



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 23 AUGUST 2023 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9284 1704

Email: Democratic@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors 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.)

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Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon 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 **Declaration of Members' Interests**
- 3 **Minutes of the previous meeting held on 2 August 2023 (Pages 5 - 14)**

- 4** **23/00547/FUL - 52 Beaulieu Road, Portsmouth PO2 0DN** (Pages 15 - 26)
- Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation.
- 5** **23/00676/FUL - 61 St Chads Avenue, Portsmouth PO2 0SD** (Pages 27 - 36)
- Change of use from dwellinghouse (Class C3) to 7-bed/7-person House in Multiple Occupation.
- 6** **23/00322/FUL - 27 Queens Road, Fratton, Portsmouth PO2 7LT** (Pages 37 - 46)
- Change of use from dwellinghouse (Class C3) to purposes falling within Classes C3 (dwellinghouse) or C4 (House in Multiple Occupancy).
- 7** **23/00097/FUL - 76 Oriel Road, Portsmouth PO2 9EQ** (Pages 47 - 54)
- Change of use from dwellinghouse (Class C3) to purposes falling within dwellinghouse (Class C3) or House in Multiple Occupation (Class C4).
- 8** **23/00551/FUL - 47 Belgravia Road, Portsmouth PO2 0DX** (Pages 55 - 64)
- Change of use from a Class C3 dwellinghouse to a 7- bed/7 person House in Multiple Occupation.
- 9** **23/00640/FUL - 57 Northern Parade, Portsmouth PO2 9PD** (Pages 65 - 76)
- Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation
- 10** **23/00571/FUL - 7 Magdala Road, Portsmouth PO6 2QG** (Pages 77 - 88)
- Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation
- 11** **23/00690/FUL - Unit 14 Fitzherbert Spur, Portsmouth PO6 1TT** (Pages 89 - 92)
- Installation of 2.4m high mesh wire fence with gates and soft landscaping

fronting Hardy Road (amended description).

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Agenda Item 3

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 2 August 2023 at 10.30 am in the Council Chamber, the Guildhall, Portsmouth

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

Present

Councillors Lee Hunt (Vice Chair)
Peter Candlish
Raymond Dent
Asghar Shah
John Smith
Mary Vallely
Gerald Vernon-Jackson CBE

Also in attendance: Councillor Jason Fazackarley.

Welcome

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

Guildhall, Fire Procedure

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

98. Apologies (AI 1)

Apologies had been received from Councillors Chris Attwell, Hannah Brent and Judith Smyth. Councillor Lee Hunt, Vice Chair took the Chair for the meeting. Councillors Gerald Vernon Jackson and Asghar Shah apologised that they would have to leave for other meetings at 1.00pm.

The meeting was adjourned for a short break at 1.02pm and resumed at 1.13pm.

99. Declaration of Members' Interests (AI 2)

Councillor Gerald Vernon-Jackson declared he had pre-determined the planning application relating to agenda item 7 - 1 Oliver Road, Southsea PO4 9BY - and would be making a deputation.

Councillor Gerald Vernon-Jackson declared he had pre-determined the planning application relating to agenda item 10 - Amenity Area, The Hard, Portsmouth PO1 3PU - and would be making a deputation in support.

Following the officers' presentation and before Member's questions, Councillor Peter Candlish took advice from the Legal Advisor and then declared a personal and prejudicial interest in agenda item 4 - Southsea Seafront from The Pyramids in the West to Speakers Corner in The East - in that he lives in close proximity to the application site.

Councillors Peter Candlish and Gerald Vernon-Jackson took no part in consideration of the items where they had declared an interest.

100. Minutes of the previous meeting held on 12 July 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 12 July 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, 2nd August, 2023, 10.30 am Portsmouth City Council](#)

The Chair amended the order of the agenda to hear agenda item 10 - Amenity Area The Hard Portsmouth after agenda item 6 - 16 North End Avenue Portsmouth PO2 9EB to allow Councillor Gerald Vernon-Jackson to make his deputation before leaving the meeting. For ease of reference, the minutes remain in the order published on the agenda for the meeting.

101. 23/00556/DOC - Southsea Seafront from The Pyramids in the West to Speakers Corner in The East (AI 4)

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.

The Interim Head of Development Management presented the report and reminded Members' that at its meeting in December 2019, the Committee had asked that certain conditions relating to public realm elements be considered by the Planning Committee rather than being determined under officer's delegated powers. The details under consideration fit in with the character and quality of the other elements comprising the whole Southsea Seafront scheme.

Deputations

A deputation was made by Nicky Reid, representing Coastal Partners, supporting the application.

Members' questions

In response to Members' questions, officers clarified:

- The proposals aimed to retain the large open space at Speakers Corner.
- The listed shelters are included in the application, the other (1950s) shelter is not part of this planning application but work on it is being progressed by the council.
- The lamppost which appeared to be in the middle of the open space on the images shown in the presentation may actually be closer to the edge of the open area with the amphitheatre seating in front of it.

- It was not possible to determine the location of the lamppost under discussion by condition.

Members' comments

Councillor Gerald Vernon-Jackson noted that it was important to retain the open space at Speakers Corner and that every effort should be made to ensure that a lamppost does not result in this being compromised.

Councillor Lee Hunt commented that the Council was seizing the opportunity offered by the installation of the sea defences, which were necessary to protect homes and businesses, to enhance Southsea Seafront while respecting its character.

Officers from Coastal Partners agreed to review the location of the lamppost which had been discussed during Members' questions and comments.

Members expressed their support for the proposals and were reassured by the commitment by officers to check the location of the lamppost and to move it if necessary, by informal agreement with the Applicant.

RESOLVED:

- 1) To approve details submitted pursuant to Conditions 17, 22, 23 and 25 as set out in the officer's committee report.**
- 2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to approve details pursuant to conditions 2, 3, 5A and 5B, 19, 20, 21, 30, 35 and 37.**

102. 22/00775/HOU 19 Garden Lane, Southsea PO5 3DP (AI 5)

Construction of a single storey rear extension (including mezzanine level) to provide annexe accommodation, following partial removal of existing single storey outbuilding.

The Interim Head of Development Management presented the report and confirmed the property lies within the Castle Road conservation area, abuts the Owens Southsea conservation area and is on the local list. The application is subject to a condition relating to bats and had been called in by Councillor Ian Holder.

Deputations

Deputations were made by Eileen Brooks, who had circulated a short PowerPoint presentation and photographs, and Richard Lacey objecting to the application.

Members' questions

In response to Members' questions and points raised during the deputations, officers clarified:

- The proposed annexe building will be on the site of the existing garage and existing wall.
- The loading on the existing footings and wall will be subject to Building Regulations and, possibly, the Party Wall Act.

- The case officer for the application wrote the report, it was checked by the Interim Head of Development Management, and all proposals by the Applicant and objections from local residents had been considered.
- Should the Applicant wish to use the annexe as a separate dwelling, planning permission for change of use would be required.
- The Applicant was seeking planning permission for the annexe and its size was not therefore limited by the sizes allowed for permitted development.
- The application could not be considered under permitted development as some of the measurements exceeded those allowed under this scheme.
- The annexe extension is effectively single story externally with a bedroom fitted into the roof space.
- The bat survey had been properly commissioned by the Applicant, had been checked by the planning department, had been assessed by a specialist ecologist in Hampshire County Council and it had been confirmed that wind and cloud cover had been considered.
- The distance from the wall to the neighbouring house was estimated to be 18 metres and there appears to be a sizable tree on the boundary which provides an intervening feature.
- Neighbours will see the change as the extension will be wider and taller, but it is considered that this is not unreasonable in a tightly packed urban area taking account of the good sized garden.
- Members should be satisfied that the application will conform to the aims and objectives of the National Planning Policy Framework (NPPF) which require that there will be no material harm to neighbours. Officers are content that the application meets this policy test.
- In relation to being within a conservation area, officers are satisfied that the application will be neutral or enhance the area as required by the 1990 Act.
- It is intended that the existing 2 metre wall be retained and that there will be the least intervention as possible, although until work starts it is not possible to know how much of the old wall can be retained.
- Further work with the Applicant will take place on site and details relating to a mix of old and new materials will need to be agreed by the planning department and a heritage advisor if necessary.
- The eaves of the current garage are 2.2 metres, and the ridge is 3.9 metres; the new building will measure 3 metres at the eaves and 4.7 metres on the ridge.

Members' comments

Members agreed that the property being in a conservation area added to the complexity of considering the application. Councillor Gerald Vernon-Jackson noted that the annexe will be attached to a building from the early 1800s and he expressed concern that this is effectively a 2-storey building, and the roof height is higher than the existing lean to garage.

Councillor Hunt commented that it may have been preferable for the extension to have been set back from the boundary wall, but the depth of the neighbouring garden and tree made it a difficult and finely balanced judgment. On balance he felt that it may be out of character for a conservation area.

Councillor Mary Vallely disagreed, adding that she did not find the application objectionable.

A proposal to refuse the application for planning permission was put forward and seconded. The vote was taken, and the motion failed.

A proposal to support the officer's recommendation was put forward and seconded. A vote was taken, and the motion passed.

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

103. 23/00498/FUL - 16 North End Avenue, Portsmouth PO2 9EB (AI 6)

Change of use from dwellinghouse (Class C3) to a 7-bed/7-person House in Multiple Occupation, with changes to rear fenestration.

The Interim Head of Development Management presented the report noting that the application meets accommodation and policy standards and is therefore considered to be acceptable.

Deputations

A deputation was made by Carianne Wells, the Agent.

Councillor Jason Fazackarley made a deputation objecting to the application and noted that his objection to the application had not been included in the officer's report. A deputation from Councillor Daniel Wemyss was read to the Committee by the Interim Head of Development Management.

Peter Robson had not asked to speak but made statements to the Committee during Members' comments.

Members' questions

In response to Members' questions, officers clarified:

- The case officer had been contacted by Councillor Fazackarley but his objections to the application had not been received.
- For clarity, Members' could add a condition limiting the number of occupants to 8 people.
- The proposed legal agreement (Recommendation I in the report) deals with issues relating to the Solent Protection Area.
- It was unlikely that the traffic team would undertake a survey of traffic movements for a development of this size, and they do not consider there to be a significant difference between the impact of a family house (which could have a similar number of occupiers) or an HMO with 7 individual occupants.
- The existing utility room will be included in the communal area, and this will include space for a fridge, freezer and washing machine.
- The long thin side area of the kitchen is usable space, and the combined living use area is bigger than space standards requirements for a communal space.

- The Planning Inspector has supported previous decisions by the Committee where an application has been refused on the basis that the communal living space did not lend itself to usable space. The Planning Inspector has also overturned such decisions in the past.
- The impact of an HMO on infrastructure is dealt with by the government, directly or indirectly, and there may be elements which relate to local matters including the community levy.

Members' comments

Councillor Lee Hunt noted that impact on infrastructure such as the water supply and other matters including access to GPs are dealt with elsewhere and he noted that the government had recently reiterated its directive for Portsmouth to build 17,000 new homes. He commented that he was however uneasy about this application and would support a move to limit then number of occupants to 7 people.

Councillor Gerald Vernon-Jackson noted that although he did not like HMOs and called them in for consideration by the Committee, every application must be considered on its own merits. He noted that Portsmouth has some of the strictest HMO rules in the country, that officers had provided reasonable answers on the matter of the communal space and that it was a matter of judgement as to whether this was an acceptable application.

Councillor Hunt commented that he was confident that if the application was refused, the Planning Inspector would agree that the communal space was not usable due to its configuration and layout. He reiterated that Portsmouth's space standards are important, and that this application does not meet those standards in relation to usable space.

RESOLVED to refuse planning permission on the basis that the configuration and layout of the communal space is unsuitable, would not provide good living space and conflicts with the city's Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD).

104. 23/00610/FUL - 1 Oliver Road, Southsea PO4 9BY (AI 7)

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)

The Interim Head of Development Management presented the report and noted that a water efficiency condition will be added should planning permission be granted.

Deputations

A deputation was made by Simon Hill on behalf of the Applicant.

Councillor Gerald Vernon-Jackson made a deputation objecting to the application.

Councillor Asghar Shah left the meeting at 12.50pm. Councillor Vernon Jackson left the meeting after making his deputation.

Members' questions

In response to Members' questions, officers clarified:

- For clarity a condition limiting occupancy to 8 people could be added.
- The garage may have been large enough to accommodate a car though this cannot be confirmed as many garages are too small for modern cars.
- The white line (parallel to the new boundary wall) would be removed, thereby creating an additional on the road parking space.
- The dropped kerb could be removed, and the pavement reinstated by condition.

Members' comments

Members felt that this application offered a high standard of accommodation, particularly in relation to the communal living space and noted that unusually, it also provided easy access to cycle storage.

RESOLVED:

- 1) 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.**
- 2) That additional conditions to limit occupancy to 8 people, reinstate the kerb following the removal of the garage and water efficiency be added by the Assistant Director of Planning & Economic Growth.**
- 3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**
- 4) 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.**

105. 23/00244/FUL - 35 Pembroke Road, Portsmouth PO1 2NS (AI 8)

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.

The Interim Head of Development Management presented the report and noted that the application had been called in by Councillor Ian Holder due to concerns about the number of bike spaces, parking spaces and additional traffic near to

St Jude's CE Primary School. He drew Members' attention to the information in the Supplementary Matters report including additional comments made by the Active Travel Officer and the Friends of Old Portsmouth Association (FOOPA).

The Interim Head of Development Management noted that extra conditions relating to sustainable drainage the development's extra parking spaces and in relation to the details, standard and location of new trees (oaks and sweet chestnuts) including a management plan to plant and get the trees established will be added to the planning permission should the application be granted.

Deputations

A deputation was made by Andrew Cooper, on behalf of the Applicant, in support of the application.

Members' questions

In response to Members' questions, officers clarified:

- Tree T3 has crown dieback and had brutal crown reduction and needs to be removed; T2 had unsympathetic crown reduction but is in reasonable health, but none of the trees on the site are of best quality. T3 is the most sick, others have other defects.
- The trees designated for removal are situated along the front boundary and T1 and the existing hedge will be retained.
- Due to the condition of the trees, the council's arboricultural officer has not objected to the removal of the trees subject to them being replaced.
- The new trees are likely to be native trees such as oaks and sweet chestnuts, though the species, location, size and number of trees planted is subject to condition which also required a management plan to be put in place.
- Landscaping to include shrubs could be controlled by condition.
- Although it is anticipated that 5 members of staff will work at the premises, the Applicant has chosen to seek permission for 13 parking places.
- There is no requirement for the Applicant to develop a Green travel plan.
- The permeable blocks (in the parking area) are shown as pavers on sand rather than greencrete and is subject to condition.

Members' comments

Members were concerned about the loss of green space due to the removal of trees and grassy areas for parking spaces. Councillor Lee Hunt noted that there was no information in the report about the addressing water run off and commented that although one tree must be removed, the removal of the others would have an adverse impact on the street scene and conservation area. He also felt that the number of parking spaces proposed was out of step with the council's sustainable travel ambitions, would encourage traffic movements in narrow streets and have a negative impact on residential amenity and the safety of road users particularly in relation to the school.

The Interim Head of Development Management advised that he had already addressed Members' comments around the removal of the trees and green space; that there were technical solutions to run off and drainage; that

Members' may form a view on the number and impact of parking spaces and that he would encourage members not to use the impact on traffic as a reason for refusal as this is a small facility with limited opening hours and Pembroke Road is already fairly busy. Members noted his advice.

A proposal to refuse the application for planning permission based on the adverse impact of loss of trees and the provision of parking spaces which was contrary to the council's sustainable transport ambitions was put forward and seconded. The vote was taken and, following a casting vote by the Chair of the meeting, the motion passed.

A proposal to support the officer's recommendation was put forward and seconded but it was not necessary to vote on the proposal.

RESOLVED to refuse planning permission on the basis of:

- 1) Loss of trees resulting in an adverse impact on the street scene and conservation area.**
- 2) Excessive provision of parking spaces which does not support sustainable transport.**

106. 23/00684/FUL - H & E Car Spares (breakers Yard) Alchorne Place, Portsmouth PO3 5QL (AI 9)

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.

The Interim Head of Development Management presented the report and drew Members' attention to the information in the Supplementary Matters report which corrected the hours of operation to 0500 - 1800. These hours are not considered to be of concern due to the industrial setting of the application site and this amendment has not led to a change in the recommendation.

Deputations

A deputation was made by Ashleigh Moore and Martin Harvey on behalf of the Applicant.

Members' questions

In response to Members' questions, officers clarified:

- There may be a further application for planning permission to cover the improvement of welfare facilities and access and egress to the site as the whole site needs a refurbishment.
- In the meantime, access and egress will remain in the current locations and access to the new space will be within the existing boundaries.
- The Highways Officer has made no objection and would be consulted on any future changes to the access and egress arrangements at the newly combined site.

Members' comments

Members noted the improvements to efficiency and the green credentials of the waste collection service which is being brought 'in house' by the council.

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

107. 23/00487/FUL - Amenity Area, The Hard, Portsmouth PO1 3PU (AI 10)
Construction of memorial obelisk.

The Interim Head of Development Management presented the report.

Deputations

A deputation was made by Councillor Gerald Vernon-Jackson supporting the application.

Members' comments

Councillor Hunt noted he was surprised by the objections raised by the Portsmouth Society.

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

The meeting concluded at 2.03pm.

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Signed by the Chair of the meeting.
Councillor Lee Hunt

Agenda Item 4

23/00547/FUL

WARD:COPNOR

52 BEAULIEU ROAD PORTSMOUTH PO2 0DN

[23/00547/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation | 52 Beaulieu Road Portsmouth PO2 0DN](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Jesse Harfield

RDD: 3rd May 2023

LDD: 6th July 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a total of 32 objections (including from Councillors Swann and Wemyss), and a call-in request from Councillors 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 mid-terraced dwelling located to the eastern side of Beaulieu Road, just to the south of its junction with Laburnum Grove as shown in **Figure 1** below. The property is set back from the highway by a small front garden and has a conservatory located to the southern side of the rear elevation. The existing layout comprises a lounge, kitchen, dining room, utility room and bathroom at ground floor level, and 3 bedrooms (one with a ensuite) and a shower room on the first floor.
- 2.2 The surrounding area is predominantly residential in character with similar terraced properties. The application site falls within a residential area characterised by rows of two-storey terraced properties.



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 (all with ensuite shower, toilet and handbasin), communal Kitchen/Dining room, and a shared WC (with handbasin).
- First Floor - Three bedrooms (two with a shower, toilet and handbasin ensuite), and a shower room with toilet and handbasin
- Second Floor - Two bedrooms (all 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 include alterations to an existing rear conservatory to form a flat roofed single storey rear extension, a rear dormer and rooflights to the front roofslope; these works are not included in the application. They should not be considered as part of the application but would be necessary to meet the space standards required for the proposed use. 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 7 persons.

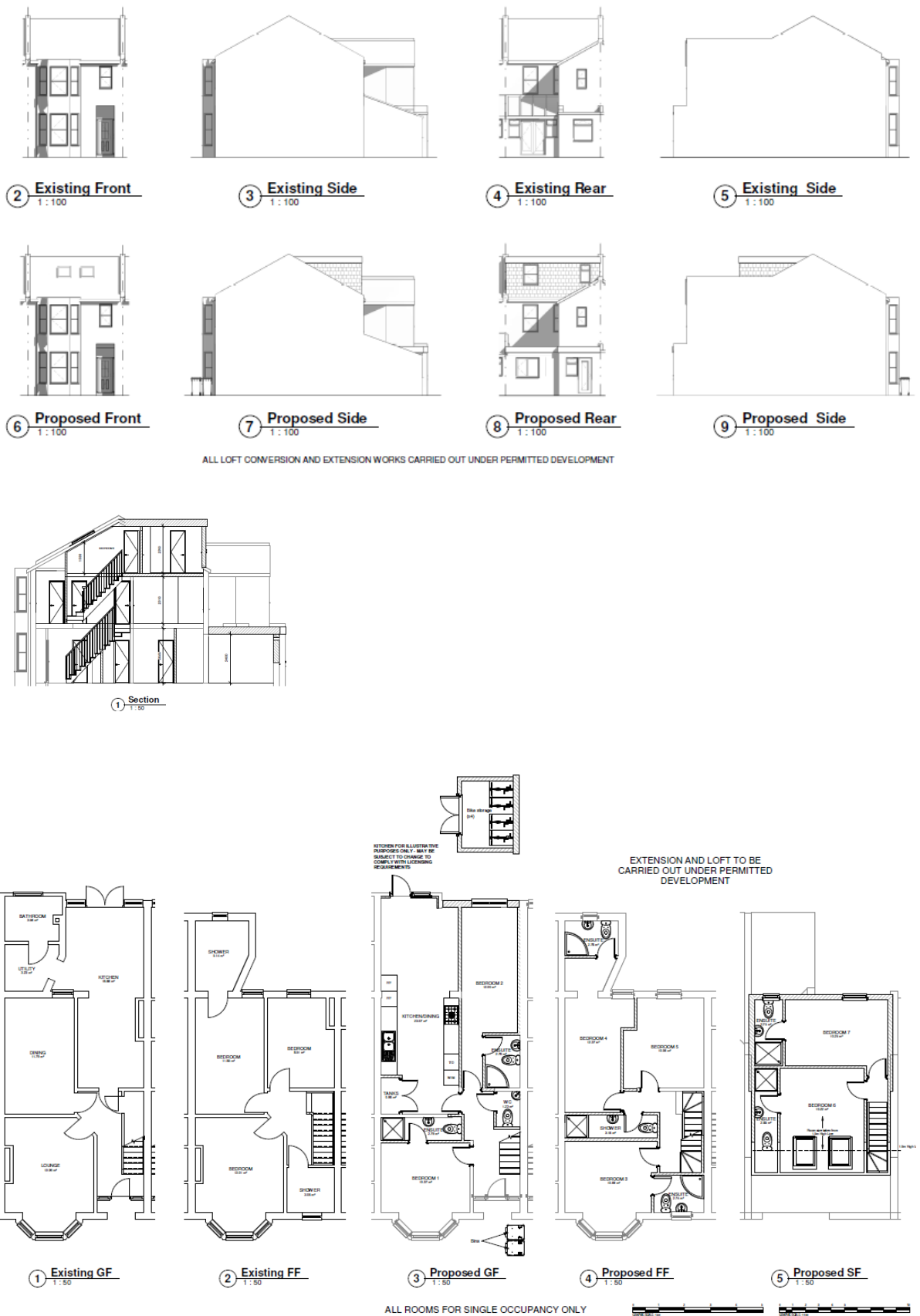


Figure 2 Existing and Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

4.1 13/00167/PLAREG - Retention of conservatory to rear elevation - Approved 17.04.2013

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. The property will need to be inspected by private sector housing to ensure it meets licensing requirements.

6.2 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. Recommend a condition to secure cycle storage prior to occupation.

6.3 Natural England - No objection subject to securing appropriate mitigation

7.0 REPRESENTATIONS

7.1 32 objections received, including from Councillors Wemyss and Swann, summarised as:

- a) Too many HMOs within 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) Poor standard of living for future residents
- e) Undue strain on local services and infrastructure, including the sewage, drainage and Doctors/Dentists
- f) Concerns about impact on community
- g) Anti-social behaviour

- h) Increase in noise and waste.
- i) Negative impact on property prices

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.

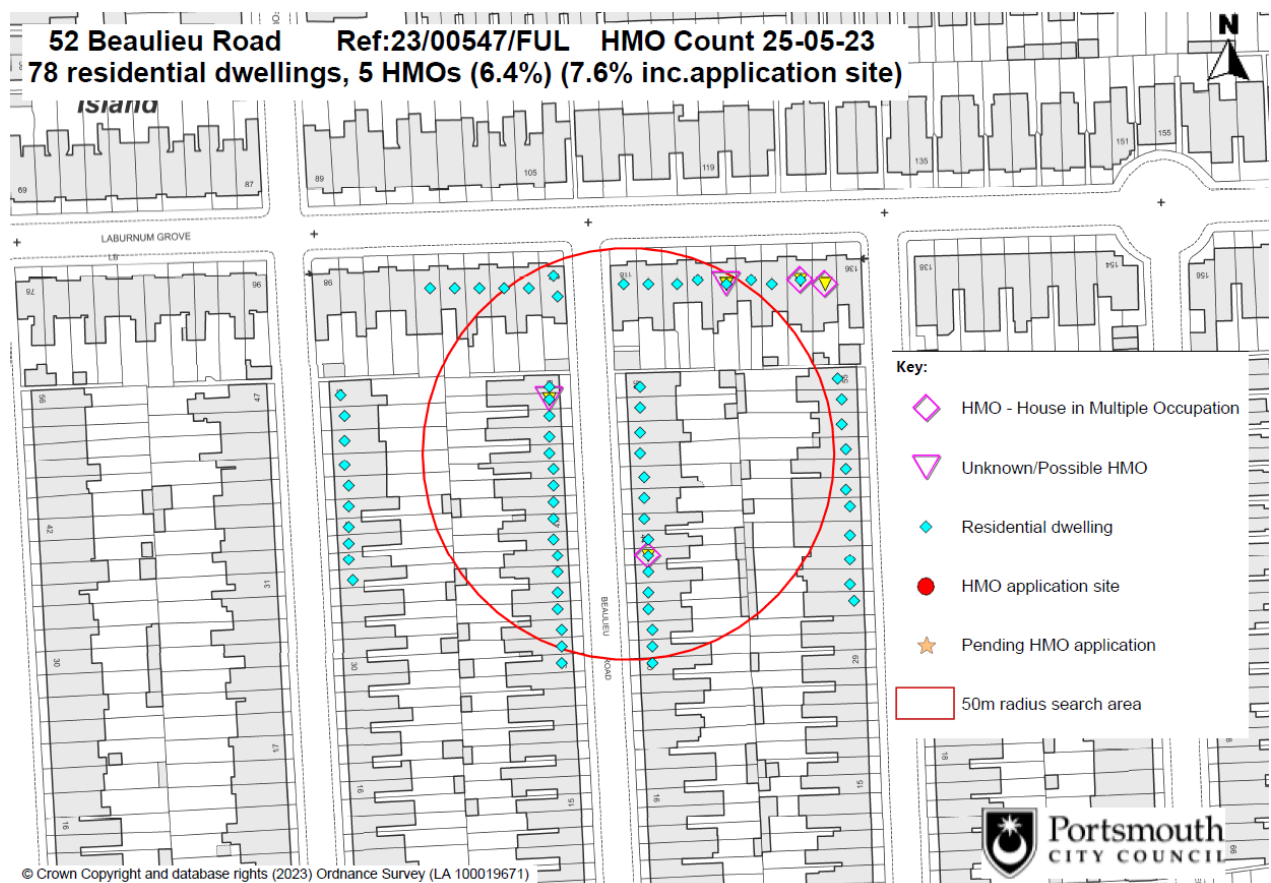
8.4 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a 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.

8.7 Based on information held by the City Council, of the 78 properties within a 50 metre radius of the application site, 3 properties have been identified as an HMO in lawful use (No 42 Beaulieu Road and Nos 132 & 134 Laburnum Grove), and 2 properties identified as Unknown/Possible HMO (No 61 Beaulieu Road & Flat First Floor, 126 Laburnum Grove). Therefore, the existing number of HMOs equates to 6.4% of the properties within the search area. The addition of the application property would result in 7.7% 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)	10.37m ²	6.51m ²
Bedroom 2 (Single use)	12.00m ²	6.51m ²
Bedroom 3 (Single use)	10.69m ²	6.51m ²
Bedroom 4 (Single use)	12.37m ²	6.51m ²
Bedroom 5 (Single use)	10.06m ²	6.51m ²
Bedroom 6 (Single use)	10.22m ²	6.51m ²
Bedroom 7 (Single use)	10.25m ²	6.51m ²
Shared WC (Ground Floor)	1.23m ²	1.17m ²
Communal Kitchen/Dining area (ground floor)	23.07m ²	22.5m ² (because all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	2.79m ²	2.74m ²
Ensuite bathroom for bedroom 2	2.76m ²	2.74m ²
Ensuite bathroom for bedroom 3	2.74m ²	2.74m ²
Ensuite bathroom for bedroom 4	2.78m ²	2.74m ²
Ensuite bathroom for bedroom 6	2.85m ²	2.74m ²
Ensuite bathroom for bedroom 7	2.75m ²	2.74m ²
Shared Shower Room (First Floor, with WC & Handbasin)	3.18m ²	2.74m ²
Tanks room	0.98m ²	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 - submitted proposed floor plans show a sufficient amount of space within the communal kitchen/dining area to accommodate communal dining/lounge space

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

6 of the 7 bedrooms would have ensuite facilities, and an additional shared WC would be present at ground floor level and a shared Shower Room at first 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.

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

8.18 Highways/Parking

8.19 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.

8.20 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.

8.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's 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 - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.

8.22 Waste

8.23 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.

8.24 Impact on Special Protection Areas

8.25 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.

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

8.27 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.

8.28 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.

8.29 Other Matters raised in the representations.

8.30 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.

8.31 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.

8.32 Some comments object due to the apparent poor quality of living for future occupiers and the high number of HMOs already in the area. Both of these objections are considered to be unfounded because the proposal is found to comply with both policies PCS20 and PCS23 of the Portsmouth Plan.

- 8.33 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).
- 8.34 There is nothing in policy which would retain the use of the properties for use by families.
- 8.35 Members will be able to identify that a number of issues raised in the objections are not material planning issues. For summary and completeness, these points, these concerns, where founded, will be covered by other Council Departments such as HMO Licensing/Private Sector Housing, Building Control and Waste. Issues can be dealt with as and when they arise by those departments, and in any cases where illegal activity is involved, as has been suggested will be the case by some objectors, neighbours should contact the Police.

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 drawings:

- Sui Gen Plan - Dwg No. PG.8022 · 23 · 4 REV A
- Section and Elevations - Dwg No. PG.8022 · 23 · 6 REV A

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 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.

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Agenda Item 5

23/00676/FUL

WARD: COPNOR

61 ST CHADS AVENUE PORTSMOUTH PO2 0SD

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION

[23/00676/FUL | Change of use from dwellinghouse \(Class C3\) to 7 person/7 bedroom House in Multiple Occupation | 61 St Chads Avenue Portsmouth PO2 0SD](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Reynolds
CER Property Ltd

RDD:

LDD:

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to 75 objections and at the request of Councillors Wemyss, Simpson and Swann.
- 1.2 The main issues for consideration in the determination of the application are as follows:
 - Principle of Development including compliance with policy
 - Standard of accommodation
 - Impacts on Amenity
 - Parking
 - Waste
 - Special Protection Areas
 - Other material considerations

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, end-terraced dwellinghouse (Class C3) located on the northern side of St Chads Avenue, a cul-de-sac. The existing dwellinghouse is served by bay windows to the front over two floors and has a small, paved garden area enclosed with a white painted boundary wall with the addition of small railings to the front of the property, and a back garden with sizeable outbuilding. The existing layout comprises a lounge, dining, kitchen and conservatory at ground floor and 3 bedrooms and a bathroom at first floor.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the Change of use from dwellinghouse (Class C3) to House in Multiple Occupation for seven people.
- 2.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:
 - Ground Floor - 2 bedrooms with ensembles, tank room, kitchen/dining area, WC;
 - First Floor - 2 bedrooms with ensembles, and a shared bathroom; and

- Second Floor - 2 bedrooms with ensembles.

3.3 External works have been carried out under permitted development, namely a ground floor rear extension, and a rear roof extension, they are marked on the submitted plans as works under permitted development. As such, no further consideration will be given to this aspect of the property.

3.0 PLANNING HISTORY

4.1 There is no planning history.

4.0 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').

5.0 CONSULTATIONS

6.1 Private Sector Housing: would require to be licenced under Part 2, Housing Act 2004.

6.2 Transport: No objection subject to a condition requiring details of cycle storage

7.0 REPRESENTATIONS

7.1 There have been 75 objections to the proposed development, including from Councillor Wemyss, Councillor Simpson and Councillor Swann.

7.2 The above representations of objection have raised the following concerns:

- a) Lack of parking provision leading to increase in traffic and exacerbation of existing on-street parking problems. School and NHS establishment at the end of the road.
- b) Strain on water supply and sewers.
- c) Already too many HMOs in the area.
- d) Increase in noise.
- e) Will negatively affect the value of the neighbours houses
- f) The cleanliness of the road itself is at risk, due to the increased amount of rubbish produced by an HMO. Increase in rodents and pests.

- g) The design of extensions already being built not in keeping with style of property.
- h) Overlooking issues.
- i) Privacy.
- j) risk of increased anti-social behaviour in the area.
- k) Detrimental to mental health and wellbeing
- l) Bicycle storage for 7 bikes, is there room for this amount?
- m) Not enough room for 7 bins at the front.
- n) The Council needs to get an updated register of all the (illegal) HMOs in Portsmouth
- o) The property is old, not built for purpose of HMO.

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;
- Special Protection Areas, and
- Any other raised matters

8.2 Principle of development

8.3 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).

8.4 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.

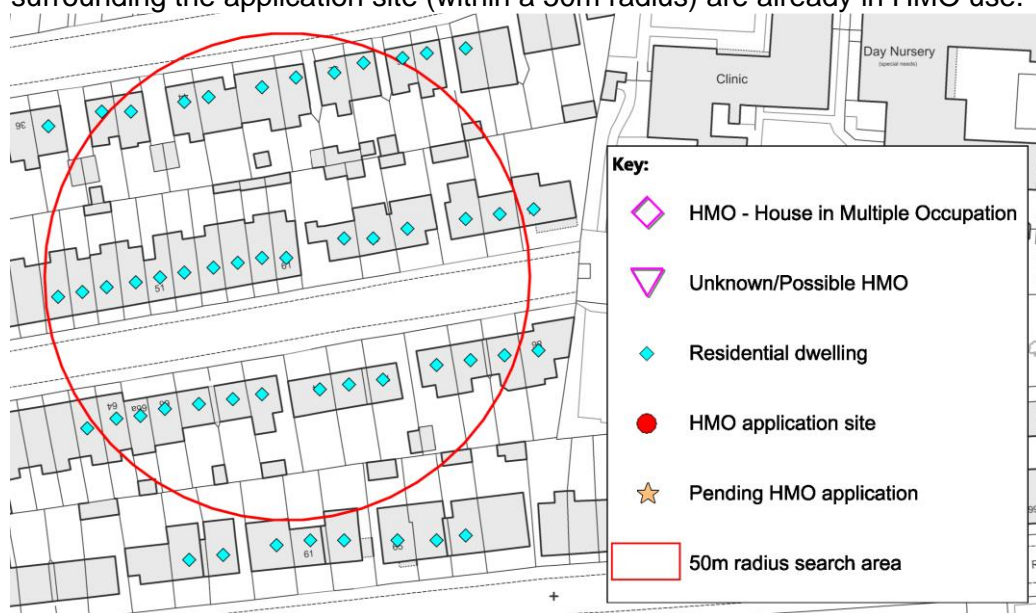


Figure 1

- 8.6 Currently there are no other HMOs in the 50m radius. The use of 61 St Chads Avenue as an HMO would result in 1 HMO uses out of a total of 51 residential properties. This produces an HMO percentage of 1.96% which, falls well below the 10% threshold allowed by PCS20.
- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

Five year Housing Land supply.

- 8.9 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.
- 8.10 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.

8.11 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	10.98m ²	6.51m ²
Bedroom 2	10.97m ²	6.51m ²
Bedroom 3	10m ²	6.51m ²
Bedroom 4	10.08m ²	6.51m ²
Bedroom 5	10.98m ²	6.51m ²
Bedroom 6	11.25m ²	6.51m ²

Bedroom 7	11.37m ²	6.51m ²
Combined Living Space	23m ²	22.5m ² , as all bedrooms exceed 10m ²
Ensuite Shower, Bed 1	2.90m ²	2.74m ²
Ensuite Shower, Bed 2	2.92m ²	2.74m ²
Ensuite Shower, Bed 3	2.74m ²	2.74m ²
Ensuite Shower, Bed 5	2.74m ²	2.74m ²
Ensuite Shower, Bed 6	2.76m ²	2.74m ²
Ensuite Shower, Bed 7	2.87m ²	2.74m ²
Ground floor wc	1.45m ²	Not required
First floor shower room	2.74m ²	2.74m ²
Tanks room	1.54m ²	n/a

Table 1 - HMO SPD (Oct 2019) compliance

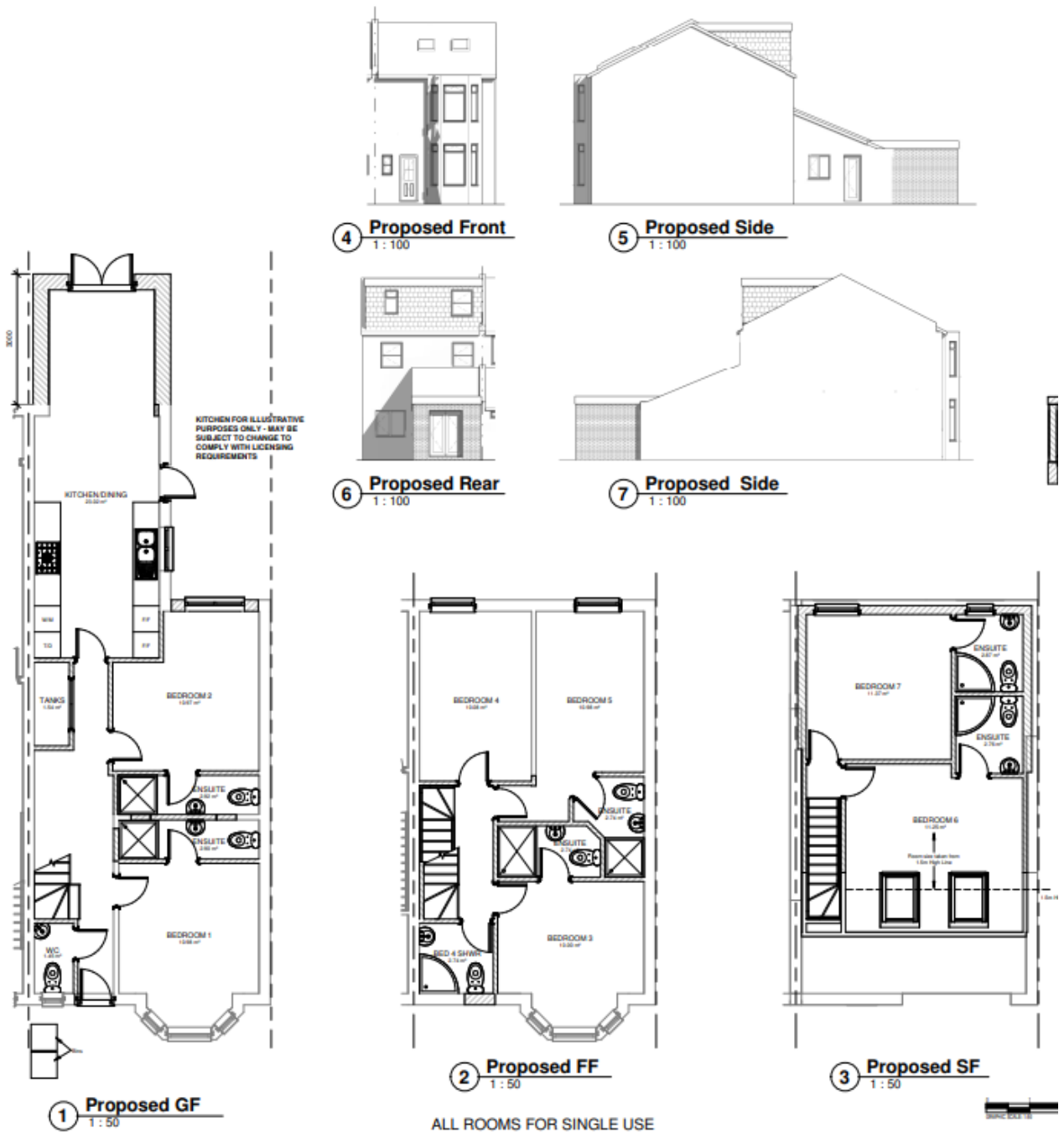


Figure 2: proposed plans.

- 8.13 All rooms exceed the required space standards, overall layout and access to light is acceptable and the proposal is considered to provide a good standard of living for future occupiers.
- 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 as a house in multiple occupation.
- 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, nor would the increase in occupants.
- 8.17 Given the realistic increase in number of occupants as a material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 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 \approx 1.5 off-road spaces, which is very little difference to the requirement for the proposed HMO occupation. As such, it is considered that refusal on a lack of parking is not reasonable or defensible. 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.
- 8.21 The Council's Adopted Parking Standards set out a requirement for 7 person HMOs to provide space for the storage of at least 4 bicycles. The proposals have demonstrated a covered cycle store to the rear of the property, capable of accommodating 4 bicycles. The requirement for this store to be retained as secure and weatherproof cycle storage for 4 bicycles is recommended to be secured by condition.
- 8.22 Waste
- 8.23 The storage of refuse and recyclable materials can be accommodated in the front garden area.
- 8.24 Impact on Special Protection Areas
- 8.25 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
- 8.24 Human Rights and the Public Sector Equality Duty ("PSED")

- 8.25 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.
- 8.26 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.
- 8.27 Other Matters raised in the representations
- 8.28 Some of the issues raised in the objections are not material planning issues, for example property values, and building structure (which is addressed by the Building Regulations).
- 8.29 Many objections centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same or similar parking requirement as the current C3 use (with some minor internal/PD works).
- 8.30 Many comments raise concerns 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. These works could be implemented without the need to apply for permission under the current C3 use.
- 8.31 Some comments object due to the apparent poor quality of living for future occupiers and the high number of HMOs already in the area. Both of these objections are considered to be unfounded because the proposal is found to comply with both policies PCS20 and PCS23 of the Portsmouth Plan. As per the map detailed above, this would be the only HMO in the 50m radius area currently.
- 8.32 Some objectors have raised concerns regarding the type and number of people staying in the property. 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 Having regard to all material planning considerations, and representations received, 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) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed 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: Sui Gen Plan PG.8021.23.5.Rev. A, Location Plan, Block Plan.

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 7 persons, the single storey rear extension and roof alterations 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.

Water Efficiency

- 5) 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.

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Agenda Item 6

23/00322/FUL

WARD: FRATTON

27 QUEENS ROAD FRATTON PORTSMOUTH PO2 7LT

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

[23/00322/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Classes C3 \(dwellinghouse\) or C4 \(House in Multiple Occupancy\) | 27 Queens Road Fratton Portsmouth PO2 7LT](#)

Application Submitted By:

Mr Kercher
incollective.works

On behalf of:

Henry Charles
GG-739-339

RDD: 14th March 2023

LDD: 10th May 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (eleven) including one from Councillor Swann.

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

- The principle of development;
- Standard of accommodation;
- 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 relates to a two-storey, end-terrace dwellinghouse (Class C3) located on the northern side of Queens Road as shown in **Figure 1** below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a front room, lounge, kitchen/dining room, at ground floor level; two bedrooms, a spare room and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area, there are a variety of styles of properties in the area which are predominantly two-storey. Seven of the properties within the 50m radius have been subdivided into flats, the closest of which is 28 Queens Road.



Figure 1 - Site Location Plan

3.0 THE PROPOSAL

3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.

3.2 The proposed internal accommodation, as shown in **Figure 4** below, comprises the following: please provide the plans - plans are below?

- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Living room; WC; Kitchen/Dining room;
- First Floor - Three bedrooms (with a shower, toilet and handbasin ensuite)
- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

3.3 The Applicant intends to construct a single storey rear extension, a small rear/side extension, a rear dormer extension within the main roof and insert three rooflights within the front roof slope under permitted development, as shown below in the drawing below, to facilitate the enlargement of the property before undertaking the proposed change of use. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.

3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or the ground floor extensions as part of this application. There would be no external operational development forming part of this application with the exception of the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

3.5 Within the application the submitted plans have been amended to reduce the height of the rear dormer, to comply with Permitted Development. This has been achieved via changing the internal floor height. The heights within the floors have been measured and still provide appropriate head height (2.3m).

4.0 PLANNING HISTORY

4.1 23/00014/GPDC: Construction of single storey rear extension extending 6m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m. Refused (14.04.2023) - reason: unneighbourly and overly dominant form of development, detrimental to the amenities of adjoining occupier by overbearing impact, sense of enclosure, overshadowing.

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.

6.2 Highways Engineer - no objection.

6.3 Queen Road is a residential road with parking accommodated through unrestricted on street parking. The demand for parking on street appears high, particularly in the evenings and weekends.

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

6.5 Portsmouth City Councils Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However it is noted that the

expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be for 2 off-road spaces.

- 6.6 No parking survey information has been submitted to demonstrate on street capacity if additional demand resulting from the development can be accommodate within a 200m walking distance of the application site. Therefore, there is the potential for increased instances of residents driving around the area hunting for a parking space, although is an issue of residential amenity. This could justify a reason for refusal and consequently you should give this due weight in your determination of the planning application.
- 6.7 Furthermore, secure cycle storage has been indicated and a condition would be requested for this provision prior to occupation.

7.0 REPRESENTATIONS

7.1 Eleven representations have been received objecting to the proposed development, including one from Councillor Swann.

7.2 The above representations of objection have raised the following concerns:

- a) Loss of privacy and overlooking;
- b) Loss of house value due to proximity of HMOs;
- c) Possible occupation of the property by 6-12 individuals;
- d) Lack of bike storage details;
- e) Impact of prior-Approval extension on light and privacy;
- f) Impact on bio-diversity;
- g) Parking impacts;
- h) Number of flats nearby;
- i) Increase waste and rubbish;
- j) Loss of family housing;
- k) Strain on public services;
- l) Concerns over accuracy of HMO register;
- m) Noise concerns;
- n) Loss of light to garden;
- o) Safety concerns;
- p) Fire safety concerns; and
- q) Drainage concerns.

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

8.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class

C4 HMO is defined as 'a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom'.

- 8.4 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.
- 8.5 Based on the information held by the City Council, of the 61 properties within a 50-metre radius of the application site, there are only 2 confirmed HMOs (Class C4) at 34 Queens Road and 60 St Stephens Road as shown in **Figure 4** below. 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.
- 8.6 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 4.91%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 - Existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 Standard of accommodation
- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	10.04m ²	10m ²
Bedroom 2 (first floor)	10.00m ²	10m ²
Bedroom 3 (first floor)	10.01m ²	10m ²
Bedroom 4 (first floor)	10.264m ²	10m ²
Bedroom 5 (second floor)	10m ²	10m ²
Bedroom 6 (second floor)	12.75m ² *	10m ²
Ground floor shared wc	2.74m ²	1.17m ²
Living room (ground floor)	10.017m ²	Unrequired/additional
Communal Kitchen/Dining area (ground floor)	22.5m ²	22.5m ² as all bedrooms meet or exceed 10m ²
Ensuite bathroom 1 (ground floor)	2.74m ²	2.74m ²
Ensuite bathroom 2 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 5 (second floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (second floor)	2.74m ²	2.74m ²

* Excluding part of Bedroom 6 that was deemed to be unusable.

Table 1 - HMO SPD (Oct 2019) compliance

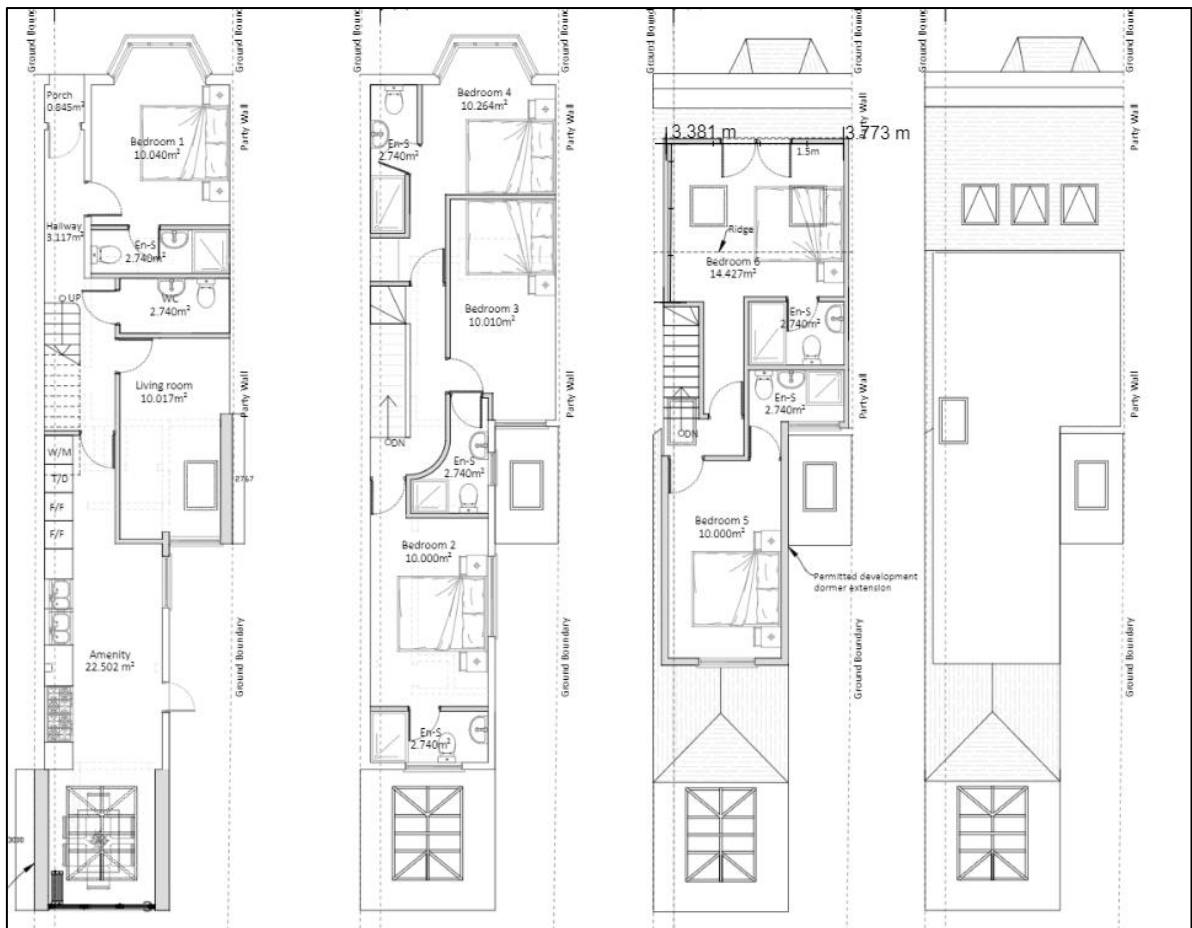


Figure 4 - Proposed Floorplans

- 8.11 The kitchen/dining area only just meets the minimum size standard for the proposed use. It is however considered that the additional living room makes up for the inadequacies of the kitchen/dining area. Totalling these areas together, the communal space within the property totals 32.67m². All of the bedrooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 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 either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 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 further HMO would not be significantly harmful.
- 8.17 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 (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.

8.18 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.

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

8.20 Highways/Parking

8.21 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.

8.22 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. 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. 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.

8.23 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.

8.24 Waste

8.25 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

8.26 Impact on Special Protection Areas

8.27 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant

effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

8.28 Community Infrastructure Levy (CIL)

8.29 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

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

8.31 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.

8.32 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.

8.33 Other Matters raised in the representations

8.34 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.

8.35 As mentioned the external works would be Permitted Development and therefore considerations against any loss of light or privacy would not be relevant.

8.36 Impact upon property values are not a material planning consideration.

8.37 The Prior-Approval extension was refused and is not associated with the application.

8.38 Concerns around biodiversity and foxes nearby have been raised. It is considered that as the garden is residential open space, there is no control through the planning regime to retain the existing garden.

8.39 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.

8.40 All other objections are addressed within the report above or conditions below.

9.0 CONCLUSION

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

RECOMMENDATION Conditional Permission

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.

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: Floorplans - 112 PL04 Rev A; Side Elevations - 112 PL06 Rev A; and Elevations and Sections 112 - PL05 Rev A.

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 within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

Agenda Item 7

23/00097/FUL

WARD:HILSEA

76 ORIEL ROAD PORTSMOUTH PO2 9EQ

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

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=ROZOJKMOGNQ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=ROZOJKMOGNQ00)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Reynolds

RDD: 25th January 2023

LDD: 27th March 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a total of 12 objections from local residents.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development (including HMO density);
 - The standard of accommodation;
 - 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 mid terrace dwellinghouse with large bay windows and a gabled frontage. It is served by a front forecourt and rear garden with an outbuilding.
- 2.2 The application site falls within a residential area characterised by rows of two-storey terraced properties. To the east of the site is London Road, which features a number of shops, services and public transport routes.

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from Class C3 (Dwellinghouse) into a 6 bedroom HMO falling within use C4, while retaining its C3 use class so that it can be used as either a C3 or C4.

3.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:

- Ground Floor - 1 bedroom with ensuite, Communal kitchen-dining area, study, shower room and WC;
- First Floor - 3 bedrooms with ensuites; and
- Second Floor - 2 bedrooms with ensuites.

3.3 Permitted Development works including a rear dormer and rear extension are proposed and do not form part of the application, but a condition should be imposed to ensure this work is undertaken in order to meet the required space standards.

4.0 PLANNING HISTORY

4.1 No relevant planning history.

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. No adverse comments re 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 comment. It should be noted that there is no increase in the requirements for parking spaces between a C3 and C4 dwelling.

7.0 REPRESENTATIONS

7.1 12 objections received 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 (including needles and stabbings);
- f) Loss of a family home;
- g) Set a precedent for future development;
- h) Building works going on at the site and other sites owned by the applicant are already in use without permission ;
- i) Lacks adequate living space;
- j) Out of character for the area;
- k) Strain on public services;
- l) Noise from the communal area;
- m) Lack of natural light to the rooms.
- n) Disruption and mess from building works
- o) It will be extended further to a larger HMO
- p) PD works are not PD
- q) Next door is an HMO and there has to be a 50m gap between HMOs
- r) Extra council tax for the Councils' coffers
- s) Loss of value to neighbouring properties
- t) Unnecessary
- u) The area will look like a student area

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 HMO Policy

8.3 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).

8.4 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.

8.5 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 3 HMOs at 49, 78 and 94 Oriol Road as

shown below. 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.

- 8.6 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 5.64%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

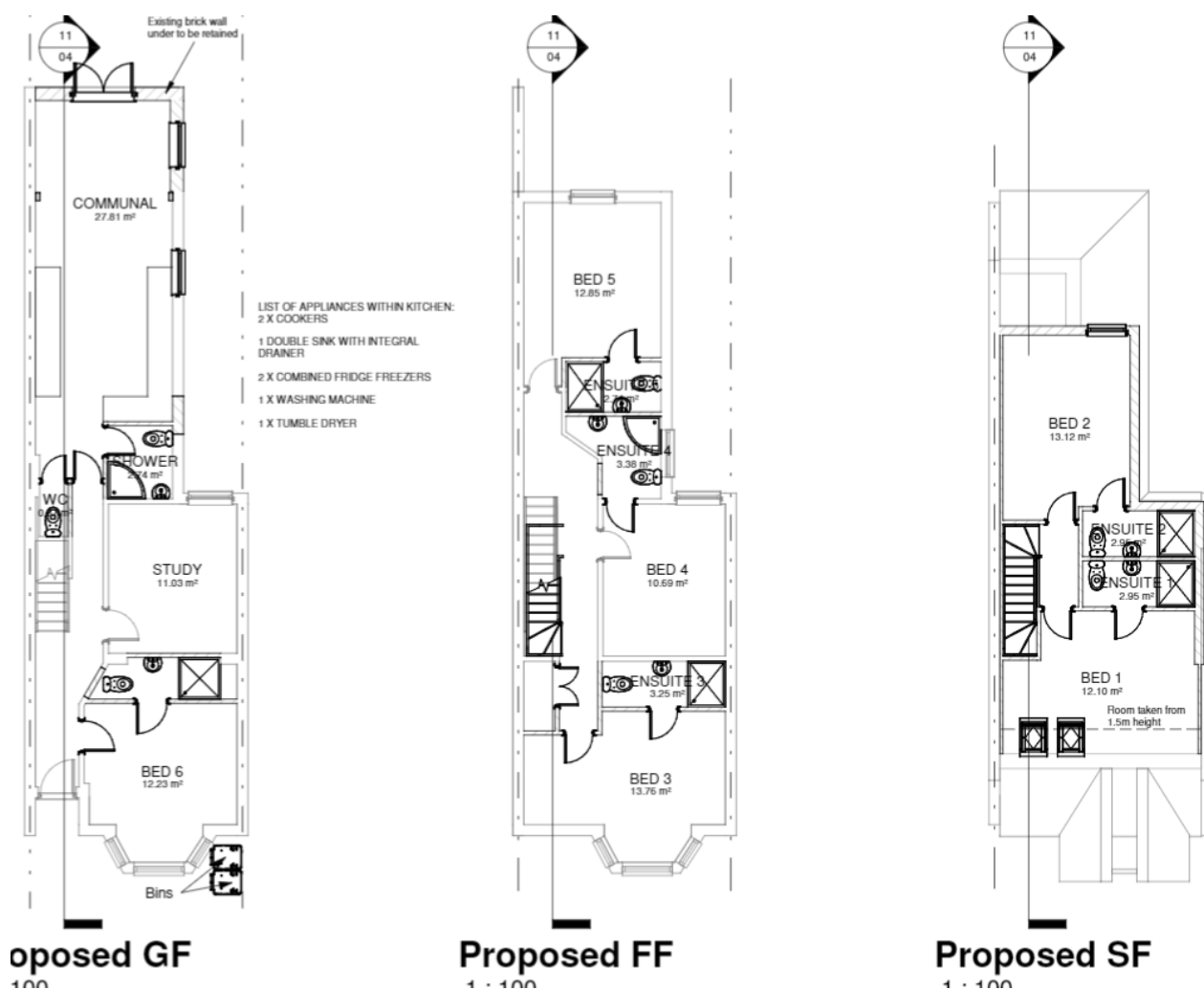
8.9 Standard of accommodation

- 8.10 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	12.01m ²	6.51m ²
Bedroom 2	13.12m ²	6.51m ²
Bedroom 3	13.76m ²	6.51m ²
Bedroom 4	10.69m ²	6.51m ²

Bedroom 5	12.85m ²	6.51m ²
Bedroom 6	12.23m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	27.81m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ground Floor WC	0.87m ²	1.17m ² (but not required)
Ensuite bathroom 1	2.95m ²	2.74m ²
Ensuite bathroom 2	2.95m ²	2.74m ²
Ensuite bathroom 3	3.25m ²	2.74m ²
Ensuite bathroom 4	3.38m ²	2.74m ²
Ensuite bathroom 5	2.74m ²	2.74m ²
Ensuite bathroom 6	2.74m ²	2.74m ²

Table 1 - HMO SPD (Oct 2019) compliance



- 8.11 All rooms 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.
- 8.12 Impact on neighbouring living conditions
- 8.13 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.

- 8.14 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.
- 8.15 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.16 Highways/Parking
- 8.17 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with two or three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.18 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.
- 8.19 The Council's Adopted Parking Standards set out a requirement for 6 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.
- 8.20 Waste
- 8.21 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.
- 8.22 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.23 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.

- 8.24 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.
- 8.25. Other Matters raised in the representations
- 8.26 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.
- 8.27 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.
- 8.28 The other matters raised by residents have been covered within the report or are not material planning considerations.

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) and it is recommended that permission be granted in accordance with the following conditions:

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:

- Dual Use Plans PG.7186.22.04
- LOCATION 1-1250

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 6 persons, the single storey rear extension and rear dormer proposed to be constructed under permitted development allowances shall be completed in accordance with the conditions and requirements of the relevant allowances.

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 8

23/00551/FUL

WARD:COPNOR

47 BELGRAVIA ROAD PORTSMOUTH PO2 0DX

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7- BED/7 PERSON HOUSE IN MULTIPLE OCCUPATION

[23/00551/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation | 47 Belgravia Road Portsmouth PO2 0DX](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM

On behalf of:

Howard Baker

RDD: 03 May 2023

LDD: 30 September 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (15) as well as the request of Councillor Wemyss

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

- The principle of development;
- The standard of accommodation;
- Impacts on amenity of neighbouring residents;
- Parking;
- Waste;
- Impact on the Solent Protection Area; and
- Any other material considerations.

1.3 Site and surroundings

1.3 The application relates to a two-storey (to eaves height), mid terrace dwellinghouse (Class C3) located on the western side of Belgravia Road close to the junction with Laburnum Grove. The building as existing has a single bay at the front at ground floor and a 2 storey element set in c1 metre from the boundary at the rear with a mono pitch roof with a single storey element with a lean to roof. The property features a small rear 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 east of the site is Copnor Road, which features a number of shops, services and public transport routes.

1.4 The Proposal

1.5 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful use of as a C3 dwelling to a 7 bedroom/7 person house in multiple occupation.

1.6 A flat roof single storey extension is proposed to be built via the Prior Approval 23/0013/GPDC. And the rear roof extension would be Permitted Development. Neither extension therefore form a part of this application, but are required to provide the layout

and occupation shown. A communal kitchen-diner would be provided and seven ensuite bedrooms.

1.7 Planning History

- 1.8 23/0013/GPDC, Construction of a single storey rear extension extending 4m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m. Prior Approval Not Required, 05.04.2023.

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: PCS17 (Transport), PCS20 (Houses in Multiple Occupation and PCS23 (Design and Conservation).
- 2.2 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Updated Nutrient Neutral Mitigation Strategy (2022), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD')

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: would require to be licensed under Part 2 of the Housing Act 2004. No adverse comments in relation to the proposed size and layout. It will be inspected by the Private Sector Housing Team to ensure it meets licensing requirements.
- 3.2 Highways Engineer - No objection. No material impact on the local highway network. The Parking SPD gives the expected level of vehicle and cycle parking for a 3-bedroom dwelling is 2 vehicle spaces and 4 cycle spaces, this compared with the requirement for an 7-bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, although it is acknowledged that demand for on-street parking exceeds the space available in the evenings and at weekends, the parking and cycle requirement remains unchanged. Suggest a condition to secure the store for 4 cycles.

4.0 REPRESENTATIONS

- 4.1 15 objections received, including one from Councillor Swann and one from Councillor Wemyss, summarised as:
- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems particularly in the evenings and at weekends;
 - b) Sewage issues;
 - c) Increased population density and consequent strain on infrastructure and health and dentistry provision;
 - d) Proximity of other HMOs
 - e) Noise and disturbance;
 - f) Congestion and consequent pollution;
 - g) Loss of a family home;
 - h) Loss of community cohesion;
 - i) Building vans and delivery vehicles;
 - j) Increase in fire risk;
 - k) Out of date HMO register means lack of information on which to make a decision
 - l) Loss of property value;
 - m) Owner and agent not local residents;
 - n) HMO residents may be drug users and criminals and have mental health issues

5.0 COMMENT

- 5.1 The main issues to consider in the determination of this application are, whether the proposal is acceptable in principle, the standard of accommodation, design of the extensions, the impact on the amenity of neighbouring residents, parking, provision to be made for the disposal of waste, impact on the Solent Protection Area and any other material considerations. Property values, the fact the agent and owner are not local residents and the character and health of future occupants are no material in this case
- 5.2 Principle
- 5.3 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.
- 5.4 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.
- 5.5 HMO Policy
- 5.6 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).
- 5.7 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.
- 5.8 Based on the information held by the City Council, of the 65 properties within a 50-metre radius of the application site, there are currently no other HMOs as shown in **Figure 4** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.9 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 1.5%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

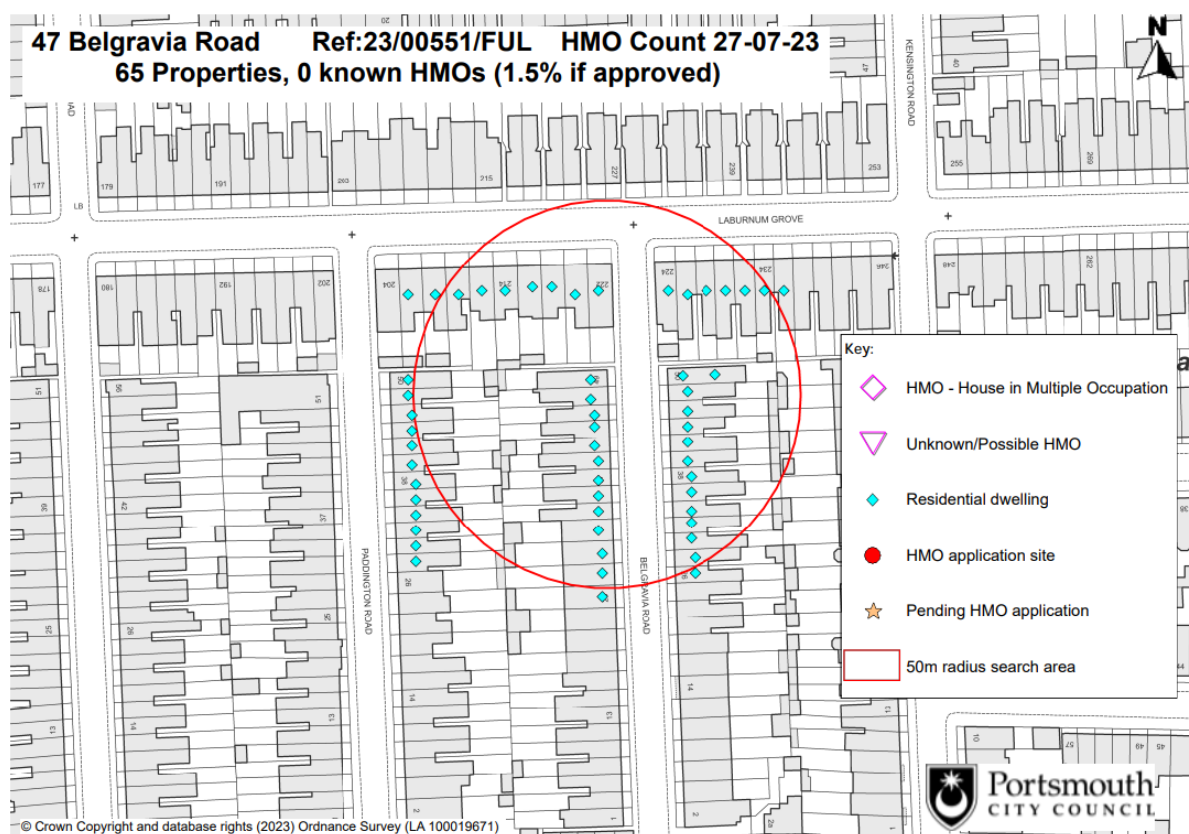


Figure 4 HMO's within 50m radius

- 5.10 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.
- 5.11 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.12 Standard of accommodation
- 5.13 The repurposing of internal rooms to accommodate the additional occupants within this proposal will have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

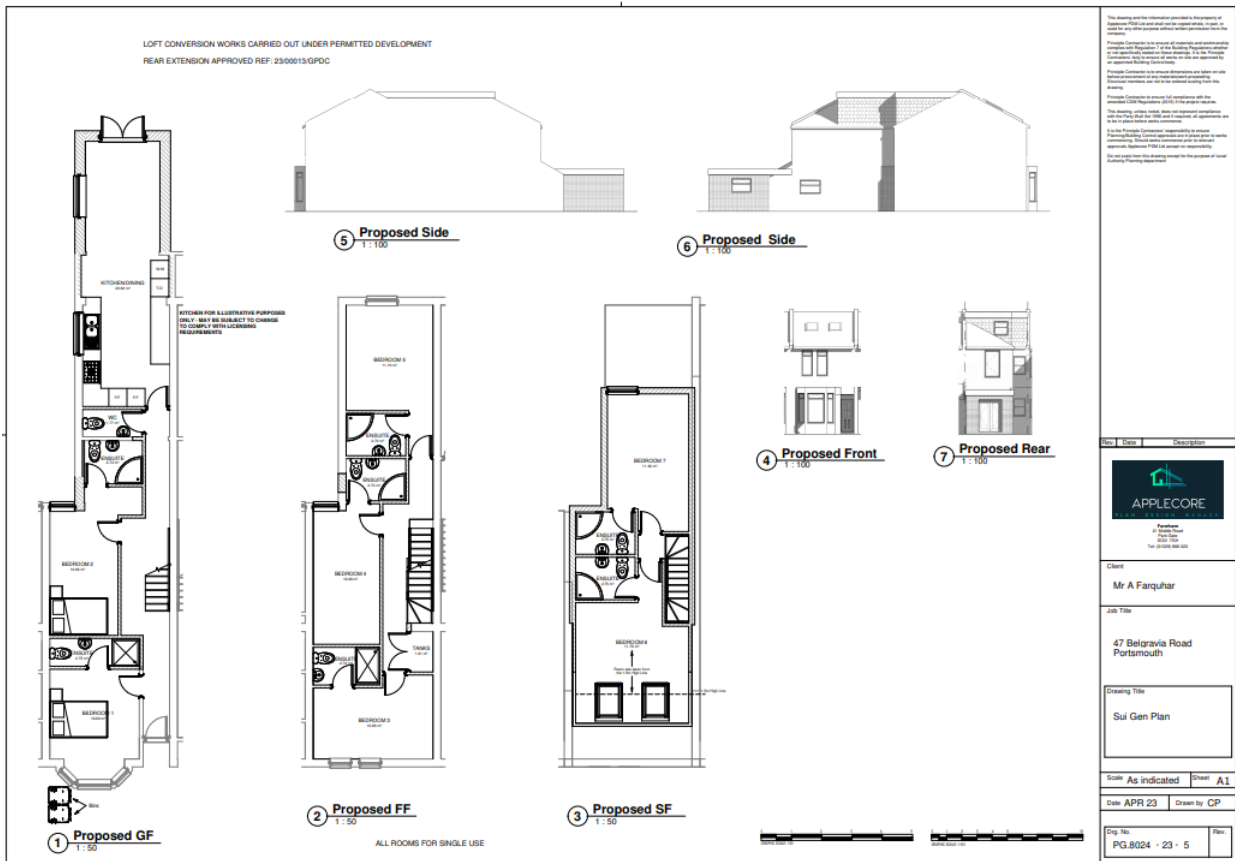
Room	Area Provided	Required Standard
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Bedroom 1	10m2	6.51m2
Bedroom 2	10.90m2	6.51m2
Bedroom 3	10m2	6.51m2
Bedroom 4	10m2	6.51m2
Bedroom 5	11.19m2	6.51m2
Bedroom 6	11.70m2	6.51m2
Bedroom 7	11.46m2	6.51m2
Communal Kitchen/Dining area (ground floor)	23.62m2	22.5m2 (as all bedrooms exceed 10m2)
Ground floor WC	1.77m2	1.17m2
Ensuite bathroom 1	2.74m2	2.74m2
Ensuite bathroom 2	2.75m2	2.74m2
Ensuite bathroom 3	2.74m2	2.74m2
Ensuite bathroom 4	2.74m2	2.74m2
Ensuite bathroom 5	2.74m2	2.74m2
Ensuite bathroom 6	2.75m2	2.74m2
Ensuite bathroom 7	2.75m2	2.74m2
First floor tanks room	1.01m2	None.

Table 1 - HMO SPD (Oct 2019) compliance

Figure 5 Proposed Floorplans

- 5.14 All rooms meet 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.
- 5.15 There is no requirement for outdoor amenity space within the HMO SPD. However the property benefits from a small rear garden, part of which would be taken up by bike storage, however the space is still considered to be useable and provide opportunity for sitting out. There is space for 2 bins in the front forecourt.



5.16 Impact on neighbouring living conditions

5.17 In terms of the impact on the living conditions of the adjoining occupiers whilst there would be an increase in activity within and coming and going from the property the increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area.

5.18 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.

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

5.20 Highways/Parking

5.21 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, so there is little difference in the parking requirement. As such, there is no objection on either highway safety grounds and therefore refusal could not be sustained on appeal.

5.22 The Council's Adopted Parking Standards set out a requirement for 7 person HMOs to provide space for the storage of at least 4 bicycles. The requirement for storage for 4 bicycles is recommended to be secured by condition.

5.29 Waste

5.30 The storage of refuse and recyclable materials can be accommodated in the front forecourt. It is not considered necessary to require details of formalised waste storage.

5.31 Impact on Special Protection Areas

5.32 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 and/or condition.

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

5.34 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.

5.35 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.

5.36 Other Matters raised in the representations

5.37 Concerns have been raised over character and potential criminal activities of future occupants. This is not a valid planning issue.

5.38 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.

5.39 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.

5.40 The impact on property values is not a material planning consideration.

5.41 The other matters raised by residents have been covered within the report.

6.0 CONCLUSION

6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan

RECOMMENDATION

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 PG.8024-23-5
Proposed Section PG.8024-23-6

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 7 persons, the single storey rear extension and rear dormer proposed to be constructed under Prior Approval 23/0013/GPDC and permitted development allowances respectively shall be completed.

Reason: to ensure that an adequate standard of accommodation is provided to comply with Policy PCS23 of the Portsmouth Plan.

Water Efficiency

- 5) 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.

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Agenda Item 9

23/00640/FUL

WARD:HILSEA

57 NORTHERN PARADE PORTSMOUTH PO2 9PD

[23/00640/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation | 57 Northern Parade Portsmouth PO2 9PD](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Taylor
Parable Property Investments Limited

RDD: 26th May 2023

LDD: 26th July 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a call-in requests from Cllr Simpson & 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 mid-terraced dwelling, with rear dormer and loft conversion, located to the western side of Northern Parade, just to the south of its junction with Merideth Road and north of its junction with Alex Way as shown in **Figure 1** below. The property is set back from the highway by a small front garden and a fair sized rear garden. To the rear of the property is a private road to residents' garages. The existing layout comprises a lounge, kitchen, living/dining room, utility room, and WC at ground floor level, 3 bedrooms (two with ensuite) and a shower room on the first floor, and 2 bedrooms (both with ensuite) within the second floor loft conversion.
- 2.2 The surrounding area is predominantly residential in character with similar terraced properties. The application site falls within a residential area characterised by rows of two-storey terraced properties backing on to Alexandra Park, home to the Mountbatten Centre sports centre .
- 2.3 It should be noted that planning permission was granted for a dual use as a dwelling house in either use class C3 or C4 in Feburay 2023 but this permission is not considered to have yet been implemented. The extant permission is within the 3 year time limit for

implementation and thus provides a fallback position but the site currently remains in last use as a C3 dwelling.

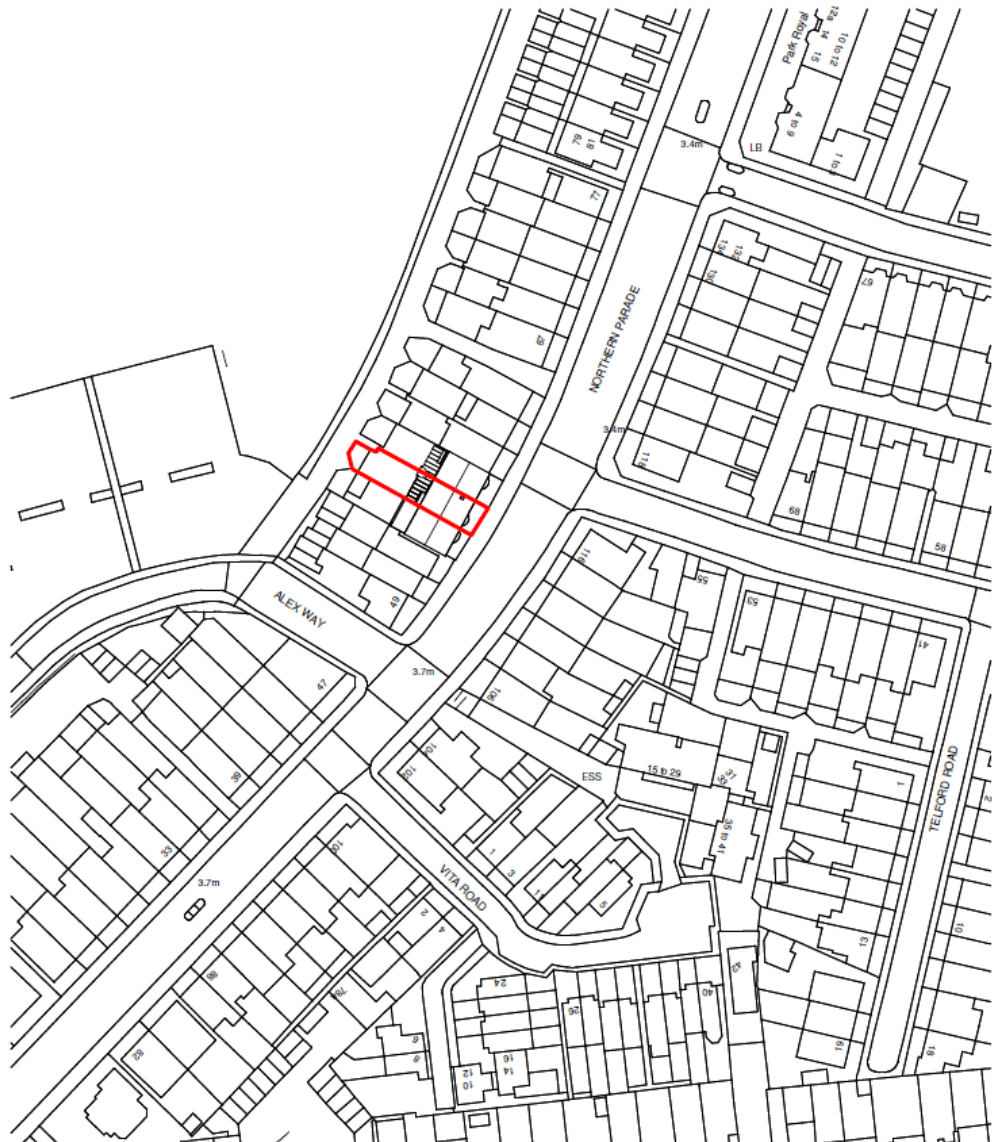
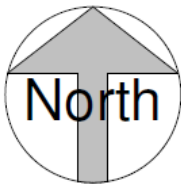


Figure 1 Location plan

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 would be for single occupancy.

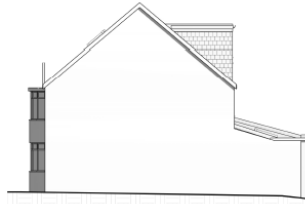
3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

- Ground Floor - Two bedrooms (all with ensuite shower, toilet and handbasin), communal Kitchen/Dining room, and a shared WC (with handbasin).
- First Floor - Three bedrooms (two with a shower, toilet and handbasin ensuite), and a shower room with toilet and handbasin
- Second Floor - Two bedrooms (all with a shower, toilet and handbasin ensuite).

3.3 The Applicant has stated that works to extend the property have been 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 include a single storey rear extension, a rear dormer and rooflights to the front roofslope; these works are not included in the application. They should not be considered as part of the application.



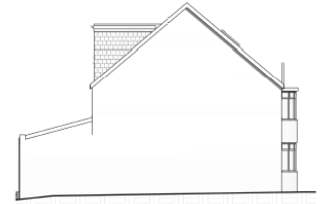
Existing/Proposed Front
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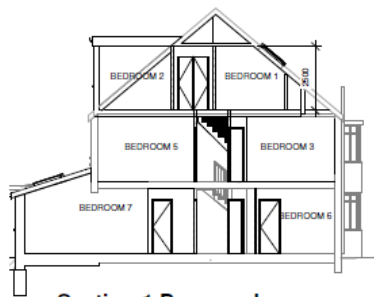
Existing/Proposed Side
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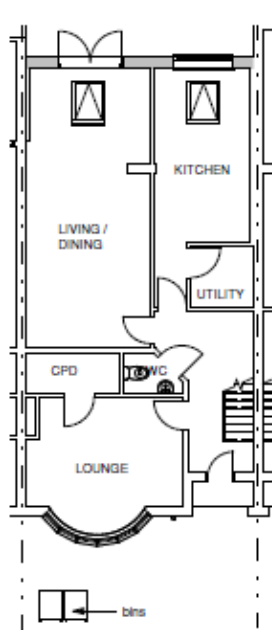
Existing/Proposed Rear Elevation
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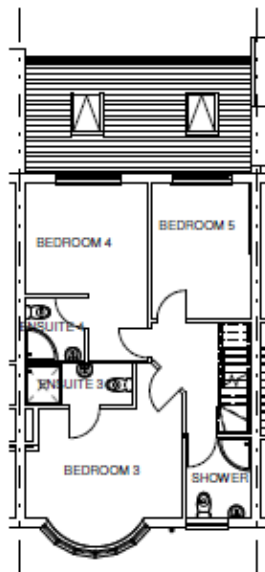
Existing/Proposed Side Elevation.
1:100



Section 1 Proposed
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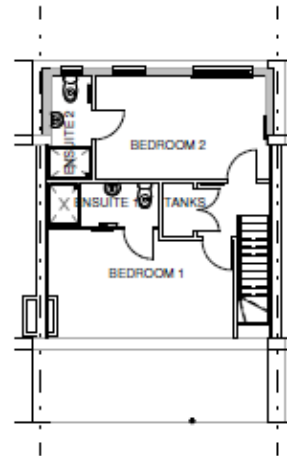


0 - Existing GF.
1:100



1 - Existing FF.
1:100

EXTENSION AND LOFT CARRIED OUT UNDER PERMITTED DEVELOPMENT



2 - Existing SF.
1:100

- LIST OF APPLIANCES WITHIN KITCHEN:
- 2 X COOKERS
 - 1 DOUBLE SINK WITH INTEGRAL DRAINER
 - 2 X COMBINED FRIDGE FREEZERS
 - 1 X WASHING MACHINE
 - 1 X TUMBLE DRYER
- KITCHEN FOR ILLUSTRATIVE PURPOSES ONLY - MAY BE SUBJECT TO CHANGE TO COMPLY WITH LICENSING REQUIREMENTS

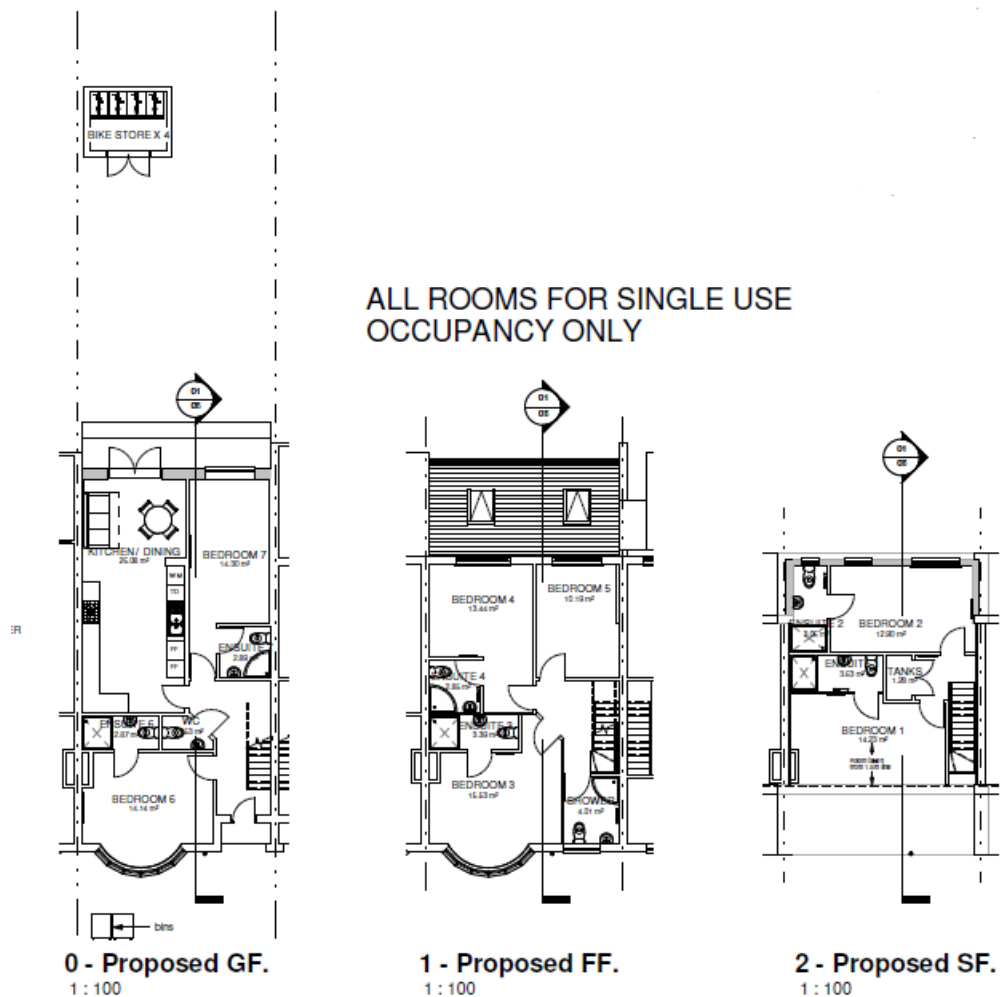


Figure 2 Existing and Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

4.1 **22/01763/FUL**- Change of use from dwellinghouse (Class C3) to purposes falling within dwellinghouse (Class C3) or house in multiple occupation (Class C4) - Permitted - 06.02.2023

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. The property will need to be inspected by private sector housing to ensure it meets licensing requirements.

6.2 Highways Engineer - No objection. The LHA Highlights that would be no increase in parking requirement (2 spaces) as the requirement for a 5-bedroom dwelling compared with the requirement for a 7-bedroom HMO requirement remains unchanged. Recommend a condition to secure cycle storage prior to occupation.

6.3 Waste - There is enough room in the forecourt for the required bins needed for a 7 bed HMO. The applicant will need to purchase 1 x 360 litre refuse and 1 x 360 litre recycling bins directly from Waste Management at Portsmouth City Council.

7.0 REPRESENTATIONS

7.1 No public representations been received in response to the application. A call-in request from Cllr Russell Simpson & Cllr Daniel Wemyss has been received, Cllr Wemyss stating a request for the application to be called to committee on the concerns of parking

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

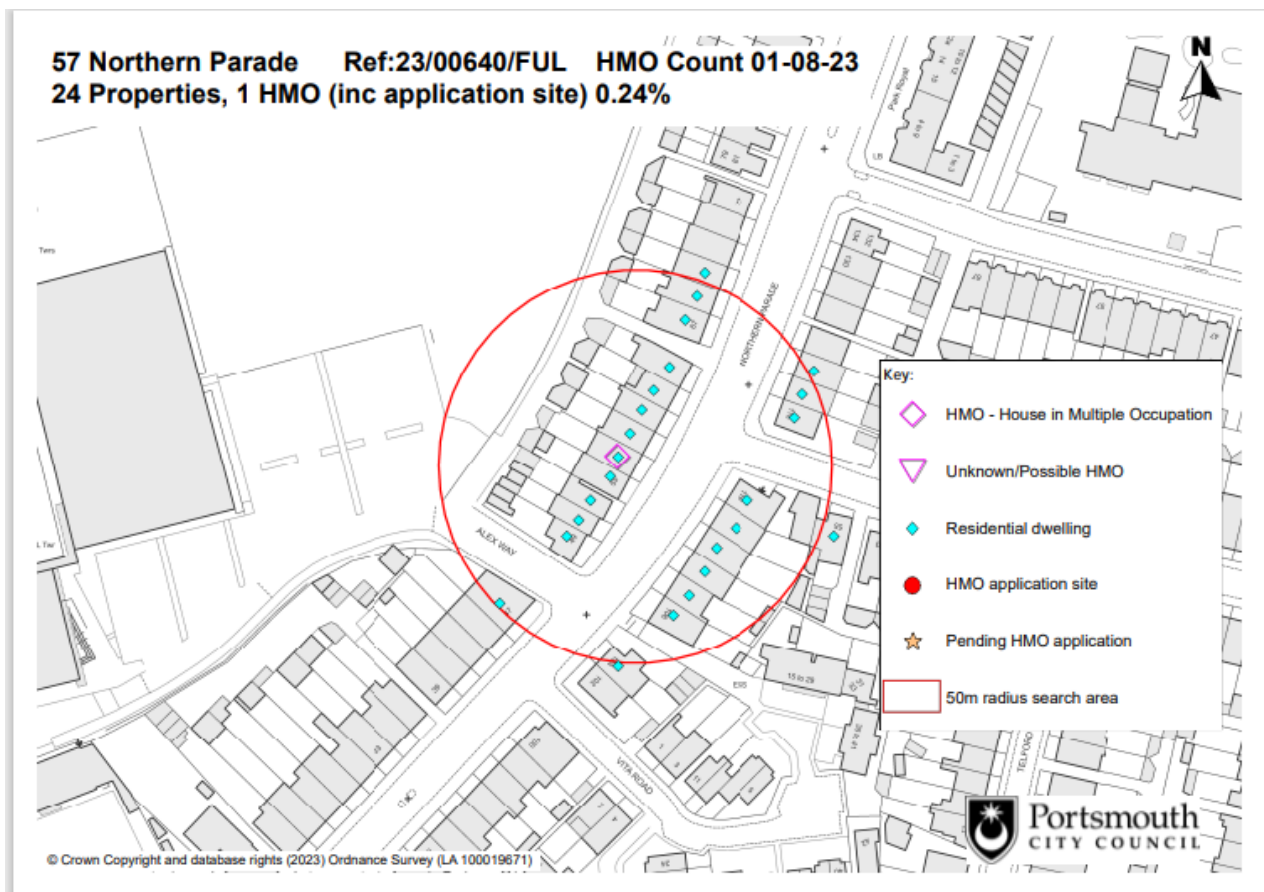
Five year Housing Land supply.

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), however, an extant permission for flexible C3/C4 use has already established the acceptability of a HMO in the area and presents a fallback position which should be given significant weight in the consideration.
- 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.
- 8.7 It should be noted that HMO use has already been granted at this property and therefore there would be no further increase in the numbers of HMOs should this application be granted. Therefore, it would not be sustainable at appeal, or reasonable in a costs defence, to refuse this application under Policy PCS20 (Mixed and Balanced Communities).
- 8.8 Based on information held by the City Council, of the 24 properties within a 50 metre radius of the application site, 1 property has been identified as an HMO in lawful use, the application property No. 57 Northern Parade. Therefore, the existing number of HMOs equates to 0.24% of the properties within the search area. The addition of the application property would result in no change to the percentage of properties being an HMO within the 50m radius (0.24%) which, regardless of the fallback 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)	14.23 m ²	6.51m ²
Bedroom 2 (Single use)	12.90 m ²	6.51m ²
Bedroom 3 (Single use)	15.53 m ²	6.51m ²
Bedroom 4 (Single use)	13.44 m ²	6.51m ²
Bedroom 5 (Single use)	10.19 m ²	6.51m ²
Bedroom 6 (Single use)	14.14 m ²	6.51m ²
Bedroom 7 (Single use)	14.30 m ²	6.51m ²

Shared WC (Ground Floor)	1.53 m ²	1.17m ²
Communal Kitchen/Dining area (ground floor)	26.08 m ²	22.5m ² (because all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	3.63 m ²	2.74m ²
Ensuite bathroom for bedroom 2	3.06 m ²	2.74m ²
Ensuite bathroom for bedroom 3	3.39 m ²	2.74m ²
Ensuite bathroom for bedroom 4	2.85 m ²	2.74m ²
Ensuite bathroom for bedroom 6	2.87 m ²	2.74m ²
Ensuite bathroom for bedroom 7	2.89 m ²	2.74m ²
Shared Shower Room (First Floor, with WC & Handbasin)	4.01 m ²	2.74m ²
Tanks room (Second Floor)	1.28 m ²	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 - submitted proposed floor plans show a sufficient amount of space within the communal kitchen/dining area to accommodate communal dining/lounge space

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

6 of the 7 bedrooms would have ensuite facilities, and an additional shared WC would be present at ground floor level and a shared Shower Room at first 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, nor would the increase in 1 occupant when considered against the fallback position. The principle of an HMO use at this dwellinghouse has already been established as acceptable.

- 8.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 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. It should be noted that the expected level of parking demand for a Class C3 dwellinghouse with five bedrooms is also 2 off-road spaces. The proposal has no off-street parking, which is no change from the current use.
- 8.20 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 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.
- 8.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's 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 - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.
- 8.22 Waste
- 8.23 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.
- 8.24 Impact on Special Protection Areas
- 8.25 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.
- 8.26 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.27 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.

8.28 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.

9.0 CONCLUSION

9.1 Having regard to all material planning considerations, giving significant weight to the fallback position available to applicant of implementing the previous permission for a 6 person HMO, 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) Receipt of no objection from Natural England;
- (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. 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 drawings:

- Sui Gen Plan - Dwg No. PG. PG.7177 · 22 · 07 REV A

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 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.

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Agenda Item 10

23/00571/FUL

WARD:COSHAM

7 MAGDALA ROAD PORTSMOUTH PO6 2QG

[23/00571/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation | 7 Magdala Road Portsmouth PO6 2QG](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Appleton

RDD: 11th May 2023

LDD: 6th July 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to a total of 14 objections and 1 neutral comment from local residents.

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 mid-terraced dwelling located to the northern side of Magdala Road, just to the east of its junction with High Street and north of Magdala Road's junction with Dorking Crescent, 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 which also benefits from a rear pedestrian access. The existing layout comprises a lounge, kitchen, dining room, utility room and shower room at ground floor level, and 3 bedrooms and a bathroom on the first floor.

2.2 The surrounding area is predominantly residential in character with a mix of terraced, semi-detached and detached properties, and purpose build apartment blocks. To the west of the application site is the High Street, made up of a mixture of commercial uses and facilities.



Figure 1 Location plan

3.0 THE PROPOSAL

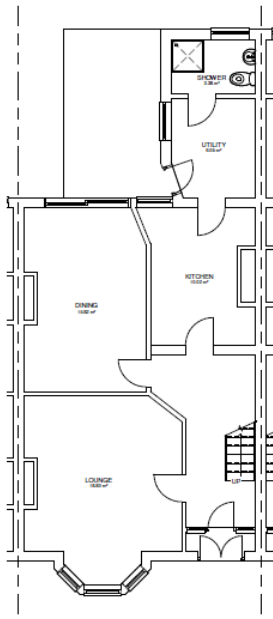
3.1 Planning permission is sought for the Change of use from dwellinghouse (Class C3) to House in Multiple Occupation for seven people. All bedrooms will be for single occupancy.

3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

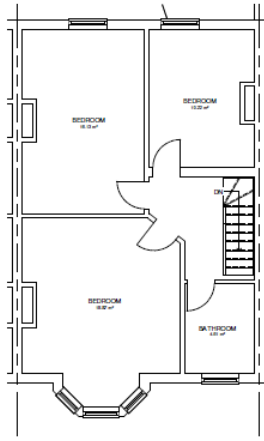
- Ground Floor - Two bedrooms (both with ensuite shower, toilet and handbasin), communal Kitchen/Dining room, and a shared WC (with handbasin).
- First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite), and a Tanks/Laundry utility room
- Second Floor - Two bedrooms (both with a shower, toilet and handbasin ensuite).

3.3 The Applicant has stated that works to extend the property's roof are to be undertaken under permitted development (without the need to apply for planning permission). There would also be a larger single storey rear extension which has been considered under Ref: 23/00019/GPDC and it was concluded that prior approval was not required. These two extensions are not included in this application. They should not be considered as part of the application but would be necessary to meet the space standards required for the proposed use. Should the applicant wish, these works could, and likely would, go ahead

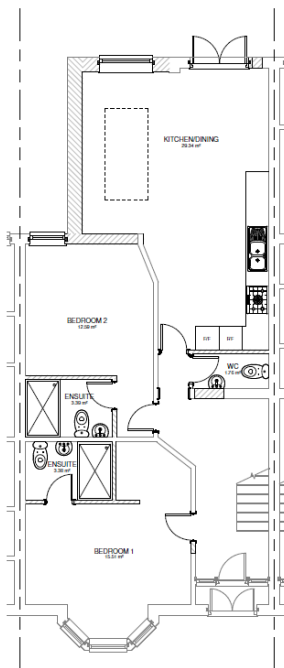
with or without consent for the change of use being considered under this application. It is suggested that it would be prudent to impose a pre-occupation condition should the committee be minded to grant permission requiring that the permitted development works take place prior to the property's occupation as a HMO for 7 persons.



1 Existing Ground Floor
1:50

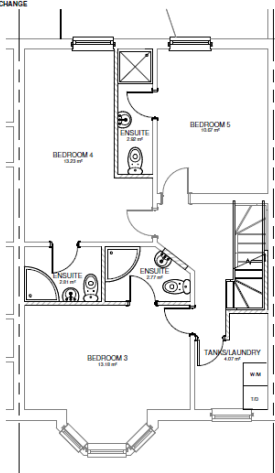


2 Existing First Floor
1:50

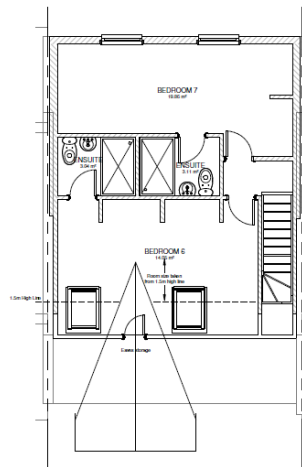


1 Proposed GF
1:50

KITCHEN FOR ILLUSTRATIVE PURPOSES ONLY - MAY BE SUBJECT TO CHANGE TO COMPLY WITH LICENSING REQUIREMENTS



2 Proposed FF
1:50



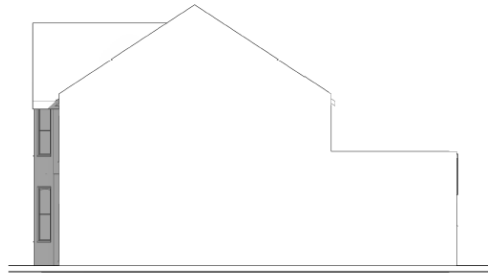
3 Proposed SF
1:50

ALL ROOMS FOR SINGLE USE.





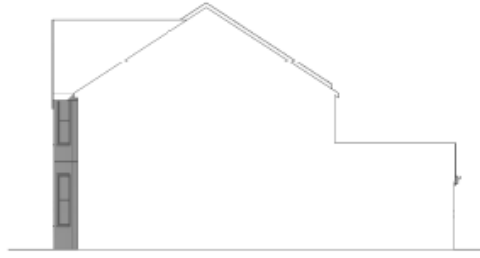
3 Existing Front
1:100



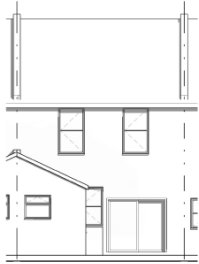
4 Existing Side
1:100



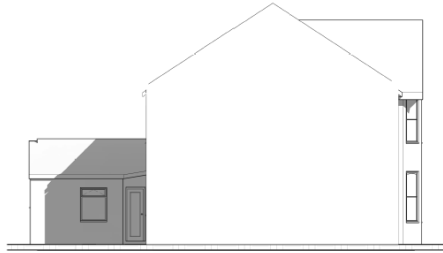
4 Proposed Front
1:100



5 Proposed Side
1:100



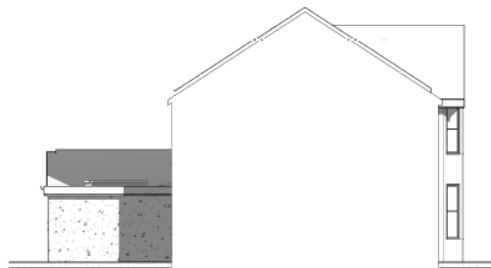
5 Existing Rear
1:100



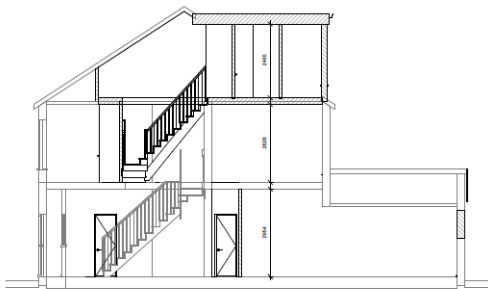
6 Existing Side
1:100



6 Proposed Rear
1:100



7 Proposed Side
1:100



1 Section
1:50

Figure 2 Existing and Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

- 4.1 - Construction of single storey rear extension that extends 4.5m from the rear wall, with a maximum height of 3m and a height of 2.8m to the eaves - Prior Approval not Required - 19.04.2023.
- 4.2 23/00800/FUL - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation) - Pending Consideration.

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 there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.
- 6.2 Highways Engineer - No objection. 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.
- 6.3 Natural England - No objection subject to securing appropriate mitigation.

7.0 REPRESENTATIONS

- 7.1 14 objections received and 1 neutral comment 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) Poor standard of living for future residents, room sizes and layout not appropriate for 7 persons
- e) Undue strain on local services and infrastructure, including the sewage, drainage and Doctors/Dentists
- f) Concerns about impact on community
- g) Anti-social behaviour
- h) Increase in noise and waste.
- i) Disruption from building works (noise and safety concerns)
- j) Negative impact on property prices
- k) Rear dormer will have a harmful impact on privacy.
- l) Area already overcrowded/densely populated.
- m) Prior approval application for rear extension did not mention change of use to HMO
- n) Site notice not displayed correctly.
- o) Potential harm to bat habitat.

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:

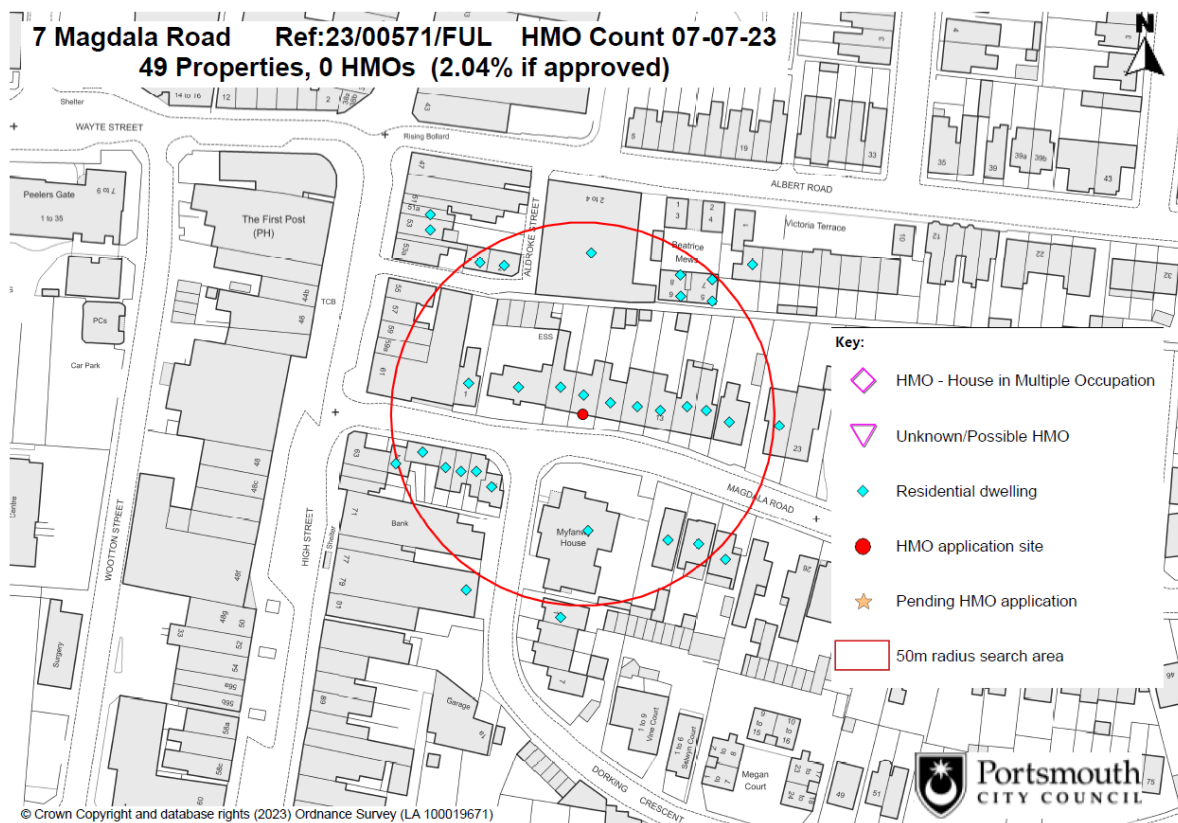
- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies 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 49 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 2.04% 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)	15.51m ²	6.51m ²
Bedroom 2 (Single use)	12.59m ²	6.51m ²
Bedroom 3 (Single use)	13.18m ²	6.51m ²
Bedroom 4 (Single use)	13.23m ²	6.51m ²
Bedroom 5 (Single use)	10.67m ²	6.51m ²
Bedroom 6 (Single use)	14.05m ²	6.51m ²
Bedroom 7 (Single use)	19.86m ²	6.51m ²
Shared WC	1.76m ²	1.17m ²
Communal Kitchen/Dining area (ground floor)	29.34m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	3.38m ²	2.74m ²
Ensuite bathroom for bedroom 2	3.39m ²	2.74m ²
Ensuite bathroom for bedroom 3	2.77m ²	2.74m ²
Ensuite bathroom for bedroom 4	2.81m ²	2.74m ²
Ensuite bathroom for bedroom 5	2.92m ²	2.74m ²
Ensuite bathroom for bedroom 6	3.04m ²	2.74m ²
Ensuite bathroom for bedroom 7	3.11m ²	2.74m ²
Tanks/laundry room	4.07m ²	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, which may expect 34m². 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.

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 C4 HMO's 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. Access to the cycle storage can

be achieved through the separate rear access to the garden. 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, a lack of parking could not be defended at appeal due to policy having the same parking requirement for the fallback position of C4 use which can be implemented, and the current C3 use (with some minor internal/PD works).

- 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. These works could be implemented without the need to apply for permission under the current C3 use or the allowed C4 use.
- 8.38 Some comments object due to the apparent poor quality of living for future occupiers and the high number of HMOs already in the area. Both of these objections are considered to be unfounded because the proposal is found to comply with both policies PCS20 and PCS23 of the Portsmouth Plan.
- 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 Sometimes the presence of bats can appear unexpectedly while carrying out building works, and it is illegal to disturb a bat roost. In the unlikely event that a bat is found should permission be granted, works should stop immediately and Natural England informed: <https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works>
- 8.41 An objection comment stated that the Site notice was not displayed correctly. Two site notices were displayed near the application site, both in an appropriate manner.
- 8.42 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:

- Block Plan Proposed - Dwg No. TQRQM23073122217668.
- Sui Gen Plan - Dwg No. 7mag · 23 · 4 REV A
- Section - Dwg No. 7mag · 23 · 5
- 4 Cycle Storage Shed - Dwg No. 1

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 7 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.

Water Efficiency

- 5) 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.

Agenda Item 11

23/00690/FUL

WARD:DRAYTON & FARLINGTON

UNIT 14 FITZHERBERT SPUR PORTSMOUTH PO6 1TT

INSTALLATION OF 2.4M HIGH MESH WIRE FENCE WITH GATES AND SOFT LANDSCAPING FRONTING HARDY ROAD (AMENDED DESCRIPTION)

LINK TO DOCUMENTS: [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RVRZEYMOJ4900](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RVRZEYMOJ4900)

Application Submitted By:

Mrs Francelita Balbido
Town Planning Expert

On behalf of:

Mr Tom Coolican
Marlin Environmental Science Ltd.

RDD: 6th June 2023

LDD: 14th August 2023

1. SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee due to the number of objections received (six).

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

- Principle of Development
- Design
- Impacts on residential amenity
- Highway matters

1.3 Site

1.4 This application site relates to an industrial warehouse building located to the north-east corner of Fitzherbert Spur. It backs onto Hardy Road, where residential properties face it on the opposite side of the road. The rear of Second Avenue houses face south to the industrial unit, separated by an access track. Fitzherbert Spur is a primarily industrial road made up of almost exclusively B1, B2 and B8 uses.

1.5 There is an amenity space between the building and the back-edge of the public pavement along Hardy Road which is currently open and laid to grass to which this application relates to.



1.6 The Proposal

1.7 Planning permission is being sought for the installation of 2.4m high mesh wire fence with gates and soft landscaping fronting Hardy Road (amended description), for the 47m frontage presented to Hardy Road. There would be a short return length on the east-west access track to the north.

1.8 The proposed gates would be at each end of the fence. According to the submitted Design and Access Statement, the rear piece of land to be fenced can be used in the future to erect bike racks for the employees, including an amenity area for fresh air and relaxation during breaks. The bike rack does not form part of this proposal but were this to be needed in the future a separate application for a bike storage building might be required.

1.9 The proposal was amended at officers' request to change the fence from a close boarded timber fence and gate to a mesh wire fence with landscaping. This change has been advertised locally concurrent with the publication of this agenda, with any further comments to be reported to the Planning Committee.

2. POLICY CONTEXT

2.1 The relevant policies would include:

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS23 (Design and Conservation).

2.2 In addition to the above policies, the aims and objectives of the National Planning Policy Framework (2021) and the Parking Standards and Transport Assessments SPD (July 2014) are relevant.

3. CONSULTATIONS

3.1 Highways Engineer:

3.2 It is not considered that the proposal would result in any significant impact on highway safety or highway function that would warrant a refusal for refusal of the application.

4. REPRESENTATIONS

4.1 Six letters of objections received raising the following summarised concerns:

- Road safety as the fence would block road users
- Security concerns due to lack of view of the whole of Hardy Road
- Hindering of views and blocking of neighbouring security cameras
- Fire escape doors along the rear of the building would be blocked
- Area to be used for parking and storage of vehicles and hazardous materials
- Noise if fire doors are opened by shift workers
- Loss of privacy from users of the fenced area
- Overshadowing and loss of light to neighbouring properties

5. COMMENT

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

- Principle of Development
- Design
- Impacts on residential amenity
- Highway matters

5.2 Principle

5.3 The application site is an industrial building within an identified and established industrial estate known as the Portfield Industrial Estate. The Applicant has made the proposal for security reasons and to promote safety and reduce anti-social behaviour. The securing of a site's boundary is to be expected and is acceptable in principle subject to all other matters being addressed.

5.4 Design

5.5 The proposed 2.4m high mesh-wire fence would be visually permeable and viewed against the backdrop of the industrial building. Soft landscaping hedge plants would be provided along the fence line. As such is it not considered to have harmful visual impacts at all. The scheme as amended is considered acceptable in terms of design and materials.

5.6 Impact on residential amenity

5.7 The proposed mesh wire fence would be visually permeable and softened with hedge plants. Overall, the development is small scale and would be viewed against the backdrop of the industrial building, it would be on the opposite side of the road to nearest houses and would have no harmful impact upon the amenity of surrounding residents.

5.8 It is thus not considered to result in harmful impacts on neighbour amenities.

5.9 Highway matters

5.10 The Local Highway Authority was consulted, and they do not consider that the proposal would result in any significant impact on highway safety or highway function that would warrant a refusal for refusal of the application.

5.11 Community Infrastructure Levy (CIL)

5.12 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

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

5.14 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.

5.15 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 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.

5.16 Objections

5.17 Six letters of objection have raised a number of points, but simply none of the concerns are shared by officers - it is not clear how the various matters of amenity, security, road safety and fire escape, could actually transpire as stated by those neighbours who have objected.

6. CONCLUSION

6.1 The proposal is considered to accord with the aims and objectives of policies PCS13, PCS17 and PCS23 of the Portsmouth Plan and therefore capable of support.

7. RECOMMENDATION

7.1 Approve subject to the following conditions:

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

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

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 and documents published on 05/06/2023 and 09/08/2023:

- Location Plan
- Block Plan
- Proposed Site Layout 1478_04
- Drg no. J6/01061 Sheet 2 - Mesh Fence Details
- Drg no. 07/02189 - Double Gate Details
- Proposed Hedge Plants

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

3) Prior to the commencement of the development hereby approved full details of proposed planting and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of the shrubs to be planted, with planting within the first planting season following installation of the fence, and with a watering and management regime until the next planting season, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment in accordance with policies PCS13 and PCS23 of the Portsmouth Plan(2012) and the NPPF.