



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 2 AUGUST 2023 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services
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.

Please note the public health requirements for attendees at the bottom of the agenda.

Planning Committee Members:

Councillors Chris Attwell (Chair), Lee Hunt (Vice-Chair), Hannah Brent, Peter Candlish, Raymond Dent, Asghar Shah, John Smith, Judith Smyth, Mary Vallely and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Matthew Atkins, George Fielding, Lewis Gosling, Ian Holder, Mark Jeffery, Steve Pitt, Darren Sanders, Russell Simpson and Daniel Wemyss

(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

1 Apologies

2 Minutes of the previous meeting held on 12 July 2023 (Pages 5 - 20)

RECOMMENDED that the minutes of the meeting held on 12 July 2023 be agreed as a correct record.

- 3 Declaration of Members' Interests**
- 4 23/00556/DOC - Southsea Seafront from The Pyramids in the West to Speakers Corner in The East (Pages 21 - 30)**
- Application to seek approval of details reserved by conditions 2 (Phasing Plan), 3 (Potential for soil contamination), 5a and b (Archaeology), 17 (Soft landscaping scheme), 19 (Drainage), 20 (Construction Environmental Management Plan), 21 (Construction Traffic Management Plan), 22 (External lighting), 23 (Street furniture and walls), 25 (Hard surfacing materials), 30 (Reinstatement of listed shelters), 35 (Scale of secondary defences) and 37 (Scale of primary defences) of planning permission 22/01720/VOC.
- 5 22/00775/HOU 19 Garden Lane, Southsea PO5 3DP (Pages 31 - 38)**
- Construction of single storey rear extension (including mezzanine level) to provide annexe accommodation, following partial removal of existing single storey outbuilding.
- 6 23/00498/FUL - 16 North End Avenue, Portsmouth PO2 9EB (Pages 39 - 50)**
- Change of use from dwellinghouse (Class C3) to a 7-bed/7-person House in Multiple Occupation, with changes to rear fenestration.
- 7 23/00610/FUL - 1 Oliver Road, Southsea PO4 9BY (Pages 51 - 62)**
- Change of use from a Class C3 dwellinghouse to a 8-bed/8-person House in Multiple Occupation; construction of single storey rear extension following removal of existing and garage and construction of boundary wall (resubmission of 23/00099/FUL).
- 8 23/00244/FUL - 35 Pembroke Road, Portsmouth PO1 2NS (Pages 63 - 70)**
- Change of use from dwellinghouse (Class C3) to governmental offices (Class E(g)(i)), external alterations to include replacement windows and porch; installation of access ramp, landscaping and new car park facilities.
- 9 23/00684/FUL - H & E Car Spares (breakers Yard) Alchorne Place, Portsmouth PO3 5QL (Pages 71 - 76)**
- Change of use from car breakers yard (Sui Generis) to waste vehicle storage (Class B8) incorporating adjoining properties into a single planning unit (following demolition of existing boundary walls and outbuildings); installation of security fences to west and east boundaries.
- 10 23/00487/FUL - Amenity Area, The Hard, Portsmouth PO1 3PU (Pages 77 - 82)**

Construction of memorial obelisk.

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- 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 any 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.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell 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 still 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 protects us from coughs, colds and winter viruses, including Covid-19.
- 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.

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

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 12 July 2023 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 (Chair)
Lee Hunt (Vice-Chair)
Hannah Brent
Peter Candlish
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
Gerald Vernon-Jackson CBE

Welcome

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

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

82. Apologies (AI 1)

Apologies were received from Councillor Raymond Dent.

Councillor Hunt apologised that he needed to leave the meeting at 12:30.

Councillor Brent apologised that she needed to leave the meeting at 14:45.

The meeting was adjourned for a short break at 13:11 and recommenced at 13:26.

83. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

84. Minutes of the previous meeting held on 21 June 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 21 June 2023 be agreed as a correct record.

Planning Applications

The Supplementary Matters report and the deputations (which are not minuted) can be viewed on the council's website at:

Agenda for Planning Committee on Wednesday, 12th July, 2023, 10.30 am Portsmouth City Council

The Chair advised that he would be amending the order of the agenda; the applications were considered in the following order:

Item 1: Tipner East Land off Twyford Avenue and Tipner Lane, Portsmouth
Item 7: 39 Wykeham Road, Portsmouth PO2 0EG
Item 10: 13 Shadwell Road, Portsmouth PO2 9EH
Item 9: 15 Shadwell Road, Portsmouth PO2 9EH
Item 8: 12 Thurbern Road, Portsmouth PO2 0PJ
Item 5: 137 London Road, Portsmouth PO2 9AA
Item 6: 127 Powerscourt Road, Portsmouth PO2 7JQ
Item 11: 232 Queens Road, Portsmouth PO2 7NG
Item 12: 28 Hudson Road, Southsea PO5 1HD
Item 13: 3 Pains Road, Southsea PO5 1HE
Item 14: 36 Montgomerie Road, Southsea PO5 1ED
Item 15: 4 Chalkridge Road, Portsmouth PO6 2BE
Item 16: 30 Telephone Road, Southsea PO4 0AY

However, for ease of reference the minutes will remain in the original order.

85. 21/01357/FUL - Tipner East Land off Twyford Avenue and Tipner Lane, Portsmouth (AI 4)

Construction of 221 dwellings, new accesses onto Tipner Lane and Twyford Avenue, internal access roads & cycleways, open space, parking and associated infrastructure, including potential linkages to the proposed residential development to the north, existing residential development to the south and to the existing and proposed enhanced park & ride facilities to the west. The proposal constitutes EIA Development (revised scheme).

Edward Chetwynd-Stapylton presented the report and drew Members' attention to the information in the Supplementary Matters report.

He advised the application had previously been presented to the committee on 21 May but it had been deferred for further information to be obtained on flood risk mitigation, predicted traffic volumes and clearer illustrations on some aspects of the plan.

Deputations

Jeffery Hector - objecting.

Cliff Lane (agent) on behalf of the applicants, Bellway Homes,

Members' questions

In response to Members' questions, officers clarified:

- Bellway Homes had agreed to a condition on the installation of bollards. There was no sound planning reason to require the bollards are placed anywhere other than where the applicant was proposing. To do so may cause unintended

consequences or further interference with private law rights that are unknown at the present time.

- The applicant would be able to apply for the removal of the condition. This would have to go through the full planning process and the merits or otherwise of the removal would be considered at that point.
- The restrictive covenant needed to be serviced by Bellway Homes. The condition would require approval of the bollards from planning from a design and utility point of view.
- Travel through Tipner Lane would not initially be available. The part of the site to the west would only have access or egress from and via Tipner Lane.
- The Planning authority have no engagement in relation to resident parking permits. There was clear guidance that it was not appropriate for planning permission to prevent access to residents parking permits.
- The restrictive covenant was a private legal matter which was out of the control of the Town and Country Planning Acts. Any removal of the covenant would be a matter for the two landowners. This means there may be a possibility in the future that the covenant would be removed.
- Bellway Homes had not been asked if they would place the bollards at the entrance from Tipner Lane into the spinal road. The placement on the planning application would only allow housing adjacent to the north/south extension to Tipner Lane and the houses facing south on the northern side, access through Tipner Lane.
- The floor level of 4.6 metres would be consistent across both the Bellway and Vivid sites. This was 30cm above the highest predicted climate change flood level.
- Bellway Homes were required, by a condition, to make a pro-rata contribution to public transport.
- Conditions would be imposed requiring hard and soft landscaping schemes to be submitted for approval by the Council.
- Conditions in relation to biodiversity, permeable surfaces in parking areas and surface water drainage schemes would be considered in later plans. Final wording of conditions was yet to be finalised with the recommendation being to delegate this to the Head of Planning Services.
- There was no guarantee that at some point in the future there would not be through traffic. This was not currently part of the scheme, but traffic modelling suggested it would be far quicker to take the straight route through to Twyford Avenue rather than taking back streets.
- The finished floor level of the site would be one foot above the modelled flood risk height so there was no longer a flood risk associated with the site.
- Access to the M275 did not form part of the application.

Members' comments

Members considered the development to be essential for the city's housing needs and welcomed it.

They noted that local residents have welcomed over 1000 new homes having recognised the need for homes and affordable housing. There was concern about the possibility of traffic coming down through Tipner Lane into the community and the splitting of the new site 20% / 80% through the positioning of the bollards.

An additional condition was proposed that the bollards be placed at the junction of Tipner Lane with the western end of the spinal road, to protect the residential amenity, quiet and enjoyment of peoples' lives in Tipner Lane and the surrounding roads. Officers recommended condition of a trigger point prior to any works above damp-proof course.

Officers noted there was no planning or highway reason for the condition but accepted members' request for the condition and allowing for accessibility of buses.

RESOLVED to:

Approve in accordance with the officer recommendations with an additional condition relocating the proposed bollards, but also allowing bus access through them, with a trigger point of 'prior to any works above damp proof course' or similar wording delegated to officers.

- 1. Grant planning permission subject to conditions and a S106 agreement.**
- 2. Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions and finalise the S106 agreement in accordance with the draft heads of terms.**
- 3. Delegate authority to the Assistant Director of Planning and Economic Growth to refuse planning permission if a legal agreement has not been satisfactorily completed within six months of the date of this resolution.**

ASSISTANT DIRECTOR BRIEFING

The Assistant Director, Ian Maguire gave a briefing on the key issue of material considerations prior to commencing the HMO part of the committee.

Of note, was the precedents that had been clearly set by previous appeals, Campbell and Lane which judged that, on individual cases, planning permission had not been required as the minor increase in occupancy was not a material change of use. Applying this precedent, the cases listed on the agenda had had their merits considered and the same officer decision reached, on the individual merits, that they did not require planning permission as the increase was only one or two occupants. There were also applications on the agenda that did require planning permission and again this had been decided on the merits of the individual case.

The Assistant Director stressed the need, should members come to a different planning judgement to that recommended in the application, to express the facts on a bespoke and individual basis. The use of wording by rote had previously resulted in cost being awarded against the council in the Lane decision. He strongly urged members not to utilise a form of wording by rote and instead look at individual appropriate wording based on the individual characteristics of the application before them to make a robust and reasonable judgement.

- 86. 19/00595/FUL - 137 London Road, Hilsea, Portsmouth PO2 9AA (AI 5)**

Change of use of part of ground floor and upper floors from a five bedroom/five person house of multiple occupation to a five bedroom/seven person house of multiple occupation (Sui Generis); to include construction of part single/part two storey rear/side extension; dormer to rear roofslope and associated cycle and refuse stores (note amended description)

The Assistant Director presented the report and noted that officers had decided that this did not require planning permission as it was not considered a material change of use.

Deputations

A deputation was made by Henry Thorpe objecting to the application.

Members' questions

In response to Members' questions, officers clarified:

- The daylight to the communal space was via the double doors to the rear of the property and the windows within the flat roof. It was immediately adjacent to a single storey building so the light was unobstructed around the front of the terrace. The rear garden only received light in the latter part of the day.
- The void in bedroom 5 was an area of existing building that was not habitable space - it was the gap between the internal and external wall.
- The square markation in bedroom 2 could be the mark of a previous wall that would be coming out as part of the orientation of the internal space.
- Bikes would be stored in the garden on the vertical hanging bicycle storage rack.
- An increase of 5 - 6 people was open to the applicant, but the committee had to apply their judgement on the application as submitted - 5 - 7 people.

Members' comments

Members considered there was not enough room for 7 people in the property due to the small size of bedroom 5 which falls below the space standards.

They also considered the fact that the rooms are not regularly shaped which specifically would be grounds for rejecting the application.

Planning Permission

Members stated the proposal was considered development as it was moving above the 6 persons as an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area.

The Assistant Director advised against using this wording as, in accordance with the Lane Judgement, it would inevitably be judged as an unreasonable reason due to the lack of specificity to the application.

The final wording in respect of the reason for refusal was delegated to Officers.

RESOLVED:

- 1. That the planning application required planning permission.**
- 2. To refuse planning permission on the basis that:**

- a) **The size of the accommodation provided in bedroom 5 was insufficient to provide occupants with amenity in preference or in addition to the communal living space and therefore overall the development is not considered to provide a good standard of living environment for those occupants contrary to PCS23 of the Portsmouth Plan.**
- b) **The development would have an unmitigated likely significant effect on the Solent SPA through recreational disturbance and increased eutrophication contrary to the Habitats Regulations.**

87. 21/01417/CPL - 127 Powerscourt Road, Portsmouth PO2 7JQ (AI 6)

Application for a certificate of lawful development for existing use as house in multiple occupation with 7 beds.

The Assistant Director presented the report and advised the only question that needed to be considered was whether the application required planning permission or not.

Deputations

There were no deputations.

Members' questions

In response to Members' questions, officers clarified:

- Nothing had changed since the previous refusal to a 7 bed HMO on the basis of the inadequacy of the communal space. The Planning Inspector had made no consideration in respect of the impact of the increase and no statement to indicate whether he had given any consideration as to the need for planning permission. The inspector had only considered that the merits of the case were unacceptable.
- The application for a Certificate of existing lawful use was because the applicant did not consider the use requires planning permission as this was not a material change of use.
- Whether or not the property was licensable did not come under the Planning department.

Members' comments

Members noted the lack of ensuite bathrooms, which was unusual, and the small size of the rooms. Adding a seventh bedroom would affect the combined living space available. The development was considered very small, and 6 occupants was enough.

Members considered that the proposal was considered development as it was moving above the 6 persons as an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area.

RESOLVED to refuse a certificate of lawfulness.

88. 22/01076/FUL - 39 Wykeham Road, Portsmouth PO2 0EG (AI 7)

Change of use from six bed house in multiple occupation (Class C4) to house in multiple occupation for seven persons (Sui Generis)

The Assistant Director presented the report.

Deputations

Deputations were made by:

Henry Thorpe, objecting.
Councillor Daniel Wemyss
Councillor Ben Swann
Maisie Durrant for the Agent (Applecore)

Planning Permission

Members considered the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building within a highly built up terrace street and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area.

Members were advised by officers that the wording was simply paraphrasing of wording used previously. In addition, the assertion by a committee member that class C4 only allows up to 6 people and that any more than that is by definition a change of use was not correct and the committee should not base their judgement on that.

Members' questions

In response to Members' questions, officers clarified:

- Planning does allow for incremental growth over time, but members should not impose control over the numbers of occupants in an HMO despite having imposed these conditions before. The main control of occupancy is via private sector housing licencing.
- The property was currently a 6-bedroom house but it may, historically, have been a 3 bedroom house.
- In relation to combined living space, the guidance says there must be 34 square metres for a 6 or 7 bed HMO. If all the bedrooms were over 10 square metres, then the combined living space can be 22.5 square metres.
- The HMO database was constantly kept up to date by planning applications, licensing applications, through third party intervention and reporting and from ward member and neighbour notifications.
- The proposal involved no operational development so any overshadowing or criminal trespass through scaffolding would be a matter that was covered by permitted development.
- Bin storage would be in the front garden as was the current case.

- If no cycle storage was in the application this could be addressed through a condition.

Members' comments

Members noted that all the space standards had been complied with and all rooms were ensuite. The application was considered one of the better ones and members were happy to propose conditional permission with a limit of 7 people.

There was a concern about the number of HMOs in this particular area.

RESOLVED to grant conditional permission as per the conditions indicated in the report with additional conditions on cycle storage and limiting occupation to a maximum of 7 occupants.

89. 22/01152/FUL - 12 Thurbern Road, Portsmouth PO2 0PJ (AI 8)

Change of use from Class C3 (dwelling house) to 7-person house in multiple occupation (Sui Generis)

The Assistant Director presented the report. He noted that this application required planning permission.

Deputations

Deputations were made by:

Cllr Russell Simpson
Cllr Daniel Wemyss

Members' questions

In response to members' questions, officers clarified:

- Matters such as soundproofing are not dealt with by Planning. Building regulations would require an appropriate level of sound resistance for the internal walls.
- Bedroom 2 was 8.725 square meters if excluding the area which is the hallway. Bedroom 3 was 7.6 square meters.

Members' comments

Members considered the internal corridors within the rooms should not be counted as living space. Two of the rooms were not of the dimensions claimed due to this. Therefore, the communal space would be relied on more heavily by these rooms, making the combined communal space insufficient.

There were concerns that a desk could not be fitted into these rooms.

The final wording in respect of the reason for refusal was delegated to Officers.

RESOLVED to refuse planning permission for the following reasons:

1. **The layout of the accommodation and resultant usable floorspace provided in bedrooms 2 & 3 is insufficient to provide occupants with amenity in preference or in addition to the communal living space, and**

therefore overall the development is not considered to provide a good standard of living environment for those occupants contrary to PCS23 of the Portsmouth Plan.

2. The development would have an unmitigated likely significant effect on the Solent SPA through recreational disturbance and increased eutrophication contrary to the Habitats Regulations.

90. 22/01559/FUL - 15 Shadwell Road, Portsmouth PO2 9EH (AI 9)

Change of use from dwelling house (Class C3) to 8-person house in multiple occupation (Sui Generis)

The Assistant Director presented the report and drew Members' attention to the information in the Supplementary Matters report. He advised the application does require planning permission.

Deputations

Deputations were made by:

Henry Thorpe objecting
Councillor Daniel Wemyss objecting
Maisie Durrant for Agent (Applecore)

Members' questions

In response to members' questions, officers clarified:

- The previous change of use which was consented had four bedrooms, a separate kitchen and separate dining space. A condition was imposed on the basis that occupancy more than 4 would not meet the standards because of the room sizes versus communal space. This was agreed on appeal by the inspector. There had now been a substantial extension to the rear to change that into a combined living space and alter the number of bedrooms.
- The planning SPD allowed for 34 square meters of communal space if all the bedrooms were over the necessary size. Up to 10 people could occupy the accommodation and comply with the planning standards.

Members' comments

Members considered there was no justifiable reason to refuse the application.

RESOLVED that the Secretary of State be advised, in respect of the ongoing appeal, that the Local Planning Authority would have concluded that the application be granted subject to the satisfactory completion of a legal agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution and conditions - Time limit, Approved plans, Cycle Storage and completion of permitted development works

91. 22/01643/FUL - 13 Shadwell Road, Portsmouth PO2 9EH (AI 10)

Change of use from house in multiple occupation (Class C4) to an 8 bedroom house in multiple occupation (Sui Generis) (resubmission of 21/01622/FUL)

The Assistant Director presented the report and drew Members' attention to the information in the Supplementary Matters report.

Deputations

Deputations were made by:

Henry Thorpe objecting,
Councillor Russell Simpson objecting
Maisis Durrant for agent (Applecore)

Planning Permission

Members considered that the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building within a highly built up terrace street and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area in respect of 13 Shadwell Road

Officers advised caution in using the same phraseology as before.

Members' questions

In response to members' questions, officers clarified:

- The SPD guidance does consider 3 HMOs in a row and 2 sandwiching a home in the middle. The applications for 13 & 15 Shadwell Road do not fall foul of the SPD.
- 13 & 15 Shadwell Road already have permission to be HMOs so are included in the HMO count for the area. Number 16 has applied to be an HMO but does not yet have permission. Number 9 is a dwelling house. If all the properties became HMOs the percentage would not be above 5%.

Member's comments

Members considered that as the space standards have all been adhered to there was no reason to refuse the application, but the application should be limited to 8 persons.

RESOLVED that the Secretary of State be advised, in respect of the ongoing appeal, that the Local Planning Authority would have granted conditional permission.

92. 23/00080/FUL - 232 Queens Road, Fratton, Portsmouth PO2 7NG (AI 11)

Change of use from purpose falling within dwelling house (Class C3) to a 7 bedroom house in multiple occupation (Sui Generis) [note change of description]

The Assistant Director, PCC Regeneration, presented the report and drew Members' attention to the information in the Supplementary Matters report. He noted that the application did require planning permission and recommended the addition of a

further condition to say that the work should be fully completed prior to the first occupation for the 7 bed HMO.

He drew attention to another typo within the report on the size table at the top of page 87. The ensuite for bedroom 7 does comply fully with the space standards.

Deputations

Deputations were made by:

Henry Thorpe objecting.
Simon Hill for applicant

Members' questions

In response to members' questions, officers clarified:

- The dotted line on the plan for bedroom 4 was the ridge of the room so the whole room was accessible. The three rectangles were Velux windows in the roof slope rising up to the highest point of the room. The room was above the acceptable space standards at 10.415 square meters.
- There was a bifold door in the communal kitchen/dinning room leading to the outside space. The rear wall of the building opened up.
- Cycle storage would be secured through a condition.
- The existing property had a small lounge where bedroom 2 was. There was a rear extension going in and the square staircase would be reorientated to a rectangular staircase. The marks on the plan were the current previous walls and square staircase.

Members' comments

There were no comments.

RESOLVED to grant conditional planning permission.

93. 22/01610/FUL - 28 Hudson Road, Southsea PO5 1HD (AI 12)

Change of use from a six bedroom house in multiple occupation (Class C4) to a 7 bedroom house in multiple occupation (Sui Generis) [note amended description]

The Assistant Director presented the report.

Deputations

A deputation was made by Maisie Durrant for the applicant.

Planning Permission

Members considered the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area.

Officers reiterated their earlier advice regarding the use of the wording as applied previously.

Members' questions

In response to Members' questions, officers clarified:

- The ground floor shower room had now been omitted to allow for the expansion of bedroom 6. Some of bedroom 5 had been re-provided to bedroom 4 and the shower room on the second floor had been slightly reduced to give more space to bedroom 1 to ensure compliance with the space standards.

Members' comments

Members were happy to agree planning permission as the property met the space standards with ordinary, normal sized and shaped rooms. The occupancy was to be limited to 7 people.

RESOLVED to grant conditional permission as per the officer recommendation with additional conditions relating to cycle storage and limiting occupancy to 7 people.

94. 22/01657/FUL - 3 Pains Road, Southsea PO5 1HE (AI 13)

Change of use from house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (Sui Generis)

The Assistant Director presented the report and drew Members' attention to the information in the Supplementary Matters report.

Deputations

A deputation was made by Maisie Durrant, for agent (Applecore)

Planning Permission

Members considered that the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact as well as impact on the Solent special protection area. In an area of extremely high number use as HMOs with over 40% in that road.

Members' questions

In response to members' questions, officers clarified:

- The long corridor on the plan of the proposed ground floor was a pathway down the side of the property with a gate shown at the rear of the pathway.
- The front door was on the side of the property.
- The lounge in the basement had a window leading to steps up into the rear garden. This was to provide light in accordance with the inspector's instructions and as a means of escape.

RESOLVED to grant conditional permission as per officers recommendations with additional conditions for cycle storage and limiting occupancy to 7 people.

95. 23/00089/FUL - 36 Montgomerie Road, Southsea PO5 1ED (AI 14)

Change of use from a six bedroom house in multiple occupation (Class C4) to 8 bedroom house in multiple occupation (Sui Generis)

The Assistant Director, PCC Regeneration, presented the report and drew Members' attention to the information in the Supplementary Matters report.

The appeal not yet started so jurisdiction remains with the committee.

Deputations

A deputation was made by Maisie Durrant, for agent

Planning permission

Members considered the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage, and amenity impact as well as impact on the Solent special protection area. Particularly in an area where there was over 30% HMO and this was originally a 2 bedroom house.

Members' questions

In response to members' questions, officers clarified:

- A bike is able to be taken through to the bike store at the back of the house. A bike can be taken through any space a human can get through - the bike can be stood on its rear wheel. There was no reasonable evidence to suggest that a bike could not be manoeuvred through the corridor as illustrated on the floor plan.
- The property had been inspected by the licensing team who made the professional judgement to grant a licence for 8 people in November 2022.

Members' comments

Members considered that half of bedroom 8 was not usable due to its layout in two parts with an ensuite. They considered there was unusable space in bedrooms 5 and 2 as well. Members noted bedroom 6 had a very long corridor which reduced its size. The reduction in usable space in these bedrooms rendered the communal space too small. Members proposed refusal on this basis. The final wording in respect of the reason for refusal was delegated to Officers.

RESOLVED to refuse planning permission because:

- 1. The size of the accommodation in bedrooms 1, 2, 3 and 8 was insufficient to provide occupants with amenity in preference or in addition to the communal living space, and therefore overall the development is not considered to provide a good standard of living environment for those occupants contrary to PCS23 of the Portsmouth Plan.**

2. The development would have an unmitigated likely significant effect on the Solent SPA through recreational disturbance and increased eutrophication contrary to the Habitats Regulations.

96. 23/00112/FUL - 4 Chalkridge Road, Portsmouth PO6 2BE (AI 15)

Change of use from a purpose falling within dwelling house (Class C3) to a 7 person house in multiple occupation (Sui Generis) [note change of description]

The Assistant Director presented the report. The property has planning permission to be C4 which had not yet occurred, so the application was for C3 to C4 which required planning permission.

Deputations

A deputation was made by Mr Joseph Williams, the applicant.

Members' questions

There were no questions.

Members' comments

Members agreed to grant planning permission with a limit of 7 people.

RESOLVED to grant conditional permission as per officer recommendations with a limit of 7 people.

97. 23/00524/FUL - 30 Telephone Road, Southsea PO4 0AY (AI 16)

Change of use from 6-bed/6-person house in multiple occupation to a 7-bed/7-person house in multiple occupation

The Assistant Director presented the report.

Deputations

A deputation was made by Maisie Durrant for agent

Planning Permission

Members considered the proposal was considered development as the current C4 approval was for 6 persons in an HMO and the extension to additional people had the potential effect to increase the intensity of the use of the building and the corresponding increase in the impact on other residents of parking, noise, waste, sewerage and amenity impact in an area which is already over 40% of houses that are HMOs as well as impact on the Solent special protection area.

Members' questions

There were no questions.

Members' comments

Members proposed approval of planning permission with additional conditions of limiting to 7 people and the addition of a cycle store.

RESOLVED to grant conditional permission as per officer recommendations with additional conditions for cycle storage and limiting occupancy to 7 people.

The meeting concluded at 3.32 pm.

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Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

23/00556/DOC

WARD: ST THOMAS

SOUTHSEA SEAFRONT FROM THE PYRAMIDS CENTRE IN THE WEST TO SPEAKERS CORNER IN THE EAST

APPLICATION TO SEEK APPROVAL OF DETAILS RESERVED BY CONDITIONS 2 (PHASING PLAN), 3 (POTENTIAL FOR SOIL CONTAMINATION), 5A AND B (ARCHAEOLOGY), 17 (SOFT LANDSCAPING SCHEME), 19 (DRAINAGE), 20 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN), 21 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN), 22 (EXTERNAL LIGHTING), 23 (STREET FURNITURE AND WALLS), 25 (HARD SURFACING MATERIALS), 30 (REINSTATEMENT OF LISTED SHELTERS), 35 (SCALE OF SECONDARY DEFENCES) AND 37 (SCALE OF PRIMARY DEFENCES) OF PLANNING PERMISSION 22/01720/VOC

WEBLINK: THE PLANS AND DOCUMENTS ASSOCIATED WITH THE APPLICATION CAN BE VIEWED [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RU50FNMOIK00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RU50FNMOIK00)

Application Submitted By:
Portsmouth City Council

On behalf of:
Portsmouth City Council
Coastal Partners on behalf of Portsmouth City Council

RDD: 5th May 2023
LDD: 10th July 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The Southsea Coastal Scheme is a Flood and Coastal Erosion Risk Management (FCERM) scheme to upgrade the existing coastal defences along a 4.5km length of frontage at Southsea. It extends from Long Curtain Moat in the west to the Eastney Barracks in the east.
- 1.2 A planning application, 19/01097/FUL, for the flood defence works was submitted in July 2019. It constituted Environmental Impact Assessment (EIA) development and was accompanied by an Environmental Statement. It was determined by the Planning Committee on 4 December 2019 and planning permission granted, subject to conditions. The decision notice (dated 5 December 2019) includes the conditions worded such that the required information could be submitted and approved prior to each phase of flood defences commencing.
- 1.3 At that Planning Committee meeting, Members also requested that certain conditions, relating to public realm elements, came back to Members for a decision rather than being determined under officer's delegated powers. The specified conditions were:
 - 17 - SOFT LANDSCAPING SCHEME
 - 22 - EXTERNAL LIGHTING
 - 23 - STREET FURNITURE AND WALLS
 - 25 - HARD SURFACING MATERIALS
- 1.4 The conditions on the original planning decision notice, and those repeated on the new S.73 decision notice were drafted such that the required information could be submitted and approved prior to each phase commencing. The Applicants are now seeking to discharge the relevant planning conditions in order to commence construction Phase 3 of

the scheme. Phase 3 comprises of part of sub-frontage 5 (known as sub-frontage 5 west (The Pyramids Centre to Speakers Corner).

2.0 SITE DESCRIPTION

2.1 The Southsea Seafront stretches for 4.5 km from Long Curtain Moat in the west to Eastney Esplanade in the East. This application relates to Sub Frontage 5 (SF5) which is the section between The Pyramids Centre and South Parade Pier as shown, highlighted, below. :



3.0 POLICY CONTEXT

3.1 The relevant policies within The Portsmouth Plan would include:

- PCS9 (The Seafront)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS14 (A Healthy City)
- PCS16 (Infrastructure and community benefit),
- PCS17 (Transport)
- PCS23 (Design and Conservation)

3.2 In addition, the Seafront Masterplan SPD (adopted 19.8.21) and National Planning Policy Framework (updated 20 July 2021) are also relevant considerations.

4.0 STATUTORY DUTIES

4.1 The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:

- i. Section 70 of The Town and Country Planning Act 1990
- ii. Section 38(6) of The Planning and Compulsory Purchase Act 2004
- iii. The Equality Act 2010

5.0 RELEVANT PLANNING HISTORY

5.1 Of relevance to the determination of this application are (most recent first):

- i. 22/01720/VOC - Application to vary condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (pyramids centre to speakers corner)
- ii. 21/00820/VOC - Application to vary condition 2 [approved plans] of planning permission 19/01097/FUL: flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II listed lamp columns, 3no. Grade II listed shelters and 6no. Grade II listed monuments, works affecting the grade II listed South Parade Pier, regrading and works to the grade II listed Southsea common and works to the grade I listed naval memorial [the proposal constituted an EIA development]. This application, under section 73 of the town and country planning act 1990, seeks approval of amended plans relating to sub-frontage 4 (Southsea Castle) and is accompanied by the original environmental statement [July 2019] with an addendum [May 2021]
- iii. 19/01097/FUL - Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development.

6.0 PROPOSAL

6.1 Approval is sought for the discharge of 13 conditions of planning permission 22/01720/VOC. At the Committee's request, four conditions addressing public realm elements are brought for its consideration, as set out below:

Condition No	Text & Reason	Documents submitted
17	<p>Soft Landscaping Scheme</p> <p>No development shall take place within each approved phase until there has been submitted to and approved by the Local Planning Authority a scheme of tree and any other relevant soft landscaping works; the scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted in the area of that phase. The approved tree works (and other planting where relevant) shall be carried out in the first planting season following the completion of the development within each approved phase. Any trees or plants which, within a period of 5 years from the date of planting in each approved phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>	<p>Condition Discharge Statement</p>

	<p>Reason: In the interests of visual amenity, to protect the biodiversity of the site and preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).</p>	
22	<p>External lighting No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed external lighting (including any proposed decorative/festoon feature lighting) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.</p> <p>Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site addressing an existing uneven distribution along the promenade and enhancing the sense of safety for all users by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).</p>	Condition Discharge Statement
23	<p>Street Furniture and walls No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed street furniture and secondary defence walls (including include refuse bins, signage, seating, bollards, railings and other means of enclosure) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.</p> <p>Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).</p>	Condition Discharge Statement
25	<p>Hard Surfacing Materials No works shall take place at each approved phase which involves the provision of promenade or other hard surfacing materials until details of the materials to be used in the relevant area have been submitted for the prior written approval of the local planning authority. Thereafter the works shall be fully implemented in accordance with the approved details. The details for approval shall include a detailed scheme of (a) type/texture/colour finishes (including any samples as may be necessary) including natural stone blocks at key public realm and historic areas; and (b) the proposed pattern treatments to add local distinctiveness within the floorspace at key public realm areas.</p> <p>Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated</p>	Condition Discharge Statement

	<p>heritage assets across the whole of the site and deliver attractive textural interest to the public realm by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2019).</p>	
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7.0 CONSULTATIONS

7.1 Relevant responses have been received from:

- i. Landscape Group - in summary, the landscape proposals have been developed in a consistent manner to marry in well with the neighbouring proposals for Phase 2 as well as what has been built at Long Curtain Moat already. All that gives confidence in anticipating what to expect next. A concern is raised however requesting that further work be done to ensuring that the planting installed is helped to establish. The planting at Long Curtain Moat has suffered due to human interaction and this sub frontage will be a popular and well used area. As such the planting and turfed areas will need protective measures to help them establish. Subject to replacement of the Tamarisk in the Rock Gardens and the introduction of a more diverse range of plants in the wildflower turfed verge at The Pyramids, the landscaping proposal are acceptable.
- ii. Environment Agency - no objection. Condition 20 (CEMP) can be discharged.
- iii. Highways Engineer - no objections
- iv. Natural England (Condition 20) - response of 'No comment'
- v. Historic England - response of 'No comment'
- vi. Heritage Consultant - Any comments received will be reported at the meeting.

8.0 REPRESENTATIONS

8.1 No third-party representations have been received. Applications for details reserved by planning condition(s) are not normally subject to publicity. Discretionary publicity by site notices were displayed seeking comments by 9 June 2023.

9.0 PLANNING CONSIDERATIONS / COMMENT

Condition 17 - Soft Landscaping Scheme

- 9.1 The applicant has stated that in response to public feedback, additional areas of soft landscaping have been incorporated into the scheme in this section. Raised planters to edge the back of the promenade seaward of the Rock Gardens will be installed along with large sunken boulders. Planted terraces will soften the area seaward of the Lifeguard building and The Briny, with more terraced planting at Speakers Corner. The scheme has also been amended to respond to the Landscape Group's comments.
- 9.2 The introduction of this planting will help to soften the general appearance and transition in levels along this section. The planting has been chosen to reflect the existing character of vegetated shingle along the seafront.
- 9.3 The planting bed will be made up of varying depths of flint gravel, providing a natural barrier against weeds and reducing future maintenance requirements.
- 9.4 There are three distinct species habits – evergreen, seasonal and annual wildflowers. The palette has been designed for the evergreen species to provide year-round structure

and colour. The seasonal plants are a mixture of those existing on the local beaches and additional plants with biodiversity interest. The annual wildflowers should be seen as providing sparks of colour throughout the year, their flowering periods will ebb and flow, changing locations year after year as they self-seed and colonise.

- 9.5 Amended landscape details proposing trees in front of The Pyramids has been welcomed by the council's landscape architect subject to the species being changed to Black Pine (*Pinus Nigra*) and Common Alder (*Alnus glutinosa*).

Condition 22 - External Lighting

- 9.6 Listed Building Consent has been granted for the removal and reinstatement of the historic lamp columns (see Figure 5 below) within the extent of sub-frontage 5 west. These will be spaced at appropriate intervals, with new, modern lighting placed in between to provide the appropriate level of lighting. The details regarding the methods of removal, refurbishment and reinstatement of the historic lamps are all covered by a separate condition (Condition 31).
- 9.7 A selection of four types/heights of modern lighting columns are proposed throughout sub-frontage 5 west, in addition to the historic lamps:
- 7m lighting columns with a metal, powder coated finish in Silk Grey (RAL7044) (drawing code LCL7)
 - 3m lighting columns with a metal, powder coated finish in Silk Grey (RAL7044) (drawing code LCL3)
 - 5m timber lighting columns comprising a metal base section (1.3m) with a square timber column above (drawing code LC1B)
 - 8m timber lighting columns comprising a metal base section (1.3m) with a square timber column above (drawing code LCO8)
- 9.8 The 5m timber columns (LC1B) feature at the western end of this section, at the transition between sub-frontage 5 west and subfrontage 2 (Southsea Castle), matching the new lamp columns approved around the east and Battery areas. The 7m metal 'stick' columns (LCL7) are then used as the main functional lighting columns, interspersed with the historic lamps. They are set further back towards the land on the promenade to allow the significance of the historic lamps to be maintained. The remaining columns (LCL3 and LCO8) are used when appropriate around Speakers Corner. The tall 8m LCO8 columns are used adjacent to the highway.
- 9.9 The proposed layout of all lighting columns and design details, which can be found in Appendix D (Lighting Plans) of the Condition Discharge Statement available to view on the website, are acceptable.

Condition 23 - Street Furniture and walls

- 9.10 As per the condition, details of materials proposed for the street furniture and secondary defence walls have been submitted. The street furniture for Phase 3/sub-frontage 5 west will follow the style and design of that already approved for other frontages of the scheme to ensure a consistent appearance along the seafront. Within this overall style though, each sub-frontage has bespoke features that have been designed for the specific character and context of the location. As with the previous street furniture proposals, everything has been designed and selected to both provide resistance to the harsh exposed coastal conditions of Southsea and complement the existing environment including the heritage assets.
- 9.11 This condition is considered to include all proposed street furniture, including:
- Seating:
With regard to seating, As per previous phases, the seating design comprises a mix of softwood timber benches in a variety of bespoke styles and configurations. Some

are stand-alone and some are built onto the terraces and secondary defence walls. The full proposed details can be found on the submitted plans.

The mix of seating, and in particular the terraced seating, is considered to help create a sense of place for this section; the applicant hopes that Speakers Corner will become a focal point and destination, rather than somewhere to pass through

- balustrading and handrails:
The design has been kept simple, with the provision of anodised aluminium in order to over-come existing problems of rust encountered by using steel and stainless steel. The handrails that accompany the various pedestrian steps are the same design as at SF1, consisting of powder-coated aluminium in RAL7044 (Silk Grey), with a clear coated kebony handrail top. The balustrading along the landward edge of the vehicle access ramp is proposed to be simple metal post and tension cable design in RAL 7044 (Silk Grey)
- bins:
Power coated bins that do not clutter the promenade will be provided, to match the other metal work,
- play area features:
The play area proposed at Speakers Corner would consist of various timber balance beams, surrounded by the planted terraces as shown in the illustration below:



Figure 12: Visual showing proposed play equipment

- 9.12 Lighting is considered under a separate condition (Condition 22 – see section 3.3) as are the works to the existing seafront shelters (Condition 31 – not covered by this statement).
- 9.13 The proposed details, summarised above are considered to be acceptable.

Condition 25 - Hard Surfacing Materials

- 9.12 The hard surfacing materials were discussed in great detail with Historic England in relation to the sections of the scheme around Long Curtain Moat and Southsea Castle, two scheduled monuments. It was agreed that two surface finishes would be used, one for around these significant heritage assets and one for the remaining promenade. Both finishes were an in-situ decorative aggregate but with different etched finishes. The 'historic' finish was a smoother 0.5mm etch, with the 'normal' promenade being a 3mm etch. This ensures that the historic areas are clearly visible, and that the seafront is coherent as a whole. The plate below (extracted from the application document) shows the approved two types of finish (the left and right photos).



Figure 14: In-situ decorative surfacing etch and aggregate finishes ranging from the 0.5mm (left) to approx. 3mm (right)

- 9.13 The shingle to be used in the aggregate finish is a locally sourced bespoke Southsea mix to ensure the finish blends well with the local context.
- 9.14 In terms of future maintenance requirements, the surfacing will outlast any other surface that could be used within such a harsh marine environment. By removing the requirement and reliance for regular future maintenance visits and repairs, the applicant is ensuring that a high-quality setting to the seafront is achieved and retained, for as long as possible
- 9.15 The full details of the proposed hard finishes can be found within the plans in Appendix F (Hard Works Plans) of the Condition Discharge Statement. However these are summarised below and are considered to be acceptable.
- Promenade surfacing – 3mm etch exposed aggregate finish, Southsea shingle mix, (matches SF1 surfacing east of Spur Redoubt)
 - Primary/secondary defence walls – smooth concrete in warm white (matches SF11 primary defence walls)
 - Stepped revetment/terraces – Etched concrete in warm white (matches SF1 stepped terraces) with timber slats where seating proposed
 - Speakers Corner – Coloured tarmac, buff, 6mm etched for pedestrianised areas.

10.0 Conclusion

10. On the basis of the information submitted with the application pursuant to these conditions and to their consideration above, the details submitted pursuant to Conditions 17, 22, 23 and 25 for this phase only are considered acceptable.
- 10.2 It should be noted that this application (23/00556/DOC) also seeks Officer delegated approval for the details submitted pursuant to the following conditions:
- i. Condition 2 - Phasing
 - ii. Condition 3 - Potential for Soil Contamination
 - iii. Condition 5A and 5B - Archaeology
 - iv. Condition 19 - Drainage Scheme
 - v. Condition 20 - Construction Environmental Management Plan
 - vi. Condition 21 - Construction Traffic Management Plan
 - vii. Condition 30 - Reinstatement of Listed Shelters
 - viii. Condition 35 - Scale of Secondary Defences
 - ix. Condition 37 - Scale of Primary Defences

RECOMMENDATION

Approve details submitted pursuant to Conditions 17, 22, 23 and 25

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Agenda Item 5

22/00775/HOU

WARD:ST THOMAS

19 GARDEN LANE SOUTHSEA PO5 3DP

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION (INCLUDING MEZZANINE LEVEL) TO PROVIDE ANNEXE ACCOMMODATION, FOLLOWING PARTIAL REMOVAL OF EXISTING SINGLE STOREY OUTBUILDING.

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RC6W53MOJXY00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RC6W53MOJXY00)

Application Submitted By:

Joseph Moser
Design Team Studios

On behalf of:

Mr and Mrs Claire Nee and Tom Ellis

RDD: 23rd May 2022

LDD: 25th July 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee due to a call-in request from Cllr Ian Holder following his discussions with residents regarding their concerns about the size of development, the effects on neighbouring gardens and the use of the new building. There is a concern that although stated as single storey, there is a mezzanine inside and to all intents and purposes may be a self-contained flat rather than an extension, and if it is going to be rented there is no additional parking.
- 1.2 The main issues for consideration in the determination of the application are as follows:
 - Design
 - Impact on neighbour amenities
 - Other material considerations
- 1.3 Site and surroundings
- 1.4 The site lies within the Castle Road conservation area, and abuts the Owens Southsea conservation area to the south. No.19 'Windsor Lodge' is identified within the local list of buildings of architectural or historic interest and is described as a 'red brick house with mansard roofs and round headed dormers, which is set gable end on to road behind wall and gateway', dating from c.1800/30.
- 1.5 The site is subject to an Article 4(2) Direction most notably removing permitted development rights with respect to alterations/demolition of boundary walls.
- 1.6 Garden Lane is a single lane cul-de-sac; the application site has on-site parking provision for 3+ cars behind double gates.

1.7 Proposal

- 1.8 The application seeks planning permission for the construction of a single storey rear extension (including a mezzanine level) to provide annexe accommodation, following partial removal of an existing single storey outbuilding.

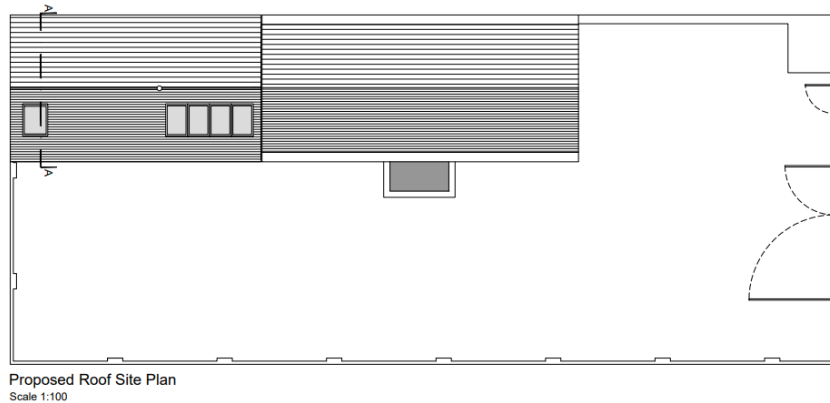


Figure 1 - Proposed Site/Roof Plan

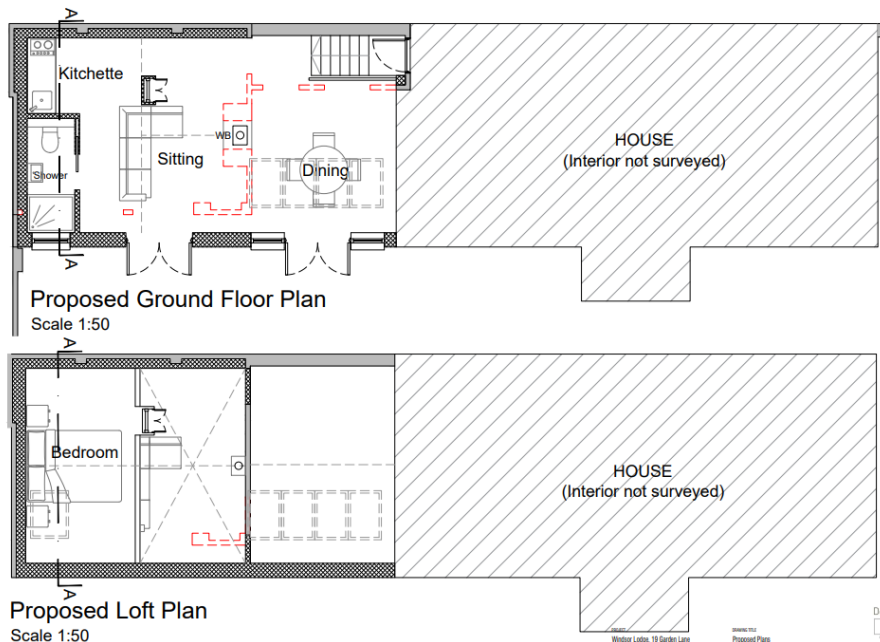


Figure 2 - Proposed Floor Plans

- 1.9 The description of development has been revised during the course of the application to more accurately reflect the proposal to include reference to the mezzanine and its intended use as annexe accommodation. The applicant has confirmed that their 'plans for the extension are simply to provide an extra room that is an integral part of the existing house, and which is not intended as a separate property'. An existing internal link from the house to the extension would be retained.
- 1.10 The application has been amended to remove west facing roof lights, and to demonstrate the retention of the southern boundary at a height of 2m, following the removal of the upper section which is currently part of the existing outbuilding.
- 1.11 External materials would comprise a slate roof to match the main house, the re-use of original bricks where they can be salvaged from the partial demolition of the existing building, and aluminium window and door frames.



Figure 3 - Existing Elevations



Figure 4 - Proposed Elevations

1.12 Relevant Planning History

1.13 None.

2.0 POLICY CONTEXT

- 2.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation) and PCS13 (A Greener Portsmouth).

3.0 CONSULTATIONS

- 3.1 Ecology - advise (on basis of findings of Phase II Bat Survey Letter Report - Ecosupport, May 2023) that the development is unlikely to result in a breach of the law protecting bats and therefore would raise no concerns. Suggested condition in event the LPA is minded to grant permission.
- 3.2 Contaminated Land Team - informative required to alert applicant of potential pollutant source nearby (former motor car engineer with registered petroleum storage).

4.0 REPRESENTATIONS

- 4.1 Seven representations (on behalf of 4 properties) have been received, objecting to the proposal on the following grounds:
- (a) Description is misleading given mezzanine element and height;
 - (b) Neighbours to south in Owens Southsea conservation area would be adversely affected/gardens backing on to site would feel more cramped/loss of light and impaired aspect/overlooking/concern about overall height;
 - (c) Noise from use of extension;
 - (d) Lack of clarity regarding the intended use of the extension; could be rented out/need condition or legal agreement ensuring it is tied to the main house;
 - (e) Lack of consideration for car parking provision;
 - (f) Question whether precedents in area for this type of development;
 - (g) Concern for bats in area due to extra noise and lights;
 - (h) Nutrient neutrality needs addressing, required for all forms of new overnight accommodation;
 - (i) Southern boundary wall should be retained in its entirety in the interests of privacy and heritage;
 - (j) Insertion of rooflights on western roof slope would affect privacy and property value of no.18.

5.0 COMMENT

5.1 Design

- 5.2 No.19 is a secluded two storey red brick period house which currently benefits from a fairly substantial but poorly maintained outbuilding attached to the south of the building. The building is a 'Locally Listed' (undesigned) heritage asset and the application site is located within the boundary of The Castle Road Conservation Area (No. 12), (and within the northern setting of the adjacent Owen's Southsea Conservation Area (No. 2)).
- 5.3 Architecturally/visually the existing linked outbuilding is of limited significance. It also does not appear to be of notable historic value. In light of this the principle of its removal/loss is considered acceptable in conservation/design terms.
- 5.4 The proposed new extension represents a larger and more substantial addition to the south. A simple 'contemporary' approach has been taken to styling - in particular to fenestration. Overall, although the proposal does add some height (and therefore greater mass/ bulk on the boundary), it is still considered to represent a rationalisation and simplification of form - which is considered a positive outcome in terms of its relationship to the house.

- 5.5 The external materials would match those existing and a condition is recommended to secure full details of the specific areas of the western boundary wall to be retained, the extent that reclaimed bricks can be used, details of any new brick type and colour, and bonding, mortar and striking details. Whilst the application site is not readily viewed from the public realm, given its conservation area location and the architectural/historic qualities of the building, it is considered appropriate to require these additional details to ensure an acceptable level of execution.
- 5.6 On the basis of the above it is considered that the addition would be appropriate in the context of the locally listed building itself and the character and appearance of both conservation areas.
- 5.7 Impact on Residential Amenity
- 5.8 The proposed extension is not considered to result in any significant loss of residential amenity to any surrounding residential properties to the east, west or south in terms of light, overshadowing, outlook, increased sense of enclosure, privacy, noise or disturbance given the orientation of surrounding development and intervening distances.
- 5.9 Other Material Considerations
- 5.10 Bats
- 5.11 Following receipt of third party representations referencing bats in the area, and the dilapidated condition of the existing outbuilding, it was considered that the site could potentially be a roosting location for bats. Progress of the application was delayed until a bat survey could be undertaken in the Spring of 2023. This report now supports the application which concludes 'A single dusk emergence bat survey conducted on 19 Garden Lane on the 18th May 2023 to confirm the likely absence of roosting bats. During the survey, no bats were recorded emerging from the building. Additionally, activity was relatively low and restricted to individual bats foraging and commuting. Species diversity was low with one species recorded throughout the survey. As bats were recorded foraging and commuting around the site, sensitive lighting for bats is recommended to minimise the impact to foraging bats and other nocturnal species during site operation. Finally, incorporating a bat brick into the new building has been recommended to enhance the site's value for wildlife and increase biodiversity in the local area'.
- 5.12 HCC Ecology is satisfied with the method of the survey and has no objection subject to the mitigation and recommendations within the report being implemented (a condition is recommended).
- 5.13 Parking
- 5.14 Given that no separate planning unit is to be created as a result of the proposed extension, there is no requirement for additional parking provision. A condition is recommended to restrict occupation of the extension.
- 5.15 Impact on Special Protection Areas
- 5.16 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.17 SPA mitigation is not required given that an additional residential unit is not being created - the recommendation is subject to a condition preventing the use of the

extension as a separate unit of accommodation - and since there is no upper limit on household (Class C3 use) extensions for extra bedrooms such applications do not necessarily result in a net increase in population, additional overnight stays or activity along the coast.

5.18 CIL

5.19 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy.

5.20 Human Rights and the Public Sector Equality Duty ("PSED")

5.21 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

5.22 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

6.0 **Conclusion**

6.1 For the reasons set out above, the proposed development is considered acceptable in terms of design, impact on heritage assets and surrounding residential amenity subject to the conditions set out below.

RECOMMENDATION Conditional Permission

Conditions

Time Limits

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.

Compliance with approved drawings

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: Location and Proposed Block Plan no.576.P100_B, Proposed Floor Plan and Roof Plan no.576.E102_A, Proposed Roof/Site Plan no.576.P101_B, Proposed Floor Plans no.576.D102_B, Proposed Section A-A no.576.P104_A, Proposed Elevations no.576.P103_D Revision E and Phase II Bat Survey Letter Report (Ecosupport, 19 May 2023).

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

Matching Materials

3) Prior to commencement of development, full details of the specific areas of the western boundary wall to be retained, the extent that reclaimed bricks can be used throughout, details of any new brick and natural slate type and colour, and bonding, mortar and striking details, shall have been submitted to and agreed in writing by the local planning authority. Only such approved details and materials shall be used in the construction of the external surfaces of the development hereby permitted.

Reason: In the interests of visual amenity, the appearance of the locally listed building, and the character and appearance of the Castle Road and Owens Southsea conservation areas in accordance with policy PCS23 of the Portsmouth Plan.

Measures to Protect Bats

4) Development shall proceed in accordance with the measures set out in the 'Mitigation & Recommendations' section of the Phase II Bat Survey Letter Report (Ecosupport, 19 May 2023). Thereafter, the enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats in accordance with Policy PCS13 of the Portsmouth Plan.

Restriction to Prevent Separate Unit of Accommodation Being Created

5) The extension hereby permitted shall not at any time be occupied as a separate unit of accommodation.

Reason: The proposed layout and configuration of the development and site are not suitable for sub-division for an additional dwelling, with respect to room sizes and configuration, outside amenity space, and parking provision, so such a separate unit would be contrary to policies PCS17 and PCS23 of the Portsmouth Plan,

1) 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.

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Agenda Item 6

23/00498/FUL

WARD:NELSON

16 NORTH END AVENUE PORTSMOUTH PO2 9EB

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION, WITH CHANGES TO REAR FENESTRATION.

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Reynolds
CER Property Ltd

RDD: 21st April 2023

LDD: 20th June 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to a total of 25 objections including a request to call the application to committee from Cllr Wemyss.

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

- The principle of development;
- Standard of accommodation;
- Relevant planning history providing fallback position
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

2.0 SITE AND SURROUNDINGS

2.1 The application site comprises of a two-storey semi-detached dwelling located to the northern side of North End Avenue, west of its junction with London Road, as shown in **Figure 1** below. The property is set back from the highway by a small front garden and has a good-sized rear garden amenity space. The existing layout comprises a lounge, kitchen, dining room, conservatory, utility room, a WC and a shower room at ground floor level, and 3 bedrooms, a bathroom, and a storage room on the first floor.

2.2 The surrounding area is predominantly residential in character with a mix of terraced, and semi-detached houses (some of which have been converted in to flats) and a terrace of 3 more modern townhouses opposite the application site. There is also a small commercial MOT garage opposite the application site.



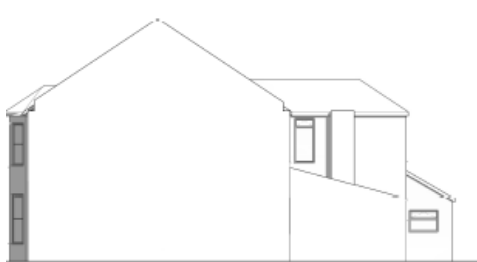
Figure 1 Location plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the Change of use from dwellinghouse (Class C3) to House in Multiple Occupation for seven people. All bedrooms will be for single occupancy.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - Two bedrooms (both with ensuite shower, toilet and handbasin), Bedroom 2 also has a built in wardrobe proposed, communal Kitchen/Dining room, and a shared WC (with handbasin).

- First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite), and a Tanks utility room
- Second Floor - Two bedrooms (both with a shower, toilet and handbasin ensuite).

3.3 The Applicant has stated that works to extend the property are to be undertaken under permitted development (without the need to apply for planning permission). The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use. These works consist of roof alterations and a hip to gable rear extension. While not part of the application, they would be necessary to meet the layout arrangement and numbers of occupiers as proposed and so it would be prudent to impose a pre-occupation condition should the committee be minded to grant permission requiring that the permitted development works take place prior to the property's occupation as a HMO for 7 persons.



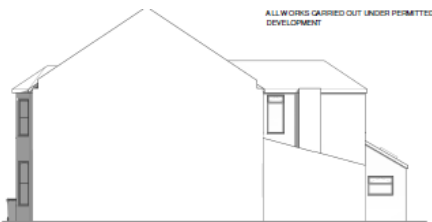
11 Existing Side
1:100



12 Existing Rear
1:100



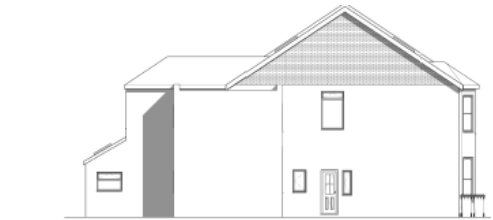
13 Existing Side
1:100



6 Proposed Side
1:100



7 Proposed Rear
1:100



8 Proposed Side
1:100



10 Proposed Section
1:100

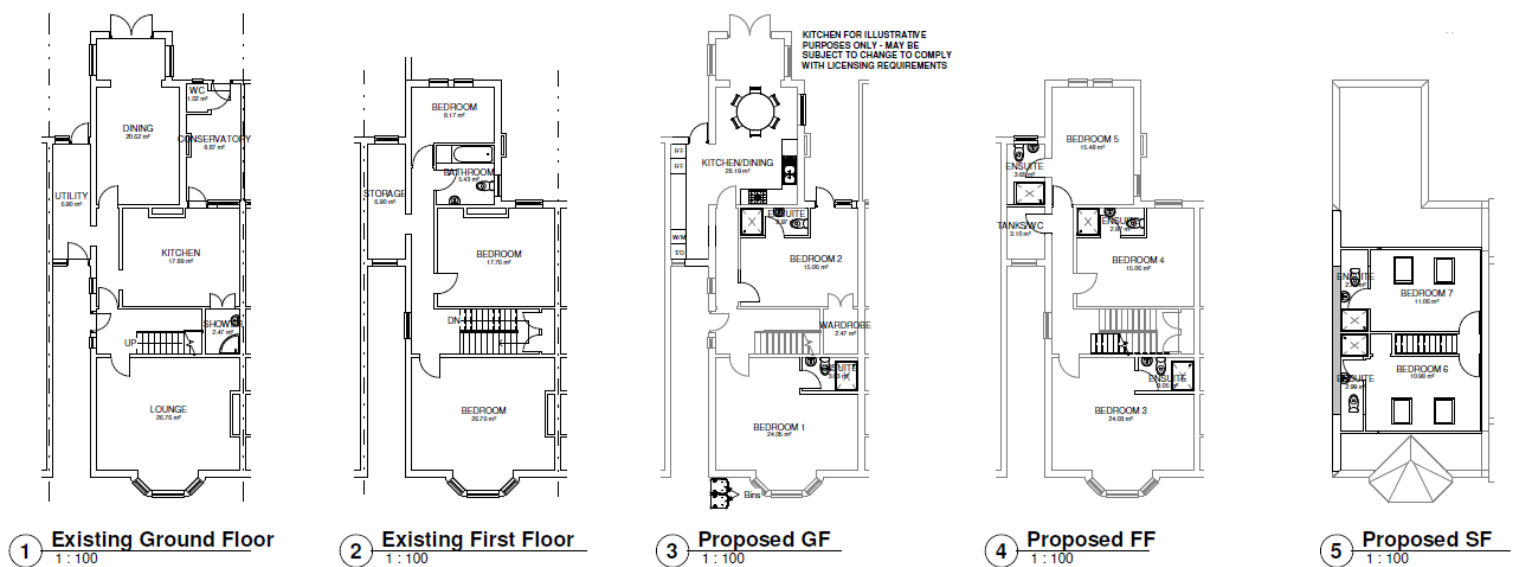


Figure 2 Existing and Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

4.1 A*29735/A - CHANGE OF USE TO TWO SELF CONTAINED FLATS- Permitted 15 Jun 1977

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

5.3 Other Guidance

5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

- 6.1 Highways Engineer - No objection. The LHA Highlights that would be no increase in parking requirement (2 spaces) as the requirement for a 3-bedroom dwelling compared with the requirement for a 7-bedroom HMO requirement remains unchanged.
- 6.2 Natural England - No objection subject to securing appropriate SPA mitigation.
- 6.3 Waste - The developer will need to purchase 360 litre refuse and recycling bins from Portsmouth City Council Waste Management directly before anyone moves into the property as that is the bin size needed for a 7 bed HMO.

7.0 REPRESENTATIONS

7.1 25 objections received and summarised as:

- a) An HMO is out of keeping with the area
- b) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems
- c) Loss of family home from the existing housing stock
- d) Undue strain on local services and infrastructure, including the sewage, drainage and Doctors/Dentists
- e) Concerns about impact on community
- f) Anti-social behaviour
- g) Increase in noise and waste.
- h) Disruption from building works (noise and safety concerns)
- i) Negative impact on property prices
- j) Rear dormer and extension will have a harmful impact on privacy, overshadowing and loss of light.
- k) Area already overcrowded/densely populated.
- l) Overdevelopment, already too many HMOs in North End Avenue.
- m) Room sizes suggest that these will not be single occupancy.
- n) Concerns that this additional HMO will create 'Sandwiching'
- o) Flats should be considered HMOs in the HMO data count.
- p) Effect of SPA

8.0 COMMENT

8.1 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;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

8.2 Principle of development

Five year Housing Land supply.

8.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a

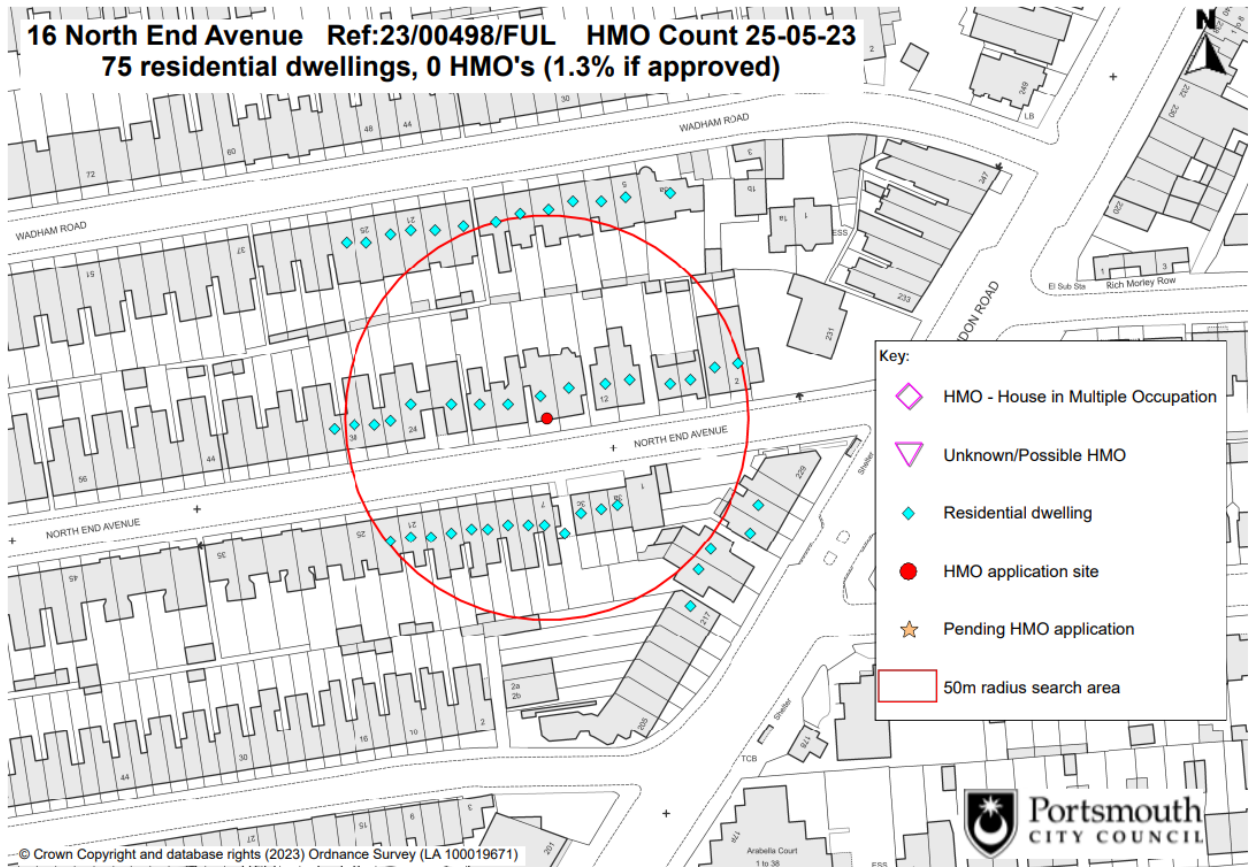
'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.4 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

HMO Policy

- 8.5 Permission is sought for the use of the property as a Sui Generis HMO for 7 persons. The property is currently considered to have 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 share basic amenities such as a kitchen or bathroom'. Larger HMOs are typically defined as having more than 6 unrelated people sharing amenities and are not classified by the Use Classes Order. For planning purposes such HMOs are regarded as having a "Sui Generis" use (meaning that they do not fit comfortably into a standard use class)
- 8.6 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 8.8 Based on information held by the City Council, of the 75 properties within a 50 metre radius of the application site, none have been identified as an HMO in lawful use and no further properties identified as unknown/possible HMOs. Therefore, the existing number of HMOs equates to 0% of the properties within the search area. The addition of the application property would result in 1.3% of properties being an HMO within the 50m radius, which, falls below the 10% threshold limit above which an area is considered to be imbalanced.



- 8.9 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. There is no conflict caused by this proposal with this guidance.
- 8.10 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.11 Standard of accommodation
- 8.12 The application seeks Sui Generis HMO use for 7 persons and proposes the following room sizes, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (Single use)	24.05m ²	6.51m ²
Bedroom 2 (Single use)	15.06m ²	6.51m ²
Bedroom 3 (Single use)	24.03m ²	6.51m ²
Bedroom 4 (Single use)	15.06m ²	6.51m ²
Bedroom 5 (Single use)	15.48m ²	6.51m ²
Bedroom 6 (Single use)	10.98m ²	6.51m ²
Bedroom 7 (Single use)	11.06m ²	6.51m ²

Shared WC	3.10m2	1.17m2
Communal Kitchen/Dining area (ground floor)	28.19m2	22.5m2 (because all bedrooms exceed 10m2)
Ensuite bathroom for bedroom 1	3.03m2	2.74m2
Ensuite bathroom for bedroom 2	2.97m2	2.74m2
Ensuite bathroom for bedroom 3	3.05m2	2.74m2
Ensuite bathroom for bedroom 4	2.97m2	2.74m2
Ensuite bathroom for bedroom 5	3.65m2	2.74m2
Ensuite bathroom for bedroom 6	2.99m2	2.74m2
Ensuite bathroom for bedroom 7	2.77m2	2.74m2
Tanks/laundry room	3.10m2	Not Required
Wardrobe for bedroom 2	2.47m2	Not Required

Table 1 - HMO SPD (Oct 2019) compliance

- 8.13 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space standards except for combined living/dining room. However the HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements (of 22.5m2) for combined living accommodation in circumstances where all bedrooms are at least 10m2 and the accommodation is otherwise acceptable as communal space. On the basis of the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment - some of the bedrooms are very large indeed, and submitted proposed floor plans show a sufficient amount of space within the communal kitchen/dining area to accommodate a dining table and space for further seating to the rear of this room.

All habitable rooms have good access to natural light and in addition, a rear garden also provides external amenity space for the residents.

All of the 7 bedrooms would have ensuite facilities, and an additional shared WC would be present at ground floor level, providing acceptable sanitary facilities for occupants and visitors. The accommodation therefore would provide a suitable overall arrangement of sanitary facilities.

8.14 Impact on neighbouring living conditions

- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse in Class C3, would be unlikely to be significantly different from the occupation of the property by up to 7 unrelated persons as an HMO.
- 8.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful.

- 8.20 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.21 Highways/Parking
- 8.22 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 Sui Generis HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with three bedrooms would be 1.5 off-road spaces, a difference of just 0.5 spaces. Additionally, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The proposal has no off-street parking, which is no change from the current use.
- 8.23 As explained above, neither the Highways Officer nor Planning Officer highlights an issue with the scheme on the grounds of a lack of off-street parking. As the SPD requirement for parking is not materially different for the proposal than a similarly sized Class C3 dwellinghouse or C4 HMO (2 spaces), it is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection on either highway safety grounds and therefore refusal could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle, or even more than 1 vehicle each. In addition, it is considered that the site is within an area of good accessibility and located within an acceptable walking distance of the various amenities and services, and bus routes.
- 8.24 The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO use to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.25 Waste
- 8.26 The storage of refuse and recyclable materials would remain unchanged, to be accommodated in the suitable front forecourt area. An objection on waste grounds would not form a sustainable reason for refusal and it is not considered necessary to require details of formalised waste storage.
- 8.27 Impact on Special Protection Areas
- 8.28 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 7 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111 agreement, which the applicant has agreed to.
- 8.31 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.32 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note

that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.33 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.34 Other Matters raised in the representations.
- 8.35 Concerns have been raised by residents of the road regarding the pressure the additional occupants would put on local services and drainage/sewerage. However, having regard to the existing lawful C3 use of the property which allows the occupation of a family of unrestricted size, it is considered the use of the property would not have a significantly greater impact on local services and drainage/sewerage than if the property was occupied by a single family of seven.
- 8.36 Many objections centre around parking issues. This matter is discussed above in greater length. In summary, the proposed Sui Generis HMO use compared to the existing C3 use of property only expects an extra half a parking space. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal.
- 8.37 Comments raised over the impact of the PD works. These works are not included in this application and are beyond the control of the Local Planning Authority.
- 8.39 While noise from construction work may have an impact on the amenity of neighbours, this is an unavoidable consequence of building work and is not a sufficient reason to withhold Planning Permission. Further work commencing prior to a Permission being granted is not uncommon and is done at the Applicant's own risk.
- 8.40 The application is for 7 persons and this would be monitored and controlled through the licensing regime. However, members may consider imposing an occupancy condition (although this is not considered necessary).

9.0 CONCLUSION

- 9.1 Notwithstanding the objections received, and for the reasons set out in this report, it is not considered that these can be reasonably sustained in planning terms. Having regard to all material planning considerations 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

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution. and conditions (below)

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

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

CONDITIONS

Time Limit:

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

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

Approved Plans:

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

- Sui Gen Plan - Dwg No. PG.8035 - 23 - 4 REV D

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 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.

Water Efficiency

- 4) The proposal hereby permitted shall not (unless otherwise agreed in writing with the LPA) be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has 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 water efficiency calculator.

Reason: To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.

PD works

- 5) Prior to the occupation of the property as a HMO for 7 persons, the roof extension shown to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

Agenda Item 7

23/00610/FUL

WARD: MILTON

1 OLIVER ROAD SOUTHSEA PO4 9BY

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION; CONSTRUCTION OF SINGLE STOREY REAR EXTENSION FOLLOWING REMOVAL OF EXISTING AND GARAGE AND RECONSTRUCTION OF BOUNDARY WALL (RESUBMISSION OF 23/00099/FUL)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RUWNK9MOIUD00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RUWNK9MOIUD00)

Application Submitted By:

Mr Willment
incollective.works

On behalf of:

Sattari

RDD: 22nd May 2023

LDD: 28th July 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a total of 36 objections from local residents and due to a call-in from Councillor Vernon-Jackson.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - The standard of accommodation;
 - Design;
 - Impact upon amenity neighbouring residents;
 - Parking;
 - Waste;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey (to eaves height), corner dwellinghouse (Class C3) located on the southern side of Oliver Road and the western side of Hellyer Road. The dwelling features a rear garage and vehicular access with dropped kerb along Hellyer Road. The building as existing has front and rear dormer windows providing an extra roof storey, and has its front door to Hellyer Road. The property features a small side garden. The existing layout features four bedrooms.
- 2.2 The application site falls within a residential area characterised by rows of two-storey terraced properties. To the south of the site is Highland Road, which features a number of shops, services and public transport routes.



Figure 1 Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from Class C3 (Dwellinghouse) into an 8-bedroom/8-person House in Multiple Occupation (Sui Generis). In addition to the change of use class, a single storey extension is proposed (following the demolition of the existing extension and garage) and the reconstruction of the existing brick boundary wall fronting Hellyer Road, to be 1.8m tall.
- 3.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:
- Ground Floor - 3 bedrooms with ensuites, Communal kitchen-dining area;
 - First Floor - 3 bedrooms with ensuites; and
 - Second Floor - 2 bedrooms with ensuites.
- 3.3 In addition to the works detailed within the description of development (rear extension, and new boundary wall), the Applicant also intends to enlarge an existing rear dormer under permitted development (without the need to apply for planning permission). This aspect of the proposal is not considered as part of the application but would be necessary to meet the space standards required for the proposed number of occupiers. Should the applicant wish, these works could, and likely would, go ahead with or without consent for the change of use being considered under this application. It is suggested that it would be prudent to impose a pre-occupation condition should the committee be minded to grant permission requiring that the permitted development works take place prior to the property's occupation as a HMO for 8 persons.



Figure 2 Proposed Elevations



Figure 3 Proposed boundary wall

4.0 PLANNING HISTORY

- 4.1 23/00099/FUL - Change of use from dwellinghouse (Class C3) to purposes falling within dwellinghouse (Class C3) or house in multiple occupation (Class C4). Withdrawn (12.05.2023). This application was withdrawn due to Officer advice that other works would need to be completed in order to provide an adequate standard of accommodation. In this instance being the demolition and reconstruction of the single storey rear element and the rebuilding of the boundary wall. It was considered by Officers that this work would require formal Planning Permission and as such the applicant was advised to withdraw the application and re-submit with all the works under a single application for clarity.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

- 5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

5.3 Other Guidance

5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. Based on the submitted floor plans, there are no adverse comments from Private Sector Housing in relation to the proposed size and layout of the property. The property will need to be inspected by private sector housing to ensure it meets licensing requirements.

6.2 Highways Engineer - No objection. Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 4-bedroom dwelling is 2 vehicle spaces and 4 cycle spaces, this compared with the requirement for an 8-bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, the parking and cycle requirement remains unchanged. A cycle store is provided to the rear of the property for 4 cycles, suggest a condition to secure the store.

6.3 Contaminated Land Team - No objection, subject to an informative.

7.0 REPRESENTATIONS

7.1 35 objections received, including one from Councillor Vernon-Jackson, summarised as:

- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- b) Overdevelopment of the site and loss of neighbours amenity;
- c) Lack of external space;
- d) Impact on the character of the area;
- e) Noise and disturbance - anti-social behaviour;
- f) Existing state of upkeep of the property being poor;
- g) Loss of a family home;
- h) Set a precedent for future development;
- i) Building works going on at the site;
- j) Previous rejection for a 6-bedroom HMO on the site;
- k) Lacks adequate living space;
- l) Out of character for the area;
- m) Strain on public services;
- n) Loss of garage;
- o) Concerns over the rooms being given separate addresses and given more parking spaces;
- p) Noise from the communal area;
- q) Impact from parking in accumulation with flats approved at Lougars Gym and on Highland Road; and
- r) Lack of natural light to the rooms.

8.0 COMMENT

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

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

8.2 Principle of development

8.3 Five-year Housing Land supply

8.4 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.5 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

8.6 HMO Policy

8.7 Permission is sought for the use of the property as a Sui Generis HMO for 8 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).

8.8 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will

be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

- 8.9 Based on the information held by the City Council, of the 70 properties within a 50-metre radius of the application site, there are only 2 HMOs at 21 Hatfield Road and 30 Hellyer Road as shown in **Figure 4** below. It is noted that the site itself is already listed on the Council List of possible HMOs. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 8.10 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.28%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 4 HMO layout

- 8.11 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. There is no conflict caused by this proposal with this guidance.

- 8.12 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.13 Standard of accommodation
- 8.14 The application seeks Sui Generis HMO use for 8 persons and proposes the following room sizes, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1	12.99m ²	6.51m ²
Bedroom 2	10.33m ²	6.51m ²
Bedroom 3	10m ²	6.51m ²
Bedroom 4	12.95m ²	6.51m ²
Bedroom 5	10.5m ²	6.51m ²
Bedroom 6	10.33m ²	6.51m ²
Bedroom 7	10.01m ²	6.51m ²
Bedroom 8	17.27m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	40.5m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ensuite bathroom 1	2.74m ²	2.74m ²
Ensuite bathroom 2	2.74m ²	2.74m ²
Ensuite bathroom 3	2.74m ²	2.74m ²
Ensuite bathroom 4	2.74m ²	2.74m ²
Ensuite bathroom 5	2.74m ²	2.74m ²
Ensuite bathroom 6	2.74m ²	2.74m ²
Ensuite bathroom 7	2.74m ²	2.74m ²
Ensuite bathroom 8	2.74m ²	2.74m ²

Table 1 - HMO SPD (Oct 2019) compliance

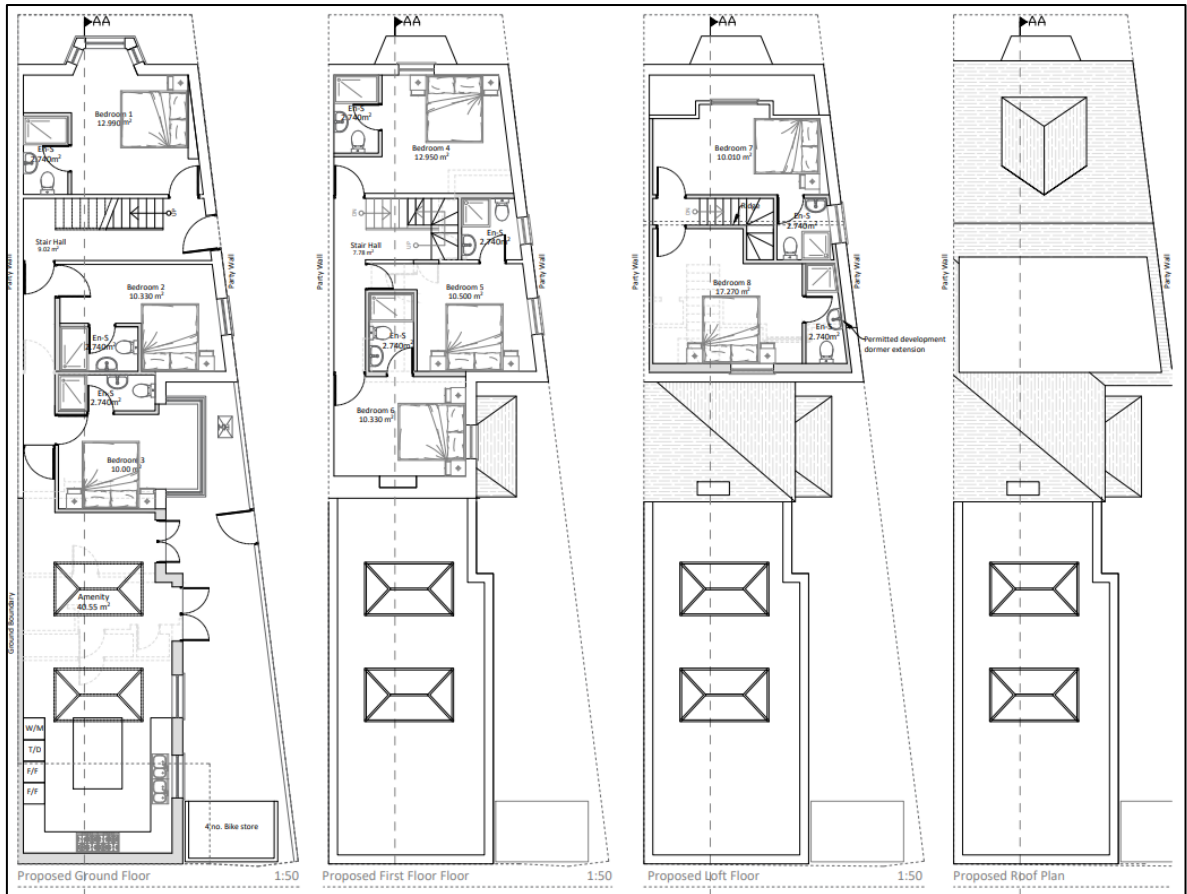


Figure 5 Proposed Floorplans

- 8.15 All rooms comfortably exceed the required space standards and the proposal is considered to provide a good standard of living for future occupiers, with a good standard of light and outlook.
- 8.16 Objection concerns have been raised about a lack of external amenity space, it should be noted that there is no requirement for such a space within the HMO SPD. Further the property benefits from a side/rear garden, with a width of 13.7m and a depth of between 0.85m to 3.2m in depth, totalling a useable area (excluding bike storage shed) of approximately 25m. Part of this space would be taken up by bike storage and possibly bin storage, however the space is still considered to be useable and provide opportunity for sitting out.
- 8.17 Design
- 8.18 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development, appropriate scale, density, layout, appearance, and materials in relation to the particular context.
- 8.19 The proposed single storey extension would be built over the footprint of the existing rear element and garage. The footprint of the built form is therefore unchanged. The only alteration relates to the height. The majority of the extension is to a lower overall height than the existing garage and built form. The extension would feature a simple flat roofed design and given the condition of the existing garage is considered to be an overall improvement over the existing.

- 8.20 The replacement boundary wall to Hellyer Road wall would also be a solid brick wall and remove the existing vehicular access and is considered to be an acceptable alteration from a design perspective.
- 8.21 The proposed external alterations would therefore be considered to accord with Policy PCS23 of the Portsmouth Plan (2012).
- 8.22 Impact on neighbouring living conditions
- 8.23 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse in Class C3, would be unlikely to be significantly different from the occupation of the as a house in multiple occupation.
- 8.24 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful. The principle of an HMO use at this dwellinghouse has already been established as acceptable earlier in this report.
- 8.25 The proposed external alterations would not be considered to impact upon the amenity of the residents to the north, east or south. While there would be a change in part of the height of the single storey element when compared with the existing, given the height of the roof proposed and the reduction in height along the rest of the boundary, it is considered that the amenity impact of the lower built form would be acceptable to the western neighbour (No.3 Oliver Road).
- 8.26 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.27 Highways/Parking
- 8.28 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 Sui Generis HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four bedrooms would be 2 off-road spaces, no difference in parking requirement. The proposal would remove one garage parking space, however it would also reinstate this space in front of this access on-street, for use by the rest of the road. It is also noted that the street is controlled via parking permits, after discussing the matter with the Highways Officer, as the property would retain one postal address it would only be possible to gain 2 parking permits for the occupants (as per the existing dwelling house).
- 8.29 As explained above, neither the Highways Officer nor Planning Officer highlights a serious issue with the scheme on the grounds of a lack of off street parking. As the SPD requirement for parking is not materially different for the proposal than a similarly sized Class C3 dwellinghouse, it is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection on either highway safety grounds and therefore refusal could not be sustained on appeal.

- 8.30 The Council's Adopted Parking Standards set out a requirement for 8 person HMOs to provide space for the storage of at least 4 bicycles. The plans include a proposed bike store accessed via the side access. The requirement for storage for 4 bicycles is recommended to be secured by condition.
- 8.31 Waste
- 8.32 The storage of refuse and recyclable materials can be accommodated in the front forecourt or rear/side garden. It is not considered necessary to require details of formalised waste storage.
- 8.33 Impact on Special Protection Areas
- 8.34 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 8 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111 agreement and/or condition.
- 8.35 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.36 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.37 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.38 Other Matters raised in the representations
- 8.39 Concerns have been raised over the condition of the existing property. If granted permission, there is a greater likelihood that the property would be maintained.
- 8.40 The loss of the use as a family home is not considered to be defensible in policy, the change of use is considered to be acceptable in policy as established above.
- 8.41 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.
- 8.42 The garage would be removed as part of this application, it has no protection under planning for its retention.
- 8.43 The other matters raised by residents have been covered within the report.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations, 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 I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, and;
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

Conditions

Time Limit:

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

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

Approved Plans:

- 2) Unless 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:

Proposed Floorplans - 115 - P/ 04/RevA;
Proposed Elevations and Section - 115 - P/ 05/RevA;
Proposed Elevations - 115 - P/ 06/RevA; and
Street Elevations - 15 - P/ 07/RevA.

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 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.

PD Works

- 4) Prior to the occupation of the property as a HMO for 8 persons, the single storey rear extension and rear dormer proposed to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

Materials

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

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

Agenda Item 8

23/00244/FUL

WARD: ST THOMAS

35 PEMBROKE ROAD PORTSMOUTH PO1 2NS

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO GOVERNMENTAL OFFICES (CLASS E(G)(I)) EXTERNAL ALTERATIONS TO INCLUDE REPLACEMENT WINDOWS AND PORCH; INSTALLATION OF ACCESS RAMP, LANDSCAPING AND NEW CAR PARK FACILITIES

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RQFSUPMOH8I00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RQFSUPMOH8I00)

Application Submitted By:

Mr. Richard Chillcott

VIVO Defence Ltd, Part First Floor, Neon, Q10 Quorum Busi...

On behalf of:

Mrs Tracey Pickford

Defence Infrastructure Organisation DIO

RDD: 22nd February 2023

LDD: 9th May 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination at the request of Councillor Holder and due to the number of objections (10) received. Councillor Holder has requested that the application be presented at Committee due to concerns about the number of bike spaces, parking spaces and additional traffic near to St Judes Primary School.

1.2 The main issues for consideration are:

- The principle of the development;
- Design and impact on the adjacent 'Old Portsmouth' Conservation Area;
- Impact on residential amenity;
- Highway Impacts;
- Trees;
- Human Rights;
- Equality Act;
- Community Infrastructure Levy (CIL); and
- Other Issues.

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and Surroundings

2.2 The application site relates to a two-storey, detached dwelling located on the northern side of Pembroke Road at its corner junction with Pembroke Close. There are residential neighbours surrounding the site to the northern side of Pembroke Road. The site is set back behind substantial boundary treatment of black iron fencing along its frontage with planting behind and a solid brick boundary wall to its west. Its entrance is marked by two impressive stone pillars with an iron gate, which provides access for both pedestrians and cars. The property is set back from its frontage. There are several trees within the site, one of which is subject to a Tree Preservation Order (TPO) a mature beech located to the rear corner (north-west) of the site. The property is a 1970s brick building which is owned and part of the Ministry of Defence (MOD) housing. The site is

not located within a Conservation Area however is adjacent to the Old Portsmouth Conservation Area and the Grade II* Listed railings around Governor's Green (opposite to the south side of Pembroke Road).

2.3 Proposal

2.4 Planning permission is sought for the change of use from a residential dwelling to an Office (for Defence Estates). As part of the change of use, minor external alterations are also proposed, these include:

- a) The replacement of windows;
- b) Construction of a new porch;
- c) Removal of the front facing balcony;
- d) Installation of a Juliet balcony to the south and west elevations;
- e) Construction of an access ramp;
- f) Demolition of existing garage; and
- g) Extension to the car parking area.

2.5 It is considered that points (a) and (c) do not amount to development requiring planning permission. Points (b), (d) and (f) are all capable of being carried out under Permitted Development and therefore are not given consideration within the assessment below.

2.6 The extension to the car parking area requires the removal of 5 trees along the eastern and southern boundaries. One of these trees is a Laurel with the other 4 being Maple. The trees are between 6-8m in height, with 4 in Category C2 and one in category U (due to extensive crown die back because of shading from a neighbouring tree and brutal crown raising leaving multiple large wounds with rot holes).

2.7 The primary use of the offices would be to assist with the wider management and upkeep of the surrounding properties that are occupied by Military personnel.

2.8 The application identifies that the office would be staffed by 5 employees.

2.9 The operating hours have been identified as 08:00-16:30 Monday to Friday.

2.10 Planning History

2.11 C*26613/F: Erection of 74 dwellings with garage accommodation. Conditional Permission (31.07.1972).

3.0 **POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS10 - Housing Delivery
- PCS13 - Greener Portsmouth
- PCS15 - Sustainable Design & Construction
- PCS17 - Transport
- PCS19 - Housing Mix
- PCS21 - Housing Density
- PCS23 - Design & Conservation

3.2 In addition to the above development plan policies the Solent Recreation Mitigation Strategy (2017) and the Updated Interim Nutrient Neutral Mitigation Strategy (June 2022), Housing Standards SPD (January 2013), the Parking Standards & Transportation SPD (July 2014) are also material to the determination of the application.

4.0 CONSULTATIONS

- 4.1 Tree Officer - No objections subject to a condition requiring the works to be completed in accordance with the submitted tree survey and replacement planting to be completed within first planting season/12 months.
- 4.2 Contaminated Land Team - No objections, no conditions necessary.
- 4.3 Highways Engineer - No traffic assessment has been provided however given the small scale of the development, not considered that it would have a material impact upon the function of local highway network. With regards to parking, the site plan indicates that 13 spaces have been proposed, whilst there is no set standard for non-residential parking, the onus is on the applicant to demonstrate that the development will not result in an unacceptable impact to the highway network. However, whilst no information has been provided, it is considered that any potential parking overspill could be accommodated on street parking within the local vicinity and therefore no objection would be raised. Suggested a condition for electric charging points, but these would be covered by Building Regulations.

5.0 REPRESENTATIONS

- 5.1 10 representations have been received from residents, raising the following concerns:
- a) Increase in vehicular movement and traffic/parking implications;
 - b) Impact/loss of trees;
 - c) Overlooking;
 - d) Security concerns;
 - e) Disturbance from commercial use;
 - f) Loss of service accommodation; and
 - g) Insufficient level of cycle parking.

6.0 COMMENT

- 6.1 The main issues for consideration are:
- The principle of the development;
 - Design and impact on the adjacent 'Old Portsmouth' Conservation Area;
 - Impact on residential amenity;
 - Highway Impacts;
 - Trees;
 - Human Rights;
 - Equality Act;
 - Community Infrastructure Levy (CIL); and
 - Other Issues.
- 6.2 The principle of the development
- 6.3 Planning permission was granted for Duchess of Kent barracks in the 1970s, including the existing dwelling. The site has continued to be used as MoD housing since construction.
- 6.4 Policy PCS10 of the Local Plan states that the City Council will plan for an additional 7,117 - 8,387 homes between 2010 - 2027 that will be provided in designated areas and through conversions and redevelopment of previously developed land.
- 6.5 While the loss of a dwelling to office provision has a notional impact on the housing provision within the City, the dwelling is in the control and limitation of the MoD(DIO) and therefore does not make a current contribution to general/market housing need. Its loss to operational (office) space for the MoD may, technically, displace demand for service

personnel accommodation into the general market, but it is more likely to displace it elsewhere within the operational accommodation estate of the Navy Base in Portsmouth. Any small risk, or adverse impact on residential provision is considered to be outweighed by the operational needs of the crown/MoD as described in the application, including the fact that this space would be primarily involved in the wider management of the surrounding MoD accommodation including ensuring void property levels are kept to a minimum.

- 6.6 As such the principle of the development is considered to be acceptable subject to the below considerations.
- 6.7 Design and impact on the adjacent 'Old Portsmouth' Conservation Area:
- 6.8 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development, appropriate scale, density, layout, appearance, and materials in relation to the particular context.
- 6.6 In addition, when determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the site is not located within a Conservation Area it is adjacent to the Old Portsmouth Conservation Area and therefore this impact will need to be considered.
- 6.7 The alterations to the site, most notably providing parking on the southern part of the site, would change the appearance of the site but subject to replacement planting and protection of retained trees, the proposals are not considered to have any undue impact on the nearby heritage assets or the wider character of the area, especially given the site's substantial boundary treatment. The access ramp would have no material impact on the character or appearance of the conservation area.
- 6.8 The Friends of Old Portsmouth have queries whether the boundary of the site is within the Conservation Area. This is unclear (a 'thickness of line' question) but as the existing iron railings, gate pillars and wall that form this boundary are to be retained and the overall impact on character is considered to be acceptable, even with the specific weight given to the preservation and enhancement of defined heritage assets, the overall impacts are considered to be acceptable.
- 6.9 Impact on residential amenity:
- 6.10 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.
- 6.11 No adverse implications for adjacent properties are considered to result from the development if used as described in the application, as an office. To ensure this, a condition limiting the use to that within E(g)(i) should however be applied as an unrestricted Class E use could result in impacts on amenity or highways for example that may require control. The proposal is therefore considered to accord with Policy PCS23 of the Portsmouth Plan (2012). Given the low-key office use proposed, it is not considered necessary to control days/hours of operation with respect to neighbours' amenities.
- 6.12 Neighbour objections have raised the possibility of overlooking caused by the demolition of the garage on the east as a concern. A condition will be imposed requiring details of a new boundary to the neighbours to the east to be submitted to and approved by the LPA prior to demolition of the garage in order to ensure a sufficient boundary is achieved to prevent overlooking or security concerns.

6.12 Highway Impacts;

6.13 Policy PCS17 ensures, inter alia, that the City Council and partners will reduce the need to travel and provide sustainable modes and promote walking and cycling.

6.14 Concerns from local residents regarding increased vehicular movements, in proximity to schools, have been raised. The LHA have raised no objection noting that parking provision, with overspill being capable of accommodation on street, is adequate. While a traffic assessment is not required for a scheme of this scale it is considered that the total number of additional movements is likely to be low and therefore the adverse impact on highway safety will be consequently minor and not a reason to withhold planning permission. The LHA have recommended a condition on respect of EV charging, but as this matter is covered in detail in the relevant Building Regulation approvals such a condition is not considered to meet the test of necessity.

6.15 Details have been provided within the Design and Access Statement setting out the drainage at the site for the additional car parking spaces, which shows a permeable block paving. This is acceptable in regard to the drainage for the site.

6.16 A space has been demarcated for bike storage, though full details have not been provided of the storage facilities, a condition is therefore attached to ensure sufficient quality of bike storage for the use.

6.16 Trees

6.17 The proposal, to allow replacement of parking provision requires the removal of 5 trees (all category C and U) and protection during construction installed on two other retained trees at the front of the property. Replacement tree planting is proposed, with three new trees to be planted to the front of the site and two to the rear. The recommendations of this tree report shall be conditioned, and replacement planting shall be required within the next planting season or 12 months whichever is sooner.

6.19 Human Rights

6.19 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

6.20 Equality Act

6.21 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

6.22 Community Infrastructure Levy (CIL)

6.23 Due to the nature of the change of use, the development is not considered to be CIL liable.

6.24 Conclusion

6.25 The proposals constitute sustainable development and should be granted planning permission.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

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

Drawing numbers:

Proposed Office Plans & Elevations DIO/35Pe, 002A
Site Plan - Proposed Car Parking Layout - DIO/35Pe, 003A

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

Use Class restriction

3) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 As Amended 2020 the site shall only fall within Use Class E(g)(i), unless given prior written consent of The Local Planning Authority.

Reason: In order to protect the amenity of the neighbouring residential occupiers, and to control other potential impacts, eg on highways, in accordance with Policy PCS23 of the Portsmouth Plan 2012.

Tree details

4) All work shall be carried out in accordance with Arboricultural Assessment Ref 230217 rev00 dated 15 February 2023 and the replacement planting shall be carried out within the next planting season or within 12 months whichever is sooner.

Reason: To ensure the protection of trees during construction and to ensure that sufficient replacement planting is carried out in accordance with Policy PCS13 of the Portsmouth Plan 2012.

Boundary treatments

5) Prior to the demolition of the garage, details shall be submitted to and approved by the Local Planning Authority in writing of the replacement boundary with the neighbours to the east. The boundary treatment shall thereafter be provided in accordance with the submitted details.

Reason: In order to protect the amenity and security of the adjoining neighbours in accordance with Policy PCS23 of the Portsmouth Plan 20212.

Bike storage

6) Prior to the first occupation of the development, bicycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing, and those facilities shall thereafter be retained for that storage at all times.

Reason: To ensure sufficient consideration is given to sustainable transport modes in accordance with Policy PCS13 of the Portsmouth Plan.

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Agenda Item 9

23/00684/FUL

WARD:COPNOR

D25 H & E CAR SPARES (BREAKERS YARD) ALCHORNE PLACE PORTSMOUTH

CHANGE OF USE FROM CAR BREAKERS YARD (SUI GENERIS) TO WASTE VEHICLE STORAGE (CLASS B8) INCORPORATING ADJOINING PROPERTIES INTO A SINGLE PLANNING UNIT (FOLLOWING DEMOLITION OF EXISTING BOUNDARY WALLS AND OUTBUILDINGS); INSTALLATION OF SECURITY FENCES TO WEST AND EAST BOUNDARIES

Application Submitted By:

Mr M R Harvey MRICS

On behalf of:

Mr M R Harvey MRICS

Portsmouth City Council

RDD: 2nd June 2023

LDD: 31st July 2023

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVMEL4MO0MP00>

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination due to Portsmouth City Council being the applicant. Therefore, as the Council have an interest in the application, it is not possible to determine it under delegated authority.

1.2 The main issues for consideration are:

- Principle and Design
- Highways/Parking implications
- Compliance with Employment Land Policy

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

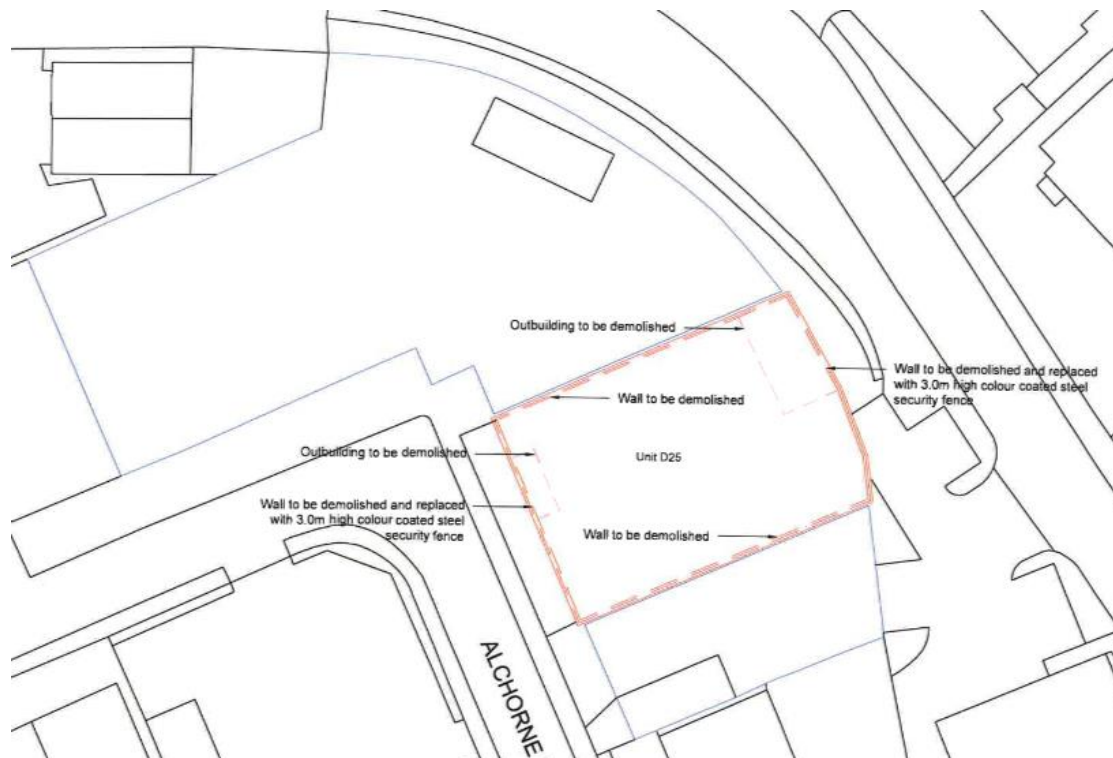
2.1 Site and Surroundings

2.2 The application site comprises a car breakers yard with access on the western boundary onto Alchorne Place. The car park shares a boundary with industrial yards to the north and south, which also fall within the applicants' ownership (PCC). These two neighbouring yards have existing Class B8 use (Storage or Distribution, used for the storage of waste collection vehicles when not in use, wheelie bins and other associated vehicles and objects), and so if the proposed change of use of the application site is achieved, the three sites would operate as one, consolidated site. The two neighbouring sites are 2144sqm (northern site) and 435sqm southern site). The application site is 846sqm.

2.3 Proposal

2.4 The principal aspect of this application is the change of use from a car breakers yard, which is an intensive industrial use, to a storage yard for the city waste collection vehicles. This would include demolition works to boundary walls to the north and south of the site to incorporate and include the two neighbouring sites into one planning unit, as well as the demolition of an outbuilding and the replacement of existing west and east walls with steel screen fences (3.0m in height, colour-coated green), as shown below.

Seven waste collection vehicles would be stored overnight, while daytime use would be for ten cars, ten bicycles, and 3 motorbikes for employees whilst they use the waste collection vehicles (with two employees remaining at the site). There will also be storage for collection of batteries and small electrical equipment. The hours of operation are listed as 0800 - 1800 every day.



2.5 Existing brick walls in and around the site are to be demolished to enable the new boundary treatments to be installed and remain secure. The site does not fall within a conservation area and has no heritage designations and as such the demolition of existing walls does not require planning permission (it is Permitted Development). Consent is sought for the demolition of the two small buildings.

2.6 Planning History

2.7 The sites' most relevant planning history is listed below:

- USE OF LAND AS A CAR BREAKERS YARD & FOR RECOVERY OF SPARE PARTS (Approved, 1978 - A*30852)
- ERECTION OF 2 STOREY STORAGE BUILDING (Approved, 1985 - A*30852/D)
- USE OF LAND AS CAR BREAKERS FOR RECOVERY OF SPARE PARTS & AN CILLARY USES(EXTENSION TO EXISTING ACTIVITIES ON ADJOINING) (Approved, 1982 - A*30852/C)

2.8 NB: There is a condition attached to the latter application (A*30852/C) which states that no open storage must take place in the area hatched green on the approved site plan. The plan has been copied in black and white and as such the area referred to is unclear. However, it would appear that the area in question is the small parcel of land in front of the site (between the front boundary and the highway) that is currently used for car parking/storage and does not fall within the red line boundary of the application. As such, this condition is unlikely to be relevant to the current application as it falls outside the red-edged application site. If the green hatched area is not this parcel of land, any other part of the site is considered appropriate for open storage due to the industrial setting of the area.

3.0 POLICY CONTEXT

3.1 The Local Planning Authority concurs with the applicant in that the key policy relating to the proposed use, as well as the aims and objectives of the NPPF is **PCS11** (Employment Land) which, in summary, looks to ensure that land uses are retained for uses that provide employment (generally industrial uses and those that serve them). As operational development is taking place, **PCS23** (Design and Conservation) should be considered.

4.0 CONSULTATIONS

4.1 The Highways Officer has no objection to the application.

4.2 Public Protection: no objection, however, no physical plans or details have been provided with regard to how the demolition of existing boundary walls and outbuildings will be managed and what impact this may have upon neighbouring businesses. Furthermore, no information or plans have been provided as to how the adjoining properties will be incorporated into a single unit and what activities will take place within said unit.

4.3 Contaminated Land do not require a condition but recommend an informative.

5.0 REPRESENTATIONS

5.1 No representations received.

6.0 COMMENT

6.1 The main issues for consideration are:

- Principle and Design
- Highways

6.2 Principle of the development

6.3 The site falls within PCS11 Employment Land and is surrounded by industrial uses. As such, it is considered to be an appropriate location for outdoor storage (for industrial/utilitarian vehicles) and the proposal is considered acceptable in principle. The operation of the development would not be expected to affect the operations of any adjoining businesses.

6.4 Design

6.5 Very little operational development is proposed apart from the new boundary treatment. The screen fences proposed are considered acceptable and in keeping with the character of the area in terms of their scale and appearance. The specifications of the proposed fences show a powder coated metal and polyethylene.

6.6 Highways and Parking Implications

6.7 There are no concerns with regards to highways implications.

6.8 Environmental Health

- 6.9 Public Protection (EH) have noted no physical plans or details have been provided with regard to how the demolition of existing boundary walls and outbuildings will be managed and what impact this may have upon neighbouring businesses. Given their small-scale, and the presence of other environment regulations that should control such matters, I see no reason to pursue the matter of building demolition further via this planning application.
- 6.10 Other Matters
- 6.11 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 6.12 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relations between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 6.13 the proposed hours of operation are 0800 - 1800 every day. Given the industrial location, there is no need to control these hours by condition.

Conclusion

The application is considered to comply with relevant policy and is acceptable without the need for restrictive conditions. As such, it is recommended that permission be granted with standard conditions.

RECOMMENDATION Conditional Permission

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.

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -
Drawing numbers: CLD Dulok ScreenFence Specifications, Block Plan Proposed 3183 2 A, OS Extract 3183 1 A

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

Informative: *Any services left exposed following demolition of the outbuildings should be sealed to prevent contaminant runoff. Site works should not cause drainage into the foul water system. In the event that any signs of pollution¹ are encountered at any time, the Local Planning Authority (LPA) and Approved Inspector must be informed and agreement reached with both on the way forward. If the LPA considers it necessary, assessment will follow BS10175:2011+A2:2017 and any risk mitigation required agreed with the LPA. 1 signs of pollution could include odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soil water.*

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Agenda Item 10

23/00487/FUL

WARD: CHARLES DICKENS

AMENITY AREA THE HARD PORTSMOUTH PO1 3PU

CONSTRUCTION OF MEMORIAL OBELISK

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RTAWY8MOI8V00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rtawY8MOI8V00)

Application Submitted By:

Mr Carl Leroy-Smith
Carl Architect Ltd

On behalf of:

Gareth Derbyshire
HMS Royal Oak Association

RDD: 19th April 2023

LDD: 15th June 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination as the development would be located on PCC Land.

1.2 The main issues for consideration are:

- Design and impact on the Conservation Area and nearby Heritage Assets;
- Impact on residential amenity;
- Trees;
- Human Rights;
- Equality Act; and
- Other Issues.

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and surroundings

2.2 The application site is located on the western side of The Hard on a slightly raised area of hardstanding. The area features four large London plane trees along its eastern edge and is located to the south-east of the Mudlarks Memorial. Further to the west of the site is Portsmouth Harbour and HMS Warrior. The site is separated from the shore by a handrail. The area includes a number of benches and other street furniture. To the north of the site is the entrance to the Historic Dockyard.

2.3 The site is located in the HM Naval Base St George's Square Conservation Area (No.22). To the north of the site is the Grade II Listed Former Detention Centre (Building Number 1/2). There are a number of other Heritage Assets within the wider area, though the majority of these are contained within the Historic Dockyard and screened from the site by the high walls of the Dockyard.

2.4 Proposal

2.5 Planning Permission is sought for the construction of a memorial obelisk in order to commemorate the sinking of the HMS Royal Oak. The HMS Royal Oak Association currently holds an Act of Remembrance annually in Portsmouth. The proposed obelisk would measure 2.637m in height and 0.575m in width and depth at its base. The base

measures 0.1m in height and 0.9m in width and depth. The obelisk would be on a raised plinth and be completed in abbey grey granite.

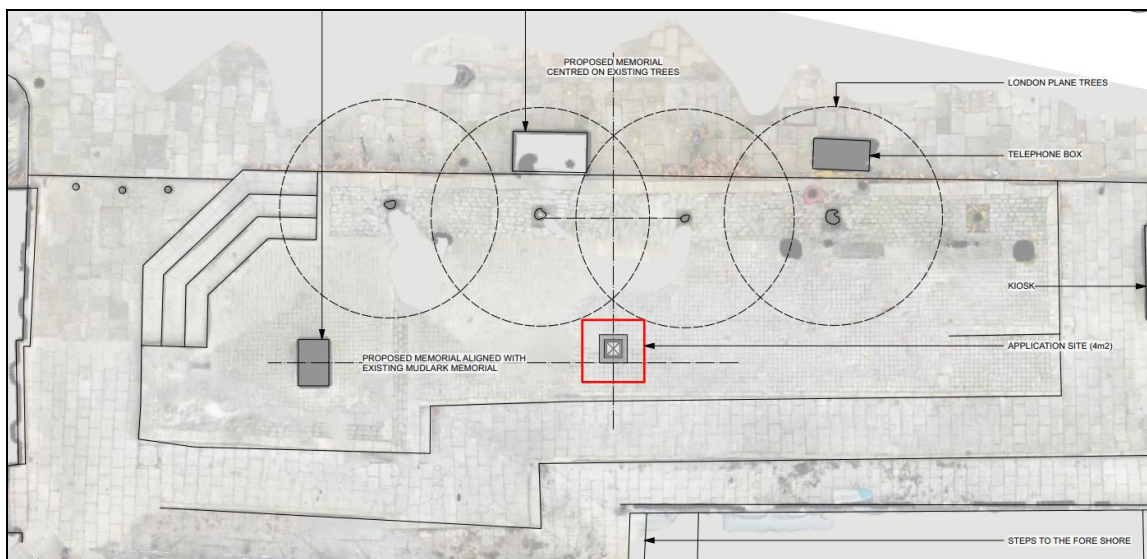


Figure 1 Proposed Site Plan

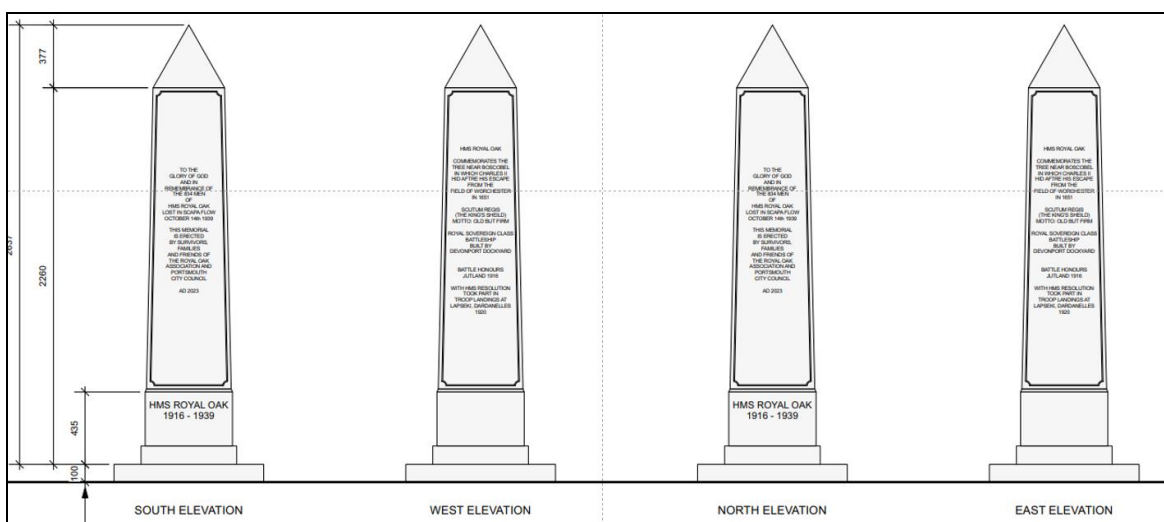


Figure 2 Proposed Elevations

2.6 Planning History

2.7 None relevant.

3.0 **POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS13 - Greener Portsmouth
- PCS23 - Design & Conservation

4.0 **CONSULTATIONS**

4.1 Conservation Officer - No objections, capable of support.

4.2 Tree Officer - Request for a Tree Protection Report to be submitted and approved. This has been included as a pre-commencement Condition.

5.0 REPRESENTATIONS

- 5.1 One representation has been received from the Portsmouth Society, objecting on the following grounds:
- a) Choice of location is prominent and should be used for a more important naval memorial;
 - b) Question the relevance of the Royal Oak to Portsmouth (built in Devonport, mostly based elsewhere, and sunk in Orkneys);
 - c) Concerns over the material choice;
 - d) Too much writing proposed and not optimal hierarchy of size and use of font; and
 - e) Errors with the submission.
 - f) In summary, with the greatest respect to the families and friends of the Royal Oak Association, we would hope that something with more craft and consideration could be created

6.0 COMMENT

- 6.1 The main issues for consideration are:

- Design and impact on the Conservation Area and nearby Heritage Assets;
- Impact on residential amenity;
- Trees;
- Human Rights;
- Equality Act; and
- Other Issues.

6.2 Design and impact on the Conservation Area and nearby Heritage Assets

- 6.3 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development, appropriate scale, density, layout, appearance, and materials in relation to the particular context.
- 6.4 In addition, when determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF considers the matter of assessing (any) harm to heritage assets.
- 6.5 The proposal is a relatively modest and discreet memorial and is similar to other memorials within Portsmouth. The use of abbey grey granite is appropriate. Given the character, nearby to the Historic Dockyard, such a memorial would not be out of place. Overall, the proposal is considered to be acceptable and would preserve the character and appearance of the Conservation Area. No harm has been identified to the surrounding heritage assets and the development would be in accordance with Policy PCS23 of the Portsmouth Plan (2012). The concerns of the Portsmouth Society are noted but they mostly do not amount to material planning considerations.
- 6.6 The development would result in a minor and extremely localised block of the view out to water and HMS Warrior, but this is completely normal and therefore accepted with a shore-side memorial, as seen elsewhere in the city or any park.
- ### 6.7 Impact on residential amenity
- 6.8 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

6.9 Given the nature of the proposal it is not considered that it would result in any harm towards neighbouring amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

6.10 Trees

6.11 The proposal during installation and due to its weight could result in an impact upon the nearby Conservation Area Trees. This has been discussed and reviewed by the Councils Arboricultural Officer and a condition will be imposed requiring a Tree protection plan and method statement to the approved prior to work going ahead.

6.12 Human Rights

6.13 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

6.14 Equality Act

6.15 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

6.16 Conclusion

6.17 The proposal is considered to preserve the character and appearance of 'The Hard' Conservation Area. The proposal therefore constitutes sustainable development and should be granted planning permission.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

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

Location and Site Plans - 0001B;

Proposed Plan - 0200B; and
Proposed Elevations - 0202C.

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

Details and materials

3) No development shall commence on site until details (including samples) of the types and colours of external materials; as well as the joints/junctions, and lettering to be used, has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure a suitable quality of development is achieved to preserve the Conservation Area and surrounding heritage assets, in accordance with Policy PCS23 of the Portsmouth Plan.

Tree Report

4) Prior to the installation of the obelisk, an Arboricultural Assessment and if necessary, a Method Statement, shall be submitted to and approved in writing by the Local Planning Authority to ensure the retention of and safeguarding of the health of the four trees to the north-east of the site. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure the protection of trees during construction in accordance with Policy PCS13.

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