

PLANNING COMMITTEE

9 NOVEMBER 2016

1 PM CONFERENCE ROOM A,
2ND FLOOR, CIVIC OFFICES

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>

INDEX

Item No	Application No	Address	Page
01	16/01241/FUL	57-58 High Street Portsmouth PO1 2LU	PAGE 4
02	16/01242/LBC	57-58 High Street Portsmouth PO1 2LU	PAGE 10
03	16/01532/FUL	24 Merton Road Southsea PO5 2AQ	PAGE 16
04	16/01535/FUL	91 Hollam Road Southsea PO4 8PA	PAGE 23
05	16/01317/FUL	Land Adjacent To 263 Tangier Road Portsmouth PO3 6PQ	PAGE 27

01

16/01241/FUL

WARD:ST THOMAS

57-58 HIGH STREET PORTSMOUTH PO1 2LU

CONSTRUCTION OF TWO-STOREY REAR EXTENSION AND LIFT SHAFT FOLLOWING REMOVAL OF EXISTING ADDITIONS AND FIRE ESCAPE STAIRCASE; EXTERNAL ALTERATIONS TO INCLUDE INSTALLATION OF EQUIPMENT, REPLACEMENT FRONT ENTRANCE DOORS AND REPLACEMENT WINDOWS TO REAR ELEVATION

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Park Lane Assets Limited
FAO Mr Mark Smith

RDD: 25th July 2016

LDD: 30th September 2016

SUMMARY OF MAIN ISSUES

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 proposal would have a significant effect on the residential amenities of the occupiers of neighbouring properties.

The Site

The application site relates to the former Sallyport Inn at 57-58 High Street in Old Portsmouth. Comprising a four storey building dating from around 1800, the building is Grade II Listed. The site is located within the Old Portsmouth Conservation Areas and is adjacent to the Grade II Listed 59 & 60 High Street.

In townscape terms the hotel sits comfortably within a four/five storey 'block' of development that occupies the south east side of the High Street. It shares a similar height and building line (sitting at the back edge of pavement) to its neighbours. The building, and the grade I listed Anglican Cathedral are mutually visible from one another. In conjunction with the surrounding buildings it forms part of the setting of the cathedral.

The Proposal

This application seeks planning permission for: the construction of a two-storey rear extension and lift shaft following the removal of existing extensions and fire escape staircase; and for external alterations to include the installation of plant and equipment, the replacement of the front entrance doors and the installation of replacement windows to rear elevation. The proposed works are associated with a refurbishment of the building to form a boutique hotel with restaurant and bar (planning permission would not be required for a change of use).

Relevant Planning History

None of the planning history of the site is considered relevant to the determination of this application. A corresponding application for Listed Building Consent has been submitted.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS9 (The seafront), PCS23 (Design and Conservation),

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.

The National Planning Policy Framework and the Guidelines relating to development in the Old Portsmouth Conservation Area are also relevant.

CONSULTATIONS

Environmental Health

A Noise Assessment (RP01-16236, dated 18th July 2016) has been produced to accompany the application. This report details a noise survey that has been undertaken and recommendations for achieving internal noise targets for the habitable rooms. Section 5 covers plant noise and target criteria, however, it is stated that since the detailed design information for the plant is not yet available, noise predictions cannot be made. The plant will comprise extractor fans, condenser units and a central heat pump. It is stated that the selection and design of external mechanical plant will be reviewed as project information becomes available to ensure that limits are achieved and it is suggested that compliance with the limits could be secured through planning condition.

Additionally, no information has been provided concerning odour control. As such, I am unable to comment on the likely impact from plant and equipment which will form part of this development. I am, however, satisfied with the noise survey undertaken and the proposed target levels. It is also noted that the extraction system does terminate at high level which will aid dispersal, although some odour control will still be necessary.

Should you be minded to grant permission I recommend that the following conditions be applied: Prior to the installation of any plant and/or equipment, an assessment of noise from the operation of the plant and/or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant and/or equipment shall be implemented.
and...

Equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from the premises. Prior to installation, details of the proposed equipment shall be submitted to the local planning authority for approval. Approved equipment shall then be installed and maintained in accordance with the manufacturer's recommendations.

Contaminated Land Team

I have reviewed the above application and given the relatively limited scope of the works a condition relating to land contamination is not required.

However, the site has previously been used by several small scale historic potentially contaminated uses, including: a Plumbers, glaziers & house decorators c.1886-1892; a House furnishers, invalid furniture manufacturers, invalid chair manufacturers from c.1902-1920; and a Wireless engineers c.1938-1939, and as such the potential for contamination to be present should not be discounted.

Given the above an informative should be added to any planning approval granted.

Seafront Manager

No response received

REPRESENTATIONS

Representations have been received from the owners and occupiers of seven neighbouring properties to the south on the following grounds:

- overdevelopment;
- no need for extension of size proposed;
- loss of property value;
- loss of light;
- overbearing impact;
- potential for noise from plant and equipment;
- potential for odours from commercial kitchen;
- impact on structural stability of neighbouring properties.

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 proposal would have a significant effect on the residential amenities of the occupiers of neighbouring properties.

The site has been vacant for some years and has in the past been extended and altered with many of the changes being considered unsympathetic. The proposed works, whilst extensive are described by the applicant as being part of a scheme "where the plans, funding and requirement are all lined up to restore this dilapidated historic building into a venue every city would envy".

Heritage & Design Considerations

The most significant element of this planning application is the construction of a two-storey rear extension and four storey lift shaft following the removal of existing rear additions and an external fire escape staircase. The removal of the existing extensions and accretions would be a positive and taken together with proposed alterations to the rear elevation of the building would enhance the special architectural and historic interest of this Grade II Listed Building. The proposed replacement structures would be in a contemporary 'mid twentieth century modern' idiom with a flat roof and be finished in white render with ribbon style window openings.

The lift, service riser and M&E equipment are considered to represent necessary additions to the hotel to enhance accessibility and functionality in line with the expectations of a high end hotel. When considered in the context of the existing features present on the rear of the building, and the poor condition of the rear wall itself, it is reasonable to suggest their impact on the significance of the listed building would be low. Furthermore in terms of siting, unlike the existing fire escape, this element of the proposal would be set back behind the dog leg created by the existing projection of No.59 High Street.

The contemporary extension would provide a strong contrast to the existing building. The significance in heritage terms of the rear of the building is low. Whilst the proposed extension is significantly larger than the existing projections on the rear of the building, it would nevertheless be subservient to the recipient building. Its size and scale is not considered to be excessive or overwhelming in relation to the main part of the building. The stylistic approach adopted is very contemporary with its form, finish and architectural details all offering a strong contrast with the hotel. It should be noted that neither the buildings listed status, nor its location in the Conservation Area require the approach adopted here to be one of architectural pastiche. The architecturally bold approach that has been adopted is considered to be consistent with the concept of 'conservation' (as opposed to preservation). The structure would sit at the rear of the building, and would not therefore impact on the more sensitive and significant front façade of the building.

In wider design terms it is considered that as a whole the proposed works to the rear of the building would improve its appearance and be beneficial not only to the listed building itself but also to the character and appearance of the Conservation Area.

The proposal also includes works to the front of the building which is considered to be of a high significance in terms of its age, appearance and the contribution which the façade makes to the wider Conservation Area. The proposals for the front elevation centre on the removal of a number of number of later 'extraneous' non original elements of fabric including: wrought iron planters, juliette balconies and various mouldings at ground floor level and the removal and replacement of the of the current front doors. It is considered that the overall effect of the proposal would be a positive and be beneficial to the front elevation of the building. Visual 'clutter' would be stripped back and the façade given a cleaner, crisper and potentially more authentic appearance. This element of the proposal is therefore considered acceptable in both design and heritage terms.

Amenity

In amenity terms, most of the elements of the proposal would have no significant effect on the living conditions of the occupiers of neighbouring properties. The two elements that do have the potential to impact on amenity are the rear extension and the proposed installation of plant and equipment associated with the proposed refurbishment of the building.

The application is accompanied by a noise report, however no substantive details are provided about the proposed equipment. We agree with the view expressed by Environmental Protection Officers that planning conditions can be imposed to ensure that the operation of plant and equipment operate without harm to residential amenity.

The ground floor of the proposed two storey rear extension would cover the entirety of the site, however it would be within an already enclosed area, most of which is covered by buildings at the moment. The first floor of the extension would project approximately 14 metres from the rear elevation of the existing building of which 9.5 metres would be beyond the rear of number 59 High Street. The extension would be sited on the common boundary of the site with 59 High Street and the rear of properties on the northern side of Grand Parade. The most affected properties are number 59 and the bottom flat in Quay Gate House. Both of these properties have external amenity space that abut the side boundary of the application site and windows that look toward where the proposed extension would be sited.

The existing external fire escape staircase can be considered to 'blight' the outlook from windows in adjacent properties and imposes upon the external amenity space. This impact is caused by its unsightly appearance, its skeletal frame being such that it has a lesser impact in terms of being overbearing or resulting in a loss of light.

The first floor of the proposed extension would be significantly larger than the structure it would replace and would therefore have a much greater impact on the residential amenities of the occupiers of neighbouring properties. The scale of the proposal is such that it would undoubtedly give rise to an increased sense of enclosure and appear overbearing when viewed from the windows of the properties identified previously and their external amenity space. The proposal would therefore result in harm to the living conditions of the occupiers of the lower flat in Quay Gate House and number 59 High Street.

Potential Benefits and Justification

The applicant has submitted a statement in support of their application which has a number of strands. The applicant highlights the increase in visitor numbers in the city, the growth of tourist attractions and the lack of hotel space. Reference is made to many of the existing hotels operating at over 90% occupancy. The applicant notes that the site has been vacant for some years and through a lack of maintenance is now at risk and in need of substantial refurbishment.

The applicant suggests that in its current state the building is not mortgagable and could only be developed through equity financing which limits the scope for investment. The applicant refers to the iconic nature of the building and its history of being host to famous and infamous guests. The applicant highlights that to be viable as a hotel it needs to have the facilities akin to a five star venue. To facilitate such a high end hotel, certain back of house and customer facilities are required. The applicant contends that the constraints of the site are such that these can only be provided through an extension of the size sought.

Conclusion

The proposal has both benefits and disbenefits. The sympathetic restoration of this important heritage asset would result in significant public benefit and be likely to safeguard the long term future of the building. It is accepted that the level of works required to facilitate the creation of a high end hotel would need to include additional facilities that could only be provided by enlarging the building. The constraints of the site are such that any extension would only be located to the rear of the building.

The first floor of the proposed extension would give rise to a degree of harm to the residential amenities of some neighbouring occupiers that could justify the refusal of this application. Having regard to the heritage and economic benefits of the proposal it is considered that, on balance, the harm to the living conditions of neighbours would not be so great as to outweigh the benefits.

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: P50192_1000; P50192_1201 Rev.B; P50192_1202 Rev.B; P50192_1203 Rev.B; P50192_1204 Rev.B; P50192_1205 Rev.B; P50192_1206 Rev.B; P50192_1207 Rev.B; P50192_1250 Rev.B; P50192_1350 Rev.B; P50192_1351 Rev.B; & P50192_1352 Rev.B

- 3) a) Development shall not commence until details of the design and finish of the rear extension and lift shaft, to include materials, finishes and junctions at 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details.

- 4) a) No plant or equipment shall be installed until an assessment of noise from the operation of the plant or equipment has been undertaken using the procedures within British Standard BS4142:2014 (or any equivalent as may be agreed in writing by the LPA) and a report including specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant equipment has been submitted to and approved in writing by the Local Planning Authority.
b) No plant or equipment shall be brought into use until all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant or equipment approved pursuant to part a) of this condition have been fully implemented.
c) All mitigation measures shall thereafter be retained.

- 5) a) No cooking equipment shall be installed until details of any measures to suppress and disperse odour and fumes emitted from cooking operations arising from the premises has been submitted to and approved in writing by the Local Planning Authority.
- b) No cooking equipment shall be brought into use until all specified measures to mitigate any odour and fumes emitted from cooking operations approved pursuant to part a) of this condition have been fully implemented.
- c) All mitigation measures shall thereafter be retained.

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 secure high quality external finishes to a building and to protect the special architectural and historic interest of this Grade II Listed building in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 4) To protect the living conditions of the occupiers of neighbouring residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To protect the living conditions of the occupiers of neighbouring residential properties in accordance with policy PCS23 of the Portsmouth Plan.

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.

57-58 HIGH STREET PORTSMOUTH PO1 2LU

CONSTRUCTION OF TWO-STOREY REAR EXTENSION AND LIFT SHAFT FOLLOWING REMOVAL OF EXISTING ADDITIONS AND FIRE ESCAPE STAIRCASE; INTERNAL AND EXTERNAL ALTERATIONS TO INCLUDE INSTALLATION OF EQUIPMENT, REPLACEMENT FRONT ENTRANCE DOORS, REPLACEMENT WINDOWS TO REAR ELEVATION AND RECONFIGURATION OF INTERNAL LAYOUT

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Park Lane Assets Limited
FAO Mr Mark Smith

RDD: 25th July 2016

LDD: 30th September 2016

SUMMARY OF MAIN ISSUES

The sole issue to be considered in the determination of this application are whether the proposal would preserve this Listed Building and any features of special architectural or historic interest.

The Site

The application site relates to the former Sallyport Inn at 57-58 High Street in Old Portsmouth. Comprising a four storey building dating from around 1800, the building is Grade II Listed. The site is located within the Old Portsmouth Conservation Areas and is adjacent to the Grade II Listed 59 & 60 High Street.

The building sits at the southern end of Old Portsmouth High Street and was listed at grade II in 1953. This is an early date for the listing of a building in the city of Portsmouth, (the majority being identified in the early 1970s), and is indicative not only of its age (late 18th/early 19th Century), and architectural/historic qualities, but also perhaps its striking and imposing appearance (which clearly captured the attention of inspectors before many other buildings of comparable scale in the city).

Proposal

This application seeks listed building consent for: the construction of a two-storey rear extension and lift shaft following the removal of existing additions and fire escape staircase; internal and external alterations to include the installation of plant and equipment, the replacement of front entrance doors, replacement windows to rear elevation and a reconfiguration of the internal layout of the building. The proposed works are associated with a refurbishment of the building to form a boutique hotel with restaurant and bar.

Relevant Planning History

None of the planning history of the site is considered relevant to the determination of this application. A corresponding application for planning permission has been submitted.

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.

CONSULTATIONS

Ancient Monuments Society

No response received

Council For British Archaeology

No response received

SPAB

No response received

The Georgian Group

No response received

The Victorian Society

No response received

Twentieth Century Society

No comment to make on the application.

The Portsmouth Society

The Portsmouth Society support this application.

The development will restore this listed building and enhance the Conservation Area. We are fortunate that the owner has the philanthropic approach and wherewithal to refurbish this building, saving it from dereliction, and develop a quality hotel which is most welcome. (The potential alternative of more apartments or rental accommodation does not bear thinking about). Little change is proposed for the exterior Georgian frontage apart from decluttering and improving the facade. The removal of the large fire escape at the rear will be a considerable improvement although we are concerned that this must be done with great care as it may be a supporting element to the rear of the building.

Proposed public areas will be much lighter whilst the overall planned high quality of fixtures, and exposure of old features, to reflect its 17th c. origins should lead to up market foot-fall to benefit the area.

We are told that the rear extension is to be scaled down in response to neighbour concerns of over shadowing.

REPRESENTATIONS

Representations have been received from the owners and occupiers of seven neighbouring properties to the south on the following grounds:

- overdevelopment;
- no need for extension of size proposed;
- loss of property value;
- loss of light;
- overbearing impact;
- potential for noise from plant and equipment;
- potential for odours from commercial kitchen;
- impact on structural stability of neighbouring properties.

It should be noted that most of the issues raised in the objections relate to matters that need should addressed separately in the assessment of the corresponding planning application, and that this report will focus on those grounds which relate to the proposed works to the listed building.

COMMENT

The sole issue to be considered in the determination of this application are whether the proposal would preserve this Listed Building and any features of special architectural or historic interest.

The proposal includes a number of elements, the heritage of implications of each of which must be considered. The site comprises an important heritage asset whose significance predominantly derives from its age and the quality of the front elevation.

Front Elevation

The building stands at four storeys (excluding its attic). Its frontage is composed of 7 vertical 'bays'. Two large splayed bays rise the full height of the building flanking its ground floor entrance and central 'core'. Multipane single glazed timber sliding sash windows are present in all openings. A visual inspection of the windows suggests that not all of them are 'original' (or even necessarily historic), nevertheless their overall appearance including the thickness of their frames and other elements such as glazing bars, is architecturally and historically appropriate. The overall effect of the windows is harmonious and visually pleasing. Other notable features of the building include its heavily dentilled eaves cornice and coped parapet.

Whilst the frontage has been subject to alteration and elements such as the windows are not 'original', it retains the essential character and appearance of an early 19th century building. As a result and the contribution which the façade makes to the wider Conservation Area, it is considered that the heritage significance of this part of the asset as being relatively high.

The proposals for the front elevation centre on the removal of a number of number of later 'extraneous' non original elements of fabric including: wrought iron planters, juliette balconies and various mouldings at ground floor level and replacement of the current front doors. It is considered that the overall effect of the proposal would be positive for the front elevation of the building. Visual 'clutter' would be stripped back and the façade given a cleaner, crisper and potentially more authentic appearance. This aspect of the proposal is therefore considered to be positive in heritage terms.

Rear elevation

The submission makes reference to the potential rebuilding of the rear wall of the building. Site inspections have revealed that the wall is in a poor condition, includes substantial amounts of non-original fabric and has been the subject of major alteration over time. The pattern of windows, and the elevation as a whole does not have any obvious sense of rhythm, symmetry or harmony. The significance in heritage terms of the rear wall is considered to be low. The reconstruction of the wall is therefore considered acceptable subject to the use of appropriate materials and finishes. These can be secured through the imposition of suitable worded conditions.

Rear extension

Currently the most obvious feature projecting from the rear wall of the building is a substantial metal fire escape rising from ground floor level deep within the plot to the top of the building. Whilst functional this structure is unattractive and its poor appearance has been exacerbated by the lack of maintenance it has received. In addition to the fire escape a lean to and yard are also present. These elements are certainly neither original nor historic. The fire escape in particular is an oversize, unattractive, and unsympathetic addition to the building. Their contribution to the

special architectural and historic interest (and therefore the significance) of the asset is a negative one.

The applicant proposes the removal of these features, and their replacement with a number of other features including: a lift shaft to service the third floor, a service riser to accommodate extraction equipment (both render finished to match the rear wall) and plant and equipment concealed behind a hit and miss timber panelled enclosure. The aspect of the scheme, with perhaps the greatest impact would be the addition of a contemporary two storey extension in a 'mid-century modern' idiom: flat roofed, white rendered with ribbon style window openings, to the rear of the building. A significant proportion of the rear of the building would be concealed by these additions, and their cumulative impact would be appreciable.

It must be acknowledged that the lift, service riser and plant and equipment would be necessary additions to the hotel to enhance accessibility and functionality in line with the expectations of a high end hotel. When considered in the context of the existing features present on the rear of the building, and the poor condition of the rear wall itself, it is considered that their cumulative impact on the significance of the asset would be low.

The contemporary extension, offers a strong contrast to the existing building, whilst the proposed extension is significantly larger than the existing projections on the rear of the building, it remains clearly subservient. It is not considered that its size or scale would be excessive or overwhelming in relation to the recipient building. The stylistic approach adopted is very contemporary with its form, finish and architectural details all offering a strong contrast to the hotel. It must be noted that the building's listed status does not require the approach to any extension to be one of architectural pastiche. The architecturally bold approach that has been adopted is considered to be consistent with the concept of 'conservation' (as opposed to preservation). The structure, due to its location at the rear of the building, would not therefore impact on the more sensitive and significant front façade of the building. Having regard to the high quality design of the proposed extension it is considered that the proposal would preserve the special architectural and historic interest of the building.

Interior

The interior of the building has, across all floors, historically been subject to extensive reconfiguration and unsympathetic repair and maintenance (most of which were probably undertaken in various phases between the 1950s and 70s). It appears that the original floorplan of the building has largely been lost over time. The interior of the building retains the character of a historic interior, albeit this is derived more from aspects such as ceiling heights, the presence of the staircase and limited elements of surviving genuine historic fabric than from the existence of a substantial proportion of original or historic fabric. Given the high level of alteration which has already taken place, the overall significance of the interior is relatively low.

Internally the proposed works relate to the removal of existing but non original or historic partitions and fixtures and fittings. The interior decoration is dated and with historic architectural detailing (such as ceiling roses, cornices etc.) being either absent or replaced with features that are architecturally and historically inappropriate to the period of the building. In most cases the internal partitions to be removed either enclose en-suites, or 'artificially' subdivide spaces in a way which is incongruous and unsympathetic (e.g. by bisecting window bays).

The spiral stairwell (and case) at the core of the building starts on the ground floor (and rises to the second, where it terminates). The staircase is an attractive feature with its profile and detailing suggesting that its provenance is, if not original, then certainly historic, and whose retention is an appropriate and positive outcome for the scheme.

The proposed floorplans indicate that the remodelling of the interior would be significant. At ground and first floor levels the work would amount an 'opening up' of the space (to accommodate a new bar area and dining room/restaurant) with appreciable elements of

'compartmentalisation' to provide discrete spaces for seating, food preparation and storage. Works to the upper floors would see the spiral staircase continued from the second floor (where it currently terminates), and provide the hotel with a relatively limited number of generous en-suite bedrooms (9 in total compared to 12 as existing). This work would see the limited elements of historic fabric at these levels retained, and a subsequent 'rationalisation' of the space which would secure floorplans that both improve accessibility, and provide a more sympathetic fit with the space overall.

When the current nature and quality of the interior are considered and weighed against the level of fabric removal and the reconfiguration that is proposed, it is considered that the impact of the scheme on this element of the asset would be relatively low.

Conclusion

Having regard to the foregoing analysis of the significance of the heritage asset and the impact of the various elements, it is considered that the cumulative impact of the proposal would be modest and in the context of para 134 of the NPPF amount to very much less than substantial harm. It must be noted that any alteration to a listed building will impact on its significance to some degree. The works that are proposed are considered to be consistent with delivering the improvements and level of enhancement necessary to secure the effective re-use of the site. This objective must be recognised as a crucial consideration in determining the acceptability of this scheme and be given great weight in the decision making process. Whilst the proposal would result in some harm, it is relatively modest, and in light of the potentially positive outcome for the building and its long term re-use) makes the scheme capable of support in heritage terms.

RECOMMENDATION Conditional Consent

Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.

- 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: P50192_1000; P50192_1002 Rev.A; P50192_1003 Rev.A; P50192_1004 Rev.A; P50192_1005 Rev.A; P50192_1006 Rev.A; P50192_1007 Rev.A; P50192_1010 Rev.A; P50192_1102 Rev.D; P50192_1103 Rev.D; P50192_1104 Rev.D; P50192_1110 Rev.C; P50192_1120 Rev.D; P50192_1201 Rev.B; P50192_1202 Rev.B; P50192_1203 Rev.B; P50192_1204 Rev.B; P50192_1205 Rev.B; P50192_1206 Rev.B; P50192_1207 Rev.B; P50192_1250 Rev.B; P50192_1350 Rev.B; P50192_1351 Rev.B; P50192_1352 Rev.B; & P50192_1400 Rev.B .

- 3) a) No works shall take place to the existing front dormers until details, to include drawings at 1:20 or any other appropriate scale, materials, finishes and making good, have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details.

- 4) The replacement roof to the rear of the building shall be finished in a natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority.

- 5) The replacement front doors hereby consented shall only be installed in accordance with a detailed scheme, to include materials, ironmongery and surface finishes, that shall have been submitted to and approved in writing by the Local Planning Authority.

- 6) a) No works shall be carried out pursuant to this consent (unless otherwise agreed in writing by the LPA) until full details (including method of demolition and details of making good) of all alterations to the interior and exterior of the listed building have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To protect the special architectural and historic interest of this Grade II Listed building in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 4) To protect the special architectural and historic interest of this Grade II Listed building in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 5) To protect the special architectural and historic interest of this Grade II Listed building in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 6) To protect the special architectural and historic interest of this Grade II Listed building in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.

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.

24 MERTON ROAD SOUTHSEA PO5 2AQ**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 13 PERSONS (SUI GENERIS) TO INCLUDE INFILLING PART OF LIGHTWELL TO LOWER GROUND FLOOR FRONT ELEVATION****Application Submitted By:**Chris Flint Ass Ltd
FAO Mr Chris Flint**On behalf of:**

Mr R Singh

RDD: 13th September 2016**LDD:** 15th November 2016**SUMMARY OF MAIN ISSUES**

This application has been brought to this committee due to a blanket request by planning committee members that all sui generis HMO applications are determined at committee and at the request of a local resident.

The main issues to be considered in the determination of this application are: a) whether the proposal is acceptable in principle; b) whether the external alterations would be appropriate in design terms and whether they would preserve or enhance the character and appearance of the conservation area; and, c) 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 the Solent Special Protection Areas mitigation, car and cycle parking and waste.

The site

This application relates to a large two-storey property located on the south side of Merton Road close to the junction with Hillborough Crescent and is part of the former Angelis Nursing Home. The property is set back from the highway by a front garden area and it has an accessible driveway and forecourt area. The property is within the 'Owens Southsea' Conservation Area (No.2). The subject property is part of the original nursing home which did not form part of the recent planning application (ref.15/01891/FUL) that was determined by the Inspector this year.

The Proposal

The applicant seeks permission for a change of use from dwelling house (Class C3) to house in multiple occupation for 13 persons (sui generis) to include infilling part of lightwell to lower ground floor front elevation.

Relevant Planning History

The relevant planning history for this site relates to:

1. Change of use from a nursing home to two dwelling houses (Class C3) that was granted conditional permission in September 2015 (application ref. 15/01183/FUL); and,

2. Change of use for land being 26 Merton Road adjoining the site, from a nursing home (Class C2) to house in multiple occupation for 12 persons (sui generis) to include alterations to the front boundary wall, the provision of refuse and cycle storage and landscaping (application ref. 15/01891/FUL) that was refused by planning committee on 03.02.2016 for the following two reasons:

1. 'The proposed change of use of the building to a house of multiple occupation would have a detrimental impact on the Conservation Area and would neither preserve nor enhance the character of the area. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.'

2. 'The proposed use of the property as a house of multiple occupation would give rise to additional demands for on-street parking causing detrimental harm to the already constrained highway network at the inconvenience to all users of the road. The proposal is therefore contrary to policies PCS17 of the Portsmouth Plan.'

The applicant appealed the decision of the local planning authority (PINS ref. APP/Z1775/W/16/3145065) that was subsequently allowed by the Inspector with an award of costs awarded against the council who 'behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process'. The Inspector's report is summarised below:

'...When operating as a nursing home Nos 24/26 could accommodate a total of 15 residents. Whilst it might not have operated at full capacity throughout the year, there would have been comings and goings associated with staff, visitors and deliveries throughout the day and, quite possibly, into the early evening. There was no substantiated evidence submitted with the appeal to demonstrate that the use of the property as a 12 bedroom HMO would generate a significantly greater number of movements than the former nursing home...I conclude that the change of use would preserve the character and appearance of the Owen's Southsea Conservation Area. The proposal would therefore comply with the requirements of Policy PCS23 of The Portsmouth Plan, which requires development in conservation areas to respect the city's historic townscape and cultural heritage. It would also accord with the Framework's advice to conserve historic assets in a manner appropriate to their significance.'

'The streets around the appeal site are restricted in width but are available for on-street parking. The junctions are protected by yellow lines and some entrances are indicated by advisory white road markings. However, the area is not part of a controlled parking zone that restricts the availability of on-street parking in other respects. At the time of my site visit, which took place in late 3 morning, all the on-street parking was being well-used. This is consistent with the highway authority's comments on the application and representations made by local residents, from which it is apparent that on-street parking in the area is used to capacity. Nevertheless, the site is in a highly accessible location within 400m of town and district centres and a high frequency bus corridor. There are therefore good opportunities for future occupants to access facilities and services by walking, cycling or using public transport, in preference to owning a car. The proposal includes provision of weatherproof, secure cycle storage for up to 13 bicycles. I therefore conclude that the proposed change of use would not give rise to increased inconvenience for road users arising from additional demand for on-street parking. The proposal would comply with Policy PCS17 of the Portsmouth Plan, which seeks to encourage walking, cycling and the use of public transport, alongside the provision of parking spaces in accordance with the standards set out in the SPD.'

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS14 (A Healthy City), PCS13 (A Greener Portsmouth), 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: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation). The Parking Standards and Houses in Multiple Occupation Supplementary Planning Documents (SPDs) would also be a material consideration.

CONSULTATIONS

Highways Engineer

This application proposes a change of use from purposes falling within C3 (dwelling house) to 13 bed house in multiple occupation (sui generis). I have reviewed the documents submitted with the application and would make the following comments:

Merton Road is a residential road lined on both sides with a mix of large detached and semi-detached 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 with more than 4 bedrooms should provide 2 spaces per dwelling. Whilst the number of vehicles could well increase with this development, the proposal for a HMO (sui generis) would fall within the same category as the existing use and as such would not need to provide any further spaces. Also given the proximity to the district centre of Southsea and local centre of Albert Road and nearby bus and cycle routes the likelihood of an objection being sustained is low.

The agent states in the Design & Access statement that cycle parking provision will be made in the front forecourt. Whilst the number of spaces to be supplied is not given, the required amount would total 4 secure spaces.

As the application stands I would not wish to raise a Highway objection on the condition that adequate cycle parking compliant with the SPD is provided prior to occupation.

Environmental Health

I have considered the application and confirm that I have no objections to the proposal.

HMO Consultation Memo

Private Sector Housing

None.

REPRESENTATIONS

One representation has been received objecting on the grounds of: a) Increased noise and anti-social behaviour (ASB); b) Impact on quality of life from high number of additional property occupiers; c) Impact of noise and anti-social behaviour on residents of nearby care home; d) High density of HMOs in the surrounding area; e) Issues with water and localised site flooding; f) Poor quality of living for future residents; g) Increased congestion and parking issues; h) Shortage of family housing; and, i) fire safety.

COMMENT

The main issues to be considered in the determination of this application are: a) whether the proposal is acceptable in principle; b) whether the external alterations would be appropriate in design terms and whether they would preserve or enhance the character and appearance of the

'Owens Southsea' Conservation Area; and, c) 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 car and cycle parking, waste the increased recreational disturbance on the Solent Special Protection Areas.

Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for changes 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 Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, 4 of the 78 properties within a 50 metre radius were initially identified as being in use as HMOs (17 Merton Road, 30 Victoria Road South, 32 Victoria Road South and 26 Merton Road benefits from a yet unimplemented permission for use within Class C4). This information is based on records held within the City Council's HMO database which is made up of records of properties with planning permission for Class C4 use, sui generis HMO use and mixed C3/C4 use, records of Class C4 HMOs submitted to the council by property owners, HMOs that have been issued a licence by the council and council tax records. Whilst this is the best available data to the Local Planning Authority 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.

Following a review of the properties initially identified as HMOs within the 50 metre radius and based on the evidence available to the LPA, the following 5 properties are not considered to be in use as HMOs:

1. Flat 3 28 Merton Road;
2. Flat 3 30 Merton Road;
3. 15D Nelson Road;
4. 34 Victoria Road South; and,
5. 10 Merton Court, Victoria Road South.

One additional property has been brought to the attention of the LPA to investigate. The property, 23 Nelson Road is the subject of an application for planning permission for a change of use from a Class C3 to a mixed C3/C4 (ref.16/01360/FUL). This HMO has been added to the count data.

In light of these investigations, the 'count' data has been modified and the number of HMOs as a percentage calculated as 5.13% (4/78 x100), rising to 7.69% (6/78 x100) if permission was granted. On the basis that the granting of planning permission would increase the proportion of HMOs to less than 10%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses. The proposal is therefore acceptable in principle.

External Alterations

When determining applications in conservation areas, the LPA must have regard to section 72 of the Act which states: 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area'. The Conservation Area is characterised by Regency style terraces and Gothic revival villas set along winding lanes with a profusion of mature trees. The Area is also interspersed with more modern blocks of flats that appear to date from the mid-20th century. Apart from the purpose built flats, the Area appears to be predominantly single family dwellings, interspersed with properties that have been sub-divided into flats and the occasional nursing home.

The proposed works in the front forecourt area would include the partial infilling of the basement light well so it lies flush with the existing outside ground level and the installation of a safety railing. The partial infill would ensure that adequate light can still reach the proposed basement bedrooms and giving some limited outlook whilst providing a raised storage area for removal of bikes and bins from the property. The bicycle storage for the property would be located adjacent to the common boundary with the adjoining property to the east in a timber structure.

Further alterations would include the construction of a timber clad structure that would be located adjacent to the front entrance to the property for the storage of four refuse and recycling bins. It is considered that the proposed development would be appropriate to the recipient property and the surrounding area in design terms and would preserve the character and appearance of the 'Owens Southsea' Conservation Area.

Impact on Residential Amenity

Policy PCS20 recognises that HMOs contribute to meeting the city's diverse needs for accommodation, whilst seeking to ensure that changes of use would not create an over-concentration of HMOs in any one particular area. No. 24 is a substantial in size Victorian property that was previously linked to No 26 and used as a nursing home that could be occupied by up to 15 persons. When operating as a nursing home Nos. 24/26 could accommodate a total of 15 residents. Whilst it might not have operated at full capacity throughout the year, there would have been comings and goings associated with staff, visitors and deliveries throughout the day and, quite possibly, into the early evening. Whilst concerns have been raised regarding the cumulative impact on the total number of additional residents (in this case 10 additional persons above the 15 care home residents) that sui generis HMOs bring, rather than just one additional HMO that is under the 10% threshold. Whilst these concerns have been noted, it is considered that a refusal on these grounds would not be sustainable given the current policy presumption.

It is considered that the use of the property as a 13 bed HMO would not generate a significantly greater number of movements than the former nursing home.

Any property could give rise to anti-social behaviour and there is separate legislation and organisations to address these issues should they arise. A refusal on ASB grounds would not form a sustainable reason for refusal. It is therefore considered that given the substantial size of the property there would be no significant impact on residential amenity as a result of the change of use.

Car Parking and Cycle Storage

The application site does not benefit from off-street parking and constraints of the site are such that none can be provided. The Parking Standards SPD sets out that a sui generis HMO of this size should be served by two-off street spaces and four long stay cycle spaces to encourage sustainable modes of travel. The streets around the appeal site are restricted in width but are available for on-street parking. The junctions are protected by yellow lines and some entrances are indicated by advisory white road markings. However, the area is not part of a controlled parking zone that restricts the availability of on-street parking in other respects. Due to the proximity of local shops and services, on-street parking provision is often well used.

The site is in a highly accessible location within 400m of town and district centres and a high frequency bus corridor. There are therefore good opportunities for future occupants to access facilities and services by walking, cycling or using public transport, in preference to owning a car. The proposal includes provision of weatherproof, secure cycle storage for up to 13 bicycles which significantly exceed the expected requirements in the Parking Standards SPD. Whilst the demand for parking is unlikely to increase, given the residential nature of the proposal, it is considered that future occupants are more likely to use public transport or bicycles in this highly accessible location. Therefore, to encourage the use of more sustainable modes of transport to

the car, it is considered that a suitably worded planning condition requiring their retention of the bicycle facilities would be both necessary and reasonable.

Having regard to the existing lawful use of the property as a nursing home (Class C2) that would have attracted its own demand for parking, from visitors, deliveries and staff, it is considered that on that basis the proposed use is unlikely to result in a significant additional demand for parking beyond that associated with the existing lawful use.

Waste

The Waste Inspectors initial comments state that the proposed position of the 240 litre bins adjacent to the boundary wall would be impractical, given that there would still be a lightwell leading down to a basement area that would be enclosed by 1.1 metre high railings. As there would be limited space to remove the bins, it would be likely to cause a health and safety hazard for crews and the Inspector has confirmed that for this reason the council would not collect or remove waste from the site. The applicant has provided amended plans to show the location of the 360 litre bins in-situ to the entrance doorway to the property. This revised position would allow access to the bicycle storage without having to navigate past the bin storage. However, the Inspector has stated that this revised location is still likely to present issues removing the bins from the storage area as once the bins are open, there is no space to remove the bins and close the doors. Given these difficulties and the need to screen the bins from the conservation area, it is considered that in this instance it would be appropriate to omit the doors from the floor plans.

Further comments made by waste inspectors suggest Nos. 24/26 have shared refuse/recycling facilities by removing the central boundary wall; but, given the importance of walls in contributing to the character and appearance of the conservation area, and the ownership and usage of the property could change in the future, this is not considered to be appropriate.

It is considered that the proposed storage means for refuse/recycling would be appropriate in this location and could be secured by a suitably worded planning condition.

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. 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.

The Interim Solent Recreation Mitigation Strategy states that the developer contribution figure will be updated on 1 April each year in line with the Retail Price Index (RPI). The increase in RPI over the twelve months to 31 January 2016 was 1.3%, which means that the £174 per dwelling

figure should increase to £176.26, which becomes £176 when rounded to the nearest whole pound. Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176 (1 x £176, nursing home (C2) to sui generis HMO).

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 and Block Plan, Revised Proposed Floor Plans Rev A4 and Revised Proposed Elevations Rev 01.
- 3) Prior to the first occupation of the property as a House in Multiple Occupation (sui generis) the secure and weatherproof cycle storage facility shall be implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The cycle storage facility shall be retained thereafter as approved.
- 4) Prior to the first occupation of the property as a House in Multiple Occupation (sui generis), weatherproof refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be retained for the storage of refuse 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 appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, 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 recyclable materials in accordance with policy PCS15 and to preserve the character and appearance of the conservation area in accordance with policy PCS23 of the Portsmouth Plan.

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.

04

16/01535/FUL

WARD:MILTON

91 HOLLAM ROAD SOUTHSEA PO4 8PA

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

Application Submitted By:

Town Planning Experts
FAO Mr Jonathan McDermott

On behalf of:

Mr R Elliot-Martin

RDD: 14th September 2016

LDD: 10th November 2016

SUMMARY OF MAIN ISSUES

This application is referred to the Planning Committee due to a call in request from Councillor Ben Dowling.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area 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 car and cycle parking, and the storage of refuse and recyclable materials. This application has been requested to be determined at Planning Committee.

The site

This application relates to a two-storey mid-terrace dwelling located on Hollam Road close to the intersection with Meon Road and Locksway Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

On street parking is located on Hollam Road and nearby adjoining streets. The site is located in close proximity to a wide range of shops and services on Eastney Road and is located 400m walk away from a high frequency bus corridor on Locksway Road. Further to this Fratton Train Station is located a mile to the west of the site.

The Proposal

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

Planning History

There is no planning history relevant for the determination of this application.

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

Private Sector Housing

No response received.

HMO Consultation Memo

No response received.

REPRESENTATIONS

At the time of writing, ten representations have been received from neighbouring occupiers on the grounds of; (a) an increase in noise & disturbance, (b) loss of privacy, (c) over-development of the site will create a negative visual impact, (d) it will have a negative effect on the character of the neighbourhood, (e) impact on parking provisions, (f) increased congestion on surrounding roads and (g) future occupiers of property.

COMMENT

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 car and cycle parking, and refuse and recyclable materials storage.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the 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 (HMO SPD) 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.

Based on information held by the City Council, of the 67 properties within a 50 metre radius of the application site, one is thought to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to just 2.9%, it is considered that

the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

Representations refer to the potential increase in noise, disturbance resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses. However, given that there is only one other HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful at this particular point in time.

Whilst concerns are raised in respect of the personal circumstances of future occupiers, it should also be noted that this application must consider the desirability of the proposed use and not the future user/s. Stepping away from the planning merits of the proposal, having regard to the layout of the property across two floors, the City Council's Private Sector Housing Team highlight that if the property was occupied by five or more individuals, a mandatory licence would be required from the City Council. In addition to ensuring adequate size standards, sanitary facilities and fire safety, the licence would allow the City Council's Private Sector Housing Team to assist should the property not be managed in an appropriate manner.

The application site currently has no off-road parking available and none is proposed as part of this application (the constraints of the site are such that none can be provided). 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 spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be two spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that 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 car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

The submitted drawings do not indicate the provision of any bicycle storage facilities in line with the Parking Standards SPD. However, on the basis that access could be provided into the rear garden, the provision and retention of suitable bicycle storage facilities can be required through a suitably worded planning condition. The storage of refuse and recyclable materials would remain unchanged.

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, Site Plan.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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.

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.

LAND ADJACENT TO 263 TANGIER ROAD PORTSMOUTH PO3 6PQ**CONSTRUCTION OF TWO STOREY DWELLINGHOUSE ADJOINING EXISTING PROPERTY****Application Submitted By:**

Martin Critchley Architect
FAO Mr Martin Critchley

On behalf of:

E. C. Investments Ltd
c/o Peter Dack

RDD: 4th August 2016

LDD: 17th October 2016

SUMMARY OF MAIN ISSUES

This application is being considered by the Planning Committee after a deferral from the October planning committee. This was due to the fact that the committee were not satisfied that the concerns raised by the neighbour and Councillor Sanders had been sufficiently addressed. Subsequently the agent, Councillor Sanders and the neighbour have met on site to address these concerns. The revised drawings demonstrate the re-location of the satellite and the extractor flue. They also show a new proposed access to the neighbouring property No 263. It is therefore considered that the issues raised in the last planning committee meeting have been sufficiently addressed.

Summary of main issues

The determining issues with the application is whether the principle of an additional dwelling house is acceptable. Also issues of the design of the proposed dwelling, the impact that it could potentially have on the amenity of the future occupiers and the amenity of the neighbouring occupiers need to be considered. Also whether the requirements of the Solent Special Protection Areas Supplementary Planning Document have been satisfactorily addressed and whether there would be any potential issues on Threatened Species and car/cycle parking and refuse storage.

Site and Surroundings

This application relates to a plot of land which is adjacent to 263 Tangier Road on the northern side of the road towards the eastern end of Tangier Road. Immediately adjacent to the site is a larger area of open space which is predominantly used for dog walking and recreational activities. The site is located within Flood Zone 3. The proposal would be constructed at the eastern end of a group of red brick terraced properties. The eastern side of Tangier Road and the adjoining roads are predominantly characterised by similar residential terraced properties.

Proposal

The applicant seeks permission for the construction of a two storey dwelling house adjoining the existing property. The ground floor comprises a kitchen, a living room and a WC. The first floor comprises two bedrooms and a bathroom. The proposed property benefits from a rear garden and a small front forecourt.

Once constructed the proposed property would have the benefit of a rear private space of 24.7 square metres which is in keeping with the similar properties in the locality.

Planning History

There is no relevant planning history for this application.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS19 (Housing mix, size and affordable homes), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), PCS17 (Transport),

CONSULTATIONS

Natural England

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Ecology

Provided the SRMP payment is secured from the applicant then I would raise no major concerns over this development proposal.

Developments that affect building roofs can affect bats, which are legally protected. Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The application site has a simple roof, with interlocking concrete tiles. Photos suggest this is in good condition with a well-mortared gable verge. As such, I would consider there to be no reasonable likelihood that bats would be present and affected and I would raise no specific concerns over this proposal.

I would nevertheless suggest an advisory note is added to the planning permission as follows:

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Mineral And Waste Consultation

No comments received.

Coastal And Drainage

No comments received.

Environmental Health

Further to the above application I can confirm there are no outright objections to the proposed development; however past measurement exercises carried out adjacent to this location indicates that it may be subjected to elevated levels of road traffic noise therefore if permission is considered appropriate I would recommend the following condition.

Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

Contaminated Land Team

The application site is adjacent to a disused landfill and there are very few tests on adjacent land but historical testing*† has found variable soil concentrations in the wider area. Given the sensitive end use of the proposed development, the condition below is required

As a precaution, the house should have gas protection either by the addition of a gas proof membrane or by virtue of the building design. As part of the building process, the soil will need to be tested for geotechnical reasons and as part of this testing samples of the topsoil and subsoil must also be tested for standard contaminants to include heavy metals, metalloids, sulphates, Speciated Polycyclic Aromatic Hydrocarbons (PAH), asbestos presence, Soil Organic Matter, pH.

Environment Agency

No comments received.

REPRESENTATIONS

One letter of objection has been received from the neighbouring occupier. Their concerns is as follows: 1) Access is required to the rear garden for access to the flat- this is shown on Deeds 2) 263a will lose rear garden 3) Not enough space for garden 4) Flooding 5) Sky dish and boiler flue are located on the eastern side of the building 6) deeds state that the roof of 263 cannot be altered.

COMMENT

The determining issues with the application is whether the principle of an additional dwelling house is acceptable. Also issues of the design of the proposed dwelling, the impact that it could potentially have on the amenity of the future occupiers and the amenity of the neighbouring occupiers need to be considered. Also whether the requirements of the Solent Special Protection Areas Supplementary Planning Document have been satisfactorily addressed and whether there would be any potential issues on Threatened Species and car/cycle parking and refuse storage.

Principle

Policy PCS19 of the Portsmouth Plan states that the provision of accommodation should meet the needs of families and larger households. Therefore developments should achieve a target of 40% family housing where appropriate. The proposed dwelling is a family sized property and this would help to maintain the housing delivery numbers in Portsmouth and meet the requirements of Policy PCS19.

The property is located within a residential location. Tangier Road is predominantly characterised by residential terraced properties with small front gardens. The application site is a plot of land which is adjacent to the end-of terrace property. The proposed dwelling house would be similar in appearance to the neighbouring property and it would maintain the symmetrical design of two windows on the first floor with another window on the ground floor adjacent to the front door. It is therefore considered that this development would be acceptable given the context of the surrounding area.

Design

The applicant proposes to construct a two storey end of terrace property. It would have the same height and with a slightly smaller width than the adjoining property. It would be constructed of the same brick and stonework with a recessed front door and tall windows which is similar to the other properties within the terrace. It would have a front door, a small window and another large window on the ground floor. It would also have two windows on the first floor. The rear elevation would also have two windows on the first floor and a window and a door on the ground floor. There would also be two side windows on the ground and first floor of the eastern elevation.

The proposal benefits from a rear garden. The neighbouring occupier has objected stating that the proposal would cause the loss of the rear garden to their property (No 263 Tangier Road). The submitted plans show that the private open space for of 263 Tangier Road will be 31 square metres. No 263 Tangier Road would have an adequate private open space and whilst the proposal results in the reduction in the area, the amenity value of the private open space at the side of 263 is limited. The siting of the proposal is therefore considered to be an acceptable outcome.

The proposal has been designed in a way so that it is similar in appearance to the other terraces within the property and therefore the terrace would maintain its uniformity. It is therefore considered that the proposal would be acceptable in design terms and it would be an acceptable addition within the context of the surrounding area. In this instance it is not considered appropriate to remove any permitted development rights.

Flooding

Policy PCS12 of the Portsmouth Plan states that Flood risk assessments for development proposals in flood zones 2 & 3 will be required to form part of the planning application and must demonstrate that the development is safe, and will continue to be safe over the lifetime of the development.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- o Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location
- o The development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

The submitted flood risk assessment states that the risk of flooding is a 'one-off' catastrophic 1:500 catastrophic event causing inundation from the sea, to a depth of up to 1.5m inside the building. The flood risk is tidal, therefore the maximum events predicted will only ever be at the 'top of the tide' and for the duration of approximately an hour before the level drops away. Event predictability is effective and accurate from a combination of tidal charts and weather predictions. Adequate warnings will be given of any likely flood events. It is therefore reasonable that the occupiers of the property will be able to make temporary protection measures, and

remove valuable goods, and themselves for the duration of any flood event. Inundation of the dwelling house will be progressive, allowing time for escape. During the event of flooding during the night time, the first floor will be above the inundation depth.

The applicant has also proposed the following protection measures:

- 1) Seal service entry connections
- 2) Any service outlets to be 600mm above floor level
- 3) All drain and service access covers to have locking covers and frames.

The submitted flood risk assessment sufficiently demonstrates that the proposed development is appropriately flood resilient and resistant, and includes safe access and escape routes and that the residual risk can be safely managed, including emergency planning. On this basis the proposal is considered to have satisfied the policy requirement.

Amenity on neighbouring occupiers

The proposed dwelling would have the same footprint as the neighbouring property, therefore it is not considered that the siting of the proposal would have a significant impact on the amenity of the neighbouring occupiers. There are no residential properties to the east of the property, therefore it is not considered that the proposed windows on the side elevation would have a significant impact in terms of overlooking and loss of privacy.

The number of proposed occupants within the dwellinghouse is unlikely to be different to the number of occupants within the properties in the surrounding terrace. Therefore it is not considered that the proposal dwelling house would have a significant impact on the amenity of the neighbouring occupiers in terms of noise and disturbance.

Housing Size

The proposed dwelling house would exceed the space standards in the nationally described space standards. The property would be laid out to allow all habitable rooms to benefit from an appropriate degree of light and outlook. Accordingly it is considered that the proposal would provide appropriate living conditions for future occupiers.

Parking

There is no off-street parking available. However it is considered that the on-street parking opposite the property would be adequate for the future occupiers.

Cycle/Bin Storage

The applicant has provided details of cycle and bin storage facilities located within the rear garden of the property. It is considered that these facilities would be adequate for the future occupiers of the properties.

Threatened Species

The Council's Ecologist has commented stating that developments that affect building roofs can affect bats, which are legally protected. Circular 06/2005 identifies that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that there may be affected by proposed development, is established before planning permission is granted.

The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The application site has a simple roof, with interlocking concrete tiles. Photos suggest this is in good condition with and a well-mortared gable verge. As such, the Ecologist considers there to be no reasonable likelihood that bats would be present and affected. Therefore no objection is raised. The proposal is not likely to adversely affect Threatened Species.

An informative would be included on the permission as a precautionary measure, to ensure that if there is evidence to suggest that bats are present then the development should sought further advice from Natural England and/or a professional ecologist.

Increased Recreation in the Special Protection Area

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 development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations (and in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document), on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD as such, the scale of mitigation has been calculated as (1*£176) = £176. The provision of this mitigation will ensure that the proposal would not give rise to a significant effect on the SPAs and can be permitted.

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: 1642-101, 1642-303, 1642-102, 1642-103, 1642-502, 1642-402.
- 3) No development shall commence until details of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out using the approved materials and finishes.

4) No development shall commence until a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB

Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

5) Prior to the first occupation of the property as a dwellinghouse, secure and weatherproof bicycle storage facilities shall be provided in accordance with a detailed scheme (to include materials, size, appearance and security) to be submitted to and approved in writing by the Local Planning Authority, The facilities thereafter shall be retained.

6) Prior to the occupation of the building as a dwelling house, a gas protection either by the addition of a glass proof membrane or by virtue of the building design shall be installed and thereafter retained.

7) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

1) The soil will need to be tested for geotechnical reasons and as part of this testing samples of topsoil and subspil must also be tested for standard contaminants to include heavy metals. mettalloids, sulphates, Speciated Polycyclic Aromatic Hydrocarbons (PAH), asbestos presence, soil organic matter, pH.

8) The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the Flood Risk Assessment (FRA) produced by Martin Critchley in August 2016 and the following mitigation measures detailed within the FRA:

a) Seal service entry connections

b) Any service outlets to be 600mm above the floor level

c) All drain and service access covers to have locking covers and frames

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 the development is finished in appropriate materials that will relate appropriately to the wider street scene in accordance with Policy PCS23 of the Portsmouth Plan.

4) To protect the amenities of the future occupiers of the dwelling house, in accordance with PCS23 of the Portsmouth Plan.

5) To ensure appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

6) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

7) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

8) To protect the future occupiers of the dwellinghouse from the risk of flooding, in accordance with the National Planning Policy Framework and policy PCS12 of the Portsmouth Plan.

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.
