

PLANNING COMMITTEE

9 JANUARY 2019

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

REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 report by the Assistant Director - City Development if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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01

18/01211/FUL

WARD:NELSON

137 GLADYS AVENUE PORTSMOUTH PO2 9BD

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

Application Submitted By:

Town Planning Experts
FAO Miss Ema Baker

On behalf of:

Mr Chris Allen
New Look Properties Ltd

RDD: 11th July 2018

LDD: 11th December 2018

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are as follows:

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation;
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

Site and Proposal

The application relates to a two-storey terraced house located on the west side of Gladys Avenue, near to the junction with Ophir Road. The property has a bay window at ground floor level and a front forecourt, and there is a garden to the rear.

Planning permission is sought for a change of use of the property from purposes falling with Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation), to a 8 bedroom House in Multiple Occupation (HMO) (Sui Generis Use).

Internally, the existing property comprises the following:

Ground Floor - 1 x bedroom, lounge, utility, kitchen, conservatory and W/C

First Floor - 4 x bedrooms, 2x shower rooms, 1x WC, 1 ensuite

Second Floor- 2x bedrooms and 2x ensuites

Planning history

Planning permission was granted in December 2017 for the change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) (Ref 17/01799/FUL).

POLICY CONTEXT

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

The aims and objectives of the NPPF would also be relevant in the determination of this application.

CONSULTATIONS

HMO Consultation Memo

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

Personal hygiene

No sizes have been provided for the en-suites associated to bedroom 7 and bedroom 8 therefore no comment can be made at this stage.

The minimum size for a bath/shower room is 3.74m² and 2.74m² respectively and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

No size has been provided for the WC located on the first floor, however where proposed they must be a minimum of 1.17m² (1300 x 900mm) and include a wash hand basin.

Kitchen

Please note 11m² is required for the exclusive use of cooking, food preparation and storage.

The following facilities are required based on 8 individuals sharing:

2 conventional cookers (irrespective of whether a combination microwave is provided)

2 single bowl sinks and integral drainer

2 under counter fridges and a separate freezer or 2 combined fridge/freezers

4 500mm base units and 2 1000mm wall units with doors or equivalent

2500mm(l) x 500mm(d) worktops

3 twin sockets located at least 150mm above the work surface

Private Sector Housing

No comments received.

Highways Engineer

No comments received.

REPRESENTATIONS

None received.

COMMENT

Principle of the proposal

Planning permission is sought for the use of the property as a 8 bedroom, 8 person Sui Generis HMO. The property already benefits from a lawful use as either a C3 dwellinghouse or a Class C4 HMO, following the grant of planning permission in December 2017 (ref. 17/01799/FUL) that would allow the occupation of the property by 3-6 unrelated individuals.

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 (as amended 21 November 2017), sets out how Policy PCS20 will be

implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use through the creation of additional bedrooms. The HMO SPD states that where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications in areas where concentrations already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that area already imbalanced.

In this case, data held by the Council indicates that out of 65 properties within a 50m radius, 2 are in HMO use (121 Gladys Avenue and the application property), which represents a HMO density of 3.07%. No additional properties for checking have been brought to the attention of the LPA throughout the course of this planning application.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 8 person, 8 bedroom HMO (Sui Generis) is considered acceptable in principle in accordance with Policy PCS20 of the Portsmouth Plan.

Standard of living accommodation

The proposal seeks to provide:

Ground Floor - 1 x bedroom, lounge, utility, kitchen, conservatory and W/C

First Floor - 4 x bedrooms, 2x shower rooms, 1x WC, 1 ensuite

Second Floor- 2x bedrooms and 2x ensuites

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Room:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	10.88m ²	7.5m ²
Bedroom 2 (Ground Floor)	11.2m ²	7.5m ²
Bedroom 3 (First Floor)	15.5m ²	7.5m ²
Bedroom 4 (First Floor)	9.2 m ²	7.5m ²
Bedroom 5 (First Floor)	7.45m ²	7.5m ²
Bedroom 6 (First Floor)	7.45m ²	7.5m ²
Bedroom 7 (Second Floor)	12.5m ²	7.5m ²
Bedroom 8 (Second Floor)	15.6m ²	7.5m ²
Kitchen/Dining (Ground Floor)	30m ²	27m ²
Ensuite 1 (Ground Floor)	3m ²	Not defined
Ensuite 2 (Ground Floor)	2.8m ²	Not defined
Ensuite 3 (First Floor)	2.8m ²	Not defined
Shower 1 (First Floor)	2.9m ²	Not defined
Shower 2 (First Floor)	2m ²	Not defined
WC (First Floor)	1m ²	Not defined
Ensuite 4 (Second Floor)	3m ²	Not defined
Ensuite 5 (Second Floor)	3m ²	Not defined

The city councils Private Sector Housing Team (PSHT) has been consulted as part of this application. Having reviewed the room sizes in relation to the proposed number of occupants, the PSHT have raised no adverse comments and have confirmed that the property would be required to be licensed under Part 2 of the Housing Act (2004).

Bedrooms 5 and 6 are slightly undersized by 0.5m². Therefore, having regard to the addition 0.5m it is considered to be acceptable in this case. The rest of the rooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the PSHT have noted that these should be a minimum of 2.74m². The PSHT have also indicated that a W/C should be a minimum of 1.17m², given the level of sanitary facilities that would be available to future residents of the property, the ground floor W/C which is slightly undersize (1m²) would be considered to be an additional facility and therefore acceptable in this case.

Overall, it is considered that the property provides a good quality of accommodation with suitable size rooms in accordance with Policy PCS20 of the Portsmouth Plan.

Impact on neighbouring residents

The proposal is to increase the number of bedrooms within the property to 7. Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property, which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering a recent appeal at 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Having regard to the appeal decision, and the existing use of the property which would allow its occupation by up to 6 unrelated persons, it is not considered that the use as a 8 person, 8 bedroom Sui Generis HMO would have a significant impact on the amenities of neighbouring residents.

Parking, cycle and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking.

Advice provided by the Highways Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, it is relevant to note that the parking requirement set out within the Parking Standards SPD is the same for a Sui Generis HMO as it is for a C3 dwellinghouse with 4 or more bedrooms. It is understood that the original house had at least 4 bedrooms, therefore in accordance with the Parking Standards, this would have the same parking requirement as the Sui Generis HMO now proposed. The property is also located close to the District Centre of London Road which offers a variety of shops and services and access to public transport. Having regard to these points, it is not considered that an objection on lack of parking could be sustained.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a modest rear garden which could accommodate adequate secure weatherproof bicycle storage.

Waste and recycling bins for the property are currently stored within the front forecourt. The Waste Management Officer has commented that the applicant would need to apply for communal waste collection and it is considered that there is sufficient space on site to accommodate the required communal sized bins.

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 Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies 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. It 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 proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

Mitigation payments to the value of £487 would be required for this type of development. The applicant has indicated that they are willing to pay this contribution prior to the decision being issued.

RECOMMENDATION Conditional Permission

Conditions

- 3) 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 1:1250; BLOCK PLAN 1:500; PG3038 18 2; PROPOSED GROUND/FIRST FLOOR PLAN; PROPOSED SECOND FLOOR PLAN.
- 3) The premises shall only be used as a house in multiple occupation (Sui-Generis) for a maximum of eight residents.
- 4) Prior to first occupation of the property as a 8 bedroom, 8 person house in multiple occupation, details of secure and weatherproof bicycle storage facilities for at least 4 bicycles shall submitted to and approved in writing by the Local Planning Authority. The bicycle storage facilities shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 3) 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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.
- 4) 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.

25 PORTSDOWN AVENUE PORTSMOUTH PO6 1EJ

CONSTRUCTION OF ADDITIONAL STOREY TO FORM SECOND FLOOR TO INCLUDE ROOF ALTERATIONS

Application Submitted By:

Derek Treagus Associates
FAO Mr Derek Treagus

On behalf of:

Mr M Riggs

RDD: 25th September 2018

LDD: 2nd January 2019

SUMMARY OF MAIN ISSUES

This application has been called to be determined at the Planning Committee by two deputation requests from neighbouring residents.

The determining issues in this application are whether the proposal is acceptable in design terms and whether it results in any significant impact on the amenities of the surrounding occupiers.

Site and Surroundings

The application relates to a detached bungalow that has been previously re-developed to insert additional rooms into the loft/roofspace. It is located on the western side of Portsdown Avenue, south of its junction with Sea View Road. The surrounding area is residential and characterised by detached properties of mixed character, with most of the surrounding properties having been developed or altered in some shape or form. The application site is located towards Portsdown Hill and as a result is on sloping land.

Proposal

The application proposes to construct an additional storey to the existing property to include alterations to the roof as well as additional windows to all elevations. This development would allow the property's roof to be expanded and give the dwelling additional upper floor space. After the completion of the work the property would maintain its pitched roof, with an increased maximum height of 8.3m and an eaves height of 5.5m. The development would extend the ground floor bay windows to the first floor level on the front elevation. The majority of the increase in mass would be towards the east (front) of the property this is because the rear of the property has already been development through previous permissions. The work would be completed in render and cladding to match with the existing property's style and appearance. Portsdown Avenue is characterised by a variety of different styles of properties, a number of other dwellings within the road have carried out work to increase their first floor, either through dormers or additional storeys.

Planning History

The applicant sought pre-application advice in August of 2017, where it was recommended that an additional storey would be more visually sympathetic than multiple dormers. No view was taken over the amenity impact of the development as it could not be assessed at that time - 17/01477/PAPA01.

In September 2016, the site was granted permission for the construction of a single storey rear extension with a barn hip roof to incorporate accommodation within the roof space. This permission was granted through a committee decision - 06/00143/FUL.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (July 2018) would also be relevant in the determination of this application.

CONSULTATIONS

None.

REPRESENTATIONS

Two letters of objection from neighbouring residents have been received on the following grounds:

- (a) a loss of light;
- (b) overdevelopment;
- (c) overbearing;
- (d) increased sense of enclosure, and
overlooking and a resulting loss of privacy.

COMMENT

The determining issues in this application are whether the design of the proposal is acceptable and whether it relates appropriately to the recipient building. Further to this, whether the proposal would have a significant impact on the amenity of the neighbouring occupiers.

Design

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The proposed development would keep the existing style of the dwellings front elevation, featuring square bay windows to the first floor with similar proportions to the existing ground floor windows. They would have a reduced sense of vertical emphasis, but this enables the first floor to appear visually subservient to the existing ground floor. The submitted designs include the construction of a front porch that would be sited centrally and blend the additional storey in with the ground floor.

The two side elevations would feature additional windows with no clear sense of uniformity, there is however no sense of uniformity in the existing side elevation. As a result this would represent an appropriate enough design solution for the site.

The first floor rear elevation would expand the existing Juliet balcony, while maintaining its central position. It would also include two additional windows of the same size and design spaced evenly either side of the balcony, to give the rear of the property an increased sense of uniformity.

The overall scale/massing of the development is considered to be substantial, especially when compared to the dwellings original size before 2006. The application site does benefit from a large plot that even after the completion of the work would not be overwhelmed by the scale of development. Developments of this size are present along the road, another bungalow conversion can be seen at No19 Portsdown Avenue that was granted planning permission in 2008 (REF: 08/01111/FUL). Further to this the property immediately to the south (No23 Portsdown Avenue) has undergone work to convert it into a two storey property (REF: A*31304/B).

Overall the development would, by reason of its acceptable design, amount to an appropriate and visually sympathetic feature, improving the existing dwelling and the character and appearance of the surrounding area. The proposal is therefore in accordance with the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 (Design and Conservation) of the Portsmouth Plan.

Amenity

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The majority of the additional bulk of the scheme would be located at the front elevation of the dwelling, away from its closest immediate neighbours. The property faces onto Portsdown Avenue and is separated from the properties to its front by approximately 31m. This distance would mitigate any significant impact caused by the development, through overlooking and a resulting loss of privacy.

The neighbouring resident to the south (No23 Portsdown Avenue) has already built up an additional floor to their property, due to the scale of this property as well as its siting and orientation it is not considered that the development would represent any significant impact in terms of a loss of light or a sense of enclosure. The side elevation of the property facing the site only features a few small rooflights. It is considered that due to the size and placement of these windows that the proposed development would not give rise to any significant increase in overlooking and a resulting loss of privacy.

The neighbouring resident to the north (No27 Portsdown Avenue) has three south facing windows on their property. There is an existing garage owned by the neighbour (No27) that would obscure the development from view, as well as already interrupting light into two of these windows that serve a kitchen and living room respectively. The third window on this elevation is not obscured by the garage and serves a living room. The living room is also served by a large front facing square bay window; any resulting loss of light would therefore be limited towards a secondary window. The development would represent an increase in massing along the common boundary, however the majority of this mass is towards front of the property. It would however result in an increased sense of enclosure to the rear garden of the neighbouring resident, because of the additional eaves height and mass of the roofslope. This is not considered to be so significant as to warrant refusal on this matter alone however. In conclusion, due to the existing garage, window placement and gradient of slope between the properties, it is

not determined that the additional mass of the development would result in any significant impact towards this neighbouring resident's amenity.

The neighbouring occupier to the west (No2A Sea View Road) is separated from the property by 14m. This distance along with the gradient of the ground level mitigates any significant impact towards this resident through a loss of light or a sense of enclosure. The rear elevation of the property does face onto this resident and would feature an increased number of windows to this elevation and therefore the possibility of a loss of privacy. There is an existing Juliet balcony on the rear elevation of the property that overlooks this area and it is not determined that the additional windows would contribute to any increased chance of overlooking and a resulting loss of privacy.

Conclusion

Taking into consideration the design and appearance of the proposed development and its acceptable impacts upon neighbouring residents it is considered that on balance the proposal is considered to be acceptable in design and amenity terms and would be in accordance with Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 3) 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 - 100046326 and Elevations & Plans - 18/730/01
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

- 3) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PROACTIVITY 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.

163 POWERSCOURT ROAD PORTSMOUTH PO2 7JQ**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:**HRP Architects
FAO Mr Mark Holman**On behalf of:**

Mr Kukuruzza

RDD: 9th October 2018**LDD:** 5th December 2018**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are as follows:

- whether the proposal is acceptable in principle, having regard to the balance of housing types in the area;
- whether the property would provide an adequate standard of living accommodation;
- impact on neighbouring residents;
- whether there is sufficient provision for cycle and refuse storage;
- impact on the Solent Special Protection Area (SPA).

Site and Proposal

The applications site relates to a two storey mid-terrace dwelling located on the northern side of Powerscourt Road to the west of the junction with Farlington Road. The property is set back from the footway by a small front forecourt and benefits from a garden to the rear. The surrounding area is characterised by similar residential terraced properties.

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.

Internally, the existing property comprises the following:

Ground Floor - Living Area, Kitchen, WC, Utility, Dining/Living Room, 1x Bedroom
First Floor - 3 x bedrooms, 1x bathroom

Planning history

There is no relevant planning history for this site.

POLICY CONTEXT

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

The aims and objectives of the NPPF would also be relevant in the determination of this application.

CONSULTATIONS

Private Sector Housing

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor)

(a) Which forms part of a building

(b) Which is constructed or adapted for use for the purposes of a dwelling, and

I Either the whole or a material part of which lies above or below some other part of the building.

Proposal

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

Summary

-2 storeys

- 4 bedrooms

Based on the layout and size this property would not require to be licenced under Part 2, Housing Act 2004.

Personal hygiene

It appears the proposed bathroom located on the first floor is slightly undersize at 2.57m², whereas the standard space required to ensure safe use of the amenities is 2.74m². Careful consideration in regard to the configuration needs to be given to ensure there are no obstructions and the area can be used safely with no collision hazards being introduced.

Please note the facility for a bathroom/shower room are as follows:

The minimum size for a bath/shower room is 3.74m² and 2.74m² respectively and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

The room must have a suitable layout to provide sufficient space for drying and changing. Wall finished and flooring shall be readily cleansable, the flooring well fitted and non-absorbent.

Where WC's are proposed in the property they must be a minimum of 1.17m² (1300 x 900mm) and include a wash hand basin.

REPRESENTATIONS

Six objection comments have been received on the grounds of:

- a) property is already occupied as an HMO;
- b) noise;
- c) anti-social behaviour;
- d) parking;
- e) only one bathroom for whole property;
- f) no fire doors;
- g) inadequate size of rooms;
- h) failure to support mixed and balanced community; and
- i) too many occupants residing in property

COMMENT

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 regards to an adequate standard of accommodation and in respect of car and cycle parking.

Principle

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, none (0) are considered to be in lawful use as HMOs. Therefore, as the granting of planning permission would increase the proportion of HMOs to 1.49%, 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.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No additional properties have been brought to the attention of the LPA to investigate.

Standard of Accommodation

The Housing in multiple occupation SPD (July 2018), sets out minimum size standards for rooms in order to achieve a satisfactory standard of living accommodation for future occupants. In relation to communal space, for a property that can accommodate between 3 and 6 persons, the requirements are for either a separate kitchen, living room and dining room to be provided, or a shared communal space of at least 24m².

Bedrooms are not numbered on plan, for the purposes of the list below they have been labelled 1-3, starting with the smallest and working clockwise on the upper floor.

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-JULY 2018)
Bedroom 1 (First Floor)	8.4m ²	7.5m ²
Bedroom 2 (First Floor)	12.7m ²	7.5m ²
Bedroom 3 (First Floor)	12.6m ²	7.5m ²
Bedroom 4 (Ground Floor)	12.7m ²	7.5m ²

Living Room	15.22m ²	11m ²
Combined Living Space (3 to 6 Persons)	29.5 m ²	24m ²
Bathroom (First Floor)	2.6m ²	3.74m ²

The HMO SPD (July 2018) states at para. 1.19 that: 'Double bedroom or twin bedrooms must have a minimum GIA of at least 11.5m² and be at least 2.75m² wide'. It is therefore considered, that due to the size of Bedrooms 2, 3 and 4 the property could be occupied by up to 5 people. The HMO SPD, states that for an HMO for 5-6 people, there must be 1 bathroom and 1 separate WC with washbasin (the WC could be contained in second bathroom).

The submitted floor plans indicate that there is a bathroom on the first floor which and a WC on the ground floor. Whilst, the bathroom measures slightly under the required standard at 2.6m² however, having regard to the presence of the downstairs WC and Utility room, it is considered that in this instance the communal (hygiene) space would be considered adequate.

For the reasons stated above, it is considered that the property would provide a suitable standard of living accommodation for future occupants.

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 1.49%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance'.

Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C3 or C4.

Highways/Parking

The Parking Standards SPD does not require an increased parking provision for a Class C4 HMO. The application site is within 400m of a high frequency bus route. The application site benefits from a rear garden and a condition could be imposed to secure cycle parking. In dismissing an appeal at 239 Powerscourt Road, the Inspector stated that: 'However the

Council's Parking Standards and Transport Assessments Supplementary Planning Document (SPD) 2014 requires 2 car parking spaces for the current dwelling use and the same for the HMO use. Furthermore the HMO property is close to a high frequency bus route and within a short walk of the Fratton and North End District Centres. Such accessibility to shops, services and transport facilities would substantially reduce the necessity for a car by future occupiers. For all these reasons, it has not been demonstrated that there would be a significant worsening of the current car parking issues that have been identified'.

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. 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.

Having regard to the considerations above and this appeal decision, it is not considered that an objection on highways grounds could be sustained. The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However, the rear yard is considered appropriate for the provision and retention of suitable bicycle storage facilities which can be required through a suitably worded planning condition.

Waste

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

Conclusion

Having regards to all material consideration, raised representation and planning policy, it is concluded that the development is acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 3) 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: 8802 01
- 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:

- 3) 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.

SITE 10, AERIAL BUSINESS COMMUNICATIONS RODNEY ROAD SOUTHSEA PO4 8SY**CHANGE OF USE FROM RETAIL (CLASS A1) TO COFFEE BAR (CLASS A3) WITH OUTDOOR SEATING AREA AND ASSOCIATED REFUSE AND CYCLE STORES****Application Submitted By:**

Chris Flint ASS LTD
Chiri Flint

On behalf of:

Mr A Siddiqui

RDD: 19th October 2018

LDD: 15th December 2018

SUMMARY OF MAIN ISSUES

The main issues for consideration are whether the use of the premises as a coffee bar would be acceptable in the context of the Rodney Road area and whether, in the context of the Local Plan and NPPF, the proposal would have any significant adverse impact on the living conditions of the adjoining residential occupiers with particular regard to noise, disturbance and cooking fumes/odours and highways implications of the change of use and whether the use would undermine the policy objective of protecting this area for employment uses.

Site and Surroundings

The site is located on the southern side of Rodney Road, this site is located within designated employment land under Policy PCS11 of the Portsmouth Plan. The existing use of site is a telecommunications and IT systems shop (retail Class A1). It is proposed to sub divide the existing ground floor unit. The wider estate is a mixture of retail warehouses, smaller trade related retail and small scale employment uses (Class B1/B2/B8) or sui generis uses (car showrooms etc).

Proposal

The applicant proposes to change the use from a Retail Unit (Class A1) to a Coffee Bar (Class A3) with an outdoor seating area and associated refuse and cycle stores

Planning History

In October 2018 an application was submitted for the adjoining unit for the change of use from Retail (Class A1) to a Takeaway (Class A5); external alterations to include removal of existing entrance to front elevation; installation of air intake grille, wall mounted condenser unit, extraction flue and WC extraction (Ref 18/01649/FUL). This application was withdrawn.

In November 2011 planning permission was granted for the Installation of new shopfront including extension of canopy fascia and installation of trough light (Ref 11/01069/FUL)

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation), PCS11 (Employment Land), PCS17 (Transport),

The aims and objectives of the NPPF is also relevant in the determination of this application.

CONSULTATIONS

Highways Engineer

Comments received 5th December 2018

Following email correspondence, the Highways Engineer has confirmed that the revised parking arrangement is sufficient.

Comments received 6th November 2018

This application is for the conversion of retail unit (Class A1) to Coffee bar (Class A3). I have reviewed the documents submitted in support of the application and would make the following comment:

Rodney Road and Fratton Way (branching off of Rodney Road) form the spine road for the Pompey Centre, a commercial area split into zones with various industrial and commercial uses. The application site lies at the eastern most end of this commercial area. The site is currently used as a telecoms and IT shop with an A1 use. There is currently an access taken from the highway in the form of a vehicle crossover at Alverstone Road. This is located at the eastern edge of the site close to the junction with Rodney Road. There is also an access at the north edge of the site that allows vehicles to egress from the site directly onto Rodney Road. Rodney Road is subject to a 30mph limit. Some informal parking is also arranged along the Alverstone Road curtilage accessed via a short dropped kerb, much of this parking would require vehicles to drive over the footway and is therefore unlawful.

The unit adjacent to the application site is also currently the subject of a planning application for change of use to takeaway (A5). That application proposes use of the existing car park for parking of customer and delivery vehicles however suggested that the parking onsite was to be shared. No transport assessment has been provided in support of the application, whilst I am satisfied that the trip generation associated with the proposed A3 use is likely to be lower than existing A1 use and as such a capacity assessment is not needed, there have been no details submitted as to the parking and servicing arrangements for the proposal.

The Portsmouth Parking SPD gives the expected parking standards for new developments. There is not an expected number of parking spaces given for commercial development, rather it is for the applicant to justify the amount of parking provided as part of the development. No assessment of the parking requirement has been provided and no provision identified. Parking provision is available on the site although it is not clear whether any of this will be allocated to the proposed coffee bar. During the day there is capacity on street within the residents' zone which allows parking for up to 2hours for visitors which could be utilised by those customers who choose to drive to the site however I would expect that much of the custom will come from local residents and nearby local businesses.

The Portsmouth parking SPD also requires provision of cycle parking for new developments. For commercial developments no expected amount of cycle parking is specified however the development is required to achieve 2 BREEAM credits. This roughly equates to 1 cycle space per 10staff, therefore as a minimum I would expect that at least 1 Sheffield type stand be provided at the site. I am satisfied that there is sufficient space on the site to provide such a facility and could be secured by an adequately worded condition.

As the application stands I would wish to raise a Highways objection on the grounds that no information regarding the parking and servicing arrangements for the proposal have been provided.

Environmental Health

Although the proposed change is an industrial unit, the terraced area is situated close to residential accommodation and residential accommodation has been proposed for the first floor offices. No details have been provided with regards to the opening and closing times, therefore to ensure that local residents are not disturbed by noise I would recommend that the operation times of the coffee bar are 07:30 until 18:00hrs, with deliveries arriving between these times.

In order to protect future amenity space, particularly if the food business operator and the cuisine were to change I would recommend that a restriction is placed upon the type of equipment that can be used and the following condition be attached should permission be granted.

No cooking process other than the preparation of hot beverages: toasting of bread; or the heating of food in microwave oven, or domestic cooking devices shall be undertaken within the Class A3 premises unless a suitable kitchen extraction ventilation system has been installed in accordance with a scheme submitted to and approved by the local Planning Authority through a formal planning application.

In summary I wish to raise no objections to this application being granted.

Crime Prevention Design Advisor

No comments received.

Licensing

No comments received.

REPRESENTATIONS

23 objection comments along with a petition have been received on the grounds of:

- a) inadequate parking;
- b) noise and disturbance;
- c) inappropriate location;
- d) odour;
- e) litter;
- f) encourages unhealthy eating;
- h) pollution; and
- i) vermin

It should be noted that the majority of objections refer to the withdrawn application (Ref 18/01649/FUL) for the change of use from an A1 unit to a A5 hot food takeaway.

2 support comments have been received on the grounds of: a) cafe would benefit area and b) good location for a cafe

COMMENT

Principle of development

The site is located within Rodney Road which is identified as an existing industrial estate and employment site. Policy PCS11 of the Portsmouth Plan states that the city council will promote office, manufacturing, warehouse (B1, B2, B8) development in existing industrial business estates. These estates have the potential to provide approximately 62,000m² of B2/B8 floorspace. The Policy goes on to state that the loss of existing B1, B2, B8 uses will be resisted.

As the application site is in retail use (Class A1), it would not directly result in the loss of employment land (B1/B2/B8) that Policy PSC11 seeks to retain. Nevertheless the existing use

as a telecommunications and IT sales provider does form part of the area's complimentary offer though the change of user to another A1 user could not be prevented.

Policy PCS11 also states that within existing industrial estates and employment sites the following alternative uses are acceptable, provided they provide equal employment opportunities:

- Service uses that would support B1, B2, B8 development and its occupiers.
- Sui generis and other uses appropriate in nature to an industrial estate location.

While the proposal is broadly a 'main town centre use' under the 2018 NPPF's definition, it is not subject to the sequential test as it falls below the 280sq m threshold within Core Strategy Policy PCS18: Local Centres and the site is already in A1 use .

The proposal does not result in the direct loss of employment and is acceptable in an out-of-centre location given its current use and the size of the unit. Therefore, a coffee shop is considered to be acceptable in principle.

The proposal would be in accordance with Policy PCS11 of the Portsmouth Plan.

Amenity Impact

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The Environmental Health Officer has commented stating that "Although the proposed change is an industrial unit, the terraced area is situated close to residential accommodation and residential accommodation has been proposed for the first floor offices. No details have been provided with regards to the opening and closing times, therefore to ensure that local residents are not disturbed by noise I would recommend that the operation times of the coffee bar are 07:30 until 18:00hrs, with deliveries arriving between these times".

They go onto state that " In order to protect future amenity space, particularly if the food business operator and the cuisine were to change I would recommend that a restriction is placed upon the type of equipment that can be used and the following condition be attached should permission be granted".

Subject to the implementation of the condition, the Environmental Health Officer raises no objection to the proposal.

It is considered that any adverse impact on the amenities of the nearby residents in terms of noise and disturbance can be mitigated by restricting the hours of use. The proposal is therefore considered to be acceptable in amenity terms with the suggested conditions and would be in accordance with Policy PCS23 of the Portsmouth Plan.

Highways

Rodney Road and Fratton Way (branching off of Rodney Road) form the spine road for the Pompey Centre, a commercial area split into zones with various industrial and commercial uses. The application site lies at the eastern most end of this commercial area. The site is currently used as a telecoms and IT shop with an A1 use. There is currently an access taken from the highway in the form of a vehicle crossover at Alverstone Road. This is located at the eastern edge of the site close to the junction with Rodney Road. There is also an access at the north edge of the site that allows vehicles to egress from the site directly onto Rodney Road. Rodney Road is subject to a 30mph limit. Some informal parking is also arranged along the Alverstone

Road curtilage accessed via a short dropped kerb, much of this parking would require vehicles to drive over the footway and is therefore unlawful.

The unit adjacent to the application site is also currently the subject of a planning application for change of use to takeaway (A5). That application proposes use of the existing car park for parking of customer and delivery vehicles however suggested that the parking onsite was to be shared. No transport assessment has been provided in support of the application, whilst I am satisfied that the trip generation associated with the proposed A3 use is likely to be lower than existing A1 use and as such a capacity assessment is not needed, there have been no details submitted as to the parking and servicing arrangements for the proposal.

The Portsmouth Parking SPD gives the expected parking standards for new developments. There is not an expected number of parking spaces given for commercial development, rather it is for the applicant to justify the amount of parking provided as part of the development. No assessment of the parking requirement has been provided and no provision identified. Parking provision is available on the site although it is not clear whether any of this will be allocated to the proposed coffee bar. During the day there is capacity on street within the residents' zone which allows parking for up to 2 hours for visitors which could be utilised by those customers who choose to drive to the site however I would expect that much of the custom will come from local residents and nearby local businesses.

The Portsmouth Parking SPD also requires provision of cycle parking for new developments. For commercial developments no expected amount of cycle parking is specified however the development is required to achieve 2 BREEAM credits. This roughly equates to 1 cycle space per 10 staff, therefore as a minimum I would expect that at least 1 Sheffield type stand be provided at the site. I am satisfied that there is sufficient space on the site to provide such a facility and could be secured by an adequately worded condition.

The applicant has provided amendments to the scheme that include a satisfactory parking arrangement. They have included 3 parking bays along the western side of the site adjacent to the coffee terrace. The Highways Engineer is satisfied with this solution and raises no objection to the proposal.

The proposed development is therefore in accordance with Policy PCS17 of the Portsmouth Plan.

Conclusion

Having regard to the comments above, it is considered that the proposed change of use would be in accordance with Policy PCS17, PCS18 and PCS23 of the Portsmouth Plan.

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: CFA FULL 01 Rev 04
- 3) The premises shall remain closed to and vacated of customers between the hours of 18.00 and 07.30 (the following day); and no deliveries shall take place between 18.00 and 07.30 hours.

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 protect the amenity of neighbouring residential uses in accordance with Policy 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.

Assistant Director of City Development
31st December 2018