



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 13 MARCH 2024 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services
Email: Democratic@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors Chris Attwell (Chair), Darren Sanders (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, Russell Simpson and Daniel Wemyss

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

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

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

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the previous meeting held on 21 February 2024 (Pages 5 - 14)**

- 4** **23/01089/FUL & 23/01074/LBC - St Johns College, Grove Road South, Southsea PO5 3QW (Pages 15 - 62)**

Application A - Planning Application 23/01089/FUL

Conversion and extension of former college buildings to create 110 apartments and demolition of college buildings and erection of new buildings to create 102 apartments utilising existing access from Grove Road South, Nelson Road and Albany Road together with associated landscaping, parking, cycling and refuse storage.

Application B - Listed Building Consent Application 23/01074/LBC

Conversion and alteration of Linnholm and The Castle to create 8 apartments.

- 5** **23/01549/DOC - Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east (Pages 63 - 70)**

Application to seek approval of details reserved by conditions 2 (phasing plan); 3 (potential for soil contamination); 11 (protection of birds); 16 (soft landscaping); 17 (earth bund design); 18 (drainage); 19 (CEMP); 20 (CTMP); 21 (lighting); 22 (street furniture); 23 (flood gates and boards); 24 (hard surfacing materials); 26 (roads and footpaths); 28 (lamps); 29 (monuments); 32 (scale of secondary defences); 33 (scale of rock revetments); and 34 (scale of primary defences) of Planning Permission 23/00896/VOC.

- 6** **24/00012/FUL - Adventure Playground Stamshaw Park, Newcomen Road, Portsmouth (Pages 71 - 76)**

Construction of single storey brick building to provide youth club (24/00012/FUL).

- 7** **23/01592/FUL - 350-352 London Road, Hilsea, Portsmouth PO2 9JY (Pages 77 - 84)**

Construction of two storey rear extension (following removal of existing ground floor extension) with gable end roof enlargement, associated fenestration and solar panels.

- 8** **20/00944/FUL - 32 Montgomerie Road, Southsea PO5 1ED (Pages 85 - 92)**

Change of use from purposes falling within a Class C4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (sui generis).

9 23/01220/FUL - 19 Tamworth Road, Portsmouth PO3 6DL (Pages 93 - 104)

Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

10 23/01420/FUL - 25 Tottenham Road, Portsmouth PO1 1QL (Pages 105 - 114)

Change of use from 5 bedroom/ 6-person house in multiple occupation, to 7 person/7 bedroom house in multiple occupation.

11 23/01544/FUL - 82 Chichester Road, Portsmouth PO2 0AH (Pages 115 - 126)

Change of use from C3 dwellinghouse to a 7-bedroom/7-person House in Multiple Occupation.

12 23/01584/CPL - 73 Margate Road, Southsea PO5 1EY (Pages 127 - 132)

Application for certificate of lawful development for proposed use as a 7-bed/7-person house in multiple occupation.

13 23/01599/FUL - 165 Laburnam Grove, Portsmouth (Pages 133 - 140)

Change of use from Class C3 dwelling house to 7 person/7 bedroom house in multiple occupation.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue. Whilst every effort is made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 21 February 2024 at 1.00 pm 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 Chris Attwell (Chair)
Darren Sanders (Vice-Chair) (except minute 28 and 29)
Peter Candlish
Raymond Dent (minute 25 on)
Asghar Shah (minute 20 to 29 only)
John Smith
Judith Smyth
Gerald Vernon-Jackson CBE (minute 25 on)

Welcome

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

Guildhall, Fire Procedure

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

20. Apologies (AI 1)

Apologies for absence were received from Councillor Vallely. Apologies for lateness were received from Councillor Dent and Councillor Vernon-Jackson.

21. Declaration of Members' Interests (AI 2)

Agenda Item 9 - 23/01332/FUL - 66 Milton Road, Portsmouth PO3 6AR

Councillor Sanders said he would withdraw from the committee for this item as he had objected to the application and wished to make a deputation on this item.

Agenda Item 10 - 23/01414/FUL- 6 Copnor Road, Portsmouth, PO3 5AQ

Councillor Sanders said he would withdraw from the committee for this item as he had objected to the application and wished to make a deputation on this item.

Agenda Item 11 - 23/01496/FUL - 29 Greenwood Avenue, Portsmouth, PO6 3NP

Councillor Shah had met with his residents to discuss this application and felt that this could be seen as bias, so would withdraw from the committee for this item.

Agenda Item 12 - 23/01288/HOU - 8 Highbury Way, Cosham, PO6 2RH

Councillor Shah would withdraw from the committee for this item as he has a disclosable pecuniary interest in this item. He has beneficial interest in the property and is the applicant for the application.

22. Minutes of previous meeting held on 31 January 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 31 January 2024 be agreed as a correct record.

Planning Applications

The Supplementary Matters Report can be seen on the council's website at <https://democracy.portsmouth.gov.uk/documents/s50749/SMAT%20list.pdf>

Deputations, which are not minuted, can be viewed on the webcast for the meeting at [Planning Committee 21 February 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

23. 23/00904/FUL - 19 Peronne Road, Hilsea PO3 5LD (AI 4)

Erection of two storey side and rear extensions to create 6no. 2-bedrom flats and associated works (amended description).

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the information in the SMAT.

Deputations

Deputations were made by:
Mr James Potter (Agent)

Members' questions

In response to Members' questions, officers clarified:

- Ensuring there is adequate setting and amenity for future residents is covered by the policies for good design and living standards. Officers are satisfied that the amount of open space available is appropriate for 6 flats in this location.
- More than 10 units are needed to require a contribution to affordable housing.
- The national design space standards must be adopted locally, and Portsmouth have adopted these space standards for general dwellings.
- The applicant is proposing a significant soakaway including a cellular block system to maintain a soakaway and drainage on site. Condition 14 states that the final drainage scheme needs to be approved by officers.
- Condition 10 covers the requirement for a landscaping scheme for approval and officers will hold the applicant to the highest standards.
- Solar panels are covered under building regulations.
- The requirement for 6 flats would be 9 parking spaces.
- The parking would be an unassigned parking space system.

Member's comments

Concerns were raised regarding the significant shortfall in parking standards. Members liked the design and the circular corner feature.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional permission subject to 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.
- (2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.
- (3) 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.

24. 23/01201/HOU - 12 Wilberforce Road, Southsea PO5 3DR (AI 5)

Construction of a 3-storey front extension; addition of a second floor including the remodelling of the rear elevation (with Juliet balconies at first and second floor); new natural slate roof incorporating photovoltaic 'slates' and a raised ridge; single storey rear extension; air source heat pump in rear garden (resubmission of 23/00335/HOU).

(Councillors Dent and Vernon-Jackson joined the meeting during this item but did not discuss or vote on the application as they were not present from the start of the item). Both confirmed that they did not have any declarations of interest to make.

The Assistant Director, for Planning and Economic Growth presented the report and drew attention to the supplementary matters list.

Deputations

Deputations were made by:
Mr Digby Nelson (objector)
Mr Peter Robson (agent)

Members' questions

In response to questions, officers clarified:

- A landscaping condition could be added, however as this is a small development this is not something that would usually be required.
- It is not a requirement of policy to have an air source heat pump and the noise produced by this is a matter dealt with by Regulatory Services. There are clear standards for installing an air source heat pump to meet the permitted development requirements. Condition 6 could therefore be amended with the precise wording to be delegated to officers but along the lines of that if the applicant did wish to install an air source heat pump, then acoustic screening would be required and demonstrate compliance with the MCS standards.
- The total scale is similar in size to number 10 Wilberforce Road however it may have a larger gross internal area. Due to the roof form from the street scene the proposed development will look smaller than the adjacent

properties. It has a much larger rear projection and utilises much more its plot than the existing dwelling.

Members' comments

Members felt that the proposal was sympathetic to the conservation area and proposed to amend condition 6 to include acoustic screening and ensure that it meets MCS standards if the applicant chooses to install an air source heat pump. It was also proposed to add a condition on landscaping to ensure that the rear garden is not completely paved over and that trees are retained or replanted. The Assistant Director Planning & Economic Growth advised the committee that the landscaping wording would be the same as number 10 Perrone Road which the committee had recently approved and is the standard landscaping condition. The wording of condition 6 could be delegated to officers to ensure that the wording is robust to ensure the MCS standards are met. He added that the government is currently consulting on amending permitted development rights and the size of air source heat pumps so officers would need to review that when drafting this condition to ensure a good quality of amenity protection for adjacent residents.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters list. The committee delegated authority to officers to amend condition 6 relating to the air source heat pump and to add a condition on landscaping.

25. 23/01514/FUL - 56 Montague Road, Portsmouth PO2 0NF (AI 6)

Change of use from class C3 dwellinghouse to 8 person/8 bedroom house in multiple occupation.

(Councillors Dent and Vernon-Jackson were present for the start of this item)

The Assistant Director, for Planning and Economic Growth presented the report.

There were no deputations.

Members' questions

It was clarified that the bedroom without the en-suite would use the bathroom at the top of the stairs.

Members' comments

Concern was raised generally about planning works being carried out under Permitted Development as a pre cursor to becoming a HMO. Despite this there was no reason to refuse the application.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to:**

- (a) First receiving 'no objection' from Natural England concerning the LPA's Appropriate Assessment for SPA mitigation, and;
 - (b) 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.
- (2) That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions as necessary.
- (3) That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a legal agreement has not been satisfactorily completed within three months of this resolution.

26. 23/01530/FUL - 170 Chichester Road, Portsmouth Po2 0AH. (AI 7)

Change in use from class C3 dwellinghouse to 8 person/8 bedroom house in multiple occupation.

The Assistant Director, for Planning and Economic Growth presented the report and drew attention to the update on the supplementary matters list.

Deputations

A deputation was made by:
Carianne Wells (agent)

Members' questions

There were no questions.

Members' comments

Members considered adding a condition restricting the maximum occupancy to 8 people. The Assistant Director of Planning & Economic Growth advised that it would be for licensing to control occupancy which would be more effective than adding a condition. In addition, under the adopted standards 22.5m² is also the combined living space standard for up to 10 occupants, therefore the occupancy condition for up to 8 would not meet the reasonableness test or follow good planning judgement. Concern was also raised about the additional pressure on the sewer system with the additional bathrooms however advice was given that this was not a reason to withhold planning permission.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to
- (i) The receipt of 'no objection' from Natural England, within 21 days of the consultation sent to them, and;
 - (ii) The completion of a Legal Agreement to secure mitigation of the development with respect to nitrates and to the recreational disturbance to birds in the Special Protection Areas;

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

(3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

27. 23/01174/FUL - 69 Kensington Road, Portsmouth PO2 0EA (AI 8)

Change of use from a class C3 dwellinghouse to a 7-bed/ 7-person house in multiple occupation

The Assistant Director, for Planning and Economic Growth presented the report.

Deputations

A deputation was made by:
Carianne Wells (agent)

Members' questions

There were no questions.

Members' comments

This application was compliant with policy.

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

28. 23/01332/FUL - 66 Milton Road, Portsmouth PO3 6AR (AI 9)

Change of use from C3 dwellinghouse to 7 bedroom / 7 person house in multiple occupation.

(Councillor Sanders was not present on the committee for this item as he has objected to the application. He made a deputation on this item)

The Assistant Director, for Planning and Economic Growth presented the report and drew attention to the supplementary matters list detailing two further objections.

Deputations

Deputation were made by:
Carianne Wells (agent)
Councillor Sanders, (ward councillor)

Members' questions

In response to questions the following matters were clarified:

- Residents who specifically advise the council that they want to make a deputation within their representation will be advised of the date that the application is going to a planning committee. All neighbouring properties are not notified of the date of the planning committee and this is made clear in the published guidance so there has been no error of process.
- The Council's adopted policy for parking permits is that each postal address receives two permits, consequently a HMO is only entitled to two parking permits. In this permit zone there are 394 spaces of which 321 permits are given.

Members' comments

One member commented that it was good to see a separate laundry room in the application.

Members were concerned that all residents who have made a representation to a planning application are not informed that the application is coming to committee unless they specifically ask to make a deputation within their representation. The Assistant Director of Planning & Economic Growth said that this is made clear in the published guidance approved by members and in the letters to residents, advising them to let officers know if they wish to make a deputation if it comes to committee. Members could seek to change this and this could be discussed with the team, Planning Committee chair and the portfolio holder to seek views on amending this process, noting that this would be an additional cost of officer time writing additional letters or emails.

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

29. 23/01414/FUL - 6 Copnor Road, Portsmouth PO3 5AQ (AI 10)

Change of use from dwellinghouse (class C3) to house in multiple occupation (class C4) (resubmission of 23/00048/FUL).

(Councillor Sanders was not present on the committee for this item as he has objected to the application. He made a deputation on this item)

The Assistant Director, for Planning and Economic Growth presented the report.

Deputations

A deputation was made by:

Councillor Sanders, (speaking on behalf of Mr and Mrs Brazier)

Members' questions

In response to a question it was clarified that the fire safety concerns raised in the deputation is one of the core purposes of building regulation approval as well as obtaining a licence from the licensing team who will ensure that certain elements of fire safety are included.

Members' comments

This is a policy compliant scheme so there was no reason to refuse this application.

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

30. 23/01496/FUL - 29 Greenwood Avenue, Portsmouth PO6 3NP (AI 11)

Change of use from dwellinghouse (class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (house in multiple occupancy) (resubmission of 23/00875/FUL).

(Councillor Shah was not present for this item due to his earlier declared interest)

The Assistant Director, for Planning and Economic Growth presented the report.

Deputations

A deputation was made by:
Carianne Wells (agent)

Members' questions

There were no questions.

Members' comments

One member was concerned that the property was already operating as a HMO and felt that approving the application could be seen as 'rewarding' unlawful behaviour, however noted there was no planning reason to refuse the application. Other members felt that this application was a good example of where negotiations with planning have removed one bedroom and turned this into communal space following previous concerns by members. The Assistant Director Planning & Economic Growth said that deliberate breach of planning control is a grey area and there is some relevance in this instance, but it would not outweigh the benefits of providing additional housing for the city.

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

31. 23/01288/HOU - 8 Highbury Way, Cosham PO6 2RH (AI 12)

Enclosure of open courtyard with roof incorporating glass lantern.

(Councillor Shah was not present for this item due to his earlier declared interest)

The Assistant Director, for Planning and Economic Growth presented the report.

There were no deputations.

Members' questions

There were no questions.

Members' comments

Members were happy with the proposal.

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

The meeting concluded at 3.00 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

23/01089/FUL & 23/01074/LBC

WARD: ST JUDE

ST JOHNS COLLEGE, GROVE ROAD SOUTH, SOUTHSEA, PO5 3QW

APPLICATION A - PLANNING APPLICATION 23/01089/FUL

CONVERSION AND EXTENSION OF FORMER COLLEGE BUILDINGS TO CREATE 110 APARTMENTS AND DEMOLITION OF COLLEGE BUILDINGS AND ERECTION OF NEW BUILDINGS TO CREATE 102 APARTMENTS UTILISING EXISTING ACCESS FROM GROVE ROAD SOUTH, NELSON ROAD AND ALBANY ROAD TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING, CYCLING AND REFUSE STORAGE

LINK TO ONLINE DOCUMENTS [HERE](#)

APPLICATION B - LISTED BUILDING CONSENT APPLICATION 23/01074/LBC

CONVERSION AND ALTERATION OF LINNHOLM AND THE CASTLE TO CREATE 8 APARTMENTS.

LINK TO ONLINE DOCUMENTS [HERE](#)

Applications Submitted By:

Mr David Jobbins
Luken Beck

On behalf of:

Southsea Village Ltd

RDD: 22nd September 2023

LDD: 27th October 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 These applications are being presented to Planning Committee as they relate to a significant Major category development.

1.2 The main considerations are:

- Principle of development;
- Housing supply, density, mix and affordable housing
- Design and heritage considerations;
- Residential amenity;
- Transport and Highways;
- Trees and landscape;
- Appropriate Assessment, ecology and biodiversity;
- Flood risk and drainage;
- Energy and sustainability;
- Archaeology;
- Contaminated land;
- Community Infrastructure Levy and S106; and
- Human Rights and the Public Sector Equality Duty.

2.0 SITE AND SURROUNDINGS

2.1 The site, with an area of approximately 1.97 hectares (4.86 acres), is located within Southsea and comprises the former St Johns College, a private boarding school (Class C2) which was founded in 1908 by the De La Salle brothers and moved to the site in 1912. It occupies most of the block enclosed to the west by Grove Road South, to the north by The Thicket, to the east Albany Road and to the south by Nelson Road (although on the southern side of the site Nos 1 and 1A Nelson are excluded and on the eastern side No 1 Cavendish Road is excluded) as shown in **Figure 1** and **Figure 2** below.



Figure 1 - Existing Site Plan



Figure 2 - Aerial view of Site

- 2.2 The buildings on the site are 'villa' style detached properties ranging in height from single to three storeys of varying building form, massing and appearance. Several of the buildings were built or owned by Thomas Ellis Owen, the architect and chief surveyor for the Portsmouth area in the mid-1800s. In the post war years, the school was modernised, and a number of the villas were replaced by new purpose built blocks. In the 1980's the Simon Wing Building, a music, technical drawing and pottery classrooms was constructed in the north west corner to the designs of Edward Caugh of Headley Greentree Partnership in a brutalist style.
- 2.3 The site is located entirely within the Owen's Southsea Conservation Area and there are two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) as well as three non-designated locally listed buildings (St Catherines, Warleigh and The Scholes Building (attached to the northern side of Warleigh), Grove Road South) located within the site. The school was closed permanently in July 2022.
- 2.4 Since closing, a Children's Day Nursery (Class E) has subsequently occupied part of the ground floor of the Maurice Wing. A retrospective application, independent of the current proposals and applicant, has been submitted to retain this use (concurrent application 23/01258/FUL). The remaining parts of the site continue to be vacant.
- 2.5 The surrounding building typologies and building heights vary, primarily consisting of traditional terrace houses, but with more semi-detached and detached properties and apartments blocks closer to the site. On the opposite side of Grove Road South stands Holmbush Court, a recently constructed four storey building.
- 2.6 There are four existing vehicular access points to the site, including two on Grove Road South and one on Nelson and Albany Road, with extensive vehicle and cycle parking also found on site. The site is primarily laid to hardstanding with very little soft landscaping and few existing ecological habitats.
- 2.7 The site is located within a very sustainable location and is within the immediate proximity of Southsea High Street and town centre which provides a wide range of shops, services and employment opportunities. The area is serviced by a number of bus stops which run frequent services further afield and key local facilities can be accessed by foot or bike utilising existing well-lit footpaths. The closest bus stops are located on Grove Road South within 145m of the centre of the site and are within easy walking distance. These bus stops are served by services 3 and 18 which provide connections between Fareham, Paulsgrove and Southsea. Portsmouth and Southsea Train Station is located less than 1 mile away, with rail connections providing regular services to London, Southampton, Fareham, Winchester, Basingstoke, Woking and Cardiff Central.

3.0 POLICY CONTEXT

- 3.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).
- 3.2 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 3.3 Having regard to the location of this site within the city centre, the relevant policies within the Portsmouth Plan would include:
- PCS10 - Housing Delivery
 - PCS12 - Flood Risk
 - PCS13 - A Greener Portsmouth

- PCS14 - A Healthy City
- PCS15 - Sustainable Design and Construction
- PCS16 - Infrastructure and Community Benefit
- PCS17 - Transport
- PCS19 - Housing Mix, Size and the Provision of Affordable Homes
- PCS21 - Housing Density
- PCS23 - Design and Conservation

3.4 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).

- Policy DC21 - Contaminated Land

3.5 Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).

3.6 Regard also has to be had to the following SPDs and guidance that are also material considerations:

- Conservation & Built Heritage 2021;
- Parks and Open Spaces Strategy 2012;
- Sustainability Strategy 2010;
- Urban Characterisation Study 2011;
- Portsmouth Transport Strategy 2021-2038;
- Housing Provision in Portsmouth 2006-2027;
- Parking Standards and Transport Assessment SPD 2014;
- Solent Recreation Mitigation Strategy 2017;
- Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period) 2022;
- Air Quality and Air Pollution SPD 2006;
- Housing Standards SPD 2013 and Review Briefing Note 2015;
- Planning Obligations SPD 2012;
- Reducing Crime Through Design SPD 2006;
- Sustainable Design and Construction SPD 2013; and
- Achieving Employment and Skills Plans SPD 2013.

3.7 The National Planning Policy Framework (December 2023) (NPPF) is also an important material consideration and is supported by guidance in the National Planning Practice Guidance (NPPG).

4.0 STATUTORY DUTIES

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

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

5.0 RELEVANT PLANNING HISTORY

5.1 The planning history most relevant to the determination of the applications includes:

- 23/01258/FUL - St John's College, Grove Road South, Southsea, PO5 3QW - Change of use and alteration of part of ground floor with from Residential College (Class C2) to Children's Day Nursery (Class E) with associated car parking - Concurrent application.
- 22/00511/FUL - Woodford and School House, Grove Road South/Albany Grove, Southsea, PO5 3QW - Former St John's College building - Change of use from (Class F1(a)) Education buildings to 2 no. dwelling houses (Class C3); external alterations to include new vehicle access via Albany Road with hardstanding following partial removal of wall and provision for cycles and refuse; installation of timber fencing following removal of playcourt fencing - withdrawn 21/02/22.
- 21/01066/FUL - Hayfield, 1 Nelson Road, Southsea, P05 2AR - Former St John's College building - Change of use from F1(a) Provision of Education to purposes falling within Class C3 (dwelling house) - granted 18/11/21.
- 21/01067/FUL - 1 Cavendish Road, Southsea, PO5 2DG - Change of use from F1(a) Provision of Education to purposes falling within Class C3 (dwelling house) - granted 17/11/21.

6.0 PROPOSAL

- 6.1 The proposal seek planning permission (Application A - ref. 23/01089/FUL) to redevelop the former St John's College site to provide 212 new residential units with associated landscaping, parking, cycling and refuse storage. An accompanying listed building consent application (Application B - 23/01074/LBC) has also been submitted which seeks listed building consent for the associated conversion and alteration works proposed to the two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) on the site in order to create 8 new residential units.
- 6.2 The proposal would retain all the buildings on the site of historic merit, demolish some smaller buildings and replace them with larger blocks and remodel several of the larger buildings as shown in **Figure 3** and **Figure 4** below. In order to facilitate the development, five buildings are proposed to be demolished, including the Coach House, A-Block, The Firme, Simon Wing and West End.
- 6.3 The proposed development would include the retention of the existing site accesses from Cavendish Road, Nelson Road and Grove Road South for vehicular access and egress. In addition, the existing pedestrian accesses would be retained, and cycle access would be achieved via the vehicular access points.
- 6.4 A total of 106 vehicle parking spaces are proposed across the site at a ratio of 0.50 spaces per dwelling. All parking spaces provided across the site would provide EV charge points in accordance with the building regulations. Cycle parking would include long-stay cycle parking provisions for residents and short-stay visitor parking distributed across the site. In total, 375 cycle parking spaces are to be provided for residents and a further 38 short-stay cycle parking spaces (i.e. 10% of the long-stay provision) for visitors via Sheffield Stands throughout the site.
- 6.5 The buildings to be refurbished include:
- Woodleigh - 6 units (1 x 1-bedroom and 5 x 2-bedroom);
 - Linnholm (Grade II listed) - 4 units (3 x 1-bedroom and 1 x 4-bedroom);
 - St Donats - 4 units (3 x 2-bedroom and 1 x 4-bedroom);
 - Woodlands - 5 units (2 x 1-bedroom, 2 x 2-bedroom and 1 x 3-bedroom);

- Carnavon - 4 units (3 x 2-bedroom and 1 x 3-bedroom);
- School House - 5 units (2 x 1-bedroom and 3 x 2-bedroom);
- Woodford - 4 units (4 x 2-bedroom);
- Oaklands - 5 units (4 x 2-bedroom and 1 x 3-bedroom);
- St Catherines (locally listed) - 2 units (1 x 1-bedroom and 1 x 2-bedroom);
- Warleigh / Scholes (locally listed) - 25 units (3 x 1-bedroom, 20 x 2-bedroom and 2 x 3-bedroom); and
- The Castle (Grade II listed) - 4 units (1 x 1-bedroom and 3 x 2-bedroom).



Figure 3 - Proposed Site Masterplan

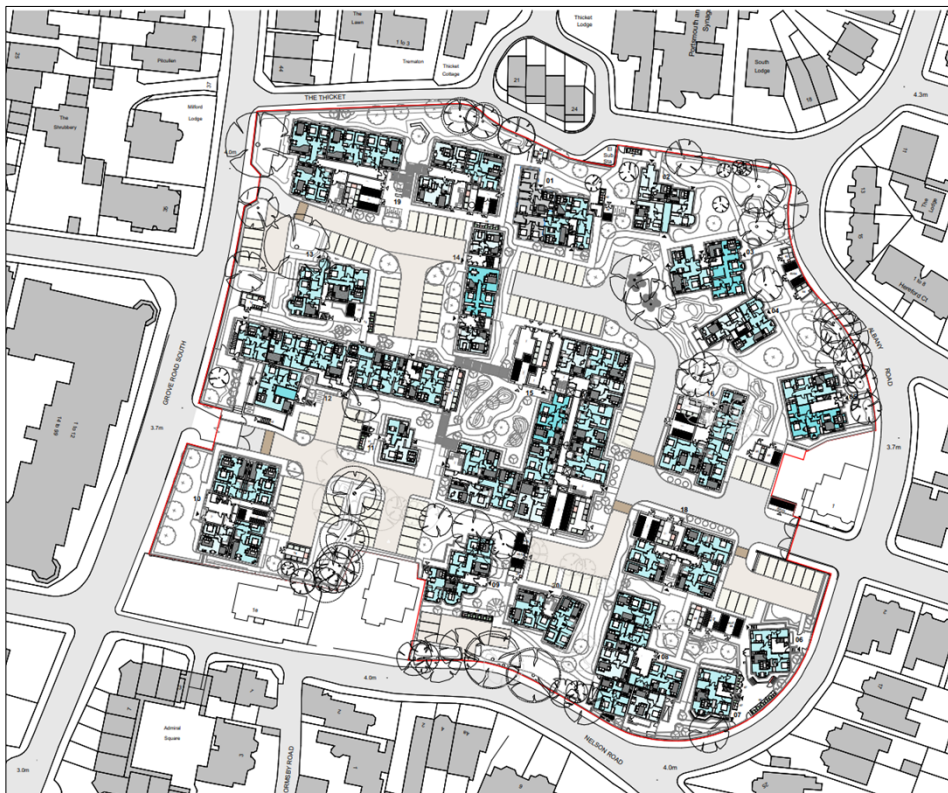


Figure 4 - Proposed Ground Floor Plan

6.6 The buildings to be converted and extended include:

- De La Salle - 16 units (1 x 1-bedroom, 9 x 2-bedroom and 6 x 3-bedroom);
- Maurice Wing - 14 units (5 x 1-bedroom, 8 x 2-bedroom and 1 x 3-bedroom); and
- Jubilee Block - 12 units (8 x 1-bedroom and 4 x 3-bedroom).

6.7 The five new replacement three-storey buildings include:

- The Firme - 51 units (20 x 1-bedroom, 26 x 2-bedroom and 5 x 3-bedroom);
- Simon Wing East and West - 23 units (2 x 1-bedroom, 19 x 2-bedroom and 2 x 3-bedroom);
- Coach House - 11 units (11 x 2-bedroom);
- West End - 11 units (11 x 2-bedroom); and
- Wood End - 6 units (6 x 2-bedroom).

6.8 The refurbishment, conversion and extension of the existing buildings to be retained on the site will create 110 new residential units and the demolition and five replacement buildings will create 102 buildings. Overall, a total of 212 new residential units would be provided comprising 49 x 1-bedroom; 138 x 2-bedroom; 23 x 3-bedroom; and 2 x 4-bedroom apartments.

7.0 AMENDMENTS MADE

7.1 During the course of the applications, the following design changes and clarifications to the proposed development have been submitted. These include:

- Window details of the Simon Wing have been revised;
- Amendments to floor plans and accommodation schedule to ensure compliance with Nationally Described Space Standards area requirements;
- Further information provided with respect to proposed 'Turret' to Maurice Wing;
- Waste and recycling stores have been resized and relocated;
- An Energy Addendum report has been prepared to provide clarification on the sustainability measures proposed;
- A Supplementary Transport Note has been prepared to confirm provision of EV charging points, alternative on-street parking bays along Nelson Road and the provision of 'Copenhagen' style crossing at the site accesses from Grove Road South;
- Daylight and Sunlight Reports has been prepared which assess the daylight and sunlight impacts of the scheme on existing neighbouring residents and future occupiers of the site;
- The Landscape Plan has been amended to relocate footpaths further from buildings and habitable rooms to provide more defensible space;
- A Viability Report Addendum has been prepared to provide the additional information requested by the Council's Viability Consultants;
- An Archaeological Desk Based Assessment has been submitted; and
- A CGI has been prepared to provide a visual impression of the proposal when viewed from The Thicket.

7.2 The above amendments do not have a material impact upon the maximum quantum of floorspace or accommodation schedule sought for approval by the applications as originally submitted and registered in September 2023.

8.0 CONSULTATIONS

8.1 The following consultation responses have been received:

Active Travel England	At this stage in the absence of sufficient information that the scale of the financial contribution sought by the Council's Transport Planning team can adequately support local infrastructure and be fully deliverable, ATE recommend that the decision on this application is deferred until this is clarified.
Coastal Partners	HOLDING OBJECTION on the grounds that an insufficient Flood Risk Assessment (FRA) has been submitted in support of the application.
Hampshire Constabulary Designing Out Crime Officer	NO OBJECTION to the proposal subject to the public footpaths abutting the elevations of some of the buildings being realigned, defensible space for the ground floor apartments proposed being provided; and a condition relating to lighting details being attached to any permission granted.
Hampshire Fire & Rescue Service	NO OBJECTION to the proposal.
Hampshire Swifts	NO OBJECTION subject to a condition requiring hollow swift bricks to be installed in the walls of the new build homes being attached to any permission granted.
HCC - Archaeology Advisor	NO OBJECTION subject to a condition securing an Archaeological Written Scheme of Investigation being attached to any permission granted.
HCC - Ecology	NO OBJECTION to the proposal subject to contributions to the Solent Recreation Mitigation Strategy being secured and conditions relating to further bat survey work and biodiversity net gain enhancements, as suggested, being attached to any permission granted.
Historic England	NO OBJECTION to the proposal. Historic England provides advice when our engagement can add most value. In this case we are not offering advice.
Natural England	NO OBJECTION to the proposal. A Habitat Regulations Assessment (HRA) has been requested from the Council to fully consider impact on SPA and SAC. Once a HRA has been completed or adopted by the competent authority, Natural England will review the proposal.

	<p>Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.</p>
NHS Hampshire integrated Care Board	<p>NO OBJECTION subject to a financial contribution towards the cost of increasing primary care infrastructure being secured by s106 legal agreement in any planning permission granted.</p>
PCC Arboricultural Officer	<p>NO OBJECTION subject to conditions relating to landscaping, tree protection, arboricultural method statement, tree planting and pruning as suggested being attached to any permission granted.</p>
PCC Conservation and Heritage	<p>SUPPORT for the application subject to conditions relating to the detailed design/appearance (including material) of all new windows and the detailed design/appearance and siting of the proposed cycle and refuse stores being attached to any permission granted.</p>
PCC Contaminated Land Team	<p>NO OBJECTION subject to conditions relating to contamination and remediation as suggested being attached to any permission granted.</p>
PCC Drainage Team	<p>NO OBJECTION to the proposal.</p>
PCC Regulatory Services	<p>NO OBJECTION to the proposal subject to conditions relating to demolition, noise and vibration and a Construction Environmental Management Plan as suggested being attached to any permission granted.</p>
PCC Landscape Architect	<p>NO OBJECTION to the proposal.</p>
PCC Public Health	<p>NO OBJECTION to the proposal. We note that a health impact assessment (HIA) has not been undertaken as part of this development application as would usually be expected of a development of this size. This lack of consideration may potentially mean impacts (both positive and negative) on the health of future residents of the development, as well as on the health of the development's immediate neighbours and the neighbourhood in</p>

	<p>general, have not been accounted for or mitigated against.</p> <p>We note that the ratio of GP's and NHS dentists to patients is significantly worse in Portsmouth than in other comparable cities and other parts of England, and any new development will inevitably create additional pressures which must be considered while attempts are made by the local Integrated Care Board and Partnership to address these long-standing systemic issues.</p>
PCC Transport Planning	NO OBJECTION to the proposal subject to financial contributions towards improvements to sustainable infrastructure within the vicinity of the site and travel plan monitoring being secured by s106 legal agreement and conditions securing parking, S278 highway works, cycle storage, electric charging points, a parking management plan and travel plan, as suggested, being attached to any permission granted.
PCC Waste Management Service	NO OBJECTION to the proposal subject to a condition securing satisfactory refuse storage being attached to any permission granted.
Portsmouth Cycle Forum	OBJECTION to the proposal on grounds of car parking. Our primary concern and objection relates to the fact that the surrounding road network is not safe and suitable for people walking and cycling, which, in line with NPPF, means that "safe and suitable access for all users" is not available. The Forum believes that the time is now right for Elm Grove, Victoria Road South and Albert Road to be 20mph zones. Funding secured by a s106 as part of any planning permission granted could support and enable this process.
Southern Water	NO OBJECTION to the proposal subject to an informative relating to sewerage and surface water disposal, as suggested, being attached to any permission granted.
The Portsmouth Society	OBJECTION to the proposal, which represents a poor-quality design and significant overdevelopment of the site. The proposal seeks to double the density of a nationally significant conservation area from the 53dph

	<p>identified in the characterisation study to 106dph. The quality of much of the design is poor and will result in real damage to the quality of a special part of Southsea. It will also have a significant impact on the quality and amenity of the surrounding areas whilst also reducing the number of trees and shrubs so characteristic of the area. The Portsmouth Society asks that this application be refused. It represents a clear departure from the Council's own stated policies and design guidance.</p>
<p>The Victorian Society</p>	<p>OBJECTION to the proposal. In principle the redevelopment of the site is acceptable, however, the proposed redevelopment raises concerns. Whilst removing some large buildings that make a negative contribution to the conservation area, the proposal seeks to introduce large new apartment buildings of a scale and form considerably at odds with the historic character of the area. The form and density of development proposed would harm the significance of the conservation area and the setting of the listed buildings, by diluting the picturesque character of Owen's villa suburb and introducing a more urban form and scale of development. As such, the proposal is unacceptable and would fail to preserve and enhance the character and significance of the conservation area and should be refused.</p>

9.0 REPRESENTATIONS

- 9.1 Site Notices (seven in total) were displayed around the boundaries of the site on 30/09/22, a Press Notice was published on 06/10/2023 and letters were sent to neighbouring properties on 27/09/2023.
- 9.2 Following the receipt of revised drawings and additional supporting information, neighbouring properties were reconsulted by letter on 16/02/2024. The public reconsultation period on the revisions formally ended on 01/03/2024.
- 9.3 In response, two (2) representations have been received in support and ninety four (94) representations objecting to the proposed development.
- 9.4 The representation of support make the following points:
- The development would make good use of a large area of unused property in the heart of Southsea, creating good quality new modern housing that will blend with the local area;

- The introduction of a few hundred new residents will only add to the vibrancy and economic sustainability of our local businesses and amenities; and
- Whilst the parking ratio commented on by others does not reflect current car ownership and usage, it is clear that government policy (national and local) needs to be used as a lever to change our relationship with the car, as happens successfully in many Northern European cities. To this end, perhaps the planning authority should incentivise the developer to include provision (dedicated parking spaces and vehicle charging points) for a carshare scheme such as "Zipcar".

9.5 The representations of objection raise the following concerns:

- Loss of existing school site;
- Overdevelopment of the site;
- The proposal lacks an appropriate mixture of occupancy types such as owner occupied dwellings and affordable housing;
- The proposal fails to provide sufficient family housing on the site contrary to policy PCS19 in the City Plan.
- The height, scale, form and detailing of the development is inappropriate and would be out of keeping with the surrounding area;
- The design is not in keeping with the surrounding conservation area and the planned new buildings will not complement the surrounding listed buildings in the neighbourhood.
- The proposal would have an adverse impact on the character and appearance of the Owen's Southsea Conservation Area;
- Overlooking and loss of privacy;
- Loss of sunlight and daylight;
- Inadequate funding to meet the additional burden the development will put on the local community;
- The proposal will have a huge negative impact on the local community and services;
- Increase in pressure on local infrastructure, such as schools, GP's and dental surgeries;
- Negative impact on biodiversity with limited environmental impact assessment;
- Loss of mature trees that will have a negative impact on ecology;
- Lack of open space;
- Increase in traffic and congestion;
- Increase in pollution;
- The standard of water and energy efficiency for sustainable development is not sufficient;
- There is a lack of electric vehicle charging allocations on site putting pressure on the outlets elsewhere in the neighbourhood;
- Inadequate water pressure;
- Adverse impact on local bat population;
- There will be a huge impact on the flora and fauna and there has been no attempt at considering the effect of this on the local biodiversity;
- Greater strain on sewage capacity without plans to overcome this; and
- Insufficient car parking leading to an increasing in existing parking problems.

10.0 PLANNING CONSIDERATIONS / COMMENT

Principle of the development

- 10.1 As set out in the NPPF (paragraph 2), *'Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise. The National Planning Policy Framework*

must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements'.

- 10.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.
- 10.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 10.4 In accordance with the Portsmouth Local Plan, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.
- 10.5 Paragraph 11 of the NPPF requires that *'decisions should apply a presumption in favour of sustainable development. For planning decisions this means:*
1. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 10.6 Footnote 8 states that *'this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years'.*
- 10.7 Footnote 7 states *'the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change'.*
- 10.8 The NPPF also seeks, inter alia, to secure net gains in terms of economic, social and environmental objectives (paragraph 8). This includes ensuring sufficient land of the right type is available; coordinating the provision of infrastructure; providing a sufficient

number and range of homes, and; protecting and enhancing the natural, built and historic environment. These objectives are reflected in both the PPG and the Council's local planning guidance.

- 10.9 Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. As set out within Policy PCS10 of the Local Plan, housing delivery will be promoted across the city. The site is set outside of the town and district centres, and is within the "*rest of the city*" allocation of Policy PCS10 of the Local Plan, which seeks to provide an additional 1,674 homes in the plan period (2010 - 2027).
- 10.10 The overarching stance advocated by the NPPF and Policy PSC10 of the Local Plan is a presumption in favour of sustainable development that supports densification in the city confines. Whilst St John's College is located outside of Southsea town centre boundary and is also outside of the designated Albert Road and Elm Grove district centre, it is within the immediate proximity of these designated centres. Accordingly, the site benefits from being located within a highly sustainable location nearby a wide range of facilities, public transport, services and shops but also has no policy restrictions on the change of use from educational purposes to residential.
- 10.11 The principle of the change of use of the site to residential is further supported as the immediate surroundings of the site are residential in character. The Edwardian villas set to the site curtilages, which were originally built as dwellinghouses, have been used for many years as school boarding accommodation, therefore continuing the use of some of these buildings as living accommodation throughout the year.
- 10.12 The principle of residential development is therefore accepted. The development will make a significant contribution achieving the three sustainable objectives to planning outlined in the NPPF. The proposal will deliver 212 new, high quality, energy efficient homes within a soft landscaped setting. These will be delivered in a sustainable and accessible location in Portsmouth. In summary, the proposed residential development of the site would be fully in accordance with existing and emerging planning policy.
- 10.13 With regard to the principle of this development, the NPPF also makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (paragraph 60).
- 10.14 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the recently published Annual Monitoring Report the council can only demonstrate 3.31 years supply. As the development plan in Portsmouth is more than 5 years old, paragraph 77 of the NPPF states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.
- 10.15 Consequently, there is a presumption in favour for developing this site as long as the project does not have a significant effect on a habitat site (either alone or in combination with other projects, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 188).
- 10.16 Acknowledging that the development would have an increased burden on local infrastructure, the development would be liable for CIL (Community Infrastructure Levy). This is a charge which the Council levy on new development in the area. The revenue collected will be to help deliver the infrastructure needed to support development in the area.

Housing supply, density and housing mix

- 10.17 As housing delivery within the City has fallen below 75% of the housing requirement over the previous three years, the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with paragraph 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.
- 10.18 However, as the Council has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.
- 10.19 The Government's Standard Method has identified a need for the city of 16,161 homes for the plan period to 2038. However, the assessed need for the emerging draft Local Plan going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development.
- 10.20 Nevertheless, the emerging draft Local Plan has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. Policy H1 of the draft Local Plan states that a minimum of 17,701 new homes will be required over the plan period 2020-2038, which continues to support the provision of new housing in the City.
- 10.21 The proposal will significantly help to address the Council's housing delivery shortfall by providing 212 new apartments within the immediate vicinity of Southsea town centre. The units comprise a mixed range of sizes and vary from one-bed to four-bed units which will cater to a diverse array of prospective occupiers. Policy PCS21 of the Local Plan states that outside of town centres, density of development should be no less than 40dph, due to the inherent land constraints, which requires new proposals to make an effective and efficient use of land.
- 10.22 Portsmouth Local Plan 2038 - Policy H5: Housing Density background paper (July 2021)' which is being utilised as evidence to form the draft Local Plan highlights the Council's ambition for increasing density within the city. The application site has been earmarked as an area for medium density, increasing its density from 25-50 dwellings per hectare (dph) to at least 80dph. This proposal provides approximately 106dph in accordance with the guidance of more than 80 and less than 120 as set out in draft Policy.
- 10.23 With regard to housing mix, current Policy PCS19 requires that "*developments should achieve a target of 40% family housing where appropriate*" and that the "appropriate number of family sized dwellings on a site (will be) dependent on both the character of an area, the site and viability of a scheme". The proposals are for 212 new residential units comprising 49 x 1-bedroom; 138 x 2-bedroom; 23 x 3-bedroom; and 2 x 4-bedroom apartments as shown in **Table 1** below. The proposals would therefore only deliver 25 new family housing units (12%), which does not achieve the target of 40% family housing.
- 10.24 Whilst the proposal does not meet the target of 40% family housing, the proposed mix is considered to be acceptable focusing on the delivery of 2 (65%), 3 (11%) and 4 (1%) bedroom units. It is also noted that the conversion of (historic) buildings may well also reduce flexibility, compared to new build.

	1 bed	2 bed	3 bed	4 bed	Total
Refurbishment and Conversion	13	48	5	2	68
Conversion and extension	14	17	11	0	42
New Build Homes	22	73	7	0	102
Total	49	138	23	2	212
Total Provision %	23%	65%	11%	1%	

Table 1 - Proposed housing dwelling mix

- 10.25 The principle of housing development on this site, the proposed housing density and mix accords with the aims of policies PCS10 and PCS19.

Affordable Housing

- 10.26 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Local Plan to contribute to meeting the identified need in the city.

- 10.27 Based on the maximum level of development of 212 dwellings, this would equate to the provision of 64 affordable dwellings. However, the NPPF (paragraph 65) states that:

"to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".

- 10.28 Effectively this would eliminate affordable housing provision within the main school building and outlying buildings to be refurbished and converted because there is an overall net reduction in total floorspace resulting from the demolition and the Vacant Building Credit (VBC) applies in line with NPPF paragraph 65. The affordable housing requirement would therefore be 21 units after making allowance for Vacant Building Credit.

- 10.29 Policy PCS19 states:

"there are occasionally specific circumstances associated with a development which would render it unviable if the required amount and type of affordable housing is provided. In such situations the Council will negotiate with the developer so that the maximum amount and best mix of affordable housing can be provided whilst maintaining the scheme's viability, based on current land values. In such situations, developers will have to present robust evidence that it would not be feasible or viable, so that it can be closely scrutinised and validated. In such situations, developers will be expected to provide as much affordable housing as would be possible without rendering the scheme unviable."

- 10.30 As part of the application process, the Council carried out a Viability Review of the appellant's Viability Appraisal, which was submitted with the application. The Council's Viability Review, undertaken by the Council's appointed viability consultants BNP Paribas, concluded that the development could not support any affordable housing and while this is disappointing is nevertheless consequently in compliance with Local Plan Policy PCS19 which recognises that there will be circumstances where requiring contributions to affordable housing will render developments unviable.

- 10.31 Accordingly, the proposal would be in accordance with current and emerging planning policies in respect of housing delivery and mix and has also been informed by relevant planning guidance. The NPPF supports the Government's objective of significantly boosting the supply of homes and that land with permission is developed without unnecessary delay (paragraph 60). The proposal will deliver a significant number of homes (212) and contribute to a mixed and balanced community, directly responding to local and national planning objectives.

Design and Heritage Considerations

Design and Placemaking

- 10.32 The NPPF places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. Paragraph 131 states "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*" The NPPF is also supplemented by the National Design Guide (NDG) and the NMDC.
- 10.33 Policy PCS23 of the Local Plan further echoes the principles of good design set out within the NPPF requiring, all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth: is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development.
- 10.34 The application site is quite mixed in architectural character - containing buildings from a range of periods and styles - in which older historic buildings nevertheless predominate in terms of setting the overall character of the area. The significance of its various elements does therefore vary in terms of their architectural and historic qualities (and consequently their planning status). These are considered in a little more detail in **Table 2** in the '*Impact on Heritage Assets*' section below.
- 10.35 The site generally, is quite 'sylvan' in character. It has a relatively loose grain and is considered overall to represent an important and positive element both as a standalone, and within the wider context of the surrounding Owens Southsea Conservation Area (No.2). For these reasons the overall significance of the site in heritage terms is considered to be **high**.
- 10.36 The site has been substantially altered since 1835 when Thomas Owen originally lived in and built many of the buildings. Since the site changed to an educational facility, particularly in the post war years, the school modernised and a number of the villas were replaced by new purpose built blocks. In the 1950's an assembly hall and gymnasium building was erected on the site. This building caught fire in 2015 and a purpose-built sports hall 'The Firme' was built in the centre of the site as shown in **Figure 1** above.
- 10.37 Many of the more recent buildings, which were designed for educational purposes, do not relate well to the conservation area and are considered neutral or negative contributors to the setting of the listed buildings on the site. For example, the Simon Wing, located in the north west corner of the site, is a concrete block of poor design quality, that fails to relate to the surrounding vernacular and conservation area. Its proximity to The Castle (Grade II listed) building further exacerbates this harm.

- 10.38 The application site heights currently range from one to three storeys with varying floor zones while the surrounding area includes multiple four storey buildings, suggesting that increasing building heights within areas of the site would remain in keeping with the local precedent.

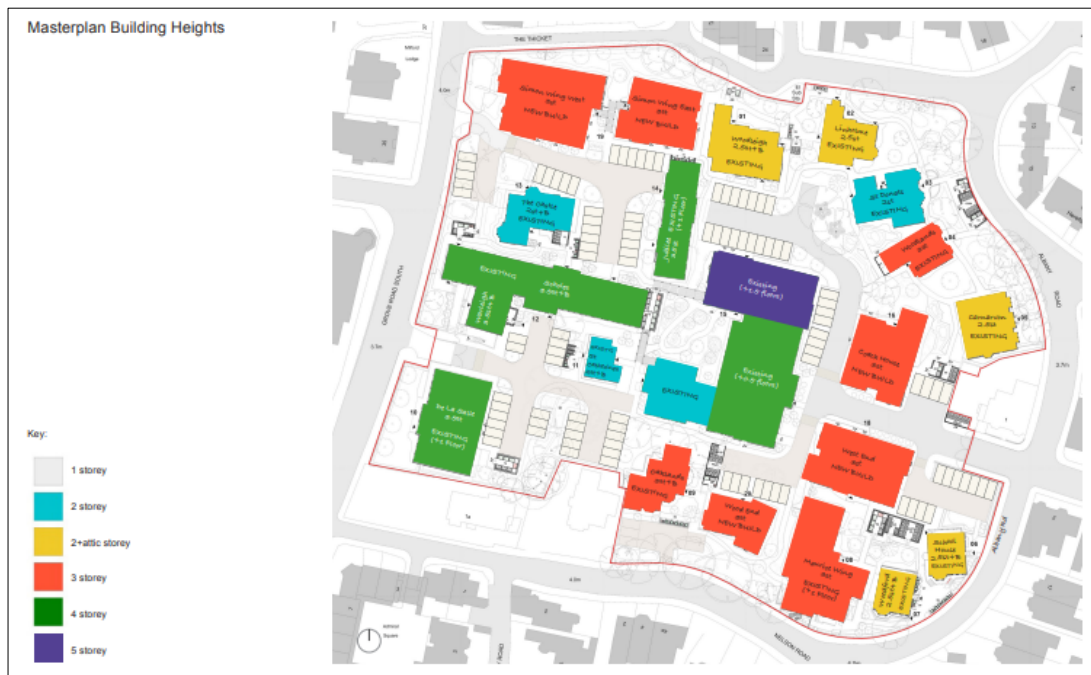


Figure 5 - Proposed Building Heights

- 10.39 The proposal would retain all the buildings on the site of historic merit, demolish some smaller buildings and replace them with larger blocks and remodel several of the larger buildings. It will also provide opportunities to improve the external appearance and setting of the listed buildings and locally listed buildings on the site, and to repair and maintain the existing boundary walls.
- 10.40 The building coverage of the site will not noticeably change, with a number of buildings being remodelled within their existing footprints and even a reduced footprint in the case of the Firme Building. This allows the opportunity for an extensive landscaping of the site to bring more soft landscape onto the site to allow the historic buildings to sit in their own spaces, echoing the gardens they originally had.
- 10.41 The proposals include remodelling the large Firme Building, retaining its frame but recladding it and reducing its footprint to create open space between it and the Scholes building which would become an enclosed garden area, akin to a cloister garden. Other buildings being remodelled include the De La Salle building and the Jubilee building, both of which would be given an additional floor in the roof structure and be externally refaced in brick.
- 10.42 The intended choice of materials for the recladding of these three large buildings would be structural brickwork, using red bricks with areas of brickwork broken up by detailing. Red brick is an appropriate material for recladding and new buildings on the site as it follows the use of this material on the Scholes building and later buildings on the site, and will allow the earlier villas to stand out as the historic first phase of development. Roof coverings will vary from metal sheet to tiles, and this variety will maintain the variety of roofing materials and colours that exist on the site. These details would be secured by condition.
- 10.43 There are a number of demolitions proposed on the site and these include modern additions to two of the older villa buildings added by the school, on Warleigh and

Woodleigh. Total demolition is also proposed of several of the post-war buildings built by the school to create sites for new buildings. The buildings proposed for demolition include: The Simon Building, West End House, Block B and The Coach House.

- 10.44 Notwithstanding the unusual brutalist architectural styling of the Simon Building, the contribution of this, alongside the other buildings on site identified for removal, to the character and appearance of the Conservation Area is considered (both individually and collectively) to be 'neutral' at best. In light of this, their loss is regarded as acceptable, and possibly even beneficial to the conservation area.
- 10.45 The most prominent new buildings will be those at either end of the site on Grove Road South and the west end of The Thicket. It is proposed to replace the Simons buildings by one of two blocks along the north boundary facing The Thicket. The area of the site east of the present Simons Building is a large expanse of tarmac used for ball games by the school with a tall fence inside the wall.
- 10.46 While this area is open now, on the site of the Simons Building and the playground there were two villas as well as a stables outbuilding to Grove House (The Castle). It is therefore considered appropriate to construct two blocks in this location. At the other end, the proposals are to retain the frame of the De La Salle building and create new elevations in brickwork, adding a mansard roof. The building would be of the same height as Holmbush Court across the road and would be in keeping with this part of Grove Road South.
- 10.47 The treatment of the Jubilee Building would be similar, with new brick elevations and a pitched roof with dormers. In its role as a backdrop to the listed The Castle it would be no more prominent.
- 10.48 The Maurice wing would only have a roof addition to its range facing Nelson Road, but this would not be readily visible from outside the site due to the row of trees planted along the boundary.
- 10.49 The biggest change in form, bulk and appearance will be to the Firme Building where it is proposed to take the structure back to its frame and insert floor plates into what at present is the large volume of the assembly hall. A major benefit will be to reduce the footprint on the west side to create space between it and the Scholes Building to allow the creation of a quiet space for residents in what might be termed a cloister garden.
- 10.50 The east facing elevation of the building will be broken up by a central projecting gabled wing which will align with the axis of Cavendish Road, thus creating a much better feature to close the view down this straight road running from Victoria Road South. In front of this there would be on either side of the end of Cavendish Road within the site, new blocks, framing an improved area of public realm.
- 10.51 The one place where a new building is proposed on open ground that is not tarmac is on the large lawn east of Oaklands, between it and the Maurice Wing. On the Title map and OS Map of 1865/7 this appears to be a separate plot but seems to have become part of a larger garden of Oaklands. While this will mean the loss of some open space on the site, its impact on the historic environment will be small. This area is screened from Nelson Road by mature trees and only the setting of the locally listed Oaklands will be directly affected, with a small impact on the conservation area.
- 10.52 The new buildings proposed and those to be converted have been carefully designed to offer similar architectural styles to the surrounding locality, taking their inspiration from the surrounding context including the use of brick, prominent gable ends, sash windows and a restricted material palette.

- 10.53 The proposed buildings are predominantly three storey and have been designed to build in height towards the centre of the site, as shown in **Figure 5** above, retaining the existing perimeter ridge line while maximising the sites potential in the inner areas. The proposed increases in height have been carefully designed through maximising the use of roof space to reduce overall scale proposing taller buildings to the centre of the site and away from the surrounding street scene. The removal of negative contributor buildings and their replacement with high quality replacements that reflect the surrounding locality, would be in accordance with Policy PCS21 of the Local Plan.
- 10.54 The site currently has limited access for both pedestrians and vehicles, by continuing to limit vehicular access in the proposal, greater use can be made of shared surfaces, prioritising and encouraging internal pedestrian and cycle movement. A variety of street widths also makes for an intimate street-scape, and enhances the low-car, cycle and pedestrian driven scheme ethos.
- 10.55 In addition, key vistas have been identified and gable façades are located on these principal elevations, in particular to the main entrances to the site. The proposed entrances will provide a significant positive contribution and enhancement to the character of the conservation area providing legibility and relating well to the surrounding vernacular, utilising a similar scale of development, architectural style and material palette.
- 10.56 Overall, a number of the principles set out in the scheme are very welcome including the provision of landscaping and green space across the development as a whole. The proposed new buildings within the scheme will be of excellent architectural quality and the resulting development will be high quality, legible and distinctive. It will provide a modern, sustainable and inclusive development and would be fully in accordance with the design objectives in the Local Plan (Policies PSC13, PCS15 and PCS23), the NPPF and local planning guidance.

Impact on Heritage Assets

- 10.57 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Section 66). In relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"* (Section 72).
- 10.58 The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting.
- 10.59 Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.60 Policy PCS23 of the Local Plan further advises that *"all new development must be well designed and, in particular, respect the character of the city"* with the *"protection and*

enhancement of the city's historic townscape and its cultural and natural heritage, in particular its links to the sea" being sought within new development.

- 10.61 Turning to consider the application of the legislative and policy requirements referred to above, the first step is for the decision-maker to consider each of the designated heritage assets (referred to hereafter simply as "heritage assets") which would be affected by the proposed development (the applicant should describe the significance of the heritage assets affected) in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 10.62 The decision of the Court of Appeal in *Barnwell Manor* confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.70 (2) of the Town and Country Planning Act 1990 and s.38 (6) of the Planning and Compulsory Purchase Act 2004, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, *Barnwell Manor* establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 10.63 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the *Forge Field* case the High Court explained that the presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 10.64 The case-law also establishes that even where the harm identified is 'less than substantial' (i.e., falls within paragraph 205 of the NPPF), that harm must still be given considerable importance and weight.
- 10.65 Where more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.
- 10.66 What follows is an officer assessment of the extent of harm which would result from the proposed development. This includes conservation areas and listed buildings. An individual assessment against each heritage asset as well a cumulative assessment is provided. This is then followed by an assessment of the heritage benefits of the proposal.
- 10.67 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to safeguard the special interest of listed buildings and their settings. Section 72 of the Act imposes a statutory duty on planning authorities to preserve or enhance the character and appearance of conservation areas.
- 10.68 Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 208 of the NPPF requires the harm to

be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

- 10.69 If the harm is substantial, or results in a total loss of significance, paragraph 207 states that local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all four of the following criteria apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of not for profit charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.70 Paragraph 205 of the NPPF advises that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 10.71 Paragraph 206 further advises that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 10.72 The site is located entirely within the Owen's Southsea Conservation Area and there are two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) as well as three non-designated locally listed buildings (St Catherines, Warleigh and The Scholes Building (attached to the northern side of Warleigh), Grove Road South) located within the site.
- 10.73 A Heritage Assessment has been undertaken by the applicant. This provides an assessment of the heritage impacts and heritage benefits of the proposal for each of the above on-site and the nearby heritage assets identified within the report.
- 10.74 This assessment has been undertaken according to the up-to-date requirements of the NPPF, and against the Planning and Listed Buildings Act (1990). The assessment concludes that the proposals will have an impact on the designated heritage assets of the listed buildings and conservation area, albeit minimal harm, probably unmeasurable. It concludes that if some measurable harm is identified it is only at the bottom end of the scale of 'less than substantial harm', and NPPF paragraph 208 is applied. The positive changes proposed to the listed buildings and the removal of the buildings that are seen as having a negative contribution in the conservation areas, can be regarded as heritage benefits outweighing any small amount of harm.
- 10.75 The Council has also undertaken its own assessment, including both the above designated heritage assets and the non-designated heritage assets within the vicinity of the site identified within the Assessment, and has undertaken a balancing exercise of the anticipated level of harm to the relevant heritage assets identified against the heritage and public benefits.
- 10.76 The impact on 'Heritage Assets', including listed buildings on and in proximity of the site, conservation areas and locally listed buildings/structures has been fully considered in detail below and comments provided where necessary. The area beyond the site boundary is surrounded by a number of designated and undesignated heritage assets, but - as outlined by the applicant in their Heritage Assessment - these have been scoped out of consideration - a position which, for the reasons outlined in their Assessment, is considered reasonable and acceptable.

10.77 The significance of the relevant assets on the site has been considered, as has the scheme's impact on their fabric and/ or setting (as set out in **Table 2** below).

10.78 The proposed developments impact(s) are derived principally from two sources:

1. Changes/ alterations directly to the fabric of affected assets e.g. Internal works of (re)configuration, new/replacement windows and doors, and other works of 'repair' to existing fabric.

10.79 These are focussed on proposed internal and external works to the fabric of the individually listed (and locally) listed buildings on the site. Having viewed the description and analysis of these works in the submitted Heritage Assessment, the Council's Conservation and Heritage officer is supportive of the proposal and on balance finds it acceptable. A number of conditions have been suggested, in order to secure optimal outcomes in relation to these aspects of the proposed works covering the following matters:

- The detailed design/ appearance (including material) of all proposed new metal windows in all new build buildings proposed on the site;
 - The addition of new appropriate timber (replacement) windows to the designated and undesignated heritage assets on the site; and
 - The detailed design/ appearance and siting of proposed cycle and bin stores on the site.
2. Changes to the close and wider setting of assets at a range of scales e.g. through the introduction of new build elements onto the site where they were not previously present.

10.80 These derive from:

- The removal of the existing 'brutalist' music block at the north west corner of the site, and its subsequent replacement with two 3 / 4 storey blocks - with a break in built form (on an east-west axis addressing The Thicket);
- A single storey addition to the roof, and re-facing of the elevations of, the main school block at the southwestern corner of the site - addressing Grove Road South;
- The addition of a newbuild villa style property in the existing garden 'gap' to the southern part of the site - addressing Nelson Road;
- The addition of No.2 new residential blocks to the eastern centre of the site (adjacent/close to the Firme building); and
- The refacing and internal subdivision of the Firme building/ sports hall at the centre of the site in order to create new residential units.

10.81 The siting, scale, mass and form of these additions would represent the addition of an appreciable, but not inappropriate or unacceptable quantum of new residential development on the site. It would alter the setting and therefore the character of all four aspects of the site, but perhaps most notably so, its northern aspect - including the setting of both the listed 'The Castle', and 'Linnholm' buildings respectively.

10.82 Having analysed the submitted drawings, interpreted their impact in context (on site), and given this matter careful consideration, it is considered that none of the proposed newbuild additions - including those to the north addressing The Thicket - nor indeed any of the changes to existing fabric of any of the designated or undesignated heritage assets on the site, are of sufficient impact to justify a refusal of either listed building consent or planning permission for the proposed works.

10.83 Notwithstanding that a number of buildings on the site would be remodelled within their existing footprints and that new elements of soft landscaping would be added,

the principal individual and collective (aggregate) impact(s) of the scheme relate to the introduction of elements of new built form into the existing context and setting of some of the affected assets.

Adverse Heritage Impacts

10.84 In summary, the Council's design/townscape analysis above contains the detailed narrative on heritage impacts. Any adverse impacts identified are summarised in **Table 2** below:

St John's College - Heritage Significance and Impacts		
Asset	Significance	Impact
Grade II Listed Buildings:		
'The Castle'	High	'Medium' - to its close northern setting
Linnholm	High	Low - to its western setting
Locally Listed Buildings		
Warleigh	Low	Neutral - to the buildings fabric
St Catherine's	Low	Neutral - to the buildings fabric
St Donats	Low	Neutral - to the buildings fabric
Conservation Area:		
Owen's Southsea Conservation Area (No.2).	High	Low - to the internal/ external setting, and therefore the character and appearance for the conservation area <i>overall</i> .
Cumulative/ Aggregate The overall ('aggregate') impact of the scheme - when its various separate impacts are considered together collectively.	N/A	Low

Table 2 - Heritage Significance and Impacts

10.85 Whilst all instances of harm to designated heritage assets may be 'less than substantial', great weight must be given to the conservation of heritage assets (Paragraph 205 of the NPPF) and clear and convincing justification provided for any level of harm (Paragraph 206).

10.86 The duty to pay "special regard" or "special attention", in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 means that there is a "strong presumption" against the grant of planning permission where it would cause harm to a heritage asset. It is also important to note that the identification of 'less than substantial harm' does not equate to a 'less than substantial' objection. The decision-maker must apply a weighted or tilted balancing exercise, giving the assessed degree of harm to the heritage asset "*considerable importance and weight*" and offsetting harm against other considerations.

10.87 With regard heritage impact, the NPPF states:

'203 In determining applications, local planning authorities should take account of

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

205 *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

206 *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

208 *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

209 *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

10.88 The NPPF places great weight on the preservation of designated heritage assets and their settings. This applies to the identified statutory listed buildings and conservation area in this case. The starting point is 'no harm'.

Assessment of Harm versus Benefits

10.89 Paragraph 208 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, "*this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.*"

10.90 In summary, it is considered that the changes wrought by the proposal would on balance be relatively limited in terms of their scope and impact on relevant heritage assets, causing a **low** degree of **harm** to assets *overall*.

10.91 Whilst this does represent a finding of *some* degree of harm, this is considered to be focussed primarily on the new build blocks which would encroach on the close northern setting of the grade II listed 'The Castle' building.

10.92 In light of this it is important in policy terms to note that impact of the scheme is considered '**less than substantial**' in conservation heritage terms.

10.93 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 202 of the NPPF. These benefits are considered to be:

- New Homes - delivery of 212 new homes provided in a range of sizes and contributing to a mixed and balanced community; and
- Optimum Viable Use - securing an ongoing viable use for the site and its assets,

10.94 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.

10.95 The proposal would contribute to the economic viability, accessibility and environmental quality of the local area, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

Residential Amenity

Open Space, Recreation and Living Conditions for Future Occupiers

10.96 Policy PCS13 of the Portsmouth Plan states that the Council will work collaboratively to protect, enhance and develop the green infrastructure network, inter alia, requiring improved accessibility to green space by foot, cycle and public transport corridors, play value for the whole community including pocket parks of 1.5ha per 1000 population (sites above 50 dwellings). There is no bespoke open space standard set out in existing Local Plan policy or SPD; however, the NPPF makes it clear that resident access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Furthermore, guidance is contained in the Fields in Trust benchmark guidelines "*Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard (2015)*" and in the Council's Parks and Open Spaces Strategy (2012 to 2022).

10.97 Policy PCS23 of the Portsmouth Plan requires that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD, emerging Policy H6 of the emerging local plan, and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

Open Space and Recreation

10.98 The proposed development would include the introduction of soft landscaping around each of the listed buildings to improve their setting, and across the site as a whole, as shown in **Figure 6** below, providing 3,651sqm of open space and a significant improvement on the harsh mass of hardstanding prevalent on the site as currently exists. The introduction of formal and informal paths will allow for easy movement across and around the site. The junctions of the paths will link to visual nodes at the end or beginning of site vistas. Nodes provide seating at key locations, providing locations for rest, contemplation and reflection all in proximity of the adjacent dwellings. The planting at these locations will also provide a sensory delight to both residents and visitors to enjoy.



Figure 6 - Proposed Landscaping Masterplan

10.99 Key gateways both physically and visually are to be established north / south and west into and out of the central courtyard. Pergola / covered ways will enclose the space between the Firme, Jubilee and Scholes giving it a cloistered feel. The proposed open space to the centre of the site will create amenity for both social interaction and will enhance green infrastructure.

10.100 Overall, the whole site layout provides an attractive and robust landscape, which aims to retain the heritage importance and enhance the site biodiversity, along with providing tree structure for future generations. Subject to such details being conditions, the proposal would be in accordance with Policies PCS13 and PCS23 of the Local Plan and the NPPF.

Living Conditions of Future Occupiers

10.101 As described in the four revised '*Accommodation Schedule Plots - Sheets*' submitted with the application, the proposed units would all meet the minimum gross internal floor areas set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard.

10.102 All homes would be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate and a minimum of 5% of all homes would be provided as wheelchair user dwellings (Building Regulations M4(3)) and 20% would

be accessible standards (M4(2)). This aligns with emerging Portsmouth policy which sets a target for 5% of all newly built dwellings to be wheelchair accessible homes.

- 10.103 All homes will have access to communal amenity space, in the form of the landscaped grounds of the site. In order to ensure that the privacy of the ground floor residential units is protected, details of defensible space for these units would be secured by condition.

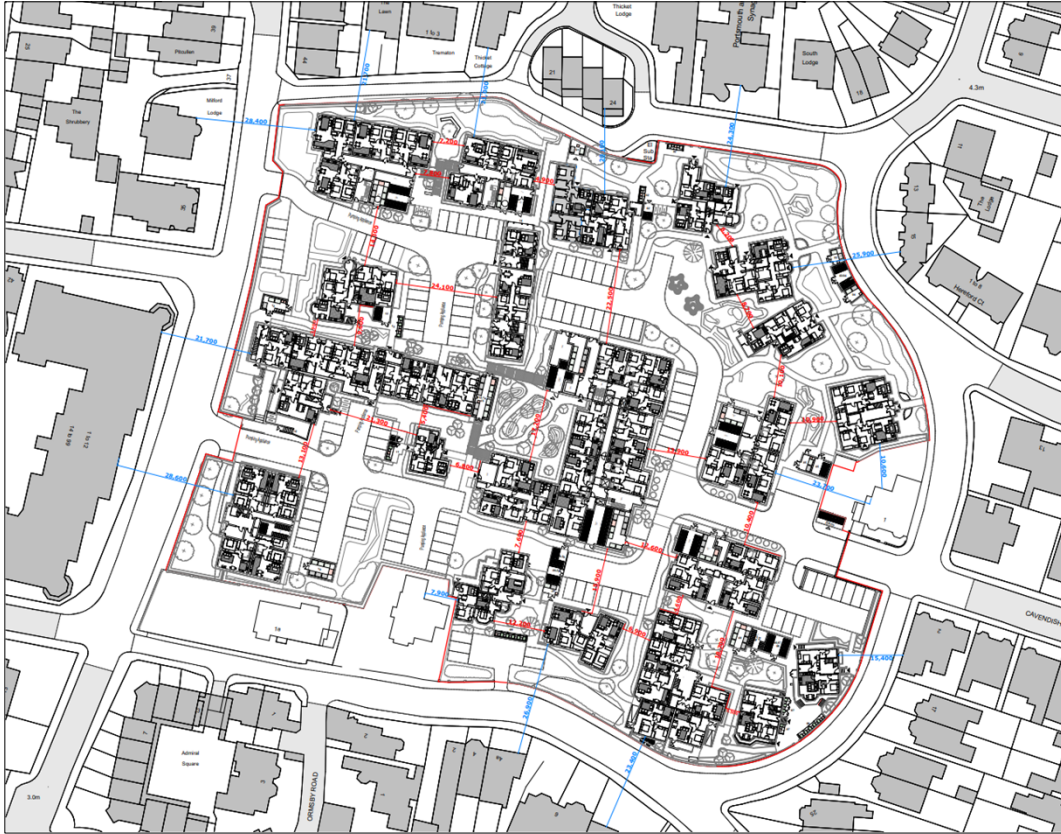


Figure 7 - Proposed window separation distances between existing and proposed dwellings

- 10.104 In terms of the physical layout of the site, there is adequate separation provided between the existing and proposed buildings (this ranges from 3.3 metres to 21.3 metres as shown in **Figure 7** above) to ensure that satisfactory outlook and privacy for future occupiers is provided. The internal layout of all the proposed units has been carefully considered to ensure windows and doors are positioned appropriately to minimise the potential for overlooking.
- 10.105 An 'Internal Daylight Sunlight and Overshadowing Report' has been submitted with the application which considers the quality and level of light to be received by future occupiers of the development. The methodology and criteria used for the assessments is provided by the Building Research Establishment's (BRE) guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 3rd Edition, 2022 (the 'BRE Guidelines').
- 10.106 Of the 625 rooms assessed, 464 (74%) meet the BRE target for daylight. This level of compliance is considered to be satisfactory, particularly given the urban location of the site and the fact that some of the proposed units are within conversions of listed buildings where façade modifications are to be avoided.
- 10.107 The NPPF urges flexibility in relation to numeric results to ensure efficient use of land and it states in paragraph 129 that:

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 10.108 Paragraph 129 of the NPPF allows flexibility in the application of the BRE guidelines so long as the resulting scheme would provide acceptable living standards, which is the case for the proposed development.
- 10.109 Of the 625 rooms assessed, 396 (63%) meet the BRE target for sunlight exposure. Again, this level of compliance is considered to be satisfactory, particularly given the urban location and the fact that some of the proposed units are within conversions of listed buildings, where façade modifications are to be avoided. Furthermore, because sunlight is orientational it is inevitable that some units (those not facing in a southerly direction) will be limited in sunlight terms and, as such, a flexible approach should be applied as per the approach suggested within the NPPF.
- 10.110 Of the 16 external amenity areas / gardens assessed, 14 (80%) meet the BRE target for shading. Again, this level of compliance is considered to be excellent and will provide occupiers with good access to sunlit outdoor spaces.
- 10.111 Overall, the proposal will provide adequate levels of daylight and sunlight to future occupiers. The external areas will provide good access to sunlit amenity space. The results are considered to be commensurate with urban schemes and accord with the BRE guide and planning policy.
- 10.112 Taken as a whole, the proposals will provide spacious and high-quality accommodation for future occupiers in accordance with Policy PCS19 of the Local Plan.

Impact on amenities of adjoining properties

- 10.113 Policy PCS23 of the Local Plan requires that development should protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers.
- 10.114 A 'Daylight and Sunlight Amenity Report' has also been submitted with the application which considers the developments impact on light to existing neighbouring residential properties within the vicinity of the site. The methodology and criteria used for the assessments is provided by the BRE Guidelines.

Daylight and sunlight

- 10.115 The BRE Guidelines outline three detailed methods for assessing daylight for existing residential accommodation: the Vertical Sky Component (VSC) method, No-Sky Line (NSL) method and the Average Daylight Factor (ADF) method.
- 10.116 When reviewing the daylight results for each surrounding property in the first instance, the VSC results are considered, looking at the daylight potential at the window face. This is the most basic daylight assessment and is considered in conjunction with the NSL to consider the distribution of daylight within rooms. The levels of significance of effect to existing neighbouring properties is determined through VSC and NSL assessment.

10.117 The assessment of overshadowing determines the potential for the proposed development to cast a shadow on nearby areas of amenity spaces near the site.

10.118 As part of the applicant's assessment conducted in accordance with the BRE Guidelines, the following neighbouring properties were assessed:

- 44 Grove Road South;
- The Lawn;
- 1-3 The Thicket;
- Thicket Cottage;
- 21 The Thicket;
- 1A Nelson Road;
- Holmbush Court; and
- 1 Cavendish Road.

10.119 Windows to other adjacent buildings, are at such a distance from the proposed development as to pass the 'Three times height' and '25 degree' tests (as set out in Appendix A of the applicant's Assessment) and therefore, pursuant to the BRE Guidelines, do not require testing for daylight or sunlight availability.

Daylight

10.120 Daylight is the general amount of light (direct and indirect) which enters a room during the daytime. To identify potential effects, a total of 98 windows serving 66 rooms have been assessed.

10.121 Of the 98 windows assessed for VSC, 96 will meet the target values as set out in the BRE guidelines (98% will meet the target).

10.122 The two VSC transgressions are not considered to be material and there are mitigating factors which should be considered. In the case of 21 The Thicket, the window in question is set back under a balcony and the BRE guide suggests that in these situations more flexibility should be given, because the balcony itself causes the loss by shading a great deal of light from higher angles. With 1A Nelson Road, the affected window is a side pane in a bay window where the room remains well-lit as a whole. As such there would be no impact to the occupier.

10.123 Of the 66 rooms assessed for daylight distribution, 64 will meet the target values as set out in the BRE guidelines. Two rooms at Holmbush Court narrowly miss the BRE target with residual levels of light at 74% and 76%, against the BRE target of 80%. One of the rooms is a bedroom, which the BRE guide notes has a lower requirement for daylight.

10.124 In overall terms the results are very positive, and they largely accord with the BRE guide's targets.

Sunlight

10.125 Sunlight is the direct light from the sun which can be seen / which enters a room. To identify potential effects, a total of 78 rooms were assessed.

10.126 Of the 78 rooms assessed, all will meet the target values as set out in the BRE guidelines. This further demonstrates that the proposed development has been carefully designed to respect natural light amenity to the existing surrounding residential buildings.

Overshadowing

10.127 The overshadowing assessment shows that all nearby gardens and amenity areas are unaffected in terms of overshadowing. Those tested in detail all comfortably meet the BRE guide's target criteria for shading and hence no noticeable effects are expected as a result of the completed proposed development.

10.128 In virtually all respects, the proposals fully meet the BRE targets. In the few exceptions where they do not, there are material mitigating circumstances. It is important to note that the guidelines have been drafted primarily for use with low density suburban developments and should therefore be used flexibly when dealing with dense urban sites and extensions to existing buildings, a fact recognised in the BRE Guideline's Introduction which states:

'The Guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design..... In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.....'

10.129 The proposals are appropriate in scale and accord with the BRE Guidelines. They also accord with planning policy objectives and will not materially impact on natural light amenity to the neighbouring occupiers.

Outlook, privacy and overlooking

10.130 The development has been designed to ensure no undue overlooking or loss of privacy to neighbouring residential properties. The majority of existing neighbouring residential properties are all located well in excess of 21m from the proposed blocks and therefore no undue loss of outlook or privacy would arise to these properties.

10.131 Given the separation distances proposed and positioning of the proposed windows and amenity areas, the proposed development would not appear visually overbearing or result in any undue overlooking or loss of privacy to neighbouring residential properties.

Light pollution

10.132 It is recognised that there is the potential for some level of light pollution arising from the development as the buildings are larger and taller than that previously on site. However, it is not considered light generating from the flats would be unreasonable given they are expected to be used in a normal residential fashion. A planning condition is recommended that details of any external lighting are provided by condition to ensure that this will be acceptable in relation to existing neighbouring residents and future occupiers of the development. As well as ensuring that there is not an unacceptable impact on local wildlife and the surrounding landscape.

Transport and Highways

10.133 Section 9 of the NPPF sets out that transport issues for development should be considered from the earliest stages, so that: opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised for example in relation to the scale, location or density of development that can be

accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 114 states it should be ensured that: appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the NDG and the National Model Design Code.

- 10.134 The NDG states that *'compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car'*, and that *'a well-designed movement network defines a clear pattern of streets that... limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality'*.
- 10.135 Furthermore, paragraph 116 of the NPPF states that applications for development should: give priority to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; and create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

Site layout, access and parking

- 10.136 The application site is located between the commercial hubs of Elm Grove and Southsea Centre. There are opportunities for sustainable travel in this urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised.
- 10.137 It is noted that in order to make the best use of previously developed land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site. Also increasing densities on brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving the Council's regeneration objectives.
- 10.138 The proposed site layout would include the retention of the existing site accesses from Cavendish Road, Nelson Road and Grove Road South for vehicular access and egress. In addition, the existing pedestrian accesses would be retained, and cycle access would be achieved via the vehicular access points.
- 10.139 Parking requirements for new residential developments are outlined in the Council's Parking and Transport Assessments SPD (2014). The required parking provision applies across the city; however, it is acknowledged that the city centre area may be suitable to provide a lower ratio of parking to dwellings given the proximity to transport options, services, and employment.
- 10.140 A key priority for the proposed development is to encourage a shift away from a reliance on the car to other more sustainable modes of transport such as walking, cycling and public transport. The Council are committed to promoting a more sustainable transport agenda but recognise that past policy and movement preferences place reliance on the private car.

- 10.141 The development proposes 106 allocated car parking spaces for residents, at a ratio of 0.50 spaces per dwelling, which would be accessed via Grove Road South, Nelson Road and Albany Road. The breakdown would be that 28 spaces would be accessed via the Grove Road South (North access), 26 spaces would be accessed via the Grove Road South (South access), 47 spaces would be accessed from Albany Road and 5 spaces would be accessed via Nelson Road. The development proposes 375 cycle spaces within the communal bike stokes and a further 36 spaces for visitors via Sheffield Stands.
- 10.142 Given the shortfall of parking on site, there is therefore the potential for overspill from the development into local roads and thus creating instances of residents driving around the area hunting for a parking space due to the additional pressure. It is noted that the applicant's Transport Assessment (TA) outlines that due to the Control Parking Zones within the vicinity of the site this would prevent parking overspill from the development, however, to avoid this occurring, a condition would be required for a parking management plan to be agreed that included a measure that prevented prospective residents applying for residential parking permits.
- 10.143 Paragraph 111E of the NPPF outlines that development should provide electric charging facilities, therefore, if possible. The Technical note provided by the applicant indicates that the development would conform with Part S of the Building regulations. Therefore, whilst discussion is ongoing with the relevant stakeholders, at a minimum all parking spaces would be provided with passive infrastructure (cable routing between the power supply(s) across the site to anticipated charge point locations) with at least 10% of the total parking spaces to be provided with active charging points. It is recommended that a condition is attached for the final provision to be provided prior to occupation of the new residential units.
- 10.144 With regards to the site access arrangements, these have been amended since the original submission. It is intended to utilise the existing access however to amend these to provide "Copenhagen" style crossovers to allow priority to pedestrians travelling north to south along this route was reached. Drawing ITB18564-GA-015 (received on 24th November 2023), demonstrates the configuration. It is considered in principle the arrangement is acceptable with the works to be secured via s278 legal agreement.
- 10.145 In relation to the access from Albany Road, during discussions with the applicant it was identified that potential conflict could arise due to the existing on street parking placements. It was agreed that these should be removed (loss of three spaces) and relocated to reduce conflict between vehicles and larger vehicles entering and exiting the site.
- 10.146 The applicants have provided drawing ITB18403-GA-0012B (as received on 24th November 2023) to demonstrate where these spaces would be relocated. Two of the spaces would be relocated along Albany Terrace and one of the spaces located along the Merton Road. It is considered that the relocated spaces are within sufficient distance of the site and would not result in any unacceptable impact to highway safety.

Traffic Impact

- 10.147 Paragraph 109 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

10.148 The TA has reviewed non-motorised links identifying low traffic routes and cycle lanes whilst also identifying links to bus stops and railway station. Portsmouth LWCIP has identified improvements within the vicinity of the development, given the increase in non-motorised trips resulting from the development. The Council's Transport Planning section has therefore requested that a financial contribution of £128,500 be sought from the applicant to provide for sustainable transport mitigation within the vicinity of the site. The contribution, which would also address this matter raised by Active Travel England, would be allocated to the following schemes:

- Relocation of bus stop infrastructure (including shelters and laybys) to increase usable footway width along the Western Side of Grove Road South;
- Construction of a new controlled crossing at Marmion Road;
- Construction of a continuous footway at side road crossings along Grove Road South; and/or
- Improving the design of junctions in the local vicinity to improve cyclist comfort and safety.

10.149 The Applicant has agreed to provide the requested contribution towards the above schemes which will be secured within a s278/s106 legal agreement.

10.150 The submitted TA has reviewed the potential impact to the highway network. It has reviewed the existing lawful use and provided a comparison to the proposed development. **Table 3** below outlines that the net impact would be:

	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)			Daily (07:00-19:00)		
	In	Out	Two-Way	In	Out	Two-Way	In	Out	Two-Way
Extant Use									
Trip Generation	101	72	173	15	18	33	291	284	575
Proposed Use									
Trip Generation	12	40	52	34	18	52	214	230	444
Net Impact									
	-89	-32	-121	19	0	19	-77	-54	-131

Table 3 - Net Traffic Impact (Source: Consultant Calculations)

10.151 The table above outlines that there would be a significant reduction in vehicle trips during the morning peak with a slight increase seen during the evening peak period. Overall, the daily trips could be reduced by up to 131 vehicles. It is considered that the methodology to determine the trip rates and likely distribution are acceptable.

10.152 The applicants have at the next stage carried out a traffic impact appraisal to determine the likely impacts on the wider highway network. An assessment was carried out on the following junctions:

- Grove Road / Elm Grove;
- Albany Road / Elm Grove;
- Victoria Road / Elm Grove; and
- Grove Road South / Nelson Road / Queens Crescent.

10.153 The assessment reviewed the current baseline (2023) and a future year scenario (2028). The results demonstrate that the largest impact would be on Grove Road/Elm Grove which would see 4.1% and 5.3% increase during the AM and PM respectively.

- 10.154 Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety or a severe impact to its function. Whilst it is considered that the development would result in an impact on the network above the existing situation, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.
- 10.155 Therefore, the proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection in principle is raised on transport and highway grounds in the light of the above considerations.

Servicing, Fire and Deliveries

- 10.156 Swept path analysis has been undertaken to ensure refuse, fire and servicing vehicles can enter the site, manoeuvre within the site safely and leave in a forward gear, and that emergency vehicles can satisfactorily manoeuvre around the site.
- 10.157 The swept path analysis demonstrates:
- All areas of the development are accessible for delivery vehicles;
 - Residents are not required to carry waste more than 30m (excluding any vertical distance to the storage point);
 - Waste collection vehicles can get within 18m of the communal bin collection points; and
 - Suitable access is provided for fire tenders to dry risers (where provided) and the access points to all buildings.

Travel Plan

- 10.158 As part of the redevelopment proposals, a Framework Travel Plan (FTP) has been prepared. The FTP provides a long-term strategy with the aim of decreasing the number of private vehicle trips generated by the site, as well as increasing both public transport usage and Active Travel.
- 10.159 The FTP sets out a number of measures that will be developed and promoted to future residents and a methodology to monitor its progress against modal share targets. It puts forward a range of non-infrastructure or 'soft' measures aimed at influencing modal choice for travel to the site, including:
- Measures to promote walking and cycling;
 - Promotion of public transport, including provision of public transport timetable and route information;
 - Promotion of car sharing scheme;
 - Provision of broadband access to enable easy access to local home delivery services and home working; and
 - A structure for management and implementation of the Travel Plan is set out in the FTP report.
- 10.160 The detailed travel plan would be secured by condition, with the applicant being required to enter into a s106 agreement to pay the sum of £5,500 towards the monitoring of the travel plan.

Summary (Transport and Highways)

- 10.161 Overall, Officers are satisfied that, subject to the above conditions suggested and the proposed obligations within the s106 agreement, the scheme appropriately promotes

active and sustainable transport and does not result in a significant harm to the operation of the highway network or highway safety risk. The development is considered therefore to be in accordance with national and local policies regarding transport and movement.

Trees and landscape

- 10.162 Policy PCS13 of the Local Plan requires that development enhances the City's green infrastructure, while the emerging plan in Policy D1 requires that new development should *"be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the...existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure"*.
- 10.163 The proposal incorporates a sensitive landscape design approach knitting together existing buildings of heritage value within a mature tree canopy, with new infill apartment buildings and well-designed landscape. Landscaping is proposed around each of the listed buildings to improve their settings, and across the site, with a significant improvement being made to the harsh mass of hardstanding prevalent on the site at present.
- 10.164 New parking areas are to be integrated well within the overall site, with several pocket green spaces comprising pleasing seating, informal play and sculptural quality with attractive and biodiverse planting design. Buildings have been given good defensible spaces around their curtilages, with attractive shrub planting to soften the overall built form. The siting of the refuse and cycle storage has also been well considered and integrated appropriately and final details of these would be secured by condition.
- 10.165 There is considerable permeability in terms of access, a wide range of diverse spaces and routes, created by the existing structure to work within. The proposed open space to the centre of the site creates amenity for both social interaction and would enhance green infrastructure in accordance with PCS13 of the Local Plan.
- 10.166 The application site contains trees in a variety of species, sizes, condition and age. Trees are generally individuals or in small, often linear groups scattered across the site, occasionally near the site boundaries and occasionally in small clusters within the site. Trees towards the road edges have a degree of amenity because of public visibility. Trees further into the site have limited amenity even when reasonably substantial because they are screened from view by large buildings. The trees along the boundaries are useful for giving the site definition and a degree of seclusion and separation from the neighbouring properties. With the noted exceptions, the proposal is for trees to be retained and protected during development.
- 10.167 An Arboricultural Impact Assessment, a Method Statement and a Tree Survey have all been submitted in support of the application. The Assessment confirms that there are no existing buildings, or those proposed for removal within the Root Protection Areas (RPA's). There will be modifications to existing buildings which may require removal of some building elements, but these will be within the footprints of existing buildings. No new buildings are proposed to be located within RPA's, ensuring the long-term preservation of these protected trees. This layout retains the significant trees on the site, with scope for their protection during development, and their subsequent management.

- 10.168 The applicant's Assessment concludes that the overall impact of the proposal on local amenity will be low and limited to the short term only. The proposals also take proper account of potential pressures for pruning and felling post-occupancy.
- 10.169 The proposals include the removal of generally British Standard Category C and U trees, with the exception of a Category B tree, with the U category trees needing to be removed for good site management, regardless of development. In total, 15 trees and 1 x large shrub are identified as being removed including 1 x Category B (1 x Birch (tree 22), 12 x Category C (1 x Cherry (tree 23), 1 x Sycamore (tree 31), 3 x Bay (tree 32, 33 and 34), 1 x Magnolia (tree 38), 1 x Holly (tree 39), 2 x Robinia (trees 47 and 53), 1 x Sweet Gum (tree 48), 2 x Rowan (trees 55 and 56) and 2 x Category U trees and large shrubs (1 x Holly (tree 40), 1 x Lime (tree 46) and 1 x Bay, laurel, ash (large shrubs)).
- 10.170 No objection has been raised by the Council's Arboricultural Officer or Landscape Architect to the proposal. Conditions relating to landscaping, tree protection, arboricultural method statement, tree planting and pruning as suggested would be attached to any permission granted. The intended tree removals will not have a significant adverse impact on amenity and will be substantially compensated for by the 52 individual new trees and planting shown in the Landscape Masterplan submitted and to be secured by condition.
- 10.171 Overall, the proposal ensures the long-term preservation of trees within the conservation area and removes the poor quality Category C and U trees, and provides significant replacement tree planting, which is entirely compliant with Policy PCS13 of the Local Plan.

Appropriate Assessment, ecology and biodiversity

- 10.172 The application is supported by a Preliminary Ecological Assessment, Phase 2 Bat Survey, Biodiversity Net Gain Assessment (Annex 3) and Nutrient Neutrality Briefing Note.

Appropriate Assessment

- 10.173 Pursuant to the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.
- 10.174 Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitat site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 10.175 The Council is the competent authority in this case. The relevant protected sites for the purposes of AA, forming part of the National Site Network (formerly 'European sites') are those within a 10km Zone of Influence, taking a precautionary approach. These are:

- Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site - Qualifying features: internationally important site for wintering birds with non-breeding Annex 1 waterbirds and intertidal mudflats and saltmarshes;
- Solent and Dorset Coast SPA - Qualifying features: internationally important site for breeding bird populations of sandwich tern, common tern and little tern;
- Chichester and Langstone Harbours SPA and Ramsar - Qualifying features: breeding and nonbreeding species, including dark-bellied Brent gees and waterbird assemblage;
- Solent and Southampton Water SPA and Ramsar - Qualifying features breeding and non-breeding waterbirds and wetland habitat; and
- Solent Maritime SAC - Coastal features: major estuary hosting *Spartina* swards and salt meadows.

10.176 The development project would give rise to likely significant effects and has identified several impact pathways deriving from the proposed development which include an impact upon bird species on the Solent coast as a result of additional recreational pressure and human disturbance from the increased population the proposed development would bring within 5.6km of National Site Networks and International Sites; and water nutrient levels to National Site Networks and International Sites as a result of the increased nutrient loading from the proposed development. An AA is therefore required by the LPA as competent authority and a consideration of mitigation measures proposed by the applicant and whether these would result in no significant effects upon the integrity of these sites, whether alone or in combination with other plans and/or projects in the area.

10.177 For the recreational pressures the application of the measures in the Solent Recreation Mitigation Strategy 2017 is proposed, to be secured by a financial contribution based on the proposed number of residential homes. This would be secured by way of a s106 legal agreement.

10.178 For the nutrient levels, a number of mitigation measures will be incorporated within the design of the proposed development (for example green walls and permeable paving) to reduce the potential nutrient load. Further mitigation would be provided by participation in the Hampshire and Isle of Wight Wildlife Trust's nutrient reduction programme, with a financial contribution towards nitrogen credits is proposed. This would be in accordance with the Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period), February 2022 and would also be secured by s106 legal agreement.

10.179 No objection has been raised in principle by Natural England to the proposal. Subject to the necessary mitigation and compensatory measures being secured by s106 planning obligations as recommended above and the final HRA being agreed with Natural England, the Council is able to conclude that the development would not harm the integrity of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the Appropriate Assessment to consider alternatives to the project as currently proposed.

Ecology and Biodiversity

10.180 The NPPF (paragraph 186) states that when determining planning applications, the Council should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

- 10.181 Policy PSC13 of the Local Plan seeks to protect, enhance and develop the green infrastructure network, ensuring that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated.
- 10.182 A Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain metric (BNG) have been submitted in support of the planning application. The habitats present on site consist largely of hard standing, buildings and vegetated garden which are all considered of low ecological value. The PEA has assessed the site for roosting bats, nesting birds, reptiles. There are ongoing surveys being undertaken to address the bats found in West End and the nesting birds in building 20. A set of measures have been provided within the PEA to ensure that bats, breeding and nesting birds, reptiles and retained trees and hedgerows are suitably protected both during construction and once in operation, in accordance with Policy PCS13.
- 10.183 HCC Ecology, who have raised no objection to the proposal, have requested that further bat activity survey work be undertaken by the applicant to investigate any current activity levels of bats on the site and how any habitats present are connected to habitats in the surrounding area, in line with current government guidance (Bat Conservation Trust, 2016). This would be secured by way of planning condition.
- 10.184 Any bats commuting and foraging in the local area could be adversely affected by additional artificial lighting associated with the scheme proposals, as well as other nocturnal wildlife. As such, it is considered appropriate for all details of external lighting, including layouts and design, to be secured by planning condition, thereby avoiding or minimising as far as possible any spill of artificial light away from the built environment and into the surrounding landscape.
- 10.185 A biodiversity net gain will be achieved, which incorporates the creation of wildflower areas, the planting of 52 individual trees and the use of green walls on a number of the buildings. A number of ecological features have been recommended to enhance the site's value for wildlife and increase biodiversity in the local area. These include features such as bat bricks, Swift bricks tree / shrub planting and hedgehog gravel boards to allow travel through boundary treatments into the wider area.
- 10.186 The BNG assessment included in the PEA report and supporting Metric show a proposed 1.88% BNG at the site. This is acceptable under current local and national policy and the enhancement measures set out in the report would be secured via a detailed enhancements plan condition.

- 10.187 The proposed development will deliver a significant improvement in the site's ecological value through the introduction of a significant uplift in tree planting and soft landscaping across the site. Full landscaping details are to be secured by condition and will include for a variety of species and habitats.
- 10.188 Subject to the above conditions, the proposed development will provide a significant and measurable improvement in the site's ecology and biodiversity fully in accordance with Policy PSC13 of the Local Plan and the NPPF (paragraphs 185 and 186).

Flooding and Drainage

- 10.189 The NPPF requires sites within Flood Zone 1 (i.e., land having a less than 1 in 1,000 annual probability of river or sea flooding) or over one hectare to provide a site-specific Flood Risk Assessment (FRA). The Environment Agency's Flood Map for Planning shows the site is located within Flood Zone 1. The EA surface water mapping indicates that the site is at 'very low' and 'medium' risk of flooding from surface water.
- 10.190 Policy PCS12 of the Local Plan comprises a flood risk management hierarchy which will Assess, Avoid, Substitute, Control and/or mitigate flood risk. An FRA, incorporating a surface water and foul drainage strategy for the site, has been submitted with the application, which considers the potential effects of flooding on the proposed development with any associated mitigation measures proposed.
- 10.191 Within the FRA, it is proposed that the surface water generated by the proposed development would be attenuated in permeable paving and cellular storage tanks prior to discharging into the combined sewers located in the roads around the site. There are three catchments on the site which are proposed to discharge to three new connections to the combined sewers. It is proposed that the surface water would be discharged at the natural greenfield run off state, split between the three discharge points and with the minimum discharge rate set at 1l/s. The discharge rates would be controlled using vortex control devices. The permeable paving and tanks have been designed to accommodate flows from a 1 in 100 year storm plus 45% to account for climate change, in line with the latest guidance.
- 10.192 It is proposed that the existing connections to the combined sewers on site would be used as far as possible to serve the new buildings, however, if this is not possible then new connections to the public Southern Water combined sewer would be proposed at close points of connection. The reuse of the existing connections and the new connections would be subject to agreement with Southern Water. This will be subject to a formal legal agreement with Southern Water, under the Water Industry Act 1991.
- 10.193 Coastal Partners have currently raised a holding objection to the application, on the grounds that the FRA submitted is insufficient. They note that whilst the site is currently within Flood Zone 1 with a low risk of flooding, it is shown by the Partnership for South Hampshire's Strategic Flood Risk Assessment (PfSH SFRA) to move within Flood Zones 2 and 3 from 2085 onwards and may be increasingly at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event, including some access and egress for the site. For information, the PfSH SFRA shows the present day 1:200 year extreme tidal flood level for Portsmouth Harbour to be 3.2m AOD, increasing to 4.3m AOD by 2115, due to the effects of climate change. However, the PfSH SFRA is currently being updated to reflect current climate change guidance.

- 10.194 The current FRA has not identified tidal flood risk as a potential source at the site, nor has it outlined how this or any residual tidal flood risk will be mitigated, over the lifetime of the development. In order to address the concerns of Coastal Partners, a revised FRA is required to include the following:
- All sources of flood risk which could impact the site, over the lifetime of the development;
 - Identification of the Flood Zone(s) within which the proposed development is located and consideration of the impact of climate change on this;
 - Identification of the proposed finished floor levels for the current proposed development (in metres above ordnance datum – mAOD), and evidence that these have been set with the extreme tidal flood levels and UKCIP18 climate change projections in mind;
 - How the residual flood risk at the site will be mitigated over the lifetime of the development, including the incorporation of flood resistance and resilience measures and safe access and egress during an extreme tidal flood event, both present day and throughout the development’s lifetime.
- 10.195 The applicant is currently discussing making amendments to the FRA in consultation with Coastal Partners. It is considered appropriate for a revised FRA to be secured by condition requiring final agreement with Coastal Partners.
- 10.196 No objection has been raised by the Council's Drainage Team to the proposal subject to conditions relating to flooding and surface water drainage, as suggested, being attached to any permission granted. Subject to the above conditions being attached, the proposal would fully accord with national and local planning policy.

Energy and Sustainability

- 10.197 Policy PCS15 of the adopted Local Plan seeks sustainable design and construction in all development. Conversions yielding one unit or more should achieve Eco-homes or BREEAM Domestic Refurbishment ‘very good’ standard. Building design should maximise solar efficiency and development should include recycled construction material.
- 10.198 An Energy Strategy has been submitted in support of the planning application. The approach to energy complies with emerging policy where this has been possible, despite this not being part of an adopted policy and therefore of limited weight. New buildings will adopt an all-electric approach if capacity exists within local networks. This could be either Air Source Heat Pumps or via local direct electric heating and ASHP cylinders. Both of these approaches can adopt the ‘optimum’ fabric standards. Photovoltaics are to be provided across buildings within the scheme to further improved the sustainable construction of design at this site. Overall, the conversion of properties complies with BREEAM mandatory performance agreements, and a fabric first approach will be adopted for the new build, with provision such as PV and ASHP to comply with Building Regulations and to maximise the sustainability of development across the site. The scheme is entirely in accordance with Policy PCS15 of the Local Plan.
- 10.199 In accordance with the aspiration of policy PCS15 of the Local Plan, the following would be secured by condition:
- Sustainability - achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition) - such evidence would be in the form of

an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

- Water efficiency - achieve 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 would be in the form of a post-construction stage water efficiency calculator.

10.200 The applicant's aspiration to exceed the above minimum adopted policy requirement and seek to achieve the emerging policy standard, as set out in policy D2 of the emerging Local Plan (this currently has 'Regulation 18' status) is supported and this would, as envisaged by the applicant, include:

- Sustainability - achieve 'Excellent' under the BREEAM Communities scheme for the residential new build element of the proposal and 'Very Good' under the BREEAM Refurbishment and Fit Out standard for the conversions and change of use element.
- Water efficiency - achieve water efficiency standards of no more than 110 litres per person per day for the whole development.

10.201 Overall, the proposed development will exceed the sustainable design and construction standards set out within Policy PCS15 of the Local Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

Archaeology

10.202 Paragraph 195 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Paragraph 200 requires applicants to describe the significance of a heritage asset sufficiently to "*understand the potential impact of the proposal on their significance*".

10.203 The site lies close to the historic core of Southsea, being amongst the first parts of the area to be developed from the beginning of the 19th century onwards. Historic mapping shows that development within the site itself began by the mid to late 19th century but owing to its use as school buildings, the site was less densely developed than the surrounding area. Given the level of existing development, the immediate vicinity of the site has not been the subject to many significant archaeological investigations and, as such, the specific archaeological potential of the site is difficult to assess. However, where limited scale investigation have taken place in the immediate vicinity, they have returned some archaeological remains pre dating the 19th century. This indicates that there is both the presence of archaeological activity and the potential for surviving remains, in the surrounding area.

10.204 An Archaeological Desk Based Assessment and Watching Brief has been submitted with the applications which considers the archaeological potential of the site, the impact of past development, impact of the proposal and possible mitigation measures.

10.205 In terms of relevant designated archaeological heritage assets, no Scheduled Monuments, World Heritage Sites, Registered Battlefields, or Historic Wreck sites lie within the application site or its immediate vicinity. No designated archaeological assets have been identified as having the potential to be affected by the proposed development.

- 10.206 The site is likely to have been in agricultural use from at least the later medieval period onwards. In the 19th century the site was subject to built development as a result of the expansion of the Portsmouth-Southsea urban area. The site was in use as the campus of an independent school for most of the 20th century and into the 21st century. Post-depositional impacts as a result of built development are considered to have been severe.
- 10.207 Very few archaeological investigations have been carried out within the immediate vicinity of the site and little pre-17th century archaeological evidence has been recorded within a 1km radius of the site. It is possible that the limited pre-modern archaeological evidence recorded is a result of the general lack of past investigation.
- 10.208 The applicant's Assessment concludes that the site is considered to have a low-uncertain potential for all forms of archaeological evidence, with the exception of a high potential for evidence of known past phases of 19th century and later built development. Any archaeological evidence present within the site is most likely to be of low (local) significance only. As such, no further archaeological investigation are considered to be necessary in this instance.
- 10.209 No objection has been raised by The Council's Archaeological Advisor subject to further archaeological investigations being secured by way of a planning condition. The scope of any intrusive work would be agreed in consultation with the Council's Archaeological Advisor and in accordance within an approved archaeological Written Scheme of Investigation.
- 10.210 Subject to the above condition being attached, the proposal would comply with Policy PCS23 of the Portsmouth Plan and the NPPF in relation to below ground archaeological heritage potential.

Contaminated Land (ground conditions and pollution)

- 10.211 The NPPF, paragraph 194 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land. In this respect as set out in Paragraph 189, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in paragraph 190, the responsibility for securing a safe development rests with the developer and or landowner.
- 10.212 The Council's Contaminated Land Team have raised no objection to the proposal. In accordance with the advice given, details to deal with the contamination of the site to avoid risk to health and the environment will be required by condition. Subject to the recommended conditions provided being attached requiring both compliance with the submitted proposed measures and further details to be submitted in the form of a Remediation Method Statement and a Verification Report, the proposed development is considered acceptable in terms of contaminated land and in line with relevant guidance including paragraph 189 of the NPPF.

CIL and S106

- 10.213 Part 11 of the Planning Act 2008 provides for the introduction of the Community Infrastructure Levy (CIL). The detail of how CIL works is set out in the Community Infrastructure Regulations CIL is intended to be used for general infrastructure contributions whilst s106 obligations are for site specific mitigation. The regulations have three important repercussions for s106 obligations:

- Making the test for the use of s106 obligations statutory (S122);
- Ensuring that there is no overlap in the use of CIL and s106 (S123); and

- Limiting the use of 'pooled' s106 obligations post April 2014 (S123).

CIL

- 10.214 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 10.215 The proposal would result in the creation of 212 new dwellings totalling 18,868sqm of GIA floorspace. Based on figures provided by the applicant, the likely CIL chargeable amount will be £3,153,832.74. If existing building discount can be applied to the 12,419sqm of existing GIA floorspace, the likely CIL chargeable amount will be £1,077,966.26. A CIL Form 1 was submitted with the application and the estimate is based on the figures provided.
- 10.216 This could be pooled and put towards funding improvements in primary care provision (as requested by the NHS Hampshire integrated Care Board), policing, education and infrastructure.

S106 - Heads of Terms

- 10.217 The applicant has indicated its willingness to enter into a legal agreement under s106. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 10.218 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.
- 10.219 As such the applicant has indicated a willingness to make financial contributions and those that are considered to meet the statutory tests are:

Obligation / Contribution	Requested by	Trigger
SANG/SAMM Solent Protection Area financial contribution, including 'Bird Aware' (TBC)	PCC	Prior to first occupation
Highways works (S278) within the vicinity of the site, including a financial contribution (£128,500) to be allocated to the following schemes: <ul style="list-style-type: none"> • Relocation of bus stop infrastructure (including shelters and laybys) to increase usable footway width along the Western Side of Grove Road South; • Construction of a new controlled crossing at Marmion Road; 	PCC	Prior to first occupation

<ul style="list-style-type: none"> • Construction of a continuous footway at side road crossings along Grove Road South; and/or • Improving the design of junctions in the local vicinity to improve cyclist comfort and safety. 		
Travel Plan Monitoring (£5,500)	PCC	Prior to first occupation
Nutrient Mitigation contribution and Delivery (TBC)	PCC	Prior to first occupation

Human Rights and the Public Sector Equality Duty (PSED)

- 10.220 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.
- 10.221 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.

11.0 CONCLUSION AND PLANNING BALANCE

- 11.1 The proposed development includes a significant quantum of new homes on a brownfield site in a sustainable location. As a previously developed site which is currently underutilised, the proposed development for housing is fully supported by policies for boosting the supply of homes.
- 11.2 This application proposes a redevelopment of the site through a high-quality designed scheme within a sylvian setting, which makes significant improvements to public realm and connectivity. The proposal will deliver a significant number of homes and contribute to a mixed and balanced community, directly responding to local and national planning objectives.
- 11.3 There is a pressing need for housing, including affordable house, and the Council has an extremely challenging housing delivery target. The Council is currently not meeting the Government's Housing Delivery Test and the 'presumption in favour of sustainable development' and the 'tilted balance' applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 11.4 Paragraph 208 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, *"this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."*

- 11.5 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets by the Council, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 208 of the NPPF. These benefits are considered to be:
- New Homes - delivery of 212 new homes provided in a range of sizes and contributing to a mixed and balanced community.
 - Optimum Viable Use - securing an ongoing viable use for the site and its assets,
- 11.6 With regard to the identified social, economic, environmental and sustainability value that the scheme would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified.
- 11.7 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.
- 11.8 The proposed buildings have been sensitively designed, taking inspiration from the surroundings and historic context of the site and would respect the character, context and the form and scale of neighbouring buildings and would sit comfortably within the streetscene and surrounding area. The appearance, materials, detailed facade treatment and landscape design of the development will be high quality, displaying an appropriate response to the surrounding character.
- 11.9 Given the distance and orientation to the nearest residential properties, and the inclusion of appropriate mitigation measures, the proposal would not result in any significant material impact in terms of overlooking and privacy.
- 11.10 The proposed development would meet all relevant residential space standards and the provision of communal amenity space proposed is considered to be acceptable. Adequate levels of daylight would also be provided within the flats for future residents. The proposal provides units with a good standard of accommodation, in terms of unit sizes, aspect and amenity space provision, being provided.
- 11.11 The development would have a sustainable construction, meeting all of the relevant sustainability standards. The likely impact of the reduction in car parking spaces and the merits of encouraging sustainable travel options have been fully assessed and are welcome.
- 11.12 Overall, therefore, it is concluded that the proposal is in accordance with the development plan. Material considerations which would not warrant refusal; for example, the heritage harm caused by the proposal is outweighed by the public benefits of the scheme.
- 11.13 Officers have taken into account the benefits of the scheme and weighed these against the impacts of the proposals, including amenity. The tilted balance in paragraph 11 of the NPPF would apply in this case as a result of the shortfall in housing delivery and because the harm to heritage assets does not provide a clear reason for refusing the proposed development (when also taking into account the presumption against harm). As a result, the NPPF policy is that planning permission

should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 11.14 The proposal would contribute to the economic viability, accessibility and environmental quality of the City, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

RECOMMENDATIONS

RECOMMENDATION A - PLANNING APPLICATION 23/01089/FUL

Grant planning permission subject to conditions and a s106 Agreement.

Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below) and finalise the s106 agreement in line with the Heads of Terms listed above.

Draft Conditions (Headings)

1. TIME LIMIT
2. APPROVED PLANS
3. MATERIALS
4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS
5. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN
6. CONTAMINATED LAND - RISK MITIGATION
7. CONTAMINATED LAND - VERIFICATION
8. CONTAMINATED LAND - WATCHING BRIEF
9. PREVIOUSLY UNIDENTIFIED CONTAMINATION
10. FLOODING - REVISED FLOOD RISK ASSESSMENT AND IMPLEMENTATION
11. SURFACE WATER DRAINAGE SCHEME
12. PILING METHOD STATEMENT
13. LOCAL HIGHWAY IMPROVEMENTS
14. LANDSCAPING - DETAILS
15. BOUNDARY TREATMENT
16. BOUNDARY ENTRANCE(S) OPENING TIMES
17. ARBORICULTURAL METHOD STATEMENT
18. TREE PROTECTION
19. LANDSCAPE IMPLEMENTATION
20. LIGHTING SCHEME
21. NOISE AND VIBRATION MITIGATION
22. ECOLOGICAL MITIGATION
23. SUSTAINABILITY MEASURES
24. WATER EFFICIENCY
25. CAR PARKING
26. CYCLE PARKING
27. CAR PARKING ACCESS AND MANAGEMENT PLAN
28. PROVISION OF REFUSE AND RECYCLING FACILITIES
29. ARCHAEOLOGY
30. DEFENSIBLE SPACE FOR GROUND FLOOR RESIDENTIAL UNITS

31. BAT SURVEY
32. SWIFT BRICKS
33. TRAVEL PLAN
34. EV CHARGING
35. DELIVERY AND SERVICING PLAN
36. BIODIVERSITY NET GAIN

RECOMMENDATION B - LISTED BUILDING CONSENT APPLICATION 23/01074/LBC

Grant listed building consent subject to conditions.

Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below).

Draft Conditions (Headings)

1. TIME LIMIT
2. APPROVED PLANS
3. MATERIALS
4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS
5. DETAILED DESIGN/SITING OF REFUSE AND CYCLING STORES

Agenda Item 5

23/01549/DOC

WARD(S): ST THOMAS / ST JUDE

SOUTHSEA SEAFRONT FROM LONG CURTAIN MOAT IN THE WEST TO EASTNEY MARINE BARRACKS IN THE EAST

APPLICATION TO SEEK APPROVAL OF DETAILS RESERVED BY CONDITIONS 2 (PHASING PLAN); 3 (POTENTIAL FOR SOIL CONTAMINATION); 11 (PROTECTION OF BIRDS); 16 (SOFT LANDSCAPING); 17 (EARTH BUND DESIGN); 18 (DRAINAGE); 19 (CEMP); 20 (CTMP); 21 (LIGHTING); 22 (STREET FURNITURE); 23 (FLOOD GATES AND BOARDS); 24 (HARD SURFACING MATERIALS); 26 (ROADS AND FOOTPATHS); 28 (LAMPS); 29 (MONUMENTS); 32 (SCALE OF SECONDARY DEFENCES); 33 (SCALE OF ROCK REVETMENTS); AND 34 (SCALE OF PRIMARY DEFENCES) OF PLANNING PERMISSION 23/00896/VOC.

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

Application Submitted By:

Portsmouth City Council

On behalf of:

Portsmouth City Council

Coastal Partners on behalf of Portsmouth City Council

RDD: 12th December 2023

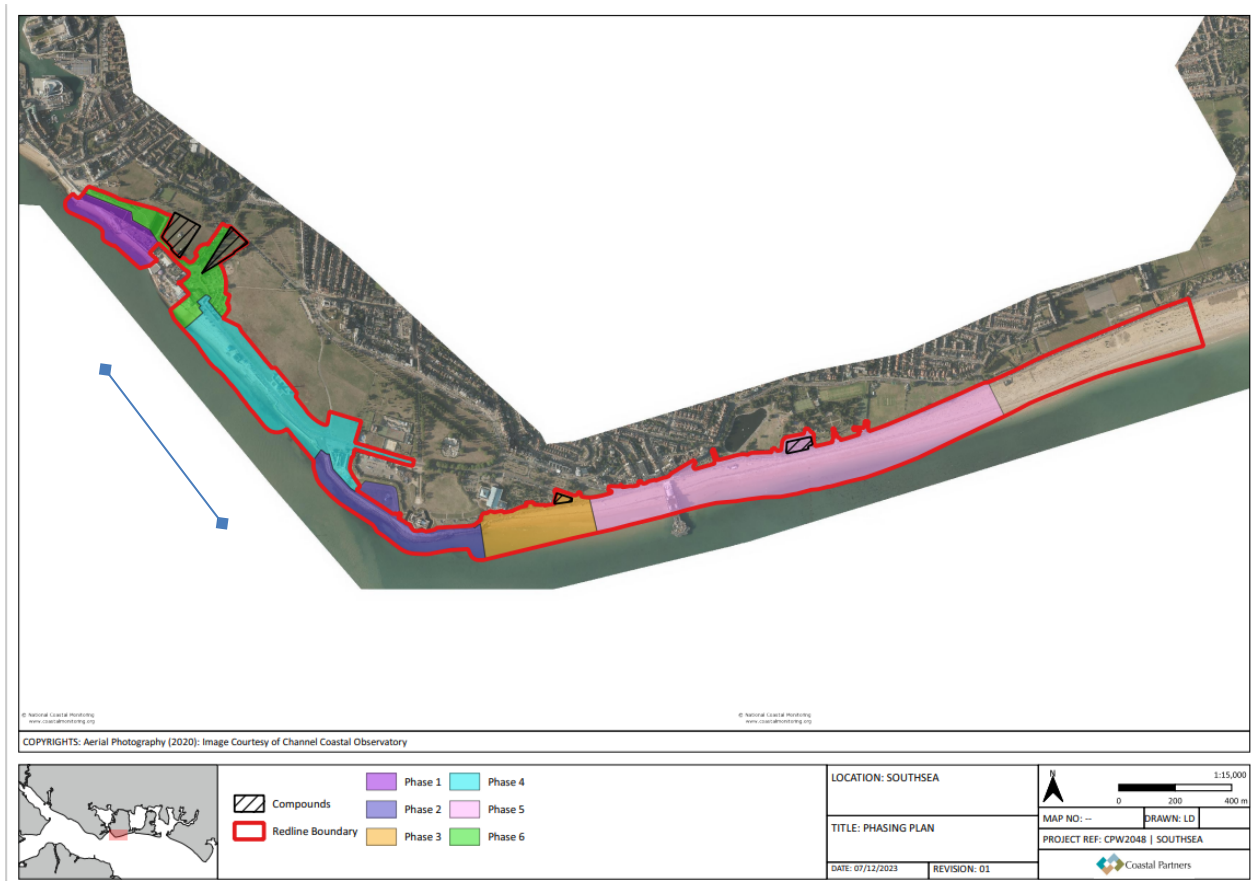
LDD: 6th February 2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The Southsea Coastal Scheme is a Flood and Coastal Erosion Risk Management (FCERM) scheme to upgrade the existing coastal defences along a 4.5km length of frontage at Southsea. It extends from Long Curtain Moat in the west to the Eastney Barracks in the east.
- 1.2 A planning application, 19/01097/FUL, for the flood defence works was submitted in July 2019. It constituted Environmental Impact Assessment (EIA) development and was accompanied by an Environmental Statement. It was determined by the Planning Committee on 4 December 2019 and planning permission granted, subject to conditions. The decision notice (dated 5 December 2019) includes the conditions worded such that the required information could be submitted and approved prior to each phase of flood defences commencing.
- 1.3 At the Planning Committee meeting for the original full application, Members discussed how they were keen to ensure that the public participated in the development of the finer design details such as materials, landscaping, public art and street furniture. They also requested that certain conditions, those related to these public realm elements, came back to Members for a decision, rather than being determined by the case officer. Those conditions were:
 - 17 (soft landscaping),
 - 22 (lighting),
 - 23 (street furniture),
 - 25 (hard surfacing),
 - 26 (feature walls),
 - 27 (roads and footpaths)
 - 38 (public art and interpretation).
- 1.4 Please note these condition numbers have subsequently been updated since the original decision notice was issued. The new numbers are:

- 16 (soft landscaping),
- 21 (external lighting),
- 22 (street furniture),
- 24 (hard surfacing),
- 25 (feature walls),
- 26 (roads and footpaths)
- 35 (public art and interpretation)

- 1.5 Since the original approval, two subsequent approvals under Section 73 of the Town and Country Planning Act 1990 have been received, seeking minor amendments to sub-frontage 4 (Ref. 21/00820/VOC) and sub-frontage 5 West (Ref. 22/01720/VOC).
- 1.6 A further S73 application was submitted in July 2023 for minor material amendments to sub-frontage 3, and the western extent of sub-frontage 4) (Southsea Common - Hover Travel to Blue Reef). which was subsequently approved on 12th October 2023 (Ref 23/00896/VOC).
- 1.7 The conditions on the original planning decision notice, and those repeated on the new S.73 decision notices, were drafted such that the required information could be submitted and approved prior to each phase commencing. Permission is now being sought to discharge the relevant planning conditions in order to commence construction Phase 4 (highlighted in light blue below) of the scheme.



2.0 SITE DESCRIPTION

- 2.1 The application site covers 55.75 hectares. The linear shape site extends along a seafront frontage of 4.5km, from Long Curtain Moat (in the west) to Eastney Esplanade (in the east).
- 2.2 The seafront is characterised by long stretches of pebble beach separated to the west and east by Southsea Castle. A continuous promenade runs along the beach edge. An array of Victorian era street furniture includes (listed) cast-iron lamp columns and

shelters. The promenade also hosts seven (listed) memorials/monuments including the RN War Memorial (Grade I). The application site covers three Conservation Area designations and three Scheduled Ancient Monuments.

2.3 Parkland, including Southsea Common (Grade II listed park and garden), extends along most of the seafront providing critical green infrastructure for the city. Military defensive landscapes including King's Bastion, the east and west batteries of Southsea Castle and Lumps Fort also define the local landscape and views of the city from the sea.

2.4 The site contains, or is adjacent to, several ecologically designated sites:

- Portsmouth harbour: SPA and Ramsar, SSSI
- Chichester and Langstone Harbours: SPA and Ramsar, SSSI
- Solent Maritime SAC
- Solent and Dorset Coast pSPA
- Eastney Beach SINC (Site of Interest for Nature Conservation)
- Land north and west of Fort Cumberland SINC

3.0 POLICY CONTEXT

3.1 The relevant policies within The Portsmouth Plan would include:

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

3.2 In addition, the Seafront Masterplan SPD (adopted 19.8.21) and National Planning Policy Framework (updated December 2023) are also relevant considerations.

4.0 STATUTORY DUTIES

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

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

5.0 RELEVANT PLANNING HISTORY

Application Ref.	Proposal	Decision & Date
22/01722/LBC	Removal, refurbishment and relocation of 3no. Grade II Listed seafront shelters	Approve
22/01721/LBC	Removal, repair and relocation of 7no. Grade II Listed lamp columns along the seafront	Approve
21/01788/DOC	Application to seek approval of details reserved by conditions 3 (Contaminated Land), 15 (BMEP), 19 (Drainage), 20 (CEMP), 21 (CTMP), 36 (Rock), and 37 (Primary defences) of planning permission 21/008201VOC	10/02/22
21/01077/DOC	Application to seek approval of details reserved (revised archaeology), 36 (additional rock scales) and 37 (additional	Approve, 03/11/22

	primary defence scales) of planning permission 21/008201VOC by conditions 2 (revised phasing plan), 5	
22/01236/NMA	Non-Material Amendment to planning, permission 21/008201VOC, to allow slight realignment of the vertical sea defences at sub- frontage 1: Long Curtain Moat	Approve 20/09/22
21/008201VOC	Application to vary condition 2 [approved plans] of planning permission 19/01097/FUL: Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed naval memorial [the proposal constituted an EIA development]. This application, under section 73 of the Town and Country Planning Act 1990, seeks approval of amended plans relating to sub-frontage 4 (Southsea Castle) and is accompanied by the original Environmental Statement [July 2019] with an Addendum [May 2021]	Grant, 19/08/21
19/01097/FUL	Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development.	Grant, 05/12/19

6.0 PROPOSAL

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

Condition 16 Soft Landscaping Scheme

6.2 In response to the public feedback and to improve biodiversity, additional areas of soft landscaping have been incorporated into the scheme in this section. Raised planters and large sunken boulders will edge the back of the promenade area west of Blue Reef.

6.3 The introduction of this planting will help to soften the general appearance and transition in levels along this section. The planting has been chosen to reflect the existing character of vegetated shingle along the seafront and will provide an attractive setting to this seating area. The planting bed will be made up of varying depths of flint gravel, providing a natural barrier against weeds and reducing future maintenance requirements.

- 6.4 There are three distinct species habits – evergreen, seasonal and annual wildflowers. The palette has been designed for the evergreen species to provide year-round structure and colour. The seasonal plants are a mixture of those existing on the local beaches and additional plants with biodiversity interest. The annual wildflowers should be seen as providing sparks of colour throughout the year, their flowering periods will ebb and flow, changing locations year after year as they self-seed and colonise.

Condition 21 (external lighting)

- 6.5 Listed Building Consent has been granted for the removal and reinstatement of the historic lamp columns (see Figure 5 below) within the extent of sub-frontage 3 and the western extent of subfrontage 4. These will be spaced at appropriate intervals, with new, modern lighting placed along the new buffer strip between the cycle lane and parking. These new, modern lamp columns will provide the appropriate level of lighting. The details regarding the methods of removal, refurbishment and reinstatement of the historic lamps are all covered by a separate condition not covered by this statement (Condition 28).
- 6.6 A selection of four types/heights of modern lighting columns will be used throughout this phase, in addition to the historic lamps:
- 7m lighting columns with a metal, powder coated finish (drawing code LCL7)
 - 5m lighting columns with a metal, powder coated finish (drawing code LCL5)
 - 5m timber lighting columns (drawing code LC1B)
 - 7m lighting columns with a metal, powder coated finish(drawing code LCSO7)
- 6.7 The 5m timber columns (LCL5) feature along the promenade in front of the Naval War Memorial. The 7m metal 'stick' columns (LCL7) are then used as the main functional lighting columns, interspersed with the historic lamps. They are set further back on the promenade to allow the significance of the historic lamps to be maintained (adjacent to the highway).
- 6.8 The remaining columns (LCL1B and LCSO7) are used when appropriate on the open land west of Blue Reef Aquarium.

Condition 22 (street furniture)

- 6.9 The street furniture for Phase 4/sub-frontage 3 follows the style and design of that already approved for other frontages of the scheme to ensure a consistent appearance along the seafront. Within this overall style though, each sub-frontage has bespoke features that have been designed for the specific character and context of the location. As for the previous street furniture proposals, everything has been designed and selected to both provide resistance to the harsh exposed coastal conditions of Southsea and complement the existing environment.
- 6.10 This condition is considered to include all proposed street furniture, including seating, balustrading and handrails, bins, and any play area features. Lighting is considered under a separate condition (Condition 21 – see section 3.4)
- 6.11 More details on the street furniture proposed can be found on the relevant submitted plans within Appendix E (Street Furniture Plans).
- Seating
- 6.12 As per previous phases, the seating design comprises a mix of softwood timber benches in a variety of bespoke styles and configurations. Some are stand-alone and some are built onto the terraces and secondary defence walls.
- 6.13 The mix of seating, and in particular the terraced seating, helps create a sense of place for this section. The area west of Blue Reef will become a focal point and destination, rather than somewhere to pass through.

- Balustrading & handrails
- 6.14 The design has been kept simple, with the provision of anodised aluminium to over-come existing problems of rust encountered by using steel and stainless steel. The handrails that accompany the various pedestrian steps are the same design as at SF1, consisting of powder-coated aluminium in RAL7044, with a clear coated kebony handrail top. The balustrading along the landward edge of the vehicle access ramp is a simple metal post and tension cable design in RAL 7044.
- Bollards
- 6.15 There are three different types of bollards that feature along this section: removable, timber and seating cubes.
- Bins
- 6.16 Power coated bins that do not clutter the promenade will be provided, to match the other metal work.
- Life buoys
- 6.17 To be provided as per the submitted plans.
- Cycle stand
- 6.18 To be provided as per the submitted plans

Condition 24 (hard surfacing)

- 6.19 The hard surfacing materials were discussed in great detail with Historic England in relation to the sections of the scheme around Long Curtain Moat and Southsea Castle, two scheduled monuments.
- 6.20 It was agreed that two surface finishes would be used, one for around these significant heritage assets and one for the remaining promenade. Both finishes were an in-situ decorate aggregate but with different etched finishes. The 'historic' finish was a smoother 0.5mm etch, with the 'normal' promenade being a 3mm etch. This ensures that the historic areas are clearly visible, and that the seafront is coherent as a whole.
- 6.24 The shingle to be used in the aggregate finish is a locally sourced bespoke Southsea mix, to ensure the finish blends well with the local context.
- 6.25 In terms of future maintenance requirements, the surfacing will outlast any other surface that could be used within such a harsh marine environment. By removing the requirement and reliance for regular future maintenance visits and repairs, a high-quality setting to the seafront is achieved and retained, for as long as possible.
- 6.26 The full details of the proposed hard finishes can be found within the plans in Appendix F (Hard Works Plans), but they are summarised below:
- Promenade surfacing – 3mm etch exposed aggregate finish, Southsea shingle mix, (matches SF1 surfacing east of Spur Redoubt and SF4 surfacing east and west of Southsea Castle).
 - Naval War Memorial – Directly in front of the Naval War natural yorkstone paving will be used.
 - Primary/secondary defence walls – smooth concrete in warm white (matches SF1 and SF4 primary defence walls)
 - Cycle lane – coloured tarmac, buff, 6mm
 - Buffer strip – smooth asphalt surfacing
 - Highway – asphalt surfacing (except in front of the Naval War Memorial). In front of the Naval War Memorial the highway will consist of granite sett pavers.

Condition 25 (feature walls)

- 6.27 No feature walls are proposed. There are no feature walls within sub-frontage 3 and Public Art along the seafront is now being delivered by PCC's Culture and Leisure department, separate to the Southsea Coastal Scheme.

Condition 26 (roads and footpaths)

- 6.28 The highway layout remains as per the approved plans submitted with planning application ref 23/00896/VOC. The highway layout consists of the following:
- 1 way west bound traffic carriageway. The carriageway width will predominantly be 4.2m wide, reducing locally to 3.2m in front of the Naval War Memorial.
 - A mixture of echelon and parallel parking.
 - 3m two-way cycleway, with an additional 2m buffer strip between the cycleway and the parking. The trafficked areas are segregated from the adjacent promenade and cycle lanes.
- 6.29 The construction of this section is expected to take place from mid - October 2024 to mid -July 2026, however these timescales are indicative and subject to change . The full layout of the highway is shown in Appendix G (Highways Plans).

Condition 35 (public art and interpretation)

- 6.30 There is no requirement for heritage interpretation boards in this sub-frontage, these are only to be installed at sub-frontages 1 (Long Curtain Moat) and 4 (Southsea Castle) as these located within/adjacent to Scheduled Ancient Monuments

7.0 CONSULTATIONS

- 7.1 Historic England No comment
- 7.2 Environment Agency (In respect of Condition 19 (CEMP) only) No objection
- 7.3 Ecology No objection
- 7.4 Natural England No comment
- 7.5 Landscape Architect No objection, subject to consideration being given to planting Elm trees (*Ulmus*) in lieu of Alder (*Alnus glutinosa* 'Laciniata').
- 7.6 Principal Conservation and Design Officer Has confirmed that the proposals are considered acceptable in terms of their conservation/ heritage impacts and are therefore capable of conservation support. As such, there is considered to be no conservation impediment to the discharge of all of these conditions without any further delay.

8.0 REPRESENTATIONS

- 8.1 One public comment has been received supporting the scheme.

9.0 PLANNING CONSIDERATIONS AND CONCLUSION

- 9.1 On the basis of the information submitted with the application pursuant to these conditions and to their consideration above, the details submitted pursuant to Conditions 17, 22, 23 and 25 for this phase only are considered to improve the quality of the promenade and support the sensitive integration of the sea defences into the local environment. These technical details are considered to comply fully with Policy PCS9, and other relevant policies of the Portsmouth Plan 2012 and support the enhancement of the seafront.

9.2 It should be noted that this application (23/00556/DOC) also seeks Officer delegated approval for the details submitted pursuant to the following conditions:

- i. Condition 2 - Phasing
- ii. Condition 3 - Potential for Soil Contamination
- iii. Condition 5A and 5B - Archaeology
- iv. Condition 19 - Drainage Scheme
- v. Condition 20 - Construction Environmental Management Plan
- vi. Condition 21 - Construction Traffic Management Plan
- vii. Condition 30 - Reinstatement of Listed Shelters
- viii. Condition 35 - Scale of Secondary Defences
- ix. Condition 37 - Scale of Primary Defences

RECOMMENDATION

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

Agenda Item 6

24/00012/FUL

WARD: NELSON

ADVENTURE PLAYGROUND STAMSHAW PARK NEWCOMEN ROAD PORTSMOUTH

CONSTRUCTION OF SINGLE STOREY BRICK BUILDING TO PROVIDE YOUTH CLUB.
(24/00012/FUL)

LINK TO DOCUMENTS: [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=S6QU03MOFG800](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=s6qu03mofg800)

Application Submitted By:

Matthew Walker-Smith
Portsmouth City Council

On behalf of:

Portsmouth City Council

RDD: 1st March 2024

LDD: 4th March 2024

1. SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee as it is a Portsmouth City Council scheme, on land owned by Portsmouth City Council.

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

- The principle of development;
- Design and Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highway Implications; and
- Any other raised matters.

2. SITE AND SURROUNDINGS

2.1 This application site is located within Stamshaw Park, which is a community green space in North End, Portsmouth. The park is accessible from a variety of streets, notably Newcomen Road, Jervis Road, Winstanley Road and Gruneisen Road. The park is large, approximately 3600sqm. There are a variety of existing community facilities in the park, such as an Adventure Playground, Outdoor Gym, Tennis Courts, Paddling Pool and a Skate Park. A public right of way runs northward through Stamshaw Park. The site also contains an operational building for the parks service and a disused public toilet block.

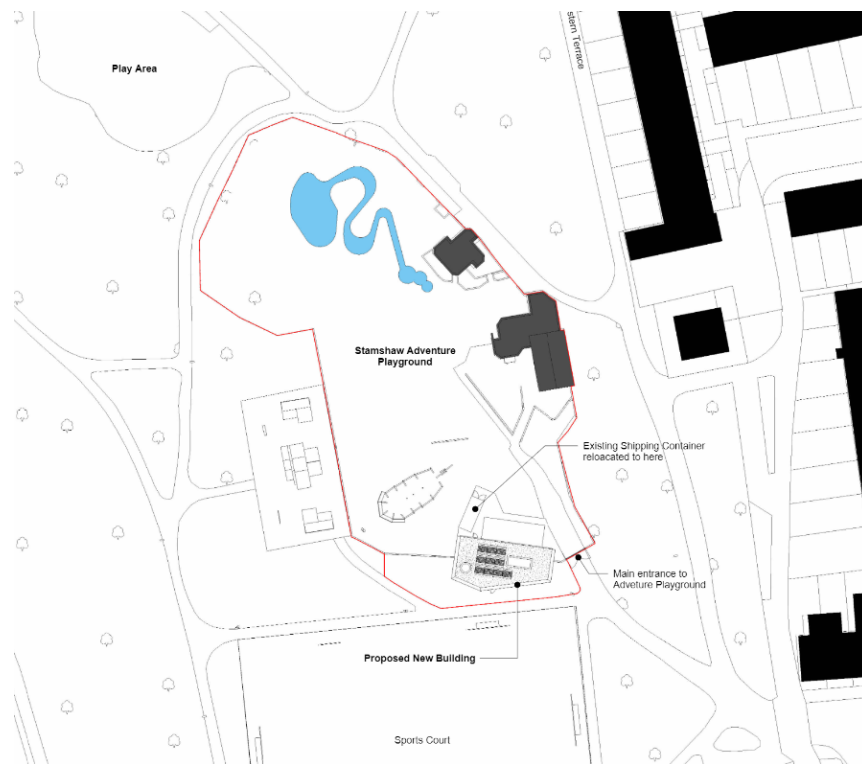


Figure 1 - Site Plan

- 2.2 The proposed Youth Centre would be located adjacent to the adventure playground, roughly in the centre of the park. It would be situated on an existing area of rough ground, not readily accessible by the public. To the north of the proposed unit, is a disused public toilet block and an operational building.
- 2.3 The park is characterised by open spaces, trees and paths. It is bounded by the M275 motorway to the west. Previously, the land the park is situated on was part of Portsmouth Harbour and was reclaimed from the sea in the mid 20th century.

3. THE PROPOSAL

- 3.1 Planning permission is sought for the construction of a single storey brick building, to be used as a youth centre. The internal floorspace would comprise of a 'multi-purpose space', kitchen, office, WCs, Plant Room (to be accessed separately and not accessible from within the main area) and a 'hang-out space'. Also on the northern elevation is the outdoor covered working area, with 4 cycle storage spaces. This is accessed internally through a set of double doors, to be finished in glass. This outdoor area would be surrounded by a new tarmacking, where an existing shipping container would be re-sited to the west.
- 3.2 The rear southern elevation would be surrounded by hedged boundary treatment and would follow the shape of the building. The main entrance to the building is on the southern elevation, where a tarmacked path leads to the gates to the east, where the youth centre is to be accessed from Stamshaw Park. This gated access would include a new wall comprised of clay and glazed bricks with a design choice of increasing density of glazed brickwork towards the top of the wall.
- 3.3 The brick building would be of an irregular pentagonal shape, with solar photovoltaic panels on the roof as well as associated HVAC plant. The brick building would be finished in a similar design to the gate and wall, with glazed bricks gaining density towards the top of the building. Other finished include polyester powder coated drainpipes, window framing and door framing.

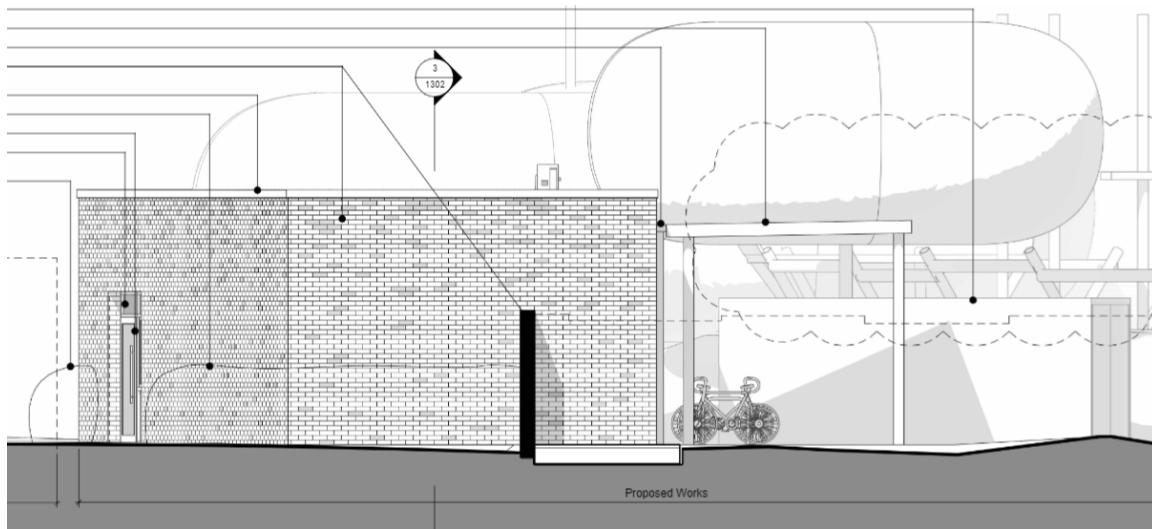
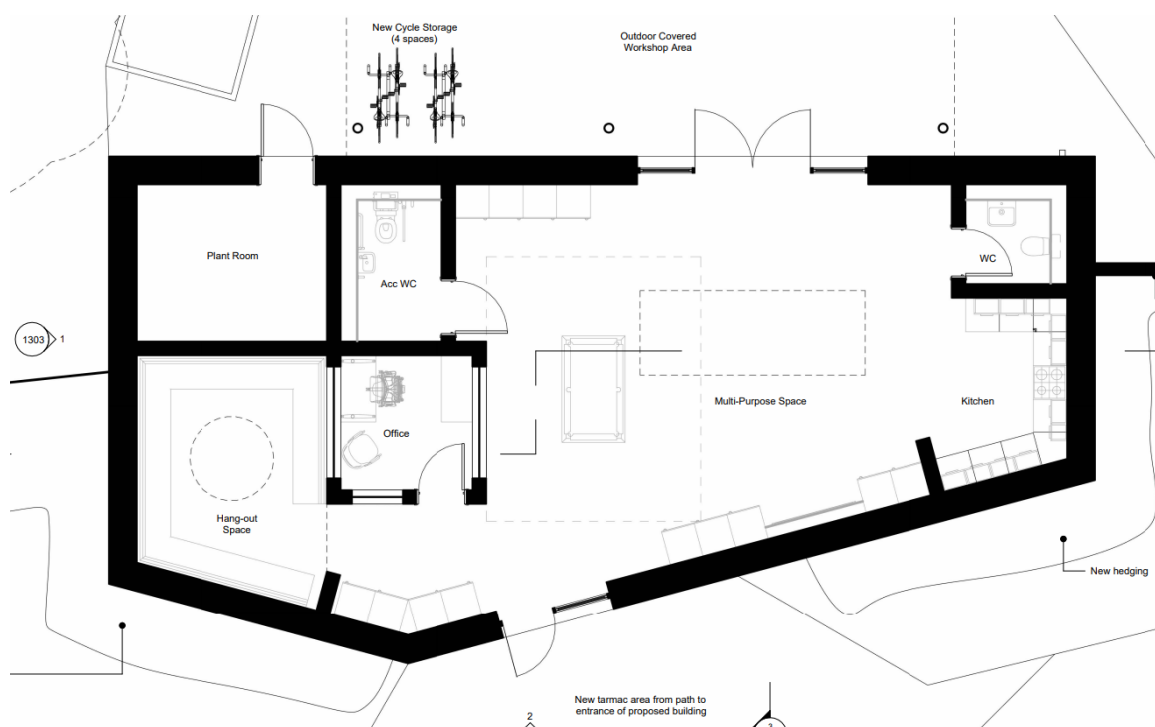


Figure 2 - Proposed Elevation (above), Proposed Ground Floor Plan (below)



3.4 The proposed building is described as 'Youth Provision'. It will be a dedicated space for youth club activities (11 - 18 (24 for people with additional needs)) and careers and employment support to young people 14-24. The building allows these services to be provided in an age appropriate environment, and enable programming so that older youth activities can be separated from younger play and community offers.

4. PLANNING HISTORY

4.1 20/00042/FUL - Construction of external disabled access ramp to the first floor of the existing building in Stamshaw Adventure Playground

5. POLICY CONTEXT

Portsmouth Plan (2012)

5.1 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:

- PCS23 (Design and Conservation).
- PCS13 (A Greener Portsmouth)

Other Guidance

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

- National Planning Practice Framework (revised 2023)
- Sustainable Design and Construction SPD (Adopted 2014)
- Parks and Open Spaces Strategy 2022-2038

6.0 CONSULTEE RESPONSES

6.1 Contaminated Land Team

The contaminated land team require a site investigation, desk based study and management plan to be submitted prior to commencement, and subsequently approved before occupation.

6.2 Highways Team

No objection was raised.

6.3 Regulatory Services

No objection was raised.

7.0 REPRESENTATIONS

7.1 No representations have been received to the proposals. A site notice was posted on the 9th February 2024.

8.0 COMMENT

8.1 The scheme is of considered to be of good design, with thought given to its appearance in the surroundings and its proposed use. The brickwork design is welcomed and would appear consistent throughout the development with the same 'rising' glazed brick design used on the gate piers, walls and the main building itself. No adverse or new amenity impacts to neighbours are expected due to the existing use of the park and its location being somewhat secluded from main public areas of the park. The scheme aligns with Policy PCS23 'Design and Conservation'.

8.2 The proposals would, in effect, result in the net loss of greenspace in Stamshaw Park. While PCS13 recommends application resulting net loss should be refused, it allows that this can occur where "*wider public benefits from the development which outweigh the harm*". The proposed community use, as described in 3.4 above is considered to outweigh the loss of green space. It is considered that the proposals therefore aligns with PCS13 'A Greener Portsmouth'.

8.3 The necessity for a CIL contribution arising from the scheme has been considered. The use is considered to be sui generis, consisting of a mix of the provision of education (F.1(a)) and as a hall or meeting place for the principal use of the community (F.2(c)) of the Use Classes Order. Neither use attracts a CIL charge above £0 and therefore no

CIL payment is required. It can be noted that this development, delivered by the City Council, is also partly funded by CIL.

- 8.4 Pre-application advice was provided before submission of the scheme, which stated that largely it would be acceptable, as the net loss of green space would be offset by the community use.

RECOMMENDATION

Approval with conditions

Conditions

1. Time Limit

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.

1) Approved Plans

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 - Drawing numbers:

- 3437-1100-P1 'Location Plan'
 - 3437-1101-P1 'Proposed Site Plan'
 - 3437-1202-P1 'Ground Floor Proposed'
 - 3437-1203-P1 'Roof Plan Proposed'
 - 3437-1302-P1 'Proposed North and South Elevations and Section'
 - 3437-1303-P1 'Proposed East and West Elevations and Section'
 - 3437-1310-P1 'Axonometric Views of Park - Proposed and Existing'
- Received 4th January 2024

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

2) Contaminated Land

Prior to Commencement: No works pursuant to the development hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

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

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

be made so by remediation. Remedial options shall be detailed with a remedial options appraisal. The report shall include a detailed assessment of the risk to all receptors that may be affected, including those off-site (Phase 2 report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, detailing proposals for future maintenance, monitoring and arrangements for contingency action as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality – Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion (Phase 3 report).

Reason (part a): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 189 of the National Planning Policy Framework (2023). The responsibility for safe development rests with landowner / developer.

Reason (part b): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 189 of the National Planning Policy Framework (2023). The responsibility for safe development rests with landowner / developer.

Reason (part c): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 189 of the National Planning Policy Framework (2023). The responsibility for safe development rests with landowner / developer. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

3) Contaminated Land

The development hereby permitted shall not be occupied until a stand-alone verification report has been submitted by the competent person approved pursuant to condition 3 (c) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement and demonstrate that site remediation criteria have been met. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions c)

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 189 of the National Planning Policy Framework (2023). The responsibility for safe development rests with landowner / developer.

Agenda Item 7

23/01592/FUL

WARD: HILSEA

350-352 LONDON ROAD HILSEA PORTSMOUTH PO2 9JY

CONSTRUCTION OF TWO STOREY REAR EXTENSION (FOLLOWING REMOVAL OF EXISTING GROUND FLOOR EXTENSION) WITH GABLE END ROOF ENLARGEMENT, ASSOCIATED FENESTRATION AND SOLAR PANELS

[23/01592/FUL | Construction of two storey rear extension \(following removal of existing ground floor extension\) with gable end roof enlargement, associated fenestration and solar panels | 350-352 London Road Hilsea Portsmouth PO2 9JY](#)

Application Submitted By:

Mrs Loretta Taylor

Thorns Young Architectural

On behalf of:

Mr B Mabe

RDD: 21.12.2023

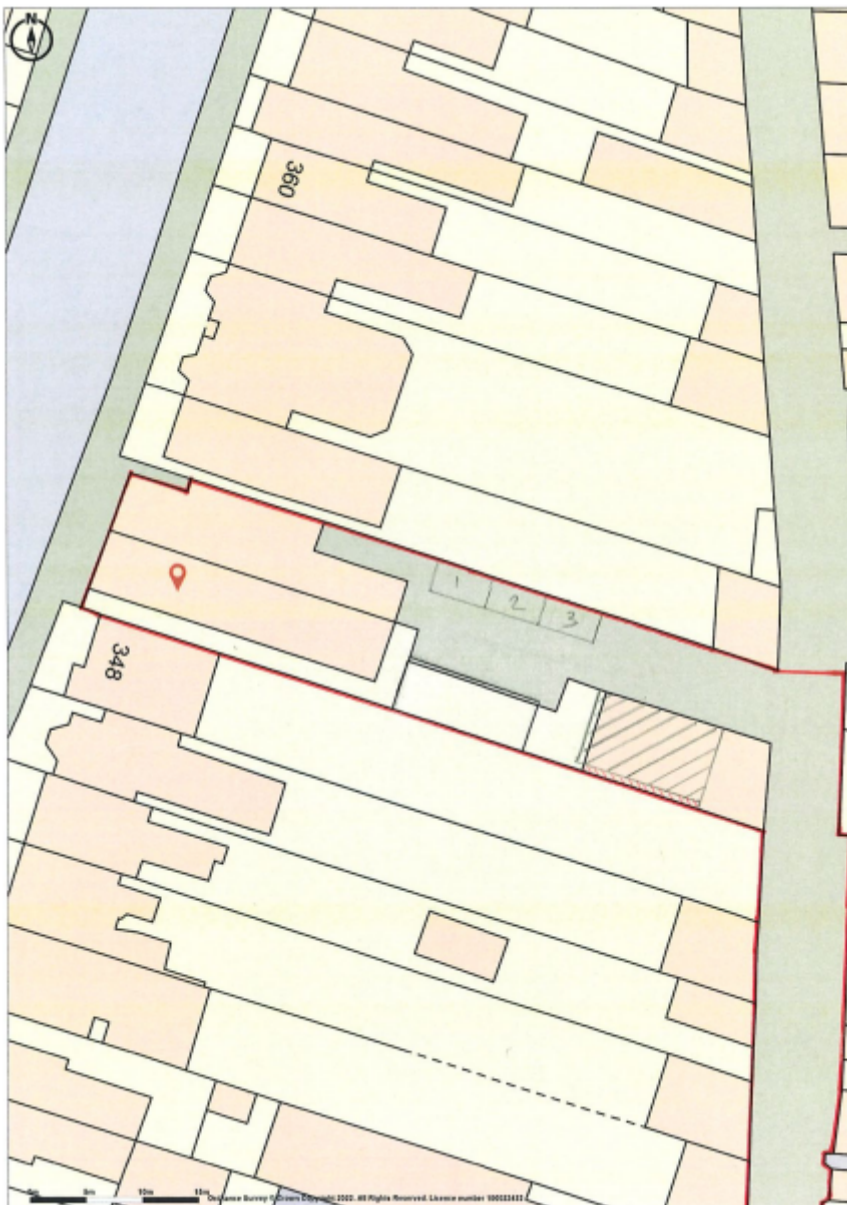
LDD: 15.2.2024

1. SUMMARY OF MAIN ISSUES

- 1.1 This application is being presented to Planning Committee as it has received 7 neighbour objections.
- 1.2 The key issues for consideration in the determination of the application are considered to be as follows:
 - Principle of development;
 - Design and layout;
 - Residential amenity;
 - Highways and transportation impacts;
 - Any other matters.
- 1.3 The site comprises of a part one storey, part two storey building located to the rear of 350-352 London Road. The ground floor is a storage area, with office accommodation at the first-floor level. Construction is of brick and is painted black. Access to the site is gained through a private road at the rear which adjoins Battenburg Road.
- 1.4 The surrounding area is a mix of largely residential properties, although other business uses can be found nearby on London Road.

2. THE PROPOSAL

- 2.1 The proposal seeks permission for a two storey extension with additional length at first floor level of 11.8m, and a total height of 6.1m with associated fenestration changes and solar panels to the roof of the south elevation. No change of use would occur, though the office space would increase in size by approximately 15sqm by virtue of the proposed extension. The storage space would also be reorganised and additional storage space would be provided on the first floor.
- 2.2 The site has a parking area accessed to the rear from the private road.
- 2.3 The scheme would have access for a total of 3 parking spaces.
- 2.4 The hours proposed are 08.00 to 16.00 Monday to Friday. The proposed Site Plan is shown below:



3. POLICY CONTEXT

- 3.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport) and PCS23 (Design and Conservation).
- 3.2 The above policies, and another relevant national guidance have been fully considered as part of this report.

4. CONSULTATIONS

Highways Engineer (Local Highway Authority - LHA)

4.1 The site is located along London Road a classified road and forms part of a local centre. The site is located within a mixture of retail, takeaways and drinking establishments. Parking is restricted to the front of the site by a loading bay operating between Wednesday - Friday 8am - 6pm. No traffic assessment has been provided in support of this application however given the nature of the development, I am satisfied that the proposal would not have a material impact upon the local highway network. Portsmouth City Council's Parking SPD does not give an expected number of vehicle spaces for non-residential developments rather requires applications to make an assessment of parking demand and demonstrates how this can be satisfied. Whilst the block plan indicates spaces for three vehicles, it is unclear how these would be shared with the existing properties. It is likely demand associated with the site would have to be accommodated on street or via public parking facilities. I am satisfied that given the nature of the proposed use this is unlikely to attract significant additional parking demand within the local area than which can be associated with the existing use. As the application stands I would not wish to raise a highway objection to the proposal.

Contaminated Land Team

- 4.2 The Contaminated Land Team has looked into the history of the commercial nature of the site, owing to its listing in our records as a former dry cleaner (1946-1964 'Vita Dry Cleaners Ltd') and appearance of the storage building to the rear. Given the potential for contamination to exist and the nature of the former contaminative use being a dry cleaner, the site must be risk assessed based on a review of historical and available information. Risk assessment should be in line with British Standard BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice', whilst considering the proposed development and end-use. Two conditions have been suggested which are detailed in the conditions section.

5 REPRESENTATIONS

- 5.1 Public consultation on this application has comprised 48 letters that were sent out on 18th January 2024 to residents on London Road and Randolph Road and a site notice displayed on 25th January 2024.

5.2 In response to the consultation a total of seven objections letters of objection have been received raising a number of points which are listed below:

- Increased traffic/parking Such highway impacts will generate increased levels of noise, disturbance and air pollution;
- Overlooking and loss of privacy
- Overdevelopment
- Noise and disturbance
- Crime

6 COMMENT

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

- Principle of development;
- Design and layout;
- Residential amenity;
- Highways and transportation impacts;
- Contaminated land; and
- Other matters.

Principle of development

4.1 The building has had use a storage building. A previous application, 21/01352/FUL for a change of use from B8 storage to B2 for the cremation of animals. was refused due to the harmful impact on residential amenity is a predominantly residential area from the industrial use with associated noise and fumes.

6.2 It is considered that office use, with conditioned hours of use of 08:00hrs to 16:00hrs Monday to Friday, and no time at weekends or public holidays, would be an acceptable development in a residential area which would not have an unacceptable impact on residential amenity, which will be discussed in more detail below.

Design and Character

6.3 Policy PCS23 of the 2012 Portsmouth Plan seeks, inter alia, to ensure new development is of an appropriate appearance and materials to the particular context.

6.4 The existing building is a two-storey structure with little architectural merit. The building has a small first floor level and more extensive ground level, sat slightly away from the boundary. The application site, and neighbouring properties benefit from long gardens/back yard areas, even with the addition of outbuildings.

6.5 As a result of the various uses including residential, parking and business use, the structures in the surrounding area have a marked variety in its scale, appearance and materials. Surrounding properties include garages and outbuildings to the rear, some of similar height. The proposal would comprise of a two storey rear extension, including

a pitched roof and gable end. The roof would also include solar panels. The external appearance from the private access road would be largely unchanged from the existing street scene.

- 6.6 Whilst reasonably basic in design, the proposed two storey extension features a roof with a pitch, which is a response to a request from officers at the pre application stage, and reduces the overall bulk of the two storey extension. Whilst large in size, the proposed two storey extension would not be out of character with the area, and would sit comfortably amongst other large rear additions.

Residential Amenity

- 6.7 Policy PCS23 ensures new development maintains a good standard of amenity for existing and future residents.
- 6.8 Regarding the potential amenity impacts on existing residents to the north, the proposed extension only has windows on the north elevation, which would have limited direct overlooking of private garden areas. The character of the area is such that most properties have outbuildings of some description to the rear of the property and distances between the two storey extension and neighbouring properties is considered acceptable so as to ensure no harmful loss of privacy.
- 6.9 Given the long garden lengths and existing outbuildings in neighbouring gardens, it is considered that the proposed two storey extension would not have a harmful impact in terms of loss of light or outlook for neighbouring properties.

Highways and Transport issues

- 6.10 The Highways Authority has reviewed the application and have raised no objection.
- 6.11 Regarding the parking, the property has an existing area of hardstanding adjacent to the store/office and 3 spaces have been allocated to this development.
- 6.12 Highways Officers however further acknowledge and agree that parking demand is not likely to be significantly increased and demand can be met with a combination of on site and on street parking.

Contaminated Land

- 6.13 The Contaminated Land Team have reviewed the application and have requested a contamination condition. They note the historical use as a laundry. As a result there is the potential that such uses and ownership have lead to the presence of contaminants.
- 6.14 As a result the Contaminated Land Team have requested a pre-commencement condition ensuring a desk study is undertaken along with site investigation and the necessary remediation measures submitted and agreed with a follow up report being prepared and submitted prior to the use commencing as set out in Conditions 3 and 4 below.

Other Issues

- 6.15 Lastly, an objection was raised concerning houses of multiple occupancy. For clarity, no housing is proposed for this site and hours of use for the office will be conditioned to maintain neighbour amenity. Furthermore, a condition has been imposed to prevent changes of use within the use classes order so as to ensure an acceptable impact on residential amenity.

Summary and planning balance

- 6.16 The scheme proposes a two storey extension to the rear outbuilding for mixed use as storage and office space. Having considered the principle of development, impacts on neighbour amenity, highways, contaminated land it is adjudged that the scheme is acceptable.
- 6.17 On the basis of the foregoing, and subject to the conditions listed below including hours of use, and changes of use, it is considered that the development proposed represents a sustainable form of development and permission should therefore be granted.

RECOMMENDATION Conditional Permission

CONDITIONS

Time Limit

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

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

Approved Plans

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

Drawing number: 7186.23.2

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

Contaminated Land

- 3) **Prior to Commencement** No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority: An Initial Risk Assessment Report (letter report, undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice')

documenting all the previous and current land uses of the site, and considering the inclusion of preliminary site investigation (if required) to summarise the likely ground conditions and associated risks at the site; the report shall confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details. and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 183 of the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.

4) **Prior to first use** The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, documentation to evidence implementation of the remediation as agreed in line with condition (3) above. This may include a daily diary of the nominated competent person overseeing the works, waste consignment notes for excavated soils etc.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 183 of the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.

Operational Hours

5) The premises shall only operate between the hours of 08:00hrs and 16:00hrs Monday to Friday, and at no time on Saturdays, Sundays or Public Holidays.

Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

Use class changes

6) The development hereby permitted shall only be used for uses within Use Class E(g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting those Orders with or without modification.

Reason: To enable the Local Planning Authority to regulate and control the development of land that might otherwise cause adverse impacts on neighbouring residential and/or commercial occupiers in accordance with policy PCS23 of the Portsmouth Plan 2012

Agenda Item 8

20/00944/FUL

WARD: ST THOMAS

32 MONTGOMERIE ROAD, SOUTHSEA, PO5 1ED

CHANGE OF USE FROM PURPOSES FALLING WITHIN A CLASS C4 (HOUSE IN MULTIPLE OCCUPANCY) TO HOUSE IN MULTIPLE OCCUPANCY FOR MORE THAN 6 PERSONS (SUI GENERIS)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QFCZLV MOK4T00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qfczlvMOK4T00)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr John Harmer

RDD: 14 December 2020

LDD: 8 February 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the blanket call-in by Councillor Vernon-Jackson for this type of proposed change of use.
- 1.2 The main issues for consideration in the determination of the application are as follows:
 - Principle of Development including compliance with policy
 - Impacts on Amenity including parking
 - Other material considerations
- 1.3 Site and surroundings
- 1.3 The application site is a two-storey terraced dwelling with rooms in the roof in a predominately residential area.
- 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 HMO with up to six individuals living together to allow up to 7 individuals to live together as an HMO. This change in occupancy will involve the repurposing of internal rooms but no external operational development forms part of this application.
- 1.6 Planning History
- 1.7 18/01609/FUL - Change of use from purposes falling within Class C4 (house in multiple occupation) to a 7-bedroom house in multiple occupation (sui generis) - refused due to insufficient room sizes (two bedrooms under 10m² and communal living space under 27m²)
- 1.8 19/00013/FUL - Change of use from purposes falling within a C3 (dwelling house) or C4 (house in multiple occupation) to a seven bedroom/seven-person house in multiple occupation (sui generis) - recommended for conditional permission because the scheme revised since the 2018 application was deemed sufficient to provide a satisfactory standard of living for occupiers. The application however was refused by the Planning Committee because of the under provision of communal living space and restricted ceiling height of the second-floor front bedroom. In the subsequent appeal, the Inspector found

that the size and ceiling height of the bedroom in question was acceptable, but that since every bedroom did not exceed 10sqm as required by the SPD, the communal living space did not meet the required standard. The appeal, therefore, was dismissed.

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

4.0 REPRESENTATIONS

4.1 Nine objections have been received with the following concerns:

- HMO density in the area
- Waste
- Noise
- Parking
- Drainage
- Bedroom 3 fails to meet space standard requirements outlined in 'Standards for Houses in Multiple Occupation' PCC, September 2018

5.0 COMMENT

5.1 The main issues to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

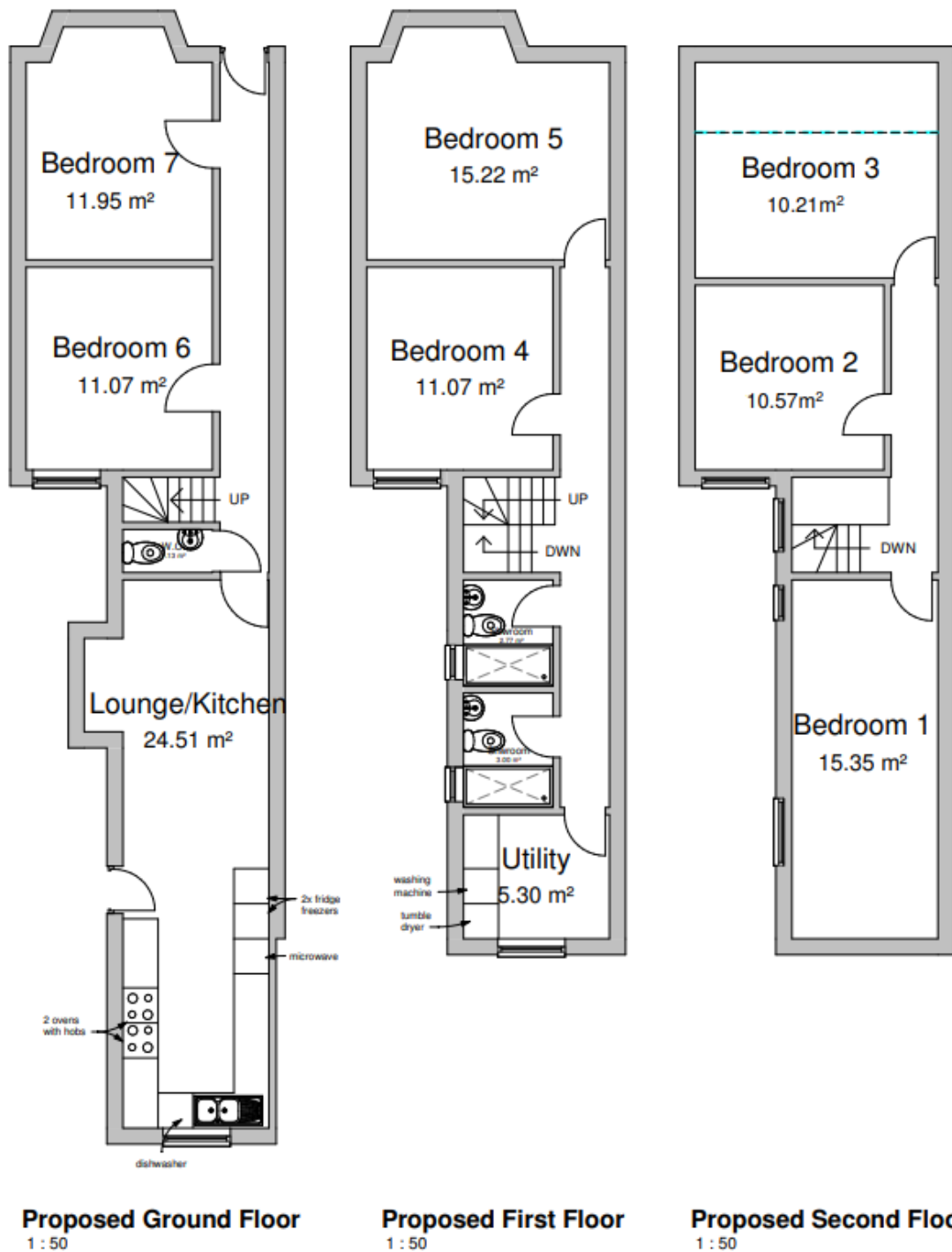
5.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

5.4 In this case the application site is already in lawful use as an HMO and the application has been made to recognise the intention to increase its occupation by 1 occupant. As such the application is not considered, on its individual facts to create any material impact on the balance of the community in the area. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as a maximum proportion of HMO dwellings to C3, single household, dwellings. As the minor increase in occupancy does not change this mix of dwellings the proposal has no impact on this guidance. For reference, it can be noted however that the relevant 50m radius area is currently made up of 30 HMOs out of 80 properties, a percentage of 37.5%. This proposal of course has no effect on that percentage and the small increase of HMO dwelling occupants in this

area is not considered to create any demonstrable imbalance or adverse implications. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a number of HMOs next to each other. As this proposal does not involve the creation of a new HMO these considerations are not brought into effect.

- 5.5 The HMO use of this site benefitted from a Licence granted by Portsmouth City Council to operate as an HMO with up to 7 occupants. This licence was granted in 2018 and has just expired, on 4.3.2024.
- 5.6 The repurposing of internal rooms to accommodate the additional occupant 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:	Size provided for in Guidance:
Bedroom 1	15.35m ²	10m ²
Bedroom 2	10.57m ²	10m ²
Bedroom 3	10.21m ²	10m ²
Bedroom 4	11.07m ²	10m ²
Bedroom 5	15.22m ²	10m ²
Bedroom 6	11.07m ²	10m ²
Bedroom 7	11.95m ²	10m ²
Kitchen/Lounge	24.51m ²	22.5m ²
Shower room	2.77m ²	2.74m ²
Shower room	3m ²	2.74m ²
WC	1.13m ²	1.17m ²



5.7

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. In more detail, and to explain how the Applicant has addressed the appeal decision: in the appeal application, the communal kitchen-living room was 25 sqm. The standard for seven occupiers would be 34 sqm, unless each and every bedroom exceeded 10sqm, in which case the communal kitchen-living room should be 22.5 sqm or more. One bedroom (the second storey front bedroom) was 9 sqm, and so the application was refused and the appeal was dismissed. The Applicant has now managed to increase the bedroom (Bedroom 3) to 10.21 sqm by taking some space from the adjacent bedroom (Bedroom 2), yet maintaining Bedroom 2 above 10sqm (it is 10.57 sqm). Therefore, all the bedrooms exceed 10 sqm and so the 25 sqm communal kitchen-living room proposed does now exceed your standard. Lastly, and for completeness, the WC is shown as 0.04sqm below standard. This is immaterial and should not constitute a reason for resisting the proposal. Overall, the property would provide a satisfactory size, layout and natural light for occupation by seven persons.

5.8 Amenity and Parking

5.8 The proposal would increase the occupancy of the existing HMO by 1 occupant. While this would have a proportionate increase in activity within and coming and going from the property this small 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.

5.9 Similarly the minor increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Consequently, the proposal remains in accordance with the Council's adopted guidance on parking provision.

5.10 Other Material Considerations

5.11 A key and overriding consideration in this case is the necessity to recognise the fall-back position available to the applicant; that is the position they could take if this application is refused. In this case the addition of only 1 occupant to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not be carried out, except with planning permission. However not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the Town and Country Planning Act 1990 'development' is defined as making of a *material* change in the use of any buildings or land. Whether or not a change is a material change is a matter of fact and degree to be assessed on its own merits. Members will note a number of joint appeal decisions, the 'Campbell Properties' appeal dated 29 April 2021, and the 'Lane' appeal decision dated 9 March 2023 wherein the Inspector considered a number of similar changes of use and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to 6 occupants to an occupancy up to 7 occupants, and a change in occupancy from up to 6 occupants to an occupancy of up to 8 occupants was not considered to be a material change of use notwithstanding it moved the classification of the dwellings outside of Use Class C4 of the Use Classes Order. While every application must be considered on their own individual merits these examples provide clear guidance on the correct interpretation of s55 of the TCPA and that appeal decision is considered to be a material consideration in the determination of similar applications. Members may also note the previous decisions of Portsmouth's Planning Committee which have contrary to Officer recommendation determined similar changes in occupation amounted to a material change in use, primarily due to a conclusion that due to the intensity of the use of the accommodation; the impact on parking, waste, amenity impact upon neighbouring residents; and the impact on the solent special protection area the changes considered in those cases on their own individual merits amount to development requiring planning permission. The 'Lane' appeal decisions of 9 March 2023 where against three such Planning Committee decisions and the Planning Inspector in those case disagreed both with the judgement of the Committee and was critical of the justification, noted above, as a basis for that judgement.

5.12 In the circumstances of the case the subject of this report it is considered that the increase in occupancy does not result in a significant difference in the character of the activities that would occur under the proposed occupation compared to the existing lawful use as a HMO with up to six occupants. As such it is considered that the change of use is not material and planning permission is not required for the increase in occupancy described in the application. The Applicant therefore has a fall-back position of being able to lawful carry out the change in occupation without the benefit of Planning Permission.

- 5.13 Should it be considered necessary to assess the merits of the application, notwithstanding the advice of Officers' above, the Committee's attention is drawn to the current 5-year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of additional bedspace of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five-year supply' of housing, with only a 3.31-year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy in this area are considered to be insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of bedspaces, should such assessment be considered necessary.
- 5.14 Given the amount of time that passed since the application was originally advertised, the LPA decided to readvertise the application on 13 February 2024 giving the neighbours 14 days to reply. No letters of objection were received in this publicity period, however when the application was initially advertised nine objections were raised, and these are as set out above.
- 5.15 The letters of objection referred to the increase in persons, anti-social behaviour, noise and other issues. The development would only result in one additional bedspace/person. Such an increase would not result in a material increase in the potential for such behaviour, noise, etc. and would not thereof represent a reason to withhold planning permission.
- 5.17 Impact on Special Protection Areas
- 5.18 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development. The applicants above fall-back position would allow the occupation of the site without Planning Permission. As such it is considered that the proposal would not amount to development and therefore not have Likely Significant Effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

6.0 CONCLUSION

- 6.1 As detailed above the application is considered to not fully comply with the relevant policies of the local plan as the size of the resulting accommodation fails to meet the adopted standards for room sizes considered to provide a good standard of living accommodation in accordance with Local Plan Policy PCS23. However, notwithstanding the compliance or otherwise of the proposal with the policies of the Local Plan it is noted that the on the details of this case the changes in the character of activities are not sufficiently significant, as a matter of fact and degree, to be considered to result in a material change in the use of this dwelling. As such planning permission is not required for the described in the application and the proposal could be carried out as a fall-back position irrespective of the determination of this application. This is considered a material consideration of overriding weight, and unconditional planning permission should therefore be granted.
- 6.2 Should the Committee conclude, contrary to this recommendation, that the change in occupation, as a matter of planning judgement, fact and degree in this specific case results in a material change of use requiring planning permission then they should consider whether permission should be granted with conditions. In such a circumstance, while the merits of the proposed use do not comply fully with the associated guidance

regarding the relevant local plan policies in respect of room sizes to support a good standard of living, officers are satisfied that the amount and configuration of the dwelling does not create an unacceptable living environment, the Committee would need to consider whether to resolve to grant permission, subject to the imposition of conditions requiring implementation of the additional occupancy within 3 year (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition), and requiring that that increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.

RECOMMENDATION

Unconditional Permission

Conditions: None

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Agenda Item 9

23/01220/FUL

WARD: BAFFINS

19 TAMWORTH ROAD PORTSMOUTH PO3 6DL

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

[23/01220/FUL | CHANGE OF USE FROM DWELLINGHOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN CLASS C3 \(DWELLINGHOUSE\) OR CLASS C4 \(HOUSE IN MULTIPLE OCCUPATION\) | 19 TAMWORTH ROAD PORTSMOUTH PO3 6DL](#)

Application Submitted By:

Mr Chris Broyd
New Era Agency Ltd

On behalf of:

C/o New Era Agency Ltd

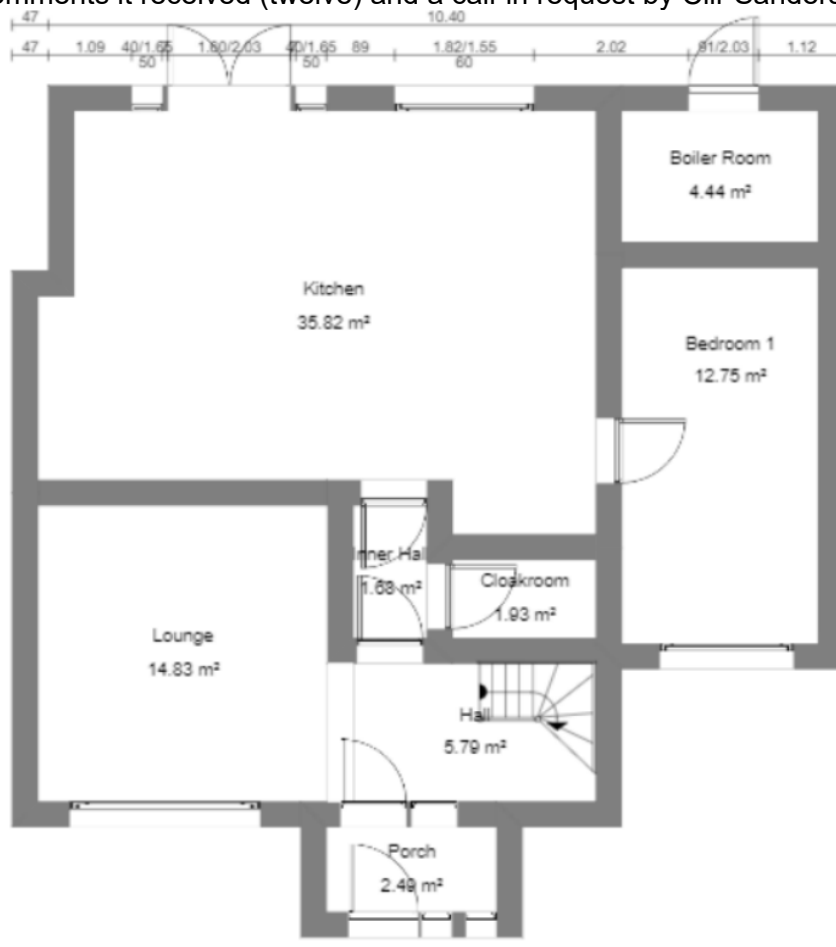
RDD: 29th September 2023

LDD: 1st December 2023

0.0 UPDATE FOLLOWING COMMITTEE DEFFERAL

0.1 This application was previously deferred at the 10th January 2024 Planning Committee Meeting due to discrepancies in the submitted Floorplans. Following this deferral, the applicant has had the property re-measured and the plans re-drawn. Those plans are below along with a revised schedule of room sizes and labelling.

The application is brought before Planning Committee due to the number of objection comments it received (twelve) and a call-in request by Cllr Sanders.



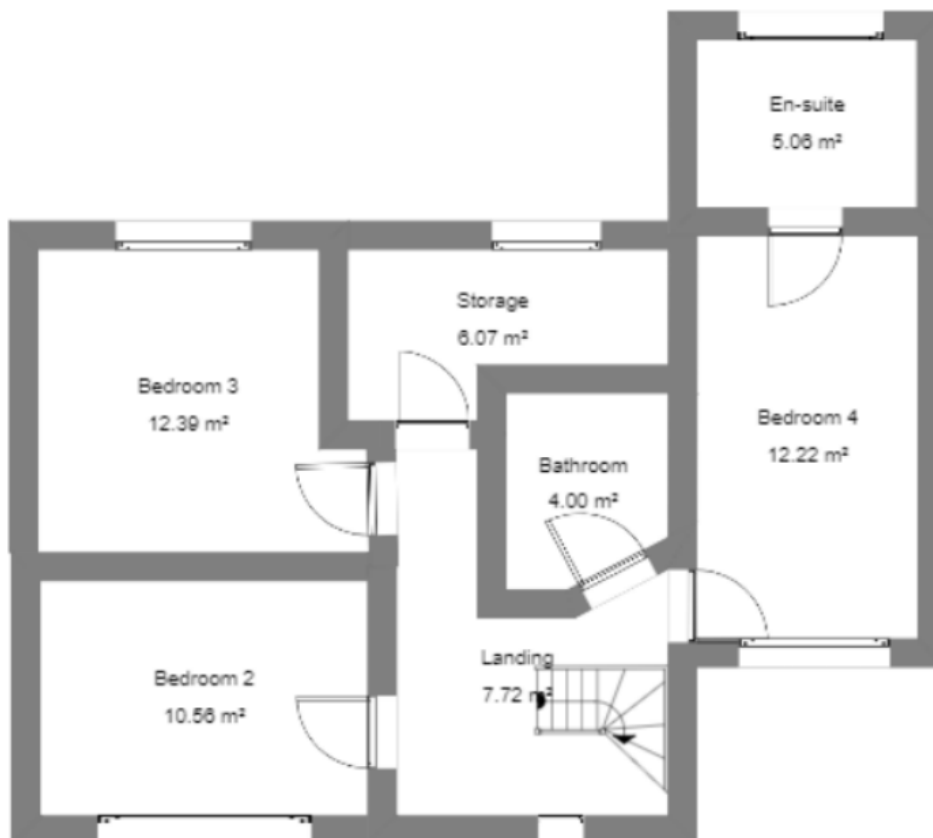


Figure 1 Revised proposed floorplans

- 0.2 The revised floorplans show one physical change from the property as existing, being a minor enlargement of the first-floor bathroom and reduction therefore in the size of the first-floor storage room. The current ground floor reception room is to be used as a bedroom, as previously set out. The Applicant has confirmed again that the intended occupation is as a 4-bedroom/4-person HMO.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	12.75m ²	10m ²
Bedroom 2 (first floor)	10.56m ²	10m ²
Bedroom 3 (first floor)	12.39m ²	10m ²
Bedroom 4 (first floor)	12.22m ²	10m ²
Storage room (first floor)	6.07m ²	Not required
Bike store (ground floor) (labelled as boiler store on the plans)	4.44m ²	n/a
Communal Kitchen/Dining area (ground floor)	35.82m ²	22.5m ² , as all bedrooms meet or exceed 10m ²
Lounge (ground floor)	14.83m ²	Not required as all bedrooms meet or exceed 10m ²
Bathroom (first floor)	4m ²	3.74m ²
Ensuite to bedroom 4 (first floor)	5.06m ²	3.74m ²
WC (ground floor) (labelled as cloakroom)	1.93m ²	1.17m ²

- 0.3 The revisions do not change the conclusion as set out within para 8.11 of the original Officer Report, below, around the overall acceptability of the layout, and the application as a whole. For completeness, although the Applicant states occupation would be for four persons, it could be occupied by five or six persons as a Class C4 HMO and be in accordance with your SPD guidelines on room sizes and sanitary provisions - with one bathroom, one wc, and one ensuite, and three bedrooms being large enough for double

occupancy, there are different permutations of occupancy that could be achieved, were the Applicant to choose up to five or six person occupancy after all. That would be controlled by the HMO licensing regime in detail. The property does not have an HMO licence yet, and no application has yet been made for a licence.

- 0.4 As was concluded in the report for 10 January 2024 (below), the application is not considered to unbalance the existing community, being the first HMO in the immediate area, nor otherwise fail to comply with any policy of the Portsmouth Plan. Through the provision of more efficient housing it contributes to the supply of housing in the city at a time when the Council is unable to demonstrate a 5 year land supply. Having reviewed all representations and consultations it is concluded that the application represents sustainable development, compliant with policy allowing for a recommendation to grant permission.

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

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

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

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 100051661; Floor Plans - 19 Tamworth Road.

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.

ORIGINAL REPORT FOR THE PLANNING COMMITTEE MEETING OF 10th JANUARY 2024:

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to the number of objection comments it received (twelve) and a call-in request by Cllr Sanders.
- 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;
- 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, semi-detached dwellinghouse (Class C3) located on the northern side of Tamworth 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 lounge, WC, kitchen/dining room, bedroom and boiler room at ground floor level; three bedrooms (one with a ensuite with bath WC and handbasin, a storage room and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area, the majority of which are in a similar format as two-storey semi-detached dwellings. To the front (south) of the site is Tamworth Park.



Figure 2 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). While C4 use allows up to six individuals living together, the applicant has stated this property would have four single-occupancy bedrooms.

3.2 The internal accommodation would not change as a result of the proposal, shown in Figure 4 below and comprises the following:

- Ground Floor - Lounge, WC, kitchen/dining room, bedroom and bike store;
- First Floor - Three bedrooms (one with a bath, toilet and handbasin ensuite) and a bathroom (with a bath, toilet and handbasin).

4.0 PLANNING HISTORY

4.1 07/01765/FUL: Construction of two storey side and single storey rear extensions and porch to front elevation. Conditional Permission (21.11.2007).

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2023), 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 2023)
- 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 - Awaiting comments.

7.0 REPRESENTATIONS

7.1 Twelve representations from eleven addresses have been received objecting to the proposed development, including one from Councillor Sanders.

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

- a) Parking impacts;
- b) Noise concerns;
- c) Anti-social behaviour and crime;
- d) Out of character of the area;
- e) No guarantee it will accommodate medical staff;
- f) Possible double occupancy of the bedrooms;
- g) Bedroom is in place of former garage;

- h) Increase in pollution; and
- i) Impact on greenspace.

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 24 properties within a 50-metre radius of the application site, there are no confirmed HMO (Class C4) 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.

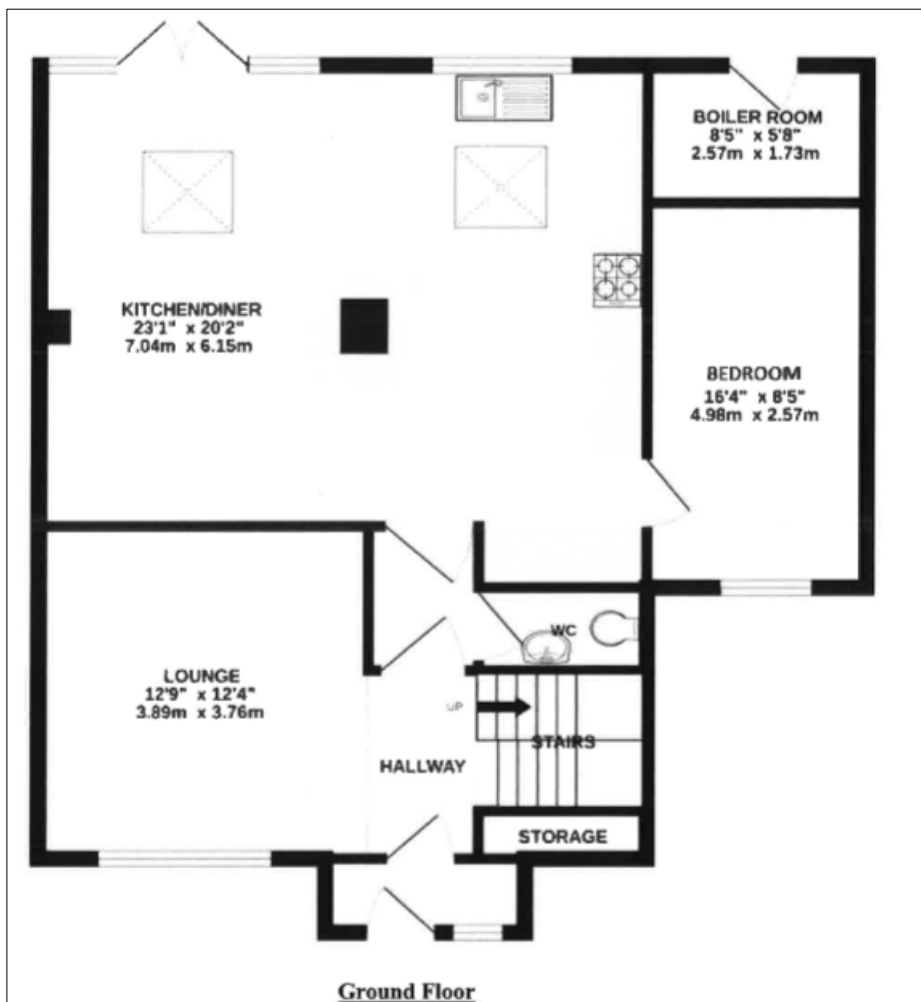
8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.16%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 No 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 are not to scale and only provide annotations of width and depth of the rooms. Officers have visited the property and reviewed the previous floorplans for the property which are correct and to scale, these plans have been measured and the figures below are taken from them. 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)	13.45m ²	10m ²
Bedroom 2 (first floor)	10.8m ²	10m ²
Bedroom 3 (first floor)	11.39m ²	10m ²
Bedroom 4 (first floor)	10.58m ²	10m ²
Storage room (first floor)	6.68m ²	Not required
Bike store (ground floor)	4.07m ²	n/a
Communal Kitchen/Dining area (ground floor)	36.3m ²	22.5m ² , as all bedrooms meet or exceed 10m ²
Lounge (ground floor)	14.6m ²	Not required as all bedrooms meet or exceed 10m ²
Bathroom (first floor)	3.61m ²	3.74m ²
Ensuite (first floor)	3.8m ²	3.74m ²
WC (ground floor)	2.3m ²	1.17m ²



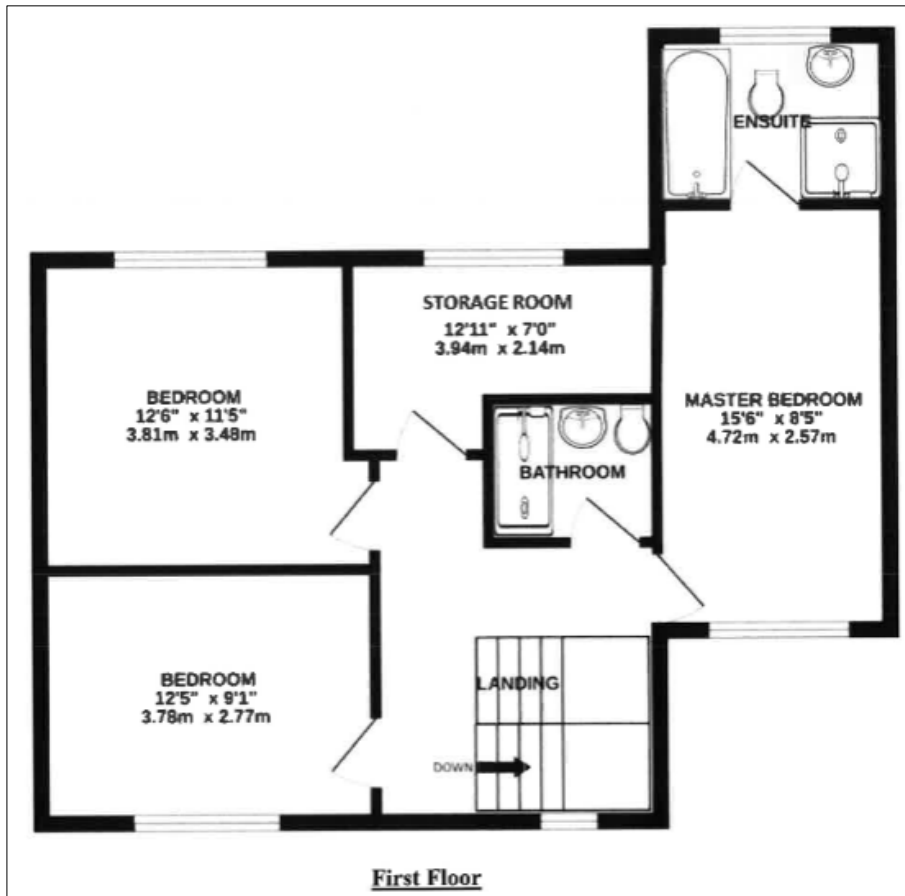


Figure 4 Proposed Floorplans

- 8.11 It is noted that all of the bedrooms and communal areas meet 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. The first-floor bathroom is considered to be marginally under the required standard, however following an Officer site visit, it is considered that the bathroom is perfectly usable even with a marginally reduced size. It should be noted that the SPD requires only one shared bathroom for an HMO with four individuals, while this property proposes a shared bathroom *and* one ensuite *and* a downstairs WC. It is therefore not considered to be sufficient rationale to refuse the application on and as such the proposal is considered to accord with Policy PCS23 of the Portsmouth Plan.
- 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 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.
- 8.14 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.
- 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 (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.

- 8.16 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.
- 8.17 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 Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces, a minor difference. The property has one off-street parking space.
- 8.20 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, this is not considered to be sufficient reason for refuse the application. 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.
- 8.21 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.
- 8.22 Waste
- 8.23 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.
- 8.24 Impact on Special Protection Areas
- 8.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (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.
- 8.26 Community Infrastructure Levy (CIL)
- 8.27 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

- 8.28 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.29 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.
- 8.30 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.
- 8.31 Other Matters raised in the representations
- 8.32 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.
- 8.33 It is not considered that the scheme would result in an increase in pollution and would have no impact upon the adjacent greenspace.
- 8.34 The change of the garage to a bedroom was approved under the 2007 Permission and therefore does not form part of this assessment.
- 8.35 There is no assurances given over the occupants in terms of profession, however that is the case for a Class C3 or C4 property and therefore has no impact on the scheme.
- 8.36 The Applicant has stated that the property would, when in C4 use, have four occupiers. The property would be required to be licensed which would manage the number of occupants. Two of the bedrooms are of a sufficient size to be double occupancy, however, the property lacks sanitary facilities to provide occupation for 6 individuals. This standard is shared by Licensing and Planning, therefore in order to achieve a higher occupancy, further change would be required to the property. Given the Licensing regime and size of the property there is no need to restrict occupancy to the numbers proposed (four residents) should planning permission be granted. Further consideration would be given by the Private Sector Housing Team towards the toiletry facilities in consideration of licensing the property above four occupants.
- 8.37 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) (2023).

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

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

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

Approved Plans:

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 100051661; Floor Plans - 19 Tamworth Road.

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 10

23/01420/FUL

WARD:CHARLES DICKENS

25 TOTTENHAM ROAD PORTSMOUTH PO1 1QL

CHANGE OF USE FROM 5-BED/6-PERSON HOUSE IN MULTIPLE OCCUPATION TO 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION

WEBSITE LINK

[23/01420/FUL | Change of use from 5 bedroom house in multiple occupation, to 7 person/7 bedroom house in multiple occupation. | 25 Tottenham Road Portsmouth PO1 1QL](#)

Application Submitted By:

Mr Willment
HMO Designers

On behalf of:

Zengin

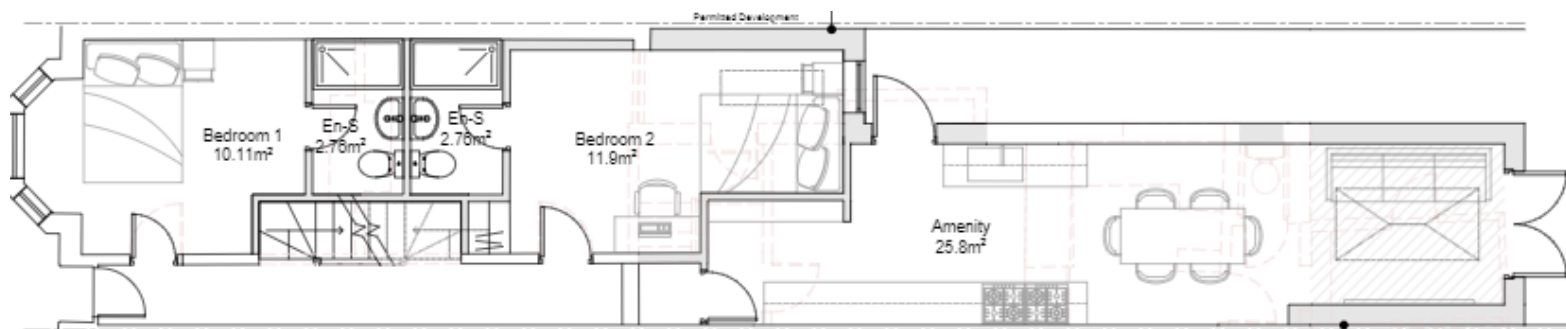
RDD: 14.11.2023

LDD: 10.01.2024

UPDATE FOLLOWING THE COMMITTEE MEETING OF 31ST JANUARY 2024

An officer report was previously published for the Planning Committee meeting of 31st January. The report stated that the ground floor rear-wing side extension shown on the plans was Permitted Development. However, between publication of the report and the actual meeting, officers identified the Applicant's error that the proposed extension was Permitted Development, when in fact it was not. The application was therefore withdrawn from the Agenda (i.e. not considered at all by the Planning Committee), and the Applicant has re-assessed how to provide an amended layout and seek to gain planning permission.

The Applicant has deleted the previously-shown rear-wing side extension. In order to still achieve the necessary minimum of 22.5sqm of communal kitchen-dining space, the Applicant has provided a re-arranged internal layout of Bedroom 2 and the communal kitchen-dining room. The bedroom would incorporate a rear extension achieved under Permitted Development rights, and the rear wing rear extension, also Permitted Development, would be maintained as per the January plans. Because both are Permitted Development, the effects of both on neighbours' amenities cannot be considered by the Local Planning Authority. Otherwise, for completeness, Bedroom 1 and its ensuite have changed size marginally. Therefore, all the rooms still meet the size requirements of the HMO SPD, and all would have reasonable layout and natural light. The amended plans, and schedule of room sizes and SPD standards, are provided as follows. For clarity, some of the rooms sizes provided on the plans by the Applicant differ very slightly from some of the sizes set out in the table below - the table contains the sizes as measured by the Case Officer.



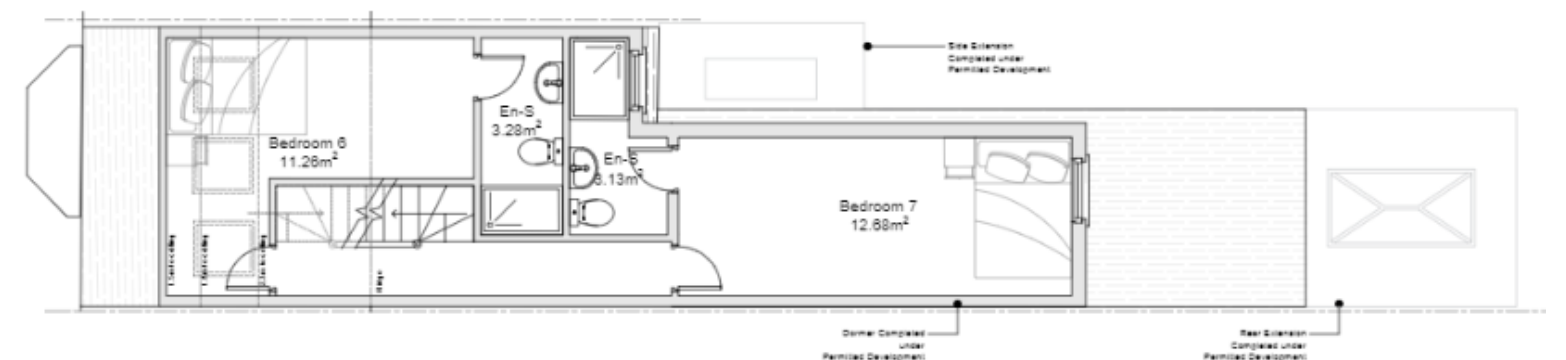
GROUND FLOOR PLAN

SCALE 1:50



FIRST FLOOR PLAN

SCALE 1:50



LOFT PLAN

SCALE 1:50

Room	Area Provided	Required Standard
Bedroom 1 (Single use)	10.1m ²	10m ²
Bedroom 2 (Single use)	11.9m ²	10m ²
Bedroom 3 (Single use)	10.5m ²	10m ²
Bedroom 4 (Single use)	10m ²	10m ²
Bedroom 5 (Single use)	11.1m ²	10m ²
Bedroom 6 (Single use)	11.2m ²	10m ²
Bedroom 7 (Single use)	12.7m ²	10m ²
Communal Kitchen/Dining area (ground floor)	25.8m ²	22.5m ² (22.5m ² if all bedrooms exceed 10m ²)
Ensuite bathroom 1	2.76m ²	2.74m ²
Ensuite bathroom 2	2.76m ²	2.74m ²
Ensuite bathroom 3	2.75m ²	2.74m ²
Ensuite bathroom 4	2.93m ²	2.74m ²
Ensuite bathroom 5	2.86m ²	2.74m ²

Ensuite bathroom 6	3.28m2	2.74m2
Ensuite bathroom 7	3.13m2	2.74m2

The Officer Report of 31st January summarised the one objection comment received from a neighbour. Upon reading the objection again, the comments should have been more fully reported. The additional summary comments are included below in italics, added to the already-reported comments.

- Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- Increase in noise *through the walls, which is already an issue;*
- *Character of the area is not right for 'professionals';*
- *the proposed extension should not extend too far, and consider a possible new arrangement of boundary fence/wall;*
- *when would the work be carried out and how long would it take?*
- *Could use the car park at the end of the road for construction parking.*

Officer response: the re-purposing of the property would likely require modern noise insulation and so actually reduce noise transmission for neighbours. The character of the area would not be materially affected by two extra residents. The extensions would be Permitted Development, and the matter of a boundary wall or fence could be discussed with the Applicant outwith the planning application process, as would information about when the works would take place. The applicant would make any necessary arrangement for construction parking/skip with the City Council's highways team.

CONCLUSION

The proposed increase in occupancy of two persons is unaffected by the amended plans, and Officers remain of the view that the increase in occupancy does not amount to a material change that requires planning permission. And with effects on other factors such as parking, noise, community mix also unaffected by the plan changes set out above, the commentary and Recommendation set out in the Officer Report of 31st January remains unchanged:

RECOMMENDATION Unconditional Permission

Conditions: None

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ORIGINAL REPORT FOR THE PLANNING COMMITTEE MEETING OF 31st JANUARY 2024:

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to Cllr Vernon-Jackson's call in.

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

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

1.3 Site and Surrounds

- 1.4 The application relates to a two-storey, mid-terrace property located on the eastern side of Tottenham Road. The property is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden.
- 1.5 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.
- 1.6 The HMO use of this site currently benefits from a Licence granted by Portsmouth City Council to operate as an HMO with up to 5 occupants. This licence was granted on 22/08/2023.

1.7 The Proposal

The Applicant has sought planning permission for the change of use of the dwelling from the current lawful use as an HMO with up to five individuals living together to allow up to seven individuals to live together as an HMO. The property would also be extended under Permitted development rights, with a Ground Floor side extension, Ground Floor rear extension, and roof extensions.

1.8 Planning History

23/00103/FUL- Change of use from House in Multiple Occupation (Class C4) to purposes falling within Class C3 (dwelling house) or Class C4 (House in Multiple Occupation).
Conditionally Permitted

13/00159/FUL - Change of use from house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)
Permitted

2.0 **POLICY CONTEXT**

- 2.1 In addition to the aims and objectives of the National Planning Policy Framework (2023), the relevant policies within the Portsmouth Plan (2012) 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 - 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.
- 3.2 Highways Engineer - No objection. Highlights that there would be no increase in parking requirement (2 spaces). Cycle store is outlined within the rear garden and considered sufficient.

4.0 REPRESENTATIONS

4.1 1 objection received, summarised as:

- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems
- b) Increase in noise.

5.0 COMMENT

5.1 The main issues to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

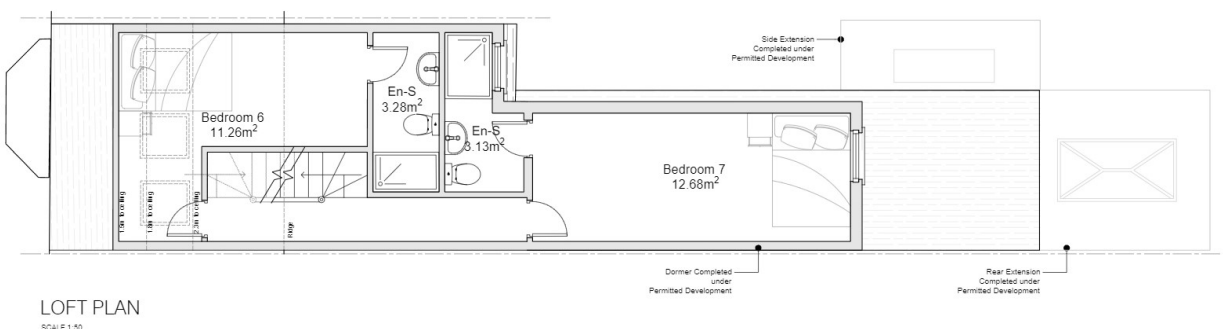
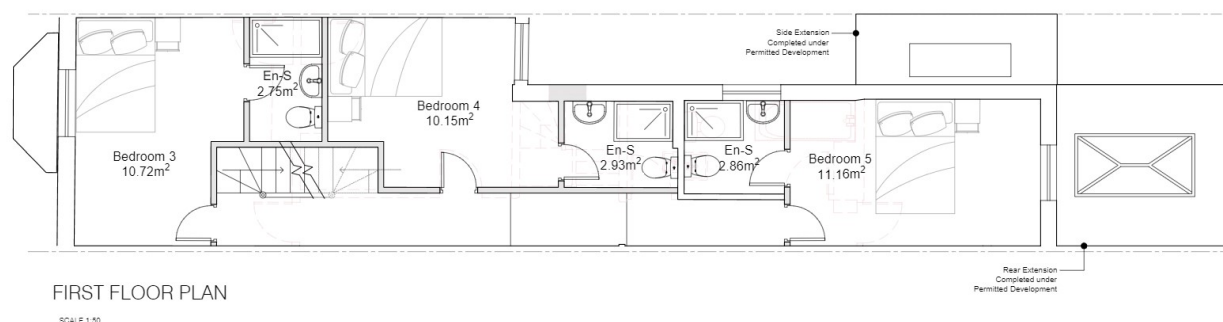
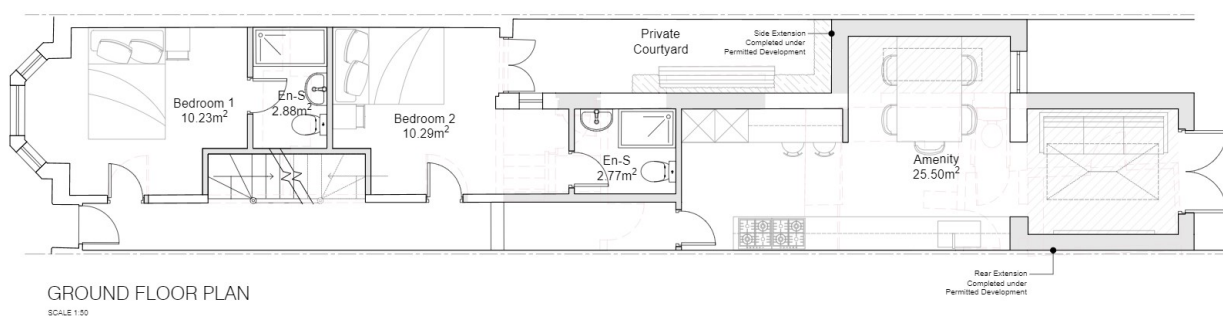
5.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

5.4 In this case the application site is already in lawful use as an HMO and the application has been made to recognise the intention to increase its occupation by 2 occupants. As such the application is not considered, on its individual facts to create any material impact on the balance of the community in the area. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as a maximum proportion of HMO dwellings to C3, single household, dwellings. As the minor increase in occupancy does not change this mix of dwellings the proposal has no impact on this guidance. For reference, it can be noted however that the relevant 50m radius area is currently made up of 13 HMOs out of 73 properties, a percentage of 17.8%. This proposal of course has no effect on that percentage. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a number of HMOs next to each other. As this proposal does not involve the creation of a new HMO these considerations are not brought into effect.

5.5 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 measured by the Case Officer and as compared to the minimum size prescribed in the Council's adopted guidance:

Room	Area Provided	Required Standard
Bedroom 1 (Single use)	10.1m ²	6.51m ²
Bedroom 2 (Single use)	10.1m ²	6.51m ²
Bedroom 3 (Single use)	10.5m ²	6.51m ²
Bedroom 4 (Single use)	10m ²	6.51m ²
Bedroom 5 (Single use)	11.1m ²	6.51m ²

Bedroom 6 (Single use)	11.2m2	6.51m2
Bedroom 7 (Single use)	12.7m2	6.51m2
Communal Kitchen/Dining area (ground floor)	25m2	22.5m2 (22.5m2 if all bedrooms exceed 10m2)
Ensuite bathroom 1	2.88m2	2.74m2
Ensuite bathroom 2	2.77m2	2.74m2
Ensuite bathroom 3	2.75m2	2.74m2
Ensuite bathroom 4	2.93m2	2.74m2
Ensuite bathroom 5	2.86m2	2.74m2
Ensuite bathroom 6	3.28m2	2.74m2
Ensuite bathroom 7	3.13m2	2.74m2



5.6 As is shown in the table above, the proposal results in an internal layout that meets the Council's adopted space standards and is therefore considered to result in a satisfactory standard of living environment. Aside from size alone, layout and light appears acceptable.

5.7 Amenity and Parking

5.9 The proposal would increase the occupancy of the existing HMO by 2 occupants. While this would have a proportionate increase in activity within and coming and going from the property this small 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.

- 5.10 Amended plans were received during the application process to increase the level of outlook for bedroom 2, whilst retaining adequate amenity space in the kitchen/lounge room. A private courtyard area has been added. It should be acknowledged that the side extension to the kitchen/diner would benefit from permitted development rights, with a width of less than half the original dwellinghouse and not projecting beyond the original rear wall.
- 5.11 Similarly the minor increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Consequently, the proposal remains in accordance with the Council's adopted guidance on parking provision.
- 5.12 Other Material Considerations
- 5.13 A key and overriding consideration in this case is the necessity to recognise the fall-back position available to the applicant; that is the position they could take if this application is refused. In this case the addition of only 1 occupant to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not to be carried out, except with planning permission. However, not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the Town and Country Planning Act 1990 'development' is defined as making of a *material* change in the use of any buildings or land. Whether or not a change is a material change is a matter of fact and degree to be assessed on its own merits. Members will note a number of joint appeal decisions, the 'Campbell Properties' appeal dated 29 April 2021, and the 'Lane' appeal decision dated 9 March 2023 wherein the Inspector considered a number of similar changes of use and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to 6 occupants to an occupancy up to 7 occupants, and a change in occupancy from up to 6 occupants to an occupancy of up to 8 occupants was not considered to be a material change of use notwithstanding it moved the classification of the dwellings outside of Use Class C4 of the Use Classes Order. While every application must be considered on their own individual merits these examples provide clear guidance on the correct interpretation of s55 of the TCPA and that appeal decision is considered to be a material consideration in the determination of similar applications. Members may also note the previous decisions of Portsmouth's Planning Committee which have contrary to Officer recommendation determined similar changes in occupation amounted to a material change in use, primarily due to a conclusion that due to the intensity of the use of the accommodation; the impact on parking, waste, amenity impact upon neighbouring residents; and the impact on the Solent Special Protection Area the changes considered in those cases on their own individual merits amount to development requiring planning permission. The 'Lane' appeal decisions of 9 March 2023 were against three such Planning Committee decisions and the Planning Inspector in those case disagreed both with the judgement of the Committee and was critical of the justification, noted above, as a basis for that judgement
- 5.14 In the circumstances of the case the subject of this report it is considered that the increase in occupancy does not result in a significant difference in the character of the activities that would occur under the proposed occupation compared to the existing lawful use as a HMO with up to five occupants. As such it is considered that the change

of use is not material and planning permission is not required for the increase in occupancy described in the application. The Applicant therefore has a fall-back position of being able to lawfully carry out the change in occupation without the benefit of Planning Permission.

5.15 Should it be considered necessary to assess the merits of the application, notwithstanding the advice of Officers' above, the Committee's attention is drawn to the current 5 year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due to the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of additional bedspace of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harms associated with the increase in occupancy in this area are considered to be insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of bedspaces, should such assessment be considered necessary.

5.16 Impact on Special Protection Areas

5.17 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development the applicants above fall-back position would allow the occupation of the site without Planning Permission. As such it is considered that the proposal would not amount to development and therefore not have a Likely Significant Effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

6.0 CONCLUSION

6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. However, notwithstanding the compliance or otherwise of the proposal with the policies of the Local Plan it is noted that on the details of this case the changes in the character of activities are not sufficiently significant, as a matter of fact and degree, to be considered to result in a material change in the use of this property. As such planning permission is not required and the proposal could be carried out as a fallback position irrespective of the determination of this application. This is considered a material consideration of overriding weight, and unconditional planning permission should therefore be granted.

6.2 Should the Committee conclude, contrary to this recommendation, that the change in occupation, as a matter of planning judgement, fact and degree in this specific case results in a material change of use requiring planning permission then they should consider whether permission should be granted with conditions. In such a circumstance, as the merits of the proposed use comply fully with the relevant policies of the Local Plan and associated guidance, the Committee would need to consider whether to resolve to grant permission, subject to the imposition of conditions requiring implementation of the additional occupancy within 3 years (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition), and requiring that that increased occupancy should not occur until an

appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.

RECOMMENDATION

Unconditional Permission

Conditions: None

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Agenda Item 11

23/01544/FUL

WARD: COPNOR

82 CHICHESTER ROAD PORTSMOUTH PO2 0AH

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

[23/01544/FUL | Change of use from C3 dwellinghouse to a 7-bedroom/7-person House in Multiple Occupation | 82 Chichester Road Portsmouth PO2 0AH](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Pittmann

RDD: 11.12.2023

LDD: 06.02.2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a call-in request from Cllr Fazackarley, Cllr Swann & 12 neighbour objections.
- 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 southern side of Chichester Road 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.
- 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 would 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)
- Second Floor - Two bedrooms (both with a shower, toilet and handbasin ensuite).

3.3 The Applicant has stated that works to extend the property will be undertaken under permitted development (without the need to apply for planning permission). These works include a single storey side/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.

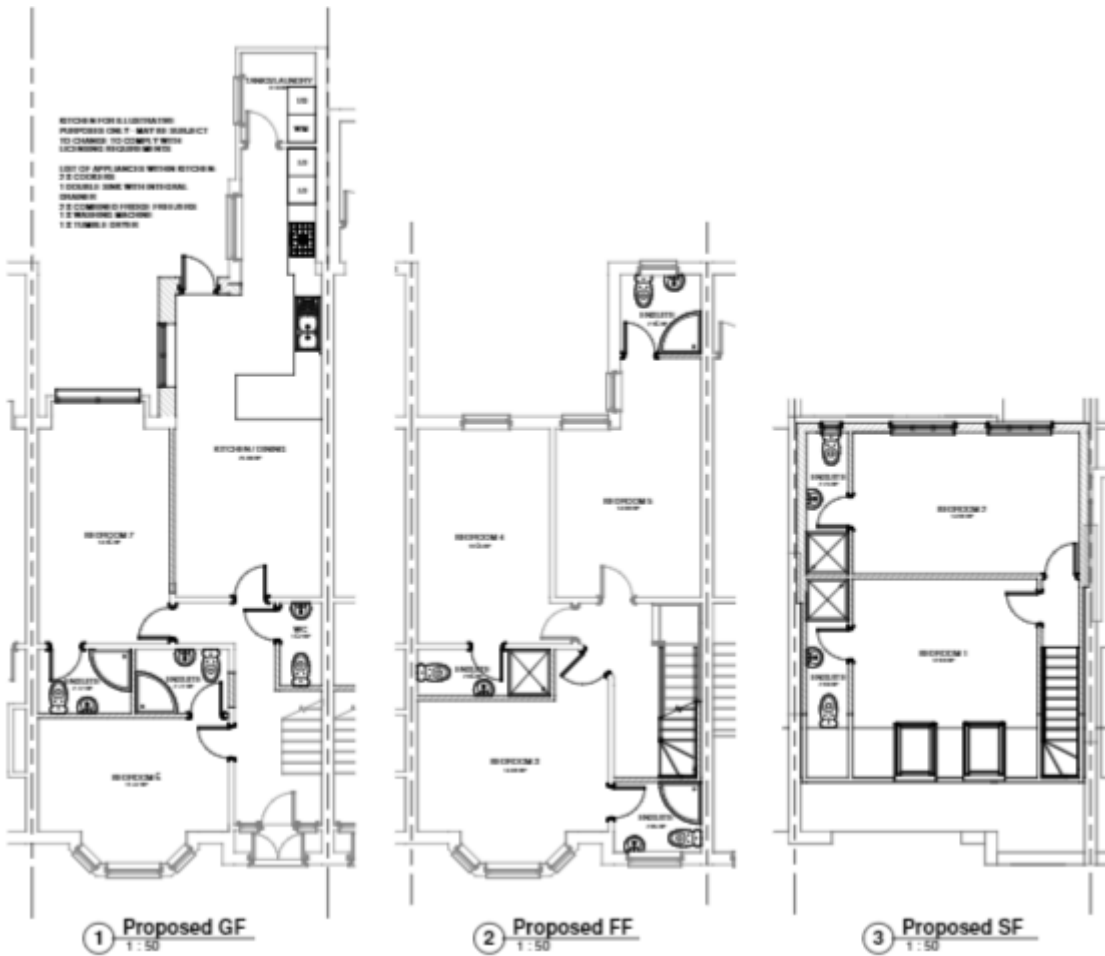


Figure 2 Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

4.1 There is 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 (2023), 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 relevant to the assessment of this application includes:

- National Planning Practice Guidance (updated in 2023)
- 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. Chichester Road is a residential road with bus stops and amenities in close proximity on London Road. Given the additional of up to five bedrooms, there is therefore the potential for increased instances of residents driving around the area hunting for a parking space, however this an issue of residential amenity for you to consider in your determination of the application. It is not considered that size of development would lead to a material impact to the function of the highway.

The proposal does indicate secure cycle storage spaces within the rear garden and therefore this storage should be implemented prior to occupation of the new residential units.

7.0 REPRESENTATIONS

7.1 Fourteen objections been received in response to the application including one from Cllr Darren Sanders, and one from Cllr Benedict Swann.

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

- a) Increase in noise and disturbance;
- b) Increase in crime and anti-social behaviour;
- c) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- d) Undue strain on local services and infrastructure, including the sewage, drainage, waste management and Doctors/Dentists
- e) Concerns about impact on community and loss of family dwelling
- f) Extension will block light and limit privacy through overlooking to neighbouring property.
- g) Loss of property value
- h) Inaccuracy of HMO data

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 3.31 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.

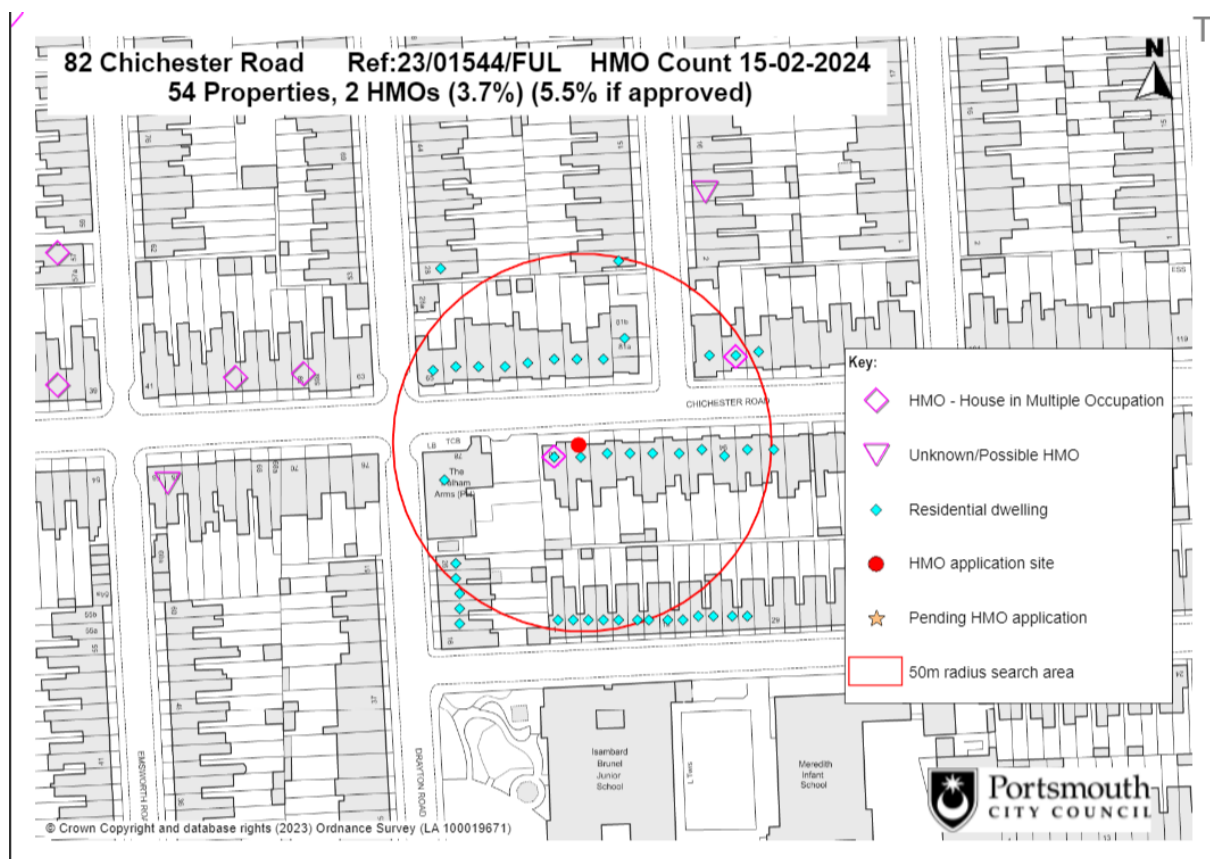
HMO Policy

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).

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 54 properties within a 50 metre radius of the application site, 2 property has been identified as an HMO in lawful use. Therefore, the existing number of HMOs equates to 3.7% of the properties within the search area. The addition of the application property would result in one additional property being an HMO within the 50m radius (5.6%) which falls below the 10% threshold limit above which an area is considered to be imbalanced.
- 8.8 In addition to the HMO plan as shown below, a full check of planning history of properties within the 50m radius has also been undertaken, tallying with the data in the HMO map with no additional HMOs found and therefore no inaccuracies have been identified with the data as collated.



- 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 measure by the planning officer, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 second floor (Single use)	14.85m ²	10.00m ²
Bedroom 2 second floor (Single use)	12.7 m ²	10.00m ²
Bedroom 3 first floor (Single use)	13.9 m ²	10.00m ²
Bedroom 4 first floor (Single use)	13.2 m ²	10.00m ²
Bedroom 5 first floor (Single use)	13.7 m ²	10.00m ²
Bedroom 6 ground floor (Single use)	11.4 m ²	10.00m ²
Bedroom 7 ground floor (Single use)	14.2 m ²	10.00m ²
Shared WC (Ground Floor)	1.55 m ²	1.17m ²
Communal Kitchen/Dining area (ground floor)	25.25 m ²	22.5m ² (because all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	2.75m ²	2.74m ²
Ensuite bathroom for bedroom 2	2.9m ²	2.74m ²
Ensuite bathroom for bedroom 3	2.85m ²	2.74m ²
Ensuite bathroom for bedroom 4	2.86m ²	2.74m ²
Ensuite bathroom for bedroom 5	2.96m ²	2.74m ²
Ensuite bathroom for bedroom 6	2.77m ²	2.74m ²
Ensuite bathroom for bedroom 7	2.77m ²	2.74m ²
Tanks/Laundry Room (ground floor)	3m ²	N/A - additional/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 the Council's adopted space standards in accordance with your HMO SPD. This states at para 2.6, 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.
- 8.14 All habitable rooms have good access to natural light and in addition, a rear garden also provides external amenity space for the residents.
- 8.15 All the 7 bedrooms would have ensuite facilities, with an additional shared WC on the ground floor providing acceptable sanitary facilities for occupants and visitors. The accommodation therefore would provide a suitable overall arrangement of sanitary facilities.

8.16 Impact on neighbouring living conditions

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 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.

8.18 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.

8.19 All alterations to facilitate additional living accommodation are to be undertaken using permitted development, which the property benefits from. The side/rear extension measures 1.75m in additional width. Historic maps have been checked, and it appears the rear addition was existing in 1947 and therefore the half width is applicable only to the extended part, and not the total cumulative width. Any objections in regards to overlooking or loss of light from the rear extension and dormer would not be material planning considerations as these works can be carried out without the need for planning permission.

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. 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.

8.23 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 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 Councils 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 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.
- 8.25 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.
- 8.28 Other matters raised in objections
- 8.29 Loss of property value is not a material planning consideration and cannot be given weight in the decision-making process.
- 8.30 Impact on Special Protection Areas
- 8.31 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.
- 8.32 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.33 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.
- 8.34 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 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:

- Location Plan TQRQM23300111349611
- Sui Gen Plan - Dwg No. PG. 8170 · 23 · 4

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 side/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.

Informative

- a) 2 x 360 litre bins are required for a 7 bed HMO. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.
- b) Please be aware that an HMO license may be required. HMO licenses are assessed against new standards that may differ to those used in the Planning process and you are therefore advised to check the licensing requirements and standards prior to occupation. For more information, and to find out about our landlord accreditation scheme please contact the City Council's Private Sector Housing Team using the details below: Email: housing.privatesector@portsmouthcc.gov.uk Postal address: Private Sector Housing, Portsmouth City Council, Civic offices, Guildhall Square, Portsmouth, PO1 2AZ. Phone Number: 023 9284 1659

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73 MARGATE ROAD SOUTHSEA PO5 1EY

APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED USE AS A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION

[23/01584/CPL | APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED USE AS A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION | 73 MARGATE ROAD SOUTHSEA PO5 1EY \(PORTSMOUTH.GOV.UK\)](#)

Application Submitted By:

Mrs Chris Pipe
Planning House

On behalf of:

Mr Briscoe

RDD: 19th December 2023

LDD: 20th March 2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before the Planning Committee at the request of the Councillor Vernon Jackson.
- 1.2 The sole issue for consideration in the determining of this application is whether the increase from six occupants to seven occupants in an existing Class C4 House in Multiple Occupation would result in a material change of use as defined under s55 of the Town and Country Planning Act 1990 and therefore whether planning permission is required.
- 1.3 Site and surroundings
- 1.4 The application site is a two storey terraced dwelling with rooms in the roof in a predominately residential area.

2.0 PROPOSAL

- 2.1 This application seeks to demonstrate that increasing the number of occupiers in an existing lawful HMO by one to make it a seven person House in Multiple Occupation (HMO) would not result in a material change of use and therefore would not require planning permission.

2.2 Plans - Existing and Proposed Floorplans.



2.3 Relevant Planning History

2.4 The Local Planning Authority (LPA) refused application reference 23/00905/FUL for Change of use from 6-bed/6-person House in Multiple Occupation to 7-bed/7-person House in Multiple Occupation in November 2023. It was considered that:

- The development hereby proposed is development constituting a material change of use due to the impact on parking, increase in waste, noise and antisocial behaviour.

Further:

1. *The proposed development does not provide a suitable living environment for future residents as the insufficient space/layout of two bedrooms will place undue pressure on the small size communal living area. This is contrary to policy PCS23 of The Portsmouth Plan 2012 and the Houses In Multiple Occupation Supplementary Planning Document (2019).*
2. *The proposal, in combination with other housing developments in the city is considered to have a likely significant effect on the conservation objectives of relevant designated sites. This impact, caused by recreational disturbance and increase nitrate production has not been mitigated and planning permission should therefore be withheld in accordance with the Habitats Regulations in accordance with guidance within the Solent Recreation Mitigation Strategy and Updated Interim Nutrient Neutral Strategy.*

2.5 This refusal is currently with the Planning Inspector (Ref: APP/Z1775/W/23/3335595).

2.6 20/00972/CPL: Application for a lawful development certificate for a proposed loft conversion, to include rear dormer and outrigger roof extensions the installation of 2 no. roof lights to front roofslope. Granted 22.12.2020.

2.7 20/00218/CPE: Application for Certificate of Lawful Development for the existing use as a house in multiple occupancy (Class C4). Granted 01.07.2020. Evidence submitted within the certificate showed that the property had been primarily occupied by between 4 unrelated tenants from 2011-2021.

3.0 **POLICY CONTEXT**

3.1 Not applicable.

4.0 **CONSULTATIONS**

4.1 None.

5.0 **REPRESENTATIONS**

5.1 As the application is for a Certificate of Proposed Lawfulness and not a Planning Application, no neighbour publication is required under the Council's Statement of Community Involvement.

6.0 **COMMENT**

6.1 Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not be carried out, except with planning permission. However not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the TCPA, 'development' is defined as the making of a material change in the use of any buildings or land. For a change to be material there must be some significant difference in the character of the activities from what was going on previously as a matter of fact and degree.

6.2 The Committee decision on the previous Full Planning Application is given significant weight by Officer in their assessment of whether the proposed change of use constitutes development. The reasons for considering the change to be development in this particular instance in the Committee view was due to the increase in parking, waste, noise and antisocial behaviour. Similar justifications have been provided in recent appeal decisions at 83 Margate Road (21/01287/CPE/APP/Z1775/X/22/3298877) and 127 Powerscourt Road (21/01417/CPL/APP/Z1775/C/23/3327364), in both of those instances the Planning Inspectorate took an alternative view and did not consider the change or increase in these

matters to result in a material change of use. To examine the possible matter raised they will be taken individually.

- 6.3 The use of the property under the Council's Parking standards and transport assessments SPD would be expected to provide 2 parking spaces as either a 6-person/6-bedroom or 7-person/7-bedroom HMO and therefore considered unlikely that the additional occupant would result in a material impact on parking. The require cycle storage for the site would also be unchanged.
- 6.4 The number of bins required for the property as either a 6 or a 7 person HMO would also be unchanged, the standard of 360-litre refuse bin and a 360-litre recycling bin is the same for a 6- or 7-bedroom HMO.
- 6.5 The additional bedroom is to be created within the roof space of the building. The use of the space as 1 or 2 bedrooms is unlikely to result in any demonstrable change in the level of noise for the adjacent neighbours. Further while the occupation will increase, the use of the communal space is unlikely to change in function and the addition of one occupant is therefore not considered to result in a material change to noise levels within the property.
- 6.6 There is no evidence linking higher occupation levels within HMOs of this nature to increases in anti-social behaviour.
- 6.7 It is therefore considered in the Officer's view, that in this instance, the increase in occupancy from a six-person, six-bedroom House in Multiple Occupation to a seven-bedroom, seven person House in Multiple Occupancy would not result in a significant difference in the character of the activities that would occur within the property or the character of the area. Therefore, there would not be a material change of use, and so planning permission is not required.
- 6.8 This view is supported by the Campbell Properties enforcement appeals dated 29th April 2021. The Planning Inspector considered a number of similar changes of use at six different properties and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to six occupants to seven, and a change in occupancy from up to six occupants to eight would not result in a material change of use. While the Inspector recognised the increase of one or two occupants would result in a more intensive use of the property, he was of the opinion that there would not be material effects arising from a seventh or eighth resident. The Inspector was of the opinion the change of use from a six person to seven or eight person HMO was a continuation of the existing use.
- 6.9 In a further three recent decisions, received on 9th March 2023, for applications 20/00964/FUL (123 Talbot Road), 20/00963/FUL (48 Jessie Road) and 20/00965/FUL (56 Jessie Road). The planning inspector noted the similarities with the Campbell Properties cases and agreed with the reasoning in that ruling. The inspector disagreed that the provision of an additional bedroom would result in unacceptable living conditions for current and future occupiers.
- 6.10 Two more recent certificate appeal decisions received on 20th November 2023 and 22nd January 2024, for 83 Margate Road (21/01287/CPE) and 127 Powerscourt Road (21/01417/CPL) also considered that the change of use from a 6-person/6-bedroom or 7-person/7-bedroom HMO. Both appeals where allowed, with the Inspector noting the similarities to the above cases.
- 6.11 The Council's previous decision at this site, including the conclusion that planning permission was required to increase the occupancy from 6 to 7 is a material planning consideration, however having regard to the assessment above and the fact the further listed appeal decisions are also material planning considerations, the LPA is of the opinion that increasing the number of occupants at no.73 Margate Road from six to seven persons, on the specific merits and facts of the case, would not result in a material change of use,

meaning planning permission would not be required and the proposed change of use is lawful.

7.0 **CONCLUSION**

7.1 The LPA is of the opinion that increasing the number of occupants at no.73 Margate Road from six to seven persons would not result in a material change of use as defined under s55 of the Town and Country Planning Act 1990, meaning planning permission would not be required and the proposed change of use is therefore lawful.

8.0 **RECOMMENDATION**

8.1 Grant Certificate of Lawfulness.

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Agenda Item 13

23/01599/FUL

WARD: COPNOR

165 LABURNUM GROVE

CHANGE OF USE FROM CLASS C3 DWELLING HOUSE TO 7 PERSON/7 BEDROOM HOUSE IN MULTIPLE OCCUPATION

[23/01193/FUL | Change of use from a Class C3 dwellinghouse to a 8-bed/8-person House in Multiple Occupation](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mrs Carianne Wells
Applecore Living Ltd

RDD: 16th February 2024

LDD: 16th February 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee at the request of Councillor Benedict Swann and Councillor Russell Simpson

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

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

1.3 Site and surroundings

1.3 The application site is a two-storey terraced dwelling with rooms in the roof in a predominately residential area.

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 to allow up to 7 individuals to live together as an HMO.

1.5 Planning History

1.6 No relevant applications

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

3.2 Highways provided no objections to the proposals provided cycle storage is secured by condition.

4.0 REPRESENTATIONS

4.1 26 representations have been received, objecting to the proposal on the following grounds:

- a) Lack of parking in the area;
- b) Loss of family homes
- c) Noise pollution and disruption
- d) Changes to toilet & bathing facilities, water pressure
- e) Poor building regulations/quality of work
- f) Existing unregistered HMOs;
- g) Missing' HMO's from the database/database not up to date
- h) Problems with waste management and collection
- i) Issues with brick/masonry being left in the highway

4.2 One objection raised the issue of the tree (outside no.163) in front of the property not being included in the plan. The tree is not directly in front of the dwelling and is located outside the curtilage of the dwelling. The applicant has confirmed via email that during construction the tree would not be impacted and that no materials would be stored near it.

5.0 COMMENT

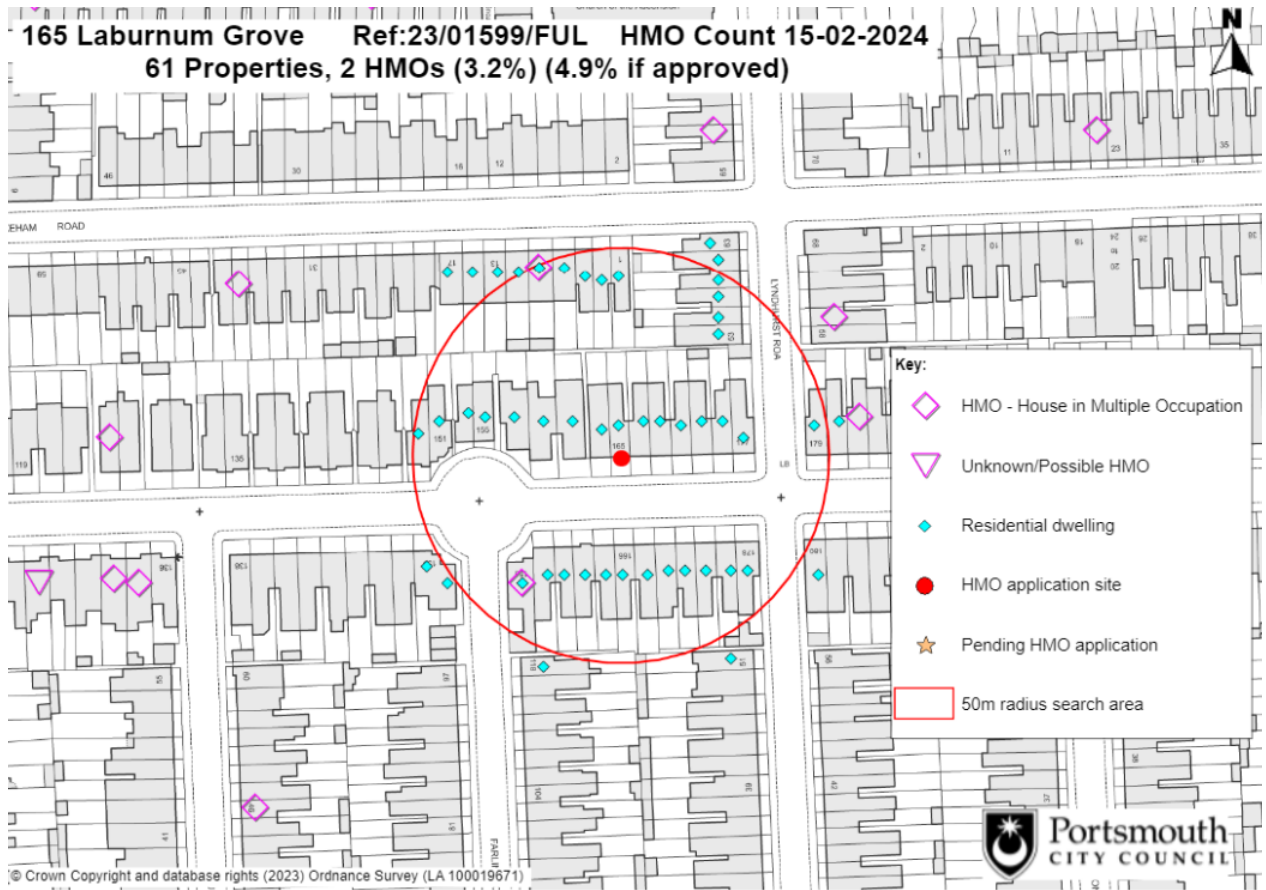
5.1 The main issue to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

5.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

5.4 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.

5.5 The HMO count plan shows there are currently 2 HMOs surrounding the property in a 50m basis. In accordance with the HMO SPD, this would be acceptable in the judgement of the application. This third HMO would give a balance of 4.9% if approved. After reviewing relevant applications in the surrounding areas, no live applications for HMOs were found within 50m of the application site.

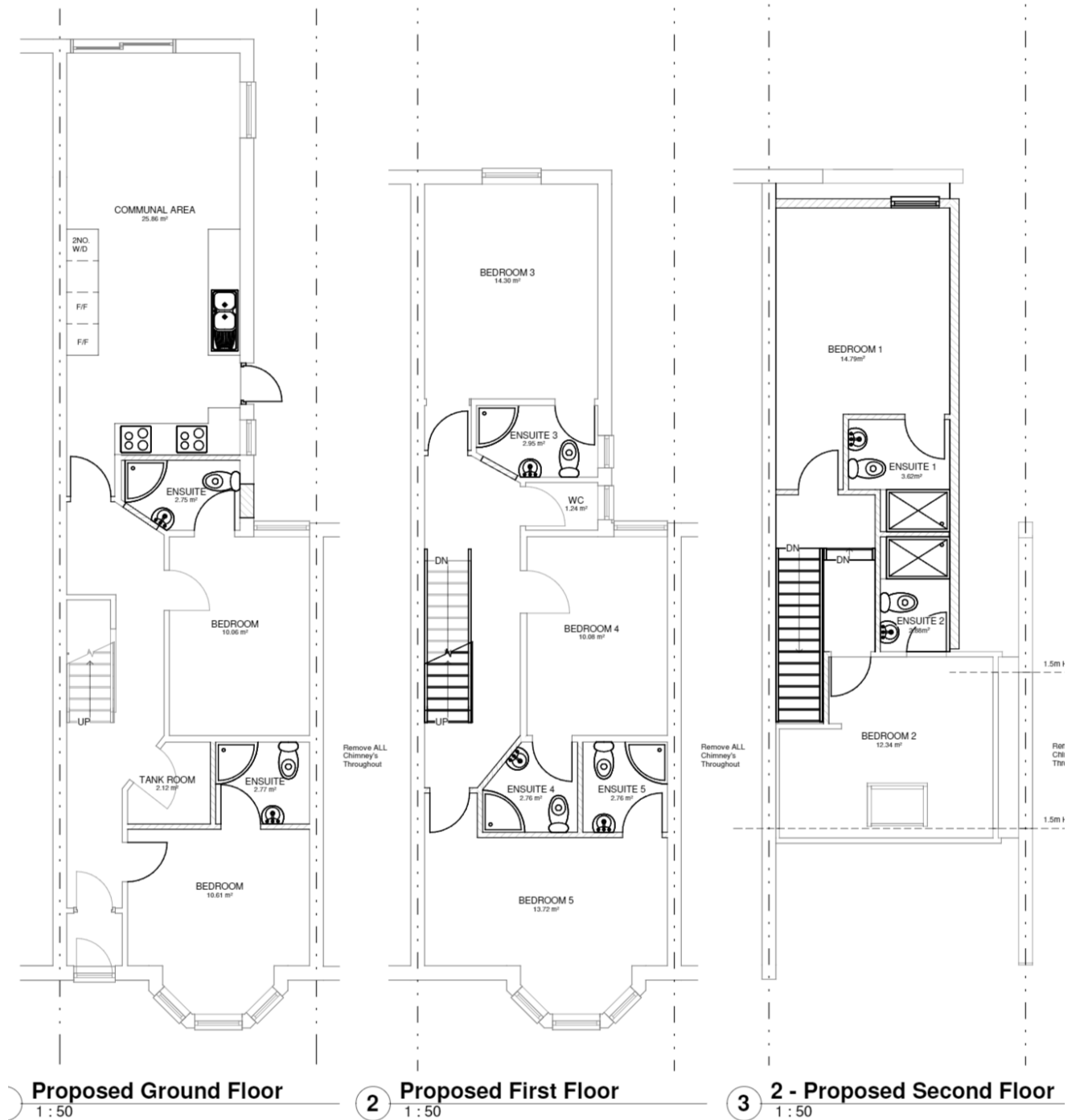


5.6

5.7 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:
Bedroom 1	14.79m ²	10.00m ²
Bedroom 2	12.34m ²	10.00m ²
Bedroom 3	14.30m ²	10.00m ²
Bedroom 4	10.08m ²	10.00m ²
Bedroom 5	13.72m ²	10.00m ²
Bedroom 6	10.61m ²	10.00m ²
Bedroom 7	10.06m ²	10.00m ²
Combined Living Space	25.86m ²	22.5m ²
Ensuite B1	3.62m ²	2.74m ²
Ensuite B2	2.88m ²	2.74m ²
Ensuite B3	2.95m ²	2.74m ²
Ensuite B4	2.76m ²	2.74m ²
Ensuite B5	2.75m ²	2.74m ²
Ensuite B6	2.77m ²	2.74m ²
Ensuite B7	2.75m ²	2.74m ²
Additional WC	1.24m ²	1.17m ²

5.8 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 the communal area. 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.



Amenity and Parking

- 5.8 The proposal would increase the occupancy of the existing dwelling by at least 4 occupants. While this would have a proportionate increase in activity within and coming and going from the property this small 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. Compared to the existing C3 use, more activity would again be expected, but not at a level that can objectively be described as resulting in demonstrable adverse effect.
- 5.9 Similarly, the increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Consequently, the proposal remains in accordance with the Council's adopted guidance on parking provision.

Other Material Considerations

- 5.11 It has been raised that the HMO data in Laburnum Grove is inaccurate and there are several unregistered HMOs in the surrounding area. This has been investigated through planning application searches and corresponding this with the licencing database and it is not believed that there are any extant permissions that are not represented within 50m of the application site.
- 5.12 In the circumstances of the case the subject of this report it must first be noted that it is considered that the existing lawful use is Class C3 and the proposed change of use to a 7 bedroom HMO is considered to be a material change of use that requires planning permission. For the avoidance of doubt, as discussed above that change of use is considered to fully comply with the Council's Development Plan.
- 5.13 In addition the Committee's attention is drawn to the current 5 year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due to the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of additional bedspaces of occupation within the dwelling. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 3.31 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision makers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy in this area are considered to be relatively insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of bedspaces.
- 5.14 Impact on Special Protection Areas
- 5.15 Changing the use of the premises from a C3 dwelling to a 7 bed HMO will result in a likely increase in occupancy which will have an adverse impact on the Solent Special Protection Area. The application is for a Class C3 dwelling to a Sui Generis dwelling. The increase in occupancy would be 4 persons.
- 5.16 Impact on refuse and recycling
- 5.17 In Portsmouth a 7 bed HMO is provided with 720 litres of bin capacity, usually in the form of a single 360l bin for recycling and a single 360l bin for residual waste. Considering the

surrounding area and refuse capacity, there is not expected to be an identifiable harmful impact on waste collection/capacity as a result of the granting of this permission.

6.0 CONCLUSION

6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. It is recommended that permission be granted subject to the imposition of conditions requiring implementation of the additional occupancy within 3 year (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition); a cycle storage condition; and a water efficiency condition.

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:

1) Time Limit

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

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

2) Approved Plans

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: PG.8205.23.02 Sui Gen Plan, received 21st December 2023.

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

3) Cycle Storage

Prior to the occupation of the dwelling as a HMO for 7 persons, secure and weatherproof cycle storage for four or more bicycles shall be provided as shown on the approved plans and retained thereafter for the storage of bicycles. The storage shall accord with Permitted Development rights.

Reason: To provide adequate cycle storage in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

4) Water Efficiency

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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