

PLANNING COMMITTEE

11 MARCH 2020

**1 PM 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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19/00798/FUL

WARD: EASTNEY & CRANESWATER

42 FESTING GROVE SOUTHSEA PO4 9QD

CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS).

Application Submitted By:

Mr Colin Sarling

On behalf of:

Mr Colin Sarling

CBS Property Ltd

RDD: 17th May 2019

LDD: 24th July 2019

REPORT BACK

This application was brought to the Planning Committee for determination on the 19th February, 2020. The Committee raised concerns regarding the HMO data for the area and requested that it was further examined to ensure its accuracy.

As requested the Planning Officer has conducted further investigation into the surrounding area. This included visiting the properties within area, knocking on the doors of any suspected HMOs and enquiring with the occupants. Any suspected properties, which did not answer have been examined through council tax records, planning records and licencing. No additional HMOs were uncovered during this research and the Officer is fully confident of the HMO data for the area.

Besides the property previously mentioned within Supplementary Matters at the last Planning Committee. There are no additional HMOs identified within the area, since the previous Committee report. The total number of HMOs in the area being 4 and the total percentage within 50m is therefore 6.5%.

Following the further research the officer's recommendation is conditional permission and the conditions previously proposed have not been amended. The officer's original report which was published for the 19th February 2020 planning committee meeting can be read below:

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee as the combined living space is below the size set out within the Houses in Multiple Occupation - Supplementary Planning Document (October 2019), and due to neighbour objections.

The main issues for consideration relate to:

- The Principle of Development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and

- Any other raised matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and surrounding

This application relates to a two-storey terraced dwelling with rooms within the roofspace located to the south of Festing Grove. The property features a two-storey bay window and is set back from the roadway by a front forecourt. The property also has a rear access.

The surrounding area is characterised by a rows of similar terrace properties and is in close proximity to a range of shops, services and bus routes located on Albert Road.



Occupancy within 50m

Total properties - 61

HMOs - 3

HMOs -

Application site -

Proposal

Planning permission is sought for a change of use from Class C4 (house in multiple occupation) to a 7 bedroom, Sui Generis (Large house in multiple occupation).

The description of development states that the dwelling is already an existing HMO (Class C4). There is no planning history to indicate this however the applicant has submitted evidence in the form of Council Tax Records to demonstrate the property's existing use as a C4 HMO. For practicality purposes it is considered that there is sufficient evidence that dwelling has a lawful use as a Class C4 (HMO).

The internal accommodation would comprise the following:

Ground floor - Two bedrooms (one featuring an ensuite), a kitchen, a dining room and an outside WC;

First floor - Three bedrooms (each with their own ensuites) and a shower room;

Second floor - Two bedrooms (each with their own ensuite) and one with a built-in closet.

Planning history

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

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

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
- Parking Standards & 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)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

Four representations have been received objecting to the proposed development on the following grounds;

- (a) Work already being undertaken at the site;
- (b) Noise and disturbance (increased comings and goings);
- (c) Parking - car fumes;
- (d) Noise and highways safety issues from building works;
- (e) Odour - increased waste and rubbish;
- (f) Poor upkeep of properties;
- (g) Increased demand for doctors' appointments.

One neighbouring resident has requested the opportunity to make a deputation at Planning Committee.

COMMENT

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

- The Principle of Development;
- The standard of accommodation;
- Parking;

- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

Principle of the use

Planning permission is sought for the use of the property to a 7 bedroom/ 7 person (Sui Generis) House in Multiple Occupation. 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) as amended in October 2019, sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

The amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity and housing mix of certain communities.

At paragraph 2.3, the HMO SPD document states that in situations such as this *"where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentration of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community."*

The 10% threshold contained within the HMO SPD applies to an areas within a 50m radius of an application site. In this instance a total 61 properties fall within this area, 3 of which are in HMO use (including the application site). This accounts for 4.9% of properties within a 50m radius.

As the percentage of HMOs in the area does not exceed 10%, the principle of changing the use of the property to a 7 person, 7 bedrooms HMO (Sui Generis) is considered acceptable in principle.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (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:

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

(HMO SPD-October 2019)	Area to be provided:	Guideline standard:
Bedroom 1 (Ground Floor)	18m ²	6.51m ²
Ensuite B1	2.8m ²	undefined
Bedroom 2 (Ground Floor)	10.4m ²	6.51m ²
Kitchen and Dining Rooms	29.1m ²	34m ²
Bedroom 3 (First Floor)	10.7m ²	6.51m ²
Ensuite B3	2.8m ²	undefined
Bedroom 4 (First Floor)	9.9m ²	6.51m ²
Ensuite B4	2.8m ²	undefined
Bedroom 5 (First Floor)	17.7m ²	6.51m ²
Ensuite B5	2.8m ²	undefined
Shower room (First Floor)	3.8m ²	3.74m ²

Bedroom 6 (Second Floor)	14.1m ²	6.51m ²
Ensuite B6	2.9m ²	undefined
Bedroom 7 (Second Floor)	18.4m ²	6.51m ²
Ensuite B7	3.4m ²	undefined
Total:	149.6m²	83.31m²

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's 'Standards for Houses in Multiple Occupation' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.

The '*Standards for Houses in Multiple Occupation*' guidance document goes on to state that in cases where bedrooms achieve a size of 10m² or larger, the communal living area expectations can be lowered to 22.5m². In this instance all of the bedrooms bar one (which is under by 0.1m²) meet a minimum area of 10m², it is considered that at 29.1m² (6.6m² over the 22.5m² threshold), the proposed communal living area is acceptable for the proposed number of occupiers. As a consequence of the large bedrooms and ensuites, the total property size far exceeds the standard the SPD seeks.

It is therefore considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and therefore is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Impact on residential amenity

Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.

In this instance, it has been established that there is not an imbalance between C3 dwellings and HMOs within a 50m radius of the property. Having regards to the layout of the surrounding HMOs, it is noted that of the limited number of HMOs within the area, only one is located within a short distance of the application site (No.48 Festing Grove). Examining the planning history of no. 48, it is noted that it has a lawful use to be occupied as a 9 bedroom HMO (15/01422/FUL). While this application at No.42 would therefore create two Larger HMOs in close proximity, given the low concentration of HMOs within the area as a whole and mindful of the fact that this property is already being used as a 6 person HMO, it is not considered that the proposal would be likely to result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.

In terms of potential impacts on immediate adjoining properties, whilst the accommodation of a single additional resident would lead to a more intensive occupation of the property, regard must be made to the lawful use of the property that allows occupation by six unrelated individuals or a family of an unrestricted size. In light of the existing situation and the fact that the proposal would create an additional bedroom at roof level, a change to the internal layout of the property which is not considered to be likely to generate unacceptable internal noise or disturbance, it is concluded that the proposal will not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

Therefore the proposal is deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan (2012).

Highways (Parking)

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

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could be secured by condition.

Waste matters

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 within the front or rear garden, and could be secured by condition.

Impact on the Solent Special Protection Area (SPA) and Nitrates

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. This overcomes reason for refusal No.3 attached to the previous application.

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. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

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. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

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 is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom will have on community balance, amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. It is therefore deemed to be subject to conditions and legal agreement, in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

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.

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, has not been satisfactorily completed within three months of the date of this resolution.

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 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

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: Floor Plans; and Location Plan - 1:1250.

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

Number of occupants

- 3) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

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

Cycle storage

- 4) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times unless otherwise agreed in writing by the LPA.

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

Waste storage

- 5) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden 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.

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 6) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels and potential Recreational Disturbance - Wading birds 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.

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.

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.

19/01096/FUL

WARD: ST THOMAS

48 GREEN ROAD SOUTHSEA PO5 4DZ

CHANGE OF USE FROM MIXED USE CLASS C3 (DWELLINGHOUSE)/CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO SUI GENERIS

Application Submitted By:

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr James Oliver
OMPD

RDD: 16th July 2019

LDD: 11th September 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee as the recommendation is contrary to elements of the Houses in Multiple Occupation - Supplementary Planning Document (October 2019). Also, the East St Thomas's Resident Association have requested that the application be determined by Planning Committee.

The main issues for consideration relate to:

- The principle of development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents; and
- Impact upon the Solent Special Protection Area.

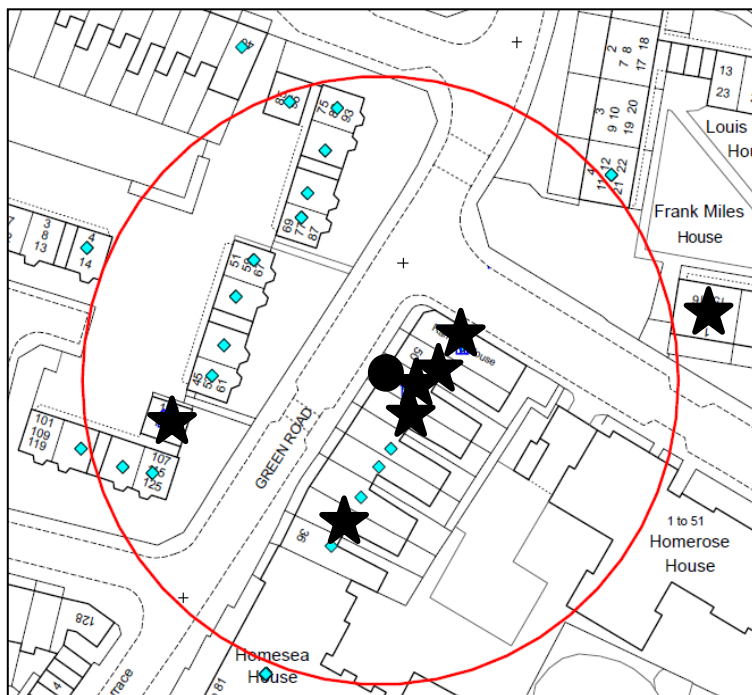
SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and surrounding

This application relates to a two-storey mid-terrace dwellinghouse located on the eastern side of Green Road close to its intersection with Cottage Grove. The property has a small front forecourt currently used for the storage of bins and a moderate size yard to the rear.

The surrounding area is primarily residential, though has a range of property types and residential uses. The property is one of a row of 9 similar two storey properties. Two properties immediately to the south and one to the north are all in use as HMOs. Towards the north and west of the site are a number of four-storey flat blocks set back from the road by hedged front gardens. Further to the south is 'Homesea House' a retirement housing community, and there is another retirement housing community, 'Homerose House', to the east of the site.

The dwelling is within close proximity to a range of shops and services located on Elm Grove.



Occupancy within 50m

Total properties - 75

HMOs - 8

Percentage - 10.6%

Proposal

Planning permission is sought for the change of use from a flexible Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation) to a 7 bedroom/7person Sui Generis HMO (Larger House in Multiple Occupation).

The internal accommodation would comprise the following:

Basement - Cinema room;

Ground floor - One bedroom (with its own ensuite); and a kitchen/dining room (combined living space);

First floor - Three bedrooms (each with their own ensuite) and a WC; and

Second floor - Two bedrooms (each with their own ensuite).

Planning history

The change of use from house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) was permitted in 2019 under planning ref: 19/00271/FUL.

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

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

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
- 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)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

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

One representation has been received from the East St Thomas Residents Association requesting the application to be heard at Planning Committee.

COMMENT

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

- The principle of development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents; and
- Impact upon the Solent Special Protection Area.

Principle of the use

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) as amended in October 2019, sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

The amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMOs may have in Portsmouth, most notably in relation to the residential amenity and housing mix of communities.

At paragraph 2.3, the HMO SPD document states that in situations such as this *"where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentrations of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community."*

The 10% threshold contained within the HMO SPD applies to an area within a 50m radius of an application site. In this instance the 50m radius intercepts a number of flat blocks and 'retirement communities' the majority of the units in these blocks seem to be within the 50m radius, with the exception of 'Homesea House'. Investigating the floorplans of 'Homesea House' it appears that

roughly 14 of the units should be included within the 50m radius. This reduces the number of properties within the area from 142 to 75, 8 of which are in HMO use. This accounts for 10.6% of properties within a 50m radius. These statistics reflect an appropriate balance between residential properties and HMO's in the wider area, only slightly in excess of the 10% threshold outlined within the HMO SPD.

In addition to the above, it is recognised that the property is already in use as a HMO and as such there is no change to the overall community balance, at least in the total number of HMOs. However, as the change would result in a more intensive use of the property, the knock on amenity impacts of the additional 1 bedroom will be explored later in the report, in accordance with paragraphs 2.3, 2.17 and 2.18 of the SPD.

With respect to the 10% threshold, though, and in accordance with previous appeal decisions, as there is no new HMO being introduced, there would be no further harm caused to the existing community imbalance.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (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:

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

(HMO SPD-October 2019)	Area to be provided:	Guideline standard:
Cinema Room (Basement)	19.05m ²	undefined
Bedroom 7 (Ground floor)	9.67m ²	6.51m ²
Ensuite B7 (Ground floor)	3.12m ²	undefined
Bedroom 6 (Ground floor)	10.68m ²	6.51m ²
Ensuite B6 (Ground floor)	3.12m ²	undefined
Combined living space (Ground floor)	31.75m ²	34m ²
Bedroom 5 (First floor)	11.01m ²	6.51m ²
Ensuite B5 (First floor)	3.68m ²	undefined
Bedroom 4 (First floor)	8.33m ²	6.51m ²
Ensuite B4 (First floor)	2.75m ²	undefined
Bedroom 3 (First floor)	15.55m ²	6.51m ²
Ensuite B3 (First floor)	2.75m ²	undefined
WC (First floor)	2.06m ²	undefined
Bedroom 2 (Second floor - in roof)	10.06m ²	6.51m ²
Ensuite B2 (Second floor)	3.6m ²	undefined
Bedroom 1 (Second floor - in roof)	13.07m ²	6.51m ²
Ensuite B1 (First floor)	3.6m ²	undefined
Total	153.85m²	90.79m²

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's 'Standards for Houses in Multiple Occupation' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.

The proposal features a combined living space at ground floor level, with an area of 31.75m², which represents an under provision of 2.25m². It is, however, noted that the property features an additional communal space at basement level. While this area receives restricted light and outlook it is still considered to mitigate the under provision of communal space. In addition, all of the bedrooms are above the minimum space requirement and the majority are above the additional standard of 10m² as defined within the 'Standards for Houses in Multiple Occupation' guidance document (2018).

Concerns have been raised by the Planning Committee in relation to similar HMO applications about the ceiling heights of bedrooms. In this instance this only impacts bedroom 1. When taking account of the floorspace with a full ceiling height of 2.3m only, the room would measure 8.27m², which is still above the minimum size standard.

In summary, it is considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and is considered to provide an adequate standard of living accommodation to facilitate 7 persons sharing.

Impact on residential amenity

Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.

In this instance, it has been established that there is a slight imbalance between C3 dwellings and HMOs within a 50m radius of the property (10.6%). Having regard to the layout of the surrounding HMOs, it is noted that they appear to group around the application site, with 4 HMOs (52 Ramsay House, 50, 48 and 46 Green Road) within the terrace of 9 properties. The surrounding area has a more open character, when compared to other parts of the ward, and there is increased separation towards the buildings opposite.

In determining the amenity impacts of the proposal, consideration has been given to adjacent dwellings, in particular the neighbouring properties of No.50 and No.46 Green Road, both of which are in use as HMOs and as such are not considered to be as sensitive as traditional C3 dwellinghouses. It is acknowledged that the property backs on to a 'retirement community', however, closer examination shows that it mainly backs onto the car park and a side face of the building which features no windows. Furthermore, the buildings are also separated by a rear access way.

Whilst the accommodation of a single additional resident would lead to a more intensive occupation of the property, regard must be made to the lawful use of the property that allows occupation by six unrelated individuals or a family of an unrestricted size. In light of the existing situation and the fact that the proposal would create an additional bedroom at ground floor, a change to the internal layout of the property which is not considered to be likely to generate unacceptable internal noise or disturbance, it is concluded that the proposal would not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

The proposal is therefore deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan (2012).

Highways (Parking)

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

The existing use of the property is as a 6 person/6 bedroom C4 HMO, the required parking provision (in accordance with the Parking Standards SPD) for which is 2 spaces. The proposed use as a 7 person/7 person Sui Generis HMO would also have a required parking provision of 2 spaces. Given that this requirement is unchanged, a refusal of parking standards could not be sustained.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could be secured by condition.

Waste matters

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 within the front or rear garden, and could be secured by condition.

Impact on the Solent Special Protection Area (SPA) and Nitrates

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 provided prior 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.

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. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

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. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

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 regard to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedroom would have on community balance, amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. Subject to conditions and legal agreement, the application is determined to be in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

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.

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, has not been satisfactorily completed within three months of the date of this resolution.

RECOMMENDATION

Conditional Permission

Conditions

Time limit

- 7) 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 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

Approved plans

- 8) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 1:1250; Block Plan - 1:500; Floor Plans - PG4018.19.4; and Section - PG4018.19.5.

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

Number of occupants

- 9) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

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

Cycle storage

- 10) Prior to first occupation of the property as a seven person/seven bedroom (Sui Generis) House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times unless otherwise agreed in writing by the LPA.

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

Waste storage

- 11) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden 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.

Nitrates and potential Recreational Disturbance - Wading birds mitigation

- 12) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels and potential Recreational Disturbance - Wading birds 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.

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.

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.

130 ST ANDREWS ROAD SOUTHSEA PO5 1EX

CHANGE OF USE FROM A DWELLINGHOUSE (CLASS C3) OR HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO 8 BEDROOM/8 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) (RETROSPECTIVE)

Application Submitted By:

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Harmer

RDD: 24th January 2020

LDD: 20th March 2020

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee following a deputation request from the East St Thomas Residents Forum.

The main issues for consideration are:

- The principle of development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area.

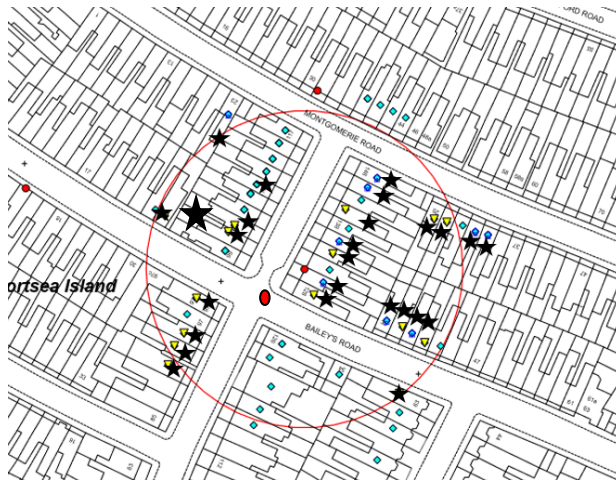
SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surroundings

The application site is a mid-terrace dwelling, located on the east side of St Andrews Road. The house originally had two bedrooms, a living room, kitchen, W.C and utility room at ground floor and three bedrooms, a shower room and bathroom at first floor and was granted planning permission in 2019 for a flexible use as either a dwelling house (Class C3), or a HMO (C4). The property is currently in use as a HMO with 5 occupants.

The surrounding area is characterised by densely populated residential terraces with a high proportion of Houses in Multiple Occupation as can be seen on the OS extract below.

The site is in close proximity to a wide range of shops and services located on Albert Road and Elm Grove.



Occupancy within 50m

Total Properties

HMOs

Application site

Proposal

The application is retrospective and is for the change of use of the property from a mixed use as a dwelling house (C3)/ House in Multiple Occupation (C4) to a House in Multiple Occupation for 8 persons (sui generis). The property has been altered under the provisions of Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to accommodate three bedrooms within the roof space through the addition of an L shaped dormer at the rear, and the insertion of a roof light into the front roof slope. In addition, internal alterations have been undertaken including the removal of the wall separating the kitchen and living room and kitchen and utility room to create a kitchen/diner, the integration of the shower and bathroom and WC on the first floor and the addition of a shower room at ground floor.

Planning History

19/00286/FUL - Change of use from house in multiple occupation (Class C4) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) - Permitted
18.04.2019

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

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
- 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)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

CONSULTATIONS

Private Sector Housing

No comments received.

REPRESENTATIONS

Deputation request from East St Thomas Residents Forum.

COMMENT

The main issues for consideration are:

- The principle of development;
- The standard of accommodation;
- Parking and access;
- Waste and recycling;
- Amenity impacts upon neighbouring residents; and
- Impact upon the Solent Special Protection Area.

Principle of the use

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 because of a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD), as amended in October 2019, sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

The amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMOs may have in Portsmouth, most notably in relation to the residential amenity and housing mix of communities.

At paragraph 2.3, the HMO SPD document states that "*where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentration of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community.*"

This 10% threshold contained within the HMO SPD applies to an areas within a 50m radius of an application site. In this instance a total of 74 properties fall within this area, 25 of which are in HMO use (including the application site). This accounts for 33% of properties within a 50m radius. There is therefore a significant imbalance between residential properties and HMO's in the vicinity, which exceeds the 10% threshold set out within the HMO SPD.

However, the application property already has permission to be used as an HMO. As such there is no change to the overall community balance, at least in the total number of HMOs. However, as the change would result in a more intensive use of the property, the potential amenity impacts of the additional 3 bedrooms will be explored later in the report, in accordance with paragraphs 2.3, 2.17 and 2.18 of the SPD.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended (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:

	Area to be provided (m2):	Guideline std(m2):
Bedroom 1 (second floor)	12.66	6.51
Bedroom 2 (second floor)	12.00	6.51

Bedroom 3 (second floor)	12.11	6.51
Shower room (second floor)	3.18	3.4
Bedroom 4 (first floor)	17.00	6.51
Bedroom 5 (first floor)	12.27	6.51
Bedroom 6 (first floor)	14.48	6.51
Shower room (first floor)	4.05	3.4
Bedroom 7 (ground floor)	14.59	6.51
Bedroom 8 (ground floor)	12.21	6.51
Shower room (ground floor)	2.75	3.4
WC (ground floor)	1.36	not defined
Kitchen/diner (ground floor)	25.61	34 (or 22.5 where bedrooms >10m2)
Total:	169.88m2	96.28m2

The HMO SPD (October 2019) states that large HMOs should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's 'Standards for Houses in Multiple Occupation' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail. This documents notes that where bedrooms achieve a size of 10m² or larger, the size of the communal living area can be reduced to 22.5m². In this case, all of the proposed bedrooms are more than 10m², therefore the kitchen diner at 25.m² is 2.5m² larger than required and is considered an acceptably sized communal living area for the proposed number of occupiers. Moreover all of the bedrooms are significantly larger than the minimum standard. The total property size exceeds the standard set out in the SPD by more than 50%.

The HMO SPD (October 2019) also states that for an HMO for 6-10 people, there must be 2 separate bathrooms and 2 separate W.Cs with hand washbasins (one W.C could be contained within one bathroom). Three shower rooms are proposed, two of which will contain a WC. There is also a separate WC on the ground floor. One of the two shower rooms with a WC is slightly undersized at 3.14m² and the shower room without a WC is just over 1m² less than required. However, these discrepancies are not considered to be significant having regard to the total number of shower/WC rooms. As such, the sanitary arrangements provided are considered adequate.

Concerns have been raised by the Planning Committee in relation to similar HMO applications about the ceiling heights of bedrooms. In this instance this only impacts bedroom 1. When taking account of the floor space with a ceiling height of 2.3 m only the room would measure 7.05m² which is still above the minimum size standard.

The proposal therefore is considered to provide an adequate standard of living accommodation to facilitate 8 persons sharing.

Impact on residential amenity

Appendix 5 of the amended HMO SPD notes that 9% of all known HMOs in Portsmouth have been the subject of complaints with regard to issues such as waste, noise and disturbance which is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.

The property is already a HMO. Therefore whilst 33% of the properties within a 50m radius are HMOs and many of these are concentrated in a small area clustered round the application site, the general character of the area will not be significantly altered by the increase in the number of bedrooms to eight and will not therefore result in a demonstrably higher level of harm to existing

general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.

In terms of potential impacts on immediate adjoining properties, whilst the proposal has resulted in a more intensive occupation of the property, as the new bedrooms are within the roof space and part of the ground would be bedrooms rather than shared communal space, the proposal will not generate more internal noise or disturbance and will not therefore have a significant impact on the amenity of adjoining residents when compared to the existing situation.

Therefore the proposal is deemed to be in accordance with the amended HMO SPD (and in particular the guidance on potential impacts described in para 2.17), and Policies PCS20 and PCS23 of the Portsmouth Plan (2012).

Parking and Access

There is no parking associated with the property but the expected demand for the change of use to a sui generis HMO would be the same as for the existing C3/C4 use. It is therefore not considered that an objection on lack of parking could be sustained.

The Council's Adopted Parking Standards sets out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This requirement could 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 within the front or rear garden, and could be secured by condition.

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.

Recreational Disturbance:

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 £653, which the Applicant can pay through the s.106 legal agreement required to mitigate the impact of nitrates as set out below. 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/ bedspace 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 £600. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to an 'Appropriate Assessment' of the application, for Natural England's comment.

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.

Therefore, the nitrates mitigation will be provided by way of the 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 regard to the above matters the proposed change of use is considered to be acceptable and appropriate in this location, given the minimal impact the additional bedrooms would have on community balance, amenity, living space standards, on the highway (parking) and nitrates levels in the Solent when compared to the current situation. Therefore, subject to conditions and legal agreement, the development is determined to be in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

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 mitigation of the impact of the development on the Solent Special Protection Area.

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 mitigation of the impact of the development on the Solent Special Protection Area., has not been satisfactorily completed within three months of the date of this resolution.

Approved plans

1) 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: Floor Plan PG.4020.19; and Location Plan - 1:1250.

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

Number of occupants

2) The premises shall only be used as a house in multiple occupation for a maximum of 8 residents.

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

Cycle storage

3) Within 3 months of the date of this permission, 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 unless otherwise agreed in writing by the LPA.

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

Waste storage

4) Within 3 months of the date of this permission two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden 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.

Nitrates and potential Recreational Disturbance - Wading birds mitigation

5) The development hereby permitted shall not be occupied by more than 6 residents until a scheme for the mitigation of increased nitrogen and phosphorus levels and potential Recreational Disturbance - Wading birds 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.

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.

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.

NB This permission is granted in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

73 STUBBINGTON AVENUE PORTSMOUTH PO2 0HZ

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR C4 (HOUSE OF MULTIPLE OCCUPANCY).

Application Submitted By:

Thorns Young Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Jay Durai

RDD: 20th September 2019

LDD: 15th November 2019

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to the number of neighbour objections received.

The main issues for consideration are:

- The principle of development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surrounding Area

The application relates to a two-storey mid-terrace residential property located on the northern side of Stubbington Avenue. The building is finished in brick with a rendered bay window at both ground and first floor. To the frontage of the site is a forecourt bound by a low level brick wall and some vegetation. To the rear of the site is an existing conservatory which provides access to the rear garden.

The surrounding area is characterised by residential properties. The properties on the north side of Stubbington Avenue are relatively uniform in terms of their visual appearance.



Occupancy within 50m

Total properties = 46

HMOs = 3

(Note - map shows 4, but investigations have revealed only 3 HMOs)

Percentage = 6.5%

Proposal

Planning permission is sought for a change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

At the date of the site visit the property was empty with some rooms in the process of refurbished.

The internal layout comprised the following:

Ground floor - One bedroom, kitchen, bathroom, dining/ lounge area and a conservatory;
First floor - Three bedrooms and a bathroom.

Planning History

No planning history.

POLICY CONTEXT

Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

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
- 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)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

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 not require to be licenced under Part 2, Housing Act 2004.

REPRESENTATIONS

Five representations have been received, objecting to the proposal on the following grounds:

- a) Other HMOs within the area;
- b) Lack of parking provisions; and
- c) Noise disturbance.

COMMENT

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

- The principle of development;
- The standard of accommodation;
- Parking;
- Waste
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Special Protection Area; and
- Any other raised matters.

Principle of the use

Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). 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 (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

Based on information held by the City Council, and following investigations and site visits to the identified HMOs, there are 3 confirmed HMOs within a 50m radius of the application site. Within this 50m radius there are 46 properties, therefore the number of HMOs equates to 6.5%. The addition of the proposal would result in 8.7% of properties being an HMO within the 50m radius, thus falling within the 10% threshold.

Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4

HMOs without requiring the express permission of the LPA. Beyond its own data sources, no additional HMOs have been brought to the attention of the LPA.

From objection comments it was stated that the application site had not been "a family home for over 15 years", and that it was occupied by "a charity business" with residents who required support. Furthermore one objection notes that the application site was previously a HMO. In the absence of any planning history relating to the property, the current use is considered to be a C3 dwellinghouse. Whether or not there may have been different uses of the building in the past is not considered to be directly relevant to the determination of this application.

A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. They are where the granting of the application would result in three or more HMOs being adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs.

This proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

Whilst it is noted that the application would result in 2 no. HMOs being located next door to each other (with no. 71 Stubbington Avenue), it is still concluded that the proposed change of use would not result in an overall imbalance between HMO's and Class C3 dwellings in the prescribed area.

Standard of accommodation

The Houses in Multiple Occupation SPD, as amended in 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. Each of the 4 no. bedrooms would be single occupancy.

(HMO SPD-October 2019)	Area to be provided:	Guideline standard:
Bedroom (Ground floor)	15.6m ²	6.51m ²
Shower room (Ground floor)	4.6m ²	3.74m ²
Combined living space (Ground floor) (kitchen, living room, conservatory)	34.41m ²	24m ²
Bedroom (First floor)	19.94m ²	6.51m ²
Bedroom (First floor)	11.64m ²	6.51m ²
Bedroom (First floor)	14.97m ²	6.51m ²
Bathroom (First floor)	3.91m ²	3.74m ²
Total	105.07m²	62.52m²

The areas noted above are considered to satisfy the required size criteria and in all instances. It is therefore concluded that the proposal would provide a good standard of living accommodation for the occupiers of the property.

It is therefore considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019).

Highways (Parking)

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city whereby there is a requirement of 1.5 (2) off-road spaces for a C4 HMO. The same requirement applies to dwellinghouses with 2 or more bedrooms.

The site does not benefit from off-street parking and there is no ability to provide parking on the site. Given that there is no change to the parking requirement from a C3 dwellinghouse to a C4 HMO, it is not considered that an objection on lack of parking could be sustained..

In terms of cycle parking, from a site visit it was noted that there was an external store in the rear garden, accessible via a rear alley, which could be used to facilitate bicycles. These provisions are recommended to be secured via a condition, in accordance with the Parking Standards SPD.

Waste

The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

Impact on neighbouring living conditions

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

It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) that HMOs often result in an increased number of neighbour complaints. The issue of noise disturbance has also been raised within the objections received.

It is noted that there are 3 HMOs identified within the 50m radius of the site. 1 HMO is located to the east of Balfour Road to the north of the site, 1 next door to the site to the west, and 1 located to the south of Stubbington Avenue, east of the site. The HMOs are generally distributed within the 50m radius, however the neighbour to the west is a HMO. Despite this, it is noted that this would not result in a property being sandwiched nor would it be contrary to the SPD in terms of its distribution/ location.

Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

Further, and considering the internal layout, it is not considered that any discernible noise and disturbance that would be transmitted to the neighbouring properties.

Having regard to the points outlined above, it is considered there would not be a significant impact on residential amenity from the use of the property within Classes C3/C4.

Impact on the Solent Special Protection Area (SPA)

Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both uses would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

Conclusion

Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable in accordance with PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION Conditional Permission

Conditions

Time limit

- 13) 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 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

Approved plans

- 14) 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: TQRQM19263144129894, TQRQM19263144030219, and PG.4108.19.1.

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

Cycle storage

- 15) Prior to occupation as a C4 HMO, secure and weatherproof bicycle storage facilities for 2 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.

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.

3 BURCOTE DRIVE PORTSMOUTH PO3 5UD**CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION****Application Submitted By:**

Miss Jenny Edwards

RDD: 26th November 2019

LDD: 3rd March 2020

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination due to the applicant being an employee of the Council.

The main issues for consideration are:

- Principle of the development
- Design
- Impact upon residential amenities
- Flood Risk

Site and Surrounding Area

This application relates to a two-storey semi-detached property located on the south western side of Burcote Drive. The dwelling is set back from the road with a parking area forward of the dwelling with access to a detached garage. Existing building materials include facing brickwork and 'Double Roman Tudor' brown roof tiles. The surrounding area is residential in nature and is characterised by properties of a similar size and design. The site is within the Indicative Floodplain in Flood Zone 3.

Proposal

Planning permission is sought for the construction of a single-storey side extension to enlarge an existing single-storey porch to the north elevation. The extension would measure 2.3 metres in width, 1.3 metres in depth and would be finished with a mono pitch roof to match the existing porch with a maximum height of 3.1 metres. Proposed building materials would include facing brickwork and roof tiles to match the existing.

Relevant Planning History

No relevant planning history

POLICY CONTEXT

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

In addition to the above policy, the aims and objectives of the National Planning Policy framework (February 2019) are relevant.

CONSULTATIONS

Contaminated Land Team - Given the limited scope of the works, a condition relating to land contamination is not required. However, the developer should be made aware that the property is situated on the site of the former Portsmouth City Airport, which had a petroleum licence to store up to 4500 gallons of fuel somewhere on its site, and as such there is the potential for contamination to exist on that larger area.

An informative should be added to any permission, advising the developer that they should contact this department if any unexpected materials or materials of concern are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

REPRESENTATIONS

None received.

COMMENT

The main considerations in the determination of this application are;

- a) Whether the principle is acceptable in this location;
- b) Whether the development is appropriate in design terms;
- c) Whether there would be any significant adverse impact on residential amenity; and
- d) Flood Risk.

Principle of development

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

Design

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 extension would be constructed using materials to match the original dwellinghouse and would reflect the design of the existing porch. The modest extension is considered to be acceptable in design terms and the resultant enlarged porch feature would still appear subservient to the main dwelling. A planning condition is proposed to ensure the use of matching materials.

With regards to impact on the character of the area, the extension would be visible from public viewpoints. However, there are a number of single-storey extensions and porch extensions within the immediate area, including that at No.37 Burcote Drive just to the north of the application site. It is therefore considered that the proposed development would not be out of keeping with the character of the surrounding 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.

Given the modest size of the extension and the separation distance between the proposed development and neighbouring properties, it is not considered the development would have any significant adverse impact on neighbouring amenity.

Flood Risk

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult The Environmental Agency for minor development within Flood Zone 2 or 3, however, paragraph 163 of the National Planning Policy Framework (2019) states all applications should be supported by a site-specific flood-risk assessment although in this instance a sequential or exception test is not required. The applicant has submitted a Flood Risk Assessment (FRA) as part of this application.

Having regard to the advice set out in the National Planning Practice Guidance, overall scale of the extension and information submitted in the FRA indicating that floor levels would be set no lower than existing, it is not considered that the proposal would result in any increased risk of flooding at the site or adjoining properties.

Other Matters

The Council's Contaminated Land department have been consulted on the application due to the application site being situated on the site of the former Portsmouth City Airport. Given the limited scope of the works a condition relating to land contamination is not required. However an informative is requested to be attached to any permission advising the developer that they should contact the Contaminated Land department if any unexpected materials or materials of concern are uncovered as part of the works.

Conclusion

For the reasons stated above, the proposed extension is considered to represent an acceptable level of development that would be in keeping with the existing building and would preserve the character of the wider area.

RECOMMENDATION Conditional Permission

Conditions

- 1) 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; Block Plan; Existing and Proposed Floor Plans; Existing and Proposed Elevations.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

NB This permission is granted in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.
