conditional planning permission following a planning committee on 12 December 2018.

The main issues for determination of this application are as follows:

- Principle of the development including whether it is acceptable in accordance with relevant employment policies;
- Design and appearance;
- Sustainable design and construction;
- Highway impact and parking;
- Ecology/nature conservation;
- Flood risk and drainage;
- Land contamination.

Site and Surroundings

The application site covers 1.62ha of land located within Lakeside Business Park, to the south of the main entrance and to the west of the Village Hotel. The Lakeside Business Park comprises a large complex of predominantly office buildings with extensive parking, set among large areas of open grassland and lakes.

The Lakeside Business Park is allocated as an office campus under Policy PCS5 of the Portsmouth Plan, to provide up to 69,000m² of B1a office floorspace. In 2010, outline planning permission was granted for an extensive development of the site to provide 69,030sqm of B1a floorspace along with various other uses including a hotel (now Village Hotel), private hospital and associated shops, restaurants and cafés (refer to planning history). The application site forms part of the area of land that was proposed for office development under this permission. However, to date, none of the new office floorspace has been provided.

The application site itself currently comprises an area of open grassland, part of which is designated as a Site of Importance for Nature Conservation (SINC) and is partially within an indicative high tide roost under the Solent Waders and Brent Goose Strategy (Secondary support area). The site also lies within Flood Zone 2 and around the boundaries of the wider Lakeside site, there are many trees that are protected by Tree Preservation Orders. To the

south of the site, the elevated motorway embankment separates Lakeside from Ports Creek, which is part of the Portsmouth Harbour designated Ramsar Site, Special Protection Area and Site of Special Scientific Interest). The nearest heritage asset to the site is a Grade II listed office building located to the east of Lakeside at No.1 Northern Road (Lynx House).

Proposal

Planning permission is sought for the construction of a two storey building to provide a car dealership, including showroom, valet facilities, workshop and MOT testing. The building would be L-shaped and would be located on the north-east side of the site. The building would be surrounded by car parking and landscaped areas, with car display parking on the south-east side, customer parking on the southern side and staff parking on the western side. Vehicle access would be from the southern side of the site, via an internal access road within Lakeside.

The application represents a revision to a previous scheme for a car showroom that was granted conditional planning permission in June 2019 (ref. 17/01171/FUL). The main changes proposed through this application are as follows:

- Repositioning of the proposed building closer to the north-east side of the site, and reorientation resulting in the main car showroom element facing south rather than east.
- Rearrangement in the parking layout, including relocation of the car display parking from the north side of the site to the south, and the provision of more parking on the north-west side of the site.
- Overall reduction in built floorspace.
- Removal of roof level parking and reduction in the total number of parking spaces from 480 spaces to 297 spaces.
- Reduction in the number of vehicle access points from three to two.

The roof level parking previously proposed was for vehicle sales and workshop functions. The loss of this parking would therefore not impact on the number of staff or customer parking spaces.

A landscape buffer zone along the eastern boundary of the site is proposed to be provided in line with the previous permission.

The parking provision on the site would comprise the following:

Staff parking - 121 spaces;
Customer parking - 29 spaces;
Demo parking - 75 spaces;
Used car display parking - 72 spaces
Total - 297 spaces

Planning History

17/01171/FUL - Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping - conditional permission 14 June 2019

18/00945/NMA - application for non-material amendment to planning permission 08/02342/OUT to relocate the private hospital to the south east of the site and offices to the north east of the site - approved 27 June 2018

16/02108/REM - reserved matters in respect of appearance, landscaping and scale associated with the Spur Road extension of Lakeshore Drive, pursuant to outline permission 08/02342/OUT - approved 27 March 2017

15/01492/FUL - construction of six storey hotel, car parking and associated landscaping - condition permission 15 December 2015. This has since been constructed, now the Village Hotel.

11/00354/REM - reserved matters pursuant to permission ref. 08/02342/OUT, for part of road access and landscaping adjacent to new access within Phase A - approved 25 August 2011

08/02342/OUT - outline application for 69,030sqm of B1(a) offices and 21,140sqm of other development to include shops, restaurants/cafes, 150-bed hotel and 40-suite aparthotel, private hospital and car dealership, with access roads/footways, landscaping and associated plant (access and layout) - conditional outline permission 15 October 2010.

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS5 (Lakeside Business Park)
- PCS11 (Employment Land)
- PCS13 (A Greener Portsmouth)
- PCS12 (Flood Risk)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS23 (Design and Conservation).

Site-specific Policy PCS5 states 'Lakeside Business Park is allocated as an office campus providing 69,000sqm of B1(a) office floorspace'. The sub-text explains that the site benefits from planning permission for 69,030sqm gross floorspace for offices and other ancillary facilities.

Portsmouth City Local Plan (2001-2011)

- Saved Policy DC21 (Contaminated Land)

Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance (2014)
- The Car Parking and Transport Assessments Supplementary Planning Document (2014)
- Achieving Employment and Skills Plans Supplementary Planning Document (2013)

CONSULTATIONS

Highways England

No objection.

All lighting inside the development that is visible from the M27 is to use concealed light fittings and any external lighting is to be constructed and maintained to face vertically down at all times.

Southern Water

No comments received.

Environment Agency

No objection subject to conditions relating to contamination and piling.

The proposed development is located over Tidal Flat Deposits overlying Chalk Principal Aquifer. Principal Aquifers are designated for providing significant quantities of water for people. Groundwater is therefore particularly sensitive in this location.

The site is located on a historic landfill associated with the reclamation of land in Portsmouth Harbour. Development at the site, including piling foundations, poses risks to groundwater from mobilising contaminants and creating new pathways for pollutants.

Environmental Health

No comments received.

Contaminated Land Team

The site lies close to potentially contaminative uses. No objection subject to conditions to ensure that any potential contamination impacts are addressed.

Highways Engineer

This site forms a part of the land included in outline consent 08/02342/OUT for Lakeside Business Park which identified a significant package of off-site highway improvement and required a proportional contribution for the developments included in that consent to facilitate implementation of those improvements.

Planning application 17/01171/FUL sought consent for a similar scale car dealership on this site. In response to that application the LHA did not seek to raise a highway objection to the proposal subject to securing a proportional contribution to the off site highway improvements. No such contribution was secured although despite that the application was consented contrary to the advice of the LHA. Given that consent, a case for payment of a contribution towards wider off-site highway improvements could not be sustained despite the cumulative and material off-site highway impact that would result. The LHA does not agree with the statement in the Transport Statement that says the proposal would not have a significant impact on the highway network in isolation.

The red edge of the application site does not include the length of access road on the southern boundary necessary to connect it to the existing highway. This access road was consented under 16/02108/REM and would need to be implemented prior to the construction of this proposal.

The SPG 'Parking Standards & Transport Assessments' does not define parking standards for non-residential uses rather requires applicants to submit evidence based on the guidance provided to justify the quantum of parking provision proposed and to demonstrate how users of the site will be encouraged to travel by sustainable modes of transport. A parking accumulation assessment has been provided in table 6.2 of the TA which establishes a maximum parking accumulation for staff and customers/visitors to the site of 46 spaces.

Table 5.1 of the TA indicates that 150 parking spaces will be provided for staff and customer parking with 121 of those being provided for staff. This is a significant over provision and is inconsistent with the intention to 'encourage the facilitation of sustainable transport behaviours by site users' (para 4.19 of the TA refers).

Recommend refusal due to the overprovision of parking contrary to the aim of reducing reliance on car use and encouraging sustainable means of transport.

Southern Electric

No comments received.

Coastal and Drainage

The drainage strategy appears well considered and includes indication of overland flow routes. Clarification on some points requested.

Eastern Solent Coastal Partnership

No objection in principle.

A Flood Risk and Drainage Technical Note and a Flood Risk Assessment has been submitted, which sufficiently outline how flood risk at the site will be mitigated. The applicant has proposed that the submitted floor levels for this development will be set 700mm above existing ground levels, well above the 1:200 year present day and extreme tidal flood levels.

Advised that the applicants sign up to the Governments Flood Warning Service and prepare a Flood Warning and Evacuation Plan.

Natural England

Detailed mitigation measures relating to impacts on Solent Waders, Brent Goose and loss of SINC habitat were agreed through the previous planning permission. Subject to the same mitigation being secured, Natural England has no further comments to make.

Fareham Borough Council

No comments received.

Havant Borough Council

No objection

Ecology

The application is supported by an Ecology Technical Note (Seasons Ecology, August 2019). The site has extant planning permission for a slightly different layout.

The site is within a Site of Importance for Nature Conservation (SINC), partially within an indicative high tide roosts under the Solent Waders and Brent Goose Strategy and has the potential to support a range of protected species as identified by the ecological survey work undertaken.

The granting of approval on the extant permission was supported by the County Ecologists as a result of an extensive process of discussion between the applicant, Natural England and Hampshire County Council. The discussions resulted in the evolution and production of acceptable mitigation strategies for both international statutory and non-statutory designated nature conservation sites. A review of the slightly altered proposals and the information provided in the Technical Note have confirmed that there will be no additional ecological impacts arising from the alterations. As a result it should be possible to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

Suggest a condition to secure the measures outlined in the SINC mitigation strategy.

REPRESENTATIONS

None received.

COMMENT

Principle of the proposal

The application is a revised proposal for a scheme that was previously permitted in June 2019. The principle of providing a car showroom on the site (subject to ecological mitigation), has therefore been secured through the previous permission and the matter to consider is whether there has been any material change in the policy position or other factors that would warrant a different determination at this point in time.

The application site forms part of an area of land that was originally indicated to provide B1(a) offices under planning permission ref. 08/02342/OUT, in accordance with Policy PCS5 of the Portsmouth Plan. The proposal therefore represents a departure from adopted policy. However, in determining the previous application for a car showroom at the site (ref. 17/01171/FUL), it was demonstrated that the office development previously permitted under the 2010 outline planning permission could be provided elsewhere on the wider Lakeside site. It was therefore determined that allowing the car showroom would not prejudice the delivery of office development on the site as a whole. There has since been no material change in the policy position that would warrant a different determination. The principle of the proposed car showroom is therefore considered to remain acceptable, subject to all other relevant policy considerations.

The previous planning permission was subject to a requirement for the provision of an Employment and Skills Plan to contribute towards developing local workforce skills in accordance with the Council's Adopted Employment and Skills Plan Supplementary Planning Document (2013). The applicants have submitted a draft Legal Agreements to continue to meet this requirement along with ecology mitigation measures (refer to Ecology section of this report).

Design and Appearance and Impact on Heritage Assets

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out in the NPPF, stating that all new development must be well designed and in particular, respect the character of the city.

The applicants have explained within the Design and Access Statement that the reason for the change in orientation of the building and layout of the site is to achieve a more legible development for customers and to enhance its visual 'presence' when entering the site from the east side. The building would otherwise be of a very similar design to that previously permitted, comprising a combination of grey and silver steel clad walls with glazing to the car display areas and entrances. Precise details of the materials would be requested by condition to ensure that a high quality finish is achieved. Having regard to the context of the site, with other similar clad buildings in the vicinity (e.g. Village Hotel and nearby Porsche Car Dealership), the design is considered acceptable in accordance with Policy PCS23 of the Portsmouth Plan.

The nearest heritage asset to the site is the Grade II listed Lynx House office building, which lies approximately 300m away to the east. Due to the presence of intervening buildings and trees, there would be no inter-visibility between the proposed car showroom and this nearby listed building, or to any other heritage assets. The development is therefore not considered to impact upon heritage assets.

The site has archaeological potential and therefore a condition requiring an archaeological watching brief is proposed as per the previous permission to ensure that any artefacts are correctly identified and recorded.

Sustainable Design and Construction

Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change by achieving at least BREEAM 'Excellent' and by using low or zero carbon technologies to reduce carbon emissions by 10%.

The application is accompanied by a BREEAM pre-assessment, which concludes that the building can achieve a BREEAM rating of 'Good'. Whilst this is below the level required by Policy PCS15, it is in line with the rating agreed through the previous planning permission following negotiations with the applicant and secured by condition.

Highway Impact and Parking

The Lakeside Business Park is accessed from the A27 Western Road and there is currently an internal access road that runs alongside the northern boundary of the application site. The proposed car showroom would be accessed via an extension to the internal access road, the details of which were approved under reserved matters permission ref. 16/02108/REM.

The Local Highway Authority (LHA) has raised concerns about the potential impact of the development on the local highway network, noting that they do not agree with the conclusions of the submitted Transport Statement. In the view of the LHA, there is the potential for the development to have an effect on the highway network in combination with the wider development permitted through the outline permission in 2010, and therefore a proportionate financial contribution towards off-site highway improvements should be sought. This matter was considered as part of the previous application process for the car showroom and it was determined that there was no justification to seek off-site contributions in relation to the proposed standalone development. There has been no change in circumstance that would warrant reaching a different decision on this matter.

In respect of parking, whilst this revised scheme proposes a reduced level of parking compared to the previous permission, the overall level of parking remains in excess of the amount that would be required in accordance with the Council's Adopted Parking Standards. Whilst the LHA has raised concerns about the appropriateness of allowing an excess of parking, given that the previous scheme would have provided even more parking, it is not considered that an objection on this basis could be sustained.

Ecology / Nature Conservation

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

The site lies within a Site of Importance for Nature Conservation (SINC) and partially within an indicative high tide roost area for wading birds, and has the potential to support a range of other protected species. During the previous application process, the ecological impact of the development was given extensive consideration in liaison with Natural England and the County Ecologists. The previous application was supported by a variety of Ecological Surveys and Reports, including an Ecology Appraisal, Botanical Assessment and SINC Mitigation Strategy. It was concluded that the development would result in the loss of 38% of the East of Lakeside SINC (approx. 1.5ha) along with the partial loss of the indicative high tide roost area. In order to mitigate the ecological impact, a range of mitigation measures were agreed and secured through Legal Agreement as follows:

- Retention, protection and enhancement of a 1.93ha mitigation area within Lakeside Business Park, through appropriate grassland management, removal of scrub and seeding with pale flax for at least 80 years following completion of the development;
- Payment of a financial contribution of £73,000 towards enhancing, managing and monitoring the wider Solent Wader and Brent Goose ecological network as compensation for the loss of the functional area of the indicative high tide roost area.

The current application is accompanied by an Ecological Technical Note, which concludes that the revised scheme would not give rise to any additional ecological impacts provided that the previously agreed mitigation measures are put in place. The mitigation measures would continue to be secured by Legal Agreement and subject to this, no objection has been raised by the County Ecologist or Natural England.

Flood Risk and Drainage

The site lies within Flood Zone 2 and is therefore considered to be at risk of experiencing a 1 in 1000 year (0.1% annual probability) extreme tidal flood event. No objection has been raised by either the Eastern Solent Coastal Partnership or the Environment Agency subject to finished floor levels being set above predicted tidal flood levels (at least +300mm above ground level), and subject to restrictions on piling methods. Both of these requirements would be secured by condition. With regard to drainage, a Drainage Strategy was submitted with the application, but at the time of writing this report, a response is awaited from the applicant to queries raised by the Drainage Engineer. While there are outstanding queries relating to the proposed Drainage Strategy, it is considered reasonable to impose a condition requiring full details of the strategy to be approved prior to commencement of the development. Subject to conditions, it is not considered that the development would result in an increased risk of flooding.

Land Contamination

The site lies close to potentially contaminative historical uses and conditions have therefore been recommended to ensure that any potential risk from contamination is fully assessed and mitigated where required. Subject to conditions, it is considered that any potential risks to future users of the site would be satisfactorily minimised.

Conclusion

The proposed car showroom is a revision to a scheme previously approved in June 2019. The revised scheme is considered to be acceptable in terms of its layout and design and subject to securing relevant mitigation through Legal Agreement, the development is considered acceptable in terms of ecological impact. Subject to conditions, the scheme is also considered acceptable in relation to parking provision, flood risk, contamination and sustainable construction. The development therefore accords with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework.

RECOMMENDATION I:

That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant **Conditional Permission** subject to completion of a Legal Agreement to secure the following:

- a) Mitigation area of 1.93ha to be retained, protected and in accordance with SINC Mitigation Strategy;
- b) Payment of a financial contribution of £73,000 as compensation for the loss of the indicative wading bird roost area;
- c) Preparation and implementation of an Employment and Skills Plan

RECOMMENDATION II:

That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

RECOMMENDATION III:

That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse permission if the Legal Agreement has not been completed within three months of the date of the resolution.

Conditions**Time limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved plans

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: Existing Site Plan 3523/106 B; Site External Lighting Layout 8611-SK01 P1; Proposed Elevations 3523-POR-SRA-01-XX-DR-A-PL-115 P02; Proposed First Floor Plan 3523-POR-SRA-01-XX-DR-A-PL-113 P04; Proposed Level 0 Plan 3523-POR-SRA-01-XX-DR-A-PL-112 P04; and Proposed Site Plan 3523-POR-SRA-01-XX-DR-A-PL-106 P05.

Reason: To ensure the development is implemented in accordance with the permission granted.

Potential for contamination

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

a) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model).

and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

c) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of

practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Contamination verification

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 3c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Piling restriction

5) Piling or any other foundation designs using penetrative foundation methods shall not be carried out unless otherwise agreed in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater; and the development shall be carried out in accordance with the approved piling details.

Reason: The scheme is located over Tidal Flat Deposits overlying Chalk Principal Aquifer (designated for providing significant quantities of water for people) and where groundwater is particularly sensitive, to accord with policies PCS14 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

Materials details

6) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed building shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: In the interests of the visual amenities of the area and the attractive parkland setting of the Lakeside site, in accordance with policy PCS23 of the Portsmouth Plan.

Parking provision

7) Prior to the first occupation of the car dealership the proposed car parking shown on the approved Site Plan drawing ref. 3523-POR-SRA-01-XX-DR-A-PL-106 P05 and including provision of 'disabled' bays shall be surfaced, marked out and made available for use; and those parking facilities shall thereafter be retained at all times for the parking of vehicles to serve the proposed development (excluding ancillary vehicle display and storage associated with car sales).

Reason: In the interests of highway safety and to ensure adequate on-site parking provision in accordance with policies PCS17 & PCS23 of the Portsmouth Plan 2001-2011 and the aims and objectives of the NPPF.

Lighting details

8) No development above foundation/slab level shall take place at the site until details of the height, appearance and luminaires to external lighting columns in the positions shown on approved drawing Site External Lighting Layout ref. 8611-SK01 P1 shall have been submitted to and approved in writing by the local planning authority; the external lighting shall be carried out in accordance with the approved details and retained in such condition, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure any external lighting visible from the M27 is constructed/maintained to face vertically down in the interests of highway safety, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan.

Construction management

9) No development shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the local planning authority; all works carried out during the period of construction at the site shall be undertaken strictly in accordance with the approved Construction Environmental Management Plan, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent nuisance and minimise adverse effects on the local environment from highway impacts onto a major arterial route through the city (A27), as far as practicable, during works of demolition/construction, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Drainage strategy

10) No development shall take place at the site until a drainage scheme based on the Drainage Strategy Plan ref. P16-495 200 T01 shall have been submitted to and approved in writing by the Local Planning Authority, to include:

- (a) the detailed layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure; and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

Flood mitigation measures

11) The development shall only be carried out in accordance with the approved Flood Risk Technical Note (produced by RLRE Consulting Engineers, August 2019) and the following mitigation measure:

- Finished floor levels are set 300mm above existing ground level; The mitigation measure shall be fully implemented before the development is first brought into use.

Reason: To reduce the risk and impact of flooding to the proposed development within tidal Flood Zone 2, in accordance with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

BREEAM

12) Within 4 months of the car dealership being first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum score of 50 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

Cycle storage provision

13) Prior to the first use of the car dealership facilities secure/weatherproof bicycle storage facilities for staff (long-term) and visitors (short-term) shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

Reason: To promote and encourage alternative transport modes to the private car by ensuring that adequate provision is made for cyclists, in accordance with policies PCS14 and PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF.

Landscaping details

14) No development shall take place above foundation / slab level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the building.

Reason: To secure a well-planned and quality setting to the development, in the interests of the amenities and parkland character of the Lakeside campus, in accordance with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

Archaeology investigation

15) (i) No development shall take place at the site until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that shall have been submitted to and approved in writing by the local planning authority in order to monitor and record archaeological remains exposed during the relevant stages of groundworks where those groundworks exceed the depth of made ground.

(ii) Following completion of all archaeological fieldwork at the site a report shall be produced by the developer (in accordance with a programme/timescale to be approved as part of the approved WSI) setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason:

In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential for the remains to survive within the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 and the aims and objectives of the NPPF.

66 MARGATE ROAD SOUTHSEA PO5 1EZ

CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (HMO) (CLASS C4) TO HOUSE IN MULTIPLE OCCUPATION FOR MORE THAN 6 PERSONS (SUI GENERIS)

Application Submitted By:

Mrs Carianne Wells
Thorns Young Ltd

On behalf of:

Mr Simon Birmingham

RDD: 20th May 2019

LDD: 16th July 2019

SUMMARY OF MAIN ISSUES

The application is brought to the Planning Committee for determination due to a deputation request by Martin Willoughby on behalf of the East St Thomas Residents Forum.

The main issues for consideration are:

- The principle of development;
- Standard of accommodation;
- Impact on residential amenities;
- Highway and waste matters;
- Impact on the Solent Special Protection Area

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surroundings

This application relates to a two-storey, mid terraced dwelling comprising of a bedroom, a living room, a W.C and kitchen/dining room space at ground floor level, 3 bedrooms and a shower room at first floor level and an addition 2 bedrooms and a shower room at second floor level located to the southern side of Margate Road.

The surrounding area is characterised by densely populated residential terraces and is in close proximity to a wide range of shops and services located on Albert Road and Elm Grove.

Proposal

This application seeks planning permission for a change of use of the property from a flexible C3 dwellinghouse or C4 HMO use, to a Sui Generis HMO use for 7 bedrooms / 7 persons. Planning permission was granted on 15th November 2018 which permitted the flexible use of the building for C3/C4 purposes.

Planning History

The relevant planning history for the site is as follows:

19/00019/GPDC - Construction of single storey rear extension (under prior approval) - PRIOR APPROVAL NOT REQUIRED 28.03.2019

18/01720/FUL - Change of use from house in multiple occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation) - APPROVED
15.11.2018

POLICY CONTEXT

Portsmouth Plan (2012):

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation (HMO's))
- PCS23 (Design and Conservation)

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

An individual neighbour representation was received objecting the proposed change of use for the following reasons:

- (a) Associated noise and nuisance
- (b) Associated waste
- (c) Impact on parking provisions in the area

A petition was also been received with 78 signatures. The petition was issued in objection to the proposed change of use and raises the following concerns:

- (a) The proposal would be contrary to the Council's SPD guidance for HMO's as it would contribute to more than 105 of properties being in HMO use in the local area.
- (b) The proposal would be contrary to an appeal decision at 13 Wyndcliffe Road for a similar development
- (c) The proposal would have a significant impact on local residents through, more demand on parking, noise, disturbance, antisocial behaviour, litter and rubbish.

COMMENT

The determining issues for this application relate to:

- the suitability of the proposed Sui Generis HMO use within the existing community;

- whether the proposal complies with policy requirements in respect of providing a suitable standard of accommodation;
- the potential impact upon the living conditions of adjoining and neighbouring residents;
- Parking and waste; and
- Impact on the Solent Special Protection Area.

Principle of development

Planning permission is sought for the use of the property as a 7 bedroom / 7 person Sui Generis house in multiple occupation.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) as amended 2019, 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 property has a lawful use as a flexible Class C3 (dwelling) / Class C4 (HMO) which was approved in November 2018 under planning application reference 18/01720/FUL. As the property has a historic C4 use prior to this decision, the granting of the above permission did not result in the creation of a new HMO.

Paragraph 2.3 of the HMO SPD states "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentrations of HMOs exceed the 10% threshold the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community".

However, in considering several recent appeals which relate to similar development proposals, Inspectors have opined that there would be no material change to the balance of uses in an area resulting from a development already in use as a C4 HMO becoming a larger Sui Generis HMO (capable of accommodating more than 6 people). This approach was adopted in recent appeal decision in July 2018 (APP/Z1775/W/18/3193995) at 18 Bramble Road, where the Inspector stated "I saw that the works as shown on the proposed ground floor plan to change the layout to one containing 7 bedrooms had been implemented and occupied as such. Importantly, in this case, this has not increased the number of HMO's in the area as the property already benefits from a lawful use as a Class C3 dwelling house or Class C4 HMO. The HMO SPD does also state that the Council will seek to refuse planning applications for changes of use of the nature relating to the appeal in those same circumstances concerning the 10% threshold. Nevertheless, in this case the addition of just one single sized bedroom to an existing lawful HMO would be unlikely to materially increase the community imbalance" the Inspector goes on to state "I have also had regard to other similar recent cases allowed on appeal as referred to by the appellant. Similar conclusions were reached in those decisions in respect of this issue, all of which related to sites not far from that of this appeal, albeit not in the same immediate vicinity. I have therefore afforded significant weight to those other decisions" "for the above reasons, the development does not cause unacceptable harm to the mix and balance of the local community. As such, it accords with policy PCS20 of the Core Strategy and is not at odds with the general principles set out in the HMO SPD".

In considering another appeal at 11 Baileys Road (APP/Z1775/W/16/3159989) from February 2017, relating to a similar development, the Inspector opined "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMO's within the city. However, the policy is clear in that it states "for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMO's in Sui Generis use will be considered to be HMO's. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMO's in the City".

Similar decisions have been reached by the Inspectors at 14 Wisborough Road, December 2018, APP/Z1775/W/18/3208412; 50 Hudson Road, December 2018, APP/Z1775/W/17/3191358; 30 Hudson Road, August 2018, APP/Z1775/W/17/3189609; 8 Pitcroft Road, August 2018, APP/Z1775/W/17/3188485; 239 Powerscourt Road, July 2017, APP/Z1775/W/17/3169402; 103 Manners Road, April 2018, APP/Z1775/W/17/3187443; 63 Jessie Road, March 2018, APP/Z1775/W/17/3185652; 59 Liss Road, February 2018, APP/Z1775/W/17/3185768; 1 Edmund Road, February 2018, APP/Z1775/W/17/3185758; 22 Jessie Road, December 2017, APP/Z1775/W/17/3179404; 80 Margate Road, February 2017, APP/Z1775/W/16/3159993; 37 Margate Road, February 2017, APP/Z1775/W/16/3159992; 12 Beatrice Road, October, APP/Z1775/A/12/2177272 (15 appeals in total).

Therefore, having regard to the current lawful use of the property as a flexible C3/C4 premises, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore be in accordance with Policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Placing significant weight on these appeal decisions, the LPA must accept that the proposal would not result in a further imbalance of HMO uses, and would be unable to defend the position set out within the HMO SPD (July 2018) at appeal.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-October 2019)
Bedroom 1 (Second Floor)	13.2m ²	6.51m ²
Bedroom 2 (Second Floor)	9.46m ²	6.51m ²
Bedroom 3 (First Floor)	15.27m ²	6.51m ²
Bedroom 4 (First Floor)	10.89m ²	6.51m ²
Bedroom 5 (First Floor)	10.02m ²	6.51m ²
Bedroom 6 (Ground Floor)	12.11m ²	6.51m ²
Bedroom 7 (Ground Floor)	13.23m ²	6.51m ²
Kitchen/Communal Space (Ground Floor)	28.12m ²	34m ²
Shower room (First Floor)	4.36m ²	3.74m ²
Shower room (Second Floor)	5.50m ²	3.74m ²
W/C (Ground Floor)	3.28m ²	Not defined
Total	125.44m²	90.79m²

The HMO SPD (October 2019) states that for an HMO for 6-10 people, there must be 2 separate bathrooms and 2 separate W.C's with hand wash basins (one W.C could be contained with one bathroom). These standards have been met within the submitted plans.

In terms of the proposed communal living area, it is recognised that it falls some 5.88m² short of the SPD standard for a 6-10 person HMO; however, it is also recognised that the proposed bedrooms exceed the requirements of the HMO SPD by as much as 8.76m² and by a minimum of 2.95m². This leads to an overall internal floor area of 125.44m² - significantly in excess of the minimum 90.79m² required by the HMO SPD. As such, it is deemed that this over-provision of bedroom space mitigates the shortfall of combined living space in this instance, and as such the overall floorspace provisions are reasonably acceptable.

The Private Sector Housing Team advise that a licence would be required but do not raise any adverse comments to the proposal.

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2019), the property is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Impact on Residential Amenity

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

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

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

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

In a more recent appeal at 59 Liss Road (APP/Z1775/W/17/3185768, February 2018), the Inspector agreed with the decision of the previous Inspector for 37 Margate Road in respect of the impact of the additional occupancy.

In light of the decisions above, it is considered that the occupation of the property by seven (an increase by one person, similar to those relevant appeals listed above) individuals would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Highways and Waste

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

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This can be secured by condition.

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored in the rear garden, and can be secured by condition.

The Councils Waste Disposal Team has stated that the applicant will need to purchase waste bins of a sufficient size for 7 occupiers if they do not already have them. An informative would be added to the decision notice to make the applicants aware of this requirement.

Special Protection Area (SPA) mitigation

The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.

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

There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Recreational Disturbance - Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has offered to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. However, the LPA would require this to be secured via a Section 106 agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties.

In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

At the time of publication of this application report, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 18th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200.

A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased, which will be just prior to actual occupation. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use and associated works proposed to create a 7-bed / 7-person Sui Generis HMO at the site is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on amenity, living space standards and on the highway when compared to the current situation. It is therefore deemed to be in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral and the potential Recreational Disturbance - Wading birds, mitigation in line with Solent Recreation Mitigation Strategy.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and

RECOMMENDATION III - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the

development as Nutrient-Neutral, and the potential Recreational Disturbance - Wading birds, mitigation in line with Solent Recreation Mitigation Strategy pursuant to Recommendation I has not been satisfactorily completed within four months of the date of this resolution.

RECOMMENDATION Conditional Approval Conditions

Time limit

- 1) The development hereby permitted shall be begun before the expiration of 1 year from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved plans

- 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: TQRQM18285113852717 TQRQM18285113719981 PG.3124.18.1.

Reason: To ensure the development is implemented in accordance with the permission granted.

Number of occupants

- 3) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason: To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

Cycle storage

- 4) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) House in Multiple Occupation, 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 unless otherwise agreed in writing by the LPA.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Waste storage

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

Reason: In the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 6) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels and potential Recreational Disturbance - Wading birds resulting from the development has been (a) submitted to and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Water use

- 7) The development hereby permitted shall achieve a maximum water use of 110 litres per person per day as defined in Regulation 36(2)(b) of Part G of the Building Regulations 2010 (as amended). This shall be evidenced in the form of a pre or post-completion stage water efficiency calculator, to be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

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.

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