

NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 6 JULY 2022 AT 10.30AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9283 4060

Email: Democratic@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors Judith Smyth (Chair), Chris Attwell (Vice-Chair), George Fielding, Hugh Mason, Robert New, Darren Sanders, Russell Simpson, John Smith, Linda Symes and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Cal Corkery, Lewis Gosling, Mark Jeffery, Abdul Kadir, George Madgwick, Scott Payter-Harris, Steve Pitt, Asghar Shah, Lynne Stagg and Daniel Wemyss

Information with regard to public access due to Covid precautions

- Following the government announcement 'Living with COVID-19' made on 21 February and the end of universal free testing from 1st April, attendees are no longer required to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting however we still encourage attendees to follow the PH precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received a booster.
- If symptomatic we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive COVID-19 test result is being advised to follow this guidance for five days, which is the period when you are most infectious.

- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

(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 the 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

Council chamber risk assessment

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of previous meeting held on 15 June 2022 (Pages 7 - 18)**

RECOMMENDED that the minutes of the meeting held on 15 June 2022 be approved as a correct record.

Planning Applications

- 4 21/01664/FUL 155 Oyster Quay PO6 4TQ (Pages 19 - 68)**

Change of use from class C3 (dwelling house) to purposes falling within class C3 (dwelling house) or class 4 (house in multiple occupation).

- 5 22/00347/FUL 5 Burlington Road PO2 0DP**
Change of use from dwelling house (class C3) to purposes falling within class C3 (dwelling house) or class C4 (house in multiple occupation).
- 6 20/00458/HOU 41 St Vincent Road PO5 2QR**
Construction of a single storey rear/ side extension.
- 7 22/00597/TPO 1 St George Court, 4 Hambrook Street PO5 2QR**
Within tree preservation order 175 - (T2) Atlas Cedar (Cedrus Atlantica) - fell tree.
- 8 19/01704/LBC World War 2 Beach Defense, Eastney Beach Adj to Melville Road**
Removal and reinstatement of anti-tank defences to facilitate new coastal defence and coastal path works.
- 9 22/00453/HOU Tideways, Tower Street PO1 2JR**
Construction of additional storey on flat roof and associated roof terrace; rear extension including lift enclosure and modifications to front and rear elevations, including removal of mansard roof features and oriel window (front) (resubmission of 21/00453/hou).
- 10 21/00817/FUL 192 Laburnum Grove PO2 0EU**
Change of use from dwelling house (class C3) to six bedroom house in multiple occupation (class C4).

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

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Coronavirus Risk Assessment for the Council Chamber, Guildhall

Date: 1 April 2022 (based on Living safely with respiratory infections, including COVID-19, 1 April 2022)

Review date: Ongoing

Author: Lynda Martin, Corporate Health and Safety Manager, Portsmouth City Council

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Manager's Name and Job Title completing Risk Assessment:	Lynda Martin Corporate Health and Safety Manager	Risk Assessment Dept:	Corporate Services	Date:	1 April 2022	Signature:	
		Location:	Council Chamber, Guildhall				

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
Risk of exposure to Covid-19 virus - Ventilation	Staff, contractors and attendees	<ul style="list-style-type: none"> There are no longer capacity limits for the Guildhall Chamber. We encourage all attendees to wear a face covering when moving around crowded areas of the Guildhall and the council chamber. The mechanical ventilation system works efficiently and the South Special Rooms Supply and Extract fans are fully operational during times when the Council Chamber is in use. Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting. 	Staff will ensure ventilation system and fans are operational.	In place
Risk of transmission of virus - Risk mitigation	Staff, contractors and attendees	<p>The Guildhall has the following measures in place:</p> <ul style="list-style-type: none"> Face Coverings – as per government guidance, we encourage you to continue to wear a face covering whilst in the venue & crowded places especially when walking around the building. Enhanced Sanitisation & Cleaning – we will carry out enhanced cleaning procedures between meetings and we encourage you to sanitise your hands on entry and regularly throughout your visit at the sanitisation points provided. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Risk of transmission of virus - Hygiene and Prevention		<ul style="list-style-type: none"> Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive COVID-19 test result is being advised to follow this guidance for five days, which is the period when you are most infectious. Although not a legal requirement attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses. Wash hands for 20 seconds using soap and water or hand sanitiser. Maintain good hygiene particularly when entering or leaving. Hand sanitiser and wipes will be located in the meeting room. No refreshments will be provided. Attendees should bring their own water bottles/drinks. All attendees should bring and use their own pens/stationery. Attendees are no longer required to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting however we still encourage attendees to follow the Public Health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish. It is strongly recommended that attendees should be double vaccinated and have received a booster. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Financial Risk	Staff, contractors and attendees	<ul style="list-style-type: none"> The council meeting may need to be cancelled at short notice if the Covid-19 situation changes due to local outbreaks, local sustained community transmission, or a serious and imminent threat to public health. Technology in place to move to virtual council meeting if required and permitted by legislation. 	Financial commitments minimised wherever possible.	In place

Agenda Item 3

MNIUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 June 2022 at 10.30 am in the Council Chamber, The Guildhall

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

Present

Councillors Chris Attwell (Vice-Chair)
George Fielding
Hugh Mason
Robert New
Darren Sanders
Russell Simpson
Gerald Vernon-Jackson
Daniel Wemyss

Welcome

The Chair adjourned the meeting until 11:00am due to an IT issue.
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.

74. Apologies for absence (AI 1)

Apologies for absence were received from Councillors John Smith, Judith Smyth and Linda Symes. Councillor Daniel Wemyss deputised for Councillor Smith.

75. Declarations of interest (AI 2)

Councillor Sanders stated that he had sought advice from the Legal Advisor, in relation to agenda item 8 (Edinburgh House), as although the matter is for council housing, decisions on the matter have been taken by the Cabinet Member for Health, Wellbeing & Social Care and not by him in his role as Cabinet Member for Housing and Preventing Homelessness. The Legal Advisor advised that this would not preclude Councillor Sanders from participating in the item.

Councillor Mason declared, in relation to agenda items 4 and 5 (Furness Road), that he had known the applicant since he was a small child. This would not affect his judgement on the matter as a personal but non-prejudicial interest.

Councillor Mason declared, in relation to agenda item 6 (Marmion Road), that he was acquainted with two of the deputees, but did not consider this was a prejudicial interest.

Councillor Vernon-Jackson declared that he has had discussions with the different groups on agenda item 6 (Marmion Road), so it would be inappropriate for him to take part and vote on this application.

Councillor Vernon-Jackson sought advice from the Legal Advisor about a possible interest in agenda item 8 (Edinburgh House) as he is a member of the Cabinet, and the site is owned by the council. The Legal Advisor advised that this would not preclude Councillor Vernon-Jackson from participating in the item as long as there was no predetermination.

Councillor Vernon-Jackson joined the meeting at 11:18am so did not take part in the decision for agenda items 4 & 5 (both Furness Road) as he had not heard the whole application and discussion.

76. Minutes of previous meeting held on 25 May 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 25 May 2022 be agreed as a correct record.

77. 20/01143/PLAREG - Garage, 2 Furness Road, Southsea, PO5 2JL (AI 4)

Retrospective application for the use of adjacent land and garages for purposes ancillary to main workshop including repairs, storage and parking

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Error in paragraph 5.20 of officer report, reference is made to a dwellinghouse, however, this is a typo and should make reference to a commercial garage as opposed to a dwellinghouse.

Since the publication of the agenda, one further letter of objection has been received from a previous objector and can be summarised as follows;

a) Previous enforcement appeal decision; b) Planning applications are untrue; c) Increase in noise and air pollution; d) Proposal contrary to National and Local Green Policies; e) Approval of applications condones the continual breaches of planning regulations and failure to enforce planning regulations; and e) Harm to conservation area.

The objector makes reference to works being carried out on the site prior to the applications being submitted. This application is a retrospective application, however, it is understood works relating to this application have ceased while the applications are in progress. All other points raised in the objection have been address in the officer report and officer report relating to application reference: 20/01144/ADV. No new material planning considerations have been raised and the officer recommendation remains unchanged.

Mr Semmens (applicant) made a deputation in support of the application. Deputations are not minuted but can be viewed on the council's website at

<https://livestream.com/accounts/14063785/planning-15jun2022/videos/231662175>

Members' questions

In response to questions, officers explained that

- No information was held in relation to any noise complaints.
- The application is a retrospective application to formalise past activities on the site and allow for additional activity. Reference was made to the Supplementary Matters.
- Some of the site comes within the Inspectorate's original decision but does not go against it due to the conditions on operating hours and the nature of operation restricting it to hand tools only and not power tools. It is fully in accordance with the Inspectorate with those restrictions and having regard to the guidance from the Environmental Health Officer.
- There is no consultation process with the Planning Inspectorate as they only deal with appeals.

Members' comments

- This is a small family run business, and it is clear that the applicant is doing all that he can to operate in a respectful way in the local community.
- The expansion of the business is supported and there is no issue around amenity. Planning Inspectorate decisions should be upheld, but with the conditions imposed the deviation is minor. If there are significant problems the matter could come back to the Committee.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.

78. 20/01144/ADV - Garage, 2 Furness Road, Southsea, PO5 2JL (AI 5)

Retrospective application for the display of non-illuminated signage

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Since the publication of the agenda, one further letter of objection has been received from a previous objector and can be summarised as follows;

a) Previous enforcement appeal decision; b) Planning applications are untrue; c) Increase in noise and air pollution; d) Proposal contrary to National and Local Green Policies; e) Approval of applications condones the continual breaches of planning regulations and failure to enforce planning regulations; and e) Harm to conservation area.

The objector makes reference to works being carried out on the site prior to the applications being submitted. This application is a retrospective application, however, it is understood works relating to this application have ceased while the applications are in progress. All other points raised in the objection have been address in the officer report and officer report relating to application reference: 20/01143/PLAREG. No new material planning considerations have been raised and the officer recommendation remains unchanged.

Members' questions

There were no questions

Members' comments

- The signs are already in place and there are no new ones. New clear signs are preferable to faded ones.
- No complaints or objections have been received by one of the Ward Councillors regarding the signs. It is important that small businesses should be able to advertise their presence.

RESOLVED to grant conditional consent as set out in the officer's committee report and the Supplementary Matters report.

79. 21/00535/FUL - 73-75 Marmion Road, Southsea, PO5 2AX (AI 6)

Change of use of first floor of the building (Class F1) to form 3no. self-contained flats (Class C3). External alterations to include construction of porch to west elevation (resubmission of 20/00413/FUL)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

*Representations have been received raising concerns about the alleged incorrect service of notice by the applicants upon owners and also alleged failure to properly reference the Public Sector Equality Duty (PSED) pursuant to the Equalities Act. One memorandum are attached to these Supplementary Matters by way of LPA response.
No change to the recommendation.*

A deputation objecting to the application was made by Abdul Basith (co-owner).

A deputation supporting the application was made by Iqbal Miah.

The Chair read out a statement in relation to the application and Portsmouth City Council's Public Sector Equality Duty. The Council's Legal Services had provided specific guidance on the Committee's duty, under the Equality Act, acting as a public authority to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations amongst different groups.

Members' questions

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

- It was not known when the building was last used as a Mosque but it is known that it was vacant in November 2018.
- The application will be increasing the number of flats from one to three with the existing flat subsumed into the flats.
- The application is for full renovation of the building and the ground floor will be capable of being used as a prayer hall or community use, but it will be for the owners to decide how they use it within the limitations of F1 land class use.

- There is nothing in the application that guarantees the ground floor cannot be turned into flats in the future. A new planning application would be required for this. However, it would be unlawful to impose a condition preventing the ground floor being turned into flats.
- There are no conditions that will restrict the flat residents from applying for a parking permit. There is clear case law that this cannot be a condition of planning; the land in question is not the public highway.
- Parking surveys are only required for larger developments. There are no PCC standards on parking for places of worship or Madrassas.
- The capacity of the ground floor would depend on its future use.
- In relation to noise, the residents would be aware of the use of the ground floor. It would be for Environmental Health to assess noise levels. It is not unusual to have residential facilities above community facilities.
- The building is partial residential and is in need of high-quality repairs but this application does not consider change of use of the whole building
- The National Planning Policy Framework (paragraph 93) briefly mentions the need to guard against the loss of community spaces. The council's 2012 infrastructure delivery plan did not identify a need for growth in this area; however, the planning system is based on use classes.

Members' comments

- Members noted how passionate the deputies were in delivering their views on the application and this important decision for the Muslim community and for the city.
- Members noted the prima facie case for change of use and the need to consider the application with the legal advice given.

RESOLVED to grant conditional planning permission and delegate authority to the Assistant Director of Planning & Economic Growth as set out in the officer's committee report and the Supplementary Matters report.

The meeting adjourned at 12:16pm and continued at 12:26pm

80. 21/01727/HOU - 187 Dover Road, Portsmouth, PO3 6JU

Construction of single storey rear extension (following removal of existing) and rendering of first floor rear elevation.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Members' questions

In response to questions from members, officers clarified that:

- The planning application is compliant with policy. It is not uncommon for minor alterations to be seen when developments are delivered reflecting matters identified by builders on site.

- The loss of light to the neighbours is, on balance, reasonable and therefore acceptable.
- The reason for the increase in size of the extension is not known. Detailed plans do not have to be submitted although for larger household extensions sought under the GPDO prior notification to the planning department is needed. The prescribed matters for such proposals will only be considered if a neighbour objects.

Members' comments

There were no comments

RESOLVED to grant conditional planning permission as set out in the officer's committee report.

- 81. 21/01710/CS3 - Land at former Edinburgh House, Cosham, PO6 3JL (AI 8)**
Construction of three storey building accommodating 50no. 'Extra Care' apartments (Class C3) to be provided as affordable housing; with associated vehicular access and turning head, vehicle parking, cycle parking and landscaping (Amended Plans Received)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

The applicant has raised concern that the proposed condition (4) would unreasonably tie the development to the completion of off-site A3 highway works which are not demonstrated (in the submitted Transport Assessment) to be necessary mitigation to support the development. It would potentially give rise to a financial obligation upon the applicants that would make the development unviable.

The off-site highway improvements will be undertaken as part of the SEHRT highway works which are funded through the Transforming Cities Fund (TCF) and is programmed to be completed by September 2023 prior to the completion of this development. The Local Highway Authority has however advised that the condition is considered necessary in the interests of highway safety, the junction improvements being expressly referenced in the submitted Transport Assessment. There is in any event a high prospect of the highway works being implemented within the lifetime of any permission granted and that the financial burden would not be expected fall upon this development (even in part). It is therefore considered necessary and reasonable to apply recommended condition 4.

It is recommended that a further condition is added that requires prior implementation of the on-site junction improvements and car parking.

Following the receipt of comments from the Environmental Health team, to ensure a satisfactory residential amenity is achieved in all residential units within this development and notwithstanding recommended condition (2) it is proposed to add a condition that secures the implementation of noise mitigation measures as outlined in the submitted Noise Impact Assessment.

Car parking Provision

Paragraph 8.20 of the planning report comments that "there would be no resident staff (shift workers only) and, at the time of writing this report it is not clear how many non-resident staff would be employed at the site at any one time. This can be provided by way of supplementary matters (SMAT)". The applicant has clarified that there will be three shifts worked by staff with between 11 – 20 staff on site during the following shift patterns 0800 – 1400, 1400 – 2000 and 2000 – 0800. Applying the parking standards there is the need for an additional 10 car parking spaces for non-resident staff.

As a sheltered housing scheme parking standards require 25 spaces for residents, plus 2.5 for visitors with 10 spaces per non-resident staff (i.e. max. 20 staff x 0.5 spaces = 10 space), to meet parking standards a total of 37.5 car parking spaces is required. However, as an extra care facility primarily for people living with varying degrees of dementia, accommodating both very frail and more active people with early-onset dementia, it is highly unlikely that there will be demand for 25 car parking space for residents. Therefore the proposed provision of 24 car parking spaces on site is more than adequate to meet the needs of non-resident staff and visitors and thereby satisfies Policy PCS17 of the Portsmouth Plan (2012) and the Parking Standards and Transport Assessments SPD (2014).

The following additional conditions are recommended but otherwise the recommendation remains unchanged:

(17) The new access junction off Sundridge Close and associated on-site car parking spaces shall be laid out in accordance with the drawings hereby permitted and made available for use prior to the first occupation of the development and thereafter for the lifetime of the development.

Reason: In the interests of highway safety.

(18) To mitigate noise impacts the following recommendations from the submitted Noise Impact Assessment, Omnia A11315/2.1 shall be implemented to ensure internal noise levels within the residential accommodation are acceptable.

a) glazing in any living rooms to be installed on the southern façade of the Care Home overlooking Southampton Road shall be upgraded to provide an attenuation of 32dB Rw +Ctr

b) a full mechanical ventilation heat recovery (MVHR) system shall be installed which will allow windows to remain closed and adequate ventilation achieved and this system shall be the highest grade of ventilation system (system 4) as detailed in the recently published Acoustics Ventilation Overheating (AVO): Residential Design Guide.

Reason: To protect the amenities of the future residents in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Oliver Willcocks (applicant) made a deputation in support of the application Mr Willcocks read out a deputation from Councillor Matthew Winnington, in his capacity as Cabinet Member for Health, Wellbeing & Social Care, in support of the application.

Members' questions

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

- The photovoltaic panels are not visible on the pictures, but it is the applicant's intention to include some panels within the development. Planning is not prescriptive at this stage as to how the environmental standards are achieved.
- Environmental Health has considered the noise from the neighbouring fire station in the Supplementary Matters ("SMAT") Report. The applicants are proposing noise reduction features in the building construction.
- Blue Light egress from the fire station is directly onto the A3. The access on Sundridge Close is for the entry of vehicles into the fire station and for non-emergency exit of vehicles.
- Crime reduction has been considered by the applicant. The planning department is satisfied in this respect.

Members' comments

- The application is a well thought-out proposal providing vital accommodation that is needed across the city and is a sensible part of the wider re-development plan for Cosham. It is in the right place and on balance is a good scheme.

RESOLVED to grant conditional planning permission and delegate authority to the Assistant Director of Planning & Economic Growth as set out in the officer's committee report and the Supplementary Matters report

82. 21/00477/FUL - Royal Beach Hotel, 1 St Helen's Parade, Southsea, PO4 0RN (AI 9)

Conversion of the East Wing to form 3no. maisonettes and 26no. flats with associated external alterations and construction of mansard roof to form additional storey

The Assistant Director of Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Proposed Condition 10 (Sustainable construction) requires that "unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such

evidence shall be in the form of a post-construction stage water efficiency calculator"

The applicant has however suggested that the Building Regulations for England Approved Document L1A applies to new dwellings whereas reference should be made to 'Document L1B' where a dwelling is being created in an existing building as a result of a material change of use of all or part of the building. Furthermore, Policy PCS15 of the Portsmouth Plan (2012) also separates out new build development from conversions and require BREEAM Domestic Refurbishment very Good standard. Members attention is also drawn to the latest update to this part of the Building Regulations (Part L) It is proposed therefore that the wording of Condition 10 (Sustainable construction) is modified accordingly.

Amend recommended condition 10 to read as follows:

Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved the target emission rate, as defined in The Building Regulations for England Approved Document L1B: Conservation of Fuel and Power in Existing Dwellings - 2010 Edition (incorporating 2010, 2011, 2013, 2016, 2018 and, where relevant 2021 amendments). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended), c) overall 15% reduction in carbon emissions as required by Policy PCS15 of Portsmouth Plan (2012). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan 2012 and the NPPF.

Deputations were made in support of the application by:

- Stuart Bone (agent)
- David Blackford (Chairperson of Mansion Court Residents Association)

Members' questions

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

- The location of 'Casey's Bar' is on Common Street.
- The previous application for 40 flats did not require any car parking space to be provided. This is a reduction in the number of flats so similarly no car parking space is required.
- Photovoltaic panels are not mandated. It is for the applicant to demonstrate how they comply with the Building Regulations, Part L1B, in which there are a whole suite of options.
- In relation to the 1-bedroom flats, whilst some of these do not meet the space standards in the council's Supplementary Planning Document they meet national standards if occupied in accordance with the developer's plans. However, the local planning authority cannot stipulate

how people choose to occupy the flats. A condition stipulating occupancy would be unsustainable and a refusal on grounds of space standards would be unsustainable on appeal.

Members' comments

- Members expressed concern about the 1-bedroom flats being below the standards set in PCS23 of the Portsmouth Plan.

The committee adjourned from 1.25 to 1.35 pm.

Councillor Sanders left the meeting at 1.35 pm.

RESOLVED to refuse the application. Reason for Refusal: The Development by virtue of the size of flats 9,10; 14, 15; 19, 20; 24, and 25 being below the adopted space standards described in the Portsmouth Housing Standards SPD and therefore fails to provide a good standard of living as required by Policy PCS23 of the Portsmouth Plan 2012.

83. 21/01646/PLAREG - Cockleshell Community Sports Club, Southsea, PO4 9SA (AI 10)

Retrospective application for the construction of temporary gazebo and proposed construction of storage shed.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Jayne Mills (applicant) made a deputation in support of the application.

Members' questions

There were no questions from members.

Members' comments

There were no comments from members.

RESOLVED to grant conditional planning permission as set out in the officer's committee report.

84. 21/01213/PLAREG - 5 Atalanta Close, Southsea, PO4 8XP (AI 11)

Change of use from access drive to garden area with new side boundary fencing.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Jackie Laver (applicant) made a deputation in support of the application.

Members' questions

There were no questions from members.

Members' comments

- The only concern had been in relation to the access for emergency vehicles but the depute had clarified that there is access.

RESOLVED to grant conditional planning permission as set out in the officer's committee report.

85. 22/00304/FUL - 12 Thurbern Road, Portsmouth, PO2 0PJ (AI 12)

Change of use from dwelling house (Class C3) to dwelling house (Class C3) or House in Multiple Occupation (Class C4)

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Simon Hill made a deputation in support of the application.

Councillor Wemyss read out a deputation from Councillor Scott Payter-Harris objecting to the application (included in the SMAT).

Members' questions

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

- There is rear access to the property which allows for bike storage in the garden.
- The increase in parking is not a justifiable reason for refusal of this application.

Members' comments

- The impact of this HMO opposite a block of flats will greatly increase parking and nitrates as well as an increase in rubbish. Residents already have to park in neighbouring roads. Parking is an issue for the whole area.
- There are currently many HMOs in the south of the city. There should be a wider distribution of HMOs in the city as it is not ideal to concentrate them all in one part. This is a reasonable place for an HMO as it does not increase the number in the area unduly.
- There are bus routes available nearby connecting to the different parts of the city.
- The increase to HMOs in the area is way below the 10% limit, the space standards are significantly above the council's space standards and the applicant has attempted to work with neighbours.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.

86. 21/01107/HOU - 5 Crinoline Gardens, Southsea, PO4 9YB (AI 13)

Construction of two storey/single storey, side/rear extension

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Members' questions

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

- The extension does not come right up to the neighbouring boundary wall and the loss of light is not unreasonable.

Members' comments

There were no comments from members.

RESOLVED to grant conditional planning permission as set out in the officer's committee report.

The meeting concluded at 2:20 pm.

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Signed by the Chair
Councillor

Agenda Item 4

PLANNING COMMITTEE 6 JULY 2022

**10.30 AM COUNCIL CHAMBER,
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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CHANGE OF USE FROM CLASS C3 (DWELLING HOUSE) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R2IVWRMOFUU00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R2IVWRMOFUU00)

Application Submitted By:

Mr Craig McGuinness

On behalf of:

Mr Craig McGuinness

RDD: 13th November 2021

LDD: 27th January 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections received in response to the application (63 letters from 38 addresses).

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

1.5 This application relates to a ground floor flat within a six-storey block of flats, located in Port Solent. The flat has a dedicated off-street parking space as well as a large, separate garage. The property also benefits from an outside, covered balcony which overlooks the marina.

1.6 Proposal

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

1.8 The property is set over one floor and the internal accommodation comprises the following:

- 1.9 Three bedrooms (one with an ensuite); one bathroom; a WC; a kitchen and a lounge/diner.
- 1.10 The applicant has stated that each of the bedrooms would be single occupancy.
- 1.12 Planning History
- 1.13 None.
- 1.14 The applicant has stated that the property was previously used as a Small HMO (Class C4) from 2009 until 2019, when due to a legal dispute with the Management Company of the block, the property ceased being a Small HMO and was occupied by the applicants from 2019 until present as a Class C3 Dwellinghouse. The previous C4 use has been evidenced by the applicants through Tenancy Agreements and Council Tax Records. As the C4 use commenced prior to the introduction of the Article 4 Direction in 2012, the C4 use would have been lawful. However, the property has returned to C3 use, hence the new planning application to use again for Class C3 or C4 purposes, flexibly.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

3.0 CONSULTATIONS

3.1 Private Sector Housing

No adverse comments. Based on the layout and sizes provided with this application this property would not require to be licenced under Part 2, Housing Act 2004.

3.2 Highways

No objection.

The property is accessed from Oyster Quay, which is an unadopted residential road leading from Port Way. Oyster Quay is characterised by multiple apartments with allocated parking to the front of the properties.

No traffic assessment provided, however given the small scale of the development, the proposal would not have a material impact on the local highway network.

The Council's Parking SPD gives the expected level of vehicle and cycle parking. The requirement for a 3-bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, and the requirement for a 3-bedroom HMO is also 1.5 spaces and 2 cycle spaces. Consequently, this proposal does not increase the parking requirement for the site,

hence no highway objection. However, no parking or cycle storage is proposed as part of this application, require a condition securing the provision of storage for 2 cycles.

4.0 REPRESENTATIONS

- 4.1 There was a minor error in the Development Description when the application was originally advertised, in November 2021: it stated '*Change of use from House in Multiple Occupation (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (House in Multiple Occupation)*'. It was corrected to: '*Change of use from ~~House in Multiple Occupation~~ Class C3 Dwellinghouse to purposes falling within Class C3 (dwelling house) or Class C4 (House in Multiple Occupation)*', and for completeness the application was re-advertised on 26th June 2022, although there were no changes to the actual submission. Nevertheless, the re-publicity prompted further letters of objection.
- 4.2 63 letters have been received from 38 properties, objecting to the proposal on the following grounds:
- a) Lack of publicity;
 - b) Luxury apartments are unsuitable for a HMO;
 - c) Parking issues; and congestion;
 - d) Lack of public transport options;
 - e) Amenity impact, anti-social behaviour and security impact for those who would share communal front door and other estate facilities;
 - f) Not in keeping with Port Solent character;
 - g) Impact on communal facilities;
 - h) Impact on community cohesion;
 - i) Loss of family housing;
 - j) Set a precedent for the area/flat block;
 - k) Fire safety issues;
 - l) Concerns over sewage, water and waste disposal from increase in occupancy, up to 6 individuals;
 - m) Error within Highways comments.
 - n) Proposed use is contrary to the lease, set by PCC as superior freeholders. The application is an attempt to circumnavigate the outcome of the recent legal process.

5.0 COMMENT

- 5.1 The main determining issues for this application relate to the following:
- The principle of Development;
 - The standard of accommodation;
 - Impact upon amenity neighbouring residents;
 - Parking;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters.
- 5.2 Principle of development
- 5.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.
- 5.4 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 (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.



- 5.5 Based on information held by the City Council, of the 79 properties within a 50 metre radius of the application site, no HMOs were identified. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.6 It is noted that within the 50m radius there are many flats, these are not HMOs.
- 5.7 Following Officer Investigation, no further HMOs have been uncovered and none have been removed from the list of HMOs in the area. The proposal, if used as Class C4 HMO, would bring the percentage of HMOs within the area to 1.27%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.9 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which

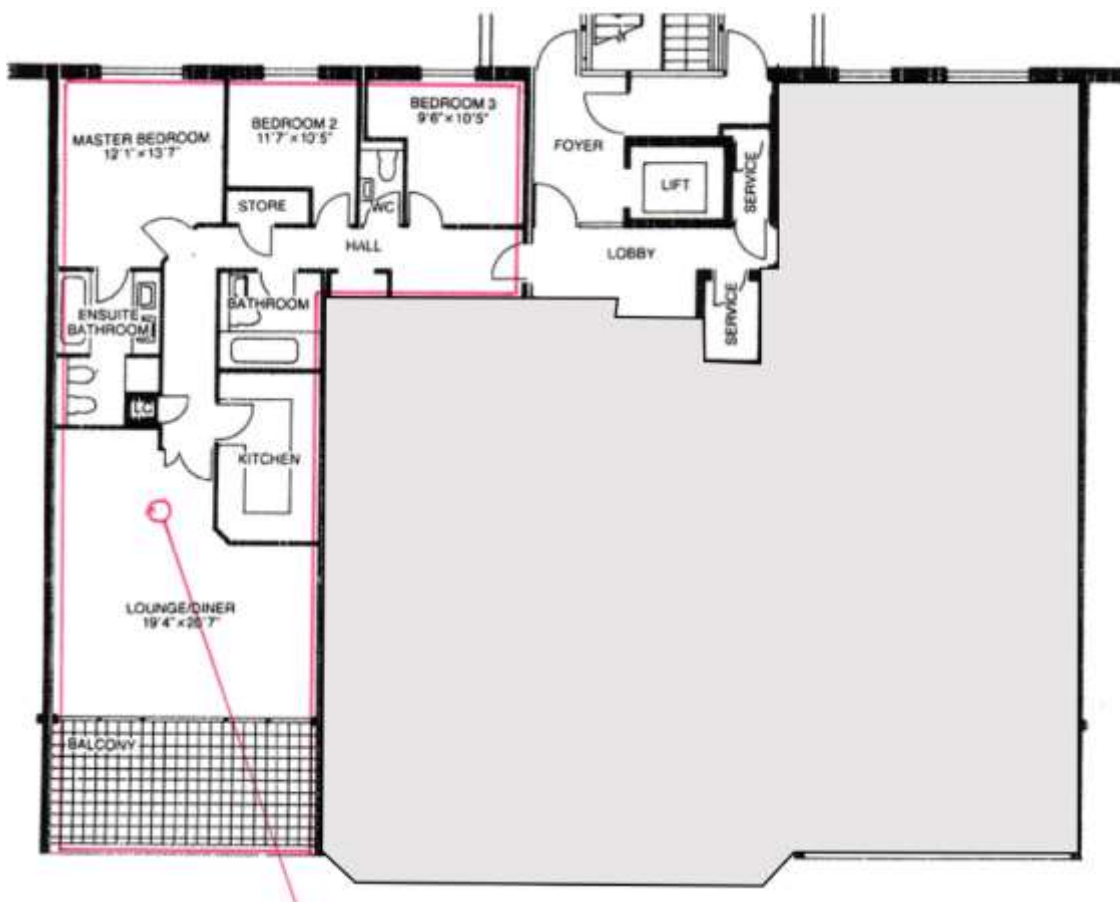
references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.

5.10 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.

5.11 Standard of Accommodation

5.12 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, allow occupation by up to six individuals.

(HMO SPD October 2019)	Area provided:	Required Standard
Bedroom 1	15.23 sq.m	6.51 sq.m
Ensuite B1	7.7 sq.m	2.74 sq.m
Bedroom 2	11 sq.m	6.51 sq.m
Bedroom 3	9.175 sq.m	6.51 sq.m
Kitchen	8.36 sq.m	7 sq.m
Lounge/Diner	36.9 sq.m	24 sq.m
WC	1.7 sq.m	1.14 sq.m
Bathroom	4.03 sq.m	3.74 sq.m



5.13 All rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018.

- 5.14 The combination of en-suites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.15 Impact on amenity
- 5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by 3 or more unrelated persons as a Class C4 HMO. This is further demonstrated by the lack of any noise complaints received by the Council Environmental Health Team during 2009-2019 when the property was previously in C4 use.
- 5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.19 Highways/Parking
- 5.20 Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 3 bedroom HMO is 1.5 spaces and 2 cycle spaces. Consequently this proposal does not increase the parking requirement for the site. It is therefore considered that an objection on car parking requirement could not be sustained on refusal. It should also be noted that the property could be occupied by a family with grown-up children, each owning a separate vehicle.
- 5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 2 bicycles. The property has a rear balcony that would be sufficient to provide secure cycle storage.
- 5.22 Waste
- 5.23 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.24 Special Protection Areas
- 5.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use, and as such it is not considered to represent a net increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.26 Other matters

5.27 The remaining matters raised in objection are addressed here:

As touched on above it is not considered that the proposal would result in a significant increase in noise, anti-social behaviour, parking demand, waste or air pollution.

5.28 It is not considered that the proposal in itself would result in a significant impact towards the provision of Health and Local services.

5.29 The HMO SPD established in what situations the change of use is acceptable from family housing, in this instance the application accords with that policy.

5.30 The publicity of this application was carried in accordance with national requirements and the Council's own Statement of Community Involvement, with a large number of letters (40) sent to individual neighbouring properties, and a site notice displayed.

5.31 Fire access is not a material planning consideration in this case and would be considered by Building Control and possibly licensing.

5.32 The terms of the property's lease and/or covenants are not planning considerations and are separate legal matters.

5.33 It is agreed that the original comments from the Council's Highways Officer incorrectly identified the access to the site as being from Coverack Way. Amended comments have since been provided which correct this minor point.

5.33 Conclusion

5.34 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION Conditional Permission

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 otherwise 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: Plans - 073 PL03; and Elevations - 073 PL04.

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 House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 2 bicycles shall be provided 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.

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.

5 BURLINGTON ROAD PORTSMOUTH PO2 0DP

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

LINK TO DOCUMENTS: [22/00347/FUL | Change of use from dwelling house \(Class C3\) to purposes falling within Class C3 \(dwellinghouse\) or Class C4 \(House in Multiple Occupation\) | 5 Burlington Road Portsmouth PO2 0DP](#)

Application Submitted By:

Mr Edward Kercher
Collective Studio

On behalf of:

Mr Ben Leaper

RDD: 15th March 2022

LDD: 11th May 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to nineteen letters of objection, and a call-in request of Councillor Swann.

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of Development including compliance with policy
- Amenity and living standards for future occupiers
- Impacts on Residential Amenity including parking
- Impact on Special Protection Areas
- Other material considerations

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

1.5 This application site relates to a two-storey mid-terrace dwelling located on the western side of Burlington Road. The property is set back from the road by a small front forecourt and benefits from an enclosed west facing garden. The surrounding area is residential in character with similar terraced properties.



Figure 1- Photos showing the front yard and rear elevation plus rear garden space.

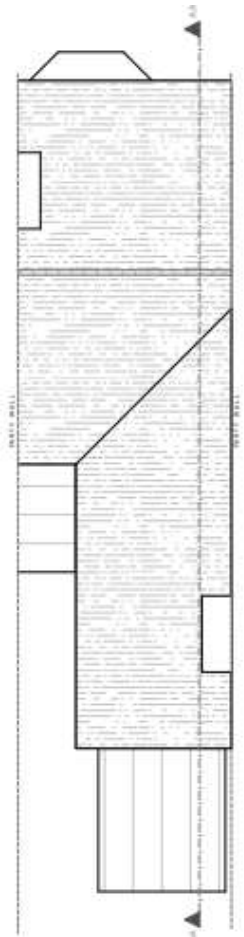
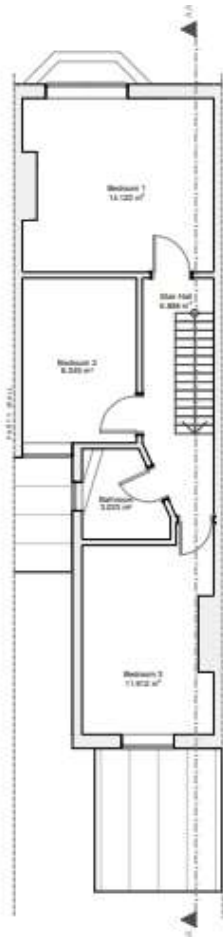
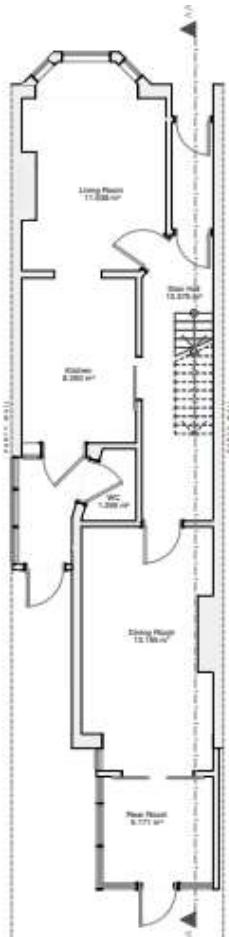
1.6 The Proposal

1.7 The Applicant has sought planning permission for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This change in occupancy will involve the repurposing of internal rooms. If occupied as a C4 property, and if extended under Permitted Development, six, single-occupancy bedrooms would be provided across the three floors, further details are provided in the table later in this report.

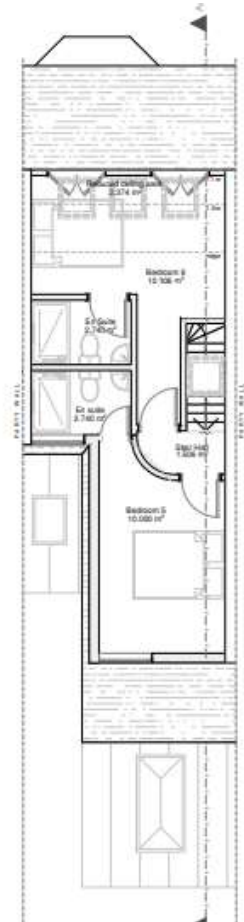
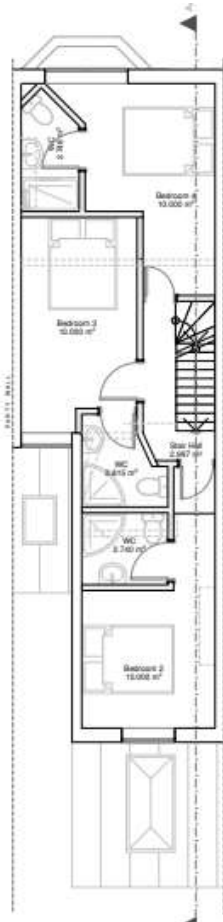
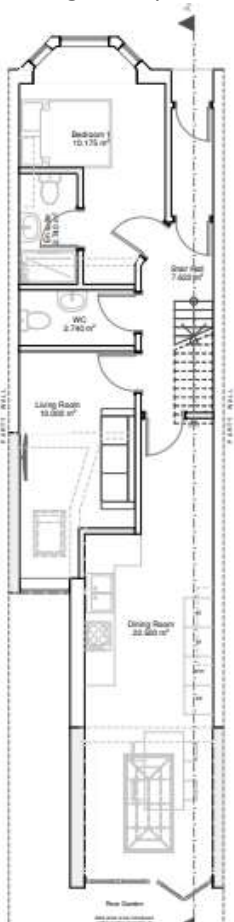
1.8 The submitted drawings indicate a rear L-shaped roof extension, front-facing rooflights, a single storey rear extension (to replace a conservatory), and a minor extension of the side lightwell element. These would be erected under permitted development rights. As such, the application relates to the use of the property only.

1.9 Planning History

1.10 22/00018/GPDC - Construction of single-storey rear extension that comes out a maximum of 4.8m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves. Refused 13/04/2022 (excessive depth, height, and position on the side boundary would result in an unneighbourly and overly dominant form of development detrimental to the amenities of the adjoining occupiers to the south in terms of overbearing impact and the creation of a strong sense of enclosure).



Existing Floor plans



Proposed Floor plans

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

3.0 CONSULTATIONS

3.1 Private Sector Housing:

No response received.

3.2 Highways Engineer:

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

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

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

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

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

4.0 REPRESENTATIONS

4.1 Nineteen letters of representation received objecting on the following summarised grounds:

- a) Increase in noise level
- b) Air pollution
- c) Lack of privacy and overlooking
- d) Increase load to local amenities
- e) Lack of parking
- f) Increase in amount of rubbish generated
- g) Loss of day/sunlight and overshadowing from proposed extension
- h) Wildlife in this area which would be disturbed by such a huge project
- i) Loss of family housing
- j) Council should consider purpose build for single person households
- k) Anti-social behaviour.
- l) Devalue of neighbour properties
- m) Potential for argument's

5.0 COMMENT

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

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

5.2 Principle of Development

5.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

5.4 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 (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.

5.5 Based on information held by the City Council, of the 75 properties within a 50 metre radius of the application site, 0 HMOs was originally identified. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

- 5.6 Following Officer Investigation, no further HMOs have been uncovered and none have been removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 1.33%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.



Figure 2- HMO Count map (50m radius)

5.8 Amenity and living standards of future occupiers

5.9 The repurposing and addition of internal rooms to accommodate up to six occupants within this proposal will have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

Room	Approx. Area Provided:	Required Standard:
Bedroom 1	10.175sqm	6.51 sqm
Bedroom 1 Ensuite	2.7sqm	2.74 sqm
Bedroom 2	10sqm	6.51 sqm
Bedroom 2 Ensuite	2.7sqm	2.74 sqm
Bedroom 3	10sqm	6.51 sqm
Bedroom 3 Ensuite	2.8sqm	2.74 sqm
Bedroom 4	10sqm	6.51 sqm
Bedroom 4 Ensuite	2.74sqm	2.74 sqm
Bedroom 5	10sqm	6.51 sqm
Bedroom 5 Ensuite	2.7sqm	2.74 sqm
Bedroom 6	10.3sqm	6.51 sqm
Bedroom 1 Ensuite	2.7sqm	2.74 sqm
Shared ground floor WC	2.7sqm	1.17 sqm
Kitchen-diner	22.5sqm	34sqm or 22.5 sqm
Living room	10sqm	Not required (11 sqm)

5.10 All of the bedrooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Given the bedrooms all meet or exceed 10sqm, the size expected of the communal living area is 22.5sqm, which would exactly be provided. Additionally, a separate living room would be provided. As such, it is considered suitable living arrangements would be provided and the proposals would accord with the SPD.

5.11 It is noted that some of the proposed ensembles would fall under the required standard as set out within the HMO SPD, however given that the maximum any one ensuite would fall under this standard would be 0.04sqm, it is considered that this minor shortfall would not be sufficient to withhold permission.

5.12 The proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing.

5.13 Impact on neighbour amenity

5.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.

5.15 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

5.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

5.17 Parking

5.18 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

5.19 According to the submitted Design and Access Statement as part of these proposals, the property will provide 4no. weatherproof bicycle storage facilities. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

5.20 Waste

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

5.22 Impact on Special Protection Areas

5.23 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 to flexible C3/C4 use. The existing and the proposed use would both allow up to 6 people and as such it is not considered to necessarily represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Protection Areas or result in an increased level of nitrate discharge.

5.24 Conclusion

5.25 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. Having regard to all material planning consideration and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (2021).

RECOMMENDATION

Conditional Permission

Time limit

1) The development hereby permitted shall be begun before 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 (as amended).

Approved plans

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

- PL02 -Dual Use and Location Plans
- PL04 - Proposed front and rear elevations
- PL05 - Side elevations

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

External works as shown:

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Elevations - PL04, namely the construction of the single storey rear extensions, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

Cycle storage

4) Prior to first occupation, details and plans of a covered, enclosed, secure and weatherproof bicycle parking facilities (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 4 bicycles and shall thereafter be 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 (2012).

41 ST VINCENT ROAD SOUTHSEA PO5 2QR

CONSTRUCTION OF SINGLE STOREY REAR/SIDE EXTENSION.

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/SIMPLESEARCHRESULTS.DO?ACTION=FIRSTPAGE](https://publicaccess.portsmouth.gov.uk/online-applications/simplesearchresults.do?action=firstpage)

Application Submitted By:

HOP Architects Ltd
FAO Nick Hopper

On behalf of:

Cllr Judith Smyth

RDD: 25th April 2020

LDD: 20th June 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to Councillor Smyth being the applicant.

1.2 The main issues for consideration relate to:

- Design;
- Impact upon residential amenity

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surroundings

1.5 This application relates to a two-storey, mid-terrace dwellinghouse located on the northern side of St Vincent Road. The dwelling fronts the highway and to the rear of the dwelling is an enclosed garden. Building materials consist of render, concrete roof tiles and white upvc fenestration. The surrounding area is residential and is characterised by rows of terraced properties of a similar size and design.

1.6 Proposal

1.7 Planning permission is sought for the construction of a single-storey side/rear 'l-shaped' in-fill extension following the demolition of an existing single-storey rear projection. The extension would have a maximum depth of 7.4 metres and at its widest point would extend the full width of the dwelling. The extension would host a pitched roof with an eaves height measuring 1.9 metres and maximum height of 3.5 metres to the ridge. Proposed building materials would include render, roof tiles and upvc fenestration to match the existing.

1.8 Relevant Planning History

1.9 No planning history

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (2021) due weight has been given to the relevant policies in the above plan.

3.0 CONSULTEE RESPONSES

3.1 Contaminated Land Team - The Contaminated Land Team (CLT) has reviewed the above application. Our information indicates an adjacent property was used as a motor garage from c.1936-c.1946. A soil sample taken from the area showed a concentration of lead at 668mg/kg, however it is not known whether this sample is a localised area of contamination or if it represents the wider soil characteristics. As the proposed development is a single storey extension, it is considered unjustified to impose a soil testing condition. As a result, the CLT request a watching brief.

4.0 REPRESENTATIONS

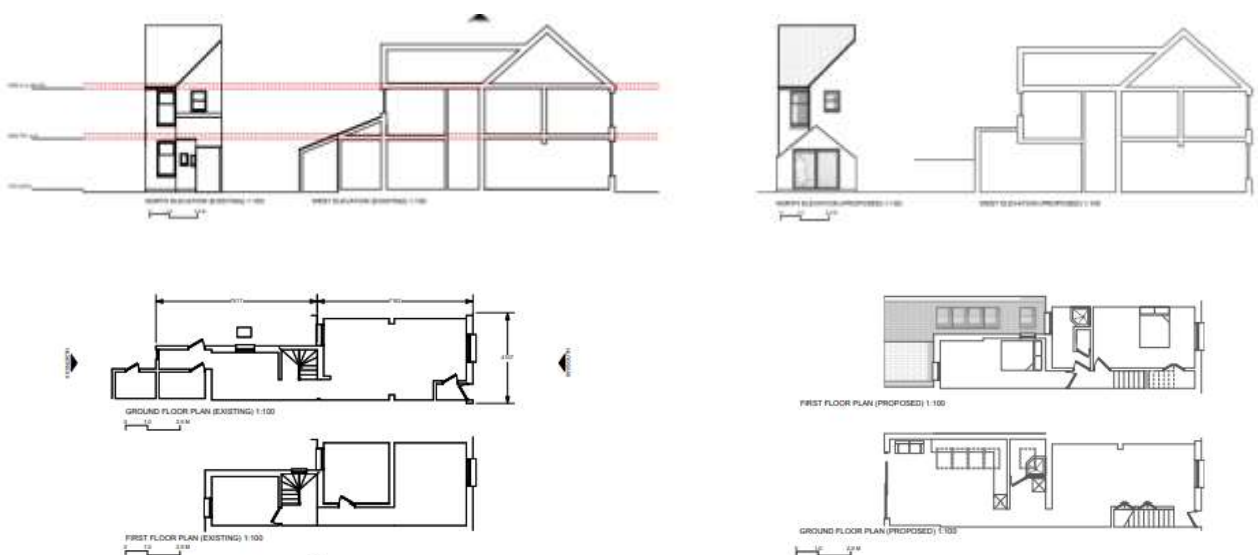
4.1 None received.

5.0 COMMENT

5.1 Design

5.2 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city.

5.3 The application site is considered to be of adequate size to accommodate the development and the extension would be subservient in size and height to the main dwelling. A condition to ensure materials are of a similar appearance to the existing is recommended. In terms of impact on the character of the area, the extension is to the rear of the property and is not visible from public viewpoints.



5.4 Amenity

- 5.5 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.
- 5.6 This application has been the subject of a site visit where the impact on the amenity of all adjoining properties has been assessed.
- 5.7 The closest neighbouring property to the proposed development would be the adjoining property to the east, no. 43 St Vincent Road. The proposed extension would adjoin the boundary shared boundary and would extend approximately 4.5 metres beyond the rear elevation of no.43 St Vincent Road which hosts a small lean-to in the light well. While extensions in the light well are generally not encouraged due to the impact these types of extension can have on the amenity of adjoining properties, in this instance, the extension would have a modest eaves height of 1.9metres and so have limited effect above the existing boundary fence on the neighbour's side yard and facing kitchen window. A fence or wall with a maximum height of 2 metres could be constructed along the boundary under permitted development without planning permission.
- 5.8 The other window most affected by the proposal would be the ground floor window also belonging to no.43 St Vincent Road oriented north along the light well. However, an extension with a depth of 3 metres and greater eaves height of 3 metres could be constructed without planning permission and is considered would have a greater impact on this window than the proposed development.
- 5.9 While it is acknowledged the extension would have some impact on the amenity of the occupiers of no.43 St Vincent Road, having regard to the modest eaves height of the extension and what could be constructed under permitted development, the proposal is not considered to result in substantial enough effect to justify withholding planning consent.
- 5.10 Having regard to the neighbouring property to the west of the site, the proposed development would not extend beyond the rear elevation of the no.39 St Vincent Road, therefore it is not considered the proposal would have a significant impact on the amenity of this property.
- 5.11 Neighbouring properties to the north of the site are considered to be sufficiently distanced so as not to be affected
- 5.12 On balance, for the reasons given above, the proposed development is not considered to result in any significant adverse impact on the residential amenities of those living immediately adjacent in terms of outlook, light, privacy or sense of enclosure.
- 5.13 Conclusion
- 5.14 The proposal is acceptable in scale and design, and is considered an appropriate addition within its context. In addition, the development is not considered to result in any significant loss of residential amenity. The proposal is considered to accord with policy PCS23 and capable of support.

RECOMMENDATION

Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless otherwise 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: HOPA-006-P Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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

INFORMATIVE

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

22/00597/TPO

WARD:ST THOMAS

1 ST GEORGES COURT 4 HAMBROOK STREET SOUTHSEA PO5 3SA

WITHIN TREE PRESERVATION ORDER 175 - (T2) ATLAS CEDAR (CEDRUS ATLANTICA)
- FELL TREE.

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/SIMPLESEARCHRESULTS.DO?ACTION=FIRSTPAGE](https://publicaccess.portsmouth.gov.uk/online-applications/simplesearchresults.do?action=firstpage)

Application Submitted By:

Mr Logan Madden
Alan Brind Tree Services Ltd

On behalf of:

Mr Ian Wilson
Cessa Housing Association

RDD: 4th May 2022

LDD: 30th June 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the receipt of six objections (from 4 addresses).

1.2 The main issues for consideration relate to:

- The proposal to fell T2
- The impact upon amenity.

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

1.5 This application relates to an Atlas Cedar (T2) which is located within a courtyard and parking area on the northern side of St Georges Court situated adjacent to the junction of Hambrook Street and Castle Road, with the tree viewable from the public realm principally from Elm Street, Little Southsea Street, and a footpath connecting to Copper Street. It is within the Castle Road Conservation Area. The surrounding area is predominantly characterised by residential properties with the commercial hub of Castle Road to the east of the site.

1.6 The applicant seeks consent to fell T2.

1.7 Recorded history suggests occasional management since TPO175 was made in November 1994:

2 Atlas cedar

*30597/AB - Lop - 7/2/95.

07/01934/TPO -Crown thin 20% & lift to 3m - 16/1/08

2. POLICY CONTEXT

- 2.1 The relevant policies within The Portsmouth Plan would include: PCS13 (A Greener Portsmouth),
- 2.2 The aims and objectives of the NPPF would also be relevant in the determination of this application.

3. CONSULTATIONS

- 3.1 None.

4. REPRESENTATIONS

- 4.1 One support comment has been received from a resident of St Georges Court confirming the previous loss of limbs and danger to residents.
- 4.2 Six objections have been received from 4 addresses, none resident in St Georges Court. All are based upon the visual amenity of the tree only, none take the safety of the tree and the site into account.

5. COMMENT

- 5.1 The determining issues are whether there are sufficient grounds to fell the tree and whether the loss would have any significant impact on the visual amenity of the surrounding area.
- 5.2 T2 appears to be a healthy and vigorous specimen of Atlas Cedar (*Cedrus atlantica* 'Glauca'), it is however of an asymmetrical form and appears to have previously been pruned laterally in order to mitigate light loss to residents and conflict with the adjacent structure. St Georges Court is operated by CESSA Housing Association providing sheltered accommodation for a variety of service veterans and their families.
- 5.3 Regrettably T2 is the wrong tree in the wrong place, its growth potential is such that as a mature tree it may reach 30-35m. in height, adjacent to a structure of 11m., a crown spread of 10-13m. with a trunk diameter 1.5-2m. and therefore will clearly outgrow the space available to it in the current situation. When TPO 175 was made in 1994 T2 was 5m. tall it now approaches 11m. the height of the adjacent structure.
- 5.4 It is the unfortunate location of T2 in relation to the adjacent structure which gives rise to the current proposal to fell.
St Georges Court is an 'L' shaped structure, the external corner of which faces directly into the prevailing wind, rising to 3 stories, approx. 11m. which with adjacent properties on Castle Road, also rising to 3 stories creates a three sided enclosure forming a courtyard garden and parking areas protected from the prevailing winds.
- 5.5 As a consequence during extreme weather events and winter gales a vortex is created as high winds cross the roofline wind speed within the vortex increases on the lee side of the building resulting in T2 being exposed to wind loading to which it is unaccustomed causing limbs to be shed, putting the structure and residents at risk.

- 5.6 Trees are self-optimising structures, they do everything they can to keep external loads small. Even so, they do have to bear loads. By optimizing their form through adaptive growth, they distribute these unavoidable loads evenly so that there are almost no overloaded areas and, therefore, no potential failure points, displaying a strategy of flexibility.
- 5.6 The proximity of the structure of St Georges Court during normal weather protects and shelters T2 from the prevailing winds and therefore development of the tree will not have been influenced by wind loading normally experienced, so inhibiting the formation of adaptive growth to distribute the more significant wind loads. As such, the tree is susceptible to the infrequent yet strong loads exerted by storms.
- 5.7 The degree of pruning and crown reduction work required in order to mitigate that risk would be such that any amenity would be lost. Cedar as a species do not produce dormant adventitious buds and as a consequence once photosynthetic material is removed no new growth is triggered to replace that material resulting ultimately in decline then loss of the tree.
- 5.8 Conclusion
- 5.9. It is therefore considered that there are sufficient grounds to fell the tree, subject to the planting of a suitable replacement (to be secured by planning condition). Therefore the proposal is considered to be acceptable and in accordance with policy PCS13 of the Portsmouth Plan.

RECOMMENDATION Conditional Consent

Conditions

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) The Atlas Cedar (T2) shall be felled to the ground and the stump removed.
- 3) A replacement specimen of *Arbutus unedo* 'Killarney Strawberry Tree' the size to be of "Extra Heavy Standard" as specified in British Standard 3936 Part 1 (Nursery Stock Specification for trees and shrubs) shall be planted in a position to be agreed in writing by the Local Planning Authority within 1 year of the removal of the Atlas Cedar(T2) or such other species, size, or time period as may be agreed in writing by the Local Planning Authority.
- 4) All work shall be carried out in accordance with BS3998:2010 (Tree Work Recommendations) and BS 8545:2014 (Trees: from nursery to independence in the landscape - Recommendations).

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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

19/01704/LBC

WARD: EASTNEY & CRANESWATER

WORLD WAR 2 BEACH DEFENSE EASTNEY BEACH ADJ TO MELVILLE ROAD SOUTHSEA

REMOVAL AND REINSTATEMENT OF ANTI-TANK DEFENCES TO FACILITATE NEW COASTAL DEFENCE AND COASTAL PATH WORKS

LINK TO DOCUMENTS:

[19/01704/LBC | Removal and reinstatement of Anti-Tank Defences to facilitate new coastal defence and coastal path works | World War 2 Beach Defense Eastney Beach Adj To Melville Road Southsea \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/19/01704/LBC)

Application Submitted By:

DPP Planning
FAO Mr Tom Wright

On behalf of:

Investin Portsmouth Ltd

RDD: 13th November 2019

LDD: 30th January 2020



1 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee for determination as 5 letters of objection have been received.

1.2 The main issue for consideration in the determination of the application is as follows:

- Heritage impact

2. Site and Surroundings

2.1 This application site in question is a former Royal Naval gunnery and research site, more commonly known as Fraser Range. The site comprises an irregular parcel of land of approximately 6ha in area, which is occupied by the former Fraser Range gunnery site. Fort Cumberland, designated as a Scheduled Monument and Grade II* Listed Building, lies immediately to the north, with the southern boundary of the scheduled area extending into the eastern portion of the site. The southern and eastern boundaries of the Site lie along the adjoining foreshore, while a caravan park is situated immediately to the west.

2.2 The Grade II-Listed structures comprise a line of Second World War anti-tank defences on Eastney Beach the easternmost of which extend into the south-western margins of the wider red-edged site, together with an associated Second World War pillbox.

3. Development Proposal

3.1 This application seeks Listed Building Consent for the removal and re-instatement of the existing anti-tank defences in order to facilitate new coastal defence and coastal path works. The anti-tank defences consist of concrete cubes of approximately 1m in each dimension. They are not fixed to the ground, and so do sometimes move when the seawater is strong/deep enough.

3.2 The development proposal is independent of the application for the re-development of Fraser Range and the sea defences, which is still pending consideration, with regards to on-going discussions and revisions. The implementation of that development would however be dependent of the temporary removal, and reinstatement, of the tank traps.

3.3 The housing development would be restricted to that part of the Fraser Range site located immediately north of the easternmost elements of the anti-tank defences. The construction of associated coastal flood defences around the south-western margins of the site would result in the temporary displacement of an estimated 30 individual tank trap blocks out of a total of 280 distributed along Eastney Beach. The temporary displacement would be limited in distance, with the traps remaining on the beach.

3.4 To be clear, the flood defence works are not part of this Listed Building application, they are within the Fraser Range re-development application (19/00420/FUL). Their scope is included here solely for helpful context. The flood defence works would entail the deep removal of an area of beach shingle. This would be followed by the installation of a rock beach revetment which would reflect the existing contours of the shingle beach and would be covered by a shingle layer, thus permitting the displaced concrete blocks to be reinstated in their original positions. The primary contributors to the significance of the anti-tank defences, comprising those evidential and historical values inherent in their physical fabric and mode of construction, would remain unaffected, as would the key elements of their beach setting.



4. Planning History

- 4.1 19/00420/FUL - Part demolition, redevelopment and conversion of three existing structures and construction of new buildings to create 108 apartments and 26 houses, construction of new sea wall flood defences and walkway (to include removal and reinstatement of tank traps), access road, parking and landscaping works - Pending consideration

POLICY CONTEXT

The relevant policies within would include:

- PCS23 (Design and Conservation) of the Portsmouth Plan (2012);

The National Planning Policy Framework (2021).

5. **CONSULTATIONS**

5.1 **PCC Conservation Officer:**

The principle of removing and resitting the blocks is not unacceptable. Whilst (if not managed appropriately) it may expose the blocks to potential damage, given their robust nature and the details around their movement and storage provided in the method statement, the likelihood of this is low.

With regard to the suggestion that they could be re-sited to their 'original' alignment, this is not necessary or appropriate. The blocks have been subject to movement over many years (due to wave action), and there is no overriding practical, of 'philosophical' reason justifying an alternative to repositioning them back in their current locations. I believe that in any event they would be subject to further movement.

5.2 **Historic England:**

Do not wish to offer any comments. Suggest that Local Planning Authority seeks views of their own specialist conservation officer.

5.3 **Langstone Harbour Board:**

No objection raised.

5.4 Seafront Manager:

No comments raised

5.5 Historic England:

No objection raised

5.6 Ancient Monuments Society

No comments received

5.7 Council for British Archaeology:

Broad proposal to lift, store and reinstate Grade II listed anti-tank defences may be acceptable in the context of Section 16 of the National Planning Policy Framework. However, the application should include more details of the proposed new coastal defences and coastal path works as plans, elevations and within the Design and Access Statement to enable the Method Statement to be understood in context.

In its current form, the CBA considers the application to be flawed as it fails to allow the requirements of paragraph 189 and 190 of the NPPF to be met.

Advice has been sought from the Museum of London Citizen project, which is extremely concerned that the report does not adequately acknowledge the wider defensive context of the anti-tank defences. There is also no link to the wider assessments carried out as part of the associated full application.

The Local Planning Authority must take note of paragraph 198 of the NPPF.

Recommended that the Citizen team is involved in the research, recording, management and monitoring of the heritage asset.

Citizen comments:

Consider that several elements of the Method Statement need to be addressed:

- Report does not acknowledge the wider defensive context of the cubes;
- Report does not fully acknowledge the defensive function of the anti-tank traps;
- Poor condition of some of the cubes is acknowledged but how will further damage be mitigated during removal? The report mentions a photographic and measured survey, but this needs to be outlined in detail;
- Concern about how the cubes will be placed back on the beach - no decision appears to have been made as to whether they would be reinstated as they would have looked in 1940, or in their current position. If poorly re-sited (e.g. in an attempt to replicate their original position), the cubes could lose their context and significance, harming their listed status;
- Concern that the use of a mini-digger could damage the cubes;
- Report does not mention the possibility that the cubes could feature material which is vulnerable to erosion;
- Lack of documentary research or attempts at drawing parallels with other surviving site examples. Little research as to the origins of the obstacle;
- The obstacle is being viewed in isolation with no consideration for the group value or context of the feature.

5.8 SPAB (Society for the Protection of Ancient Buildings)

No comments received

5.9 The Georgian Group

No comments received

5.10 The Victorian Society

No comments received

5.11 Twentieth Century Society

No comments received

5.12 The Portsmouth Society

No comments received

6. REPRESENTATIONS

6.1 Following application publicity a total of 5 letters of objection were received from residential properties. The issues raised were as follows:

- Any interference to a Scheduled Ancient Monument has to be justified on the grounds of overall benefit to the community and this has not been demonstrated;
- The proposals would lead to significant harm to the heritage asset;
- No justification for interfering with the historic monument as improved sea defences are not required unless the Fraser Range site is developed for residential purposes;
- No justification for a residential use of Fraser Range as the disadvantages outweigh potential advantages;
- The degree of harm is dependent on the quality of the reinstatement and the applicant has not appreciated the difference between physical manmade interference and natural movement caused by changes to the shingle beach;
- Allowing the temporary removal of the tank traps without justification would represent a misuse of the planning process;
- Support the concerns raised by the Council for British Archaeology;
- The application should have been directly related to Fraser Range, rather than given Eastney Beach as an address.

7. Planning Assessment

7.1 The key issue of this application relates to the impact of the proposed removal and re-siting of approximately 30 individual blocks out of a total of 280 anti-tank defences, upon the character, appearance and historical integrity of the grade II listed structures.

7.2 The NPPF states that '*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*'.

7.3 The significance of the historic context includes Grade II Listed Second World War anti-tank defences on Eastney Beach. The 280 surviving anti-tank defences on Eastney Beach comprise a line of concrete cubes, each approximately 1m square, which continue in an uneven line for over 400m, from Eastney Fort East in the west, to Fort Cumberland in the east (both Scheduled Ancient Monuments). Different layers of cement tipping are visible on many examples, and in some cases these have resulted in structural weaknesses.

7.4 The cubes display evidence of two different forms of shuttering used for their construction; some show evidence of wooden board shuttering, while others exhibit texturing caused by corrugated iron shuttering. Some cubes retain metal fittings, with occasional evidence of paint, although it is not possible to determine whether this is original.

- 7.5 The significance of the of the site is that the anti-tank defences comprise an extensive line of concrete blocks, which extends east-west along Eastney Beach, for a distance of approximately 400m. The easternmost extent of the defences lies within the south-west of the Fraser Range site. The anti-tank defences derive their significance from their geographical context and their constructional and historic interest, as reflected in their statutory designation. This interest relates primarily to those evidential and historical illustrative heritage values inherent in their physical form, as surviving in situ examples of Second World War coastal defences which relate to a historical threat of invasion. Exhibiting varying construction techniques, the structures are illustrative of innovations in military design and planning arising from the outbreak of the Second World War, and of Portsmouth's important role in the defence of the south coast. The Anti-Tank Defence blocks were constructed to protect the vulnerable stretch of foreshore situated between Fort Cumberland, in the east, and Eastney Fort East, in the west. As such, this aspect of the physical surroundings and location of the Grade II-Listed structures make a strong contribution to their significance, by way of illustrating their strategic placement and defensive function. The anti-tank defences are best experienced at close proximity, from the foreshore. It is from this perspective that their design and intended defensive function can be best appreciated, while wide-ranging views across the Solent provide a sense of the seaward approaches to Portsmouth and anticipated direction of attack.
- 7.6 When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.7 In considering potential impact, the NPPF requires planning authorities to consider whether a development proposal would harm heritage asset, either with '*less than substantial harm*', or '*substantial harm*' (which includes total loss of significance of the asset). Paragraph 193 states "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.*"
- 7.8 The Council in assessing this application consulted their Design and Conservation Officer. The advice given following their site visit to the tank traps at Eastney, regarding the general principles of the scheme, the applicant's supporting method statement, and in particular the suggestion that the blocks should be re-sited back to their 'original layout'.
- 7.9 The Conservation Officer has confirmed that the principle of removing and re-sitting the blocks is not an unacceptable one. Whilst (if not managed appropriately) it may expose the blocks to potential damage it is believed, that given the robust nature of the blocks and the details around their movement and storage provided in the method statement, that the likelihood of this is low.
- 7.10 With regard to the suggestion that they could be re-sited to their 'original' alignment, the Council's Conservation Officer has also confirmed that this is not considered to be necessary or appropriate. The blocks have been subject to movement over many years as a result of wave action and there is no overriding practical, of 'philosophical' reason justifying an alternative to repositioning them back in their current locations in any event they would be subject to further movement.
- 7.11 In order to ensure that no undue damage would occur to the blocks during the re-instatement process, those procedures shall be carried out in accordance with the accompanying Method Statement undertaken by Cotswold Archaeology, dated October 2019. The main points of the Method Statement include:

- * photographic and GPS recording;
- * careful excavation, by hand where necessary;
- * identification by number and location;
- * protection during moving (geotextile membrane and padding);
- * provision made for discovery, recording and recovery of any buried additional blocks;
- * storage in order of removal;
- * re-instatement, using the photographic and GPS record;
- * coordination with Council Heritage Advisor.

- 7.12 In order to ensure that the removal and re-instatement of the blocks is not done prematurely, it is advised that a condition be imposed ensuring that the works are not carried out until the determination and approval of the full planning application for the re-development of Fraser Range, which is still pending consideration under 19/00420/FUL.
- 7.13 The concerns of the Council for British Archaeology are noted, but the Council's own Heritage Advisor has not requested that consent be withheld or further information be sought. Notwithstanding, I consider some of the extra points raised (eg how to mitigate against further damage during removal) by the Council for British Archaeology may be addressed by further work to be carried out on the Method Statement, to be required by condition.
- 7.14 Subject to adherence to the suggested measures of the (augmented) Method Statement, it is considered the applicant has submitted sufficient information to enable the application to be determined, and that no harm would result to the heritage asset. As such, the proposal would accord with PCS23 (Design and Conservation) of the Portsmouth Plan, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and the provisions of the NPPF. Having regard to the significance of the asset, it is considered that the proposal would preserve the special architectural or historic interest of the Grade II Listed structures.
- 7.15 Lastly, I return to the points of objection made against the proposal but not yet addressed in this report.
- 'Effect on/proximity to a Scheduled Ancient Monument (SAM)': there is no SAM close to the tank traps, the Fort Cumberland SAM is separated from the tank traps by the Fraser Range site itself';
 - 'Improved sea defences are not required unless the Fraser Range site is developed for residential purposes': correct. Condition 3 below addresses this point.
 - 'No justification for a residential use of Fraser Range': this is not an application for the Fraser Range development, that separate submission will be determined on its own merits in due course.

8. Conclusion

- 8.1 The development proposal would accord with PCS23 (Design and Conservation) of the Portsmouth Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It would have no harm to the heritage asset with regards to the NPPF. There are no overriding material considerations to indicate a refusal and approval is therefore recommended.

9 Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.

2. Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings:

2205-00-0001 P4 Site Location Plan, produced by ERM Architecture
2205-00-0011 P9 Proposed Site Plan, produced by ERM Architecture
Heritage Statement (November 2018), produced by Cotswold Archaeology
Method Statement by Cotswold Archaeology, dated October 2019.

To ensure the development is implemented in accordance with the consent granted.

3. The Grade II Listed WW2 anti-tank defences associated with this application shall not be moved until planning application 19/00420/FUL or any subsequent planning application associated with the development of Fraser Range has been approved.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The development hereby permitted shall be carried out in full accordance with an augmented Method Statement, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved Method Statement.

Reason: In order to minimise the risk of harm to the existing anti-tank defences during their re-siting, to comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

06

22/00453/HOU

WARD: ST THOMAS

TIDEWAYS, TOWER STREET, PORTSMOUTH, CITY OF PORTSMOUTH, PO1 2JR.

CONSTRUCTION OF ADDITIONAL STOREY ON FLAT ROOF AND ASSOCIATED ROOF TERRACE; REAR EXTENSION INCLUDING LIFT ENCLOSURE AND MODIFICATIONS TO FRONT AND REAR ELEVATIONS, INCLUDING REMOVAL OF MANSARD ROOF FEATURES AND ORIEL WINDOW (FRONT) (RESUBMISSION OF 21/00453/HOU).

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/SIMPLESEARCHRESULTS.DO?ACTION=FIRSTPAGE](https://publicaccess.portsmouth.gov.uk/online-applications/simplesearchresults.do?action=firstpage)

Application Submitted By: Pike Planning Limited.

On behalf of: Doctors Yve and Simon Kelly

RDD: 04.04.2022

LDD: 01.06.2022

1.0 SUMMARY OF MAIN ISSUES

1.1 The application is with the Planning Committee due to the receipt of five objections.

The principle matters to address include:

- Principle;
- Design;
- Amenity

1.2 Site and surroundings

1.3 The application site is a three storey flat roofed dwelling located on the east side of Tower Street, a narrow thoroughfare running parallel to Broad Street, north to connect to West Street. The property is red-brick and has some tile hanging to the front elevation.

1.4 To the rear is a garage with access from Broad Street. Spice Island House, a post-war block of 10 flats in 5/6 storeys, is located to the north of the application dwelling.

1.5 The site is located within the Old Portsmouth Conservation Area.

1.6 Proposal

1.7 The proposal is for construction of an additional, tile-hung mansard storey on the existing flat roof, and an associated roof terrace.

1.8 The plans also propose a four storey rear extension, including a lift enclosure with limited depth and width. Also to the rear on the Broad Street frontage would be a replacement, aluminium garage door, a new pedestrian access door, and a slightly raised flat garage roof.

1.9 The drawings show significant modifications to front and rear elevations, including on the front elevation, the replacement of the tile-hung second floor elevation with brickwork, the

replacement of the first-floor oriel window, and the repositioning of windows at all levels, all set within the existing and new matching brickwork.



Existing front (west) elevation.



Proposed front (west) elevation.



Existing rear (east) elevation.



Proposed rear (east) elevation.

1.11 Planning history

1.10 The application is a resubmission of application 21/00453/HOU.

1.12 21/00453/HOU - [Construction of additional storey on flat roof and associated roof terrace with access porch; rear extensions including lift enclosure and modifications to front and rear elevations, including removal of mansard roof features and oriel window \(front\).](#) Permission refused February 2022 under delegated powers. It was considered that "*the proposed development is of poor design composition and detailing, and would be finished in inappropriate and incongruous materials to its surroundings. As such, it would adversely affect the street scene and the built environment in this heritage area (the Old Portsmouth Conservation Area)*".

1.13 20/00876/PAPA02 - Advice given on 14 September 2020 outlining relevant planning policy.

1.13 A*30140/AA - Retention of PVCU porch to roof area. Permitted 20 Feb 1996.

1.14 A*30140/C - Erection of a sun lounge on existing flat roof. Refused 19 Jul 1978.

1.15 A*30140/B - Erection of sun lounge on existing roof. Refused 11 Jan 1978.

1.16 A*30140/A - Erection of sun lounge on existing flat roof. Refused 17 Sep 1977.

1.17 A*30140 - Erection of sun lounge on existing flat roof. 19 Jan 1977.

2.0 POLICY CONTEXT

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

2.2 The Council's published Conservation Area guidelines of Old Portsmouth are also relevant to this proposal.

2.3 The aims and objectives of the revised NPPF (Feb 2021) would also be relevant in the determination of this application.

3.0 CONSULTATIONS

3.1 Conservation officer: The proposal would effectively create a 'new' building that mediates the transition from Spice Island House to the remaining (unaltered) buildings in the terrace. Notwithstanding the suggestion of further revision to the rear elevation (which is still encouraged), it is considered that the proposal is nevertheless on balance of sufficient quality to secure conservation support.

4.0 REPRESENTATIONS

4.1 Five objections have been raised by local residents objecting to the proposal on the following grounds:

1. Loss of privacy and overlooking
2. Loss of light, Overshadowing
3. Inappropriate scale, design and materials, Out of character
4. Overdevelopment
5. Noise and disturbance
6. Incorrect/ inconsistent plans
7. Impact on property values

4.2 Two representations were received in support and a further two stating that they had no objections.

4.3 The planning issues raised are considered below. The matter of impact on property values is not a planning consideration.

5.0 COMMENT

5.1 The determining issues within the application relate to:

- The principle of development;
- Design; and
- Impact on neighbour amenity.

6.0 Principle of development

6.1 The application site is an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

7.0 Design

7.1 Policy PCS23 Design and Conservation Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7.2 As a conservation area is a designated heritage asset, the provisions of paragraph 196 of the NPPF also apply in consideration of an application which has the potential to affect the character and appearance of a conservation area. Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

7.3 Policy PCS23 of the Portsmouth Plan requires excellent architectural quality in new buildings and changes to new buildings, development that relates well to Portsmouth's history and protection and enhancement of important views and settings of key buildings.

7.4 The Conservation Area guidelines state that "*extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape*" and where "*extensions are permitted they should match the existing original property in respect of design, materials and detail. The size of an extension should not overpower the original building size*".

7.5 The guidelines also recognize that "*where large extensions are permitted, they might be better designed to complement the original, so that both can be recognised and appreciated*". Furthermore the guidelines advise that "*the City Council will aim to prioritise the attention paid to window design in new developments so that their appropriateness for both building and wider setting can be ensured and so that they enhance, rather than detract from both*".

7.6 The applicant has made alterations to the plans in this re-submission, compared to the refused scheme. The changes include a change of external facing materials from a standing seam zinc clad roof and white render elevations, to matching clay tile hanging and matching facing brickwork. This addresses the principal concerns of the first scheme. The plans propose new aluminium windows, which appear to be of high quality. Given this and when read in context of the adjacent buildings (including Spice Island House), it is now considered that the design and materials especially, are more respectful to the original building and its brick-clad neighbours, although there would nevertheless be quite a significant change to the character of the building due to the loss of the second-floor tile-hanging, and the new elevational composition and window materials.

- 7.7 It is acknowledged that the windows would be aluminium and set wider than those of the existing; however the sizes and proportions would appear in-keeping with those on the attached building (Spice Island House). Given this and window-design variations within the immediate area, the proposal is not considered to result in harm to the character and appearance of the conservation area.
- 7.8 In terms of the roof terrace, a glass balustrade is proposed and given that it would be clear glazed, it would appear light when viewed in the context of the streetscene. Furthermore, there are examples of this arrangement within the terrace and the surrounding area. The additional storey, and the four-storey rear extension, would add greater scale to the front and rear of the property. Given the two neighbouring properties are a storey or more higher than the application site, there is no objection to the additional height. There is no objection to the garage alterations facing Broad Street.
- 7.9 In conclusion, that the development would not cause harm to the character and appearance of the Conservation Area, and so would be in general accordance with PCS23, the Conservation Area guidelines, the NPPF and the Listed Buildings and Conservation Areas Act.

8.0 Amenity

- 8.1 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development 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.
- 8.2 The neighbour to the south (1 Tideways) is unlikely to be significantly impacted upon by the four storey rear addition, given the limited proposed projection and the separation distance to the shared boundary. The design incorporates a shallower depth at its northern boundary, with a splayed east-facing elevation. It is considered that this design solution sufficiently mitigates impact on occupiers of the block at No. 11 Broad Street (Spice Island House).
- 8.3 Given the location and size of the proposed rear extension, it is not considered to result in an undue impact on occupiers of adjoining properties in terms of overbearance and loss of light. The design and location of the windows are not considered to result in loss of privacy to neighbouring occupiers.
- 8.4 The proposed balustrade at roof level would be glazed and be approximately 1m in height. In this case, it is not considered to result in loss of light to neighbouring dwellings as a result of its glazing which would allow for light penetration. Whilst the associated rooftop terrace could result in some overlooking, it is not considered that this would be so severe as to result in a refusal of planning. The use of the building would remain unchanged as a single family dwelling and as such is not considered to generate undue levels of noise disturbance for neighbours.

9.0 Conclusion

- 9.1 The proposal is not considered to result in harm to heritage assets, principally the Conservation Area. Neither would it have an overbearing impact on neighbouring residents or give rise to a sufficient loss of light or outlook or privacy to justify refusing permission. As such, the proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF (Feb 2021).

Conditions

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.

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 - Floor Plans - Sheet 1 of 5 (0200C), Floor Plans - Sheet 2 of 5 (0201C), Floor Plans - Sheet 3 of 5 (0202D), Floor Plans - Sheet 4 of 5 (0203D), Floor Plans - Sheet 5 of 5 (204C), Elevations - Sheet 1 of 4 (205C), Elevations - Sheet 2 of 4 (0206C) Elevations - Sheet 3 of 4 (0207E), Elevations - Sheet 4 of 4 (0208E), Window details - (0209B).

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

3. (a) Prior to commencement of building works on site, a detailed schedule of materials and finishes to external surfaces (including a sample panel of brickwork to show bond pattern and pointing); and fenestration (including material, colour, opening mechanism and reveals) of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and
(b) The development shall thereafter be carried out in full accordance with the schedule approved pursuant to part (a) of this condition.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

21/00817/FUL

WARD: Copnor

192 Laburnum Grove Portsmouth PO2 0EU

Change of use from dwellinghouse (Class C3) to six bedroom house in multiple occupation (Class C4).

LINK TO DOCUMENTS:

[21/00817/FUL | Change of use from dwellinghouse \(Class C3\) to six bedroom house in multiple occupation \(Class C4\). | 192 Laburnum Grove Portsmouth PO2 0EU](#)

Application Submitted By:

Chris Flint Assocs. LTD
FAO Chris Flint

On behalf of:

Mrs S Flint

RDD: 27th May 2021

LDD: 9th August 2021

1 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as a total of 14 letters of objection have been received.

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of the development
- Standard of accommodation
- Design and character
- Impact on residential amenity
- Highways and Parking
- Nitrates and recreational disturbance

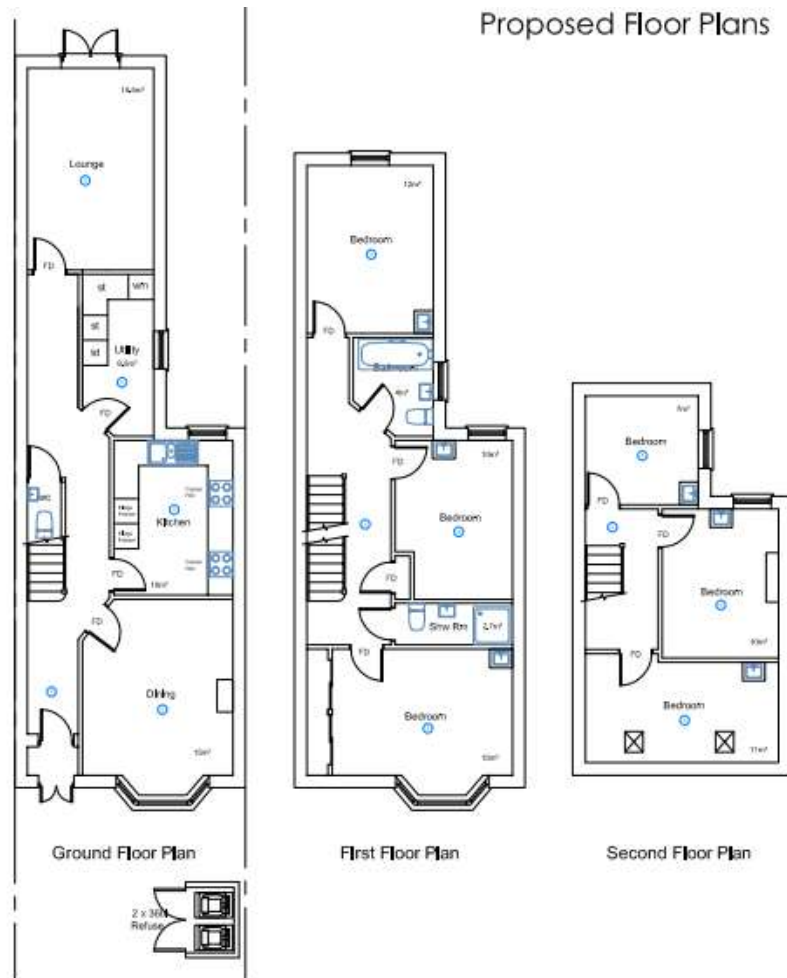
2. Site and Surroundings

2.1 This application property relates to a mid-terraced, two storey (originally) C3 residential dwelling, situated on the southern side of Laburnum Grove. The property has accommodation over three floors, with the assistance of rear roof extensions. The ground floor of the property presently contains a lounge, sitting room and kitchen dining room and WC. While the first floor contains three bedrooms, a separate bathroom and a separate shower room. The second floor level provides a further three bedrooms.

3. Development Proposal

3.1 Planning permission is sought for the change of use of the existing property from a dwellinghouse (Class C3) to a six bedroom house in multiple occupation (Class C4). The ground floor of the development would provide a separate lounge, dining room, kitchen and utility room. The first and second floor levels would remain unchanged with three bedrooms at first floor level and a further three at second floor. The separate bathroom and a separate shower room would be retained on the first floor.

- 3.2 The accompanying site plan indicates that a cycle store would be provided at the rear of the property with provisions for up to 6 cycles. Refuse provisions are also to be provided at the site frontage.



4. Planning History

- 4.1 The application property has no relevant planning history

5 **Consultations and Representations**

Representations

- 5.1 Following neighbour notification a total of 12 Letters of objection were received from residential properties. A further 2 representations were received from unknown addresses.
- 5.2 A summary of the issues raised were as follows:

- Current occupiers are noisy
- Rubbish bags are left outside of the property
- The property appears to already be in use as a HMO
- Proposal will increase congestion and burden on resources
- The plans indicated that other rooms could be used in the future as bedrooms
- Other existing HMO's adjoining the property
- The property has been overdeveloped as 6 bedroom house
- Too many HMO's in the area

- 5.3 Cllr Benedict Swann commented that:
The HMO record needs to be updated in order to ensure that it remains up to date. concerned that 'these type's' of applications do not benefit the community and that they bring huge detriment to the area with a massive strain being put on the local area, road congestion and loss of parking.

Consultations

- 5.4 Private Sector Housing:
Response being sought.

- 3.2 Highways Engineer:
Response being sought.

6 **Development Plan**

- 6.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are:

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

- 6.2 Other Guidance:

National Planning Policy Framework (2021)

National Planning Practice Guidance

The Parking Standards SPD

Technical Housing Standards - Nationally Described Space Standards.

The Houses in Multiple Occupancy SPD October 2019.

7 Principle of the use

- 7.1 Permission is sought for the change of use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) for up to six people. The property currently has a lawful use as a C3 Dwelling. For reference, a Class C4 HMO is defined as a property occupied by not more than six unrelated people who share basic amenities such as a kitchen or bathroom.

- 7.2 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 (October 2019), sets out how Policy PCS20 will be implemented and details of how the City Council will apply this policy to all planning applications for HMO uses.

- 7.3 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.

- 7.4 Based on information held by the City Council, of the 43 properties within a 50 metre radius of the application site, there are two confirmed properties identified as HMOs (one in use already, once consented in 2021 at no. 185). The application would bring the percentage of HMOs to approx. 6.98%, falling below the 10% threshold as stated within the SPD, whereby any more than 10% of HMOs in an area is considered to be imbalanced.

- 7.5 HMO data count



7.6 The HMO SPD October 2019 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application in this instance.

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

7.8 Standard of accommodation

	<u>(HMO SPD-Oct 2019)</u>	<u>Area Provided (sqm)</u>
Bedroom 1	6.5 -	12m2
Bedroom 2	6.5 -	10m2
Bedroom 3	6.5 -	15m2
Bedroom 4	6.5 -	7m2
Bedroom 5	6.5 -	10m2
Bedroom 6	3.74	11m2
Kitchen	11	10m2
Lounge	14	14.5m2
Dining	14	15m2
Utility Room	-	6.5m2
Bathroom	3.74	4m2
Shower Room	-	2.7m2

WC	-	2m2
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- 7.9 With regard to the required standards set on pages 8 and 9 of the HMO SPD (Oct 2019) and page 4 of the HMO SPD (Sept 2018) it is considered that all the bedrooms and the combined three communal living spaces (kitchen, dining, lounge) would be acceptable when compared to the minimum space requirements. Further, they all benefit from a good standard of light, outlook and a suitable layout. While the kitchen is 1sqm below the standard, there is a good-sized utility room as an extra, accommodating equipment and providing space that would normally be in the kitchen. All the bedrooms exceed the standards. The sanitary facility rooms meet the SPD standards.
- 7.10 Design and character
- 7.11 The development proposal would not alter the footprint or the external appearance of the existing building. The absence of alterations would ensure that the change of use would have a neutral impact upon the character and appearance of the existing building.
- 7.12 For these reasons the development proposal would have a neutral impact upon the character and appearance of the existing property or that of the Laburnum Grove street scene. The proposal would thus accord with PCS23 (Design and Conservation) of the Portsmouth Plan in this regard.
- 7.13 Impact on residential amenities
- 7.14 The development proposal would not result in any alterations to the building and thus would not impact upon the amenities of neighbouring properties by way of light loss or overbearing presence.
- 7.15 It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) that HMOs often result in an increased number of neighbour complaints. A number of the representations received make reference to additional parking congestion, noise, disturbance and anti-social behaviour. Currently, there are only two confirmed HMOs identified within the 50m radius of the site.
- 7.16 Whilst noise may be increased, the introduction of a HMO in this location would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one HMO would not be significantly harmful at this particular point in time.
- 7.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Classes C4. For these reasons, the proposal would accord with PCS23 (Design and Conservation) of the Portsmouth Plan in this regard.
- 7.18 Highways
- 7.19 Portsmouth's residential parking standards expect that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ sui generis) with more than 4 bedrooms should provide 2 car parking spaces per dwelling. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street.
- 7.20 Where an application property already has 4 or more bedrooms, the expected parking demand of a HMO(sui generis) would be the same as the existing use as per SPD standards and as such would not be required to provide any further spaces despite an increase in the number of bedrooms.

- 7.21 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4 bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO, the cycle parking provision required would remain the same as the current use. These spaces can be secured by condition.
- 7.22 Nitrates and recreational disturbance
- 7.23 Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse with no upper limit on household) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such the proposal would not necessarily result in an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.
- 7.24 In terms of recreational disturbance mitigation, the Solent Recreation Mitigation Strategy (December 2017) recognises that: "due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order)". Consequently, contribution towards recreational disturbance mitigation would not be required in this case.
- 7.25 Refuse collection
- 7.26 The accompanying site plan indicates that a secure bin store would be provided at the front of the property
- 7.27 The storage of refuse and recyclable materials would remain unchanged, located within the front forecourt. An objection on waste grounds would not form a sustainable reason for refusal. This would also be secured and controlled as part of the required HMO licence.
- 7.28 Conclusion
- 7.29 In conclusion, the proposed development would not result in an intensification of HMO uses within the site's immediate vicinity, the proposal is not considered to result in an adverse impact upon the amenities enjoyed by the occupants of neighbouring properties. The proposal would also have a neutral impact upon the character of the area. The development is therefore considered to be in accordance with the Portsmouth Plan and relevant guidance in the National Planning Policy Framework.

8 Recommendation: Conditional Permission

8.1 Conditions:

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

Reason:

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

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawing: CFA 01

Reason:

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

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason:

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

