



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 5 FEBRUARY 2025 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

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

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

Planning Committee Members:

Councillors Gerald Vernon-Jackson CBE (Chair), Judith Smyth (Vice-Chair), Richard Adair, Chris Attwell, Peter Candlish, Matthew Cordy, Hugh Mason, Derek North, Asghar Shah and Mary Vallely

Standing Deputies

Councillors Yinka Adeniran, Dave Ashmore, Raymond Dent, George Fielding, Ian Holder, Mark Jeffery, Steve Pitt, Russell Simpson, Suzy Horton and George Madgwick

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

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

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of meeting held on 15 January 2025 (Pages 5 - 12)**

- 4** **24/01117/FUL - St James Hospital, Locksway Road, Southsea PO4 8LD.**
(Pages 13 - 52)

Construction of 58 new residential dwellings (19x 2 bedroom; 35x 3 bedroom and 4x 4 bedroom) including access, parking, landscaping and other associated works.

- 5** **24/00884/DOC - St James Hospital, Locksway Road, Southsea, PO4 8LD**
(Pages 53 - 60)

Application to discharge condition 10 of planning permission 20/00204/FUL (CEMP)

- 6** **24/01134/FUL - 85 Gladys Avenue, Portsmouth, PO2 9BB** (Pages 61 - 76)

Change of use from a Class C3 dwellinghouse to a 8-bed/8-person House in Multiple Occupation.

- 7** **24/01448/FUL - 194 Laburnum Grove, Portsmouth PO2 0EU.** (Pages 77 - 88)

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

- 8** **24/01175/FUL - 275 Laburnum Grove, Portsmouth, PO2 0EY** (Pages 89 - 96)

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

- 9** **24/01375/FUL - 59 Goldsmith Avenue, Southsea, PO4 8DU** (Pages 97 - 108)

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

- 10** **24/01412/FUL - 54 Montague Road, Portsmouth PO2 0NF.** (Pages 109 - 118)

Change of use from dwellinghouse (class C3) to a 7 bed/ 7 person house in multiple occupation (sui-generis).

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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 January 2025 at 10.30 am in the Council Chamber - The Guildhall, Portsmouth

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

Present

Councillors Gerald Vernon-Jackson CBE (Chair)
Judith Smyth (Vice-Chair)
Richard Adair
Chris Attwell
Peter Candlish
Matthew Cordy
Hugh Mason
Derek North
Asghar Shah
Mary Vallely

Also in attendance

Councillor Graham Heaney to address the committee on minute number 4.
Councillor Lee Hunt to address the committee on minute numbers 4, 6 and 7.

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.

1. Apologies (AI 1)

Apologies for lateness were received from Councillors Candlish and Shah who arrived at 10.36 am and 10.57 am respectively. Councillor Attwell gave apologies as he had to leave at 1 pm.

2. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

3. Minutes of meeting held 18 December 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 18 December 2024 be agreed as a correct record.

Councillor Vernon-Jackson noted that an appeal against refusal for 24 Sussex Road (24/00671/HOU) had been dismissed.

Planning Applications

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

[Agenda for Planning Committee on Wednesday, 15th January, 2025, 10.30 am Portsmouth City Council](#)

4. 24/00966/FUL 21 Woodpath, Southsea PO5 3DX (AI 4)

Change of use from dwellinghouse (Class C3) to 2-bed assisted living home (Class C2)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report (SMAT).

Deputations

- Kay White and Scarlett Wain, residents, gave a deputation against the application.
- Helen Palmer, Head of Care, Verve Homecare, gave a deputation on behalf of the applicant, in favour of the application.
- Councillors Heaney and Hunt gave deputations against the application.

Members' questions

In response to questions, officers provided the following information as clarification:

- Verve Homecare was commissioned by Hampshire County Council (HCC).
- The staff would be on waking nights and in the sensory / staff room if not needed elsewhere.
- It was not known why that particular property was purchased.
- The Committee had duties to apply both the Human Rights Act 1998 and the Equalities Act 2010 and neither took precedence over the other as they covered different areas. Residents and those cared for both had rights.
- In response to concerns that the boarded-up window and frosted glass was an inhumane environment for the occupant as they had limited daylight, the glazing was obscured and reinforced for the current occupant who was set to move shortly. HCC and the applicant acknowledged the environment was unsuitable for the current occupier but it was an emergency placement. In terms of planning members needed to consider residential amenity but balance it with the need for privacy. With a different occupant and the right care the obscured glazing might not be needed.
- With regard to the boarded-up broken window, lack of maintenance was not a reason to withhold planning permission.
- Fear of crime could be a material consideration though was subject to much case law. Proper management of the premises should ensure that no crime took place. Officers reminded members that they had to consider the use of the building and

not cast judgement on the applicant. They had to work on the basis that the premises would be run by a competent operator.

Members' comments

- Members sympathised with HCC as they realised that external provision was only used as a last resort, which often meant the young people had very substantial needs, were incredibly vulnerable and difficult to manage.
- The lack of thought in placing a distressed young person in the property was shocking. A boarded-up broken window was not acceptable in freezing temperatures and it was possible to have clear rather than glazed strengthened glass. Members were sceptical about the way the provision was managed and there was not enough information about any new occupants though they realised management was an Ofsted issue and not a planning matter.
- A semi-detached property was inappropriate for such provision though officers said it could be soundproofed. Although there were no noise complaints registered with Regulatory Services, issues with noise had been raised at a meeting on 18 October 2023 with HCC, residents and Councillor Heaney, and then passed on to Planning officers.
- The location was inappropriate as it was in a fairly dense residential area and near sheltered accommodation for the elderly.
- There were concerns about traffic, parking and access, especially for emergency vehicles, in what was a narrow one-way street.

Councillor Shah did not participate in the voting as he had not been present for the entire duration of the agenda item.

RESOLVED that the application be refused on the grounds of noise and disturbance to local residents and the fear of crime, and harmful impacts to the highway network, due to the construction of the semi-detached property and its proximity to other neighbours, and the one-way street with limited parking. As such, the proposal conflicts with Policies PCS23 and PCS17 of the adopted Local Plan.

5. 24/00720/PLAREG Kingston House, Netley Road, Southsea PO5 3NB (AI 5)

Change of use of building to form 11 Bedroom 11 person HMO (updated description and plans received).

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report,

Members' questions

In response to questions, the Development Management Lead provided the following information as clarification:

- Some of the rooms could accommodate more than one bed so occupancy could be for more than 11 persons if Licensing agreed standards were met. However, if there were concerns a condition restricting occupancy to 11 persons could be attached.

- The calculation for communal space could be complicated as sites were all different; it could be within one room or spread over a series of rooms. However, the room sizes in the application met and exceeded space standards.

Members' comments

- The previous way of showing how many HMOs were in a 50m radius was clearer as members only needed to see other HMOs; also colours did not show in printed reports. Floor plans would have been helpful in the application.
- The property was an unusual building that had had many uses. If the change of use worked it could benefit the community and occupancy would be lower than with previous use.

RESOLVED

- 1) **That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to a Legal Agreement necessary to secure A) The mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational bird disturbance and nitrates) by securing the payment of financial contributions.**
- 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 two months of the date of this resolution.**

6. 24/01407/VOC 138 Cardiff Road, Portsmouth PO2 8BL (AI 6)

Application to vary condition 2 (approved plans) and condition 7 (occupancy limit), and to remove condition 6 (use of snug) of planning permission 24/01030/FUL

The Head of Development Management introduced the report and pointed out that the permission granted by the Committee on 23 October 2023 still stood and could not be rescinded.

Deputations

- Oliver Gooch, the applicant, made a deputation in favour of the application.
- Councillor Hunt made a deputation against the application.

Members' questions

In response to questions, the Head of Development Management provided the following information as clarification:

- Regarding concerns that it was misleading and confusing to say the floor plans were approved by the Committee on 23 October 2024, officers explained the plans were approved but with a clear condition restricting use of bedroom 6.
- Regarding a suggestion that the shower room next to bedroom 1 could be an ensuite to avoid the occupant being disturbed by other occupants, HMOs needed a set number of bathrooms and WCs, depending on the number of occupants. Officers were not in a position to restrict the arrangement and it was not

considered harmful to have a bathroom next to a bedroom; the first floor bathroom was between two bedrooms and the second floor WC was next to a bedroom. It was a common layout in houses in the city. The first floor bathroom meant occupants would not need to go downstairs.

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

7. 24/01090/FUL 41 Derby Road Portsmouth PO2 8HW (AI 7)

Change of use from a 5-bed/5-person House in Multiple Occupation to a 7-bed/7-person House in Multiple Occupation with alterations to include rear gable extension (with rooflight)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report. The application was unusual in that the proposed increased occupancy did not require planning permission but the external alterations did.

Deputations

- Carianne Wells, the agent, made a deputation in favour of the application.
- Councillor Hunt made a deputation against the application.

Members' questions

In response to questions, the Development Management Lead provided the following information as clarification:

- The proposed external alterations to the appearance of the property could be a material consideration.
- Newer thinner stone mullions would be inserted in the bay window at the front of the building to divide it. The attractiveness of one large pane would be lost but the alterations could be done well. There was already a condition to secure approved alterations for the windows. It would not be a reason for refusal.

Members' comments

- Members were generally uncomfortable with densification and the number of bedrooms squeezed into properties but had to be mindful of the National Planning Policy Framework's position on land supply. The proposal would be an improvement for occupants as it would provide ensuite rooms and extra windows so splitting the bay window was a small negative point. The property was already wider than the adjoining one.
- One member felt the proposal would desecrate a type of house that was not built any more; once they were gone they were gone forever. Bay windows of that style were not designed to be split and it would be out of symmetry with the adjoining house.

RESOLVED to grant conditional permission as set out in the officer's report and the amended condition 2 in the Supplementary Matters report.

8. 24/00478/PLAREG 60A Elm Grove Southsea PO5 1JG (AI 8)

The continued siting of shipping container for use as storage with retention of wooden roof and extraction system and construction of 2m fence at the rear of the property (resubmission of 24/00065/FUL)

The Head of Development Management introduced the report and drew attention to the Supplementary Matters report.

Members' questions

In response to questions, the Head of Development Management provided the following information as clarification:

- Although the deeds of 2, Woodpath indicated that the 9' wide access path to the service yard was in its ownership, it was not a material consideration. The proposals did not affect the layout or access. It could be that 2, Woodpath had a right of way rather than ownership. Whether the ownership and control of the land for the proposed fence was under 2, Woodpath or the applicant was not for members to decide. If consent was granted, the fence would have to be built on the location specified in the plans and if it was not on land owned by the applicant, it needed the landowner's permission. If it was built elsewhere it was unlawful. Members had to base decisions on the plans they had. Private rights were a separate matter. The Planning Lawyer reiterated that land ownership was not relevant to planning considerations and was not a reason for deferral.
- Condition 3 specified that the fence and trellis should be erected within six months of permission being granted. A condition about storing bins under the canopy was not unreasonable but might be difficult to enforce.

Members' comments

- Although it was not part of the proposals, members requested that enforcement be undertaken against the non-compliance with bin storage at the back of 62, Elm Grove as the area was a disgraceful mess. Consent had been granted for a similar application in February 2024 for the property but if it was not implemented within the timeframe the container would be unlawful.

RESOLVED

- 1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional permission, including a condition that bins be stored under the approved canopy.**
- 2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**

9. 24/01423/CPL 37 Henderson Road Southsea PO4 9JD (AI 9)

Application for a certificate of lawful development for the proposed use as 7-bed/7-person House of multiple occupation (Sui Generis)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report.

Deputations

- Joel Walker, the applicant, made a deputation in favour of the application. He had applied for Certificate of Lawful Development (CLD) as it was quicker and would save Portsmouth residents from the costs of an unnecessary appeal.

Members' questions

In response to questions, officers provided the following information as clarification:

- Members were being asked if an extra person with an increase of six to seven occupants was a material change of use requiring planning permission. In this case they were not applying a blanket assessment nor applying the HMO SPD (Supplementary Planning Document). CLDs were usually decided by officers as they were a technical matter. If they considered the increase did not require planning permission, they must grant the Certificate. If they considered the increase did require planning permission, they must refuse the Certificate.
- Officers explained the difference between a planning application and a CLD. Although small domestic extensions might not require planning permission, some people applied for a CLD as they thought the formal confirmation would be helpful, for example, when they sold the property. The planning authority could not decide on an extension's merits, only if it was lawful or not. In this case members were simply being asked to consider if one extra person was a matter that needed planning permission or not, and if not, there had to be reasons given.
- The Planning Lawyer reminded members their role was to determine S192 of the Town & Country Planning Act 1990; they could not ask the applicant to make a planning application. In response to concerns that a precedent might be set, members had to consider each CLD on the facts and in accordance with legislation so therefore a precedent could not be set.

Members' comments

- The application was unusual as increases in numbers of occupants from six to seven persons in HMOs were usually requested via a planning application; with an application for a CLD members could not make a judgement whether planning permission should be granted or not, albeit that members usually recommended approval if an application met the criteria.
- There was no information on room sizes or communal areas in the application.

RESOLVED that the Certificate of Lawfulness be granted.

The meeting concluded at 1.30 pm.

Signed by the Chair of the meeting
Councillor Gerald Vernon-Jackson CBE

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Agenda Item 4

24/01117/FUL

WARD: MILTON

ST JAMES HOSPITAL, LOCKSWAY ROAD, SOUTHSEA, PO4 8LD

CONSTRUCTION OF 58 NEW RESIDENTIAL DWELLINGS (19 X 2-BEDROOM; 35 X 3-BEDROOM; AND 4 X 4 BEDROOM) INCLUDING ACCESS, PARKING, LANDSCAPING, AND OTHER ASSOCIATED WORKS

LINK TO ONLINE DOCUMENTS [HERE](#)

Applications Submitted By:

Mr Alex King
Mission Town Planning Ltd

On behalf of:

Vistry Southern

RDD: 13th September 2024

LDD: 18th December 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee as it relates to a significant Major category development. Councillor Sanders has also requested that the application be heard at Committee.

1.2 The main considerations are:

- Principle of development;
- Housing supply, density, mix and affordable housing;
- Design and heritage;
- 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 Planning Obligations;
- Human Rights and the Public Sector Equality Duty; and
- Conclusion and planning balance.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises an area of approximately 1.98 hectares and is located within the Milton area of Portsmouth, a residential area on the eastern edge of Portsea Island, 2 miles from the City Centre.

2.2 The site once formed part of the grounds of the former 19th century Grade II listed St James' Hospital and then the former Harbour School (constructed in the 1960's but since demolished), and is accessed off of Locksway Road to the north, which connects with Milton Road (A288) to the west. It is roughly rectangular in shape, and is currently a mix of undeveloped land, demolished foundations, access road, open air paved car park, and boundary walls. It is unmanaged and unkempt, with the

foundation remains of the former modern school that once occupied the northern part of the site fenced off from the rest of the site. The undeveloped areas of the site are grassed, which is long and unmanaged, and the western edge of the site contains trees and mature vegetation. The southern and eastern boundaries are well defined with brick walls, and the western and northern boundaries are fenced. Part of the southern boundary wall is considered curtilage listed and comprises a mix of Victorian fabric with modern repairs and alteration. The car park is maintained and in use.

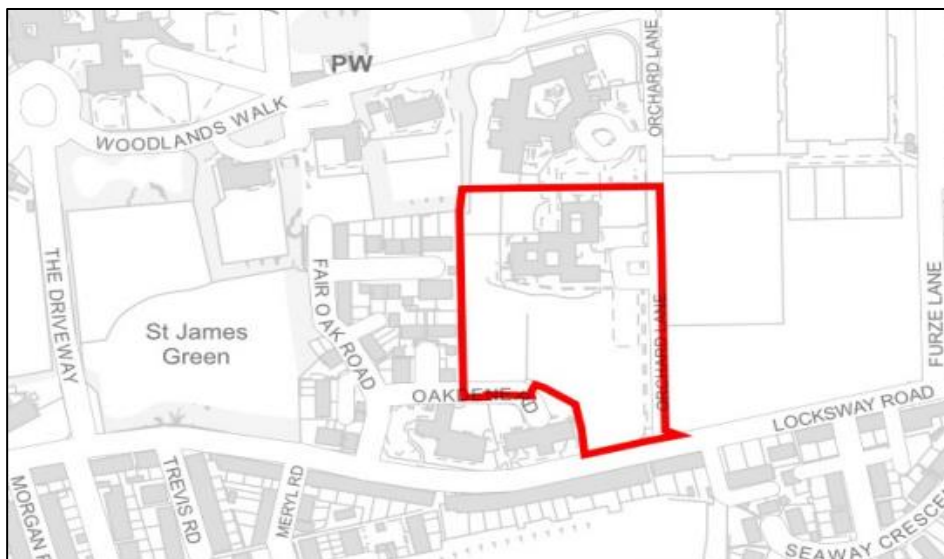


Figure 1 - Existing site plan



Figure 2 - Aerial view of site (prior to the demolition of the school building)

2.3 The site, as shown in **Figure 1** and **Figure 2** above, is owned and being put forward by Homes England. It is bounded to the north by 'The Orchards' and to the east by playing fields belonging to the Langstone Sports Site of the University of Portsmouth; to the south by Locksway Road, Oaksdene Road, and an NHS supported housing unit; and to the west by a modern housing development and the grounds of the former St. James' Hospital. St James' Park to the west of the site is identified in Saved Policy MT2 of the Portsmouth Plan as land for Public Open Space.

- 2.4 Within the wider landscape, to the north of the application site, is a mix of former hospital infrastructure, residential housing, and open space in the form of Milton Common; to the east of the site are student apartments, and a mix of private residential and commercial properties; to the south is a thin strip of residential and a sizeable allotment complex; and to the west is a mix of parkland, sports fields, and residential suburban development which continues to the heart of Portsmouth.
- 2.5 The overall surroundings of the site are predominantly liminal edge of settlement with a mixed character of recreational amenities, hospital facilities, student and private residential properties.
- 2.6 Some of the ancillary buildings associated with the former St James' Hospital are still operational and owned by the NHS. This includes the 'Limes National Health Service (NHS) Adult Mental Health unit' and 'The Orchards' which border the northern edge of the site and have access through the site, which must be retained. These buildings along with the surrounding landscape including mature trees (category B and C trees), open spaces and vistas are the key contextual features for the development to respond to.
- 2.7 The site forms part of a wider masterplan for the area. Saved Policy MT3 of the Portsmouth City Local Plan allocates the land at St James' Hospital for a mix of new mental health care development and housing. The provision of the healthcare element of this allocation has already been fulfilled through the provision of 'The Orchards' and 'Lime NHS Solent Trust' buildings to the north of the site, within the policy allocation area and these are intended to remain.
- 2.8 As well as The St James' Hospital main building and chapel, Saved Policy MT4 of the Portsmouth Plan allows for proposals that maintain and enhance the buildings, for a range of uses including healthcare, residential and educational. The site formed part of a previous outline application (ref. 18/00288/OUT) to develop a wider site, including land to the north and north-west of the site, to provide a total of 107 dwellings, which was withdrawn in September 2024 in lieu of the development now proposed.
- 2.9 The Pre-Submission Portsmouth Local Plan (2024) identifies the site as part of a wider strategic site (St James and Langstone sports campus) for development within Policy PLP8.
- 2.10 The Milton Neighbourhood Plan (2022) identifies the St James' site as a special policy area, with Policy STJ1 supporting the delivery of high quality mixed use development, including, inter alia, residential development comprising houses and apartments/flats.

3.0 PROPOSAL

- 3.1 The proposal seeks planning permission to redevelop the site to provide 58 new residential units with associated landscaping, parking, cycling and refuse storage. Of the 58 new residential units proposed, 31% (18 units) are intended to be affordable housing units.
- 3.2 The proposed development would comprise a mixture of two-storey pitched roof detached, semi-detached and terraced blocks comprising 56 houses (17 x 2-bedroom; 35 x 3-bedroom; and 4 x 4-bedroom units) and 2 flats (2 x 2-bedroom).
- 3.3 The two- and three-bedroom houses proposed would be arranged largely as semi-detached or small runs of terraces, akin to the character of the surrounding roads. The three bedroom corner turning houses would be detached with four x 4-bedroom detached houses framing the crescent. Two x 2-bedroom flats (Plots 43 and 49) are

proposed at first floor level above two detached garages ('FOG') to the northern end of the site. These units would be accessed internally via entrance doors located at ground level and accessed from the street.

3.4 **Table 1** below provides a breakdown of the proposed residential unit mix and tenure type of the proposal.

Bedrooms	Shared Ownership	Affordable Rent	Market Units	Total Number of Units
2	2	8	10	20
3	2	5	27	34
4	1	0	3	4
TOTAL	5	13	40	58

Table 1 - Proposed residential Unit Mix

3.5 The layout of the proposal, as shown in **Figure 3** below, has been created to provide a focus on the proposed central 'Orchard Park', a publicly accessible open space, with the secondary roads and mews leading to this amenity space. This would retain the trees and key natural features of the site.

3.6 The proposed dwellings would be positioned fronting the street, to create vista views with set backs to create a delineation between public and private areas.



Figure 3 - Proposed Site Plan (Drawing ref. 23.135.010 Rev B - Site Layout)

3.7 The development would be accessed from Orchard Lane which would see alterations made to the existing site access. Orchard Lane would be widened to 4.8 metres and supported by a kerb radius of 10 metres on its western side. The eastern radius would remain as existing. The footway, which is currently offset approximately 6 metres from

the carriageway would be incorporated to be adjacent to the access on the western side and would measure 2 metres wide. The existing boundary wall and gate is intended to be removed. Access to 'The Orchards' NHS Clinic would be retained and a new gate provided on the northern site boundary.

- 3.8 The main pedestrian/cycle access to the site would be via the existing site access off Orchard Lane and Locksway Road providing a direct and convenient route for residents to access local amenities and public transport links on Locksway Road. Within the development, footways would connect to a network of footpaths integrated into the site layout, including a 3 metre footway/cycleway which would run on the western part of the site between Oakdene Road, past Orchard Park and connecting to the site's internal network. The development would also benefit from the provision of a new cycle path, which also runs through the PJ Livesey site to the north (granted planning permission on appeal under ref. 20/00204/FUL). This path would provide a north-south cycle route through the site and enhance connectivity to this site, including cycle route 601.
- 3.9 A mix of parking solutions are provided across the site which includes, courtyard, street and on plot parking. In total, 87 allocated vehicle parking spaces are proposed (equating to 1.5 spaces per dwelling) together with a car club vehicle parking space next to Plot 48 and 124 cycle parking spaces for residents and visitors. Each of the dwellings would be provided with EV Charging Points. The cycle spaces associated with the 2-, 3- and 4-bedroom houses would be in the form of a shed in the rear of each garden or where rear access is not available cycle parking would be provided within the curtilage of each unit.
- 3.10 In addition to the cycle parking provision outlined above, 3 Sheffield stand short-stay cycle parking spaces would also be provided within Orchard Park on the western part of the site to support visitors to the development.

Amendments

- 3.11 During the course of the application, the following design changes and clarifications to the proposed development have been submitted. These include:
- Removal of 9 car parking spaces (a reduction from 96 to 87 spaces) with the car parking spaces being replaced with soft landscaping amenity grass shown on Drawing 23.135.010 Rev B - Site Layout submitted.
 - Update to the 'Tenure Key Plan' shown on Drawing 23.135.010 Rev B - Site Layout submitted increasing the number of proposed affordable housing units from 17 to 18 (1 x additional 2-bedroom Affordable Rent) units, an increase from 29% to 31% in affordable housing provision overall.
 - Removal of the originally proposed ornamental chimney stacks from the proposal.
 - Provision of one car club space (next to Plot 48) as shown on Drawing 23.135.010 Rev B - Site Layout submitted.
 - Provision of 3 Sheffield cycle stands within the public open space 'Orchard Park'.
 - Further ecology and drainage information submitted.
- 3.12 The above amendments do not have a material impact upon the maximum quantum of floorspace or accommodation schedule sought for approval by the application as originally submitted and registered in September 2024.

4.0 RELEVANT PLANNING HISTORY

4.1 The planning history most relevant to the determination of the application includes:

Application Site

- 18/00288/OUT - outline application for the construction of 107 dwellings including provision of vehicular and pedestrian access, public open space, and hard and soft landscaping (principles of access, layout, and scale to be considered - withdrawn on 06/09/24.

NB - This site included additional land to the NW of the current application.

- 18/00475/LBC - partial demolition of boundary wall and construction of brick pier - concurrent application still to be determined.

Neighbouring site (to the north and west) - St James Hospital (PJ Livesey site)

- 20/00204/FUL - redevelopment of former St James' Hospital comprising the conversion of listed buildings and listed Chapel to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, construction of new 2 and 3 storey housing to provide 58 dwellings, retention of cricket pitch, club house and changing rooms, provision of car parking, associated landscaping and other works (phased development) - granted on appeal (ref. APP/Z1775/W/22/3302931) on 16/08/23.
- 20/00205/LBC - redevelopment of former St James' Hospital comprising the conversion of listed buildings to provide 146 dwellings and associated works including demolition of extensions and ancillary buildings, erection of new 2 storey housing and 3 storey apartments to provide 84 dwellings, retention of cricket pitch and listed chapel, provision of car parking, associated landscaping and other works (phased development) - granted on appeal (ref. APP/Z1775/W/22/3302927) on 16/08/23.

5.0 CONSULTATIONS

5.1 The following consultation responses have been received:

Hampshire Fire & Rescue Service	<u>NO COMMENTS</u> given on the proposal.
HCC - Archaeology Advisor	<u>NO OBJECTION</u> to the proposal subject to conditions relating to archaeological investigation and mitigation as suggested being attached to any permission granted.
HCC - Ecology	<u>NO OBJECTION</u> to the proposal subject to conditions relating to ecological mitigation / enhancement measures and Biodiversity Net Gain being attached to any permission granted.
Milton Neighbourhood Forum	<u>OBJECTION</u> on the grounds of non-compliance with achieving the City's "Affordable Housing" quota; excessive parking; and for excessive biodiversity losses, within the site.

Natural England	<u>NO OBJECTION</u> to the proposal subject to appropriate nutrient and recreation disturbance mitigation as suggested being secured and a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted and agreed in any planning permission granted.
NHS Hampshire Integrated Care Board	NO OBJECTION to the proposal subject to a contribution of £35,439 towards increasing primary care infrastructure.
PCC Arboricultural Officer	<u>NO OBJECTION</u> subject to conditions relating to arboricultural site supervision, tree planting and tree retention as suggested being attached to any permission granted.
PCC CIL Team	<u>NO OBJECTION to the proposal.</u>
PCC Conservation and Heritage	<u>NO OBJECTION</u> to the proposal subject to a condition requiring the submission and approval of sample materials (including bricks, roof covering, window frames, and doors for the proposed housing typologies) being attached to any permission granted.
PCC Contaminated Land Team	<u>NO OBJECTION</u> subject to conditions relating to contamination and remediation as suggested being attached to any permission granted.
PCC Drainage Team	<u>NO OBJECTION</u> to the proposal subject to a drainage condition being attached to any permission granted.
PCC Housing	<u>NO OBJECTION</u> to the proposal and content with the level of affordable housing now being proposed.
PCC Regulatory Services	<u>NO OBJECTION</u> to the proposal subject to conditions relating to noise as suggested being attached to any permission granted.
PCC Public Health	<u>NO OBJECTION to the proposal.</u>
PCC Transport Planning	<u>NO OBJECTION</u> to the proposal subject to financial contributions towards improvements to the Strategic Cycle /Pedestrian corridor (Gosport To St James Hospital/Langstone Campus Development) 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.

Portsmouth Water	<u>NO OBJECTION</u> to the proposal. Portsmouth Water have no concerns regarding impacts to groundwater quality, as the location is outside our Source Protection Zone boundaries, and do not recommend any planning conditions to be included on the planning permission.
Sport England	<u>NO COMMENT</u> to make on the proposal. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case
The Portsmouth Society	<u>OBJECTION</u> on the grounds of non-compliance with achieving the City's "Affordable Housing" quota; excessive parking; biodiversity concerns and lack of detail on access to the green space associated with plots 43 and 49.

6.0 REPRESENTATIONS

6.1 Site Notices were displayed around the boundaries of the site on 24/09/24, a Press Notice was published on 27/09/2024 and letters were sent to neighbouring properties on 24/09/2024.

6.2 9 representations of objection to the proposal have been received. One letter did not provide a postal address. The comments raise the following concerns:

- Lack of affordable housing with the policy requirement of 30% affordable housing provision not being met.
- Overlooking and loss of privacy.
- Loss of outlook.
- Loss of trees
- Impact on ecology and bats.
- Loss of biodiversity and greenspaces.
- Overprovision of car parking.
- Increase in traffic and pressure from congestion on the existing road network.
- Increase in air pollution.
- Insufficient local infrastructure to cope with the proposed development leading to further pressure on local health services and education.
- Lack of access to NHS GP and dental surgeries.
- Concerns with impacts on the operation of The Orchards facility.

7.0 POLICY CONTEXT

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006) and the Milton Neighbourhood Plan (2022).

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- 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

Portsmouth City Local Plan (2006) - saved policies

- DC21: Contaminated Land
- MT2: Land South of St James' Hospital
- MT3: Land at St James' Hospital
- MT4: St James Hospital (Main Building)

The Milton Neighbourhood Plan (2022)

- HSG1: Housing Mix
- HSG2: Housing Standards
- EER4: Connectivity
- PLD1: Sustainable Design
- ENV1: Local Green Space
- ENV2: Green Environment and Biodiversity
- MH1: Heritage Assets
- TSP1: Highway Capacity and Impacts
- TSP2: Balanced Transport Provision
- TSP3: Footpaths and Cycling Routes
- STJ1: St James' Hospital Site

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved for Regulation 19 consultation and submission for Examination at the meeting of Full Council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- PLP1: Design
- PLP8: St James' and Langstone Campus
- PLP16: Housing Target
- PLP17: Affordable Homes
- PLP18: Housing Mix
- PLP21: Residential Density
- PLP22: Space Standards
- PLP27: Employability and Skills
- PLP31: Flooding
- PLP32: Sustainable Drainage Systems
- PLP33: Sustainable Construction and Onsite Renewable Energy

- PLP34: Renewable Energy
- PLP35: Air Quality and Pollution
- PLP37: Contaminated Land
- PLP38: Green Infrastructure
- PLP39: Biodiversity
- PLP40: Biodiversity Net Gain
- PLP41: Trees and Hedgerows
- PLP42: Solent Waders and Brent Geese Sites
- PLP43: Recreational Disturbance on International Nature Designations
- PLP44: Nutrient Neutrality in International Nature Designations
- PLP45: Open Space
- PLP46: Local Green Spaces
- PLP47: Movement and Transport
- PLP48: Access and Parking
- PLP49: Public Realm
- PLP50: Infrastructure Delivery
- PLP53: Historic Environment
- PLP54: Listed Buildings
- PLP56: Archaeology

7.3 Having regard to paragraph 49 of the National Planning Policy Framework (NPPF) and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

Supplementary Planning Documents and Guidance

7.4 The following have been adopted by the Council as Supplementary Planning Documents (SPD) and are relevant to the proposal:

- Air Quality and Air Pollution SPD (2006);
- Housing Standards SPD (2013) and Review Briefing Note (2015);
- Sustainable Design and Construction SPD (2013);
- The Solent Recreation Mitigation Strategy (2017);
- Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period) (2022);
- Parking Standards and Transport Assessments SPD (2014);
- Reducing Crime Through Design SPD (2006);
- Planning Obligations SPD (2012);
- Achieving Employment and Skills Plans SPD (2013); and
- Milton Common Local Nature Reserve Restoration and Management Framework (2015).

National Guidance

- National Planning Policy Framework (2024).
- National Planning Practice Guidance (2024).

8.0 OFFICER ASSESSMENT

8.1 The main issues for consideration in the determination of the application include the following:

- Principle of development;
- Housing supply, density, mix and affordable housing
- Design and heritage;
- 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 Planning Obligations;
- Human Rights and the Public Sector Equality Duty; and
- Conclusion and planning balance.

Principle of the development

- 8.2 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'*.
- 8.3 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 LPA 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.
- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the LPA 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.
- 8.5 In accordance with the Portsmouth Plan (2012), 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.
- 8.6 Paragraph 11 of the NPPF requires that *'decisions should apply a presumption in favour of sustainable development'*. For planning decisions, this means: *'(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect 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 policies in this Framework taken as a whole'*.
- 8.7 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 78); 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'.

- 8.8 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 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, 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 75); and areas at risk of flooding or coastal change'.*
- 8.9 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.
- 8.10 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 Portsmouth 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 Portsmouth Plan, which seeks to provide an additional 1,674 homes in the plan period (2010 - 2027).
- 8.11 The overarching stance advocated by the NPPF and Policy PSC10 of the Portsmouth Plan is a presumption in favour of sustainable development that supports densification in the city confines. The site benefits from being located within a 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.
- 8.12 Saved Policy MT3 of the Portsmouth City Local Plan allocates an area of land which includes the application site for a mix of new mental health care development and housing. Healthcare development has already been delivered by the provision of 'The Orchards' and the 'Lime NHS Solent Trust' buildings to the north of the site (outside of the application boundary for the proposed development, but within the boundary of the allocation). Although the circumstance of the whole St James Hospital site, and the potential for the future uses has evolved since the adoption of that saved policy in 2006 (the main St James' Hospital building and its immediate grounds are currently being converted and redeveloped to provide 209 new residential units under planning permission 20/00204/FUL), it was always envisaged that housing development would also form part of the former grounds as set out in the saved policy.
- 8.13 Policy STJ1 of the Milton Neighbourhood Plan supports development of the site for residential use, including houses and apartment or flats. Policy PLP8 of the Pre-Submission Portsmouth Local Plan further identifies the site as part of a wider strategic site (St James and Langstone sports campus) for a number of differing uses, but primarily housing. The change of use of the site to residential is further supported by the immediate surroundings of the site being predominantly residential in character.
- 8.14 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 58 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.

- 8.15 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 61).
- 8.16 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the most 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 78 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.
- 8.17 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 195).
- 8.18 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, mix and affordable housing

Housing supply, density and mix

- 8.19 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 strong 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.
- 8.20 However, as the Council has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.
- 8.21 The assessed housing need for the Pre-Submission Portsmouth 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.
- 8.22 Nevertheless, the Pre-Submission Portsmouth 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 PLP16 of the Pre-Submission Portsmouth Local Plan states that at least 13,603 net additional homes will be required over the plan period 2020-2040, which continues to support the provision of new housing in the City.
- 8.23 The proposal will significantly help to address the Council's housing delivery shortfall by providing 58 new homes. The units comprise a mixed range of sizes and vary from two-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. This minimum density requirement is reiterated in Policy PLP21 of the Pre-Submission Portsmouth Local Plan. The Milton Neighbourhood Plan, however, suggests a maximum density of 40dph for Milton in the sub-text to Policy HS2. The proposal provides a density of 30dph, which was previously accepted as being appropriate in the previous application on the site (ref. 18/00288/OUT) and would be in keeping with the pattern of development in the surrounding area and the Milton Neighbourhood Plan.

- 8.24 With regard to housing mix, 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"*.
- 8.25 Policy HSG1 of the Milton Neighbourhood Plan stipulates that *"residential development must include a balanced mix of house types to meet documented local need"* and encourages the provision of *"3 bed, family houses suitable for local families to move into; 1 and 2 bed homes suitable for first-time buyers and those wishing to downsize; accommodation suitable for the elderly, vulnerable or disabled persons; accommodation for single people"*.
- 8.26 Policy PLP18 further advises that *"Development proposals for residential development, including as part of a mixed-used development, will be permitted where they provide a mix of dwelling sizes to meet projected future household needs for the City"* and provides suggested approximate mixes for affordable and market housing dwellings within developments.
- 8.27 The proposals are for 58 new residential units comprising 19 x 2-bedroom; 34 x 3-bedroom; and 4 x 4-bedroom dwellings as shown in **Table 2** below.
- 8.28 The proposals would deliver 38 new family housing units (65%) and would significantly exceed the target of 40% family housing. The proposed mix is considered to be acceptable focusing on the delivery of 2 (34%), 3 (59%) and 4 (7%) bedroom units.

Bedrooms	2 bedroom	3 bedroom	4 bedroom	Total
Affordable Rent	8	5	0	13
Shared Ownership	2	2	1	5
Market	10	27	3	40
Total	20	34	4	58
Total Provision %	34%	59%	7%	

Table 2 - Proposed housing dwelling mix

- 8.29 The principle of housing development on this site, the proposed housing density and mix accords with the aims of policies PCS10 and PCS19 of the Portsmouth Plan and Policies HSG1 and PLP18 of the Milton Neighbourhood Plan.

Affordable Housing

- 8.30 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Portsmouth Plan to contribute to meeting the identified need in the city. This is reiterated in Policy PLP17 of the Pre-Submission Portsmouth Local Plan.
- 8.31 Based on the development of 58 dwellings, this would equate to the provision of 18 affordable dwellings. The proposal would deliver 31% affordable housing within the

policy compliant mix as prescribed by Policy PCS19 of the Portsmouth Plan and Policy PLP17 of the Pre-Submission Portsmouth Local Plan. The split of units and tenure will be broadly 70% Affordable Rent and 30% Shared Ownership with 13 Affordable Rent (72%) and 5 Shared Ownership (28%) units being provided. A range of sizes would also be provided including 2, 3, & 4-bed units

- 8.32 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 61). The proposal will deliver a significant number of homes (58) and contribute to a mixed and balanced community, directly responding to local and national planning objectives.

Design and Heritage

Design

- 8.33 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. The NPPF states at paragraph 131: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."*
- 8.34 At paragraph 135, the NPPF states that development should *"...add to the overall quality of the area"* and be *"...sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change"*. The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".
- 8.35 Policy PCS23 of the Portsmouth Plan 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. This is reiterated in the requirements set out in Policy PLD1 of the Milton Neighbourhood Plan. Policy PLP1 of the draft Portsmouth Local Plan requires new development to make a positive contribution design quality and place-making in the City.
- 8.36 The main hospital building, which is outside of the application site, is red brick in English bond with stone dressings built in the Byzantine Gothic style. The grounds of the hospital contain a number of ancillary buildings associated with the former mental hospital and medical use, of particular note is the chapel located to the south east of the main hospital built in the early English style and designed by George Rake and are Grade II listed buildings and built in 1879. The chapel is built in flint with a slate roof and similarly to the main hospital has stone dressings around the window and door surrounds and corners of the building.
- 8.37 The general characteristics of the context of the application site are that of domestic scale dwellings, interspersed with 2.5 storey houses and apartment blocks. The houses on Locksway Road are representative of the majority of the Portsmouth housing stock, Victorian and Georgian predominately terrace housing. With brick quoining, banding and brick and stone headers, and small forecourts, which provides a buffer between the public footpath.

- 8.38 The immediate surroundings of Oakdene Road are representative of more recent suburban housing developments. Varying in material palette, a mixture of brick styles, buff and red brick, render, and flint façades, and mostly off-road parking. There is not a dominant roof tile within the area, both red and grey tiles are used largely within the context of the site.
- 8.39 The wider surrounding area has greater variety in building form, 3 and 4 storey flat blocks are introduced within the urban fabric. Further towards Langstone harbour there are detached properties, with much larger gardens, as well as the University of Portsmouth Langstone Campus on which is a large tower block which used to be student accommodation.
- 8.40 The proposal would introduce a series of two-storey residential buildings, as shown in **Figure 4** below, that would remain in keeping with the local precedent.



Figure 4 - Proposed Orchard Park / Crescent and Spine Road Street Scenes

- 8.41 No objection has been raised by the Council's Conservation and Design officer to the proposal. Overall, the layout and design approach taken within the proposal is considered to be conventional in aspiration and conception and provides an appropriate quantum and mix of development (including green/ public space). The carriage/ footway layout of the scheme provides for a curved/ serpentine arrangement and related disposition of housing units. This is considered a positive attribute of the proposal.
- 8.42 The layout, as shown in **Figure 3** above, also provides for a quasi-perimeter-based development pattern whose grain can also be characterised as relatively loose by comparison with the pattern of earlier historic housing to the south and west of the site. These attributes are considered appropriate within the site's context and setting.
- 8.43 The proposal focuses on the central 'Orchard Park' with the secondary roads and mews leading to this amenity space. The mews style space at the heart of the scheme, the adjacent small park/ open space to the West, and the visual relationship these features could generate are also considered positive in terms of their environmental, amenity, and townscape contributions to the site. Dwellings are positioned to front the street and create vista stops with multi aspect detached dwellings on corners to highlight important junctions. The central, shared surface mews, creates a vista and strong axis and glimpse through to the retained trees in 'Orchard Park'. A mix of parking solutions are provided across the site which include, courtyard, street and on plot parking.

- 8.44 The proposed dwellings are designed to be stepped back from the road; this creates a buffer between the public and private areas (defensible frontage) and plots are positioned to create natural surveillance over the street and public space. This is achieved through active frontages onto the streets and open space, meaning people are coming and going at different times as well as people overlooking the space from inside. Plot sizes/ scales and ratios also appear consistent with a scheme of this nature and scale. Whilst some are of quite an 'unconventional' footprint and are notably lengthier and/or more modest than others, none however appear unreasonably small.
- 8.45 The new dwelling buildings proposed 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, windows and a restricted material palette.
- 8.46 Key entrance points have been celebrated by providing focal/ gateway houses with enhanced materials creating a distinctive character and easily identifiable way finding nodes. In common with most development, it is considered that the selection, specification and subsequent use of a limited, very carefully chosen range of high quality complementary materials will be critical to ensuring the overall success of the development in design terms.
- 8.47 Care should be taken to ensure both that the site itself enjoys a visual unity and coherence in terms of material selection, and that the approach taken also seeks to respond to the wider setting of the scheme in particular the Grade II listed former Hospital (in whose grounds (curtilage) the development site sits). To help secure this, the Council's Design and Conservation officer has suggested that a condition, relating to the provision of sample materials including bricks, roof covering, window frames, and doors for the proposed housing typologies, be attached to any permission granted.
- 8.48 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 Portsmouth Plan (Policies PSC13, PCS15 and PCS23), Milton Neighbourhood Plan (Policy PLD1), policy PLP1 of the draft Portsmouth Local Plan, the NPPF and local planning guidance.

Heritage

- 8.49 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).
- 8.50 Policy PCS23 of the Portsmouth 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.

- 8.51 Policy MH1 of the Milton Neighbourhood Plan further advises *"Development to refurbish or reuse designated and non-designated heritage assets will be supported, providing it preserves or enhances the assets and their settings"* and *"The original features and details of buildings should be retained where they contribute to: a) the special architectural or historic interest of listed buildings; b) the special architectural or historic interest of conservation areas; c) the architectural or historic interest of non-designated heritage buildings"*. Policy PLP53 of the Pre-Submission Portsmouth Local Plan states that *"Development proposals will be permitted where they conserve or enhance the City's heritage assets in a manner appropriate to their significance"*.
- 8.52 The application site is not located within a conservation area, nor does it contain any listed buildings. An Archaeological and Heritage Assessment has been submitted in support of the application which establishes the historic environment baseline within the site and study area. The Assessment identifies which designated and/or non-designated heritage assets have the potential for development within the site to cause change to their significance. It also assesses the potential for archaeological remains to be present within the site and the potential for impacts on these through the proposed development.
- 8.53 The Assessment concludes that one building located within the site, comprising the boundary wall of St. James' Hospital, is considered to be curtilage listed for the purposes of the Assessment, Whilst this wall meets the criteria to be considered curtilage listed, its individual significance is considered to be no more than moderate, considering that it has not previously been identified as worthy of listing in its own right. The proposal would result in a small level of harm, at the low end of 'less than substantial', through removing open ground in the south-east of the site that reflects the historic setting of the boundary wall.
- 8.54 The NPPF requires that clear and convincing justification is provided in instances where development would result in harm to a designated heritage asset (Paragraph 213). Furthermore, in the case of 'less than substantial' harm, as in this instance, the harm would need to be outweighed by the public benefits of the proposals (Paragraph 215). Otherwise, the proposal is not identified as resulting in harm to the significance of any other designated heritage asset.
- 8.55 Within the surrounding 1km study area, 18 designated heritage assets were initially identified for consideration within the Assessment, but it was concluded that the proposal would not affect their significance either.
- 8.56 The Council's Conservation and Design officer has raised no objection on heritage grounds to the proposal and agrees with the findings of the Archaeological and Heritage Assessment.
- 8.57 In summary, it is considered that the changes brought 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 the identified asset *overall*.
- 8.58 In light of this it is important in policy terms to note that impact of the proposal is considered '**less than substantial**' in conservation heritage terms.
- 8.59 The proposal 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 215 of the NPPF. These benefits are considered to be:

- New Homes - delivery of 58 new homes provided in a range of sizes and contributing to a mixed and balanced community, with sustainable transport connections and public open space;
- 8.60 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.
- 8.61 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

- 8.62 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)*"¹ and in the Council's Parks and Open Spaces Strategy (2012 to 2022).
- 8.63 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 PLP22 of the Pre-Submission Portsmouth 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. Policy PLP1 of the Pre-Submission Portsmouth Local Plan states that "*development proposals will be refused where they give rise to unacceptable adverse impacts in relation to the amenity of neighbouring occupiers as well as future occupiers/users of the development.*"
- 8.64 Policy HSG2 of the Milton Neighbourhood Plan also states "*housing, including apartments, must have access to external amenity space in the form of gardens, shared private space, shared open space in close proximity, and/or external balconies*".

Living Conditions of Future Occupiers

- 8.68 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' ranging in size from 77.7sqm (2-bedroom flats) to 108sqm (4-bedroom houses).
- 8.69 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 all (with the exception of the two, 2-bedroom flats) would be designed to accessible standard (M4(2)). This aligns with development plan policy which sets a target for 5% of all newly built dwellings to be wheelchair accessible homes.
- 8.70 In terms of the physical layout of the site, there is adequate separation provided between the proposed buildings to ensure that satisfactory levels of 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.
- 8.71 All homes would have access to private and communal amenity space, in the form of private gardens, Orchard Park and the landscaped grounds of the site. In order to ensure that the privacy of residents is protected at ground floor level, details of boundary treatment / defensible space for these units would be secured by condition.
- 8.72 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 guidance and planning policy.
- 8.73 The proposals would provide spacious and high-quality accommodation for future occupiers in accordance with Policy PCS19 of the Portsmouth Plan and Policy HSG2 of the Milton Neighbourhood Plan.

Impact on amenities of adjoining residential properties

- 8.74 With regard to any impact on neighbouring amenity, the only residential properties that might be impacted, are those to the west of the site on Cheriton Road, and Oakdene Road. However, retention of the tree and landscape buffer on the western boundary and location of the green space as proposed would mitigate any discernible impact from the site.
- 8.75 The proposal has been very carefully designed to ensure that these neighbouring properties do not have their amenity inhibited. The orientation of the proposed dwellings within the application site being parallel to their neighbours ensures the proposal would not appear visually overbearing or result in any undue overlooking or loss of light or privacy to neighbouring residential properties. While there will inevitably be change for neighbours, the proposal has sought to ensure that any impact would be minimal and be acceptable in planning terms.
- 8.76 It is recognised that that there is the potential for some level of light pollution arising from the development. However, it is not considered light generating from the dwellings would be unreasonable given they are expected to be used in a normal residential fashion. It 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.

Impacts on other adjoining uses

- 8.77 In the 3rd party objections, a representation has been received on behalf of the adjoining Orchards facility which provides NHS in-patient mental health services for adults. This raises concerns with potential overlooking into patient spaces and gardens from the proposed dwellings and also if extended upwards into the future.
- 8.78 The layout of the Orchards indicates that along the southern boundary adjoining the site are a car park and an enclosed compound with the buildings set further north into the site. The properties closest to the northern boundary are a short terrace of 2-storey properties at Plots 40 - 42 in the north-east corner. These properties face east-west and from their rear elevations would have oblique views towards the Orchards at 1st floor level. There is a similar terrace in the north-west corner at Plots 54 - 58 with a similar relationship to the adjoining site.
- 8.79 The plots at 43 - 47 sit at an angle to the northern boundary. The nearest 1st floor bedroom window would be at Plot 44 which would be approximately 10m from the boundary. This would face the Orchards car park. Further west, there would be approx. 17m from the rear 1st floor windows of Plot 47 to the southern boundary of the Orchards.
- 8.80 The concerns raised have been given due consideration. In terms of later upwards extensions from loft conversions to the proposed properties, this would not alter the distances set out above. Otherwise, the scheme provides separation distances which are considered to provide acceptable privacy in a residential context. Regard has been had to the layout of the Orchards as set out above and that the objection does not indicate a minimum distance below which operation of the facility might be compromised. In the circumstances, it is considered that based upon separation distances and oblique views, the relationship between the two sites is acceptable.

Transport and Highways

- 8.81 Paragraph 109 of the NPPF seeks to locate development in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emissions and improve air quality and public health. The NPPF and local policies PCS17 of the Portsmouth Plan and PLP47 of the Pre-Submission Portsmouth Local Plan also promote travel by way of walking, cycling and public transport, rather than reliance upon the private car.
- 8.82 Policies, TSP1, TSP2 and TSP3 of Milton Neighbourhood Plan and Policy PCS17 of the Portsmouth Local Plan state development proposals should not have a significant or unacceptable impact on highway safety or the existing road network, should make vehicle parking provision in accordance with the adopted standard and take up opportunities to enhance accessibility for non-motor vehicles.
- 8.83 A Transport Statement (TS) and interim Travel Plan (TP) have been submitted in support of the application outlining the acceptability of the development when considered from a transport perspective.

Existing transport conditions

- 8.84 The site is bounded by residential properties to the west, playing fields to the east and the medical building to the north. The adjacent carriageway roads are single lane and are subject to a 20mph speed limit. All these roads benefit from footpaths

and street lighting. There are bus stops located within walking distance of the site, one of which is located immediately outside the site on Locksway Road. This is served by the No.13 service which operates on an hourly service and provides access from the Baffins to Portsmouth City Centre.

- 8.85 Fratton Railway Station is located approximately 2.5kms from the site providing links to the neighbouring urban settlements and further beyond including London.
- 8.86 In terms of cycle infrastructure, National Cycle Network Route 222 is located adjacent to the site, which runs along Milton to Hilsea and then connecting to NCR 2 heading towards Hayling Island.
- 8.87 The Manual for Streets Guidance (2007) suggests walkable neighbourhoods are typically characterised by having a range of facilities located within 800m walk. The CIHT guidance on 'Providing for Journeys on Foot' (2000) also identifies 2,000m as the preferred maximum walking distance for commuting and schools and 1,200m to other destinations. Table 1 in the Transport Statement (TS) outlines that a number of these facilities and amenities are at or above the maximum distance. It therefore considered the development should contribute to the cycle/pedestrian infrastructure to encourage a modal shift away from the private motor vehicle.
- 8.88 A commensurate financial contribution towards cycle/pedestrian infrastructure improvements within the Strategic Cycle / Pedestrian corridor (Gosport To St James Hospital/ Langstone Campus Development) is considered to be appropriate and would be secured by s106 legal agreement in any permission granted.

Access Arrangements

- 8.89 The proposal would be accessed by all modes from the existing access point on Locksway Road. The existing access point would be amended to allow a widening to 4.8 metres and would be supported by a kerb radius of 10 metres on the western side. The eastern radius would remain as existing.
- 8.90 The footway, which is currently offset approximately 6 metres from the carriageway would be incorporated to be adjacent to the access on the western side and would measure 2 metres wide. In terms of internal arrangements within the site, several bellmouths would be created, a 2m footway would be installed adjacent to the highway, a new cycle path link and associated traffic calming along Orchard Lane.
- 8.91 No objection has been raised by the Council's Transport Planning team to the proposals, subject to confirmation being provided as to whether the roads would be adopted. In addition, some further detailed highway works would need to be undertaken to demonstrate pedestrian infrastructure within the site (i.e. crossing points), details of which would be secured by condition in any permission granted.

Parking

- 8.92 The TS submitted references both the Parking Standards set out in the Portsmouth Plan and Milton Neighbourhood Plan within Table 3, as replicated in **Figure 6** below, and provides details of the current local car ownership statistics. The Portsmouth Plan parking standards, as referenced in Policy PCS17, indicate that 89 allocated spaces and 9 visitor spaces, a total of 98 parking spaces, should be provided. Policy TSP2 of the Milton Neighbourhood Plan, however, indicates that the proposal should provide a lower provision of 82 parking spaces for residents with no standards for visitors being set.

Number of Bedrooms	Requirement per Unit	Number of Units	Required Provision
PCC's Parking Standards			
2	1.5	19	28.5
3	1.5	35	52.5
4	2	4	8
Visitor	10% of the total number of parking spaces (8.9)		
Total			98
Milton Neighbourhood Plan Standards			
2	1.25	19	23.75
3	1.25	35	43.75
4	1.75	4	7
Total			82
Table 3: PCC and Milton Parking Standards			

Figure 6 - Portsmouth Plan and Milton Parking Standards

- 8.93 The proposal, as originally submitted, included a total of 88 allocated parking spaces and 8 visitor spaces, totalling 96 spaces. Following amendments to the site layout to accommodate additional soft landscaping, to comply with Biodiversity Net Gain requirements, this provision has been reduced to 87 allocated spaces and would bring the site more in line with the parking requirements set out in Policy TSP2 of the Milton Neighbourhood Plan. This revised figure would be below the Portsmouth Plan standards (by 7 spaces) but 5 spaces above the Milton Neighbourhood Standard and is considered to be acceptable. Where there is potential conflict between adopted policies, the established position is that the most recently adopted document - in this case the Neighbourhood Plan - will take precedence. It is not considered the parking level proposed would result in unacceptable impact that would justify a reason for the refusal given the applicants have followed the principles set out in Paragraph 112 of the NPPF.
- 8.94 The proposal would also benefit from an allocated car club space (to be provided next to Plot 48) to help mitigate some demand from the private motor vehicle. This would be secured by condition in any planning permission granted and provided once the development is occupied.
- 8.95 In term of cycle storage, 124 spaces would be provided in accordance with policy either in the form of a shed in the rear of each garden or where rear access is not available, cycle parking would be provided in the curtilage of each unit. In addition, a small number of Sheffield stand short-stay cycle parking spaces (3 spaces) would also be provided within 'Orchard Park' on the western part of the site to support visitors to the development.

Highway capacity and safety

- 8.96 In order to assess the movements associated with the proposed land use, the TS has used historic data for the current lawful use and has used TRICS to establish the proposed trip generation for the new development. It is noted by the Council's Transport Planning team that a number of assumptions have been made by the applicants (which the transport team has questioned), in particular that trips are currently lower because of Covid 19 and the closure of the wider St James Hospital site. Notwithstanding this, the latest survey data along Locksway Road has been reviewed which show that during peak hours 410 vehicles and 390 (AM and PM respectively) travelled along Locksway Road.
- 8.97 The TRICS outputs outlined that during the AM peak, 31 additional vehicle trips would occur, and the PM peak vehicle trips would be 26 vehicles. Compared to current flows along Locksway Road, this would result in approx. 7% increase in traffic during those peak periods. It is not considered that this increase in traffic

would result in a cumulatively severe impact to warrant refusal of the application as outlined by Paragraph 116 of the NPPF.

- 8.98 Accident data analysis has also been undertaken of the network in the vicinity of the site covering the most recent five-year period. The data reveals that there has been only one collision within the vicinity of the proposed site access. Although several collisions have been recorded on Locksway Road, the severity was recorded as light. Based on the low number of collisions, and the fact that there are no clusters, it is considered that there are no known highway design features that contribute to the occurrence of accidents in the vicinity of the network.

Servicing, Fire and Deliveries

- 8.99 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.
- 8.100 Refuse collection would be undertaken in line with the bin carry distances identified in the Manual for Streets guidance for refuse collectors and residents. Where necessary, Bin Collection Points (BCP) have been provided to assist collection.
- 8.101 Fire tender access to all dwellings would be achieved within 45 metres of the highway and would not require emergency vehicles to reverse more than 20 metres, in line with Building Regulation requirements.

Travel Plan

- 8.102 As part of the redevelopment proposals, a Travel Plan (TP) has been prepared. The TP 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.
- 8.103 The TP sets the following objectives:
- Reduce single occupancy vehicle trips and their subsequent impact on the local road network;
 - Maximise the opportunities for travel by alternative means;
 - Promote pedestrian and cycle routes both on and off-site;
 - Promote local public transport; and
 - Ensure safe and easy access for all site users
- 8.104 Meeting these objectives will help achieve a development that has a high standard of sustainable travel practices and a decreased reliance on the private car, thus reducing the impact of car travel on the local road network.
- 8.105 Whilst the submitted TP has covered the key matters, prior to occupation of the development, a detailed final 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)

- 8.106 The TS has demonstrated that the proposal would not have any severe transport impacts. Overall, Officers are satisfied that, subject to the above conditions suggested and the proposed obligations within the s106 agreement, the proposal 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

- 8.107 Policy PCS13 of the Portsmouth 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*".
- 8.108 The proposal incorporates a sensitive landscape design approach knitting together the proposed buildings within a mature tree canopy and well-designed landscape as shown in **Figure 5** above. Several mature trees would be retained, where appropriate, instantly providing a mature and attractive landscape setting. In addition, in the heart of the proposal, the open space 'Orchard Park' centres on the existing mature trees and would offer future residents a high quality publicly accessible communal amenity space area with seating, a picnic area, and play for young children. The careful placement of a small, landscaped mound would provide naturalistic separation between the play space and seating areas.
- 8.109 Along the main road through the development, a low post and rail fence, with ornamental planting behind, would offer privacy to future residents while ensuring a consistent landscape treatment. The boundaries of the site, and relationship to the surrounding properties has been carefully considered. On the southern boundary proposed structural planting softens the appearance of the existing fence and on the western boundary the existing vegetation, being an important ecological corridor, has been retained.
- 8.110 New parking areas are to be integrated well within the overall site, with several pocket green spaces comprising pleasing 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.
- 8.111 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 Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan.
- 8.112 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, near the site boundaries and in small clusters within the site..
- 8.113 An Arboricultural Development Statement, including a Tree Survey and Tree Protection Plan, have been submitted in support of the application. The emphasis of the Statement is predominantly that of preservation and tree protection. It identifies methodologies to provide protection for trees, to ensure their healthy and safe retention during the post development, as guided by BS5837:2012 and current best practice.

- 8.114 The proposals include the removal of generally British Standard Category C and U trees, with the exception of a single Category B tree, with the U category trees needing to be removed for good site management, regardless of development.
- 8.115 Eighteen trees, one group of trees and the partial retention of a further two groups would be retained within the development layout.
- 8.116 The removal of twenty six trees and the partial removal of a further three groups would be required as part of the development layout. Of these twenty six individual trees, one is moderate grade (Category B), twenty two are low grade (Category C) and three are considered to be of poor grade (Category U). The three groups and hedge to be removed are considered to be of low grade classification.
- 8.117 A comprehensive soft landscaping scheme has been designed to enhance the biodiversity of the site and will in time mature with the development to provide long term tree cover. A specimen Lombardy Poplar has been included within the pocket park (Orchard Park) as a reference to the significant number of Poplars planted historically in the grounds of St James Hospital. An information board would be provided nearby to provide reference to the relevance of this species to the site.
- 8.118 The intended planting strategy takes into consideration the position and orientation of the planting areas, the character created by the species selection, achieving year-round interest in the landscape, and the soil conditions of the area. Ornamental planting mixes with smaller plants have been specified to front garden plots, with different mixes for sunny and shady front gardens. Public areas, such as planting along fences, have mixes which comprise mainly larger, structural species. The sensory features of different species was considered when selecting planting for the central open space. Particularly for the planting beds around the play area, an ornamental planting mix featuring tall grasses was selected providing an additional playful element and filtered views. The evergreen *Osmanthus x burkwoodii* hedge is proposed as a softer boundary treatment where separation between front gardens is required.
- 8.119 A variety of trees have been selected to provide a subtle variation in character. This not only responds to the surrounding context but also provides a more resilient and biodiverse landscape. *Carpinus betulus* 'Lucas' is proposed along the main road, where possible, providing structure with a neat, narrow canopy. On the south east corner of the open space, the feature tree *Tillia cordata* 'Winter Orange' is selected for its striking autumn colour. Specimen multi-stem trees are dotted around the open space, complimenting the existing mature trees.
- 8.120 No objection has been raised by the Council's Arboricultural Officer to the proposal. Conditions relating to landscaping (tree planting, pruning and retention), tree protection and arboricultural site supervision, as suggested would be attached to any permission granted. The intended tree removals would not have a significant adverse impact on amenity and will be substantially compensated for by the individual new trees and planting shown in the Landscape Masterplan submitted and to be secured by condition.
- 8.121 Overall, the proposal ensures the long-term preservation of trees within the conservation area and removes predominantly poor quality Category C and U trees, and provides significant replacement tree planting, which is entirely considered to be compliant with Policy PCS13 of the Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan

Appropriate Assessment, ecology and biodiversity

- 8.122 The application is supported by a Preliminary Ecological Appraisal Report, Bat Survey, Biodiversity Net Gain Assessment and Nutrient Neutrality Note.

Appropriate Assessment

- 8.123 Pursuant to the [Conservation of 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.
- 8.124 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 overriding public interest and if the necessary compensatory measures can be secured.
- 8.125 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;
 - [Chichester and Langstone Harbours SPA and Ramsar](#) - Qualifying features: breeding and nonbreeding species, including dark-bellied Brent gees and waterbird assemblage;
 - [Solent and Dorset Coast SPA](#) - Breeding tern species
 - [Solent Maritime SAC](#) - Coastal features: major estuary hosting *Spartina* swards and salt meadows.
- 8.126 The Preliminary Ecological Appraisal Report submitted by the applicant states that there are six internationally important wildlife sites within the 5km desk study search area, three Special Protection Areas, two Ramsars and one Special Area for Conservation. There are three nationally designated wildlife sites within 2km, two Sites of Special Scientific Interest and one Local Nature Reserve. Additionally, there are six non-statutory sites of local importance within 1km, five Sites of Importance for Nature Conservation and one Road Verge of Ecological Importance within 1km.
- 8.127 There are records of a range of protected or notable species in the locality, including birds, invertebrates, terrestrial mammals, flowering plants and terrestrial reptiles, together with five Priority Habitats: Deciduous Woodland, Mudflats, Coastal Saltmarsh, Coastal and Floodplain Grazing Marsh and Lowland Dry Acid Grassland.
- 8.128 The application site comprises 1.98 hectares of informal landscaping and grounds associated with the former Harbour School now demolished. A large area of grassland with sections of woodland, scrub, tall forbs and scattered trees dominate the southern and western extents. The north and east comprises sealed surfaces in form of building foundations and an access road. The wider landscape is characterised by dense urban development, interspersed with green spaces particularly to the north, south and west. (Chichester and) Langstone Harbours Site

of Special Scientific Interest / Special Protection Area / Ramsar and Solent Maritime Special Area of Conservation lie approximately 264 metres south-east of the survey area. No ponds lie within 500 metres of the survey area.

- 8.129 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 0.2 km 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. Subject to recreational pressure mitigation being secured ('Bird Aware'), the LPA as competent authority does not consider there to be likely adverse effects upon breeding tern populations within the designated Solent and Dorset Coast SPA.
- 8.130 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.
- 8.131 For the nutrient levels (the Shadow Habitat Regulations Assessment states that there will be an excess nutrient budget of 76.85 kg TN per year as a result of the development), 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.
- 8.132 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, the Council is satisfied that the development would not harm the integrity and coherence of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the HRA to go beyond the appropriate assessment stage to consider alternative solutions to the project as currently proposed.

Ecology and Biodiversity

- 8.133 The NPPF (paragraph 193) states that when determining planning applications, the Council should apply the following principles:
- a) *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 reasons⁷⁰ and a suitable compensation strategy exists; and

- c) 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 reasons⁷⁰ 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.*

- 8.134 Policy PSC13 of the Portsmouth 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.
- 8.135 Policy ENV2 of the Milton Neighbourhood Plan states "*Development should wherever possible protect and enhance Milton's local green environment including wildlife habitats and corridors, green spaces, trees and woodland spaces. Development must achieve biodiversity net gain*".
- 8.136 A Preliminary Ecological Appraisal report (PEA) and a Biodiversity Net Gain Assessment and accompanying metric (BNG) have been submitted in support of the planning application. The majority of the site is of low ecological value comprising predominantly grassland, shrubs, trees and sparse vegetation. However, significant constraints to development have been identified including designated sites and the potential presence of nesting birds, roosting / commuting / foraging bats and reptiles.
- 8.137 Recommendations are made within the PEA for further ecological surveys and impact assessment to determine the value of the site for these species and to formulate a suitable mitigation strategy. Precautionary and ecological protection measures are recommended on an interim basis to enable offences under the relevant legislation to be avoided, along with recommendations for ecological enhancement post-construction as summarised in the report. The measures proposed would 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 of the Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan.
- 8.138 HCC Ecology have raised no objection in principle to the proposal. 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. A condition requiring the suggested ecological enhancement measures and mitigation, as referenced above, to be undertaken is also considered to be appropriate and would be attached to any permission granted.

- 8.139 The proposal incorporates the creation of wildflower areas and the planting of individual trees and soft landscaped areas. 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 bird boxes, bat tubes and boxes, bee bricks, reptile habitat piles and hedgehog highways to allow travel through boundary treatments into the wider area.
- 8.140 The BNG assessment and supporting Metric identifies an anticipated calculated net loss of -7.82 habitat units, equivalent to -52.23%, associated with the current development proposals. Mitigation can however be off site as set out and allowed for within the BNG regulations and in line with Natural England's guidance if compliance cannot be achieved on-site. The offset could be on an accredited and identifiable site being developed and secured in conjunction with Wild Capital¹. The applicant has agreed to a condition requiring a 10% BNG net gain to be provided on-site or alternatively offsite if this is not achievable. 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.
- 8.141 The proposed development will deliver improvements 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.
- 8.142 Subject to the above conditions and securing the necessary 10% BNG, the proposed development will provide a significant and measurable improvement in the site's ecology and biodiversity in accordance with Policy PSC13 of the Portsmouth Plan and the NPPF (paragraphs 193 and 194).

Flooding and Drainage

- 8.143 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' risk of flooding from surface water.
- 8.144 However, the Council's published Strategic Flood Risk Assessment data shows that in long term the site is predicted to be affected by the rise in sea levels in the future, due to the effects of climate change with parts of the west and south of the site failing within flood zones 2 & 3 by 2115. The submitted Flood Risk Assessment acknowledges this and the applicant has engaged with the Environment Agency who have advised that their data has been updated and the Environment Agency (EA) has confirmed that the entire site remains within flood zone 1 in both the defended and undefended scenarios in 2115. This represents the lifetime of the development (100 years) for residential under the National Planning Practice Guidance on flooding.

¹ <https://wild-capital.co.uk/>

- 8.145 Policy PCS12 of the Portsmouth Plan comprises a flood risk management hierarchy which will Assess, Avoid, Substitute, Control and/or mitigate flood risk. An FRA (including Addendum), incorporating a 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.
- 8.146 The site has been assessed from tidal, surface water (pluvial), groundwater and reservoir flooding. The summary of residual flood risk is shown below:
- Fluvial and tidal flooding is considered to be at low risk.
 - Surface water flooding is considered to be at very low risk.
 - Groundwater flooding is considered to be at very low risk.
 - Reservoirs flooding is considered to be unlikely.
- 8.147 The existing site is brownfield, therefore discharge rates are proposed to be restricted to greenfield rates to improve the existing conditions.
- 8.148 Shallow groundwater levels were encountered during site investigations; therefore, infiltration is not considered viable. The proposals for surface water drainage are to attenuate on site using geo-cellular crates and discharge to the nearest Southern Water sewer at greenfield rates using a complex flow control.
- 8.149 The revised drainage proposal submitted would restrict the surface water discharge rate to Q_{bar} (2.82 l/s), providing significant betterment from the existing “do-nothing” brownfield rate of 8.35l/s, which is generated from the pipes connected to the existing building on site.
- 8.150 Additional rain gardens have been provided within the layout and would help to increase biodiversity net gain (BNG) and water quality. Runoff from portions of the roads shall be directed towards rain gardens, tree pits, and where possible existing trees.
- 8.151 Driveways and parking spaces shall be Type C permeable paving systems to provide attenuation, source control and increase water quality uplift. A non-return valve is proposed at the demarcation manhole to prevent any risk of on-site flooding in-case of a surcharge in the Southern Water network.
- 8.152 Further communication has been conducted with Southern Water regarding the capacity of their network and the proposed connection point. While discussions are ongoing, it should be noted that, under the Water Industry Act 1991, Southern Water, as the sewerage undertaker, is obligated to provide a connection to the proposed site regardless of capacity constraints. It is Southern Water’s responsibility to carry out the necessary network upgrades to accommodate the development, following the granting of planning permission. This development forms part of an allocated site; therefore, it is expected that Southern Water will include provisions for the discharge of the development within their network upgrade plans.
- 8.153 In accordance with the drainage hierarchy outlined in Building Regulations Part H, the practicability of discharging surface water into the surface water sewer located in Oakdene Road has been assessed. However, as detailed in the submitted FRA Addendum, discharging into this sewer is not a viable solution as it would require the surface water to be pumped, which will pose as a flood risk to surrounding dwellings should the pump not be operational. As such, the proposal is to discharge into a combined sewer.

- 8.154 No objection has been raised by the Council's Drainage Team / LLFA to the proposal subject to conditions relating to flooding and surface water drainage 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

- 8.155 Policy PCS15 of the Portsmouth Plan seeks sustainable design and construction in all development. Building design should maximise solar efficiency and development should include recycled construction material. This is reiterated in Policy PLD1 of the Milton Neighbourhood Plan and Policies PLP33 and PLP34 of the Pre-Submission Portsmouth Local Plan which encourage development to provide a fabric first approach following the principles of the energy hierarchy seeking to achieve a reduction in carbon emissions and opportunities to provide low carbon, heating and cooling systems.
- 8.156 An Energy and Sustainability Statement has been submitted in support of the application. It is proposed that the development would be designed to incorporate all applicable guidance contained within Policies PCS15 and PLP33 relating to carbon dioxide emissions reductions and the construction of highly efficient and sustainable buildings which seek to minimise energy demand and CO₂ emissions as well as considering sustainable construction methods. The Statement provided demonstrates how the proposed development would deliver lower energy and water use, lower associated global warming potential (GWP) carbon dioxide equivalent (CO₂e) emissions and lower operational costs than a Building Regulations compliant design, with an energy performance certificate (EPC) rating of B.
- 8.157 It is also proposed that the dwellings would be constructed following a Fabric First approach to meet, and exceed the current Building Regulations, with insulation standards, thermal bridging and air leakage all improved beyond the minimum compliance standards. In addition, consideration would also be given to building design, passive solar design and energy efficiency site layouts where possible, together with the installation of low carbon energy systems to further reduce carbon emissions arising from the development to ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy, and where necessary 'allowable' solutions in accordance with Policy PCS15 and PLP33.
- 8.158 As well as a building fabric first approach, the development would be constructed in timber frame and heated by highly efficient combi gas boilers delivering lower cost energy. Every dwelling will also include photovoltaic arrays varying in size depending on house type to meet ADL 2021 regulatory standards. This would contribute positively towards keeping energy costs low for future occupants. Every dwelling would also be provided with an electric vehicle charging point. The statement provided clearly demonstrates how the scheme would accord with Policy PCS15 of the Portsmouth Plan, Policy PLD1 of the Milton Neighbourhood Plan and Policies PLP33 and PLP34 of the Pre-Submission Portsmouth Local Plan.
- 8.159 Overall, the proposed development will exceed the sustainable design and construction standards set out within Policy PCS15 of the Portsmouth Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

Archaeology

- 8.160 Paragraph 202 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Paragraph 207 requires applicants to describe the

significance of a heritage asset sufficiently to *"understand the potential impact of the proposal on their significance"*.

- 8.161 An Archaeological and Heritage Assessment has been submitted in support of the application which assesses the potential for archaeological remains to be present within the site and the potential for impacts on these through the proposed development. The archaeological element of the Assessment concludes that there is a low potential for the proposal to impact upon any archaeological remains of significance. Archaeological remains most likely to be present were considered to be of a negligible level of archaeological interest, and do not justify a detailed assessment. As such, it concludes there is no reason why a planning application should not be treated favourably in terms of archaeology. This is in line with relevant national and local planning policy, specifically Policy PCS23 of the Portsmouth Plan.
- 8.162 No objection has been raised by The Council's Archaeological Advisor subject to further archaeological investigations and mitigation 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 with an approved archaeological Written Scheme of Investigation.
- 8.163 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)

- 8.164 The NPPF, paragraph 201 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 196, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in paragraph 197, the responsibility for securing a safe development rests with the developer and or landowner.
- 8.165 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 196 of the NPPF.

Community Infrastructure Levy (CIL) and Planning Obligations

CIL

- 8.166 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 and 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).

- 8.167 The proposal would result in the creation of 58 new dwellings totalling 5474.41sqm of GIA floorspace. The likely CIL chargeable amount will be £982,079.70. A CIL Form 1 was submitted with the application, but the estimate is based on proposed floor plan measurements. The additional 116.6sqm of GIA floorspace from the figures provided is due to the garages in the FOG units not being included. The application indicates an intention to apply for CIL Social Housing Relief, any claim will need to be validly applied for and granted in accordance with the CIL Regulations 2010 (as amended). It will be important to note that no commencement of development should occur prior to any CIL relief matters being fully resolved.
- 8.168 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.

Planning Obligations - s106 Heads of Terms

- 8.169 The applicant has indicated a 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.
- 8.170 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.
- 8.171 As such the applicant has indicated a willingness to make financial contributions and those that are considered to meet the statutory tests are:

Obligation	Requirement / Financial Contribution	Trigger
Affordable Housing provision	Provision of 18 affordable housing units comprising 13 affordable rent (8 x 2-bedroom and 5 x 3-bedroom) units and 5 shared ownership (2 x 2-bedroom; 2 x 3-bedroom; and 1 x 4-bedroom) units as shown on drawing number 23.135.010 Rev B - Site Layout.	Not to occupy 50% of the open market dwellings until all affordable rent and shared ownership units completed and ready for occupation.
Bird Aware Contribution of £47,490	Bird Aware financial contribution of £47,490 towards mitigating the recreational impact of the development on the Portsmouth and Chichester and Langstone Harbours Special Protection Areas (and also the more recently designated Solent and Dorset Coast SPA) pursuant to the Solent Recreation Mitigation Strategy published by the Partnership for South Hampshire in 2017 (as amended and updated), and current tariff for 1 April 2024.	Prior to first occupation of the development.

Nutrient Neutrality Mitigation	Nutrient Neutrality Mitigation - In combination effects to reserve Nutrient Neutrality Mitigation credits equal to 76.85 kg/TN/year in perpetuity to mitigate the impact of adverse effects arising from the occupation of the Development in respect of nitrogen and phosphorous input into the Solent Marine Habitat Sites period.	Submission of Nutrient Neutrality Measures prior to commencement of development and not to occupy any dwellings prior to such credits being secured in perpetuity and confirmed in writing.
Public Open Space, Play space and Management Scheme	<p>Provision of the public open space (meaning the Amenity Grass, Species Rich Grass and Planted Beds) within the development as shown on drawing ref DR-0001 Rev S4-P9 - Landscape Masterplan submitted and Management Scheme (including the establishment of a Management Company) to manage it.</p> <p>Provision of the play space in Orchard Park within the development in accordance with the Open Space Specification shown on drawing refs DR-0001 S4-P7 - Landscape Masterplan and DR-0005 Rev S4-P4 - Play Area Proposals submitted.</p>	Submission and agreement of Management Scheme details prior to first occupation of the development.
Strategic Cycle / Pedestrian corridor improvement contribution of £35,155	To provide a financial contribution payment of £35,155 towards cycle/pedestrian infrastructure improvements within the Strategic Cycle / Pedestrian corridor (Gosport To St James Hospital/ Langstone Campus Development).	Prior to first occupation.
Employment and Skills Plan	Submission of a draft Employment and Skills Plan 6 weeks prior to building work commencing and a final Plan to be submitted and agreed prior to commencement of development.	Submission of a draft Employment and Skills Plan 6 weeks prior to development commencing and final plan submitted and agreed prior to development commencing.
Travel Plan Monitoring fee of £5,500	Payment of £5,500 fee for Travel Plan Monitoring. The monitoring fee has been calculated on the basis of 2 days of officer time at a rate of £50 per hour for the initial appraisal, plus 2.5 days per annum over 5 years for an annual review and administration and is required to cover the cost of monitoring the Travel Plan, which itself would be	To be paid within 12 months of the planning permission.

	secured by condition if planning permission were granted.	
S106 Monitoring Fee of £2,480	Payment of £2,480 s106 agreement monitoring fee.	TBC

Human Rights and the Public Sector Equality Duty (PSED)

- 8.172 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.
- 8.173 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 AND PLANNING BALANCE

- 9.1 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.
- 9.2 This application proposes a redevelopment of the site through a high-quality designed scheme within a sylvan 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.
- 9.3 There is a pressing need for housing, including affordable homes, 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' therefore applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 9.4 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.
- 9.5 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.

- 9.6 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.
- 9.7 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.
- 9.8 The development would be of 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.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory agreement of an internal local authority approval mechanism (an equivalent legal agreement) to secure:

- (a) Affordable Housing provision;
- (b) Bird Aware Contribution of £47,490;
- (c) Nutrient Neutrality Mitigation;
- (d) Public Open Space, Play space and Management Scheme;
- (e) Strategic Cycle / Pedestrian corridor improvement contribution of £35,155;
- (f) Employment and Skills Plan;
- (g) Travel Plan Monitoring fee of £5,500; and
- (h) S106 Monitoring Fee of £2,480.

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 an internal local authority approval mechanism has not been satisfactorily agreed within six months of the date of this resolution.

RECOMMENDATION

Conditional permission.

Conditions:

1. Time limit - 3 years
2. Approved plans
3. Materials
4. Boundary treatment, including defensible space measures/planting
5. Contaminated land - risk mitigation
6. Contaminated land - verification
7. Contaminated land - watching brief
8. Previously unidentified contamination
9. Drainage

10. Flood mitigation
11. Ecological enhancement measures and mitigation
12. Biodiversity Net Gain
13. Landscaping, tree planting and retention
14. Landscape implementation
15. Tree protection
16. Arboricultural site supervision
17. Archaeology
18. Water efficiency
19. External plant
20. Noise mitigation
21. Lighting scheme
22. Sustainability measures
23. Car parking and management plan
24. Car Club
25. Cycle parking
26. Provision of refuse and recycling facilities
27. Travel Plan
28. EV Charging
29. S278 local highway improvement works
30. Construction Environment Management Plan (CEMP)

Informatives:

1. British Standard compliance for tree works

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Agenda Item 5

24/00884/DOC

WARD: MILTON

ST JAMES HOSPITAL, LOCKSWAY ROAD, SOUTHSEA, PO4 8LD

APPLICATION TO DISCHARGE CONDITION 10 OF PLANNING PERMISSION
20/00204/FUL (CEMP)

[24/00884/DOC | Application to discharge condition 10 of planning permission
20/00204/FUL \(CEMP\) | St James Hospital Locksway Road Southsea PO4 8LD](#)

Application Submitted By:

Mr Richard Lawrence - PJ Livesey Holdings Ltd

On behalf of:

PJ Livesey Holdings Ltd

RDD: 22nd July 2024

LDD: 16th August 2024

1. SUMMARY OF MAIN ISSUES

- 1.1 This application is being presented to Planning Committee at the request of Councillor Sanders.
- 1.2 The key issues for consideration in the determination of the application are considered to be as follows:
 - Residential amenity; and
 - Highways and transportation impacts.

2. SITE AND SURROUNDINGS

- 2.1 The application site extends to approximately 9.54 hectares in size and is located in Milton, on the eastern side of Portsmouth.
- 2.2 The St James' Hospital building was listed as Grade II in December 1998. The building has a footprint of circa 16,000m², and its height varies from 2 to 3 storeys. The main hospital has in parts previously undergone substantial alteration through the addition of linked and modern extensions. In addition, the chapel located within the grounds of the hospital building is Grade II listed.
- 2.3 The site is owned by PJ Livesey Ltd, and a residential redevelopment is currently underway in connection with the planning permission (ref. 20/00204/FUL) and listed building consent (ref. 20/00203/LBC) granted on appeal in August 2023 as referenced below.
- 2.4 There are a number of trees present on the application site, and all are subject to a Tree Preservation Order (TPO). However, a number of the trees are of poor quality or have not been managed for a number of years and are showing signs of neglect.

- 2.5 The main accesses to the site are from Locksway Road to the south, via The Driveway, and Longfield Road to the north. Woodlands Walk provides a vehicular route to the east. Parking is currently located throughout the site with significant areas of hard surfacing around the Grade II Listed hospital building.
- 2.6 The southern part of the site comprises a cricket pitch and club which was accepted as an Asset of Community Value in 2017 under the Localism Act 2011, having been used as a cricket pitch since 1987. The allowed appeal scheme retains this pitch and provides it with a dedicated access and parking along Solent Drive, accessed from Locksway Road.
- 2.7 St James' Hospital is located in a primarily residential area. The application site is bound by residential dwellings to the north and west and to the south by Locksway Road. To the east of the site are healthcare uses provided by the NHS Solent Trust, the wider St James Hospital site owned by Homes England (and proposed to be developed by Vistry), and the Langstone Campus of the University of Portsmouth.
- 2.8 An application was approved at Forest Lodge immediately to the south of the application site, and adjacent to Locksway Road under application reference 19/01322/FUL, for a three-storey building to provide a 66-bed care home and associated works. The care home, known as Admiral Jellicoe House, was opened in 2022.
- 2.9 To the east of the site, an application for 58 dwellings has been submitted by Vistry Southern on part of the Homes England site, currently under consideration under application 24/01117/FUL and also on this Committee agenda (recommended for approval). Members should note that this 'Phase 1' site excludes the two Victorian Villas that were deemed to be curtilage listed by the Planning Committee on 30 March 2021 as part of their consideration of application 18/00288/OUT for 107 dwellings which was subsequently withdrawn in September 2024 in favour of the current 'Vistry' application. A scheme for the two curtilage listed villas would come forward separately.
- 2.10 To the immediate south of the site is the 601 Cycle Route that connects the site into the centre of Portsmouth. There are also bus stops within close proximity to the site providing sustainable travel to the wider city. It is therefore considered to be a very sustainable location.

3. PROPOSAL

- 3.1 This application seeks to amend the CEMP (Construction Environment Management Plan, Revision C dated 12.02.24) previously approved in May 2024 under application 23/01401/DOC discharging Condition 10 of planning permission 20/00204/FUL.
- 3.2 Condition 10 states the following:

10) No works shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of:

- Site storage of construction materials/chemicals and equipment;
- Location of construction compound
- Movement of construction traffic/routes and delivery times
- Contractor's parking area
- Wheel washing facilities
- Method Statement for dust suppression and control of emissions from construction and demolition
- Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols • Chemical and/or fuel run-off from construction into nearby drains or watercourse(s)
- Demolition and waste disposal
- Percussive piling or works with heavy machinery (i.e., plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor*) shall be avoided during the bird overwintering period (i.e., October to March inclusive).

**Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g., high tide roosting site). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through Discretionary Advice Service.*

The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and shall continue for as long as construction/demolition is taking place at the site.

3.3 This application now seeks to amend the CEMP previously agreed under application 23/01401/DOC. The contents of the CEMP would remain largely unchanged to that already approved, with permission only being sought to amend the site access for construction and waste vehicles to Edenbridge Road via Warren Avenue, rather than the currently approved access from Locksway Road (as shown in Appendix A of the CEMP). This would match the egress route for construction vehicles already approved under application 23/01401/DOC.

3.4 A comparison between the approved and now proposed route of site access of construction and waste vehicles is shown in **Figure 1** and **Figure 2** below.

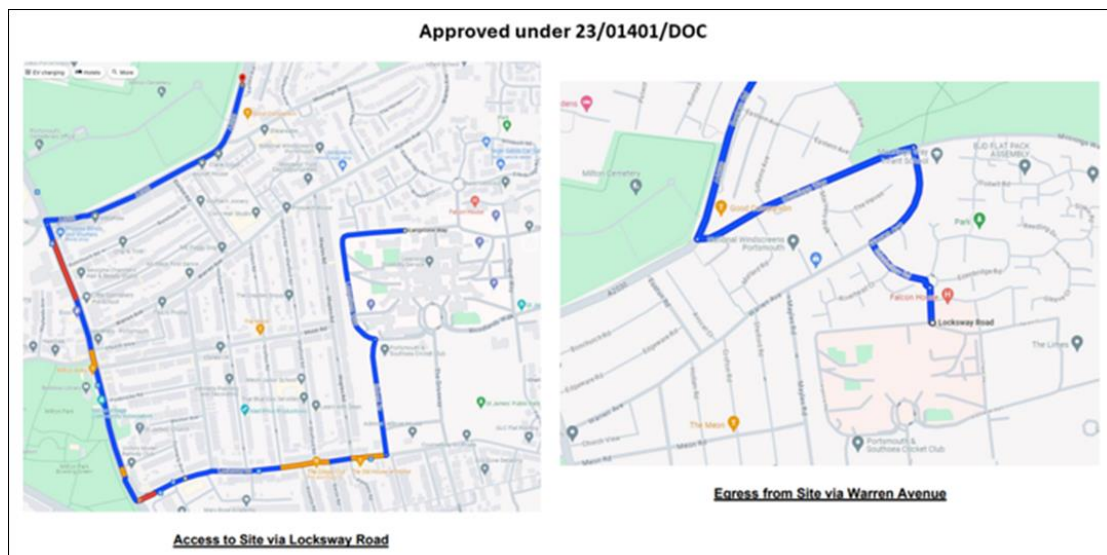


Figure 1 - Route of site access of construction and waste vehicles approved under application 23/01401/DOC

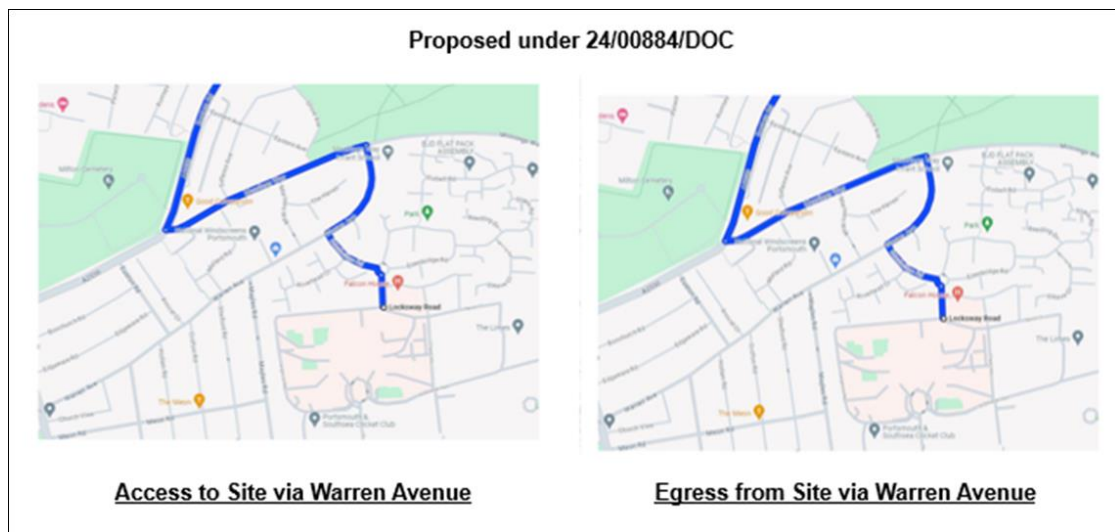


Figure 2 - Route of site access of construction and waste vehicles now proposed under this application

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission (ref. 20/00204/FUL) and listed building consent (ref. 20/00203/LBC) were granted on appeal in August 2023 for the redevelopment of the site to provide 209 dwellings with 151 flats being provided through the conversion of the main listed hospital buildings and chapel and the construction of 58 new build two and three storey houses and flats. As part of the proposal, existing extensions to the hospital and ancillary buildings would be demolished; the cricket pitch, club house and changing rooms would be retained; and associated landscaping, parking areas and pedestrian footways would be provided.
- 4.2 Condition 10 of the above planning permission, relating to the submission and agreement of a Construction Environmental Management Plan (CEMP), was subsequently approved in May 2024 under application ref. 23/01401/DOC.

5. CONSULTATIONS

- 5.1 The following consultation responses have been received:

<p>PCC Transport Planning</p>	<p><u>NO OBJECTION</u> to the proposal. It is noted that the original CEMP submission intended to use this route, as discussed at the time, the LHA and its partner (COLAS) did not consider this to be an unacceptable route. Taking into account recent appeal decisions, which note that whilst some inconvenience was inevitable, this would not amount to a reason to refusal.</p> <p>Similar to the conclusions of such appeal decisions, it is considered that</p>
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	the configuration of the local streets does not encourage anything other than slow and careful driving and PCC Transport Planning are satisfied that there would be adequate safety with the traffic flows generated.
Milton Neighbourhood Forum	<p>OBJECTION to the proposal. The Milton Neighbourhood Forum opposes the application to permit access to the former St James' Hospital site for construction traffic from Moorings Way, Warren Avenue and Edenbridge Road. This intended route is considered inappropriate for large heavy goods vehicles (HGVs) due to the limited carriageway width and little or no room to manoeuvre between parked cars. The use of this route would lead to an adverse impact on highway safety and the free flow of traffic.</p> <p>A one-way operation of access from Locksway Road in the south to St James' Hospital and egress via Edenbridge Road, Warren Avenue and Moorings Way is acceptable but suggest that morning and afternoon School opening/closing times are avoided.</p>
Cllr Darren Sanders	OBJECTION to the proposal for the same reasons given by The Milton Neighbourhood Forum. The proposal will have a detrimental impact on traffic and parking.

6. POLICY CONTEXT

Portsmouth Plan (2012)

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006) and the Milton Neighbourhood Plan (2022).

6.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS17: Transport
- PCS23: Design and Conservation

Milton Neighbourhood Plan (2022)

6.3 The relevant policies within the Milton Neighbourhood Plan policies (2022) include:

- TSP1: Highway Capacity and Impacts

Pre-Submission Portsmouth Local Plan 2020-2040

6.4 The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024. The relevant policies include:

- PLP8: St James' and Langstone Campus
- PLP35: Air Quality and Pollution
- PLP47: Movement and Transport

6.5 Having regard to paragraph 49 of the National Planning Policy Framework (NPPF) and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

6.6 Supplementary Planning Documents and Guidance

6.7 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposal:

- Portsmouth Local Transport Strategy (2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- Air Quality and Air Pollution SPD (2006)
- Sustainable Design and Construction SPD (2013)

National Guidance

- National Planning Policy Framework (2024)
- National Planning Practice Guidance (2024)

7. COMMENT

7.1 The main issues for this application relate to the following:

- Residential amenity; and
- Highways and transportation impacts.

Residential amenity

7.2 Policy PCS23 of the Portsmouth Plan requires that development should protect the amenity of existing neighbouring and local occupiers.

- 7.3 The impact of the proposal upon the residential amenity of neighbouring residential properties was fully considered by the Planning Inspector when granting planning permission (ref. 20/00204/FUL) for the redevelopment of the site in August 2023 and by the Council in its discharge of Condition 10 (ref.23/01401/DOC) in May 2024.
- 7.4 The contents of the CEMP would remain largely unchanged to that already approved under application 23/01401/DOC, with permission only being sought to amend the site access (ingress) route of construction and waste vehicles to permit access via Moorings Way, Warren Avenue and Edenbridge Road, as shown in **Figure 2** above, rather than the approved access route from Locksway Road, as shown in **Figure 1** (and Appendix A of the CEMP) above. This would match the egress route for construction vehicles already approved under application 23/01401/DOC and ultimately create a singular in/out route for construction/waste vehicles.
- 7.5 The normal working hours for construction and vehicle access would continue to be restricted to 08.00hrs – 18.00hrs Monday to Friday and 09.00hrs – 13.00hrs on Saturdays, Sundays and Public Holidays. No access would be permitted to the site outside of these hours, other than where prior notice is given; in cases of unforeseen emergencies; or unless the proposed works are deemed to be of such a nature so as not to cause noise or nuisance (e.g. painting, cleaning, finishing); and a strict ban on the use of radios or similar equipment would be put in place. Deliveries of heavy machinery would also not be allowed outside the proposed working hours. Construction traffic would also be prohibited during the school drop off (08:15hrs – 09:00hrs) and pick up (15:00hrs – 15:45hrs) periods. There are additional measures in the CEMP to protect residents as outlined in 7.12 below.
- 7.6 The proposed route change would also reduce the overall range or extent of local highways impacted by construction vehicles and thereby the number of residential dwellings affected. The proposal is not therefore considered to give rise to unacceptable impact on the amenities of any neighbouring residential properties and would not result in any greater impact over and above the CEMP already approved.
- 7.7 As such, the proposal would be in accordance with Policy PCS23 of the Portsmouth Plan.

Highways and transportation impacts

- 7.8 Policy TSP1 of the Milton Neighbourhood Plan states, inter alia, that '*development must have no severe impact on traffic safety or congestion and should provide any highway improvements necessary to accommodate additional traffic generated*'.
- 7.9 The highway and transport impacts of the proposal were fully considered by the Planning Inspector when granting planning permission (ref. 20/00204/FUL) for the redevelopment of the site in August 2023 and by the Council in its discharge of Condition 10 (ref.23/01401/DOC) in May 2024.
- 7.10 There are two access points into the former St James' Hospital site. One is from the south, via The Driveway and Locksway Road, and the other from the north via Edenbridge Road and Longfield Road. The revised CEMP document submitted shows that both options have been considered, however, it concludes that the northern

Edenbridge Road proposed is the shortest, most convenient, least congested, and most appropriate for construction access during the works.

- 7.11 The alternative route via Locksway Road originally approved for access has been discounted due to the increase in mileage, increase in congestion to Milton Road, and almost double (1.1mile) the travel distance via the residential streets of the A2030, Milton Road and Locksway Road. In addition to this, the existing southern access via The Driveway is significantly tree-lined, and there is a potential risk that tall HGVs may compromise the existing tree canopy of these retained trees.
- 7.12 The revised CEMP submitted confirms that all construction works would be carried out in accordance with all current British Standards and in accordance with all Health and Safety requirements. The existing Truckstop off Walton Road, less than 4 miles from the application site, would be used as a holding stop for HGVs to safely stop and call ahead to the Site Manager to ensure that the on-site team is ready to safely offload the HGV with minimal disruption to residential neighbours. The holding Truckstop is located conveniently close to the A2030 bridge to the west of Portsmouth. From here, the shortest distance to the development site is a 3.8 mile route down the A2030. HGVs would travel a total of 3.8miles from the holding stop to the application site. 0.6miles of this would be through the residential streets of Moorings Way, Warren Avenue and Edenbridge Road.
- 7.13 The proposed access route would match the egress route already approved for construction vehicles. In support of the application to use this route, a series of photographs and detailed swept path analysis drawings have been provided for Eastern Road (A2030), Moorings Way, Warren Avenue and Edenbridge Road to demonstrate that the intended vehicle access route proposed is also suitable for construction traffic.
- 7.14 No objection has been raised by the Council's Transport Planning Section to the amended CEMP submitted. The Plan, and supporting information submitted demonstrate that the proposal would not lead to any adverse highway safety or free flow of traffic concerns in accordance with Policy TSP1. As such, the Council's Transport Planning Section recommend the discharge of Condition 10.

8. CONCLUSION

- 8.1 Having considered there would be no significant/unacceptable adverse impact on residential amenity or the surrounding highway network, the proposal is considered to be acceptable and would be in accordance with both the Portsmouth Plan and Milton Neighbourhood Plan.
- 8.2 Based on the information provided and detailed above, it is recommended that Condition 10 can be discharged.

RECOMMENDATION

APPROVE DISCHARGE OF CONDITION 10.

Agenda Item 6

24/01134/FUL

WARD: NELSON

85 GLADYS AVENUE PORTSMOUTH PO2 9BB

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION

[24/01134/FUL | CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION | 85 GLADYS AVENUE PORTSMOUTH PO2 9BB](#)

Application submitted by:

Mr Oliver Farr
Applecore PDM

On behalf of:

R Magora
Primum Property Ltd

RDD: 18.09.2024

LDD: 14.11.2024

REPORT BACK

This is an agenda item deferred by the Planning Committee on 13th November so that officers could investigate if there are any unaccounted HMOs within the 50m radius of the application site (specifically to the rear of 89 Gladys Avenue, being 26-38 Nelson Avenue) which may take the HMO density above 10%.

1. Officers visited the Nelson Avenue properties. There were no answers to officers at the door, nor to subsequent letters. Visual inspection of the streetscene and front of the properties did not reveal any signs of HMOs, e.g. multiple bins or downstairs front bedroom instead of reception rooms. In light of this, the officers have no reason to believe there are any unaccounted HMOs on Nelson Avenue within the 50m radius of 85 Gladys Avenue.
2. Separately, following the committee deferral, the case officer received an email from one of the objectors identifying 80 Gladys Avenue as an 'unofficial' HMO. It is noted none of the objections prior to the 13th November committee meeting identified this address as a possible HMO. The planning history and HMO licensing records were checked again and there is no planning history nor HMO licence confirming the HMO use. The council tax records indicate there is one person liable for the payments, as opposed to various individuals which would indicate HMO use. The Owner has informed the Planning Department that occupiers of the property are 'community members' not family members, in need of accommodation and they live at the property 'as a family', rent-free. Not being an actual family, though, would suggest the property operates as an HMO. The planning enforcement team will invite the Owner to make a planning application.
3. 80 Gladys Avenue is not a lawful HMO, and it is unknown as to whether it would achieve planning consent. As such, there remain three out of sixty-five properties (4.61%) in HMO use within the 50m radius of the application site. If the planning

application at no. 85 were approved, there would be four out of sixty-five, which equals 6.15%. This figure indicates a mixed and balanced community, below the 10% maximum threshold set out in the SPD. This is how the application should be assessed, i.e. not on the *possibility* of no. 80 achieving HMO status. Nevertheless, were both no. 80 and 85 to achieve planning consent for HMO use, there would be five HMOs out of sixty-five residential addresses, which equals 7.69%, still complying with guidance.

4. During the committee meeting on 13th November, fears about the safety of neighbouring residents were raised if access to the alleyway was unrestricted. This matter was not included in the meeting Minutes. The agent has offered to provide a padlock to the side alleyway door, with a pin code shared with the surrounding residents, to ensure the side alleyway is safe and can only be used by the residents who need access to it. That offer may be taken up by those concerned, outside the decision to be taken on the planning application: the alley exists and serves a number of residential properties, that situation would not change were the application to be approved, so there is no need for a planning condition to be attached.
5. For completeness, the council tax records have confirmed that 91 Gladys Avenue is split into two separate flats. This information was not included in the original report.
6. The Applicant has submitted water calculations confirming the development will not exceed the maximum water use standard and therefore Condition 4 should be altered. Also, the Applicant has completed the legal agreement for the mitigation of effects on the Special Protection Areas, so the three Recommendations of the November Committee report are now superseded, and only one is required. Given the changes concerning water efficiency and the legal agreement, a new set of single Recommendation and Conditions is set out below, for absolute clarity.
7. Since the Committee's decision to defer decision on the application, the Applicant has submitted an appeal for Non-Determination of the application. The Recommendation below is adjusted accordingly.

RECOMMENDATION That had the Applicant not submitted an Appeal against Non-Determination and the Local Planning Authority still had the ability to determine the application, it would have granted planning permission subject to the following conditions:

CONDITIONS

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 Approved

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, Block Plan (14 Oct 2024), Sui Generis Plan PG.9106 · 24 · 4 REV B
Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle Storage:

- 3) Prior to first occupation of the property as an HMO secure and weatherproof bicycle storage facilities for four 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) Unless otherwise agreed in writing, water consumption of the development hereby permitted shall be as stated in the water calculation dated 8 November 2024.

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 Alterations

- 5) Prior to the occupation of the property as an HMO for eight persons, the single storey side/rear extension and rear dormer proposed to be constructed under permitted development allowances, and the Prior Approval extension 24/00040/GPDC, 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.

Informatives

- a) 2 x 360 litre bins are required for a 8 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 will 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

ORIGINAL REPORT TO THE PLANNING COMMITTEE OF 13th NOVEMBER 2024.

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the number of objections (10).

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

- Principle of development;
- Standard of accommodation;
- Amenity impacts upon neighbouring residents
- Parking;
- Waste;
- 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, three-bedroomed, mid-terraced dwelling located to the western side of Gladys Avenue as shown in **Figure 1** below. The property has a front forecourt and a rear garden. There is also a side alleyway to the south of the property which can be used to access the 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.

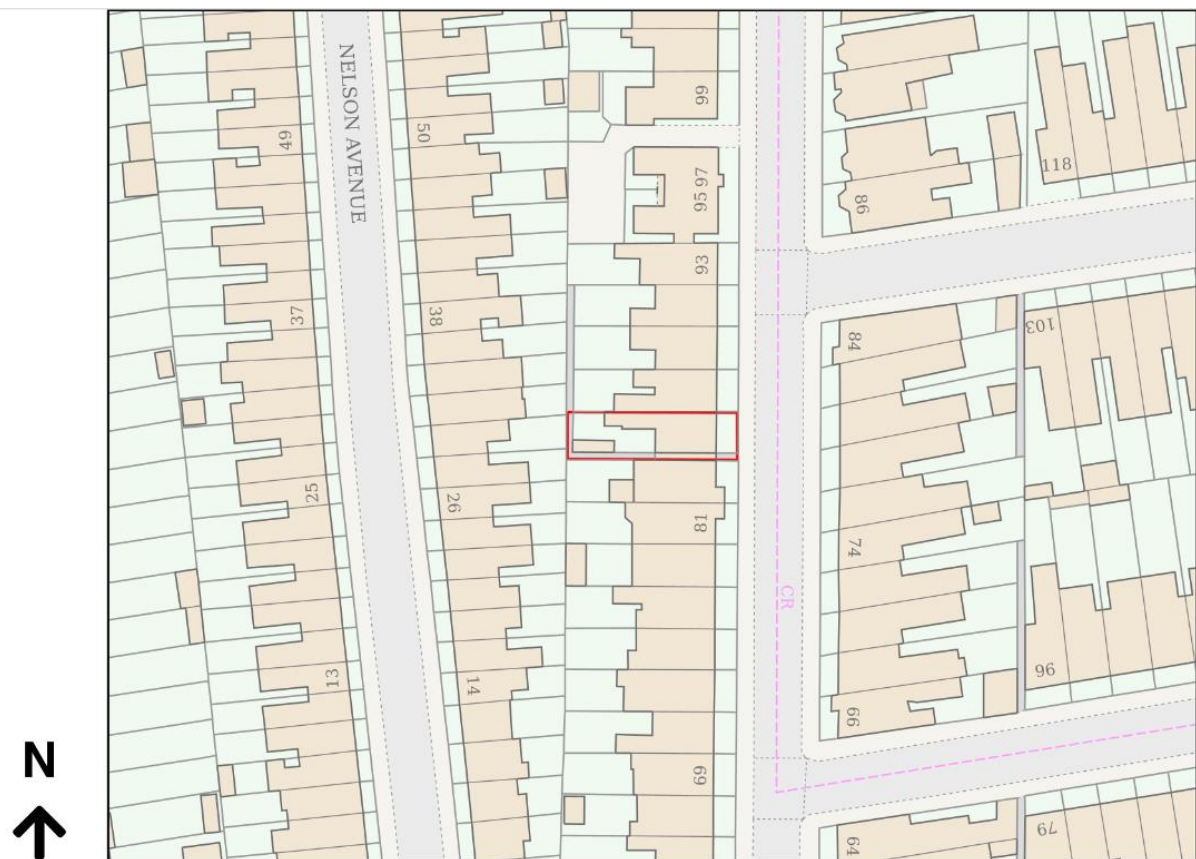


Figure 1 Location plan

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 eight 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 - Three bedrooms (all with ensuite shower, toilet and handbasin), communal kitchen/dining room.
 - First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite), tanks room
 - Second Floor -Two bedrooms (all with a shower, toilet and handbasin ensuite).
- 3.3 The proposed works to extend the roof and the side of the kitchen will be undertaken under permitted development (without the need to apply for planning permission) - and the ground floor extension was deemed not to require prior approval under the larger home extension scheme (ref. 24/00040/GPDC, below). In addition, the rooflights to the front roofslope would not require planning permission and all these works are not included in the application. These various works should not be considered as part of the application.

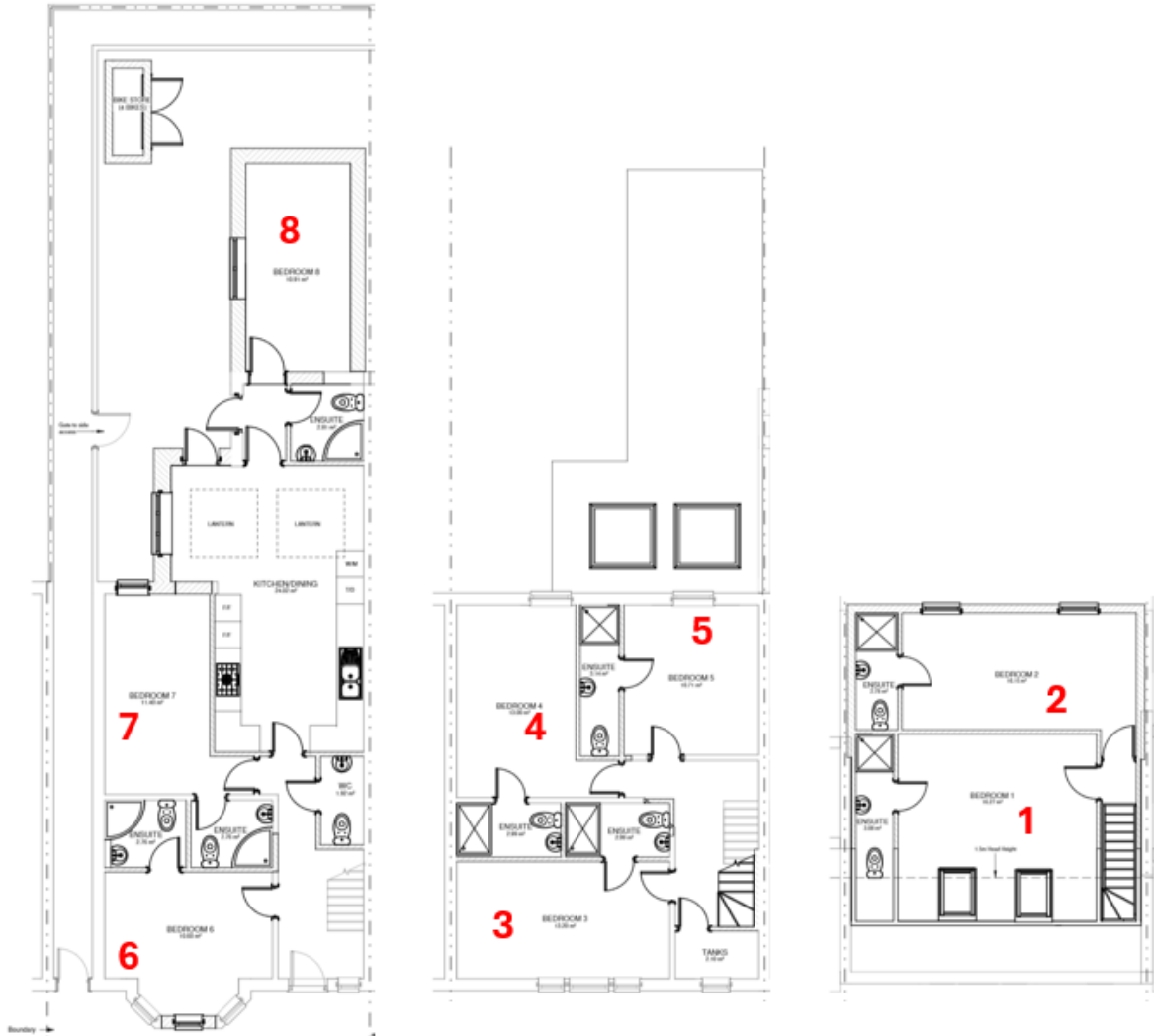


Figure 2 - Proposed Floor Plans

4.0 PLANNING HISTORY

- 4.1 24/00040/GPDC - Construction of single storey rear extension; extending 5m from the rear wall, with a maximum height of 3m and measuring 2.8m to the eaves - prior approval not required - decision issued on 9th August 2024.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (NPPF 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 Pre-Submission Portsmouth Local Plan 2020-2040

5.4 The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024. The relevant policies would include:

- Core Policy PLP1: Design
- Strategic Policy PLP20: Houses in Multiple Occupation
- Strategic Policy PLP47: Movement and Transport
- Development Management Policy PLP48: Access and Parking

Having regard to the NPPF paragraph 48, limited weight is given to those policies at this time.

5.5 Other Guidance

5.6 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 floorplan provided no objection raised, however the applicant is advised BR8 is an inner room and therefore suitable means of escape and appropriate early warning detection need to be considered. The property would require a licence under Part 2, Housing Act 2004.

6.2 Transport planning - No objection. Cycle storage to be secured via condition.

6.3 Natural England - No objection subject to securing appropriate mitigation.

7.0 REPRESENTATIONS

7.1 Ten objections have been received in response to the application. It is noted two objectors did not provide their postal addresses so it is not known if they would actually be affected by the proposed development.

7.2 The representations have raised the following concerns:

- a) Increase in noise and disturbance especially during construction works and possible damage to property;
- b) Increase in crime and anti-social behaviour; higher complaints rates compared to non-HMO properties;
- c) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems; request for a fair transport study;
- 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) Fire safety of the future occupants; concerns about regulation/monitoring by PCC;
- g) Biodiversity - the proposal would remove garden and no contribution to biodiversity made;
- h) the 10% rule in relation to density of HMOs should be changed to 5%;
- i) Extension exceeds permitted development allowances;
- j) Bedroom 6 is under 10sqm if the bay window area is excluded;
- k) There would be three HMOs and flats in a row of five houses; no. 89 is sandwiched if no.91 is a HMO.

8.0 COMMENT

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

- Principle of Development;
- Standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- 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 8 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 65 properties within a 50-metre radius of the application site, three have been identified as existing HMOs, the existing number of HMOs equates to 4.6% of the properties within the search area. The objections identified a number of properties which could be possible HMOs, i.e. 91 Gladys Avenue, and a property on Nelson Avenue (to the back of 89 Gladys Avenue). The case officer checked the planning history and consulted private sector housing in relation to 91 Gladys Avenue and 10-50 Nelson Avenue. None of these properties has planning permission, or HMO licence, to operate as an HMO. Therefore, if any of these properties is used as an HMO it is likely this use is unauthorised and as such, they cannot be included in the number of the existing HMOs within the 50m radius.
- 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. Given there are now three HMOs in the 50m radius, if this application was approved it would result in four out of 65 properties in HMO use equating to a density of 6.15%. As this is less than the 10% threshold limit above which an area is considered to be imbalanced the proposal is acceptable in these terms.



Figure 3- HMO Count Plan

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).

Standard of accommodation

8.11 The application seeks Sui Generis HMO use for 8 persons and proposes the following room sizes as measure by the planning officer, as shown in **Table 1** below.

Room	Area Provided (m2)	Required Standard (m2)
Bedroom 1	16.25	10
Bedroom 2	15.9	10
Bedroom 3	13.2	10

Bedroom 4	13.0	10
Bedroom 5	10.7	10
Bedroom 6	10.6	10
Bedroom 7	11.4	10
Bedroom 8	11.1	10
Kitchen/dining	24.16	22.5
Ensuites	range from 2.76 to 3.14	2.74
WC	1.9	1.17 (but not required in this application)
Tanks	2.1	N/A

Table 1 - House in Multiple Occupation (HMOs) - Ensuring mixed and balanced communities
Supplementary Planning Document (SPD) (as amended in October 2019) - compliance

- 8.12 As is shown in the table above, the proposal meets the Council's adopted space standards in accordance with the 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 kitchen/dining area.
- 8.13 In terms of layout, all habitable rooms have good access to natural light and in addition, a rear garden also provides external amenity space for the residents. It is noted bay window area counts towards the space area provided as it is considered to provide amenity space for the future occupiers.
- 8.14 In addition, all eight bedrooms would have ensuite facilities. The accommodation therefore would provide an adequate number and arrangement of sanitary facilities.

Impact on neighbouring living conditions

- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse in Class C3, would be unlikely to be significantly different from the occupation of the property by up to eight unrelated persons as an HMO.

- 8.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful.
- 8.17 All alterations/extensions to facilitate additional living accommodation are to be undertaken using permitted development, which the property benefits from, and prior approval. Any objections in regard 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.
- 8.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

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 two 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 three bedrooms is 1.5 off-road spaces, a difference of just 0.5 spaces. The proposal has no off-street parking, which is no change from the current use. Given the scale of the development it would be unreasonable to request a detailed transport study as requested by one of the objectors, indeed the Parking Standards and Transport Assessments SPD requires a Transport Assessment for residential proposals of fifty units upwards.
- 8.20 As explained above, neither the Highways Officer nor Planning Officer highlights an issue with the application on the grounds of a lack of off-street parking. As the SPD requirement for parking is insignificantly higher (0.5 space) than the existing Class C3 dwellinghouse. It is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection from the transport team on the highway grounds and therefore refusal could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each potentially owning a separate vehicle. In addition, it is considered that the site is within an area of good accessibility and located within an acceptable walking distance of the various amenities and services, and bus routes.
- 8.21 The Council's Adopted Parking Standards set out a requirement for HMOs to provide space for the storage of at least four bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located. There is side access to the rear garden therefore bicycles would not have to be wheeled through the communal area. The requirement for cycle storage is recommended to be secured by condition.

Waste

- 8.22 The storage of refuse and recyclable materials would remain unchanged with an area at the front of the property allocated for the storage of bins. 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.

Other matters raised in objections

- 8.23 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.
- 8.24 The request for a different policy threshold for the percentage of HMOs in the 50m radius should have been directed to the Pre-submission Local Plan's formal consultation stage over the summer, it cannot be taken in to account during the course of a planning application, the adopted SPD guidance still applies.
- 8.25 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services, including the sewers. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use and would not be a reason to withhold a planning permission. The LPA recently lost an appeal on the matter of sewers.
- 8.26 One of the objections raised concerns about biodiversity, given the scale of the application the Council cannot require the applicant to secure biodiversity net gain. The landscaping details are a matter for the applicant to decide on and any refusal on this ground would not be reasonable. Lastly, noise and disturbance from construction works, and possible damage to property, would not in this instance amount to a material consideration that could warrant refusal of the application nor justify a condition to try and control the matter.

Impact on Special Protection Areas

- 8.27 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to eight persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This would be secured through a s.111 agreement. An appropriate assessment was carried out and Natural England (NE) were consulted on 2.10.2024. The response was received on 23.10.2024 and no objection was raised.

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

- 8.28 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.
- 8.29 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, 2023).

RECOMMENDATION Conditional Permission

RECOMMENDATION I - 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 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 no later than 13.11.24.

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
- Block Plan (14 Oct 2024)
- Sui Generis Plan PG.9106 · 24 · 4 REV B

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

Cycle Storage:

- 3) Prior to first occupation of the property as an HMO secure and weatherproof bicycle storage facilities for four 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 Alterations

- 5) Prior to the occupation of the property as an HMO for eight persons, the single storey side/rear extension and rear dormer proposed to be constructed under permitted development allowances, and the Prior Approval extension 24/00040/GPDC, 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 8 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 will 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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Agenda Item 7

24/01448/FUL

WARD: COPNOR

194 LABURNUM GROVE PORTSMOTUH PO2 0EU

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

[24/01448/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Class C3 \(dwellinghouse\) or Class C4 \(House in Multiple Occupation\) | 194 Laburnum Grove Portsmouth PO2 0EU](#)

Application Submitted By:

Mr O Farr
Applecore PDM

On behalf of:
K Niemiec

RDD: 28.11.2024

LDD: 23.01.2025 (EoT 12.02.2025)

1. SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due a call in from Cllr. Swann and six or more letters from separate addresses having been received objecting to the proposals.
- 1.2 The application is for the change of use of the property from a dwellinghouse (Class C3) to a flexible use of a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4). The main issues for consideration in the determination of the application are set out in para. 8.1 below.

2. SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey mid terrace dwellinghouse (Class C3) located on the southern side of Laburnum Grove as shown in Figure 1 below. The dwellinghouse sits back from the pavement with a small front yard and to the rear of the property is an enclosed garden. The existing layout comprises of a shower room, dining room, kitchen and living room at ground floor level; three bedrooms and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area characterised by terraced dwellings, largely of two stories.



Figure 1 Site Location Plan

3. PROPOSALS

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a flexible use of a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4).
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
- Ground Floor - two bedrooms (single occupancy) both with en-suite bathrooms; communal combined amenity area
 - First Floor - Three bedrooms (single occupancy) all with en-suite bathrooms

- 3.3 The Applicant has stated that no operational development, including extensions would be required or undertaken as part of this application. One ground floor window would be blocked up, with one window for the kitchen inserted, also at ground floor level

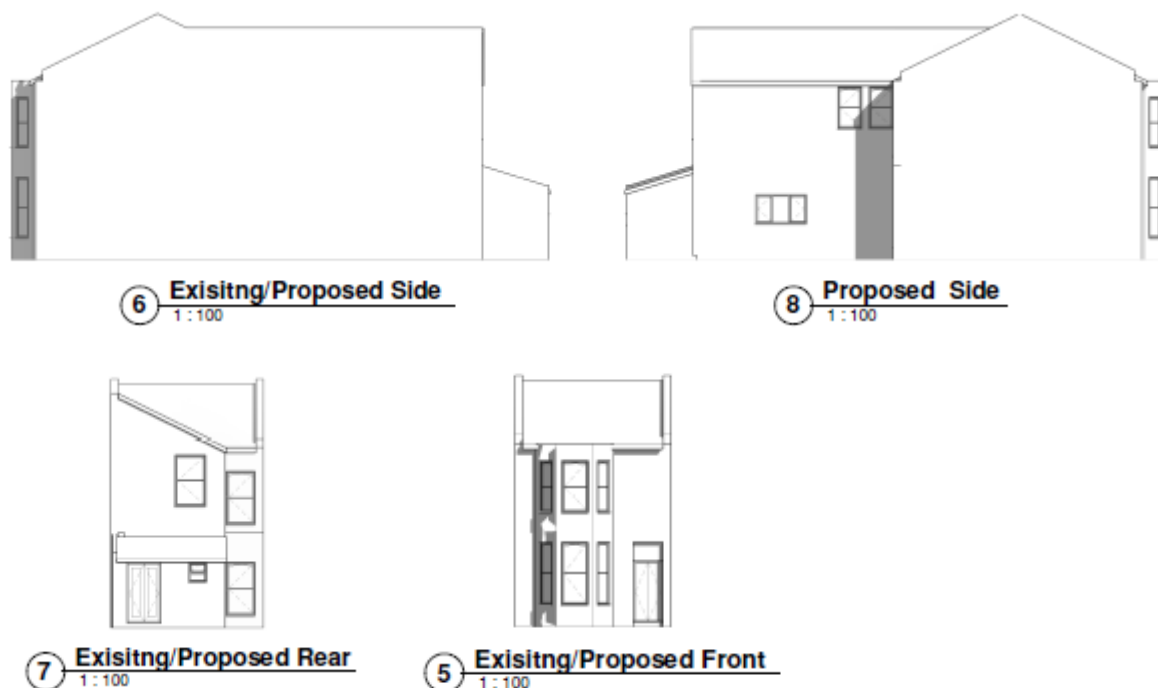


Figure 2 Proposed Elevations

4. PLANNING HISTORY

- 4.1 No relevant planning history

5. CONSULTATIONS

5.1 Highways Team

No objection - Laburnum Grove is a predominately residential road with bus stops and local amenities in close proximity along Copnor Road and London Road. It is not considered the addition of two bedrooms would lead to a material impact to the function of the highway. There may be increase insistences of vehicles hunting for space in the vicinity, this is however an issue of residential amenity for your consideration of the application. Condition required for secure cycle storage.

5.2 Private Sector Housing

Based on the floorplan provided we are satisfied there is suitable living space for the proposed number of occupants. The property would likely require a licence under Part 2, Housing Act 2004.

6. REPRESENTATIONS

- 6.1 Letters to adjoining properties were sent on 11.12.24. A Site Notice was erected outside the site on 17.12.24.
- 6.2 13 representations have been received in respect of the proposals. All 13 object to the scheme. 5 of these letters were provided without the postal address of the objector.

6.3 The following objections were made to the scheme;

- Increase in noise and disturbance including in construction;
- Increase in crime and anti-social behaviour;
- Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems including provision of dropped kerbs;
- Undue strain on local services and infrastructure, including sewage, drainage, waste management and Doctors/Dentists
- Concerns about impact on community and loss of family dwelling
- Works have already commenced
- Over occupation of the property
- Overdevelopment of the site and issues with room sizes
- Concentration of HMOs in the local area
- Accuracy of HMO data held by the council, with particular focus in the Copnor area

6.4 The following points were also made which are not considered to be material considerations in the determination of the application;

- 10% radius rule and process should be reviewed

7. POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006)

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS23 - Design & Conservation
- PCS17 - Transport
- PCS20 - Houses in Multiple Occupation

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved for Regulation 19 consultation and submission for Examination at the meeting of Full Council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- PLP1: Design
- PLP20: Houses in Multiple Occupation
- PLP22: Space Standards
- PLP47: Movement and Transport
- PLP48: Access and Parking

7.3 Having regard to the NPPF paragraph 48 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

7.4 Supplementary Planning Documents and Guidance

7.5 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposals;

- Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings (2022)
- Houses in Multiple Occupation (HMOs) (2019) - ('the HMO SPD')
- Solent Recreation Mitigation Strategy (2017)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

7.6 **National Guidance**

- National Planning Policy Framework (2024)
- National Planning Practice Guidance
- The Technical Housing Standards - nationally described space standards (2015)

8. **OFFICER ASSESSMENT**

8.1 The main issues for consideration in the determination of the applications include the following:

- The principle of development;
- Housing land supply
- 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). Under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015, where planning permission is granted for a such a flexible use and the permission is implemented, the use of the property may change between C4 and C3 use for period of 10 years from the date of the consent. 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 60 properties within a 50-metre radius of the application site, there are four confirmed HMOs (Class C4) at 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 our investigations. Including the application property, the proposal would bring the percentage of HMOs within the area up to 8.3%. This would be lower than the 10% threshold set out in the SPD and therefore the scheme complies with Policy PCS20.
- 8.7 Objections have raised additional allegedly unauthorised HMOs within the 50m radius. Officers have checked council tax, land registry and HMO licensing data. No evidence has been found that the properties are not in a C3 use. Private Sector Housing are conducting their own investigation into a property. There is therefore no evidence before Members that 189 Laburnum Grove (or others) are a HMO and even if it were, the percentage of HMOs would then be 10% (6 of 60 properties). The criteria in the adopted HMO SPD is a community will be considered to be 'imbalanced' where more than 10% of residential properties within a 50m radius of the area surrounding the application property are already in HMO use. Therefore, the scheme complies with the adopted Guidance.



Figure 3 Existing HMOs within 50m of the application site

- 8.8 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.
- 8.9 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012) and the HMO SPD.
- 8.10 **Housing Land Supply**
- 8.11 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 195). 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 this Framework that protect areas or assets of particular importance provides a strong 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

8.12 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 access to public transport, retail and services, employment, leisure, health facilities, etc. The application is therefore acceptable in principle, complies with Policies PCS19 & PCS20 and these factors weigh in favour of the proposed development. The further, specific impacts of the proposal will be considered below as to whether the development is appropriate in detail.

8.13 Standard of Accommodation

8.14 The application seeks in addition to a C3 use, the opportunity to use the property as a C4 HMO which would in planning terms allow occupation by up to six individuals. The Applicant has referred to five occupiers in the submission, but a C3/C4 consent would allow up to six persons when in C4 use. This application has been assessed for six persons when in C4 use.

Submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans, the measured rooms sizes have been used for assessment purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (single occupancy) (ground floor)	12.1m ²	10m ²
Bedroom 2 (single occupancy) (ground floor)	10.2m ²	10m ²
Bedroom 3 (single occupancy) (first floor)	14.8m ²	10m ²
Bedroom 4 (single occupancy) (first floor)	10.2m ²	10m ²
Bedroom 5 (single occupancy) (first floor)	15.7m ²	10m ²
Combined Living Space	26.8m ²	22.5m ² (where all rooms are in excess of 10m ²)
Bedroom 1 ensuite	2.9m ²	2.74m ²
Bedroom 2 ensuite	2.9m ²	2.74m ²
Bedroom 3 ensuite	2.8m ²	2.74m ²
Bedroom 4 ensuite	2.75m ²	2.74m ²
Bedroom 5 ensuite	4.3m ²	2.74m ²

Table 1 Schedule of Floor sizes

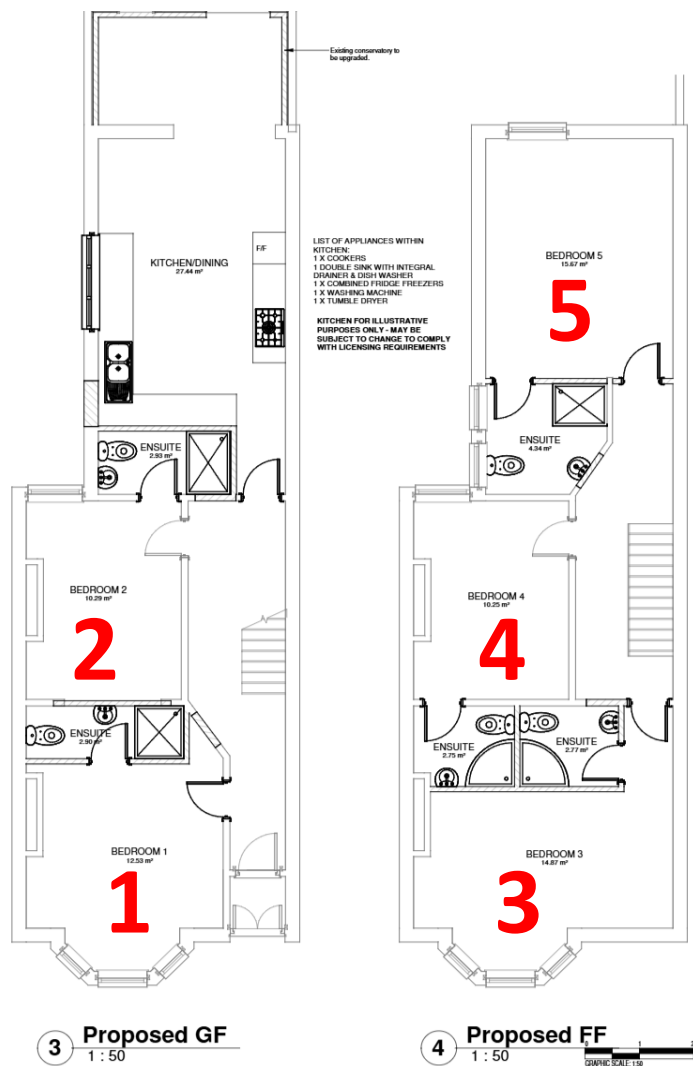


Figure 4 Proposed Floorplans

8.15 All of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light. An unrestricted C4 consent could allow up to six occupiers. The combined communal area is in excess of the required 22.5m² for six occupiers, the bedrooms all comply. Occupancy of the property by six persons would require double occupancy of one of the bedrooms, which is achievable as two of the bedrooms exceed the 14sqm standard for double occupancy.

8.16 The scheme therefore complies with Policy PCS23 and the HMO SPD in this regard.

8.17 **Impact on neighbouring living conditions**

8.18 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of the 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. This is borne out by the fact that without an Article 4 Direction made in 2011, the application would be permitted development under

Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 and would not require planning permission.

- 8.19 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 an additional HMO is acceptable. The HMO SPD & PCS20 specifically permits additional HMOs in such locations in order to support mixed and balanced communities.
- 8.20 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. However, 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 five within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.21 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal and the scheme therefore complies with Policy PCS23 in this regard.
- 8.22 **Highways/Parking**
- 8.23 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 up to 3 bedrooms (as existing) is 1.5 off-road spaces.
- 8.24 The C4 element of the proposal compared to the existing property has a requirement for an additional 0.5 parking spaces. The Highways Officer has not raised objection to this minor shortfall. 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.
- 8.25 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.
- 8.26 The scheme therefore complies with Policy PCS17 in this regard.
- 8.27 **Waste**
- 8.28 The storage of refuse and recyclable materials would remain unchanged, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.29 **Impact on Special Protection Areas**
- 8.30 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.

8.31 **Other matters raised in representations**

8.32 The 10% radius test is adopted planning policy and is the stated standard which the Council apply to such applications. Having adopted such a standard, where an application is submitted which complies with the Council's adopted criteria, an applicant can have a reasonable expectation that their scheme will be approved. Changes to the standard would need to be made via the local plan process.

8.33 **Human Rights**

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

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

9.0 **CONCLUSIONS AND PLANNING BALANCE**

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) (2024).

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 drawing - Drawing numbers: •Location Plan - TQRQM24318162006713; Proposed Plans PG9135.24.2 Rev B

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

3. Cycle Storage

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.

Informative:

- a) 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

- b) The dual use Classes C3/C4 hereby permitted allows the property to be used for either use interchangeably, overcoming the need for a new planning permission each time a material change of use from Class C3 to Class C4 occurs. It should be noted that 10 years from the date of this permission, the flexibility afforded by Schedule 2, Part 3, Class V of the Town and Country planning (General Permitted Development) (England) Order 2015 (As amended) ceases and the use of the property at that time becomes the singular lawful use.

Should you wish the property to continue as a dual use Class C3/C4 use after the 10 year period, you would need to make a further planning application.

Please inform the Local Planning Authority of the use of the property applicable at the expiry of the 10 year period.

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Agenda Item 8

24/01175/FUL

WARD: COPNOR

275 LABURNUM GROVE PORTSMOUTH PO2 0EY

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

[24/01175/FUL | CHANGE OF USE FROM 6-BED/6-PERSON HOUSE IN MULTIPLE OCCUPATION TO 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION | 275 LABURNUM GROVE PORTSMOUTH PO2 0EY](#)

Application Submitted By:

Mr Kercher
Incollective Limited

On behalf of:

Walker

RDD: 27/09/2024

LDD: 09/12/2024

1. SUMMARY OF MAIN ISSUES

- 1.1 This application was deferred at the Planning Committee of 4 December 2024 for a site visit by the Planning Committee to take place. Following the site visit, the application will be determined by Members at the meeting on 5 February 2025. The original committee report with the supplementary matters added is set out below. There are no further updates.
- 1.2 The scheme is brought before Planning Committee due to 12 objections as well as the request of Councillor Vernon-Jackson
- 1.3 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

2. SITE AND SURROUNDINGS

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

3. THE PROPOSAL

- 3.1 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.

4. PLANNING HISTORY

- 4.1 **24/00598/FUL** - Change of use from 6-bed/6-person house in multiple occupation to 7-bed/7-person house in multiple occupation. Withdrawn. See room sizes for further comment.

- 4.2 **23/00320/FUL** - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation). Conditional Permission. 12.10.2023

5. POLICY CONTEXT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006).

- 5.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS17 - Transport
- PCS20 - Houses in Multiple Occupation
- PCS23 - Design & Conservation

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved for Regulation 19 consultation and submission for Examination at the meeting of Full Council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- PLP1: Design
- PLP20: Houses in Multiple Occupation
- PLP22: Space Standards
- PLP47: Movement and Transport
- PLP48: Access and Parking

- 5.3 Having regard to the NPPF paragraph 48 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

5.4 Supplementary Planning Documents

- 5.5 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposals;

- Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings (2022)
- Houses in Multiple Occupation (HMOs) (2019) - ('the HMO SPD')
- Solent Recreation Mitigation Strategy (2017)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

5.6 National Guidance

- National Planning Policy Framework (2023)
- National Planning Practice Guidance
- The Technical Housing Standards - nationally described space standards (2015)

6. CONSULTATIONS

- 6.1 Private Sector Housing: Based in the updated measurements provided in the floor plan, there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act.
- 6.2 Natural England: No objection subject to securing mitigation in relation to nutrient neutrality and Bird Aware Solent.
- 6.3 Highways - Laburnum Grove is a predominately residential road with bus stops and local amenities in close proximity along Copnor Road and London Road. The proposed application again seeks to convert an existing 6 HMO residential unit to a 7-bedroom HMO. Given the addition of a single bedroom, 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 (if not already in place).

7. REPRESENTATIONS

- 7.1 13 objections have been received to the application. 3 of these letters were provided without the postal address of the objector.
- 7.2 The following points have been raised in objection to the scheme:
- Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems
 - Undue strain on local services and infrastructure, including the sewage, drainage, waste management and Doctors/Dentists
 - Impact of anti social behaviour
 - Unhappy with planning history and 'stacking' applications
 - Overdevelopment of the site including issues with room sizes and communal areas
 - Loss of family dwelling and impact on the community
 - Density of HMOs in surrounding area
 - Accuracy of the HMO data held by the council
 - Fire and associated health and safety risks
 - Issues with room sizes
 - Substandard living accommodation
 - Impact on drainage
 - Impact on neighbour amenity
 - Impact on character of area

The following matters were raised which are not material to this application:

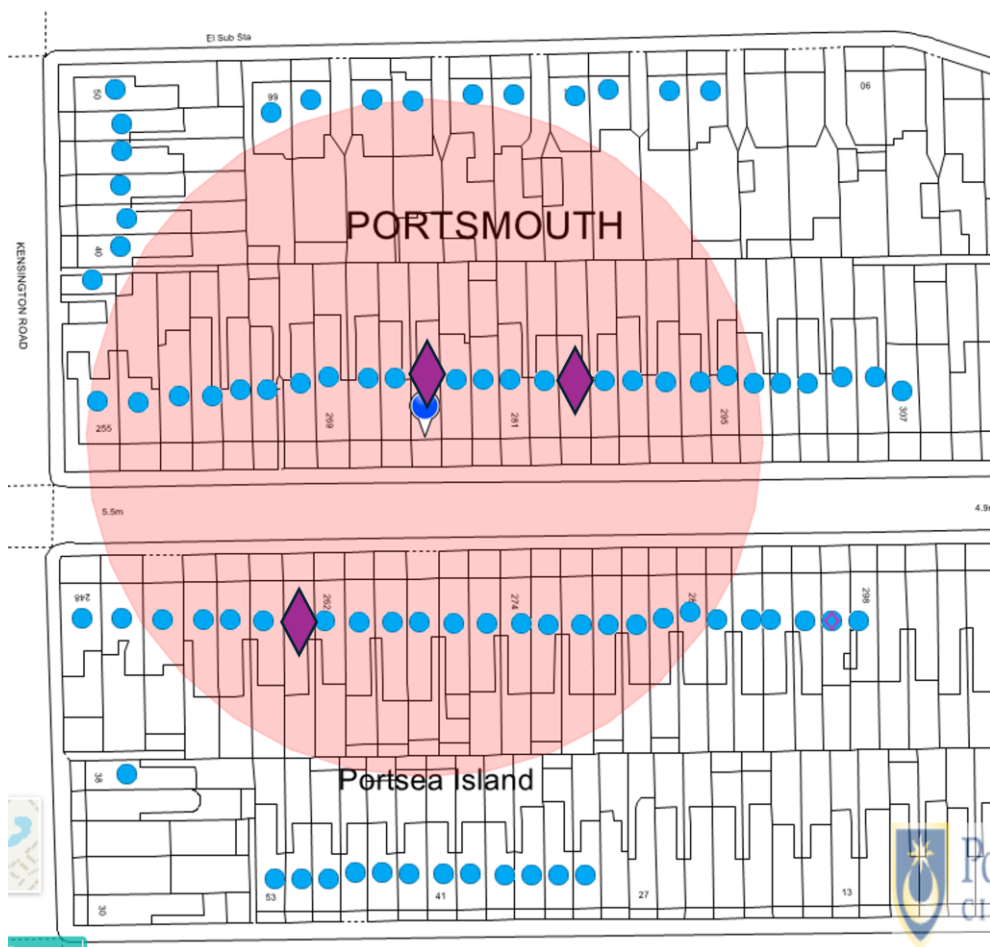
- Damage to property
- Biodiversity net gain
- 10% radius test should be lowered to 5%

Officer's note - the biodiversity net gain (BNG) legislation does not apply to changes of use with no external development.

8. ASSESSMENT

- 8.1 The main issues to consider in the determination of this application is whether the proposal is acceptable in principle.
- 8.2 Principle

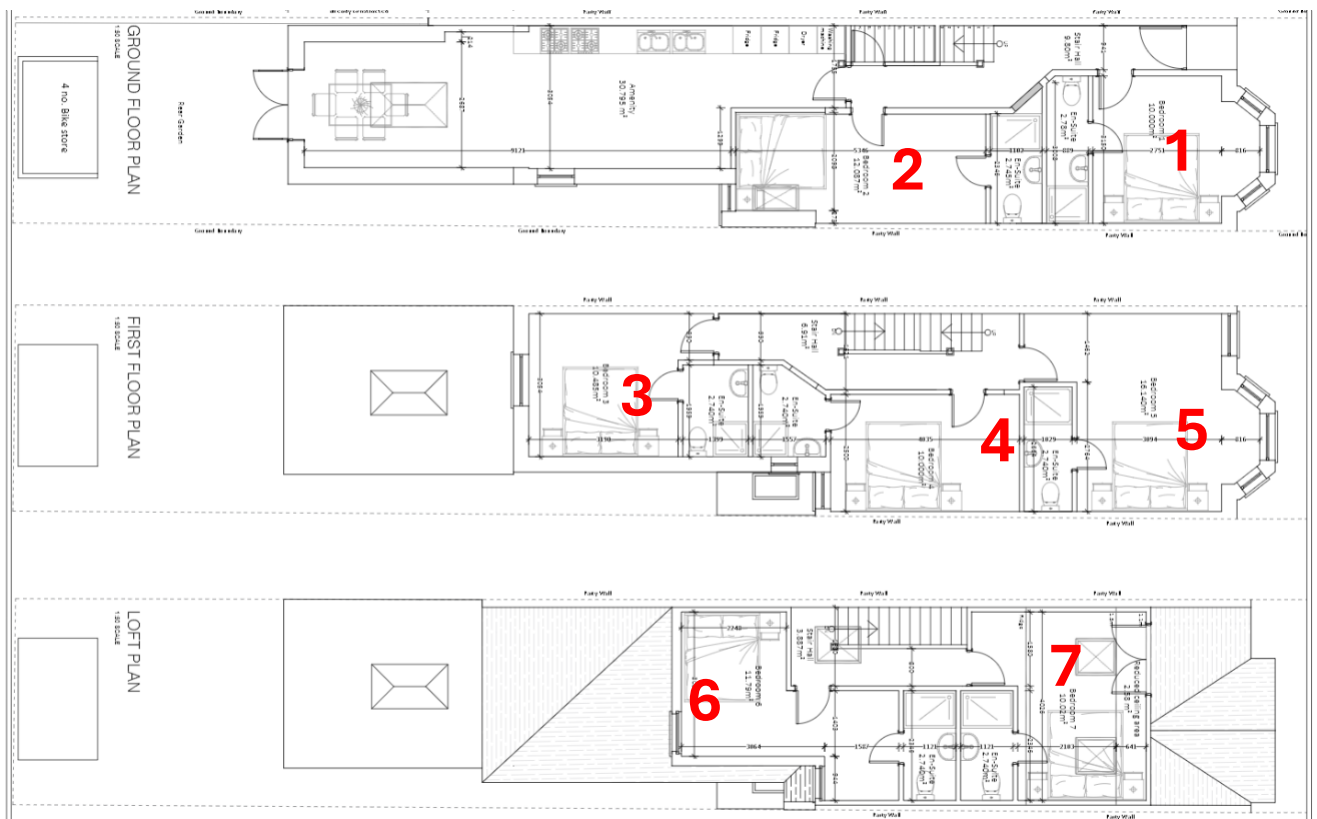
- 8.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and the housing mix of certain communities. Two of the key matters of principle 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.
- 8.4 In this case the application site is already in lawful use as an HMO and the application has been made to regularise the increase in occupation by 1 occupant. As such the application is not considered to have any material impact on the number of HMOs in the area and thereby the balance of the local community. 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 assessment.
- 8.5 For reference, it can be noted however that the relevant 50m radius area is currently made up of 4 HMOs out of 70 properties, a percentage of 5.7%. This proposal has no effect on these proportions. The HMO SPD also describes 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. Notwithstanding this, the proposal does not result in three adjacent HMOs within the 50m search area, nor the "sandwiching" of a dwelling between two HMOs.



- 8.6 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:	Size provided for in Guidance:
Bedroom 1	10m ²	10m ²
Bedroom 2	12m ²	10m ²
Bedroom 3	10.4m ²	10m ²
Bedroom 4	10m ²	10m ²
Bedroom 5	16.1m ²	10m ²
Bedroom 6	11.75m ²	10m ²
Bedroom 7	10m ²	10m ²
Ensuite for Bedroom 1	2.78m ²	2.74m ²
Ensuite for Bedroom 2	2.74m ²	2.74m ²
Ensuite for Bedroom 3	2.74m ²	2.74m ²
Ensuite for Bedroom 4	2.74m ²	2.74m ²
Ensuite for Bedroom 5	2.74m ²	2.74m ²
Ensuite for Bedroom 6	2.74m ²	2.74m ²
Ensuite for Bedroom 7	2.74m ²	2.74m ²
Combined Living Space	30.6m ²	22.5m ² (where all rooms are 10m ² or more)



- 8.7 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. It should be noted that the previous application was voted to be refused due to the very slight shortfall in room size of bedroom 7. This has been attributed to an error in the drawing of the plans. Officers have measured the room and verified the measurements submitted on the revised plans. A random sample of other measurements was also taken within the property, with no further errors apparent.
- 8.8 Amenity and Parking
- 8.9 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.
- 8.10 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 and Policy PCS17 of the Local Plan.
- 8.11 Other Material Considerations
- 8.12 A key and overriding consideration in this case is the necessity to recognise the fallback position available to the applicant; that is the position they could take if this application is refused. In this case the addition of 1 occupant to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. Under s57 of the 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.
- 8.13 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 planning judgement to be assessed on the facts of the particular proposal. 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.
- 8.14 While every application must be considered on its own individual merits, these examples provide clear guidance on the correct interpretation of s55 of the TCPA and these appeals decisions are considered to be a material consideration in the determination of similar applications. Members may also note the previous decisions of Portsmouth's Planning Committee - contrary to Officer recommendation - determined similar changes in occupation amounted to a material change in use. This is 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, 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.

- 8.15 In the circumstances of the current application, 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 fallback position to lawfully carry out the change in occupation without needing planning permission.
- 8.16 Notwithstanding the advice of Officers above, should it be considered necessary to assess the merits of the application, 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 in the development against any benefits arising. Principally, for this HMO application, the benefits are the provision of housing through the provision of additional 1 bedspace of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to demonstrate a 'five year supply' of housing, with only a 3.31 year supply currently identified.
- 8.17 In this circumstance, the Council is directed that the policies which are most important to housing provision within the Local Plan are out of date provided none of the exceptions in footnote #7 apply, including impacts to habitats sites. 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 is considered to be insignificant and therefore falls short of significantly and demonstrably outweighing even the small benefit to the city's housing stock of the provision of bedspaces, should such assessment be considered necessary.
- 8.18 Some representations have raised issues with the density of HMOs allowed by local policy. This is not relevant to the determination of this application, and notwithstanding this these issues should have been addressed to the local plan consultation and not the determination of current planning applications.
- 8.19 Impact on Special Protection Areas
- 8.20 It is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development. The applicant's fallback position set out above allows the occupation of the site without further planning permission being required. As such it is considered that the proposal would not amount to development requiring planning permission and therefore would not have a Likely Significant Effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

9. CONCLUSION

- 9.1 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 result in a material change in the use of this property. As such planning permission is not required and the proposal can 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.

9.2 Should the Committee conclude, contrary to this recommendation, that the change in occupation, as a matter of planning judgement of 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 the following;

- Implementation of the additional occupancy within 3 years (a Time Limit condition);
- Development be carried out in accordance with plans submitted (an Approved Plans condition) and;
- 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

Agenda Item 9

24/01375/FUL

WARD: MILTON

59 GOLDSMITH AVENUE SOUTHSEA PO4 8DU

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

[24/01375/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within classes C3 \(dwellinghouse\) or C4 \(house of multiple occupation\) | 59 Goldsmith Avenue Southsea PO4 8DU](#)

Application Submitted By:

Mr O Farr

Applecore PDM

On behalf of:

Mr J Jharnel Landa

RDD: 12.11.2024

LDD: 05.02.2025

1. SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to receiving 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;
 - Parking;
 - Waste;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters.

2. SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey semi detached dwellinghouse (Class C3) located on the southern side of Goldsmith Avenue, at its junction with Clovelly Road and opposite Milton Park, as shown in Figure 1 below. The dwellinghouse sits back from the pavement with a modest front garden and to the rear of the property is an enclosed garden and garage. Access to the property, as is common for corner houses in Portsmouth, is from the side (Clovelly Road). The existing layout comprises of a shower room, kitchen, dining room, living room and lounge at ground floor level; four bedrooms and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area characterised by a mixture of terraces and semi detached dwellings, largely of two stories.

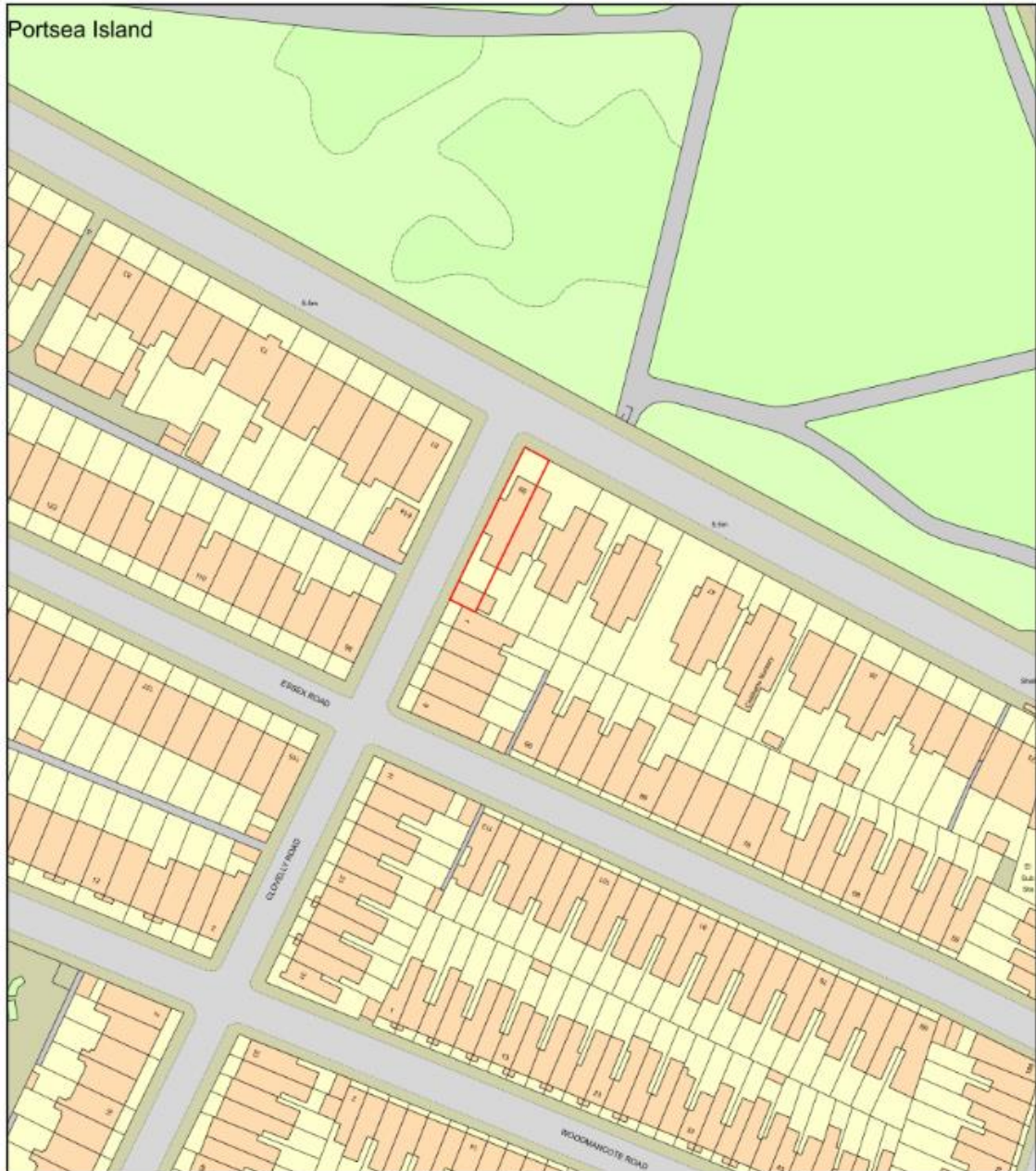


Figure 1 Site Location Plan

3. PROPOSALS

- 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).
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
 - Ground Floor - two bedrooms (single occupancy); communal combined amenity area; shared shower room with WC, handbasin
 - First Floor - Three bedrooms (single occupancy); shared bathroom with bath and WC, hand basin; shared shower room with WC, handbasin

- 3.3 The Applicant has stated that no external works would be required or undertaken as part of this application

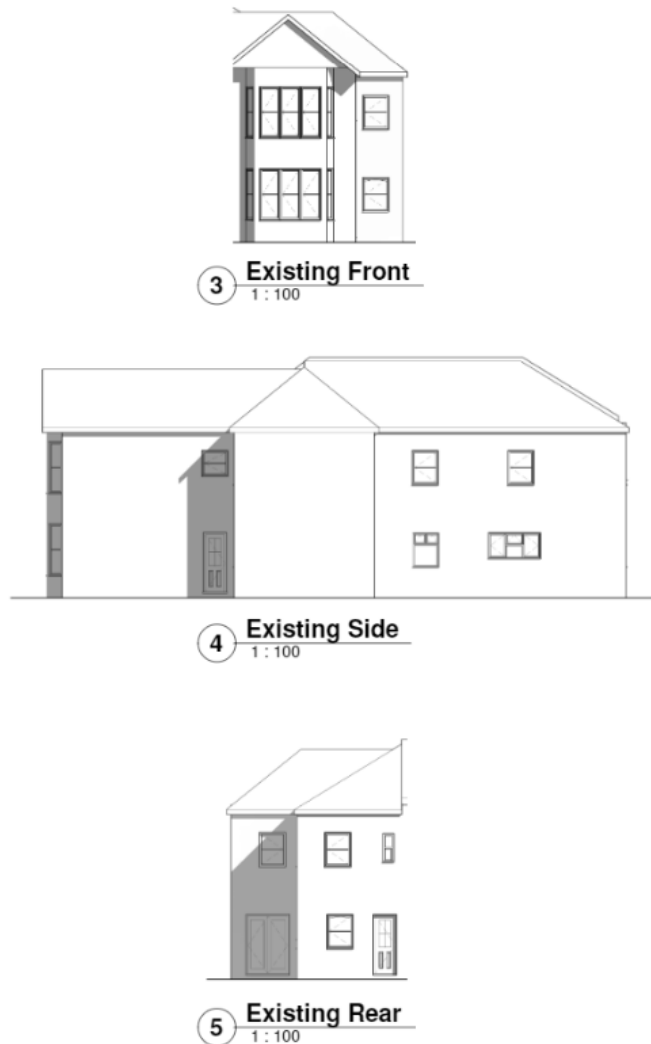


Figure 2 Existing/Proposed Elevations (no changes)

4. PLANNING HISTORY

4.1 24/01374/CPL

Granted

10.12.2024

Application for a certificate of lawful development for the proposed construction of a rear dormer

Note: the applicant states this proposal would not be implemented as part of the live planning permission

4.2 24/00044/GPDC

Prior Approval Required and Refused

12.08.2024

Construction of single storey rear extension; extending 6m from the rear wall, with a maximum height of 3.1m and measuring 2.8m to the eaves.

Refused due to amenity impact on neighbour to east: height, depth, position.

5. CONSULTATIONS

5.1 Highways Team

No objection - Goldsmith Avenue is a predominately residential road with bus stops and local amenities in close proximity. It is not considered the addition of a single bedroom would lead to a material impact to the function of the highway. There may be increase insistences of vehicles hunting for space in the vicinity, this is however an issue of residential amenity for your consideration of the application. Condition required for secure cycle storage.

5.2 Private Sector Housing

Based on the floorplan provided we are satisfied there is suitable living space for the proposed number of occupants. The property would likely require a licence under Part 2, Housing Act 2004.

6. REPRESENTATIONS

6.1 Letters to adjoining properties were sent on 13.12.24. A Site Notice was erected outside the site on 16.12.24.

6.2 14 representations have been received in respect of the proposals. All 14 object to the scheme. 6 of these letters were provided without the postal address of the objector. 2 addresses had two letters from the same address

6.3 The following objections were made to the scheme;

- Increase in noise and disturbance including in construction;
- Increase in crime and anti-social behaviour;
- Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- Undue strain on local services and infrastructure, including the sewage, drainage, waste management and Doctors/Dentists
- Concerns about impact on community and loss of family dwelling
- Works have already commenced
- Overlooking and other amenity impacts of extensions/dormers
- Overdevelopment of the site and issues with room sizes
- Concentration of HMOs in the local area
- Publicity was inadequate, taking place over the Christmas periods, and was not done widely

6.4 The following points were also made which are not considered to be material considerations in the determination of the application;

- Devaluation of surrounding properties
- Party wall issues
- Fire safety issues

7. POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006) The site is outside of the confines of the Milton Neighbourhood Plan (2022).

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS23 - Design & Conservation
- PCS17 - Transport
- PCS20 - Houses in Multiple Occupation

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- PLP1: Design
- PLP20: Houses in Multiple Occupation
- PLP22: Space Standards
- PLP47: Movement and Transport
- PLP48: Access and Parking

7.3 Having regard to the NPPF paragraph 49 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

7.4 Supplementary Planning Documents and Guidance

7.5 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposals;

- Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings (2022)
- Houses in Multiple Occupation (HMOs) (2019) - ('the HMO SPD')
- Solent Recreation Mitigation Strategy (2017)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

7.6 National Guidance

- National Planning Policy Framework (2024)
- National Planning Practice Guidance
- The Technical Housing Standards - nationally described space standards (2015)

8. OFFICER ASSESSMENT

8.1 The main issues for consideration in the determination of the applications include 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). Under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015, where planning permission is granted for a such a flexible use and the permission is implemented, the use of the property may change between C4 and C3 use for period of 10 years from the date of the consent. 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 27 properties within a 50-metre radius of the application site, there is one confirmed HMO (Class C4) at 45 Goldsmith Avenue 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. One further property, no 49 Goldsmith Avenue, was referenced by an objector as being a possible HMO. Council records, including planning records, licensing data and council tax data shows the property as being in a C3 Dwellinghouse use. Including the application property and no. 45 Goldsmith Avenue, the proposal would bring the percentage of HMOs within the area up to 7.4%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 Existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 **Standard of Accommodation**
- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, allow occupation by up to six individuals. The Applicant has referred to five occupiers in the submission, but a C3/C4 consent would allow up to six persons when in C4 use if no occupancy restriction was deemed necessary. This application shall be assessed therefore for six persons when in C4 use.

Submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment

purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	17.8m ²	10m ²
Bedroom 2 (ground floor)	15.2m ²	10m ²
Bedroom 3 (first floor)	17.8m ²	10m ²
Bedroom 4 (first floor)	15.2m ²	10m ²
Bedroom 5 (first floor)	10.1m ²	10m ²
Combined Living Space	22.9m ²	22.5m ²
Shared Shower Room (ground floor)	3.5m ²	2.74m ²
Shared Bathroom (first floor)	7.1m ²	3.74m ²
Shared Shower Room (first floor)	5.7m ²	2.74m ²

Table 1 Schedule of Floor sizes

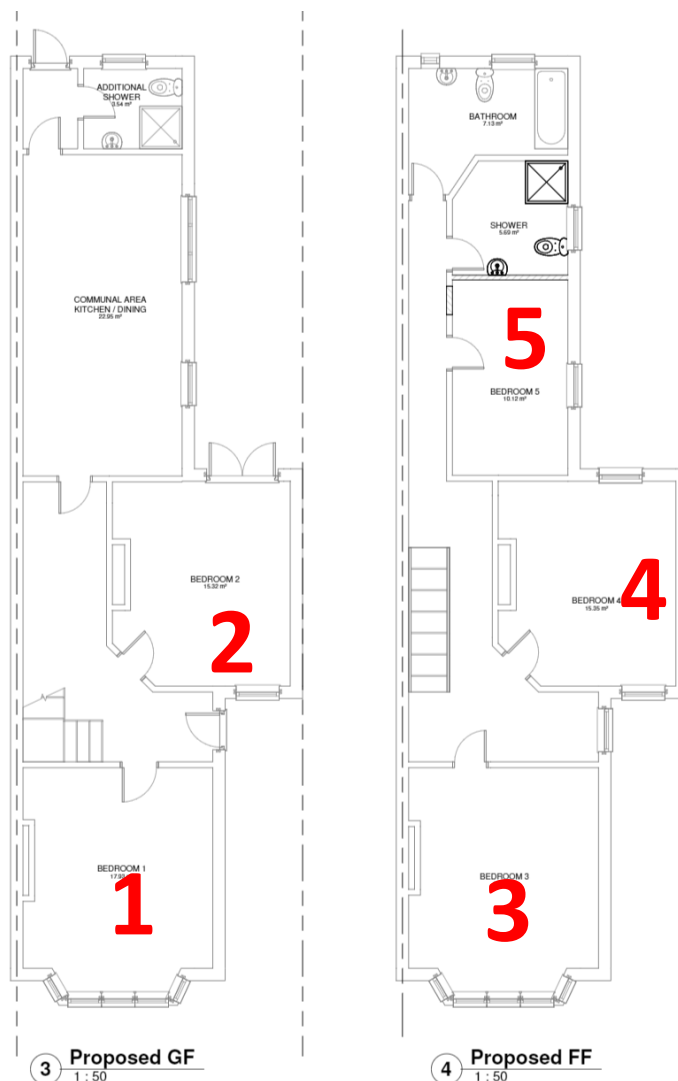


Figure 4 Proposed Floorplans

- 8.11 All of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light. An unrestricted C4 consent could allow up to six occupiers. The combined communal area is in excess of the required 22.5m², the bedrooms all comply, and there is an extra shower room, therefore a condition limiting C4 occupation to 5 persons would not be necessary or reasonable. Occupancy of the property by six persons would require double occupancy of one of the bedrooms, which is achievable as any one of four bedrooms are big enough (14sqm) for double occupancy.
- 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 further HMO would not be significantly harmful.
- 8.15 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.
- 8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.17 **Highways/Parking**
- 8.18 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms (as existing) is also 2 off-road spaces.
- 8.19 The C4 element of the proposal compared to the existing property has the same requirement for parking spaces, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.
- 8.20 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 Applicant proposes to use the garage as the bike store.

8.21 **Waste**

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

8.23 **Impact on Special Protection Areas**

8.24 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.

8.25 **Other matters raised in representations**

8.26 Devaluation of property is not a material planning consideration. Party wall issues are a civil matter between the relevant parties. Fire safety regulations are the responsibility of the licensing regime. All publicity was carried out in accordance with local and national policy, letters were sent to 5 properties and the site notice was placed at the application site.

8.27 **Human Rights**

8.28 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.

8.29 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 **CONCLUSIONS AND PLANNING BALANCE**

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) (2024).

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 drawing - Drawing numbers: Location Plan - TQRQM24297110847615; Proposed Plans PG9095.24.2

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

3. Cycle Storage

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.

Informative:

- a) 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

- b) The dual use Classes C3/C4 hereby permitted allows the property to be used for either use interchangeably, overcoming the need for a new planning permission each time a material change of use from Class C3 to Class C4 occurs. It should be noted that 10 years from the date of this permission, the flexibility afforded by Schedule 2, Part 3, Class V of the Town and Country planning (General Permitted Development) (England) Order 2015 (As amended) ceases and the use of the property at that time becomes the singular lawful use.

Should you wish the property to continue as a dual use Class C3/C4 use after the 10 year period, you would need to make a further planning application.

Please inform the Local Planning Authority of the use of the property applicable at the expiry of the 10 year period.

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Agenda Item 10

24/01412/FUL

WARD: HILSEA

54 MONTAGUE ROAD PORTSMOUTH PO2 0NF

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO A 7-BED/7-PERSON HOUSE IS MULTIPLE OCCUPATION (SUI-GENERIS)

[24/01412/FUL | CHANGE OF USE FROM DWELLINGHOUSE \(CLASS C3\) TO A 7-BED/7-PERSON HOUSE IS MULTIPLE OCCUPATION \(SUI-GENERIS\) | 54 MONTAGUE ROAD PORTSMOUTH PO2 0NF](#)

Application Submitted By:

Mr O Farr
Applecore PDM

On behalf of:

J Chapman
Living Collective Ltd

RDD: 20.11.2024

LDD: 14.01.2025

EOT: 12.02.2025

1. SUMMARY OF MAIN ISSUES

1.1 The application is brought to committee because of the number of objections received.

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

- Principle of development;
- Standard of accommodation;
- Impacts on amenity of neighbouring residents;
- Highways/parking;
- Waste;
- Impact on the Solent Habitats Sites;
- Any other matters raised.

2. SITE AND SURROUNDINGS

2.1 The application site is a two-storey mid-terrace dwelling in a predominately residential area. It lies near the eastern end of Montague Road, near the junction with Beresford Road. Montague Road is one-way, from west to east. The site is in C3 (dwellinghouse) use. There is a back garden and there is a small, detached outbuilding near the southern boundary of the property. There is a tree in the back garden/on the side boundary with no. 52, which would not appear to be affected by the proposal. There is a shared alleyway leading from Beresford Road to the back garden. There is a three-storey flatted block to the south, off Beresford Road.

2.2 The surrounding area is characterised by similar two-storey terrace properties, it is noted that the site is 500m north-east of London Road, an area designated as local shops and services (North End) under PCS8 of the Portsmouth Plan (2012).

3. PROPOSALS

The proposal is for the use of the building as a 7-bed House in Multiple Occupation (Sui Generis). No external alterations are proposed as part of this application. Instead, the

external alterations shown benefit from permitted development rights (single storey rear extension under prior approval, and rear dormer within permitted development allowances, front rooflight). The existing rear lean-to structures would be demolished to allow for the construction of the prior approval extension. The applicant proposes to use the rear outbuilding for bike storage. The existing refuse store fronting Montague Road would be retained. There are various internal changes to the layout to re-configure the property for HMO use.

4. PLANNING HISTORY

- 4.1 **App No 24/00060/GPDC** - Construction of single storey rear extension; extending 6m from the rear wall, with a maximum height of 3m and measuring 3m to the eaves (following removal of existing projection(s))
Decision - Prior approval not required.
Date 30.10.2024

5. CONSULTATIONS

- 5.1 Highways Team
Given the constraints of the site, no off-street parking can be accommodated within the curtilage of the property. There is a potential for increased instances of residents driving around the area hunting for a parking space, however this is an issue of residential amenity for planning consideration. A condition related to bike storage is recommended.
- 5.2 Hampshire & Isle of Wight Constabulary
Comment on what measures might reduce the risk of crime based on the current crime trends. The measures could include for example lighting in the communal areas, tested and certified door sets (PAS24:2022) etc. Concerns about the proposed conversion resulting in increase in neighbour disputes and anti-social behaviour in the area.
- 5.3 Private Sector Housing
There is suitable living space for the proposed number of occupants and advise that this property would likely require to be licenced under Part 2, Housing Act 2004.
- 5.4 Natural England
No objection, subject to appropriate mitigation being secured.

6. REPRESENTATIONS

- 6.1 Letters to adjoining properties were sent on 18.12.24. Site Notice was erected outside the site on 24.12.24.
- 6.2 Twenty-six representations have been received in respect of the proposal, all objecting to the scheme. Six of these letters were provided without the postal address of the objector. Three of the addresses provided a total of seven comments.
- 6.3 The following objections were made to the scheme;
- Impact on parking;
 - NHS pressures;
 - Layout: Concerns about bedrooms 1 (head height) and 4 (space); concerns about bedrooms being double occupancy;
 - Need for a long-term sustainable housing solution for the city, reduce the HMO density 10% rule to 5% to maintain mixed and balanced communities;
 - Community - properties for families contribute to the community feel/ loss of family dwellings including teachers who need such accommodation;

- Environmental concerns - noise pollution, impact on the SPA, overflowing bins and lack of recycling;
- Excessive strain on the already crumbling utilities infrastructure (Gas, water, sewage and electricity).
- A request that the planning committee 'listen to the local residents';
- The proposal disregards the 50-metre rule: The proposed HMO is located next to an existing HMO, in clear violation of the 50- metre rule;
- Works should not be allowed to start until application has been approved, applicants should not be able to reapply if an application is refused;
- Accusation that the agent works with landlords who leave their properties in an unfinished and poor condition; skips outside of renovated HMOs take up parking space and are left for months.

7. POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006).

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS23 - Design & Conservation
- PCS20 - Housing in Multiple Occupation
- PCS17 - Transport

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024. The following draft policies are considered to be relevant:

- PLP1: Design
- PLP20: Houses in Multiple Occupation
- PLP22: Space Standards
- PLP47: Movement and Transport
- PLP48: Access and Parking

7.3 Having regard to the NPPF paragraph 49 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

7.4 Supplementary Planning Documents and Guidance

7.5 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposals;

- Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings (2022)
- Houses in Multiple Occupation (HMOs) (2019) - ('the HMO SPD')
- Solent Recreation Mitigation Strategy (2017)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

7.6 National Guidance

- National Planning Policy Framework (2024)
- National Planning Practice Guidance
- The Technical Housing Standards - nationally described space standards (2015)

8. OFFICER ASSESSMENT

8.1 The main issues for consideration in the determination of the applications include the following:

- Principle of development
- Standard of accommodation
- Impact on amenity including parking
- Impact on Solent Habitat Sites
- Human Rights
- Other matters raised

8.2 Principle of Development

8.3 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 the housing mix of certain communities. Two of the key matters of principle 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.

8.4 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. The relevant 50m radius area is currently made up of 2 HMOs out of 63 properties, a percentage of 3.17%. This proposal would increase the density of HMOs within the 50m radius to 4.76%, well within the 10% threshold. One of the two existing HMOs is next door at no. 56. The HMO SPD also describes a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between two HMOs or create three HMOs in a row next to each other. One of the objection comments made references to the 'violation of the 50m rule', as explained above the threshold of 10% would not be exceeded by the proposal, and the resulting two HMOs next to each other do not contravene the policy either.

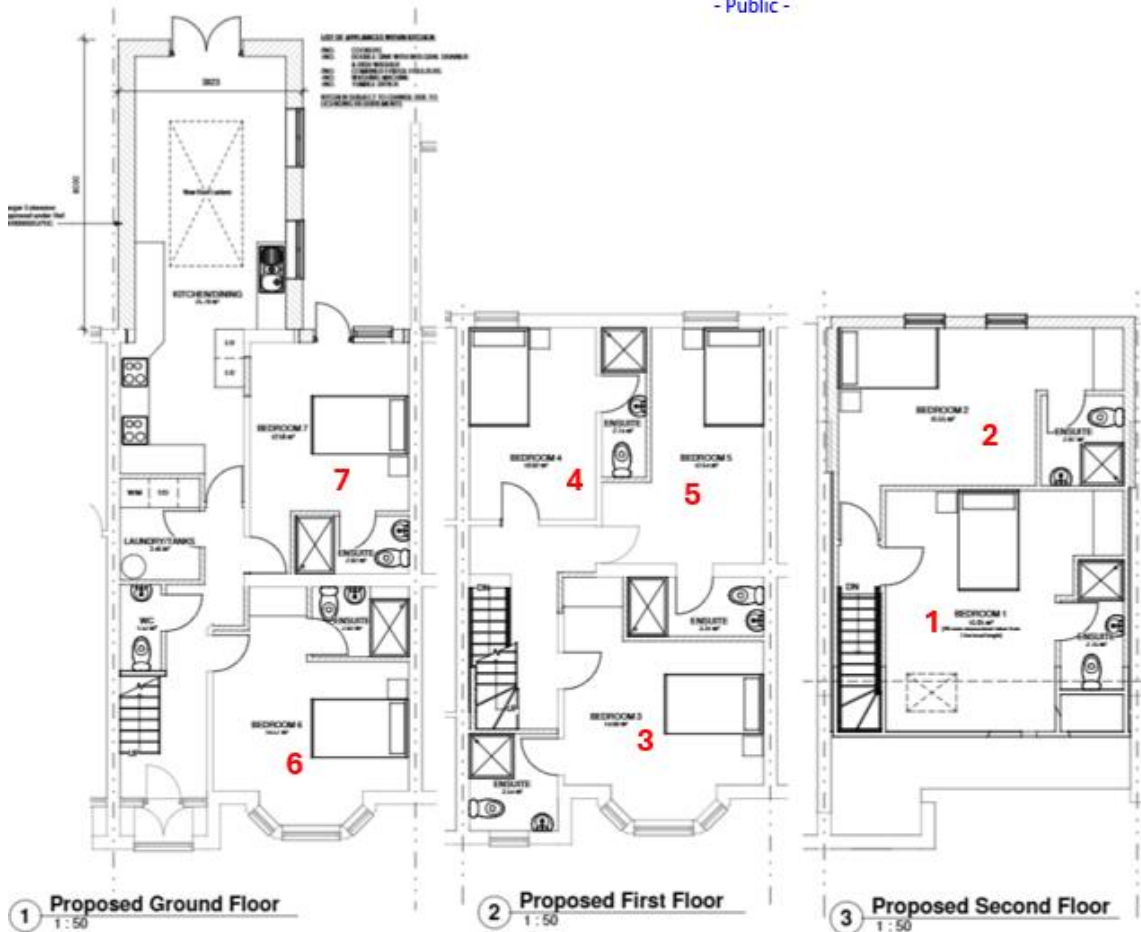
8.5 This proposal would result in the mixed and balanced community being maintained, and would not result in three adjacent HMOs next to each other, or a dwelling house being sandwiched. Therefore, it complies with policy PCS20 and HMO SPD 2019. The map below shows the properties within the 50m radius.



8.6 Standard of accommodation

8.7 The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans, the room sizes measured by officers have been used for assessment purposes. For the proposed HMO use, the room sizes have been assessed against the space standards for an HMO (single occupancy bedrooms) as shown in the table below.

Room	Area Provided (sqm)	Required standard (sqm)
Bedroom 1	15.01	10
Bedroom 2	15.55	10
Bedroom 3	14.80	10
Bedroom 4	10.02	10
Bedroom 5	12.64	10
Bedroom 6	14.57	10
Bedroom 7	12.48	10
Combined kitchen/diner	25.6	22.5
Ensuite shower rooms	range from 2.74 to 3.54	2.74



8.8 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. Bedrooms 1 and 4 were highlighted in one of the objection comments as concerning, however the measurements provided above were taken from the 1.5m high line in bedroom 1, and bedroom 4 meets the required 10sqm standard. As such, the proposal complies with policy PCS20 and HMO SPD 2019.

8.9 **Impact on amenity including parking**

8.10 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) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by up to seven unrelated persons as a house in multiple occupation.

8.11 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. PCC's report on Shared Housing in Portsmouth: An Assessment of Demand, Supply and Community Impacts (2012) provides an overview of the negative impacts of HMO concentrations on local communities and point 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 more HMO would not be significantly harmful.

8.12 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.

8.13 Having regard to these material considerations the change of use would not be significant on residential amenity.

8.14 Properties in HMO use with four or more bedrooms are required to provide two parking spaces which is the same as the requirement for parking spaces for properties in C3 use

class with four or more bedrooms (Parking Standards SPD 2014). The proposal has no off-street parking, which is no change from the fallback position.

8.15 Given the above, it is considered that refusal on a lack of parking is not reasonable or defensible. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle, or even more than 1 vehicle each. 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.

8.16 The Parking Standards SPD (2014) also specifies the expected level of cycle parking that should be provided for residential developments. A 4+ bedroom property has an expected demand for 4 cycle parking spaces. A bicycle storage facility for four bikes has been indicated in the back garden and this would be secured through a condition.

8.17 **Impact on Solent Habitat Sites**

8.18 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 would be secured through a s.111 agreement. An appropriate assessment was carried out and Natural England (NE) were consulted and did not object to the proposal subject to mitigation being secured (response received 20.01.25).

8.19 **Human Rights**

8.20 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.

8.21 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who 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.

8.22 **Other matters raised in objections, not yet addressed in the above report**

8.23 It is not considered that the increase in occupation would result in a significant impact on the local sewer network, and this has been demonstrated by a Dismissed Appeal Decision (APP/Z1775/W/23/3330214) from last year for a proposed HMO on 61 St Chads Avenue. The Planning Inspector noted that "... the construction, operation and maintenance of an adopted sewerage system is the responsibility of the statutory sewerage undertaker, in this case, Southern Water, and the sewerage undertaker has a legal duty under S94 of the Water Industry Act 1991 to provide an effective system of sewers in its area. These sewers become public sewers to which the owners/occupiers of premises, and the owners of private sewers, have a right to connect and thereby drain foul water regardless of any capacity issues".

8.24 The development would accommodate up to seven people. Such an increase would not result in a material increase in the potential for anti-social behaviour, noise, etc. compared to a single-family household and would not thereof represent a reason to withhold planning permission.

- 8.25 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use and would not be a reason to withhold a planning permission.
- 8.26 The request for a different policy threshold for the percentage of HMOs in the 50m radius should have been directed to the Pre-submission Local Plan formal consultation stage last summer, it cannot be taken in to account during the course of a planning application, the adopted SPD guidance still applies.
- 8.27 The current application is for change of use only, and the applicant is entitled to carry out the external physical alterations shown on the plans because they fall within permitted development or Prior Approval, and the internal alterations does not require planning permission in of themselves alone. With respect to a different objection comment: Planning legislation allows for retrospective applications and re-submissions of refused applications. The objector's concern about the state of properties and skips: in the event the application site is left empty and becomes very bad visually the Council may consider taking remedial action, but this is not a matter that can be used to refuse a planning application.

9.0 CONCLUSIONS AND PLANNING BALANCE

- 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) (2024).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory agreement of an internal local authority approval mechanism (an equivalent legal agreement) to secure:

- (a) 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 an internal local authority approval mechanism (an equivalent legal agreement) has not been satisfactorily agreed within one week of the date of this resolution.

RECOMMENDATION

Conditional Permission

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 drawing - Drawing numbers: Location plan, block plan, PG.9132.24.02 B (proposed floor plans).

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

3. Cycle Storage

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.

4. Waste Storage

Prior to the first occupation of the property as a House in Multiple Occupation; refuse and recyclable materials storage facilities shall be provided at the site and shall thereafter be retained for the continued use by the occupants.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS15 and PCS23 of the Portsmouth Plan.

5. 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.

6. PD Alterations

Prior to the occupation of the property as an HMO for seven persons, the single storey rear extension and rear dormer proposed to be constructed under permitted development allowances, and the Prior Approval extension 24/00060/GPDC, 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.

Informatives:

1. Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. This is not a planning matter and would require a separate licensing application.
2. Two 360 litre bins are required for a 7 bed HMO, one for refuse and one for recycling. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.

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