

PLANNING COMMITTEE

18 DECEMBER 2019

10 AM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth 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

18/01433/FUL

WARD: HILSEA

90A COMPTON ROAD PORTSMOUTH PO2 0SR

CONSTRUCTION OF SIX DWELLINGHOUSES WITH ASSOCIATED PARKING AND INSTALLATION OF DROPPED KERBS TO PROVIDE VEHICULAR ACCESS ONTO COMPTON ROAD (FOLLOWING DEMOLITION OF EXISTING SITE BUILDINGS)

Application Submitted By:

RBA Architects Limited

On behalf of:

Altavia Developments Limited

RDD: 21st August 2018

LDD: 1st November 2018

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following deputation requests from neighbouring residents.

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

- a) The principle of development;
- b) Design including impact on heritage assets;
- c) Internal living conditions and Impact on residential amenity;
- d) Highway Implications;
- e) Sustainable design and construction;
- f) Trees and Special Protection Areas (SPA) mitigation.

Background

Determination of the application has been affected by the nitrates problem, since late April 2019.

Site and surrounds

This application relates to the northern part of St. Nicholas Church Hall located between Compton Road and Battenburg Avenue, just to the west of Copnor Road. The building is sited adjacent to No.90 Compton Road and is formed by a series of interconnecting pitched and flat roof structures finished in a variety of materials and located to the north-west corner of the rectangular application site. The remainder of the application site is occupied by a two-storey vicarage (No.90A), associated garage and a scout hut. Outside the application site is a car park associated with the church to the south-west and the Church of St. Nicholas to the south-east. The Church itself is included within the local list of architectural and/or historic buildings and a number of mature trees located to the north and south of it are protected by Tree Preservation Orders (TPO90). The surrounding area is characterised by two-storey residential properties.

Proposal

The application seeks planning permission for the construction of six, open-market dwellinghouses with associated parking and installation of dropped kerbs to provide vehicular access onto Compton Road (following demolition of existing site buildings)

The design of the dwellinghouses encompasses elements of a more contemporary design style. The proposed development would comprise of six dwellings, laid out as three pairs of semi-detached properties. The proposed dwellings would be set back from the highway by small front gardens and driveways/areas of hardstanding.

The proposed dwellings would be constructed in buff brickwork with contrasting brick panels above the entrances and would incorporate distinctive pitched roofs and corner window features. The double pitched roof would form a characteristic 'valley feature' and give the appearance of 2.5-storey buildings rather than three storeys. In addition, the principal elevation would comprise of projecting features and set-back 'wings' which would add relief and interest to the north elevation. The inclusion of parapet walls to the side 'wings' would create a neat junction between external walls and the roof, recessed window openings would provide greater articulation and the use of a simple palette of high quality materials including brick, plain tile and aluminium, and hardwood would reinforce the modern design approach.

Planning history

10/01090/TPO: Oak tree (G1D) fell located in Tree Preservation Order 90. Conditional consent (22.12.2010).

10/01023/FUL: Installation of up to 3m high fencing and gates to secure play area, new windows, doors and recladding of hall to front, side and rear elevation. Conditional permission (29.11.2010).

A*13528/B: The erection of a two storey extension. Conditional permission (31.08.1972).

A*13528/A: The erection of a garage. Permission (30.07.1964).

A*13528: Erection of a dwellinghouse. Conditional permission (04.08.1949)

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), PCS19 (Housing Mix, Size and Affordable Homes), PCS21 (Housing Density) and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan. Supplementary Planning Documents (SPD) in respect of Housing Standards (January 2013), Parking Standards and Transport Assessments (July 2014), Sustainable Design & Construction (January 2013) Solent Protection Areas (April 2014), Reducing Crime Through Design SPD (March 2006).

CONSULTATIONS

Environmental Health

Further to your consultation request for comments regarding the impact from vehicle movements associated with the proposed development I can confirm that in terms of air quality there will be no significant impact.

There will also be no significant impact upon the daily average noise level particularly in terms of the observed adverse effect level required by the planning practice guidance on noise within national planning policy framework.

Consequently there are no objections.

Leisure/Arb Officer

A site visit was previously undertaken in November 2014 when the Church of England were reviewing possible options for the potential redevelopment of the site to include construction of a new hall for community use.

Observations

The three remaining large oak trees to the north of the church structure are protected by TPO90 as trees G1, A, B and C all appear to be healthy and vigorous.

The protected trees appear to be some 15m from the proposed structures and 10m from the proposed boundary line.

As a consequence they are unlikely to be significantly impacted upon by the development, however should consent be granted an Arboricultural Survey, Impact and Method Statement are to be submitted for LPA agreement prior to commencement.

The other trees on the site appear to be self- seeded specimens of mainly Elder none of which merit TPO protection.

Recommendations

1. Should consent be granted an Arboricultural Survey, Impact and Method Statement are to be submitted for LPA agreement prior to commencement.

Highways Engineer

Compton Road is a residential access road with a wide single carriageway and pedestrian footways on either side. Few of the properties have off-site parking provision and as a consequence the demand for on street parking frequently exceeds the space available particularly overnight and at weekends.

The existing dwelling on the site is a large single property with 4 or more bedrooms and consequently generates a parking requirement of 2 vehicle parking spaces and 4 cycle parking spaces. These are provided for on-site with 2 driveway spaces and a garage.

I would not anticipate that this proposal would generate sufficient traffic movement so as to have a material impact in the operation of the local highway network during peak periods and would not require a formal transport assessment to inform determination of the application.

Six driveway access points are required for the proposed development. Subject to the immediately adjacent planters and planting therein being controlled by condition such that they could not exceed a metre in height above the adjoining footway then I would be satisfied that adequate vehicle and pedestrian visibility could be achieved at each access.

The proposal for six 4 bedroomed dwellings has a parking requirement for 12 vehicle spaces and 24 cycle parking spaces. One vehicle parking space is provided for each dwelling on a driveway and adequate provision is made for cycle parking in sheds in the rear gardens. As a consequence the effect of this proposal would be to introduce a parking provision shortfall provision associated with this site of 6 spaces. No parking survey has been provided in support of the application as is required in the SPD to demonstrate the availability of on street parking to accommodate this shortfall. It is my view that there is no scope to accommodate this parking shortfall on street particularly overnight and at weekend and as a consequence the proposal would have an unacceptable impact on the parking amenity of local residents. Furthermore this would be likely to increase the instances of vehicles parking in close proximity to junctions

obstructing both visibility splays and crossing points for pedestrians with the consequent impact on highway safety.

In light of the above I must recommend that this application be refused.

Highways Contractor (Colas)

No objection, subject to standard informative.

Contaminated Land Team

I have reviewed the above application and whilst the CLT generally require testing of land for new residential usage, this site appears to have been church and then residential with no other obvious uses beyond the garage and small hall.

The CLT would ask for a watching brief to be placed upon the development the developer must pre-screen the buildings for asbestos and unless it is known that asbestos is not present, an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers.

If signs of pollution are found in the soil at any time, the soil be quarantined and reported to the named competent person. The location, type and quantity must be recorded and an Environmental Consultant notified for advice on how to proceed. It will be reported to the Contaminated Land Team and in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action.

Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.

REPRESENTATIONS

At the time of writing 57 letters of representation had been received from local residents in objection to the proposal. These objections can be summarised as follows:

1. Loss of community facilities which include Compton Hall and the Scout Hut:
 - a) Loss of community facilities will lead to increase in anti-social behaviour and will deprive local residents of leisure/education opportunities.
 - b) The Church has evicted the playgroup, scouts and other long term uses of the halls and grounds.
 - c) The Scout Hut belongs to the Scout Group. The church/developer has not offered any compensation for the loss.

2. Loss of footpath through to Battenburg Avenue:
 - a) People will have to walk further due to the loss of the footpath. This will particularly affect the elderly, children and young families.
 - b) A footpath public right of way protection order has been lodged.
 - c) Relocation of the footpath to the west will increase noise for the adjoining property.
 - d) The side wall of No.90 (where the footpath will be relocated) is 'blind' making it very vulnerable to graffiti and nuisance behaviour.
 - e) It is unclear who owns the footpath and who will be responsible for its maintenance.

- f) Unclear if any protective features would be put in place if the footpath is relocated.

3. Parking:

- a) No parking is provided for the new homes, this is contrary to council parking standards.
- b) The proposal will increase parking pressure in the road/local area and will lead to people parking illegally/dangerously and will make the area dangerous for children.
- c) Local residents will have to park even further away due to increased pressure on parking demand.
- d) Provision of dropped kerbs will decrease on-street parking for local residents.
- e) Increased parking pressure on the road will make it difficult for emergency vehicle access.
- f) It is unclear if a kerbside survey has been undertaken.

4. Design of the proposed dwellinghouses:

- a) The proposed dwellings do not fit in with the character of the road or local area.
- b) The proposed dwellinghouses appear taller than the existing properties in the surrounding roads.
- c) Dormer extensions have been refused and dismissed at appeal on design grounds within the area, therefore the proposal should be refused on similar design grounds.
- d) Proposed houses will have an overbearing impact in terms of size and scale.
- e) Proposed houses are set back from the road and are not in line with the rest of the houses along the road.
- f) Overdevelopment of the site by reason of size, scale, and resultant roof form.
- g) The proposal would be disproportionate and visually dominant in comparison to the existing dwellings.
- h) Granting permission would create an undesirable precedent for future development.

5. Impact on trees and wildlife:

- a) There are three mature English Oak trees nearby; their root system could be affected by the development.
- b) The trees are subject to a TPO and should be left alone.
- c) Local birds and wildlife will be affected.

6. Impact on local residents and wider community:

- a) The development will lead to overcrowding in the area.
- b) Increase in overlooking/loss of privacy from the proposed development.
- c) House prices will decrease in the road.
- d) The church and developers benefit at the expense of the local residents.
- e) Residents feelings have not been considered.
- f) Destruction of quiet road and neighbourhood for monetary gains.
- g) If the new homes are to be used for social housing it may affect our life quality.
- h) Local infrastructure is already saturated and cannot cope with any increase in population.
- i) More houses means more dogs which are a problem.
- j) Increase in rubbish.
- k) Residents do not know who the new homes are for (e.g. private, rent, social housing).
- l) There could be a risk to people from contaminated soil.
- m) Noise and disturbance during construction phase which will affect air condition and quality of life.
- n) Construction vehicles could pose a danger to local residents due to the nature of the road.
- o) Proposal impacts the current skyline and overshadows neighbouring properties.

7. Other matters raised:

- a) Only one site notice was displayed on Compton Road.
- b) Vicarage has been left empty for over 2 years.
- c) Enough building work already in the city.
- d) Unable to view the plans on the Public Register.
- e) No information available as to how the build will be managed during the construction phase (e.g. parking, work hours).
- f) Queries regarding the application form with regards to: site being vacant, pedestrian access, trees and trading status of applicant.
- g) There are other alternative sites which would be better for this sort of development.
- h) Unclear if affordable housing would be provided.

Three deputation requests from local residents have been received opposed to the development.

One comment of support has been received from a local resident.

One general comment has been received from 'Hampshire Swifts' relating to the provision of swift boxes within the new development.

COMMENT

The determining issues in this application relate to:

- a) The principle of development;
- b) Design including impact on heritage assets;
- c) Internal living conditions and Impact on residential amenity;
- d) Highway Implications;
- e) Sustainable design and construction;
- f) Trees and Special Protection Areas (SPA) mitigation.

Principle of development

Planning permission is sought for the construction of 3 pairs of semi-detached properties (six dwellinghouses in total) set back approx. 1.4m from Compton Road by small front gardens and areas of hardstanding used for parking (one parking space per dwelling), following the demolition of the existing vicarage, garage, scout hut and northern part of the church hall. The dwellings would all incorporate 3-storeys of accommodation with the top floor contained in the roof space. Small rear gardens (approx. 54.2m²) would be situated to the rear of the site providing a degree of separation from the remaining part of the church hall and the locally listed church.

The proposed dwellings would be constructed in buff brickwork with contrasting brick panels above the entrances and would incorporate distinctive pitched roofs and corner window features. The double pitched roof would form a characteristic 'valley feature' and give the appearance of 2.5-storey buildings rather than three storeys. In addition, the principal elevation would comprise of projecting features and set-back 'wings' which would add relief and interest/definition to the north (principal) elevation. The inclusion of parapet walls to the 'side wings' would create a neat junction between external walls and the roof, recessed window openings would provide greater articulation and the use of a simple palette of high quality materials including brick, plain tile and aluminium, and hardwood would reinforce the modern design approach.

The site is located within a residential area. There is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The

provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 59 of the NPPF (July 2018) states: 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

In addition, Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas'. The supporting text to PCS10 states:

'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites. A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites is likely to continue and this development is unlikely to have a significant impact upon infrastructure provision'.

On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework and Planning Practice Guidance regarding housing needs and housing supply. Following those changes, the Council can demonstrate 4.7 years supply of housing land.

The NPPF states that decisions on planning application should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below.

Design including impact on heritage assets

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: 'support strong, vibrant and healthy communities. by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment with accessible services and open spaces' Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should ensure that they function well and add to the overall quality of an area; developments are visually attractive; developments are sympathetic to local character and history; developments should establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets.

The design of three pairs of semi-detached properties comprises elements of a more contemporary/modern design style. The proposed development would comprise six dwellings, laid out as three pairs of semi-detached properties. The proposed dwellings would be set back approx. 1.3m from the highway by small front gardens and driveways/areas of hardstanding.

The proposed dwellings would be constructed in buff brickwork with contrasting brick panels above the entrances and would incorporate distinctive pitched roofs and corner window features. The double pitched roof (plain tile) would form a 'valley feature' and give the appearance of 2.5-storey buildings rather than three storeys. In addition, the principal elevation would comprise of projecting features and set-back 'side wings' which would help break up the elevation and would add relief/interest to the northern (principal) elevation. The inclusion of parapet walls to the 'side wings' would create a neater junction between external walls and the roof, recessed window openings would provide greater articulation and the use of a simple palette of high quality materials including buff brickwork, plain tile roof, powder coated aluminium windows (grey), hardwood entrance doors and rainwater goods would reinforce the modern design approach. However as an additional safeguard, it would be considered necessary to apply a planning condition requesting all materials to be submitted and approved prior to the construction of the dwellings.

In design terms it is considered that the resultant development would provide a distinctive group of dwellings that exhibit a number of interesting and high quality features that are necessary to make simple modern architecture successful. Whilst the ridge height of the proposed dwellings would be approximately 1.5m higher compared to the surrounding properties, it is considered that due to design, materials and roof form, the dwellings remain comparable in scale to the dwellinghouses that comprise the streetscene. The set back (approx. 1.4m) of the dwellings from Compton Road by small front gardens and driveways/areas of hardstanding would also ensure that the development would appear less dominant within the street scene.

The area surrounding the application site has a residential character with a fairly consistent architectural style. As highlighted by local residents, the proposal is not a design style that is

common within the area or even within the city, although it is deemed would set a good standard for similar proposals in the future. It is considered that the principle of adding a development of the quality identified above would be acceptable and would not amount to a visually discordant or harmful addition to the streetscene or erode the character of the surrounding area. The replacement of a Vicarage, garage, scout hut and northern part of the church hall with six dwellings to the standard proposed would also be positive.

It is noted the proposal was presented to the Design Review Panel on the 19th October 2018. The Panel responded positively to this 'crisp' and 'clean' proposal. The hand of a designer was sensed and a scheme of some visual interest has been generated as a result. The scale and layout were considered appropriate and it was felt that the question of parking had been dealt with effectively. Furthermore, the Panel felt that the proposed rhythm and pitch of the rooves was pleasing. Overall the Design Review Panel supported the scheme.

Due to the location of the locally listed church fronting Battenburg Avenue, the dwellings would not be read as part of the same streetscene. In addition, the proposed dwellings would be in excess of 20 metres from the locally listed church and as such there is sufficient space between the buildings to provide a visual break. Overall the design of the dwellings is considered to be appropriate in this location and in view of its design and separation it is considered it would preserve the setting of the locally listed building. The proposal would introduce high quality dwellings which would contribute to the upgrading of the surrounding area and would comply with local and national policy for design and for heritage matters.

Representations received refer to the loss of the existing path, which provides access from Compton Road, through the church grounds to Battenburg Avenue. The existing path is not recognised as a public right of way on the definitive map and statement, although it is noted that an application to have it recognised as a footpath on the definitive map and statement has been lodged with Portsmouth City Council. The site also has another footpath through to Battenburg Avenue located to the western edge of the site, this footpath is not currently used and has a locked gate in situ restricting pedestrian access.

The submitted plans indicate that the footpath would be relocated to the west of the development (where the existing footpath is already in situ) and thus there would still be a good level of permeability through the site. An informative remark is proposed to be entered onto any decision notice to remind the developer of the need to secure an appropriate legal order to divert or stop-up any public right of way. Without a legal order, any developer who obstructs a public right of way commits a criminal offence and is liable to injunctive proceedings to remove the obstruction.

Internal living conditions and Impact on residential amenity

The National Planning Policy Framework states at Paragraph 127 that planning policies and decisions should:...'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate. Policy PCS23 requires new development should protect the amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users.

The Nationally Described Space Standards set the size of a 4-bedroom dwellinghouse over three-storeys at between 103 and 130m². The submitted drawings indicate that the proposed dwellings (4-bedrooms) would have floor areas of approx. 140m². Having regard to the indicated floor areas, the inclusion of large windows to the north and south elevations, and the

incorporation of modest, south-facing, rear gardens (approx. 54.2m²), it is considered that the dwellings would provide an acceptable standard of living environment for future occupiers.

A number of representations refer to the height of the proposed dwellings and the impact they would have in terms of overbearing impact and loss of light, outlook and privacy. The dwellings have been sited back from the footway by approximately 1.4m metres and would broadly align with the properties located to the southern side of Compton road. This would provide a separation distance of approximately 16 metres to dwellings situated to the northern side of Compton Road (across a public road). It is noted that the rear of the dwellings would back on to the church grounds. The proposed dwellings would retain a gap of approx. 3m from No.92 Compton Road to the east and a gap of 2.5 from No.90 Compton Road to the west. Although slightly taller at 2.5 storeys, when compared to the rest of the two-storey streetscene, it is considered that the position, scale and siting broadly accords with the local character and would not adversely affect nearby residential amenities.

Whilst the proposed dwellings would incorporate some larger windows as part of the design concept, these are situated on the set-back 'side wings' and to the rear (south) elevation. Furthermore, having regard to the degree of separation provided by Compton Road to the properties to the north and the position and orientation of the proposed windows, it is considered that the proposal would not be harmful in amenity terms and could not sustain a reason for refusal on loss of outlook or increased sense of enclosure. The height of the proposed dwellings would be perceptible to neighbours within their gardens; however the proposal would have little material effect on daylight. In addition, as a result of the degree of separation and position of the dwellings, the impact is again not considered to be so harmful as to sustain a reason for refusal.

Representations received state that other householder (e.g. construction of dormers) applications in the area have been refused and dismissed at appeal on design grounds. While, these comments are acknowledged, it is noted that the planning merits of each scheme are assessed on a 'case by case' basis. Furthermore, impact on property value is not a material planning consideration.

Highway Implications

The application proposes the creation driveways located to the side of the principal elevation of each dwelling, to provide six off-road (one for each dwelling) car parking spaces accessed from Compton Road

The Local Highway Authority (LHA) has considered the submitted proposal and highlight that Compton Road is a predominantly residential access road with a wide single carriageway and pedestrian footways on either side. Few of the properties have off-site parking provision and as a consequence the demand for on street parking frequently exceeds the space available particularly overnight and at weekends. The LHA would not anticipate that the proposal would generate sufficient traffic movement so as to have a material impact in the operation of the local highway network during peak periods and would not require a formal transport assessment to inform determination of the application.

The Parking Standards and Transport Assessments SPD sets the level of parking provision required within all new residential developments. Based on the suggested number of bedrooms within the dwellings, the development would be expected to provide 12 off-road parking spaces (6 x 4-bed @ 2 spaces per dwelling).

Six driveway access points are required for the proposed development. The LHA suggest a condition could be imposed to restrict the immediately adjacent planters and planting to be restricted to 1m in height, to ensure adequate vehicle and pedestrian visibility could be achieved for each access. However, it is considered that it would not be reasonable to impose such a condition, as planning permission would be required to raise the boundary wall (fronting a highway) over 1m.

The proposal for six 4-bed dwellings has a parking requirement for 12 vehicle spaces and 24 cycle parking spaces. One vehicle parking space is provided for each dwelling on a driveway and adequate provision is made for cycle parking in sheds in the rear gardens. As a consequence the effect of this proposal would be to introduce a parking provision shortfall provision associated with this site of 6 spaces. No parking survey has been provided in support of the application as is required in the SPD to demonstrate the availability of on street parking to accommodate this shortfall. In the view of the LHA there is no scope to accommodate this parking shortfall on street particularly overnight and at weekend and as a consequence the proposal would have an unacceptable impact on the parking amenity of local residents. Furthermore the LHA consider this would be likely to increase the instances of vehicles parking in close proximity to junctions obstructing both visibility splays and crossing points for pedestrians with the consequent impact on highway safety.

At the moment with the exception of the two drive crossing points serving the application site kerbside parking is available on street at the site frontage. This space is frequently occupied by existing residents in the immediate area particularly overnight and at weekends. The introduction of two further double width drive crossing points as proposed reduces the available parking on street by 2 spaces. The development has a requirement for 12 vehicle parking spaces although only provides off street parking for 6 vehicles. As a consequence the effect of this development is to increase the on street parking demand by 6 vehicles whilst reducing the on street parking provision by 2 spaces (i.e. and effective net impact of reducing the on-street parking availability by 8 spaces in an area where the current demand for residents parking exceeds the space available).

This will make it much more inconvenient for local residents to find a place to park resulting in both instances of vehicles being parked indiscriminately raising highway safety concerns from the LHA and residents driving around the area hunting for a parking space with the consequent implications for air quality/pollution.

The Parking SPD is a generalised, city-wide document. In this instance, the site is located within a sustainable location in close proximity to a wide range of shops, services and bus routes located on London Road and Copnor Road.

With all the above considerations, I am not persuaded, on balance, that the effect would be so significant as to withhold planning consent.

With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met. I have identified a significant effect on parking/highways that I consider this proposed development would produce. With respect to the two NPPF tests:

Test (i) (and Paragraph 177) is engaged due to potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment. These matters are addressed later in this report. In brief, though, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy. Subject to these being satisfactorily addressed (including an 'Appropriate Assessment'), Test (i) would be complied with.

For test (ii), the development would provide six new dwellings to help meet the city's housing supply, which is below the required 5 year total. The new dwellings are an important benefit of the application. I consider the impacts on parking/highways of granting permission would not 'significantly and demonstrably outweigh the benefits' of the scheme, when assessed against the policies in the NPPF taken as a whole. As such, planning permission must be granted.

Whilst the concerns of the LHA are duly noted, the planning assessment of this application must strike a balance between the highways objection and the contribution such development would

make towards meeting the city's housing need as set out within Policy PCS10 and PCS21, as detailed above.

In balancing the issues, significant weight is also placed on the positive design solution detailed above and the benefits of providing six 4-bedroom family dwellinghouses where 82% of all dwellings delivered in the city between 2005 and 2018 were flats.

In light of the assessment above, it is considered that the benefits of the proposal would outweigh the concerns of the LHA. In the view of the Local Planning Authority (LPA), the proposal would therefore meet the definition of sustainable development set out within the NPPF.

Details have been provided for bicycle storage and bin storage facilities within the rear gardens. Whilst further details are required, the final design and the provision these facilities can be required through the inclusion of planning conditions.

Sustainable Design and Construction

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force and can be required through suitably worded planning conditions.

Trees and impact on Special Protection Areas (SPA)

The three remaining large oak trees to the north of the church are protected by TPO90 and all appear to be healthy and vigorous. The protected trees are some 15m from the proposed houses and 10m from the proposed boundary line. As a consequence they are unlikely to be significantly impacted upon by the development. A condition would be imposed requesting a scheme for the safeguarding of the trees located to the south of the site from damage as a result of proposed works. The other trees on the site which would be removed appear to be self-seeded specimens of mainly Elder none of which merit TPO protection.

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing

land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new dwelling will be charged at £200. The sum for each application will be negotiated depending on the financial viability of that particular development scheme.

At the time of publication of this application report at 90A Compton Road, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 18th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the Applicant has confirmed that he is unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. I attach a condition which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased (which will be just prior to actual occupation, which would be at least some months hence in the case of this development). In accordance with the Strategy, and given the viability challenges with this particular development, the actual sum charged for each credit will be negotiated by officers, and finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. As such, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

The Conservation of Habitats and Species Regulations 2017 [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 likely effect on the interest features of the Solent Special Protection Areas, 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.

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

Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £3745 (5 net x 4-bedroom units @ £749). The applicant has agreed to provide

mitigation through a Section 106 legal agreement. With this mitigation in place the authority can conclude that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Other matters raised in representations

A significant number of objections have been received. The above report has addressed the majority of the comments received, by way of explanatory text and/or conditions. The remaining points can be addressed as follows:

- Loss of community facilities

The proposal would involve the partial loss of the northern part of Compton Hall and a detached Scout Hut. The applicant has not provided any specific information to justify the partial loss of the hall and Scout Hut. Whilst this is disappointing it is acknowledged the remainder of the Hall would be retained for community use. In addition, there are no specific policies within the Portsmouth Plan to resist the loss of community facilities; therefore it is not considered that an objection could be sustained on this basis. In addition, the applicant has confirmed that the Scout Group do not have any formal right to the land on which their hut is located and this has been verified by Solicitors acting on behalf of the Diocese. It is understood the Scout Group do own the hut and they have been given reasonable notice that it should be moved to a suitable alternative location.

- Side wall of No.90

Representations have been received raising concern around the relocated footpath and how this will impact on the side wall of No.90. In order to mitigate any potential harm, it is considered that a condition could be imposed requesting a lighting scheme/security details to make this identified area safer.

- Local infrastructure

Representations have been received indicating that local infrastructure is saturated. It is not considered however, that the provision of six additional dwellinghouses within a residential street would be so severe in terms of impact on local infrastructure, as to warrant refusal of the application. Therefore it is not considered that an objection could be sustained on this basis.

- Affordable housing

As the application is not a major development (fewer than 10 dwellings), it is considered that an affordable housing contribution cannot be sought.

- Site notice

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties (Nos.79, 81, 83, 85, 87, 89, 90, 91, 92, 93 Compton Road; The Scout Hut, Compton Road, St Nicholas Church Hall Compton Road, St Nicholas Church, Battenburg Avenue and Nos.107 and 111 Battenburg Avenue) and a site notice was displayed in Compton Road outside the site, in accordance with the Council's consultation procedures.

- Unable to view the plans on Public Register

The application was made valid on the 6th September 2018 and the effective date (neighbour consultation period) ended on the 3rd October 2018. On the 10th September (within 3 working days from the valid date) full plans were made public for viewing on the Public Register. In addition, a hard copy of the plans was available to view at the Civic Offices, in accordance with the Council's consultation procedures.

Conclusion

In summary, the new residential development would bring about an extremely positive use of the site, by delivering six new dwellings. The site's future would be secured by the scheme and the development would provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5 year requirement. Corresponding benefits include construction employment and a CIL payment. The site is well-located within the urban area for a range of shops, services and public transport and is acceptable in principle for residential development. It is considered that scale and design is appropriate and nearby residents' amenities would not be unduly affected.

The effects of the development on matters such as heritage, traffic, parking and ecology are deemed to be within acceptable bounds subject to appropriate mitigation where necessary. The proposal constitutes sustainable development and it is considered that subject to the recommended conditions, the proposal would preserve the special architectural or historic interest of the locally listed building and its setting, in accordance with the aims and objectives of the National Planning Policy Framework and the Portsmouth Plan.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant **Conditional Permission** subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation I has not been completed within three months of the date of this resolution.

Conditions

Time Limit

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

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

Approved Plans

2) Unless 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: Site plan and location plan (2.001/D2); proposed elevations (2.102/D2); proposed elevations (2.101/D2); and, proposed floor plans (2.002/D1).

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

Permitted development rights removed

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) (or any Order amending, revoking and or re-enacting that Order with or without modification) no building, structure, addition, hard surface, means of access to the highway or other alteration permitted by Class A, Class B, Class C, Class D, Class E or Class F of Part 1 or Class B of Part 2 of Schedule 2 of the GPDO shall be constructed/carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

Reason: In the interests of visual and residential amenity having regard to the specific design of the dwellinghouses, constrained site layout and relationship with adjoining properties in accordance with policy PCS23 of the Portsmouth Plan (2012).

Sustainable Design & Construction

4) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development has:
(a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
(b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan (2012).

External Materials

5) (a) No development above slab level shall commence until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing) to be used for the dwellings have been submitted to and approved by the Local Planning Authority in writing; and, (b) The development shall thereafter be carried out using the approved materials and finishes pursuant to part (a) of this condition.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012).

Tree Protection

6) (a) No development shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme for the safeguarding of the trees located to the south of the site from damage as a result of proposed works in accordance with British Standard: BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority; and, (b) The development shall then be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: In the interests of visual amenity and good arboricultural management having regard to the contribution the protected trees make to the area, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

Bicycle Storage Facilities

7) (a) Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied until precise details of all bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority; and, (b) Unless otherwise agreed in writing

with the Local Planning Authority, none of the dwellings shall be occupied until the bicycle storage facilities approved pursuant to part (a) of this condition have been provided and made available for use. The bicycle storage facilities shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

Provide & Retain Parking

8) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) the approved parking provision and associated accesses as shown on approved drawing 2.001/D2 shall be laid out and made available for the parking of vehicles. In addition, the existing vehicular cross overs and dropped kerbs onto Compton Road immediately adjacent to the application site shall be removed and replaced with a full height kerb and reinstated footway to suit new levels; and, (b) The approved parking provision as detailed by part (a) of this condition shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles.

Reason: To ensure that adequate provision is made for the parking of cars in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012) and the Parking Standards SPD (2014).

Refuse Storage Facilities

9) (a) Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied until facilities for the storage or refuse and recyclable materials have been provided in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority; and, (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2012).

Drainage Scheme

10) (a) Prior to the commencement of construction works associated with the dwellings hereby approved, precise details of the proposed means of foul and surface water sewerage disposal including the layout, flow calculations and its planned future maintenance shall be submitted to and approved by the Local Planning Authority in writing; and, (b) The development shall then be completed in accordance with the details approved pursuant to part (a) of this condition and thereafter permanently retained.

Reason: In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan (2012).

Construction Management Plan

11) (a) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include, but not limited to, details of: Delivery arrangements; Loading/off-loading areas; Times of deliveries; Office facilities; Contractor parking arrangements; Extent of any traffic/pedestrian management; Method Statement for control of dust and emissions from construction and demolition; and, (b) The development shall be carried out in full accordance with the Construction Management Plan approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site.

Reason: In the interests of highway safety and residential amenity and to minimise adverse effects on the local environment, as far as practicable, during works of demolition/construction in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Security & Lighting Measures

12) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority), details of an external security lighting scheme (including details of the number, siting, appearance and specification of any luminaires) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall take into account the impact on the nearby locally listed heritage asset, security for pedestrians using the footpath, the western flank elevation of No.90 Compton Road and impact on highway safety; and, (b) The approved lighting scheme approved pursuant to part (a) of this condition shall be carried out as an integral part of the development prior to first occupation and thereafter permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of public safety as part of a scheme of security measures along the western boundary (including the flank wall of No.90 Compton Road) of the site in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the Reducing Crime Through Design Supplementary Planning Document (March 2006).

Nitrates Neutrality Mitigation

13) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by, the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

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.

33 CASTLE ROAD SOUTHSEA PO5 3DE

CONSTRUCTION OF TWO STOREY REAR EXTENSION PLUS ENLARGEMENT OF EXISTING BASEMENT AND REPLACEMENT WINDOWS AND DOORS TO FRONT

Application Submitted By:

Design Drawn Ltd
FAO Joseph Moser

On behalf of:

Mark Keene

RDD: 1st August 2019

LDD: 2nd January 2020

SUMMARY OF MAIN ISSUES

The application is being presented to the Planning Committee following a call-in from Cllr Rob Wood.

The main determining issues would be whether:

- The design of the proposed development would be appropriate in relation to the recipient house and the wider surrounding area;
- The proposal would preserve or enhance the character and appearance of 'Castle Road' Conservation Area;
- The proposal would be likely to result in any significant loss of residential amenity to occupiers of surrounding properties.

The Site and Its Surroundings

The application site comprises an end-of-terrace, 3 storey dwellinghouse (plus basement) on the south-east side of Castle Road and is identified as being a locally listed building (one of three, 3 storey locally listed buildings at nos. 33, 35 and 37). The site lies within the Castle Road conservation area and is the subject of an Article 4(2) Direction removing permitted development rights for a range of alterations to the front elevation of the property (including replacement windows and doors, alteration/removal of chimney stacks, replacement roof cladding and the alteration/demolition of the front boundary wall/gates/railings). The property has a painted brick front elevation and unpainted brickwork at the rear, with a clay tile roof and timber sliding sash windows front and rear.

No.31 to the north is a three storey dwellinghouse fronting Castle Road which includes a two storey rear projection with windows facing south into the application site (most notably the sole window serving the kitchen at ground floor level). This property also has a conservatory/glazed entrance with access to the rear garden on its south side. No.35 attached and to the south of the site benefits from a long single storey pitched roof projection to the rear (accommodating the kitchen) and a first floor flat roofed extension accommodating a bathroom incorporating a single obscure glazed window facing east.

The Proposal

The application seeks planning permission for the construction of a 2-storey rear extension plus an enlargement of the existing basement, and replacement timber sliding sash double glazed windows to the front and two replacement timber doors (front and basement).

The extension would measure 3.7m deep, 5.3m wide and 5.5m in height (i.e. two storeys) plus an extension of the same footprint at basement level to extend the existing basement eastwards. The extension would accommodate a dining area at ground floor level and an en-suite bathroom and a dressing room at first floor level. The roof design would be flat behind a parapet and elevations would be faced in brick to match as close as possible those existing on the main rear elevation (laid in a matching bond), incorporating curved window headers and a decorative dentil course to match the existing.

The proposed replacement windows (3no.) within the front elevation would be double-glazed, vertical sliding sash in design, constructed in timber, painted externally in French grey and incorporate a horn detail to match as closely as possible those on the existing building. Two replacement doors are also proposed for the front elevation in the form of a replacement front door and a basement door.

Amended plans have been received during the course of this application to reduce the depth of the extension by 1m, add obscure glazing to the rear first floor windows and incorporate a parapet and brick detailing.

Planning History

There is no planning history relevant to this particular site.

POLICY CONTEXT

Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

CONSULTATIONS

None.

REPRESENTATIONS

Five objections (from 3 addresses) have been received on the grounds of:

- (a) increased overshadowing, loss of day/sunlight and privacy to house and garden of nos. 31 and 35 Castle Road contrary to policy,
- (b) loss of outlook to no.31,
- (c) concern about structural integrity implications for no.35 due to construction of the enlarged basement,
- (d) the extension would contribute to town cramming,
- (e) the extension would be an incongruous and visually obtrusive feature, contrary to policy; detrimental impact on the character and appearance of the Conservation Area,
- (f) undesirable precedent,

- (g) lack of contextual information,
- (h) clarification required regarding ownership and intentions for existing boundary wall, and
- (i) noise during construction.

COMMENT

The main determining issues would be whether:

- The design of the proposed development would be appropriate in relation to the recipient property and the wider surrounding area;
- The proposal would preserve or enhance the character and appearance of 'Castle Road' Conservation Area;
- The proposal would be likely to result in any significant loss of residential amenity to occupiers of surrounding properties.

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.

There are no land-use policies that would discourage an appropriately designed extension to this property in this area. The acceptability of the proposal is therefore based on the particular merits of the site and the detailed scheme.

This property has a relatively modest footprint compared with the adjacent buildings, and is served by a rear garden approximately 16.5m in depth. Therefore whilst the proposal (as amended) seeks a relatively large extension, it is not considered incongruous or excessive in the context of its plot size or the surrounding development. The extension would incorporate features that take reference from the existing property, in terms of matching materials, brick detailing such as the arched headers and dentil course and would be topped by a parapet roof design which is considered an appropriate solution. The fenestration layout has symmetry and the proportions of openings are appropriate. Window framing would be double glazed but of traditional timber construction, vertical sliding sash in design. Whilst the proposed extension would be in close proximity to the neighbouring properties this in itself is not considered incongruous given the relatively tight knit character of development in the immediate vicinity of this conservation area. The basement extension would be entirely under natural ground level and therefore not visible externally. Overall the scale and appearance of the proposed extension is considered appropriate in the context of the recipient building and the wider surrounding area.

The proposed replacement timber windows and doors to the front elevation are considered of appropriate design, dimensions and finish.

Heritage Issues

With respect to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' during the decision making process.

For the reasons set out in the section above, the design quality of the proposed development is considered appropriate and acceptable in the context of both the recipient property and the wider area. In light of this, it is concluded that the proposal would preserve the character and appearance of 'Castle Road' Conservation Area preserve the setting of the heritage assets in the form of the locally listed houses at the application site and at the adjacent properties to the south known as nos. 35, 37. The proposal is considered to accord with the aims and objectives of paragraphs 189-202 of the National Planning Policy Framework (February 2019) and those within Policy PCS23 of the Portsmouth Plan in terms of protecting and preserving the city's historic townscape and heritage assets.

Residential Amenity

The surrounding properties most likely to be affected by the proposal are no.31 to the north and no.35 to the south.

No.31 (to the north):

The depth of the proposed extension has been reduced by 1m. This results in the extension drawing level with the main three storey rear elevation of no.31. The outlook and available light to the rear (east) facing rooms of this property would not be significantly adversely affected. Due to the south-easterly orientation of the ground floor kitchen window of no.31, the outlook from this window faces into the application site and the proposed extension would be readily visible from this room. However, whilst some degree of outlook, sense of space and light is likely to be lost to this window, the degree of this loss is not considered likely to be of such significance so as to justify withholding planning permission. Light will also be lost to the conservatory/glazed entrance of no.31 which is sandwiched between the application site and the south facing gable end of no.35, although loss of outlook would be minimal given the obscured nature of the rear door and profiled transparent roof. Given that this is not a principal room, the impact upon it is not considered so significant so as to justify a refusal of the application. In recognition of the potential loss of privacy from the first floor windows of the proposed extension (actual and perceived), the amended drawings show the en-suite facilities and dressing room to have obscure glazing (and it is considered reasonable, relevant and necessary to impose a condition ensuring this is secured).

No.35 (to the south):

Given that no.35 is located to the south of the application site, the proposal would not result in any significant loss of light to this adjoining property. In addition, the existing projections at the rear of no.35 would in part reduce and screen the impact of the proposal as seen from its outside space. However it is acknowledged that the extension would be visible from the courtyard garden and the narrow garden space adjacent the kitchen. The rear projection at no.37 already limits the sense of space and outlook to much of the outside space serving no.35 and it is recognised that a two storey extension to the rear of no.33 would accentuate the sense of enclosure felt within the outside space immediately adjacent the house. However this is not considered to be to such an extent so as to justify refusal of the application. Obscure glass to the proposed first floor windows would protect the privacy of this neighbouring property.

The alterations to the fenestration within the front elevation are not considered to result in any loss of residential amenity to surrounding occupiers.

On the basis of the above, it is considered that the proposal is not considered likely to significantly adversely affect the residential amenities of occupiers of neighbouring properties.

Issues raised within representations not addressed above:

Matters of structural stability/integrity are Building Control issues. Building regulation approval is required for the construction, adaptation and extension of all basements.

Each site is dealt with on its own merits and given the variety of property styles within the area it is considered that the proposal would not set a precedent.

The application is considered to contain sufficient contextual information in order to reach an informed decision.

The ownership certificate has been revised and the appropriate Notices served on nos. 31 and 35.

Some degree of noise and disturbance is to be anticipated during any construction period. However this would not justify refusal of the application and there is legislation beyond the planning system that would limit these impacts.

Conclusion

The scale, external appearance and materials of the proposed development are considered acceptable and would preserve the character and appearance of 'Castle Road' Conservation Area and the setting of the identified locally listed buildings. The proposal is also not considered to result in any significant adverse loss of residential amenity for occupiers of surrounding properties.

As such the proposal is considered in accordance with policy PCS23 of the Portsmouth Plan and is capable of support.

RECOMMENDATION Conditional Permission

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Proposed Block Plan drawing no.431.P100_B, Proposed Floor and Roof Plan drawing no.431.P101_C, Proposed Elevations drawing no. 431.P102_D and sash window, front door and basement door details (431.Keene) received 3 October 2019.

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

Materials

3) The materials, including brick bonding pattern, mortar type and colour 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.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Window Restrictions

4) All windows at first floor level on the rear (east facing) elevation of the extension hereby permitted shall be glazed with obscured glass (minimum obscuration level 3) and shall be non-opening below 1.7m above finish floor level and shall be permanently maintained in that condition.

Reason: To protect the privacy of the adjoining properties and to prevent overlooking (actual and/or perceived) 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.

43 EASTERN PARADE SOUTHSEA PO4 9RE**CONSTRUCTION OF TWO STOREY GARAGE AT REAR OF PROPERTY (FOLLOWING DEMOLITION OF EXISTING GARAGE) (DESCRIPTION AMENDED 30/10/19 AND AMENDED PLAN RECEIVED 30/10/19)****Application Submitted By:**M2 Architecture
FAO Mr M Wilkes**On behalf of:**

Mr A Leaver

RDD: 6th August 2019**LDD:** 2nd October 2019**SUMMARY OF MAIN ISSUES**

This application is brought to Planning Committee for determination following requests made by Cllr Winnington and Cllr Stubbs.

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

- a) The principle of development
- b) Design including impact on 'Craneswater and Eastern Parade' Conservation Area
- c) Impact on the amenity of neighbouring residential amenity

The Site

This application relates to a three-storey detached property situated on the northern side of Eastern Parade. The dwelling is set back from the highway with an enclosed garden and driveway. To the rear of the dwelling is an enclosed garden which includes a red brick garage with red clay roof tiles. Boundary treatment consists of a brick wall, timber fencing and mature vegetation.

The site is located within 'Craneswater and Eastern Parade' Conservation Area (No.29), and is subject to an article 4(2) direction, which removes the right to carry out the following development without planning permission: the replacement of windows and doors on front elevations, the removal/alteration of chimney stacks, alterations to canopies and other architectural details, the replacement of roof cladding, the alteration or demolition of front boundary walls/gateways and railings and the painting of any previously unpainted external brickwork or external wall surfaces fronting a highway.

Eastern Parade is characterised by large detached properties which vary in design. The site is separated from the seafront by the Southsea miniature golf course.

Proposal

Planning permission is sought for the construction of a detached garage to the rear of the site (adjacent to the eastern and northern boundaries), following demolition of the existing garage. The garage would measure 10m in depth, 4.28m in width, and would have an eaves height of 2.82m and a maximum height of 5.5m. The garage would have a pitched roof with four rooflight

windows within the west facing roofslope. Proposed building materials would include brickwork and roof tiles. The garage would include space for one car, with ancillary loft space.

During the course of the application the scheme has been amended to replace two flat roof dormer windows to the side (west) elevation with four rooflight windows and to reduce the overall height of the garage by 0.15m

Relevant Planning History

06/00086/PLAREG - Retention of 2-storey dwellinghouse with accommodation in roof space. Conditional Permission 15.09.2006

06/00074/CON - Demolition of existing dwelling (Conservation Area Consent). Conditional Consent 02.10.2006

A*14117/AD - Construction of first floor and second floor to east/west/front and rear elevations, with balconies to front elevation - Conditional Permission 05.12.2005

POLICY CONTEXT

The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation).

The aims and objectives of the revised NPPF (February 2019) and the Craneswater and Eastern Parade Conservation Area Guidelines would also be relevant to the determination of the application.

CONSULTATIONS

No consultations.

REPRESENTATIONS

Twelve representations have been received from five households raising objection on the grounds of;

- a) Harmful impact on the conservation area;
- b) Overdevelopment;
- c) Loss of privacy;
- d) Loss of light;
- e) Noise from use of the garage;
- f) Damage to neighbouring properties, in particular their foundations;
- g) Development would set a precedent in the area;
- h) Impact on trees;
- i) Loss of view;
- j) Loss of property value;
- k) Potential for the garage to be converted into a separate dwelling.

In addition, one comment has been received requesting the proposed dormer windows to the side elevation to be obscure glazed.

COMMENT

Principle of development

The proposed development relates to the alteration of a building within the curtilage of an existing dwelling. The new garage would remain ancillary to the use of the existing dwelling and is therefore considered acceptable in principle.

In response to one of the concerns raised within representations, it can be confirmed that the application does not seek permission for the creation of a separate dwelling at the site.

Design and impact on 'Craneswater and Eastern Parade' Conservation Area

Policy PCS23 of the Portsmouth Plan (2012) 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.

With respect to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' during the decision making process.

The proposed garage would replace an existing pitched roof detached garage on the site. In comparison to the existing garage, the proposed garage would be an additional 1.5m in height, 4m in depth (extended to the south), and 0.8m in width (extended to the west). The proposed garage would remain subservient in size to the main dwelling and separated from the dwelling by a distance of approximately 3.5m. Whilst it would be noticeably larger than the existing garage, it is considered that the application site is of an appropriate size to accommodate the development.

With regard to the impact on the Craneswater and Eastern Parade conservation area (No.29), the proposed garage would be set approximately 35m back from the highway. It is therefore considered the garage would not form a dominant feature within the street scene. The main views of the garage would be gained from the immediate neighbouring properties to the east, west and north. However, there are several examples of existing outbuildings to the rear of surrounding properties; including at the adjacent properties, No. 41 and No. 45 Eastern Parade, as well as garages to the rear (north) belonging to properties along Selsey Avenue. Whilst the proposed garage would have a height greater than these other outbuildings, it has been assessed as being appropriate in terms of its scale in relation to the main dwelling and it is not considered that it would appear unduly prominent in its location.

Some of the representations have raised concern about the potential for this development to set a precedent for other larger outbuildings in the area. However, it must be noted that all planning application would be assessed on their individual merits, therefore granting permission for this development would not necessarily mean that another outbuilding of a similar size would be acceptable on another site.

The application form indicates that the materials for the new garage would comprise brickwork and tiles and a condition has been imposed requiring precise details of these materials to be submitted to and approved by the Local Planning Authority to ensure that they would respect the appearance of the existing dwelling and surrounding area.

Following amendments to the scheme to reduce the height of the garage, and subject to a condition requiring details of materials to be approved, the design of the proposed garage is considered to be acceptable in relation to its surroundings and to preserve the character and appearance of the Craneswater and Eastern Parade conservation area

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.

This application has been the subject to a site visit where the impact on the amenity of neighbouring properties has been assessed. A site visit has also been carried out at No.45 Eastern Parade and No.12 Selsey Avenue.

No. 45 Eastern Parade (to the east):

The closest neighbouring property to the proposed development would be the neighbouring property to the east, No. 45 Eastern Parade. The proposed garage would be adjacent to the shared boundary and detached garage belonging to this neighbouring property and would be situated approximately 6.5m from the dwelling itself. When viewed from No.45 Eastern Parade, the proposed garage would be largely screened by the existing garage on the neighbour's site and the existing shared boundary wall. It is therefore not considered that the garage would appear overly dominant when seen from this neighbouring property. Concerns have also been raised regarding overshadowing, however, the garage would have a modest eaves height of 2.8m and the roof would slope away from the shared boundary. Having regard to the design of the garage, the separation distance with the neighbouring property, and its orientation to the north-west, it is not considered the garage would have an unacceptable impact on the amenities of the occupants of No. 45 Eastern Parade in terms of overshadowing.

No.41 (to the west):

The proposed garage would be situated approximately 11.5m from the boundary shared with the neighbouring property to the west, No. 41 Eastern Parade. This is considered to be a sufficient distance so as not to result in a significant level of overshadowing or loss of outlook. Concerns were originally raised by a neighbouring resident regarding overlooking from the proposed dormer windows. Following amendments to the scheme, the dormer windows have been removed and replaced with four rooflights. To ensure the rooflights would not result in overlooking, should permission be granted, a condition would be imposed requiring the roof lights to be situated no less than 1.7m from the finished floor level.

Properties to the rear (north) of the site:

With regards to neighbouring development to the rear (north) of the site, the footprint of the garage would not move any closer to the neighbouring properties, however, the proposed garage would be 1.5m taller than existing. Concerns have been raised by residents to the north regarding loss of outlook and overshadowing as a result of the increase in height. These neighbouring properties are separated from the site by a shared drive, and the proposed garage would be situated approximately 6m from the rear boundary of No. 12 Selsey Avenue. When viewed from No.12 Selsey Avenue, it is considered that a large proportion of the proposed garage would be screened by existing garages belonging to properties in Selsey Avenue, and mature vegetation along the northern boundary of the application site. Whilst it is acknowledged the proposed garage would have a greater height than the existing, due to the separation distance and the presence of intervening garages, it is not considered that the increased height would result in a significant impact on the neighbouring residents in terms of overshadowing or loss of outlook. Concerns have also been raised regarding loss of view, however, loss of a view is not a material planning consideration and therefore has not been considered as part of this report.

Further concerns have been raised by neighbouring residents regarding the use of the outbuilding and potential noise disturbances, and the possibility that the outbuilding could be

converted into a self-contained dwelling. This application seeks permission for an outbuilding which would be used ancillary and incidental to the main dwelling. Planning permission would be required to change the use of the outbuilding or convert it into a self-contained dwelling and therefore would be within the control of the Local Planning Authority. Furthermore, potential noise disturbances would be covered by the Environmental Protection Act 1990.

Other matters

Concerns have been raised by a neighbouring resident regarding potential damage to the neighbouring property as a result of the foundation works. Damage to neighbouring properties during the construction period is not a material planning consideration, however, the applicant is advised that should any building foundations encroach onto neighbouring land it would be necessary to liaise with the neighbouring land owner on matters relating to party walls.

Concerns have been raised regarding the pruning of trees on the site. Records held by the Local Planning Authority indicate that there are no tree preservation orders covering the site, however the site is located within a conservation area and therefore trees on the site are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require notification to the Local Planning Authority before carrying out certain work on trees. The application form states no trees on site would be pruned as part of the development, however, should pruning be required, this would be within the control of the Local Planning Authority.

Conclusion

For the reasons stated above, the proposed replacement garage is considered to represent an acceptable level of development that would preserve the character and appearance of the Craneswater and Eastern Parade Conservation Area (No.29) and would result in any significant impact on the amenities of neighbouring occupiers, and would therefore be in compliance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2019).

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Design, Access & Heritage Statement; Location & Site Plan 101; Plans, Elevations Existing 500; and Plans, Elevation & Section 100D.

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

External Materials

3) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Position of rooflight windows

4) Notwithstanding the approved details, the four rooflights to the east of the development hereby permitted shall have a sill height no less than 1.7m from the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.

Reason: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan (2012).

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.

WESTMOORS - 50 LONDON ROAD COSHAM PORTSMOUTH

CONSTRUCTION OF 4-STOREY BUILDING COMPRISING 11 DWELLINGS (CLASS C3) WITH ASSOCIATED VEHICULAR ACCESS FROM ST GEORGE'S ROAD, PARKING, LANDSCAPING, BOUNDARY TREATMENTS AND BICYCLE/REFUSE STORAGE FOLLOWING DEMOLITION OF EXISTING DWELLINGHOUSE (RESUBMISSION OF 18/01492/FUL)

Application Submitted By:

CPC Ltd

On behalf of:

Cordage 3 Limited

RDD: 5th April 2019**LDD:** 8th July 2019**SUMMARY OF MAIN ISSUES**

The application has been brought to the Planning Committee for determination in light of the number of representations received.

The main issues for consideration are:

- The principle of the development;
- Design - scale appearance and townscape;
- Impact on protected trees;
- Standard of accommodation and Impact on the residential amenity;
- Provision of affordable housing;
- Sustainable Design & Construction;
- Highway impacts;
- Impact on nature conservation interests.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and Surroundings

The application relates to a rectangular plot of land located to the corner of London Road and St. Georges Road. The site is currently occupied by a two-storey 1920s detached dwelling which is set back from the London Road frontage by a verdant front garden. As a result of its position on the southern slope of Portsdown Hill, the dwelling sits significantly above the carriageway on London Road with levels sloping up towards the rear (east) of the site. A large rear garden and an area of hardstanding with detached garage accessed from St Georges Road provide a degree of separation (22m) from the neighbouring dwelling to the east.

Two mature Walnut trees, one located within the application site and protected by Tree Preservation Order No.95, form part of a densely vegetated southern boundary with a car park serving Elizabeth Court and the 'L-shaped' rear garden of No.2 St. Georges Road. The western boundary with No.2 is formed by a c.1.8m high brick wall with a detached garage on the application side and an outbuilding within the garden of No.2. Two small windows within the west facing elevation of No.2 serve a ground floor hallway, a small office area and a staircase.

The surrounding area is characterised by a mix of residential uses. To the north, large detached dwellings form the frontage to London Road with smaller more uniform semi-detached dwellings lining St. Georges Road to the east. To the south, a series of 3 and 4-storey blocks of flats form the frontage to London Road turning the corner into Havant Road. Developments to the west of the site on Northern Road/London Road (A3) are screened to a significant degree by mature trees and landscaped embankments. The site is located approximately 110 metres north of Cosham District Centre and 350 metres east of Queen Alexandra Hospital. Busses run frequently along London Road and through the District Centre with Cosham Railway Station located approximately 630 metres to the south.

Proposal

Planning permission is sought for the construction of 4-storey building comprising 11 dwellings (Class C3) following the demolition of the existing dwellinghouse at the site. Two of the proposed dwellings fronting London Road would be located at lower ground floor level and would benefit from their own private entrances. The remaining dwellings would be accessed via a main communal entrance from St. Georges Road, and a rear entrance through a car park which would provide 10 parking spaces and small buildings for the storage of refuse and recyclable materials and bicycles. Following excavation works to facilitate the lower ground floor units, new boundary walls would be constructed along the London Road and St Georges Road frontages with areas of landscaping behind.

The proposed building would have a relatively simple design with architectural details including recessed panels between windows, balconies to the north east corners and subtle changes in heights and elevation alignment. Following amendments, the proposed building would be finished almost entirely in facing brickwork.

Planning History

A similar application to that currently under consideration was withdrawn in March 2019 (ref.18/01492/FUL).

There is a history of works to trees protected by Tree Preservation Order at the site.

POLICY CONTEXT

Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);
- PCS15 (Sustainable Design and Construction);
- PCS17 (Transport);
- PCS19 (Housing mix, size and affordable homes) and
- PCS23 (Design and Conservation).

Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

- Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)

- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Technical Housing Standards - nationally described space standards (2015)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2019)

CONSULTATIONS

Natural England

The application site is within 2.5km of the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour Special Protection Area (SPA) and the Solent and Dorset Coast potential Special Protection Area (pSPA). Further information is required to determine the impact of the proposal on the SAC and SPA, specifically in relation to the impact of nutrients from the development.

Deterioration of the water environment - With regard to the integrity of the designated sites, NE advise that there is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites. There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites.

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.

Solent Recreation Mitigation Strategy - No objection subject to condition and compliance with the Solent Recreation Mitigation Strategy.

Biodiversity Enhancement - It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraphs 8, 170 and 175. Without enhancement, the development would not be complying with National Policy (NPPF 2018 as amended). Natural England advice that the mitigation and Enhancement recommendations of

the Preliminary Ecological Appraisal (dated March 2019) are secured through a planning condition.

Southern Water

No objection is raised to the above proposal. Conditions and Informatives are suggested to address site drainage and protection of the lower ground floor units from flooding.

Ecology

Detailed comments provided in respect of bats, recreational disturbance and nitrates. The applicant will be required to submit evidence to demonstrate the nitrate budget for the development and a scheme of mitigation to demonstrate no likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing.

It is highlighted that there is a difference of professional opinion over the extent of bat surveys undertaken at the site and it will be for the LPA to consider the application against the "derogation test". Whilst the LPA will need to consider test 1 & 2, the detailed method statement/strategy provided by the applicant is supported. A condition requiring the development to be carried out in full accordance with the method statement/strategy is suggested.

Tree Officer

The Arboricultural Implications Assessment and Method Statement (AIA) report ref 181050 - AIA, produced by Barrie Draper, dated 29 August 2018 is accepted and agreed. The tree identified as T2 in the AIA is Tree Preservation Order No.95 Tree No.2.

If the tree protection guidance in the AIA is followed, there should be no impact upon the protected tree or those others adjacent to T2. In arboricultural terms there are no objections to the proposal.

Highways Engineer

St George's Road is an unclassified residential access road subject to a 30mph speed restriction. It has a wide single carriageway with pedestrian footways on each side. The road falls within the resident parking zone 'BC' and parking is controlled on street to those with residents' permits or limited to a maximum stay of 2 hours. The introduction of the resident parking scheme was motivated to improve residential amenity arising from the excessive demand for on street parking arising from the local shopping centre and any proposal which increased the demand for on street parking in this vicinity should be resisted.

Having regard to the submitted transport statement, the LHA is satisfied that the site is located within a highly accessible location where active modes of travel will be a viable alternative for utility trips, that the traffic generation likely to be associated with the proposal is not of such a scale that it would have a material impact on the operation of the local highway network and that access to the car park is acceptable.

The site is not however, located within the defined part of the city centre in which the Parking Standards SPD permits the consideration of a reduction in the parking standard. The parking requirement for the proposed development would be 15 car parking spaces, 21 long stay cycle spaces and 2 short stay cycle spaces.

A parking survey has been submitted as a part of the transport assessment which has been undertaken in accordance with the Lambeth methodology as is recommended in the SPD. Following the submission of video footage to support the parking survey, the LHA is satisfied that there are 6 on street parking spaces available overnight within a reasonable walking distance of the site to off-set the parking shortfall on site.

On that basis the LHA raise no objection subject to planning conditions requiring provision of the on-site parking spaces and bicycle storage facilities in accordance with the SPD.

Environmental Health

The EHT has no outright objections to the proposal in terms of noise or air quality. However, there are potential issues with traffic noise at this location and a condition to ensure internal noise levels within habitable rooms are within recommended guidelines is suggested.

Contaminated Land Team

Historic Ordnance Survey maps show the site is located adjacent to a former gravel pit and as such the potential for contamination to exist cannot be discounted. Given the adjacent use, together with the sensitive end-use and scale of the proposed development planning conditions in respect of land contamination are requested.

Coastal And Drainage

No comments received.

REPRESENTATIONS

At the time of writing 14 letters of objection and 12 letters of support had been received. Issues raised within the letters of objection can be summarised as follows:

- a) Development out and scale and character with the surrounding area;
- b) Impact on the surrounding highway network including parking exacerbated by proximity to the hospital and Cosham District Centre and highway safety concerns;
- c) Overlooking and loss of privacy;
- d) Increased noise and disturbance;
- e) Light pollution;
- f) Overshadowing;
- g) Smell and vermin associated with the communal bin store;
- h) Disruption during development works;
- i) No affordable housing provision; and
- j) Letters of support are not from local residents.

Representations in support of the application can be summarised as follows:

- a) Sympathetic modern design is in keeping/would enhance the character of the area;
- b) Proximity to local amenities including Cosham District Centre and Hospital;
- c) Parking not a problem in this area;
- d) Sustainable location with good transport links;
- e) Good re-use of the site; and
- f) Development would provide much needed dwellings that would be suited to key workers.

It is noted that three of the letters of support have been received from individuals residing at the application site and that a number of representations have been received from individuals listing their address outside of the city.

COMMENT

The main issues for consideration are:

- The principle of the development;
- Design - scale appearance and townscape;
- Impact on protected trees;
- Standard of accommodation and Impact on residential amenity;
- Provision of affordable housing;
- Sustainable Design & Construction;

- Highway impacts;
- Impact on nature conservation interests.

The principle of the development

The application site is located within a residential area which has seen a pattern of redevelopment along the London Road and Havant Road frontages principally in the form of flatted developments. The site represents the last original dwellinghouse along this particular stretch of London Road and whilst of some architectural merit and charm, the building is neither statutory nor locally listed and is not the subject of any site specific local policy restrictions that would prevent its demolition and redevelopment.

Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site. On that basis and having regard to the sustainable location of the site and absence of any specific policy restrictions, it is considered that the principle of the development would be acceptable.

'On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework and Planning Practice Guidance regarding housing needs and housing supply. Following those changes, the Council can demonstrate 4.7 years supply of housing land.

The NPPF states that decisions on planning application should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below.

Design - scale, appearance and townscape

The proposed building is of a relatively simple design similar in form, scale and proportionality to existing blocks of flats located along the London Road and Havant Road frontages. Interest and quality would be derived from the use of facing brickwork throughout and subtle detailing through: brick courses; recessed panels and windows; steps in building line and height; and the incorporation of balconies to the north-western corners of the western elevation.

Whilst described as four-storey, as a result of the site's gradient, the building would only read as having 4-storeys along the London Road frontage where it would be positioned adjacent to existing three and four-storey blocks of flats. To the rear, the building would only have three storeys where it would bound the more traditional two-storey dwellings within St Georges Road. Notwithstanding the incorporation of an additional storey, as a result of its flat roof design the

proposed building would finish approximately level with the height of the ridge at No.2 St. Georges Road.

The development would be notably larger than the traditional dwellinghouses to the east and north. However, it would continue a more recent pattern of development established along this particular section of London Road (to the south) which is characterised by taller blocks of flats with larger footprints. The incorporation new low boundary walls and landscaping areas to the north and east facing frontages would also continue the open and verdant character of the street scene.

When viewed from the south on London Road, the building would be read in the context of the existing blocks of flats which comprise a mix of flat and pitched roofs and are finished in a variety of materials. In this context, it is considered that the building would sit comfortably within the street scene and would not detract from the wider character of the area. From the north, the building would be read in a different context against the more traditional detached dwellings on London Road (to the north of the application site) and the semi-detached houses on St Georges Road, all of which incorporate pitched roof forms. It is also noted that the immediately adjoining block of flats to the south includes a pitched roof and due to the bend in the road flat roofs are not a characteristic of the street scene from this position.

The incorporation of a flat roof is not considered to be an ideal design solution in this context and would be at odds with the prevailing character and roofscape which would be accentuated by its prominent corner position. This has previously been raised with the applicant and it is accepted that alternative design solutions could either increase the overall scale and bulk of the building or result in a reduced number of dwellings. On the basis the applicant has not sought to change the roof form, it is necessary to consider whether the design presented would be sufficiently harmful to the character of the street scene to sustain a reason for refusal when balanced against the wider benefits of the proposal.

These positives, as outlined in more detail above and below, would include the provision of 11 dwellings (net 10) towards the city's identified housing need within a sustainable location where the city does not have a 5-year housing land supply, and the incorporation of at least two affordable dwellings at lower ground floor level, with the potential for these to be fully accessible for disabled occupants. Furthermore, the assessment of the proposal has concluded that elements of the design, including scale, and form, are acceptable when considered in its southern context. When significant weight is placed on these benefits, it is considered that, on balance, the positive elements of the development would outweigh concerns in respect of the flat roof design and an objection on this point could not be sustained.

Notwithstanding this view, it is considered necessary to ensure that the design features that contribute to the overall design concept are fully implemented as suggested. A condition requiring the submission of a full schedule of materials and precise construction drawings demonstrating a sufficiently meaningful depth to the recessed panels and windows is suggested. The condition also seeks the submission of alternative design details for the balconies and dividing elements (aluminium cladding panels) which would appear heavy and overly prominent in their currently suggested form.

Impact on Protected Trees

The application is supported by an Arboricultural Implications Assessment and Method Statement (AIA & MS) demonstrating that the development can be undertaken without impacting upon the long term health and stability of the protect Walnut Tree (T2 of TPO.95). This has been considered and agreed by City Council's Arboricultural Officer and a condition requiring the development to be carried out in full accordance with the AIA & MS is proposed.

Standard of accommodation

Policy PCS23 of the Portsmouth Plan requires, 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. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

All of the proposed dwellings would meet the size standards set out within the NDSS and would provide an acceptable standard of living environment for future occupiers. Light and outlook would be limited within parts of Units 1 and 2 at lower ground floor level and a planning condition is proposed to ensure the delivery of a lightwell to serve a second bedroom. However, the standard of living environment within these units is not considered to be unacceptable. The City Council's Environmental Health Team raise no objection to the proposal in principle but highlight that the site is located adjacent to a busy main road. A planning condition is proposed seeking the submission and approval of a scheme of insulation to protect the amenity of future occupiers.

Impact on residential amenities

Whilst resulting in a larger and bulkier structure, the proposed building would, in the main, occupy the footprint of the existing dwelling and would not extend significantly further to the east. The car park would provide a 17.5m separation distance to the flank elevation of No.2 St. Georges Road.

Having regard to the orientation of the site to the north and east of neighbouring gardens and side facing windows respectively, and the presence of outbuildings and dense vegetation along boundaries, it is not considered that the development would result in any significant adverse impacts on the amenity of adjoining occupiers in terms of loss of light, loss of outlook, overshadowing or increased sense of enclosure. Whilst raised as a concern within representations, having regard to the urban environment and existing dwelling at the site, it is not considered that the proposal would result in significant levels of light pollution.

Having regard to the separation distances, boundary treatments and the use of rooms within No.2 served by west facing windows (halls and landings), it is not considered necessary or reasonable to impose a planning condition requiring east facing windows on the easternmost elevation of the proposed development to be fitted with obscure glazing in order to protect privacy.

There will inevitably be some disruption during construction works. However, this will be for a limited period of time and legislation beyond the planning system would be available to minimise impacts on neighbouring occupiers and the surrounding highway network.

Amended drawings have been provided to address initial concerns in respect of the design and location of the refuse store. The refuse store would be of a robust construction and located within an appropriate position to prevent any significant concerns in respect of odours and vermin.

Highway Impacts

The application is supported by a Transport Statement (TS) which has been considered by the Local Highways Authority (LHA) who agree that the likely trip generation associated with the proposed development is not of such a scale that it would have a material impact on the operation of the local highway network.

Whilst disagreeing with the guidance documents referred to within the TS, the LHA agree that the site is located within a highly accessible location close to bus and train links and within a short distance of shops and services within Cosham District Centre and Queen Alexandra Hospital. As such active modes of travel will be a viable alternative to private vehicle trips.

The Portsmouth Parking SPD sets out the expected level of parking provision that should be included within new residential developments. The LHA highlight that whilst the development is located within a highly accessible location, it is not located in an area where the SPD would expect the consideration of a reduced parking standard. As such, the expected parking provision for the 11 dwellings would be 16 off-street spaces with 10% capacity for visitors. The applicant has provided a parking survey in accordance with the Lambeth methodology set out within the SPD to demonstrate that there is adequate capacity on-street to meet the shortfall in on-site parking provision. Whilst initially raising concerns that insufficient evidence had been provided, the LHA confirm that following the submission of video footage, it is satisfied that there is sufficient on-street capacity within a reasonable walking distance of the applicant site and no objection to the proposal is raised.

Sufficient capacity for the storage of bicycles is provided within a bicycle store towards the rear of the site and internally within two individual units. The provision of the on-site vehicle and bicycle parking facilities can be required through a planning condition.

Provision of affordable Housing

In line with the requirements of the NPPF, the development is required to provide an affordable housing provision which Policy PSC19 of the Portsmouth Plan sets at 20% of the net total of dwellings to be provided. On the basis the development results in a net increase of ten dwellings, the City Council's Housing Enabling Officer (HEO) has indicated that the two dwellings at lower ground floor level should be sought as an affordable provision, or a contribution be made towards the provision of off-site affordable housing.

The applicant has indicated their intention to provide on-site affordable housing in line with the HEO's comments and are currently in discussions with a Registered Provider to potentially deliver a 100% affordable housing provision. Whilst the provision of eleven affordable units at the site would be welcomed, the LPA could only seek the policy compliant provision of two affordable units at the site through a S.106 Agreement. Whilst this would ensure the delivery of at least two affordable units at the site, this would not prevent the delivery of more.

Sustainable design and construction

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force and can be required through suitably worded planning conditions.

Impact on nature conservation interests

The Conservation of Habitats and Species Regulations 2017 [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.

There are two potential impacts resulting from the hotel element of this development the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.

1. 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. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £4,444.00 (1 x 1-bedroom units @ £346 and 10 x 2-bedroom units @ £500 less the existing five bedroom dwelling @ £902). The applicant indicated that mitigation will be provided and secured through the S.106 Agreement. With this mitigation the authority has concluded that the adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.

2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

At the time of writing, Natural England had confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 18th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. Whilst indicating that they can reduce water output from the development, in this instance, the Applicant has indicated that they are unable to provide nitrate mitigation via Option 1 or 2 and so would like to provide mitigation by using the Council's Mitigation Credit Bank which is accepted in this instance. A planning condition is proposed seeking to prevent the occupation of the dwellings until the mitigation is actually provided, i.e. when the credits are purchased (which will be just prior to occupation which is likely to be some months from the grant of planning permission). In accordance with the Strategy, the actual sum charged for each credit will be negotiated by officers, and finalised and secured by way of a Section 106 legal agreement.

Therefore, there is certainty that nitrate mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. With this mitigation, the LPA can conclude that the adverse effects arising from the proposal would be consistent with and inclusive of the effects detailed within the Interim Nutrient-Neutral Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can be concluded that there will be no adverse effect on the interest features of the Solent Special Protection Areas.

The application is supported by a Preliminary Ecological Appraisal (PEA). Whilst indicating negligible potential for foraging and commuting mammals and nesting birds, potential roost features for bats indicated that the main building (excluding the garage) had moderate roost potential. A subsequent Bat Survey Report including the results of three separate emergence surveys at the site identifies the emergence of one Common Pipistrelle bat on one occasion, foraging bats within the rear garden on two occasions and no evidence of emergence or foraging on a single occasion despite optimal weather conditions. On the basis that Common Pipistrelle bats are relatively common throughout the UK, the report concludes that the site has low conservation significance for roosting bats and low value to foraging bats. Notwithstanding this assessment, it is probable that bats will be impacted to some degree by the development.

Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and is unlikely to be granted a European Protected Species licence from Natural England to allow the development to proceed under a derogation from the law.

The Bat Survey Report provides a detailed method statement/strategy that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided. Whilst this method statement is supported by the City Council's Ecologist and can be required by planning condition, the "derogation test" must also be passed, and the applicant must secure a separate licence from Natural England.

The "derogation test" which must be applied for an activity which would harm a European Protected Species are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

In terms of tests 1 and 2, the proposal is for the provision of 11 (net 10) residential dwellings that would contribute towards the city's identified housing need, and would incorporate at least two affordable units. It is also located within a sustainable location where trips by active modes of travel will be a viable. There are no alternative options for site layout that would result in the same provision of accommodation with a reduced potential impact on protected species. It is therefore, considered that there social benefits from the proposal, and as such tests 1 and 2 are passed.

With regards to test 3, the site currently has low conservation significance for roosting and low value to foraging Common Pipistrelle bats. This species is common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of alternative bat boxes will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

In line with the aims and objectives of the NPPF and Policy PCS13 of the Portsmouth Plan which seeks to encourage a net gain in biodiversity wherever possible, a planning condition seeking the submission of a Biodiversity Mitigation and Enhancement Plan is also proposed.

Conclusion

Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would provide 11 new dwellings within a sustainable location contributing towards the city's identified housing need. Whilst larger than the existing dwellinghouse, and different in form to the more traditional houses to the north and east, the proposed building is considered to be of an acceptable scale and design and would not adversely affect the wider character of the area. Adequate separation distances are maintained to adjoining properties to prevent any significant amenity impacts and evidence has been provided to demonstrate that there would be no significant impacts on the surrounding highway networks. With a legal agreement to secure the provision of two affordable dwellings and mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent, it is considered that the proposal would meet the definition of sustainable development as set out within the NPPF.

With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met:

Test (i) (and Paragraph 177) - this test is relevant due to the potential recreational disturbance around the shorelines of the harbours, from increased levels of nitrogen and phosphorus entering the Solent water environment and the potential for disturbance to a protected species (bats). In short, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy.

Test (ii) - the development would provide 11 new dwellings (net increase of 10) to help meet the city's housing supply, which is currently below the required 5 year total. As the development is considered to be acceptable on all material planning grounds, it is considered that any impacts of the development would not 'significantly and demonstrably outweigh the benefits' of the proposal when assessed against the policies in the NPPF taken as a whole.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant **Conditional Permission** subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral, mitigation in line with Solent Recreation Mitigation Strategy and the provision of two affordable dwellings on-site.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and

RECOMMENDATION III - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral, mitigation in line with Solent Recreation Mitigation Strategy and the provision of two affordable dwellings on-site pursuant to Recommendation I has not been satisfactorily completed within four months of the date of this resolution.

Conditions

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 18.3088.100 Rev-P6, 18.3088.101 Rev-P8, 18.3088.102 Rev-P4, 18.3088.103 Rev-P4, 18.3088.104 Rev-P8, 18.3088.106 Rev-P6, 18.3088.107 Rev-P2.

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

Ground Contamination Investigation

3) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA;

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA;

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

Verification - Ground Contamination

4) None of the dwellings hereby permitted shall be occupied/brought into use until there has been submitted to, and approved in writing by the Local Planning Authority, a stand-alone verification report by the competent person approved pursuant to condition (3)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (3)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

Materials and Architectural Detailing

5) (a) Notwithstanding the submitted details, no construction works above ground floor level shall commence until detailed construction drawings of key architectural features (including improved balcony treatments, recessed panels, recessed windows and soldier courses at 1:20 scale) and a full schedule of materials and finishes to be used in the construction of the external surfaces of the development hereby permitted (included the main building, bicycle store, refuse store, areas of hardstanding and boundary treatments) has been submitted to and approved in writing by the Local Planning Authority; and
(b) The development shall thereafter be carried out in full accordance with the architectural details and the schedule of materials and finishes agreed pursuant to part (a) of this condition.

Reason: In the interests of visual amenity having regard to the site's prominent location in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.

Scheme of Insulation - Noise

6) (a) No construction works above foundation level shall commence until a scheme for insulating habitable rooms against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. 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 L_{Amax} 45dB; and
(b) The scheme approved pursuant to part (a) of this condition shall be fully implemented prior to first occupation of any dwelling hereby permitted and the measures required to achieve the required acoustic criteria shall thereafter be permanently retained.

Reason: To ensure that acceptable noise levels within the dwelling are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

Drainage

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no construction works shall commence until full details of the proposed means of foul and surface water

sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water; and

(b) The development shall thereafter be carried out in full accordance with details approved pursuant to part (a) of this condition.

Reason: To ensure adequate provision for the disposal of foul and surface water sewerage to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

Tree Protection

8) The development hereby permitted shall be carried out in full accordance with the recommendations and methods set out within the approved Arboricultural Implications Assessment and Method Statement (ref.181050 - AIA 2, produced by Barrie Draper, dated 29 August 2018) with tree protection barriers remaining in place for as long as development work (demolition and construction) is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the trees are adequately protected from damage to health and stability throughout the development period in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Mitigation - Nitrates

9) (a) The development hereby permitted shall not be occupied/brought into use until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been submitted to and approved in writing by the Local Planning Authority; (b) The development shall then be carried out in full accordance with the scheme of mitigation approved pursuant to part a) of this condition with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Landscaping

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until a detailed hard and soft landscaping scheme for the external areas of the development hereby permitted, which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority; and (b) The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting to the development in the interests of visual amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Mitigation - Bats

11) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the measures set out in Section 5.0 'Mitigation' of the 50 London Road, Cosham Bat Surveys Report (EcoSupport, March 2019 - unless varied by a European Protected Species (EPS) license issued by Natural England).

(b) Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats is maintained in accordance with PCS13 of the Portsmouth Plan.

Biodiversity Enhancements

12) (a) Prior to the commencement of construction works above foundation level, a biodiversity enhancement management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority; and

(b) A verification report demonstrating that the biodiversity enhancements contained within the approved BEMP have been fully implemented shall be submitted to and approved in writing prior to first occupation of any dwelling hereby permitted; and

(c) The approved biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance biodiversity value of the development site in accordance with Policy PCS13 of the Portsmouth Plan and Paragraph 175 of the National Planning Policy Framework.

Sustainable Design & Construction

13) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.

Light & Outlook

14) Prior to first occupation of Unit 1, the lightwell to the rear of the building shall be completed and enclosed as indicated on the approved drawings and thereafter permanently retained in that condition.

Reason: To ensure adequate light and outlook is provided to the rear facing bedroom of unit 2 in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.

Boundary Treatments

15) (a) Unless otherwise agreed in writing with the Local Planning Authority, the proposed boundary treatments (annotated as 1.1m high brick wall and 1.1m high black painted metal gate) shall be fully constructed/installed in full accordance with the approved drawings and materials prior to first occupation of any dwelling hereby permitted; and

(b) The boundary wall and gates shall thereafter be permanently retained in that condition.

Reason: To secure a high quality setting to the development and adequate visibility spays from the car park in the interests of visual amenity and highway safety in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

Parking Provision

- 16) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the first occupation of any dwelling hereby permitted, the 10 parking spaces shall be marked out and made available for the parking of vehicles; and
(b) The approved parking provision shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles only.

Reason: To ensure that adequate provision is made for the parking of cars in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.

Bicycle Storage Facilities

- 17) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until secure and sheltered bicycle storage facilities have been provided in accordance with the approved drawings and the provisions of Condition 5; and
(b) The bicycle storage facilities shall thereafter be permanently retained for the storage of bicycles of the occupiers/users of the approved development at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

Refuse Storage Facilities

- 18) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved drawings (annotated refuse store) and the provisions of Condition 5; and
(b) The approved facilities shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

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

External Appearance

- 19) Unless otherwise agreed in writing with the Local Planning Authority, no flues, ducts, soil stacks, pipes, satellite dishes, cables and/or utility boxes/cabinets shall be installed to the external elevations of the building hereby permitted.

Reason: In the interests of visual amenity having regard to the simple uncluttered design of the building in accordance with Policy PCS23 of the Portsmouth Plan.

Telecommunication Equipment

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, no structure, plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To ensure this prominent building and its roof space remains free of visual clutter in accordance with Policy PCS23 of the Portsmouth Plan.

Use of Roof

- 21) The roof of the building hereby permitted shall not be accessed other than for the purposes of maintenance and repair.

Reason: In the interests of residential and visual amenity 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.

62 MIDDLE STREET SOUTHSEA PO5 4BP**OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF STUDENT RESIDENTIAL ACCOMMODATION (21 UNITS) IN A FOUR STOREY BUILDING (SCALE AND ACCESS TO BE CONSIDERED).****Application Submitted By:**

Vail Williams LLP
FAO Mr Ben Christian

On behalf of:

C/O Agent
PVD1 Ltd

RDD: 27th November 2018

LDD: 5th March 2019

SUMMARY OF MAIN ISSUES

The application is being heard at committee following a deputation request received by a local business owner.

The application has been submitted in outline form, with the main matters for consideration being Scale and Access. In addition, the following matters are also relevant to the determination of the scheme:

- Principle of the proposal having regard to the policy context;
- Impact on amenity, overshadowing, light and outlook (part of the consideration of Scale);
- Ecology including impact on the Solent Special Protection Areas;
- Flood risk and drainage;
- Land contamination.

Matters relating to appearance (including external materials, finishes, design and visual impact), layout (including standard of accommodation, refuse and cycle storage), and landscaping (including planting species and layout), would be dealt with through a separate Reserved Matters submission.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORYSite and Surroundings

The application site is located on the corner of Middle Street and Earlsdon Street in the Somerstown area of the city. It is currently occupied by a two storey building used by the PDSA with an associated car parking area on the south side. It forms part of an existing block of commercial / business units which fall between Middle Street and Earlsdon Street, a number of which are currently vacant. The immediate adjacent unit to the north is in use as a stained glass window shop (58/60 Middle Street), and adjacent to this is a café (42 Middle Street).

The site is located close to the University Eldon building and a number of halls of residence. On the adjacent site to the west is a four-storey student accommodation block (Unilife Earlsdon), and to the north, on the corner of Middle Street, Melbourne Place and Earlsdon Street, is an eight storey student accommodation building with commercial units on the ground floor (Unilife Middle Street). Further to the north of this is a 16-storey building (Trafalgar Halls), which has a

co-op shop on the ground floor and student accommodation above. The most substantial building in the vicinity is the now vacant 18-storey residential tower block known as Leamington House.

To the east of the site, on the opposite side of Middle Street is a public house, and the rest of the surrounding area is residential in character, predominantly comprising a mix of two and four-storey flats and houses. The boundary of the King Street Conservation Area runs along Sackville Street, to the south of the application site.

The application site is located in the Somerstown Core Regeneration Area of the city, as identified under Policy PCS6 of the Portsmouth Plan. A Somerstown Area Action Plan was adopted in July 2012, which identifies a number of specific sites in the area and sets out proposals for their future development. The application site falls within 'Site 1', which is identified as a site for development of between four to eight storeys with employment use at ground floor level and residential accommodation above.

Proposal

The application seeks outline planning permission (scale and access only, with all other matters reserved) for a 4 storey student hall of residence with an overall height of 15.4m. Notwithstanding that application form states that the proposal would comprise 21 bedrooms, the total number of units is not a consideration in this application.

The indicative ground floor plan shows the access points into the proposed development, which would be from Middle Street and Earlsdon Street (pedestrian access only).

The proposed building would fill the majority of the site, but would be set back from the eastern and southern boundaries. No on-site parking is proposed.

The application is supported by a Planning Statement, a Design and Access Statement, an Ecology Appraisal, a Transport Assessment, a Geo-Environmental Report and a Noise Impact Assessment.

Planning History

An Environmental Impact Assessment Screening Opinion (ref. 18/00007/EIASCR) was submitted in December 2018 for 32-62 Middle Street, which incorporates the application site and the adjacent site to the north. It was determined that the development as a whole would not constitute EIA development.

Alongside this application, a separate outline application at 32-60 Middle Street has been submitted for the demolition of existing buildings and construction of a building of six to eleven storeys to provide 163 flats and two commercial units, for A1, A2, A3, B1(a), or D1 use (ref.18/01967/OUT). This application is currently under consideration.

The planning history relating specifically to the application site is as follows:

18/00613/TMPCOU - Change of use from D1 (non-residential institutions) to B1 business use for a temporary period of 2 years - permitted development (notification acknowledged on 13 April 2018)

A*35527/AA - construction of single storey building attached to western boundary wall to form store for gas cylinders and extraction pump - conditional permission 24 January 1994

A*15427/D - erect two storey building to form PDSA treatment centre and two staff flats - conditional permission 10 June 1987

A*15427/B (62 Middle Street and 61 Earlsdon Street) - erection of warehouse building including class III light industrial unit with associated office car parking accommodation - conditional permission 5 November 1975

A*15427/A (62 Middle Street and 61 Earlsdon Street) - development of the unit by erection of a laundrette with 2 flats over/ single storey building / office / 2 car ports under - conditional permission 22 September 1966

Other relevant planning history

13/01414/FUL (22 Middle Street) - Construction of 8-storey building to form 124 bed student halls of residence (within Class C1) & two commercial units to ground floor for purposes within use Classes A1 or B1 - conditional permission 24 July 2014.

13/01492/FUL (42 - 56 Middle Street) - construction of 4 storey building to form a 66 unit student hall of residence with 3 commercial units - conditional permission 10 February 2015

11/00961/FUL (61 Earlsdon Street) - Construction of 4 storey building to form 35 bed halls of residence for student use (Class C1) and office unit (Class B1) at ground floor level - conditional permission 28 March 2012

RELEVANT PLAN POLICY AND GUIDANCE

Portsmouth Plan (2012):

- PCS6 (Somerstown and North Southsea)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable design and construction)
- PCS19 (Housing mix, size and affordable homes)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012

- Saved Policy DC21 (Contaminated land)

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Somerstown and North Southsea Area Action Plan (2012): Policy SNS8 (Employment) SNS11 (General Design principles)
- The Car Parking and Transport Assessments Supplementary Planning Document SPD (2014)
- Halls of residence SPD (2014)

CONSULTATIONS

Highways Engineer

The site is in a reasonably accessible location with good links to the rail station and bus services and in reasonable walking distance of the university and could reasonably operate as a car free development on a day to day basis. At the beginning and end of each term a programme for

staged arrival/departures could be controlled by provision within a Management Plan through the suspension of on street parking bays to accommodate the arrivals period. The suspension of 2 bays would allow residents to take up occupation over a weekend assuming arrivals were scheduled over 5 or 6 hours on consecutive days. A fee of £5500 should be secured through a S106 agreement to allow the auditing of the plan on an annual basis for the first 5 years of operation. No reference is made to the use of the accommodation outside of term times and a condition would be required to control occupation to students only.

The SPD requires the provision of 21 cycle parking spaces but only 19 cycle lockers seem to be indicated on the ground floor plan.

Subject to securing the above, no highway objection.

Waste Management Service

Bin shed should have double doors with clearance of at least 1.5 m to ensure safe access and egress.

Contaminated Land Team

The submitted Middle Street 32-62 Phase 1 Desk Study REC Ltd Ref. 1CO106233_P1_R0. Dated October 2018 requires updating at the next stage to help decide where and what depths to sample to follow BS10175: 2017. No objection subject to conditions.

Environmental Health

A noise report has been supplied (Report 18117.PPCR.01). This details a background noise survey and gives target criteria for noise levels for 'the proposed plant installation' at the nearest residential receiver.

The background noise survey is acceptable as a representation of the existing noise conditions and the target criteria for plant noise is also acceptable. The report does not state, however, what this plant is or where it is located and furthermore no assessment or mitigation against other noise (road traffic noise, for example) is included.

No objection subject to conditions.

Crime Prevention Design Advisor

No comments received.

Private Sector Housing

Room sizes are smaller at 19m² than single occupied flats should be (25m²). Concern about potential collision risk where doors share the same entrance/exit clearance space - suggest re-configuring; en-suites meet the required space standards; advice provided in relation to kitchen size and equipment, windows sizes and communal facilities.

Ecology

No comments received.

Natural England

Appropriate Assessment

Since this application will result in a net increase in residential accommodation, impacts to the Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the People Over Wind ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Protected Species and Environmental Enhancements

Natural England has not assessed this application for impacts on protected species. However, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. This will ensure the proposal meets the requirements of Natural England's standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8, 170, 174 and 175d. The scope of the BMEP consider bats and nesting birds.

Water Environment

Natural England recommends that the planning application includes a comprehensive drainage strategy during the construction work and post-construction in line with best practice. Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

There are high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be sufficient capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The IWMS recommended that new housing developments could be brought forward albeit in a phased manner up to 2020; targeted to those areas with sufficient capacity. Beyond 2020; we are not yet able to demonstrate with certainty that there will be no adverse impact on European nature conservation designations. In light of this uncertainty, Natural England advises that a nitrogen budget - the principal nutrient that tends to drive eutrophication in the marine environment - is calculated for larger developments. This will help demonstrate whether the development will avoid harm to European protected sites, or require additional mitigation measures to offset any increases in nitrogen discharges that would result from the proposals. For confidence that the development will be deliverable, Natural England recommends that the proposals seek to achieve nitrogen neutrality.

Mitigation can be 'direct' through upgrading sewage treatment works and through alternative measures, e.g. wetlands, or 'indirect' by offsetting the nitrogen generated from new development by taking land out of nitrogen intensive uses, e.g. where fertiliser is applied to crops. Mitigation measures will need to be secured for the duration over which the development is causing the effects, generally 80-125 years.

In light of this advice a Habitats Regulations Assessment should consider likely impacts of nitrogen to the Solent and include a nutrient budget for the proposals along with any mitigation measures deemed necessary to avoid an adverse effect on the integrity of the international site(s).

Planning Policy

The National Planning Practice Guidance supports the provision of student housing and the precedent for student accommodation within this block has already been set through existing developments.

Policy PCS6 of the Local Plan looks to regenerate Somerstown through a number of measures, including retaining and consolidating employment uses in the area, this is reinforced by Policy SNS8 of the Somerstown and North Southsea Area Action Plan, which allocates the frontage to Middle Street, Earlsdon Street and Melbourne Place for ground floor employment uses with C3 residential above.

The submission received proposes the loss of the existing office floorspace on the site without onsite re-provision. As a standalone application the proposed scheme comprising entirely student accommodation would be contrary to Policy SNS8. It will need to be determined if the principle of the provision of employment floorspace on 32 -60 Middle Street to make a second application on 62 Middle Street policy compliant is acceptable in terms of process. The commercial floorspace makes up around 25% of the total floorspace at ground floor level. Taking the two schemes together the mix including B1 is acceptable. However consideration should be given to how the delivery of the schemes can be managed to ensure B1 is delivered.

Consideration should be given to opportunities to enhance green infrastructure through provision of green roofs in line with policy PCS13 on neighbouring amenity.

Highways Contractor (Colas)

Applicant advised to contact COLAS before any works take place.

REPRESENTATIONS

Five representations received plus a deputation request, raising objections and comments as follows:

- a) Overdevelopment;
- b) Some car parking should be provided (i.e. in basement or by arrangement with the University);
- c) Lack of car parking would lead to increased parking problems on surrounding roads;
- d) Transition from low rise should be acknowledged by stepping up;
- e) Loss of flats;
- f) Impact on the character of the area;
- g) Scheme cannot be separated from adjacent larger scheme in terms of use, appearance and policy objectives otherwise unacceptable piecemeal development;
- h) Loss of parking not mitigated by addition of cycle parking;
- i) Loss of cherry tree prior to submission of application;
- j) Development does not step down sufficiently in height towards Conservation Area;
- k) Scheme would make some improvements to the streetscene;
- l) Stepping up the buildings would improve the street view.

COMMENT

The main issues in the determination of this application are whether the proposed use of the site is acceptable in principle, whether the scale of the building is appropriate and whether the access arrangements are acceptable.

All other matters would be dealt with in any subsequent reserved matters application should outline planning permission be granted.

Principle of the proposal

There is no specific policy within the Portsmouth Plan relating to Student Halls of residence, but the Plan highlights the important role of Portsmouth University and the need for purpose built accommodation to meet the demand from university students and those of the various language schools within the city. The Council also has an Adopted Student Halls of Residence Supplementary Planning Document (SPD), which further highlights the need for student accommodation and sets out guidance and principles for determining relevant applications.

The SPD defines a student hall of residence as follows:

- Accommodation that is used during term time solely by persons who are undertaking a full time course of further or higher education in Portsmouth;
- Accommodation that would be for more than 15 persons and as a minimum should provide communal kitchens and lounges of a suitable size for the number of residents.

The proposal for a multi-storey building to provide student accommodation (over 15 rooms), with a communal lounge/kitchen would meet the definition of a student halls as set out above. Therefore, in accordance with the objectives of the Portsmouth Plan and the Adopted SPD, the proposal is considered to be acceptable in principle to meet a specific housing need within the city, subject to complying with all other relevant policy requirements.

The site is located within the Somerstown Core Regeneration Area as defined by Policy PCS6 of the Portsmouth Plan. This policy seeks to regenerate the Somerstown and North Southsea areas of the city, with objectives including the redevelopment of existing housing stock and provision of additional dwellings, and the retention and consolidation of employment uses. The policy states that specific proposals for development would be guided by relevant Area Action Plans. For Somerstown, an Area Action Plan (AAP) was adopted in 2012 and the application site forms part of a site identified as 'Site 1', which incorporates Nos. 22 to 62 Middle Street. Policy SNS8 of the AAP allocates Site 1 for employment uses (Class B1) on the ground floor with residential accommodation (Class C3) above.

The proposed development is for student accommodation, which falls within Use Class C1, and does not include any form of employment use at ground floor level, contrary to Policy SNS8 of the AAP. The application therefore represents a departure from adopted policy. However, whilst student accommodation does not fall within Use Class C3 as identified by the policy, it is nevertheless a specialist form of residential accommodation for which there is an on-going need within the city. Planning permission has also already been granted for student accommodation rather than C3 housing at No.61 and No.22 Middle Street, both of which form part of Site 1 of the AAP. A precedent for allowing student accommodation instead of C3 housing has therefore been established and the site is considered to be a suitable location for student halls being close to existing university buildings with good accessibility to the city centre and public transport links.

In terms of employment use, the supporting text to Policy SNS8 indicates that the purpose of the ground floor employment allocation is to ensure that development contributes to the wider objective of retaining and improving employment opportunities in the area.

The applicants have provided an Employment Use Statement to explain the justification for not providing employment use on the application site. Within this Statement, they refer firstly to the policy background to the allocation, noting that the adopted policies are a number of years old and that new research documents prepared for the Council's emerging Local Plan (Employment Land Study, 2019), recommend maintaining the focus for office and light industrial development on specific areas including the City Centre, Lakeside and Gunwharf Quays, and within existing industrial estates. They also note that there are a number of vacant office and light industrial premises in the vicinity of the site, and that there has been more flexibility allowed in recent years to the type of employment floorspace permitted at Middle Street. For example, at No.22 Middle Street, permission was originally granted with the ground floor units identified for either B1 or A1 use. However, following two years of unsuccessful marketing, an application was permitted for a change of use to D1 in September 2019 (ref. 19/01004/FUL).

Taking account of the points raised in the applicant's Employment Use Statement, the Local Planning Authority agrees that there is a need to be more flexible in respect of the specific B1 allocation set out in the adopted policy, to reflect current market conditions. However, the wider policy objective of retaining and improving employment opportunities within the Somerstown area remains relevant and it is therefore necessary to consider whether the absence of employment floorspace on this application site would prejudice this objective.

Looking at Site 1 as a whole (as designated through the AAP), the two other buildings that have already been redeveloped (No.61 Middle Street and No.22 Middle Street), both included an element of employment use at ground floor level. There is also a current planning application under consideration at Nos. 32 to 60 Middle Street for the provision of 163 residential flats with two employment units at ground floor level (ref. 18/01967/OUT). Therefore, when considering Site 1 as a whole, all of the buildings excluding the current application site have been, or are proposed to be, redeveloped with some form of employment use at ground floor level. Even if the adjacent scheme at 32-60 Middle Street was not approved or implemented, then the existing employment uses would remain along this part of Middle Street. With this in mind, it is not considered that the exclusion of employment use from the current scheme at No.62 Middle Street alone, would be significantly harmful to the wider employment policy objective.

Thus, having due regard to the above reasoning, it is considered acceptable in principle to depart from policy for this application.

One representation has made reference to the loss of residential flats at the site. The planning history of the site suggests that there were two staff flats associated with the PDSA use, and these would therefore be lost. However, the development would provide a number of student rooms, which, whilst not private dwellings, are nevertheless a form of residential accommodation that would contribute towards the Council's housing need. The loss of the flats is therefore not considered to represent a constraint to the development.

Scale

Policy PCS23 of the Portsmouth Plan requires new development to be of an appropriate scale in relation to its context.

The site lies within an area where there is a wide variety of building heights, ranging from two storey dwellings to blocks of flats and student halls over 10 storeys high. The adjacent building to the west of the site is a 4 storey student hall of residence. The Somerstown Area Action Plan identifies the application site (along with the adjacent units to the north, cumulatively known as Site 1), for development of between 4 and 8 storeys.

The adjacent units to the north of the site are subject to a separate planning application for the construction of a mixed residential and commercial scheme, which is proposed to range in height between 6 and 11 storeys. These two schemes have been designed in conjunction with

one another, which, if both approved, would create a development that would visually 'step-up' in height from south to north, which is considered appropriate.

In the event that the development proposed on the adjacent site to the north was not approved or implemented, the new building would be viewed in relation to the adjacent 2 and 3-storey commercial units. Given the range of building heights that already exists in the area, the difference in scale between the proposed 4-storey building and the adjacent 3-storey building to the north is considered to be acceptable.

In conclusion, the scale of the proposed development at No.62 Middle Street is considered to be acceptable in relation to the wider context of existing and proposed development, in accordance with Policy PCS23 of the Portsmouth Plan (2012), the Somerstown and North Southsea Adopted Area Action Plan (2012) and guidance contained within the NPPF (2019) and NPPG (2014).

As part of the consideration of scale, it is necessary to consider the impact of the development on the amenities of neighbouring and future residents in accordance with Policy PCS23 of the Portsmouth Plan.

The main issue in this case is the impact on the light and outlook from the adjacent student accommodation block to the west. This adjacent building has three windows on the eastern elevation which would be within 0.5m of the western elevation of the proposed building. Having reviewed the floorplans of the adjacent building, it is noted that the windows on the east elevation are secondary windows to bedrooms. The main windows to these bedrooms are on the south elevation, from which a good level of light and outlook would be achieved. Whilst such a close relationship to adjacent windows is not an ideal situation, on balance, given that the windows are secondary windows to the bedrooms, it is not considered that the impact of loss of light to the existing occupants would be so significant as to warrant refusal of the application.

There are also windows to stairwells / hallways on the northern side of the east elevation of the adjacent student block. This part to the eastern elevation is set back further from the application site and given that the windows do not serve habitable rooms, it is not considered that the amenities of the existing occupants would be significantly impacted by loss of light to these windows.

The nearest residential properties to the south of the site are located approximately 18m away and there are no windows on the northern elevation. To the south-east, the nearest residential dwelling is approximately 25m away on the opposite side of Middle Street. Given the distance between buildings, and the orientation of the proposed development to the north, it is not considered that the amenity of these existing residents would be significantly affected by loss of outlook, light or privacy from the proposed development.

Any potential impacts from the student use on the surrounding community (e.g. by way of noise disturbance or anti-social behaviour), could be mitigated through an effective Student Management and Community Liaison Plan which could be secured via a S106 Agreement. With regard to future occupants of the site, there is the potential for future occupants to be impacted by noise disturbance from vehicle movements on Middle Street. The applicants have also submitted a Noise report which refers to potential noise from plant and equipment installed within the building. In order to protect the amenity of future occupants, the Environmental Health Officer has requested further noise assessments details of mitigation schemes, which can be secured by condition.

Subject to implementation of a Student Management and Community Liaison Plan, and conditions relating to noise, it is considered that the amenities of neighbouring and future residents of the site would be protected in accordance with Policy PCS23 of the Portsmouth Plan.

Access

The site lies within easy walking and cycling distance of the University and language schools, close to bus stops and the main station. The scheme does not include any provision for on-site parking and therefore proposes pedestrian access only. The site has an existing vehicle access point from Earsdon Street and this would therefore require stopping up, which can be secured by condition.

The Adopted Parking Standards and Transport Assessments SPD (2014) does not set a specific requirement for car parking provision for student halls of residence. The Local Highway Authority accepts that the proposed accommodation could practically operate as a car-free development on a day to day basis, subject to proper management of drop-offs and pick-ups at the start and end of term, which could be secured through the provision and implementation of a Student Management Plan.

The applicants have agreed to enter into a S106 Agreement to secure the agreement and implementation of a Student Management Plan (among other requirements), and on this basis the proposal is considered to be acceptable in relation to access and highway safety.

The Local Highways Authority stipulated that the development would require 21 cycle parking spaces. Details of these would need to be included as part of any future reserved matters submission.

Other matters

Ecology

A Preliminary Ecological Appraisal has been submitted with the application, and bat surveys of the building were undertaken in October 2018. The building on the application site is of modern construction and the roof tiles are well fitted with the ends fitted with an eaves closure device which prevents bat and bird access. The report concludes that there was no evidence of bats being present. The nature of the surrounding development means it is of negligible potential for foraging bats and due to the complete coverage by hardstanding and buildings the site is not a suitable habitat for any other protected species.

There is potential to enhance the ecological value of the site through planting of appropriate native species and the incorporation of a green roof, hanging baskets and nest boxes and details of such provisions can be secured through condition.

Given the limited ecological value of the existing site, the redevelopment offers an opportunity for increasing habitats and achieving a net gain in biodiversity to comply with policy PCS13 of the Portsmouth Plan.

Impact on the Solent Special Protection Area

The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and is for residential accommodation. As such there are potentially two impacts to consider.

First there is the impact of increased recreational activity. The Solent Recreation Mitigation Strategy (Bird Aware), outlines a mitigation scheme, with a financial contribution towards the delivery of these measures being required from proposals resulting in additional residential development within the defined catchment area. Paras 6.5 and 6.6 of the mitigation strategy states:

"In the case of self-contained student accommodation, a case by case approach is taken because it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student

accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order). The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.

Whilst these units of accommodation are assessed on a case by case basis, not purely on their numbers of bedrooms, a general model for calculation follows: As the average number of study bedrooms in a unit of purpose built student accommodation is five, for the purposes of providing SPA mitigation, every five study bedrooms will be considered a unit of residential accommodation and charged accordingly (i.e. 50% of the rate of the 5-bedroom property charge).".

The mitigation calculation for this scheme (based on a maximum of 21 rooms), can be summarised as follows:

- Proposal - 21 x student rooms
- Each 5 student rooms = 1 unit of accommodation: $21/5 = 4.2$ (rounded up to 5)
- Amount calculated based on half the amount for a 5-bed property: $£902 / 2 = £451$; $£451 \times 5 = £2,255$

The applicant has agreed to secure the relevant mitigation via a S106 Agreement.

Secondly Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new dwelling will be charged at £4,354.17. In order to avoid disproportionate impact on development viability, this full-cost will only be considered for Major-category development schemes. For minor schemes, the Council will offer the credit in perpetuity for a £200 per unit administration and monitoring fee. This application is classified as a minor scheme, being a development with a floorspace of less than 1000sqm. The £200 per unit payment would therefore apply.

At the time of writing this application report at 62 Middle Street, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 18th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

In this case, the applicants have indicated that they would like to provide mitigation using the Council's Mitigation Credit Bank. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. Therefore, the nitrates mitigation will be provided by way of the condition and a legal agreement and subject to further negotiation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Flood risk and drainage

The site is located in Flood Zone 1 and is therefore at low risk of flooding. A detailed drainage strategy for the site can be secured through condition.

Land contamination

There is the potential for contamination to be present on the site and this will need to be assessed through detailed analysis and site investigation. The Council's Contaminated Land Officer has recommended specific conditions that would need to be adhered to should permission be granted.

Response to matters raised within representations

Matters relating to design, parking and loss of flats have been addressed in the main body of this report.

In addition, one local resident has commented that a Cherry tree on the site was removed prior to submission of the application. It is not known when this was done, but it can be confirmed that the tree was not protected and there would have been no grounds for the Local Planning Authority to prevent its removal.

Concerns have also been raised about the way in which this application has been submitted separately to the proposed scheme on the adjoining site to the north. There is no legal reason to prevent the applicants from making separate submissions and as the two applications have been submitted concurrently, the Local Planning Authority has had regard to the adjacent proposals in the determination of this application.

Conclusion

The proposed development is considered to be acceptable in terms of access and scale in relation to the character and appearance of the surrounding area and would not significantly impact on the amenities of neighbouring residents. Subject to conditions, the scheme would meet relevant requirements in relation to biodiversity enhancements and ground contamination, and the impact of the development on the Solent Special Protection Area would be satisfactorily mitigated. The proposal is in accordance with the objectives of the National Planning Policy Framework and the relevant policies of the Portsmouth Plan.

RECOMMENDATION

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA Nitrate mitigation
- SPA recreational impact mitigation
- Occupation restriction to students only
- Provision and implementation of Student Management Plan and Community Liaison Plan
- Payment of auditing fee of £5,500 for Student Management Plan (traffic management)
- Payment of £620 project management fee

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

Conditions

Time Limit

- 1) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

Reserved Matters

- 2) (i) Plans and particulars showing the detailed proposals for all the following aspects of the development, the 'Reserved Matters', shall be submitted to the Local Planning Authority prior to any works taking place on the site:
 - (a) the layout of the site and building, to include details of pedestrian entrances / pathways, internal room sizes, refuse and cycle storage facilities;
 - (b) the appearance and architectural design with a detailed schedule (including any samples, as may be necessary) specifying the proposed materials and finishes to be used for the external surfaces of the building;
 - (c) the hard and soft landscaping of the site specifying species, planting sizes and numbers/densities of planting and proposed finished levels or contours as well as all hardsurfacing materials/finishes and details of the alignment, type, appearance, dimensions and materials/finishes of all walls, fences and other means of enclosures.
- (ii) An application for the approval of the outstanding Reserved Matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 3) 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: Existing Site Plan 277-ACG-B2-00-DR-A-0005 Rev. B; Proposed Site Plan 277-ACG-B2-00-DR-A-1051 Rev. B; Proposed Ground Floor Landscape Plan 277-ACG-B2-00-DR-2013 Rev. B; Proposed Ground Floor Plan 277-ACG-B2-00-DR-A-2014 Rev. B; Proposed First Floor Plan 277-ACG-B2-01-DR-A-2015 Rev. B; Proposed Second Floor Plan 277-ACG-B2-02-DR-A-2016 Rev. B; Proposed Third Floor Plan 277-ACG-B2-03-DR-A-2017 Rev. B; Proposed Roof Plan 277-ACG-B2-RL-DR-A-2018 Rev. B; Proposed Elevation South 277-ACG-B2-00-DR-A-4006 Rev. B; Proposed Elevation East 277-ACG-B2-00-DR-A-4007 Rev. B; Proposed Elevation West 277-ACG-B2-00-DR-A-4008 Rev. B.

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

Potential for Contamination

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

- a) A desk study (undertaken in accordance CLR11* following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth.
and unless otherwise agreed in writing by the LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;
and, unless otherwise agreed in writing by the LPA,
- c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person‡ to oversee the implementation and completion of the works.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Contamination Verification

5) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 4c, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 4b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 4c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Cycle Storage Provision

6) The cycle storage facilities as approved in accordance with Condition 2(a) shall be provided prior to first occupation of the building and shall thereafter be retained for cycle storage purposes.

Reason: To ensure adequate provision is made for cycle storage to encourage the use of alternative means of transport to the private car, in accordance with Policy PCS17 of the Portsmouth Plan.

Refuse Storage Provision

7) The refuse storage facilities as approved in accordance with Condition 2(a) shall be provided prior to first occupation of the building and shall thereafter be retained for refuse storage purposes.

Reason: To ensure that adequate provision for refuse storage is provided in the interest of protecting the amenity of future residents and neighbouring residents, in accordance with Policy PCS23 of the Portsmouth Plan.

Landscaping Implementation

8) (a) The soft landscaping scheme approved under condition 2(c) shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner;
(b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
(c) The hard surface treatments shall be carried out in accordance with the hard landscaping scheme approved by condition 2(c) before first occupation of the building and shall thereafter be retained.

Reason: To enhance the city's green infrastructure network in accordance with Policy PCS13 of the Portsmouth Plan.

Biodiversity Enhancements

9) (a) No development (except demolition) shall take place at the site until a scheme for proposed biodiversity enhancements and their timing shall have been submitted to and approved in writing by the Local Planning Authority;
(b) The scheme for biodiversity enhancement shall be fully implemented in accordance with the details approved under part (a) of this condition and thereafter retained.

Reason: To achieve a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

Noise Insulation

10) (a) No development (except demolition) shall take place at the site until a scheme for insulating habitable rooms against road traffic noise has been submitted to and approved in writing with the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

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

(b) The noise insulation scheme approved under part (a) of this condition shall be implemented before first occupation of the development and thereafter retained.

Reason: To mitigate the impact of road traffic noise to protect the amenity of future residents, in accordance with Policy PCS23 of the Portsmouth Plan.

Plant and Equipment Details

11) (a) Prior to the installation of any fixed plant or equipment, an assessment of noise from the operation of the plant shall be undertaken using the procedures within the British Standard BS4142:2014, to include measures to mitigate any identified adverse effects, and a report shall be submitted to and approved by the Local Planning Authority in writing.

(b) Any mitigation measures shall be implemented in accordance with the details approved under part (a) of this condition and thereafter retained.

Reason: To assess and mitigate noise impacts from proposed plant and equipment to protect the amenities of future residents in accordance with Policy PCS23 of the Portsmouth Plan.

Foul and Surface Water Treatment

12) (a) No development (except demolition) shall take place at the site until full details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority; and (b) The development shall thereafter be carried out in full accordance with details approved pursuant to part (a) of this condition.

Reason: To ensure that the scheme incorporates adequate provisions for drainage to minimise flood risk in accordance with Policy PCS12 of the Portsmouth Plan.

Stopping Up of Existing Access

13) Prior to first occupation of the development hereby permitted, the existing access to the site from Earlsdon Street shall be stopped up and the kerb reinstated.

Reason: In the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.

Energy and Water Efficiency

14) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 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.

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WARD: COPNOR

LAND TO REAR OF 76 VERNON ROAD PORTSMOUTH PO3 5DS

CONSTRUCTION OF SEVEN GARAGES AND ONE STORAGE BUILDING (FOLLOWING DEMOLITION OF EXISTING OUTBUILDINGS) AND THE CONSTRUCTION OF A FENCE

Application Submitted By:

Patton Architecture & Development Ltd

On behalf of:

Mr Chris Harris

RDD: 26th March 2019

LDD: 11th June 2019

SUMMARY OF MAIN ISSUES

Update

The application was previously considered by your Committee on 4th October, but was deferred in order to provide additional insight on the issues brought up by the Committee. The points for further enquiry were:

- *Its designation by DEFRA as a 'Traditional Orchard' and as such a Priority Habitat;*
- *The previous use of the land;*
- *What planning designation it should be given; and*
- *Whether the proposed development constituted a 'garden land-grab'.*

Following the deferral, the LPA have been in correspondence with the applicant and Natural England in respect the points raised above.

As mentioned during the course of the previous Planning Committee, the site is designated by DEFRA as a 'Traditional Orchard' and as such a Priority Habitat. The area was cleared in the early part of 2018 prior to the application but is still recognised by DEFRA and Natural England as a previously existing 'Traditional Orchard'.

While the area is designated a Priority Habitat, it is has been identified by Natural England that development of this scale is unlikely to pose a significant risk to the notified features of any Sites of Special Scientific Interest (SSSI) and as such does not hold any restriction for development. There is no SSSI at, bordering or near the application site.

Further comments were sought from Natural England concerning the sites designation and its proposed redevelopment. They suggest that a 'Biodiversity Mitigation and Enhancement Plan' is drawn up which considers the loss of the traditional orchard and for compensation to be sought for the loss of the habitat, if it cannot be adequately mitigated for onsite. This will be secured through a condition, subject to the granting of any permission.

In regards to the previous use of the land, the applicant has confirmed that the area was originally sold to the previous owner in three stages. While the area is previously undeveloped land, the LPA have come to the conclusion that the principle of utilising the land for the garages is acceptable in the context of the surrounding location.

Further as highlighted previously the area is not designated as protected green space in the Portsmouth Plan and there is no reason in principle to resist its re-development.

In addition to these points, additional queries were brought up by residents following the previous committee, relating to:

- *Requesting a Committee Site visit;*
- *The fact that the applicant no longer owns No.76 Vernon Road;*
- *The fact that the garages would be purely for economic gain; and*
- *Gating of the access.*

The Chairman of the Planning Committee and the Assistant Director of the Planning, considered the possibility of arranging a Committee site visit, in this instance the cost of the site visit was not justifiable.

The selling of No.76 Vernon Road has no impact on the application and it should be determined on its own individual merits.

While the renting/selling of the garages would be for economic gain, they would be conditioned to restrict their use, to prevent them from being operated as separate commercial businesses and to prevent them being used for the storage of commercial or industrial items.

The issue of rights of way over the access is a private legal matter.

The application was originally heard at Committee due a call in by one of the neighbouring residents and Councillor Robert New.

The main planning consideration are:

- The principle of the development;
- Design
- Impact on the amenities of neighbouring and future residents
- Highway matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surroundings

The site is located within a primarily residential area, characterised by rows of similar two-storey terrace dwellings. The site is located to the rear of Vernon Road and Glenthorne Road and relates to a parcel of land located to the rear of the gardens of Nos 64-76 Vernon Road and Nos 45-55 Glenthorne Road. This area of land forms part of the curtilage of No.76 Vernon Road and comprises an overgrown rear garden incorporating single-storey outbuildings and three or four trees. The adjoining rear gardens to the Vernon Road houses have a typical length of between 7.5m and 9m, while the rear gardens to the Glenthorne Road houses have a typical length of 19m including outbuildings. The eastern boundary of the site abuts a comparatively narrow unmade private rear access way leading out onto both Glenthorne Road and Vernon Road. It would appear that, historically the site formed part of the curtilage of No.45 Glenthorne Road.

Proposal

Planning permission is sought for the construction of seven garages and one storage building (following demolition of existing outbuildings). The proposed garaging would be 'for let' to local residents, for the parking of domestic vehicles. The eighth building, the store, could not have vehicle parked in it due to its position, so would be for other storage purposes. The proposed buildings would measure 2.4m in height, 2.6m in width and 5.9m in depth. They would be finished in brick with flat roofs and steel garage doors. The existing floor would be covered with a permeable paving. To the north, south and west of the site a close boarded, wooden boundary fence would be installed to a height of 1.8m.

Planning history

There is no relevant planning history associated with the application site.

RELEVANT PLAN POLICY AND GUIDANCE

Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012
Saved policy DC21 (Contaminated Land)

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)

CONSULTATIONS

Environmental Health

No objections raised.

Highways Engineer

No objections to the scheme.

Natural England

The land should be considered in the context of its habitat was prior to clearance, so in this case Priority Habitat - Traditional Orchard. This may mean that compensation is required for the loss of the habitat if it cannot be adequately mitigated for onsite.

I would strongly recommend that the applicant have a Biodiversity Mitigation and Enhancement Plan drawn up by an ecologist which considers the loss of traditional orchard, this should be agreed with the HCC Ecologists.

REPRESENTATIONS

Eleven (11) representations have been received from eight residents objecting to the proposed scheme on the grounds of:

- (a) Personal Safety - Prone to drug and alcohol abuse;

- (b) Security - Access to the rear of the properties
- (c) Impact on area and environment - Portsmouth Plan safeguards greenspaces;
- (d) Applicant no longer owns No.76, just the land previously attached;
- (e) Commercial gain and use;
- (f) Fire risk - narrow lanes for Fire Service and cars especially if fuel or other hazardous materials are stored in the garage;
- (g) Access not acceptable (via Glenthorne) - due to private ownership, would be a significant increase in vehicles, risk to sewage system, degradation of surface and nights in inclement weather;
- (h) Parking concerns - both roads, access often block;
- (i) Additional traffic - danger to children and pensioners;
- (j) Noise and pollution - including during construction period, would block access for long periods, not acceptable especially to pensioner with limited mobility;
- (k) Request for a Committee site visit and public meeting;
- (l) Loss of greenspace;
- (m) Unknown persons having access to private driveway;
- (n) Increased traffic - noise and disruption to rear gardens, difficulty for modern vehicles to access, increase flooding;
- (o) Upkeep of land and access;
- (p) Gated access
- (q) Turning private driveway into public right of way;
- (r) Light pollution - encourage undesirables;

One representation has also called the application in to be heard at Planning Committee.

Further Councillor Robert New has also requested the opportunity to make a deputation at Planning Committee.

COMMENT

The main planning consideration are:

- The principle of the development;
- Design
- Impact on the amenities of neighbouring and future residents
- Highway matters.

Principle of the development

The area of land is not recognised under any specific policy constraint and as such the principle of developing this parcel of currently derelict land is considered to be acceptable subject to the above matters.

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 main body of the site is not readily visible from the public realm. Further it is considered that the proposed outbuildings are of an appropriate size as to not over dominate the site or appear intrusive in their setting. They would be of a simple design and of a reasonable quality. Given the prevailing character of outbuildings in the vicinity, the proposed flat roofed garages/storage unit are considered acceptable in design.

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 properties to the east of the site (No 45-55 Glenthorne Road) feature rear garages/outbuilding at the end of their garden that would mitigate most of the views towards the proposed garages. Given this intervening built form and the approximate distance of 24m it is not considered that the proposed development would not give rise to any significant impact upon the amenities of the occupiers to the east.

The rear of the neighbouring properties to the west (Nos 64-76 Vernon Road) are located approximately 7m from the site and are separated by their rear gardens. The proposal would include the construction of a closed board fence along the western boundary. It would only be built up to a height of 1.8m and it is not considered to be inappropriate in its scale. Given the layout of the proposed garages and their modest height they are not considered to present any significant impact upon the amenity of the neighbouring occupiers.

The proposal would also include lighting to be installed on the site, further details of the lighting are to be submitted to and approved by the LPA, which would mitigate any potential significant threat of light pollution.

Representations have raised concerns around the potential use of the garages by commercial enterprises, which are feared could cause additional noise and disturbance. The Applicant has confirmed that the garages would be for domestic vehicle parking: 'to let' for local residents. Conditions are attached to secure that point, including the use of the eighth building for storage purposes only, because a car would not be able to manoeuvre into it.

No objection has been raised by the Council's Environmental Health Officer.

Transport/Highway

The garages are proposed to be accessed via the private service road which provides access to the existing garages at the rear of Vernon Road and Glenthorne Road with access from both roads. The residential demand for parking in these roads frequently exceeds the space available particularly overnight and at weekends.

It is not anticipated that the proposal would be likely to generate such a quantum of traffic so as to have a material impact on the operation of the wider local highway network

Whilst adequate visibility is available at each of the accesses to the rear service yard, they are too narrow to allow cars to pass each other and as a consequence in the event of conflict a car wishing to enter the service road would have to stand in the carriageway obstructing the free flow of traffic to allow another to exit. However both Vernon and Glenthorne Roads are quiet residential access roads and this activity would not be in conflict with the intended road function.

Adequate space is proposed to allow vehicle to turn on site and so enter and leave the public highway in a forward gear

This proposal will increase the local residential parking opportunities making it more convenient for local residents to find a place to park with the consequent improvement in residential amenity and will result in both reduced instances of vehicles being parked indiscriminately raising highway safety concerns and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.

As a consequence no objection has been raised by Highways.

Other issues raised by neighbours

During the course of the application, surrounding residents have also raised a number of other concerns around the application. They will be addressed below:

Fire Safety: As part of the application, Building Control have been consulted in regards to fire safety and the application has been amended to address concerns raised by Building Control. As such the number of garages has been reduced from 10 to 7 to allow them to be spaced further away from each other to reduce the risk of fire spreading. Following the revision to the scheme, Building Control does not hold any objection to the scheme on fire safety grounds.

Crime: In regards to a potential increase in crime, a boundary fence has been added to the scheme to limit any access to the rear gardens of the properties to the west, further it has been agreed that the site will feature lighting at each unit and this will be secured by condition.

Access: Issues have been brought up around the width and condition of the access from Glenthorne and Vernon Road. These access are already used by cars, so the proposal would not be materially different than their existing use. The upkeep of the access is not a material planning consideration, however it is considered that the use would not be any more intensive than if each of the properties in Vernon Road constructed a singular garage.

Demolition and construction: Any development may cause some issues during its construction, but this may be an unavoidable consequence of development and ought not to be a difficulty in this instance. The developer will have their own responsibilities around not blocking other right of access to the shared routes.

Loss of green space: The area is not designated as protected green space and I see no reason in principle to resist its re-development for garaging.

Conclusion

Having regards to the above matters the proposed construction of seven garages and one storage unit is considered to be acceptable and appropriate in this location, given their acceptable design, amenity and highways implications and therefore accords with Policy PCS23 and PCS17 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

Time limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Plans - PAD171/03; and Location Plan - PAD171/01.

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

Lighting

3) Prior to the first occupation of the garages/storage shed, details of the type and location of the lighting to be installed within the units shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan and to reduce overnight opportunities for crime and anti-social behaviour.

Use of the units

4) The proposed garages/storage unit shall not be used as a separate commercial business at any time or used for the storage of commercial or industrial items.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan

Biodiversity

5) Prior to the commencement of site clearance (including vegetation), a Biodiversity Mitigation and Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved and maintained on the site as approved during the lifetime of the development.

Reason: To maintain and protect biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

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.

86 LINCOLN ROAD PORTSMOUTH PO1 5BQ**SINGLE STOREY EXTENSION TO REAR (FOLLOWING DEMOLITION OF EXISTING EXTENSION) AND FIRST FLOOR EXTENSION TO REAR****Application Submitted By:**

D84 Architects Ltd

On behalf of:

Mrs Mary Bekker

RDD: 1st May 2019**LDD:** 27th June 2019**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a request made by Fratton Ward Member Councillor Tom Coles.

The main issues for consideration are:

- Design and appearance of the development; and
- The impact of the proposal on residential amenity

Site and Surroundings

The application site relates to a two-storey mid-terrace dwelling situated to the south of Lincoln Road. The dwelling fronts directly onto the highway and an enclosed garden to the rear includes an outbuilding. A single-storey projection to the eastern side of the rear elevation forms a lightwell with No.84 to the west. The western boundary comprises a 1.8 metre brick wall and fencing with the eastern boundary formed by a 1.6 metre fence. Existing building materials include grey cladding, render and concrete roof tiles. The surrounding area is predominantly residential and characterised by rows of terraced properties of a similar size and design.

Proposal

Planning permission is sought for the construction of a single-storey extension to the rear of the existing ground floor projection following demolition of its southern part. The extension would measure 4 metres in depth and 2.7 metres in width. This would be completed with a flat roof with a maximum height of 3 metres.

Permission is also sought for a first floor extension above the existing ground floor projection. This would measure 2.7 metres in width, 3 metres in depth, and would increase the height of the existing single storey rear extension by 2.4 metres. This element would be topped with a hipped roof. Both extensions would be finished in matching materials.

Amended drawings were received on 16/10/19 which removed a single-storey infill extension, introduced a replacement single-storey rear extension and reduced the depth of the first floor extension. A further period of public consultation followed.

Planning History

No relevant planning history

POLICY CONTEXT

Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);

In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

CONSULTATIONS

None.

REPRESENTATIONS

Three letters of objection have been received from the same address (No.84 Lincoln Road) raising the following concerns:

- a) Loss of light;
- b) Loss of property value;
- c) Disturbance during the construction period.

COMMENT

The main considerations within this application are:

- Design and appearance of the development; and
- The impact of the proposal on residential amenity

Design

The application relates to an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city.

The proposed extensions are considered to be acceptable in scale and design representing subservient additions to the existing dwelling. Whilst it is accepted that there would be an increase in the scale and bulk at first floor level, the site is considered to be an adequate size to accommodate the development whilst maintaining an appropriate relationship with the neighbouring properties. A planning condition is proposed to ensure that the extension would be completed in matching materials.

With regards to impact on the character of the area, the proposed development would be to the rear of the property and would not be readily visible from public viewpoints. It is therefore considered that the extension would not affect the street scene or the character of the area.

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 application site has been the subject of a site visit where the impact on all neighbouring properties was assessed. The neighbouring property to the west, 84 Lincoln Road has also been subject to a site visit. Following concerns raised by the Local Planning Authority and the neighbour at No.84, the scheme has been amended to remove an infill extension along the common boundary and reduce the overall depth of the first floor extension by 0.5 metres. However, unlike the original scheme, the amended proposal seeks to replace the southern part of the existing ground projection to the rear.

The single-storey extension to the rear at ground floor level would have the same footprint and maximum height as the existing extension. Whilst its flat roof design would result in a slightly bulkier appearance, it is considered that it would not have a significantly greater impact on the amenity of the adjoining occupiers in terms of overshadowing and dominance than the existing extension. Two ground floor windows are proposed to the west elevation. However, these would largely replicate views available from the existing building and would not therefore result in a greater a sense of overlooking or loss of privacy.

The first floor element of the development would be situated approximately 1.5 metres from the boundary shared with 84 Lincoln Road and 2.6 metres from the neighbouring property itself. Concerns have been raised regarding overshadowing to the ground floor window at No.84 which serves a living room. At the site visit to No.84, it was noted that there is already a degree of overshadowing to the rear living room window as a result of the 1.8 metre boundary treatment and single-storey extensions belonging to Nos.84 and 86 Lincoln Road. The extension would result in greater overshadowing in the earlier part of the day. However, having regard to the existing relationships and the south facing nature of the rear elevations, it is considered that the proposals would not be so harmful to sustain a reason for refusal on the grounds of overshadowing, loss of light, loss of outlook or increased sense of enclosure.

At first floor level, No. 84 Lincoln Road includes an obscure glazed bathroom window to the eastern side of the rear elevation and a clear glazed bedroom window to its western side. These would be positioned approximately 1.8 metres and 3.9 metres from the proposed first floor extension respectively. On the basis the closest window is obscure glazed and serves a non-habitable room it is not considered that the impact of the extension would be so harmful as to warrant a reason for refusal on the grounds of loss of light and outlook. There is a sufficient degree of separation to prevent any significant adverse impact on the window serving the bedroom.

To the east, No.88 Lincoln Road benefits from a single window at first floor level, positioned to the eastern side of the rear elevation, approximately 2.4 metres from proposed first floor extension. This window is not obscure glazed and appears to serve a bedroom. However, having regard to the degree of separation, the modest depth of the proposed extension at first floor and the south facing nature of the rear elevations, it is not considered that the extension would result in any significant adverse impacts to the occupiers of No.88 in terms of loss of light or outlook.

The south facing window within the first floor extension would largely replicate views from existing windows on the south facing elevation at upper floor levels. It is not therefore, considered that this window would result in any significant overlooking or loss of privacy concerns.

Other matters

During the site visit it was noted that a rear dormer extension was under construction at the application dwelling. Following confirmation from the applicant that the external dormer facades will be re-clad with red tile hangings to match the existing dwelling, the dormer extension is considered to comply with the relevant permitted development criteria and therefore has not been considered as part of this application.

Concerns have been raised by a neighbouring resident regarding the impact the development would have on the value of their property. However, impact on property value is not a material planning consideration. Furthermore, concerns have been raised regard potential disruption during development works. Whilst it is inevitable that there will be some disruption, this will be for a short period and legislation is available beyond the planning system to ensure impacts are minimised.

Conclusion

Having regard to all of the material planning matters as set out above, it is considered that the proposed extensions are acceptable in terms of their design and relationship with the recipient building and would not have any significant impact on the amenities of adjoining occupiers.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Block Plan; Location Plan D8419_12/01 P1; D8419_12/sk01 P4; D8419_12/sk02 P5; D8419_12/2sk03 P5; D8419_12/sk04 P4; and D8419_12/sk05 P1.

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

Materials

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.

Reason: In the interests of visual amenity 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.

87 GLADYS AVENUE PORTSMOUTH PO2 9BB

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:

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Oliver Dunham

RDD: 3rd October 2019

LDD: 9th December 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to a significant number of objections (7) received from the surrounding residents.

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

- Principle of the proposed use;
- Standard of living accommodation;
- Impact on the amenities of neighbouring residents;
- Parking;
- Refuse storage;
- Impact on the Solent Special Protection Area (SPA).

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The Site

This application relates to a two-storey mid-terrace dwellinghouse located on the western side of Gladys Avenue, south from its junction with Oriel Road. The property is set back from the highway by a small front forecourt and also benefits from a small courtyard garden to the rear. The surrounding area is characterised by densely populated residential terraces and is in close proximity (360m) to a range of shops and services located on London Road. The site is also well serviced by bus routes.

Proposal

Planning permission is sought for the change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). The applicant has proposed that each of the four bedrooms would be single occupancy.

The existing property is laid out as follows:

Ground Floor - Bedroom; Dining room/Lounge; Kitchen; WC and a Conservatory
First Floor - Three Bedrooms and a Bathroom.

The submitted floorplans indicate that the property as proposed would be laid out as follows:

Ground Floor - Two Bedrooms; Shower room; WC; Kitchen/Dining room and a Conservatory
First Floor - Three Bedrooms and a Bathroom.

Planning History

A*31165 - single-storey rear extension - permitted 1979

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

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

The aims and objectives of the revised NPPF (Feb 2019) would also be relevant in the determination of this application.

CONSULTATIONS

Private Sector Housing

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

7 objections have been received from nearby residents objecting to the proposal on the following grounds:

- (a) Area saturated with HMOs already - unregistered HMOs in the area;
- (b) Car parking demand and traffic issues, resulting in increased pollution;
- (c) Impact on infrastructure - drainage, sewage, waste disposal;
- (d) Noise and disruption - screaming, anti-social behaviour, crime and safety (also concern about unknown occupants);
- (e) Devaluation of nearby properties;
- (f) Lack of notice*
- (g) Loss of family housing stock;
- (h) Impact on schools and nearby businesses (child minders);
- (i) Rogue Landlords;
- (j) Queries around valid dates;
- (k) Nearby HMOs expanding unlawfully;
- (l) Negative impact on the area.

*the representation which raised concern about lack of notification was received before a site notice was displayed.

COMMENT

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

- Principle of the proposed use;
- Standard of living accommodation;
- Impact on the amenities of neighbouring residents;
- Parking;

- Refuse storage;
- Impact on the Solent Special Protection Area (SPA) - Nitrates.

Principle of the use

Permission is sought for the change of use of the Class C3 dwellinghouse to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO). This would 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 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, October 2019) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Based on information held by the City Council, of the 62 properties within a 50 metre radius of the application site, none are considered to be in lawful use as HMOs. The granting of planning permission for this HMO would result in 1 HMO within a 50m radius (1.61%). Having regard to the low number of HMO's, it is not considered that the community is already imbalanced by a concentration of HMO uses or that this application would 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 changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Beyond its own data sources, no additional HMOs have been brought to the attention of the LPA.

A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) of the SPD states:

"An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

This proposed development would not result in three or more HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of Accommodation

The Houses in Multiple Occupation SPD (October 2019), 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. The Applicant has confirmed that all of the five bedrooms would be single occupancy, and as such the application will be compared against the size standards for a 5 person HMO.

(HMO SPD-OCT 2019)	Area Provided	Required Standard:
Bedroom 1 (Ground Floor)	11.71m ²	6.5m ²
Bedroom 2 (Ground Floor)	12.05m ²	6.5m ²
WC (Ground Floor)	1.74m ²	undefined
Shower room (Ground Floor)	4.26m ²	3.74m ²
Combined Living Area (Ground Floor)	25.03m ²	24m ²
Conservatory(Ground Floor)	6.67m ²	undefined
Bedroom 3 (First Floor)	14.59m ²	6.5m ²
Bedroom 4 (First Floor)	11.49m ²	6.5m ²
Bedroom 5 (First Floor)	10.44m ²	6.5m ²
Bathroom (First Floor)	3.65m ²	3.74m ²

Having regards to the required standards set out on pages 8 and 9 of the HMO SPD (Oct 2019) it is considered that all the bedrooms and the combined living space far exceed the minimum spaces requirements. Further, they all benefit from a good standard of light, outlook and a suitable layout.

It is acknowledged that the first floor bathroom is marginally undersized by 0.9m². The required standard for toiletry facilities for a 5 person HMO is 1 bathroom and 1 separate WC. The property would provide an additional shower room, which would more than make up for the slightly undersized bathroom at first floor level.

For the reasons stated above the property is considered to provide an adequate standard of living accommodation to facilitate 5 persons sharing.

Impact on amenity

The HMO SPD (October 2019) is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.

It is acknowledged in Appendix 5 of the SPD that HMOs often result in an increased number of neighbour complaints, with the keywords mentioned within the complaints relating to mess, waste, and concerns with anti-social behaviour. Further, HMOs within the application ward (Nelson) experience approximately 15 times more complaints than non-HMOS.

It is noted however that there are no other registered HMOs identified with the area immediately surrounding the application site and that Gladys Avenue is a wide long road which is serviced by bus routes and has a degree of ambient noise already associated with it. The property is also set back from the road by a small front forecourt, in which bins and bicycles could be stored, which would alleviate some of the concerns around waste and mess. As such, given that there is not an overconcentration of HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful to residential amenity at this particular point in time.

Highways/Parking

The City Council's Parking Standards SPD (2014) sets the level of off-road parking facilities for new developments within the city. For a Class C4 HMO there is a requirement of 1.5 (2) off-road spaces.

The site does not benefit from off street parking and there is no scope to provide parking on the site. It is noted that the Adopted Parking Standards require the same level of parking for a 3-bedroom dwellinghouse as for a C4 HMO, therefore there is no increase in the parking requirement as a result of this development. The site also lies in an area with good access to

public transport, shops and services. It is therefore not considered that a reason for refusal on lack of parking could be sustained.

In terms of cycle parking, the submitted drawings make no provision for this. However from a site visit, it was noted that there was the ability to provide secure cycle storage within the shared communal outdoor area. These provisions are recommended to be secured via a condition, in accordance with the Parking Standards SPD.

To conclude, given the above, a reason for refusal on the basis of parking grounds could not be sustained, therefore the proposal would be acceptable, subject to a condition regarding secure cycle storage to be retained in perpetuity or as long as the approved use exists.

Waste

There is considered to be adequate space within the front forecourt to store refuse and recycling bins for the property.

Impact on the Solent Special Protection Area (SPA)

It has been identified by Natural England that all new development within Portsmouth that is residential in nature has the potential to impact on the integrity of the Solent SPA due to increased recreational disturbance and through increased nitrogen and phosphorus input leading to eutrophication.

In this case, the proposal is for a change of use from a C3 dwellinghouse, which could be occupied by a large family, to a C4 HMO for between 3-6 persons. This form of development is not considered to represent the provision of additional dwellings and is therefore not considered to result in an impact on the integrity of the SPA.

Other matters raised in representations

Concerns have been raised regarding drainage. However, it is considered that the use of the property as a C4 HMO would not have a significantly greater impact on the local drainage system than if the property continued to be occupied by a single family.

Conclusion

Having regard to all material planning considerations and representations it is concluded that the development is acceptable in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF)

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 87gladys500; Block Plan - 87gladys500; Plans - PG.4107.19.2 Rev F.

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

Cycle Storage

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

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

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.

SPINNAKER LODGE 464 LONDON ROAD PORTSMOUTH PO2 9LE**CHANGE OF USE FROM CARE HOME (CLASS C2) TO 12 BEDROOM HOUSE IN MULTIPLE OCCUPANCY (SUI GENERIS)****Application Submitted By:**

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Kevin Hopkins

RDD: 12th March 2019

LDD: 21st May 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to two deputation requests from surrounding residents.

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

- Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- Standard of living accommodation;
- Impact on the amenities of neighbouring residents;
- Parking and refuse storage;
- Impact on the Solent Special Protection Area.

Site

The application relates to a substantial two-storey property that has been significantly enlarged to the rear and features two front bay windows. The property is set back from the road by a front forecourt, which provides one car parking space. It is located on the eastern side of London Road a busy through road, in addition to this it is just north of an area classified under PCS18 (London Road (North)) for 'Local Shops and Services'. The surrounding area has a mixed character, with semi-detached residential properties, shops and flat blocks in the nearby vicinity.

Proposal

Planning permission is sought for the change of use from a 11 bed care home (Class C2) to 12 bedroom House in Multiple Occupancy (Sui Generis).

The submitted floor plans indicate that the HMO would comprise of:

Ground Floor - Kitchen/Dining Area (Combined Living Space), six bedrooms (each with a dedicated ensuite), a WC and a laundry area;

First Floor - four bedrooms (each with a dedicated ensuite); and

Second Floor - two bedrooms (each with a dedicated ensuite).

Planning History

The construction of a single storey rear extension with a rooflight for use as two bedsitting rooms for the elderly (amended scheme) was permitted in 1992 under planning ref: A*25680/AB.

The construction of a single storey rear extension and a rear conservatory was permitted in 1991 under planning ref: A*25680/AA.

The construction of a single storey rear extension was permitted in 1986 under planning ref: A*25680/G.

The construction of a single storey rear and a side extension and a dormer window on west side of building was permitted in 1983 under planning ref: A*25680/F.

The construction of a single storey side and a rear extension (after demolition of existing garage & utility) was permitted in 1979 under planning ref: A*25680/D.

The construction of a single storey rear extension was permitted in 1977 under planning ref: A*25680/C.

The erection of single storey rear extension was permitted in 1974 under planning ref: A*25680/B.

The conversion of two flats into Abbeyfield Home was permitted in 1973 under planning ref: A*25680/A.

The change of use of dwelling house to form two self-contained flats also the erection of an external staircase was permitted in 1965 under planning ref: A*25680.

There is no other relevant planning history associated with the application site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

The aims and objectives of the revised NPPF (Feb 2019) would also be relevant in the determination of this application.

CONSULTATIONS

Highways Engineer

No objection, subject to a condition for secure cycle storage.

Environmental Health

No objections, subject to a condition to provide additional noise insulation from the nearby roadway.

Private Sector Housing

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

The ensuite associated to bedroom 10 is slightly undersize at 2m². 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

REPRESENTATIONS

Four representations have been received objecting to the proposed development on the ground of:

- (a) Not in keeping with the area;
- (b) Increase noise and disturbance;
- (c) Increase overlooking and a loss of privacy
- (d) Devaluation of property;
- (e) Parking;
- (f) Construction already underway at time of application;
- (g) Loss of care provision;
- (h) Smoking in the rear garden;
- (i) Lack of communal areas;
- (j) Impact on nearby care home;
- (k) Lack of information around proposed tenants; and
- (l) Crime and anti-social behaviour.

Further two deputation requests have also been received, asking for the application to be heard at Planning Committee.

COMMENT

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

- a) Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- b) Standard of living accommodation;
- c) Impact on the amenities of neighbouring residents;
- d) Parking and refuse storage;
- e) Impact on the Solent Special Protection Area.

Principle of the use

Planning permission is sought for the use of the property to a 12 bedroom Sui Generis HMO. The property benefits from a lawful use as a Care Home (Class C2) (ref. A*25680/A).

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 46 properties within a 50 metre radius of the application site, one (1) property is considered to be in lawful use as C4 HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 4.34%, and the total number of bedspaces/occupants within HMOs in the vicinity is similarly low, 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.

A second strand of Policy introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected in accordance with PCS23. The HMO SPD identifies that a concentration or proliferation of HMOs is capable of being likely to fail to protect amenity. It is noted that 1C Amberley Road is registered as a HMO however given that the primary access to the two properties are on differing streets, it is not considered that the proposal would sandwiched No.462 London Road. This is demonstrated on 'worked example 2' on page 29 of the HMO SPD (Oct 19). It is therefore considered the proposed development would not result in three or more HMOs being adjacent to each other, nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs. It is therefore concluded that there is no particular concentration or proliferation of HMOs the community in this area and as there is not already an imbalance it is not considered likely in this case that a demonstrable adverse implication to local amenity from the change of use would occur. There will be some implications from the change from a care home, with minimal external impacts to a more general occupancy HMO, but as this only introduces one Sui Generis HMO to this immediate locality, and 12 occupiers the overall impact is not considered to significant or unacceptable in principle. The specific implications of this application are further examined below.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (Oct 2019), 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:

In terms of internal living conditions, the property proposes the following accommodation:

(HMO SPD-October 2019)	Area Provided:	Required Standard:
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Ground Floor

Combined Living Space	34m ²	34m ²
Bedroom 1	15m ²	6.5m ²
Ensuite B1	3m ²	undefined
Bedroom 2	11m ²	6.5m ²
Ensuite B2	3m ²	undefined
Bedroom 3	14m ²	6.5m ²
Ensuite B3	3m ²	undefined
Bedroom 4	14m ²	6.5m ²
Ensuite B4	3m ²	undefined
Bedroom 5	17m ²	6.5m ²
Ensuite 5	3m ²	undefined
Bedroom 6	19m ²	6.5m ²
Ensuite 6	3m ²	undefined
WC	2m ²	undefined
Laundry room	3m ²	undefined

First Floor

Bedroom 7	9m ²	6.5m ²
Ensuite B7	3m ²	undefined
Bedroom 8	8m ²	6.5m ²
Ensuite B8	3m ²	undefined
Bedroom 9	12m ²	6.5m ²
Ensuite B9	3m ²	undefined
Bedroom 10	15m ²	6.5m ²
Ensuite B10	2m ²	undefined

Second Floor

Bedroom 11	12m2	6.5m2
Ensuite B11	3m2	undefined
Bedroom 12	14m2	6.5m2
Ensuite B12	3m2	undefined

The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004. In addition they have also raised concerns in regards to Bedrooms 10 ensuite being under their required standard. There are however no minimum size requirement for an ensuite within the planning remit, as opposed to shared bathrooms, and as such this concern is not shared by the Planning Officer.

Given the sizes listed above, it is considered that the proposal would be in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (Oct 2019) and is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Amenity

With regards to the impact of the specific proposed use upon the living conditions of the adjoining occupiers, the level of activity associated with the use of a sui generis HMO is likely to have a comparable impact on the adjoining occupiers to that of the previous use as care home. This is due to the likely comings and goings of staff to the property and the similar levels of occupation. It is also noted that the property is a fair distance away from the immediately surrounding residents and features high solid brick walls that encircle the property. Further, the building is located on a busy main road that is likely to have a high level of traffic noise associated with it.

Environmental Health where consulted as part of the application and have not raised any concerns in regards of the amenity of the surrounding residents. The building is detached, reducing any risk of sound transference to neighbour but EH do have concerns in regards to noise from London Road impacting the future occupiers of the property and as such have suggested a pre-commencement condition to conduct a noise impact assessment to further investigate the issue and if necessary for possible mitigation to be installed. This has been agreed by the applicant and is secured by condition.

Highways/Parking

London Road is a classified road the A2047 and is an important North-South route forming part of Portsmouth's primary road network. It is a single carriageway subject to a 30mph limit and is a main bus route and part of an identified Bus Rapid Transit (BRT) corridor. The retail units immediately to the south on London Road form part of a secondary shopping area.

The Local Highway Authority are satisfied that the additional traffic generation likely to arise as a result of this proposal would not have a material impact on the operation of the local highway network.

Parking is permitted on both sides of London Road in the vicinity of the property and there is often scope to find an on street parking opportunity within a reasonable walking distance of the property.

The application does not detail the number of residents provided for in the existing care home although the Officer has confirmed that it currently contains 11 bedspaces, and consequently it is concluded that the parking requirement of that previous use exceed the SPD required 2 space parking requirement for a HMO providing in excess of 6 bedrooms. As a consequence whilst the

parking provision on site is limited this proposal is likely to reduce the local residential on street parking demand.

The application does not detail the provision of secure cycle storage although there is scope on site to accommodate a secure cycle store for 4 cycles as is required in the parking standard. This can be secured by condition.

Waste

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could be stored in the front forecourt, and can be secured by condition in an acceptable way.

Impact on the Solent Special Protection Area (SPA)

The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.

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 likely effect on the interest features of the Solent Special Protection Areas, 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.

There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Wading birds:

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

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £346, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale to the development.

Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the

Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £200.

At the time of publication of this application report, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 18th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased, which will be just prior to actual occupation. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Conclusion

Having regards to the above matters the proposed change of use and associated works proposed to create a 12-bed / 12-person Sui Generis HMO at the site is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on amenity, living space standards and on the highway when compared to the current situation. It is therefore deemed to be in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

Time limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan - 1:1250@A4; Block Plan - 1:500@A4; Elevations - PG.4021.19.03 Rev B; and Proposed Floor Plans - PG.4021.19.02 Rev C.

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

Cycle Storage

3) Prior to first occupation of the property as a 12 person, 12 bedroom Sui Generis, bicycle storage facilities to accommodate 4 bicycles shall be provided on site in accordance with the Parking Standards SPD and retained for the parking of bicycles at all times

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Sound Insulation

4) Prior to the commencement of the use applied for an assessment of the impact of road traffic noise upon the development shall be submitted to the local authority to ensure internal noise levels are within recommended guidelines contained within clause 7.7.2 of British Standard BS 8233:2014. Any necessary mitigation measures identified shall be implemented prior to the first occupation of the building and thereafter retained.

Reason: In the interest of the amenity of the future occupiers of the property in accordance with Policy PCS23 of The Portsmouth Plan.

Waste

5) Prior to the first occupation of the property as a 12 person/12 bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bin and two 360L recycling bin shall be provided and thereafter retained in the forecourt of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning Authority in writing).

Reason: In the interest of amenity, 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.