

PLANNING COMMITTEE

14 SEPTEMBER 2016

**1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc., and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property*, and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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**SITE OF FORMER SAVOY COURT & SAVOY BUILDINGS SOUTH PARADE SOUTHSEA
PO4 0SR****CONSTRUCTION OF WALL ALONG COMMON BOUNDARY WITH REAR OF NUMBERS 20-34 ALHAMBRA ROAD****Application Submitted By:**

The Planning Bureau Ltd
FAO Mr Matthew Shellum

On behalf of:

McCarthy & Stone Retirement Lifestyles Ltd.
FAO McCarthy & S

RDD: 25th May 2016

LDD: 4th August 2016

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the proposal is acceptable in design and heritage terms and whether the proposed use would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers.

This application has been referred to the Planning Committee following a deputation request by the owner of a neighbouring property. The application was deferred at the meeting on 17th August to seek further clarification with the applicant regarding the height of the proposed wall. Amended plans have since been received with further neighbour notification having been undertaken. The amended plans relate to a wall that would measure 4.25 metres tall when viewed from the rear gardens of properties in Alhambra Road. The first two metres of the wall above ground level would form a retaining structure for the former Savoy site where the ground level is approximately two metres above that in Alhambra Road. The change in ground levels would result in the proposed wall measuring 2.25 metres in height when viewed from within the Savoy site. The height of the wall shown on the amended plans represents an increase in height of approximately 0.25 metres above that shown on the originally submitted drawing.

The site and surroundings

The wider application site covers just under ½ hectare and is bounded by roads on 3 sides. It is located in a prominent seafront location at a pinch point where buildings are closest to the beach, positioned opposite and within the setting of the Grade II listed South Parade Pier. To the west, at Nos 38-42 South Parade, is a part 3/4-storey Grade II listed building. The site lies within the 'East Southsea' Conservation Area and adjoins 'The Sea Front' Conservation Area.

Proposal

This application seeks planning permission for the construction of a boundary wall approximately 55 metres in length to the rear of numbers 20 - 34 (evens) Alhambra Road. The wall would measure a maximum of 4.25 metres when measured from Alhambra Road with the lower half of the wall being a retaining structure for the former Savoy site where ground level is approximately two metres above that in Alhambra Road. The proposed wall would measure 2.25 metres in height when viewed from within the Savoy site. A previous boundary wall which measured around four metres in height was removed on safety grounds earlier this year. The

height of the wall shown on the amended plans represents an increase of approximately 0.25 metres above that shown on the originally submitted drawings.

Relevant planning history

The site is currently being developed pursuant to a permission granted on appeal in June 2015 for a mixed use development comprising a part seven, part five storey building to provide 31 Retirement Living flats (C3), 66 Assisted Living (Extra Care) flats (C2), a ground floor retail unit (A1) and associated surface car parking spaces and landscaping.

POLICY CONTEXT

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

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

CONSULTATIONS

None.

REPRESENTATIONS

One objection has been received from the owner of an adjacent property in Alhambra Road on the grounds the wall is not owned by the applicant but by the adjacent property owner.

No representations have, at the time of writing, been received in respect of the amended plans. Any representations that are received will be reported at the meeting.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in design and heritage terms and whether the proposed use would have would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers.

Amenity

The proposed wall would be a similar height, as detailed on the plans, to that which formerly existed as the boundary between the Savoy site and the rear gardens of properties in Alhambra Road and would be finished in a red brick chosen to replicate the finish of most of the previous wall. In amenity terms it is considered that the proposed wall would have no significantly greater impact on the living conditions of the occupiers of properties in Alhambra Road than the previous wall. A wall of the height proposed is considered necessary to provide a suitable separation between the development under construction on the site in order to screen the car parking area adjacent to the rear gardens of the Alhambra Road properties.

Design & Heritage

The proposed red brick (Hathaway Brindeled) would provide an appropriate and acceptable visual appearance that would preserve the character and appearance of the East Southsea Conservation Area. Due to its location the proposal would not affect the setting of neighbouring listed buildings.

Other Matters

The applicant has confirmed that the wall and the land on which it is located is within their ownership. The applicant has been in dialogue with the owners and occupiers of the neighbouring properties in regard to access to enable the construction of the replacement wall.

Conclusions

The proposal is considered acceptable in amenity, heritage and design grounds terms and is capable of support.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 162.S.01 Rev.A; and SE-1975-05-LA-408 Rev.E
- 3) The replacement wall hereby permitted shall be finished using a Hathaway Brindled brick by Wienberger laid in a stretcher bond or any alternative brick or bond pattern that may be agreed in writing by the Local Planning Authority.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of the residential amenities of the occupiers of existing and future residents and to preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

1) PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

REAR OF 70/70A ALBERT ROAD SOUTHSEA PO5 2SL

CONVERSION OF OLD STABLES AND STORES TO FORM A DWELLING TO INCLUDE THE INSTALLATION OF A NEW DORMER, DOOR AND WINDOWS AND PROVISION OF A CYCLE AND BIN STORE

Application Submitted By:

The Project Support Practice
FAO Mr D J Boddy

On behalf of:

Lowcross Property LLP
c/o Agent

RDD: 14th April 2016

LDD: 6th July 2016

SUMMARY OF MAIN ISSUES

The determining issues in this case are: a) whether the conversion of the building would be acceptable and whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers; b) whether the external alterations are appropriate in design terms; c) whether the proposal would adequately address the transport needs of future occupiers; d) whether there would be suitable refuse/recycling facilities at the property; and, e) whether there is suitable mitigation in respect of habitats mitigation.

The application is referred to the planning committee due to a deputation request from a neighbouring resident.

The Site

This application relates to a two-storey property located at the rear of No.70/70A Albert Road and is accessed by narrow private road 'Theatre Mews', that is to the west of Southsea Infant School and accessed from Napier Road. On first appearances, Theatre Mews appears as an area that may be used for the storage of refuse or materials ancillary to the shops on Albert Road. There are however, two houses with dedicated off-road parking in what is an unexpected break in the urban fabric, giving a comparatively verdant character to what is an otherwise bustling shopping district and densely populated area. Originally, the building was used as a stable but has since become ancillary storage for a shop on Albert Road and is in a poor condition.

The Proposal

The applicant seeks permission for the conversion of old stables and stores to form a dwelling to include the installation of a new dormer, door and windows and provision of a cycle and bin store.

Relevant Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS8 (District centres), 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 affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS8 (District Centres), 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) and PCS23 (Design and Conservation).

The Parking Standards Supplementary Planning Document would also be a material consideration.

CONSULTATIONS

Environmental Health

Consideration has been given to this proposed development being located close to commercial premises in particular the Fifth Hants public house and the food business premise the Crafty Hot Dog shop.

As the Hot Dog shop does not open until the 4th June 2016 I am unable to comment as to whether any noise or odours from this premise will have any effect on the proposed development. However, should planning permission be granted complaints of this nature can be dealt with under the Environmental Protection Act 1990.

The Fifth Hants public house has a premise licence which allows them to provide entertainment (recorded music) until 02:00hrs Friday to Sunday and until 01:00hrs Monday to Thursday. As there is already existing residential accommodation in Theatre Mews I have checked Environmental Health's complaints data base and can confirm that we have not received any noise complaints since 2013.

Due to the proposed development being located at the rear of 70/70A Albert Road, it will be shielded from traffic noise in the area.

In summary, no objections are raised to this application being granted.

REPRESENTATIONS

One representation has been received objecting on the following ground: the location of the front door opposite the lounge window would result in a loss of privacy.

COMMENT

The determining issues in this case are: a) whether the conversion of the building would be acceptable and whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers; b) whether the external alterations are appropriate in design terms; c) whether the proposal would adequately address the transport needs of future occupiers; d) whether there would be suitable refuse/recycling facilities at the property; and, e) whether there is suitable mitigation in respect of habitats mitigation.

Procedural Matters

This application relates to an area at the rear of 70/70A that was originally a stable and yard, and has been used for a number of years for ancillary storage for the shops on Albert Road before being abandoned. As such, it is considered that the property benefits from a 'fall-back position' within Class M of the General Permitted Development Order 2015

Principle of conversion and Standard of Accommodation

The minimum floor space for a two bed, three person two storey dwellinghouse must be 70m² with 2.0m² built in storage. The floor space for the dwelling would exceed the requirements in the National Described Space Standards and each room would have adequate access to light and outlook that is considered to provide an acceptable standard of living for future occupiers. The proposal is therefore considered to be acceptable in principle.

Design

The existing building is a former stable and now serves as an ancillary storage area for shops on Albert Road and has a 'tired', derelict appearance. The proposed development would include the formation of a new dwellinghouse and the external appearance of the building would be re-developed and completed in a mixture of render at ground floor level, with timber effect weatherboarding at first floor level that would provide some relief and interest to the building.

On the existing building there are few windows and natural light and outlook is restricted inside the property and in order to provide an acceptable standard of light and outlook, a number of additional openings would be inserted into the north, west and south facing elevations of the building with rooflights and dwarf dormers in the roofslopes. These windows would be completed in brown UPVC and it is considered that the size of the windows, their position on the various elevations and roofslopes and the use of materials is appropriate to the recipient property and the surrounding area.

Highways

The use of the property as a two bed, three person dwelling would generate the requirement for 1.5 vehicle parking spaces and 2 long stay cycle spaces. The submitted information includes details of cycle storage that would be located underneath an existing staircase that is adjacent to the property and the red line on the submitted location plan includes this area within the site ownership. In order to secure appropriate cycle storage, this could be secured by a suitably worded planning condition.

Whilst there is a forecourt area adjacent to the property that could be used for the off-road storage of a vehicle, it does not comply with the dimensions required in the Parking Standards Supplementary Planning Document and has not therefore been taken into account. Whilst the property would not therefore benefit from off-road parking and could not comply with the Parking Standards SPD, the constraints of the site are such that no off-road parking can be provided. However, given that the property is within a short walk of the Albert Road District Centre and its associated shops and services, and there is some parking provision in the local area, an objection on highways grounds could not be sustained.

Refuse / recycling materials

Details submitted with the application indicate that the refuse/recycling at the property will be stored underneath the stairs. It is likely that these bins would have to be moved to the kerbside on collection days but the distance of some 25 metres is considered to be reasonable and would comply with the distance specified by the Council's Waste Inspectors. A condition requiring the waste facilities as shown on the submitted drawings could be imposed to secure their implementation.

Impact on residential amenity

The original plans included a front door to the property that would have been opposite a neighbouring properties living room (No.3 Theatre Mews). Objections were raised in relation to loss of privacy from users of this door and the perceived sense of overlooking. As such, amended plans have been sought and the entrance to the property has been moved and would now be positioned on the east elevation, away from No.3. There would however be a small window on the flank wall facing No.3 to allow some light into the hallway but this window, given its proposed limited size and separation with the elevation of the property opposite is not considered to result in a perceived or actual sense of overlooking. As such, it is considered that the use of the property as a dwellinghouse would not have a significant impact on residential amenity and the proposal is in accordance with policy PCS23 of the Portsmouth Plan.

SPA Mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs) (as set out in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document). The development is not necessary for the management of the SPA.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176 (1 x £176). It is considered that, subject to the inclusion of an appropriate level of mitigation within a unilateral undertaking or payment through an agreement under S111 of the Local Government Act, there would not be a significant effect on the SPAs. As of 1st April 2016 and in line with the Retail Price Index, the cost of mitigation for each new dwelling rose from £174 to £176. However, the LPA and Solent Recreation Mitigation Partnership makes an allowance for those legal agreements signed before the 1st April 2016. As such, the level of mitigation provided (£176) for a new dwelling is considered to be appropriate. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Location Plan, Revised Proposed Elevations (04/16/TM-6), Revised Proposed Ground Floor (04/16/TM-3) and Revised Proposed First Floor (04/16/TM-4).

3) Prior to first occupation of the property, secure and weatherproof bicycle storage facilities for 2 long-stay bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

4) Prior to first occupation of the property, secure and weatherproof refuse/recycling storage facilities shall be provided at the site and shall thereafter be retained for the secure storage of refuse/recycling at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate provision is made for the storage of refuse and recycling materials in accordance with policy PCS23 of the Portsmouth Plan.

1) PRO-ACTIVITY STATEMENT

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

11 BAILEYS ROAD SOUTHSEA PO5 1EA

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 18th July 2016

LDD: 15th September 2016

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

The main issues to be considered in the determination of this application is whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located to the north-west side of Baileys Road close to the intersections of Somers Road and Winston Churchill Avenue. The property fronts directly onto the back edge of the pavement and comprises a kitchen, two lounges, bathroom, W/C and a study at ground floor, three bedrooms and a bathroom at first floor level and three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

Proposal

This application seeks planning permission to use the property as a 8 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

Relevant planning history

In regards to relevant planning history, Planning Application Reference: 16/00832/FUL was granted permission in May 2016 for a lawful change of use from Class C3, (Dwellinghouse) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Baileys Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 8).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

REPRESENTATIONS

At the time of writing, three letters of representation has been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom, eight person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00832/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

Portsmouth City Council. On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as Purposes falling within Class C4 HMO or Class C3 (Dwellinghouse), the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Impact on residential amenity

The proposal involves the use of the ground floor lounge and study as additional bedrooms to create an 8 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.'

A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

Although these appeal decisions relate to 7 bed, sui-generis HMO's, the rationale of the inspector's comments are still applicable for this proposed change of use to an 8 bed, sui-generis HMO.

In light of the decisions above, it is considered that the occupation of the property by eight individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouse to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1039.16.SUI

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

1) PRO-ACTIVITY STATEMENT

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

25 BAILEYS ROAD SOUTHSEA PO5 1EA**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 18th July 2016

LDD: 15th September 2016

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located to the north-west side of Baileys Road close to the intersections of Somers Road and Winston Churchill Avenue. The property fronts directly onto the back edge of the pavement and comprises a kitchen/lounge, shower, W/C and a study at ground floor, three bedrooms and a bathroom at first floor level and three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

Proposal

This application seeks planning permission to use the property as a 7 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

Relevant planning history

In regards to relevant planning history, Planning Application Reference: 16/00833/FUL was granted permission in May 2016 for a lawful change of use from Class C3, (Dwellinghouse) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Baileys Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 7).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

REPRESENTATIONS

At the time of writing, three letters of representation have been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00833/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

Portsmouth City Council. On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as Purposes falling within Class C4 HMO or Class C3 (Dwellinghouse), the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Impact on residential amenity

The proposal involves the use of the ground floor study as an additional bedroom to create a 7 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.' A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

In light of the decisions above, it is considered that the occupation of the property by seven individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth

policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouse to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1040.16.SUI

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

1) PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in

this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

37 MARGATE ROAD SOUTHSEA PO5 1EY**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 18th July 2016

LDD: 15th September 2016

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located to the north-west side of Margate Road close to the intersections of Somers Road and Cottage Grove. The property fronts directly onto the back edge of a small walled enclosure and comprises three bedrooms, W/C and a bathroom at ground floor, two bedrooms and a kitchen/lounge at first floor level and a bedroom, bathroom and study within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

Proposal

This application seeks planning permission to use the property as a 7 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse). The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

Relevant planning history

In regards to relevant planning history, Planning Application Reference: 16/00834/FUL was granted permission in June 2016 for a lawful change of use from Class C4, (House in Multiple Occupation) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Margate Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 7).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

REPRESENTATIONS

At the time of writing, four letters of representation have been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people. d) further parking limitations, e) increased noise disturbance, f) increase in rubbish build up.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00834/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

Portsmouth City Council. On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as Purposes falling within Class C4 HMO or Class C3 (Dwellinghouse), the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Impact on residential amenity

The proposal involves the use of the third floor study as an additional bedroom to create a 7 bed HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.' A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

In light of the decisions above, it is considered that the occupation of the property by seven individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth

policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1041.16.SUI

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

1) PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in

this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

80 MARGATE ROAD SOUTHSEA PO5 1EZ

CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 20th July 2016

LDD: 28th September 2016

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a deputation request by a local resident and a call in request from Councillor Rob Wood.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

The application relates to a two-storey mid-terraced property located centrally along Margate Road close to the intersections of Somers Road and Cottage Grove. The property fronts directly onto the back edge of a small walled enclosure and comprises a bathroom, W/C, a study and a kitchen/lounge at ground floor, three bedrooms and a bathroom at first floor level and a three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

Proposal

This application seeks planning permission to use the property as a 8 person house in multiple occupation (Sui Generis). The property currently has a lawful use as Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) The property has been lawfully used as a C4 House in Multiple Occupation since November 2011 with the subject planning permission confirming such.

Relevant planning history

In regards to relevant planning history, Planning Application Reference: 16/00835/FUL was granted permission in May 2016 for a lawful change of use from Class C4, (House in Multiple Occupation) to Purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation)

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Highways Engineer

Margate Road is a residential road lined on both sides with terraced housing. There is parking arranged along both sides of the road which is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with more than 4 bedrooms should provide 2 spaces per dwelling. The proposal would fall within the same category and as such would not need to provide any further spaces despite the increase in bedrooms (from 6 to 8).

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands I would not wish to raise a Highway objection.

REPRESENTATIONS

At the time of writing, five letters of representation has been received from local residents objecting on the grounds of: a) the policy used to dictate decision making is flawed and needs reviewing, b) the quality of life for long-term residents is being compromised. c) these properties were not built to house so many people. d) further parking limitations, e) increased noise disturbance, f) increase in rubbish build up.

The application is referred to the Planning Committee as a result of a deputation request within the representation above. Additionally this application was called in by Councillor Rob Wood on the 24.08.2016

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

Principle of the use

Planning permission is sought for the use of the property as an eight bedroom, eight person Sui Generis House in Multiple Occupation. Upon granting permission for planning application reference ; 16/00835/FUL, the applicant provided evidence in the form of tenancy agreements to demonstrate that the property was in use as a HMO prior to the 1st November 2011 and has continued to be used as such. This evidence has been confirmed against records held by

Portsmouth City Council. On the balance of probabilities, it is considered that the property has a lawful use as a HMO within Class C4.

Having regard to the current lawful use as Purposes falling within Class C4 HMO or Class C3 (Dwellinghouse), the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Impact on residential amenity

The proposal involves the use of the lounge and the study as additional bedrooms to create a 8 bedroom HMO. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that allows occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.'

A further allowed appeal (December 2012) relating to very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance".

Although these appeal decisions relate to 7 bed, sui-generis HMO's, the rationale of the inspector's comments are still applicable for this proposed change of use to an 8 bed, sui-generis HMO.

In light of the decisions above, it is considered that the occupation of the property by eight individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: PG.1042.16.SUI

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

1) PRO-ACTIVITY STATEMENT

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

32 CHELSEA ROAD SOUTHSEA PO5 1NJ

**WITHIN CONSERVATION AREA NO.15: COPPER BEECH - CROWN REDUCE IN HEIGHT BY 1.25M, LATERAL SPREAD BY UP TO 1.2M AND REMOVAL OF LOWER BRANCH;
CONFERENCE PEAR - FELL AND REPLACE WITH A WILLIAMS BON CHRETIEN;
CHERRY TREE - FELL AND REPLACE WITH A DWARF (2M) CHERRY TREE**

Application Submitted By:

Dr Hugh Mason

On behalf of:

Dr Hugh Mason

RDD: 5th August 2016

LDD: 26th September 2016

SUMMARY OF MAIN ISSUES

This prior notification application is to be determined by the planning committee as the applicant is a Member of the Planning Committee, Cllr Mason.

Reason for Conservation Area Consent

Conservation Area Consent is required when an applicant proposes to do works to a tree within a Conservation Area. This is because the trees in Conservation Areas often make a significant contribution to the visual amenity of the surrounding area. Anyone proposing to carry out works on trees within a Conservation Area must serve notice on the Local Planning Authority of their intention to undertake works on a tree, it is a prior notification. The notice contains information to identify the trees, details of the proposed works and reasons. The Local Planning Authority will then consider whether the proposed works should be carried out. If it is considered that the works should not be carried out then the Local Planning Authority can make a formal Tree Preservation Order on the tree.

The proposal

The applicant proposes to carry out the following works to the trees within Conservation Area No 15 (Campbell Road Conservation Area)

- 1) Copper Beech- crown reduce in height by 1.25m, lateral spread by up to 1.2m and the removal of the lower branch;
- 2) Conference Pear- fell and replace with a Williams Bon Chretien;
- 3) Cherry Tree- fell and replace with a dwarf (2m) cherry tree

The site and surroundings

The trees in this application are located within the front and rear garden of 32 Chelsea Road which is a semi-detached Victorian property located on the eastern side of Chelsea Road. It is located within the Campbell Road Conservation Area.

Planning History

In June 2010 a COT application was submitted to fell the false Lime tree and to crown thin by 20% the Copper Beech within Conservation Area 15. There was no objection to the application (Ref 10/00929/COT)

LEGAL FRAMEWORK

The subject matter is not a planning application, but a prior notification of the intention to undertake works to trees in a conservation area.

Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require applicants to notify the local planning authority, using a 'section 211 notice', six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the local planning authority gives written consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree. After the 6 week period, the application is deemed consent and the applicant can proceed with the works providing that the local planning authority does not wish to make a Tree Preservation Order.

CONSULTATIONS

None.

This type of application does not trigger the requirement for any internal or external consultations. The Local Planning Authority has six weeks to form its view and respond to the applicant, after which the works are deemed to have consent and can be undertaken.

REPRESENTATIONS

This type of application does not trigger any notification procedures.

COMMENT

The main issue that is considered during this application is whether the trees are worthy of a Tree Preservation Order (TPO).

The three questions that are considered when determining this application are:

- 1) Is the tree visible to the public?
- 2) How important is the tree within the setting?
- 3) Is the shape of the tree of high quality?

Visibility of the Trees

The Copper Beech and the Conference Pear Tree are both located within the rear garden of the property and cannot be seen from the public realm, therefore it was considered that they do not make a significant contribution to the visual amenity of the Campbell Road Conservation Area.

The Cherry Tree is visible from the public realm as it is located within the front garden of the property. However, it is not considered that the tree is a high quality specimen and it does not make a significant contribution to the amenity of the Campbell Road Conservation Area.

Having regard to the above it is concluded that the Copper Beech, Conference Pear Tree and Cherry Tree are not worthy of a TPO, and that their removal can be supported.

Setting

The trees in this application are located within the front and rear garden of 32 Chelsea Road which is a semi-detached Victorian property located on the eastern side of Chelsea Road. It is located within the Campbell Road Conservation Area.

Chelsea Road includes 2 terraces at the southern end dating from before 1865 a stucco terrace (1-13) and a three storey red brick terrace (4-28). The remainder of the road is a mixture of semi-detached and terraced properties, most with single storey bay windows. There are many trees and shrubs within the Campbell Road Conservation that make a significant contribution to the visual amenity, particularly in Campbell Road, Outram Road and Victoria Road North. However, Chelsea Road itself does not particularly prominent and many trees of high amenity value. There are no trees with TPOs within Chelsea Road.

Having regard to the existing character of the streetscene and the impacts that would be generated from the removal of the Cherry Tree, it is not considered to have a significant impact on the visual amenity of Chelsea Road. On this basis the proposal is considered to be acceptable.

Quality

The quality of the trees is a key consideration. The Cherry tree is not considered to be a high quality specimen and it therefore does not make a significant contribution to the visual amenity of the Campbell Road Conservation Area.

It is therefore considered that the trees are not worthy of Tree Preservation Orders and subsequently the proposed works are considered to be acceptable.

RECOMMENDATION No Objection
