

PLANNING COMMITTEE

2 FEBRUARY 2022

10.30 AM COUNCIL CHAMBER,
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

21/01182/HOU

WARD:HILSEA

17 MILITARY ROAD HILSEA PORTSMOUTH PO3 5LS

CONSTRUCTION OF PART TWO/PART SINGLE STOREY SIDE/REAR EXTENSION; HIP TO GABLE ROOF EXTENSION AND DORMER TO REAR ROOFSLOPE; ALTERATIONS TO FIRST FLOOR REAR WINDOWS; EXTENSION TO EXISTING DETACHED GARAGE TO REAR OF GARDEN (AMENDED DRAWING AND REVISED PROPOSAL)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QXO25MMOL4000](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qxo25mmol4000)

Application Submitted By:

Mr & Mrs Karl & Andrea Semmens

On behalf of:

Mr & Mrs Karl & Andrea Semmens

RDD: 11th August 2021

LDD: 8th October 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as the applicant is an employee of Portsmouth City Council and at the request of Councillor Wemyss. For the latter, the Councillor wishes a neighbour's concerns about the height of the garage and impact on light to be considered.

1.2 The main issues for consideration relate to:

- Design;
- Impact upon the amenity of neighbouring residents.

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 This application relates to the easternmost of a pair of two-storey semi-detached dwellings located to the northern side of Military Road. The property benefits from a detached double garage to the rear, accessed from Firgrove Crescent.

1.5 The adjoining property to the west (no.15) has a conservatory to the rear which incorporates glazing within its east facing elevation facing into the application site. The neighbouring property to the east (no.19) has an attached former garage along its western boundary that has been subsequently converted to ancillary living space.



Figure 1 Location Plan

1.6 The Proposal

1.7 Planning permission is sought for the construction of a part two/part single storey side/rear extension; hip to gable roof extension and dormer to rear roofslope; alterations to first floor rear windows; and an extension to the existing detached garage to the rear of the garden.

1.8 Amended drawings have been received during the course of the application which:

- * reduce the width of the proposed rear dormer,
- * increase the width of the existing rear first floor windows,
- * reduce the depth of the proposed single storey extension,
- * ensure the proposed second floor east facing window would be obscure glazed and non-opening under 1.7m and,
- * replace the proposed pitched roof over the extended garage with a flat roof.

1.9 Planning History

1.10 A*28772 - Construction of a double garage, and change of use of existing attached garage to kitchen - conditional permission dated 01.02.1973

POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (2021) due weight has been given to the relevant policies in the above plan.

CONSULTATIONS

3.1 Contaminated Land Team

The site is situated on former MOD land associated with the West Bastion ramparts and moat of Hilsea Lines, and the potential for contamination to be present should not be discounted. As a precautionary measure an appropriate informative should be added to any planning approval granted.

3.2 Natural England

No response received.

REPRESENTATIONS

4.1 Five letters of objection have been received from 4 neighbouring properties (those to the east and west, and to the rear on the northern side of Firgrove Crescent), concerned about:

- * loss of light and outlook to north facing rear conservatory of no.15 (which also provides secondary light to the dining room behind);
- * request for daylight/sunlight assessment;
- * difficulty in cleaning side glazing to conservatory as a result of the proximity of the single storey extension;
- * loss of light, reduced sense of space and privacy from proposed roof extension and dormer;
- * anomaly in annotation on ground floor layout;
- * potential adverse impact on airflow to no.19's annex roof vents, television aerial signal, proximity to existing gas fire vents and direction of rainwater drainage;
- * the height of proposed dual pitched roof of garage - in terms of impact on light, outlook, view and sense of space, out of keeping with area, may set a precedent, could be used as a dwelling in the future;
- * side door that leads onto forecourt of no.19 that would replace side gate (which has been in situ since the 1930's) - potential conflict with no.19's parking spaces.

COMMENT

5.1 The main issues for consideration relate to design and Impact upon the amenity of neighbouring residents.

5.2 Design



Figure 2 Proposed Extensions to House

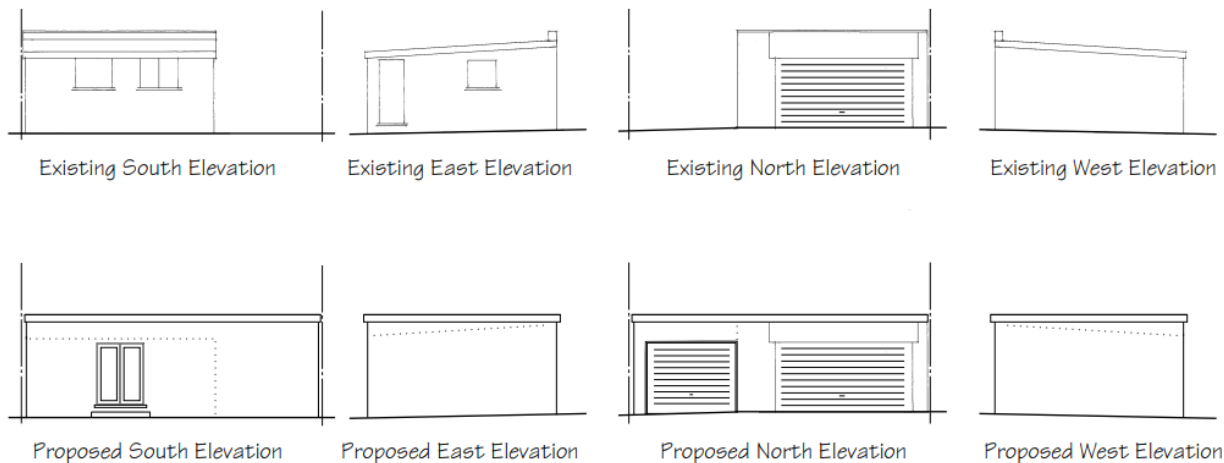


Figure 3 Existing and proposed garage elevations

5.3 Whilst the hip-to-gable roof extension would alter the symmetry of the roofline of the pair of semi-detached properties, it is not considered that this would be of significant harm to the visual amenities or character of the streetscene either to the front or rear. There are other examples of gable ended properties in the road, albeit of different house types.

5.4 The proposed rear dormer has been reduced in width from 7.1m to 5.3m and is set well down from the ridge and up from eaves and as such is considered to sit comfortably within the roofslope. Alterations are proposed to the existing first floor rear windows to increase their width in order to ensure a satisfactory hierarchy of fenestration size (secured by condition).

5.5 The two storey extension to the side/rear would essentially 'square off' the rear corner of the house. It would not be readily visible from Military Road and there are no west facing windows in no.19 adjacent.

5.6 The single storey rear extension has been reduced in depth from 5.5m to 3.5m. The extension is considered acceptable in terms of footprint, height (3.08m to eaves, 3.4m to top of roof lantern) and external appearance.

5.7 The proposed garage alterations and extended width incorporating a flat roof is considered acceptable in the context of its surroundings.

5.8 On the basis of the above, the proposed extensions as amended (to be constructed in external materials to match the bricks and tiles on the existing building) are considered acceptable in terms of their relationship with the recipient building and the surrounding area.

5.9 Impact upon Amenity

5.10 The proposed roof alterations (including rear dormer) and two storey side/rear extension are not considered to result in any significant loss of amenity in terms of outlook, light, sense of enclosure or privacy given their position, scale and relationship with neighbouring properties.

5.11 The proposed single storey rear extension would have a depth of 3.5m and would project approximately 300mm beyond the rear elevation of no.15's conservatory. This was reduced from the original 5.5m depth at the request of the Local Planning Authority. Whilst The extension would be readily visible from within the north facing conservatory due to its partially glazed east elevation and the conservatory would be likely to experience some loss of light as a result of its proximity. However, this is not markedly different from that which would be experienced by the fall back position of a 3m deep extension constructed under 'permitted development', of the

same height and general design. As such, a daylight/sunlight assessment was not considered necessary in this instance. On balance, this relationship is considered acceptable.

5.12 The proposed garage extension incorporating a flat roof is not considered to result in any significant overshadowing or loss of light or outlook to surrounding properties. Planning permission would be needed to change it from an ancillary domestic outbuilding, to a dwelling.

5.13 Other Matters Raised In Representations:

* drawing anomaly re location of existing kitchens addressed by receipt of revised existing ground floor plan no. 5663/1/ Revision A

* loss of view, potential impact on aerial signal, cleaning of glazing, operation of vents, very localised drains/drainage do not amount to material planning matters that affect the determination of this case;

* issues of established rights of way across private land are private matters between interested parties.

Conclusion

6.0 The proposed development is considered in accordance with Policy PCS23 of the Portsmouth Plan and is capable of support.

RECOMMENDATION Conditional Permission

Conditions

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

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

2) Unless otherwise 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 no.100019980, Proposed Site Plan no. 5663/500 Revision A, Proposed Elevations 5663/7 Revision E, Proposed Ground Floor Plan 5663/3 Revision A, Proposed First Floor Plan 5663/4 Revision D, Proposed Second Floor Plan 5663/5 Revision B, Proposed Roof Plan 5663/200 Revision A, Proposed Garage Elevations 5663/1 Revision A and Proposed Garage Floor Plan 5663/9.

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

3) The bricks and tiles 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

4) The proposed second floor room served by the rear dormer hereby permitted shall not be brought into use until the alterations to the width of the existing first floor rear windows hereby permitted shall have been carried out in accordance with drawing no. 5663/7 Revision E.

Reason: In the interests of visual amenity to achieve a balanced and well proportioned fenestration hierarchy within the rear elevation, in accordance with policy PCS23 of the Portsmouth Plan.

1) PRO-ACTIVITY STATEMENT

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

02

21/01386/FUL

WARD: COPNOR

19 PADDINGTON ROAD PORTSMOUTH PO2 0DU

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

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QZQC9MMOM5I00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qzqc9mmom5i00)

Application Submitted By:

Applecore PDM Ltd.
FAO Mrs Carianne Wells

On behalf of:

Mr Andy Tindall

RDD: 20th September 2021

LDD: 16th November 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This planning application was deferred at the 8th December 2021 Planning Committee meeting to allow Officers to consider alternative forms of bicycle storage facilities. This followed concerns raised by the Committee that the proposed bicycle storage facilities located within the rear garden were not conveniently located, with future occupiers of the House in Multiple Occupation required to move bicycles through a hallway and kitchen area to reach the rear garden. The Committee considered this would not encourage the future use of bicycles and requested that Officers explore opportunities to install a bike hangar on the adopted highway to the front of the property.



- 1.2 Portsmouth City Council operated a bike hangar trail through 2021 comprising the installation of secure, lockable, covered pods accommodating between four and six bicycles at various locations across the city. Bicycle storage spaces within the hangars can be rented by local residents who would like to cycle for exercise or commuting but do not have access to their own secure and convenient bicycle storage facilities. Bike hangars are typically located on the carriageway, but could be installed on other land where practical. An example of a typical bike hangar installed in the city is shown above.
- 1.3 Following the success of this trail, the bike hangar scheme has been adopted by the Council and further hangars will be installed in other areas of the city subject to public demand and funding availability.
- 1.4 Officers have explored how bike hangars could be sought as part of planning applications in consultation with the Local Highways Authority and the bike hangar team. The following report and recommendation updates that presented to the Planning Committee on 8th December 2021. The updates are presented in different typeface to assist the reader.

Original report for Planning Committee on 8th December 2021

with updated comments in para 2.8, 4.9-4.11, and 6.22-6.27

- 1.5 The main issues for consideration relate to:

- The principle of development;
- The standard of accommodation;
- Amenity impacts upon neighbouring residents;
- Parking and bicycle storage;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

2.0 Site and surroundings

2.1 This application relates to a two-storey mid-terrace dwelling located to the western side of Paddington Road which extends between Laburnum Grove to the north and Chichester Road to the south. The property is set back from the highway by a small front forecourt and benefits from a small enclosed garden to the rear.

2.2 Internally the dwelling comprised two reception rooms and a kitchen at ground floor with three bedrooms and a bathroom at first floor level. However, the property is currently undergoing refurbishment and enlargement including the construction of a small ground floor rear extension and a dormer roof extension to the rear roof slope. The applicant has confirmed that these works are being undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such the application relates to the use of the property only.

2.3 The surrounding area is residential in character with similar terraced properties laid out in a grid pattern.

2.4 Proposal

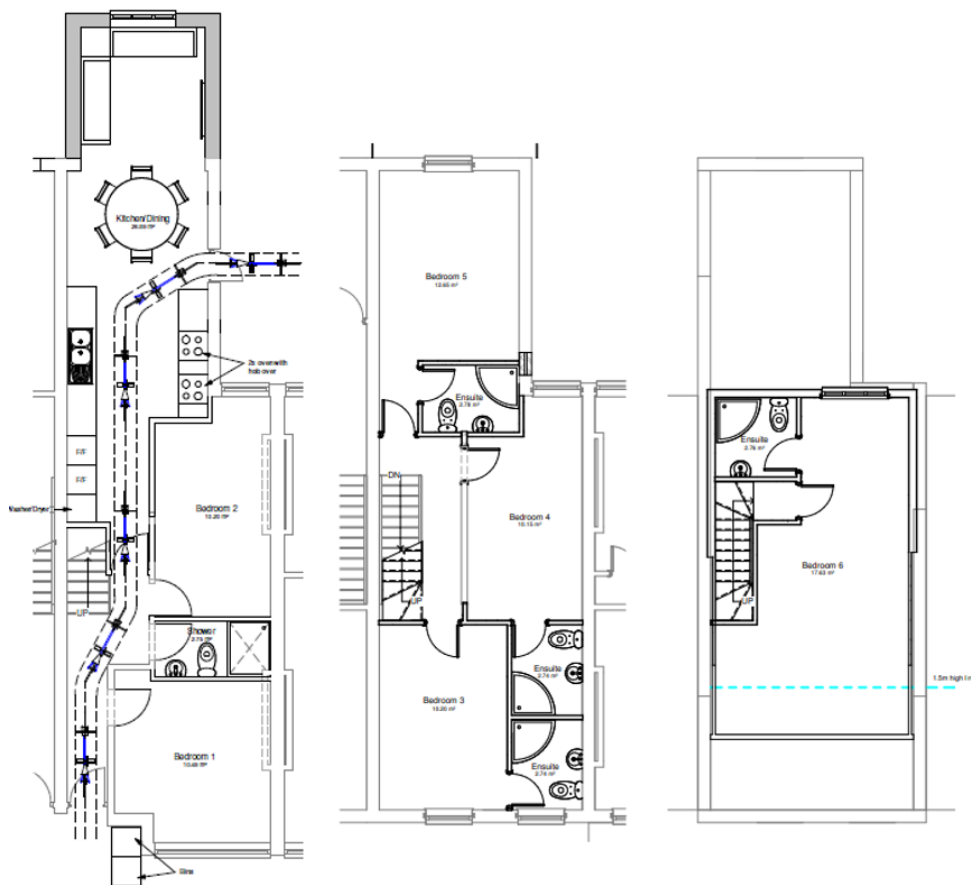
2.5 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

2.6 The proposed internal accommodation would comprise:

- Ground Floor - Two bedrooms, a combined Kitchen/living/Dining room, and a shower room (with toilet and basin);
- First Floor - Three en-suite bedrooms (each en-suite with shower, toilet and basin);
- Second Floor - One en-suite bedroom (each en-suite with shower, toilet and basin).

2.7 The applicant's plans state the bedrooms would be single occupancy.

2.8 Amended drawings have been provided showing an alternative ground floor layout to overcome initial concerns raised by both the Local Planning Authority and Private Sector Housing, and now also to show the tracking route of a bicycle being wheeled through the property to gain access to bike storage in the rear garden.



2.9 Planning History

2.10 No relevant planning history.

3.0 POLICY CONTEXT

3.1 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.

3.2 Other guidance:

- National Planning Policy Framework (2021);
- National Planning Practice Guidance;
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019).

4.0 CONSULTATIONS

4.1 Private Sector Housing

- 4.2 Based on the layout and sizes provided, the property would be require to be licenced under Part 2 Housing Act 2004. Based on the initially submitted drawings, parts of kitchen/dining room appear to be restricted for usable space and will require a verification visit.
- 4.3 These comments were based on the proposed drawings as originally submitted which have now been amended to improve both the size and layout of the communal space.
- 4.4 Highways (Updated, following the Planning Committee of 8/12/21)
- 4.5 Paddington Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off-street parking facilities with the majority of parking accommodated through unrestricted on-street parking. The demand for parking on-street regularly exceeds the space available particularly in the evenings and weekends.
- 4.6 No traffic assessment has been provided, however given the small scale of the development, the Local Highway Authority (LHA) is satisfied that the proposal would not have a material impact on the local highway network.
- 4.7 Portsmouth City Council's Parking SPD sets the expected level of vehicle and bicycle parking within new residential developments. The requirement for a 3-bedroom dwelling is 1.5 vehicle spaces and 2 bicycle spaces, this compared with the requirement for a 6 bedroom HMO at 2 vehicle spaces and 4 bicycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure bicycle spaces by 2.
- 4.8 Notwithstanding the policy conflict and absence of information regarding the availability of on street parking, given the quantum of the additional shortfall being only half a parking space the LHA do not believe refusal of this application on these grounds could be upheld in the event of an appeal. Therefore the LHA would not wish to raise a highway objection to this proposal.
- 4.9 The LHA has considered the implications/opportunities offered by the City Council's bike hangar scheme following comments raised by the Planning Committee at 8th December 2021 meeting. Whilst acknowledging that the installation of a bike hangar outside of the property would address the Committee's concerns in respect of the accessibility of proposed facilities, the LHA is concerned that this would establish a principle that access to bicycle storage facilities through buildings is not an acceptable solution. This is not the case and is not an established requirement of the SPD or other adopted planning policy.

- 4.10 The LHA do not consider that the approach of requiring this development to provide and fund the installation of a bike hangar on the highway is an appropriate approach to develop such a policy and could not be defended on appeal.
- 4.11 Whilst raising no objection to the original proposals, the LHA has reviewed the revised kitchen layout and bicycle tracking diagram indicating how a bicycle could be taken through the building. This is a typical arrangement for most terraced properties and in light of the current policy position raise no objection to the application as proposed.

5.0 REPRESENTATIONS

- 5.1 A site notice displayed on 13th October 2021
Neighbour letters were sent on 5th October 2021.
- 5.2 14 letters of objection have been received from local residents. Their concerns can be summarised as follows:
- Too many HMOs and sub-divided properties in the area;
 - Parking and cumulative impacts of similar developments in the area;
 - Impact on the family character of the area;
 - Need for more family homes;
 - Lack of local infrastructure to support increased populations;
 - Increased noise, crime and anti-social behaviour;
 - Increased number of applications for HMOs in the area;
 - Maintenance issues associated with rented properties;
 - No public benefit from these applications
 - Impact on property value;
 - Work has already commenced at the property and
 - Noise and disruption during development works.
- 5.3 An additional letter of objection has also been received from Copnor Ward Member Councillor Swann echoing many of the points above. Cllr Swann has also requested that all HMO applications in the Copnor Ward be halted until a full and detailed review of HMO's already in the area has taken place.

6.0 COMMENT

- 6.1 The main determining issues for this application relate to the following:
- The principle of development;
 - The standard of accommodation;
 - Impact upon amenity neighbouring residents;
 - Parking and bicycle storage;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters.
- 6.2 Principle of development
- 6.3 Planning 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 self-contained dwelling (Class C3). For reference,

a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

- 6.4 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 (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.



- 6.5 Based on information held by the City Council, of the 81 properties within a 50 metre radius of the application site one property is known to be in use as a HMO (14 Lyndhurst Road). This is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis. Whilst there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA, no further potential HMOs have been drawn to the attention of the LPA for investigation.
- 6.6 The LPA is aware of other similar planning applications within the surrounding at No.210 Chichester Road (ref.21/01098/FUL), No.215 Chichester Road (ref.21/01221/FUL), No.237 Chichester Road (21/01388/FUL), No.192 Laburnum Grove (21/00817/FUL) and No.51 Paddington Road (19/01913/FUL & 21/00904/NMA). However, it should be noted that the application at No.215 Chichester Road has been withdrawn and the others all fall outside of the 50m radius of the application site. Therefore, these properties and uses do not affected the 'count data' for this application. It is also noted that only 1 property within the 50m radius has been sub-divided into flats (No.211 Chichester Road).

- 6.7 Therefore, based on information held by the City Council, as the granting of planning permission would increase the proportion of HMOs to just 2.47% (2/81), 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.
- 6.8 A further policy strand introduced in July 2018, and 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. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.
- 6.9 In light of the above, the principle of development would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.

6.10 Standard of Accommodation

- 6.11 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, once refurbishment and building works are complete, in comparison to the minimum standards within the HMO SPD is set out below:

(HMO SPD - October 2019)	Area provided:	Required Standard
GF - Bedroom 1	10.49 sq.m.	6.51 sq.m.
GF - Bedroom 2	10.20 sq.m.	6.51 sq.m.
GF - Combined Living Space	26.89 sq.m.	34.0 sq.m.
GF - Shower room	2.75 sq.m.	3.74 sq.m.
FF - Bedroom 3	10.20 sq.m.	6.51 sq.m.
FF - Bedroom 3 en-suite	2.74 sq.m.	2.74 sq.m.
FF - Bedroom 4	10.15 sq.m.	6.51 sq.m.
FF - Bedroom 4 en-suite	2.74 sq.m.	2.74 sq.m.
FF - Bedroom 5	12.65 sq.m.	6.51 sq.m.
FF - Bedroom 5 en-suite	2.78 sq.m.	2.74 sq.m.
SF - Bedroom 6	17.63 sq.m.	6.51 sq.m.
SF - Bedroom 6 en-suite	2.76 sq.m.	2.74 sq.m.

- 6.12 Whilst the communal living space for the building would fall 7.1sq.m. short of the required standards set out in the table above, a footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the flexible communal space standards which can be expected where all bedrooms are over 10 sq.m. and is applied equally to planning applications. The guidance states that where all bedrooms exceed 10sq.m., as is the case here, the combined living space can be reduced from 34sq.m to 22.5sq.m.
- 6.13 The proposed communal space would meet this minimum size requirement and has been reconfigured since the original submission to increase its size and provide a revised layout

taking into account its limited width in part. The submitted drawings now show a kitchen extending through the narrower part of the space, a dining table for six individuals and a seating area towards the rear looking into the garden. Whilst this space is compact, it would exceed the minimum space standard by 4.39sq.m., it has been demonstrated that the layout would be useable and is considered to provide an adequate communal living space for the intended number of occupants. The bathroom/en-suite facilities are also considered to be suitable for the intended number of occupants.

- 6.14 Overall, it is considered that the proposal would provide an adequate standard of living environment for future occupiers complying with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation'.
- 6.15 Impact on amenity
- 6.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 6.17 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. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful. Having regard to this material consideration, it is considered that there would not be a significant impact on residential amenity from the proposal
- 6.18 Parking and bicycle storage
- 6.19 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with 3 bedrooms would be 1.5 off-road spaces, although it is accepted that the level of parking demand for a Class C3 dwellinghouse with 4 bedrooms, following the construction of the dormer extension as permitted development would be 2 off-road spaces.
- 6.20 Having regards to the Parking Standards SPD, the LHA consider that the typical level of parking demand created by this development is unlikely to be significantly greater than the existing Class C3 Dwellinghouse and that an objection on car parking standards could not be sustained on appeal. The existing property could equally be occupied by a large family with adult children, each owning a separate vehicle.
- 6.21 It is noted that there are a number of similar planning applications within the surrounding area and representations refer to the cumulative impact of such developments on parking where demand for on-street spaces regularly exceeds that available. However, on the basis that this application is unlikely to result in an increased parking demand, and that the Council's adopted parking standards identifies that HMOs generate a similar level of parking demand to large family dwellings, there is no evidence to suggest that the cumulative impact of such developments are resulting in significant impacts.
- 6.22 The Council's adopted Parking Standards sets out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The proposed drawings indicate the provision of a bicycle store within the rear garden, the delivery and retention of which can be required through planning condition. The applicant has also provided a revised internal

layout plan for the kitchen area to simplify the route between the highway and the rear garden. The location and accessibility of the storage facilities has been reviewed by the LHA who raise no objection to the suggested approach highlighting that such arrangements are common for many properties within the city.

- 6.23 Following concerns raised by the Planning Committee on 8th December 2021, the LPA has considered whether it would be necessary and reasonable to seek that the applicant provide alternative more conveniently located bicycle storage facilities in the form of a bike hangar on the adopted highway in front of the property. The installation of the hangar would cost approximately £2,500 with a further 5-year maintenance costs at £100pa. Bike hangars would result in the loss of between ½ and 1 parking space and are typically rented on a first come basis for £30pa.
- 6.24 Bike hangars have been installed across the city previously. However, these have been installed to encourage bicycle use within existing developments where occupiers do not have access to their own secure and convenient bicycle storage facilities. They have not been provided to meet the need of new developments where secure and convenient facilities cannot be provided on-site as currently required by adopted policy.
- 6.25 The LPA acknowledges the benefits bike hangars can provide in encouraging bicycle use as a practical alternative to a car. However, in the absence of any adopted policy position or guidance requiring the delivery of such facilities for new developments in lieu of on-site provision, and in the absence of any objection to the proposed bicycle storage facilities from the LHA, it is not considered necessary or reasonable to seek that the applicant fund the delivery of a bike hangar.
- 6.26 The LHA remain of the view that the proposed bicycle storage facilities are policy compliant and accessibility has been improved by the revisions to the kitchen layout. As such the Officer recommendation remains unchanged from that of 8th December 2021.
- 6.27 In light of the success of the bike hangar scheme within the city, an informative could be imposed highlighting the Committee's observations on the proposed storage facilities, and drawing the applicant's attention to the bike hangar scheme. The applicant is open to liaise with PCC's bike hangar team to explore the installation of a bike hangar within Paddington Road, separate to this planning application, which could benefit both residents of the proposed development and existing residents.
- 6.28 The storage of refuse and recyclable materials would remain unchanged.

6.29 Special Protection Areas

- 6.30 Whilst potential impacts of recreational disturbance and nitrates entering the Solent water environment are acknowledged, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in dwellings or overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas.

6.31 Other matters

- 6.32 Representations make reference to noise and disturbance created by on-going development works at the property. However, this application relates solely to the future use of the property and as set out above, the on-going works currently taking place at the site do not require the express permission of the LPA. Other legislation beyond the planning system is available to minimise impacts caused by building works.

6.33 The request from Cllr Swann to pause the determination of all HMO applications within the Copnor Ward until a full and detailed review of HMO's already in the area has taken place is noted. However, on the basis the LPA has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies which will be undertaken in consultation with Members and the public.

6.34 Impact on property value is not a material planning consideration.

6.35 Conclusion

6.36 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

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 otherwise 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 and PG6075.21.1 Rev-C.

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

Bicycle 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 permanently 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.

49 ORIEL ROAD PORTSMOUTH PO2 9EG

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

LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?keyVal=R2Q16YMOFYR00&activeTab=summary>

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Christian Reynolds

RDD: 17th November 2021

LDD: 13th January 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee at the request of Cllr Wemyss, to consider parking provision, the size of the rooms and common area, and the amount of objections.

1.2 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 Protection Areas; and
- Any other raised matters

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surrounding

1.5 This application relates to a two-storey, mid-terrace property located on the southern side of Oriel Road. The dwelling is set back from the road by a small front forecourt and to the rear of the dwelling is an enclosed garden. The existing layout comprises of a living room, kitchen/ utility and second lounge with conservatory and WC at ground floor level and three bedrooms and a bathroom at first floor level.

1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey terraced properties with a similar visual style. A number of the properties have been subdivided into flats, however, no.47 to the east and no.51 to the west are both Class C3 dwellinghouses.

1.7 Proposal

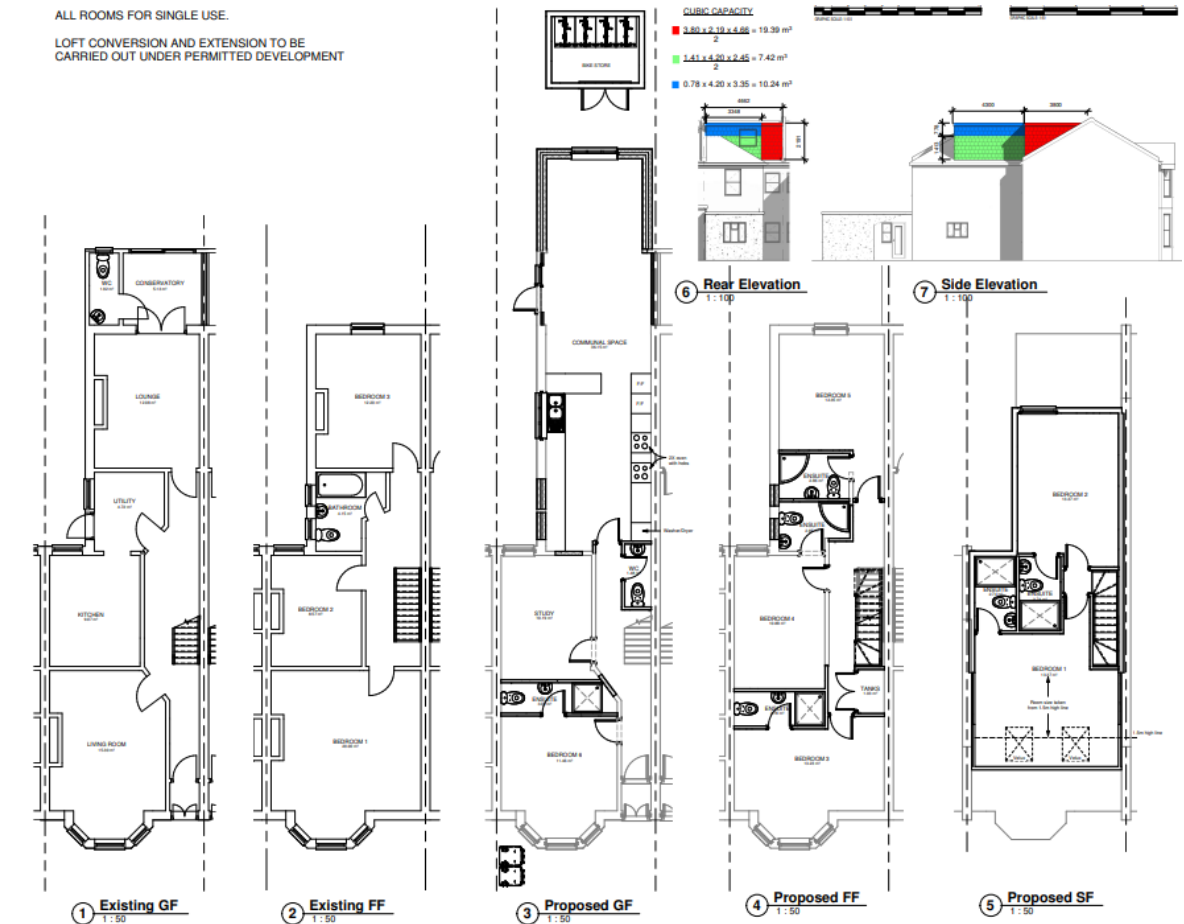
1.8 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

1.9 The internal accommodation would comprise the following:

Ground Floor - Bedroom with ensuite, Study, WC, and Combined Kitchen/ Living Area

First Floor - Three bedrooms, all with en-suite bathrooms

Second Floor - Two bedrooms, both with en-suite bathrooms



1.10 External alterations would include the construction of a single-storey rear extension and a rear/side dormer window, however, the applicant has confirmed these elements of the scheme are being completed under Permitted Development. Given that the enlargements are being proposed under Permitted Development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application.

1.11 Planning History

1.12 21/00509/FUL - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation). Planning permission was refused in November 2021 by the Planning Committee. Planning permission was refused for the following reason;

The conservatory and utility room are functionally poor for inclusion as part of the communal space, thus the communal spaces would fall significantly short of the Council's adopted standard and having a detrimental effect on the amenity of future occupiers, contrary to PCS23 of The Portsmouth Plan Portsmouth's Core Strategy (2012).

- 1.13 To address this reason for refusal, the applicant is proposing to construct a single-storey extension to the rear under permitted development rights. This would increase the total floor space and provide one, larger communal living area/kitchen and a separate 'study', compared to the refused scheme which had the kitchen, utility room, dining room, and conservatory as separate rooms.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

- 2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

3.0 CONSULTATIONS

- 3.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. The en-suites must be of a sufficient size to allow adequate activity space. Wash hand basins must be installed in all en-suites and the shower room. Appropriate sizes for washing facilities and activity space can be found in the metric handbook.

- 3.2 Highways Engineer - Oriel Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.

No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

The proposed application seeks to convert an existing 3 bedroom residential dwelling to a 6 bedroom HMO.

Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently this proposal increases

the parking demand by 0.5 spaces and secure cycle spaces by 2. A cycle store is provided to the rear of the property for 4 cycles, however no parking is proposed as part of this application.

No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site. Notwithstanding the policy conflict and absence of information regarding availability of on street parking, given the quantum of the additional shortfall being only half a parking space I do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore I would not wish to raise a highway objection to this proposal.

4.0 REPRESENTATIONS

4.1 Site notice displayed 5/12/21, expiry 23/12/21

4.2 Neighbour letters sent 25/11/21, expiry 23/12/21

4.3 4 letters of objection from 4 households have been received raising the following concerns;

- a) Too many HMOs in the area
- b) Should planning permission be granted, walls should be sound proofed
- c) Increase in waste
- d) Increase pressures on parking
- e) Loss of family homes;
- f) Concerns regarding the current HMO policy;
- g) Limitation of the Sewage and drainage systems;
- h) Crime and anti-social behaviour;
- i) Bicycle storage not accessible;
- j) Communal area undersized;
- k) Proposed external alterations are not permitted development;
- l) Concerns regarding future maintenance of the HMO.

4.4 A deputation request has been received from one local resident and a request for the application to be determined by the Planning Committee has been received from Cllr Wemyss.

4.5 Furthermore, a petition containing 160 signatures has been received raising concerns regarding the effectiveness of local HMO policies and other concerns which have been listed above. However, it is noted the petition relates to the previous application on the site, reference: 21/00509/FUL and does not specify the current application. While the comments in the petition are noted, limited weight has been given to the petition.

5.0 COMMENT

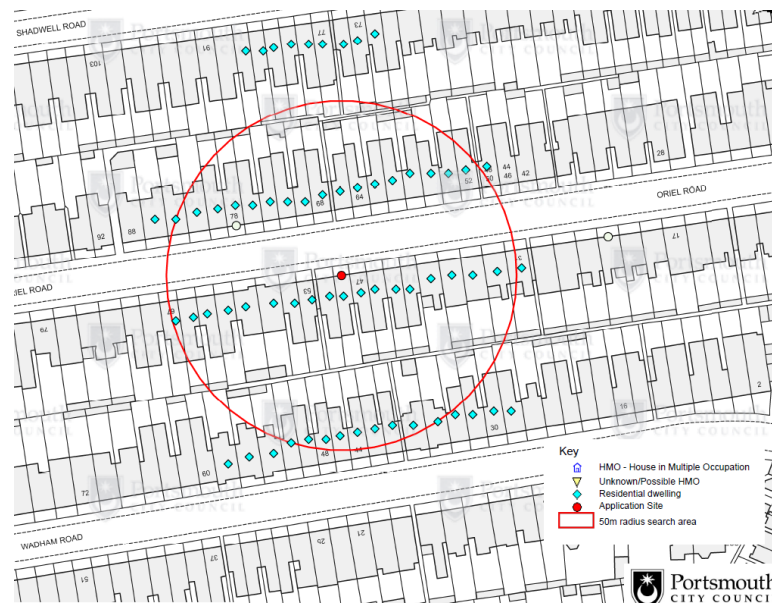
5.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

5.2 Principle of development

5.3 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 self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

5.4 Policy PCS20 of the Portsmouth Plan states that application 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.



5.5 Based on the information held by the City Council there are no other confirmed HMOs within a 50m radius of the application site. Within this 50m radius (including the application site) there are 73 properties. This number takes into account any properties which have been subdivided into flats. The addition of the proposal would result in 1.36% of properties being an HMO within the 50m radius, thus falling well within the 10% threshold. 5.6 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.

5.6 The LPA has received an application relating to no. 78 Oriel Road which is proposing the change of use from dwellinghouse (Class C3) to purposes falling within Class C3 or Class C4 (HMO) and is located within the 50m radius of the application site. This application is still pending consideration, however, it should be noted, if planning permission is granted for this application, the number of HMOs within the area would still be within the 10% threshold (at 2.73%).

5.7 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. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).

5.9 Standard of accommodation

5.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. On the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

HMO SPD (OCT 2019)	Area Provided	Required Standard
Bedroom 1 (second floor)	13.3m ²	6.51 sq.m (or 11sqm for two occupiers)
En-suite bathroom	2.7m ²	Undefined
Bedroom 2 (second floor)	13.4m ²	6.51 sq.m (or 11sqm for two occupiers)
En-suite bathroom	2.7m ²	Undefined
Bedroom 3 (first floor)	13.4m ²	6.51 sq.m (or 11sqm for two occupiers)
En-suite bathroom	2.7m ²	Undefined
Bedroom 4 (first floor)	10.8m ²	6.51 sq.m (or 11sqm for two occupiers)
En-suite bathroom	2.8m ²	Undefined
Bedroom 5 (first floor)	12.3m ²	6.51 sq.m (or 11sqm for two occupiers)
En- suite bathroom	2.8m ²	Undefined
Bedroom 6 (ground floor)	11.4m ²	6.51 sq.m (or 11sqm for two occupiers)
En-suite bathroom	3m ²	Undefined
Study	10.1m ²	Undefined
Communal living area /kitchen	36.1m ²	22.5m ² (where all the bedrooms exceed 10m ²)
WC	1.48m ²	Undefined

5.11 The bedrooms and communal living area would exceed the minimum size requirements for six individuals, and the study would supplement the accommodation space further. The combination of en-suites and a shared WC would provide a suitable overall arrangement of sanitary facilities.

5.12 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.

5.13 Impact on neighbouring living conditions

5.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by 3 - 6 unrelated persons as an HMO.

5.15 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would not be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.

5.17 Highways/Parking

5.18 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.

5.19 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. Concerns have been raised in the representations regarding whether the bicycle storage can be easily accessed through the property. Having visited the property as part of the previous application, the planning officer is satisfied that there is sufficient space to manoeuvre a bicycle through the property. Terrace properties are common across Portsmouth and this approach has previously been accepted for new HMOs in the city. The requirement for cycle storage is recommended to be secured by condition.

5.20 The Local Highways Authority have been consulted on the application and while they recognise the proposal would result in a short fall of 0.5 car parking spaces, they do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore have raised no objection to the proposal.

5.21 Waste

5.22 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.

5.23 Impact on Special Protection Areas

5.24 Whilst it is 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 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.

5.25 Other Matters raised in the representations

5.26 Concerns have been raised regarding drainage, it is considered that the use of the property would not have a significantly greater impact on the local drainage system than the existing use of the property as a C3 dwelling which could be occupied by the same, fewer or more persons. One neighbour comment states that walls should be sound proofed, this is a matter which would be dealt with by Building Regulations and/or the Housing License. One neighbour comment asks about the future maintenance of the HMO. The property may be well-maintained or poorly-maintained, just like any other house or property, this does not constitute a reason to withhold planning permission.

5.27 Conclusion

5.28 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

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 otherwise 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; Dual Use Plans PG6069.21.4

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.

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.

2A HELLYER ROAD, SOUTHSEA PO4 9DH

CHANGE OF USE OF EXISTING BUILDING AND CONVERSION FROM GYM (CLASS E) TO FORM 3 NO. 2 BEDROOM FLATS (CLASS C3); CONSTRUCTION OF ONE ADDITIONAL STOREY (MANSARD ROOF), INSTALLATION OF WINDOWS TO REAR AND ALTERATIONS TO FENESTRATION (21/01391/FUL)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QZQN8IMOM5Y00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qzqn8imom5y00)

Application Submitted By:

Bukin Lett Architecture

On Behalf of:

DR Ian Hendy

1.0 Summary of main issues

1.1 The main issues for consideration relate to:

- Principle of development;
- Housing
- Design
- Transport and parking
- Biodiversity
- Amenity
- Waste

2.0 SITE AND RELEVANT HISTORY

Site & Surroundings

2.1 The application property is located towards the corner of Hellyer Road and Highland Road. Existing development along Hellyer Road comprises for the most part Edwardian, two-storey, terraced housing.

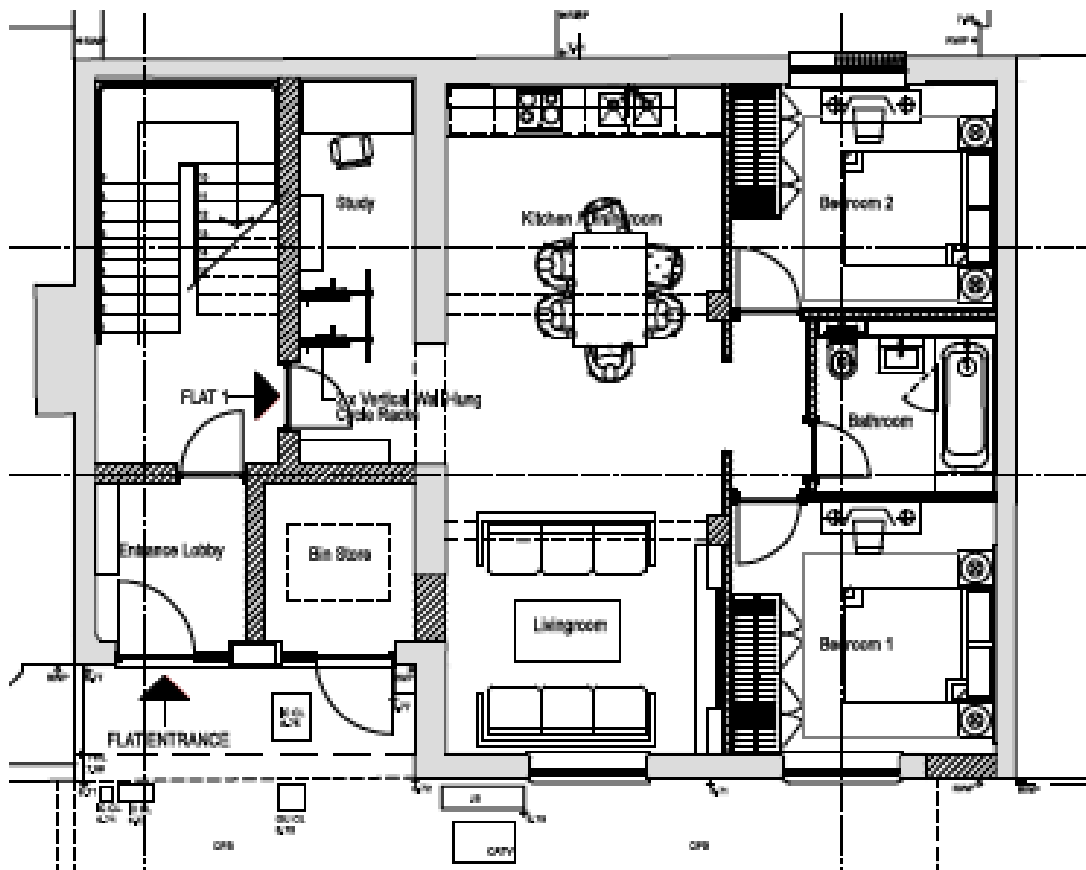
2.2 The application property is a brick-built, two-storey structure which has been in use as a gymnasium since the early 1980s when planning permission was granted for the change of use from meeting rooms to a gymnasium. It is understood that the building was originally built as a church, which is why there is no private garden / amenity space at the rear and the floor to ceiling heights in the building are much higher than those on nearby residential properties. To the rear of the building is a small courtyard which provides parking spaces and a bin/cycle storage building for the nearby Hurley Court development. The single storey bin/cycle storage building has been built against the rear wall of the application property. The rear wall of the Hurley Court development and the application property are perpendicular to one another.

2.3 Directly adjacent to the south of the application property is a single storey retail unit on the corner of Hellyer and Highlands Roads. Adjacent to the east of the corner shop along Highland Road is the 3-storey residential development 'Hurley Court', granted planning permission in 2003 under A*35090/AB. At the rear is the small courtyard

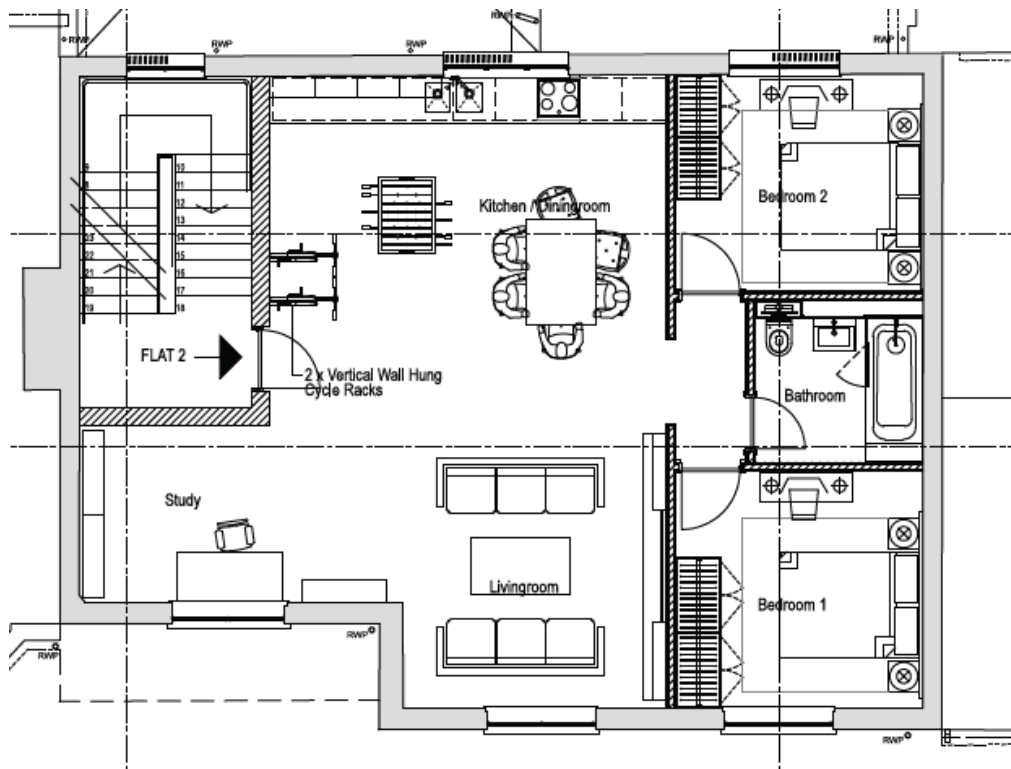
referred to above with vehicular access from Highland Road, 6 car parking spaces and the single storey bike and bin store.

Proposal

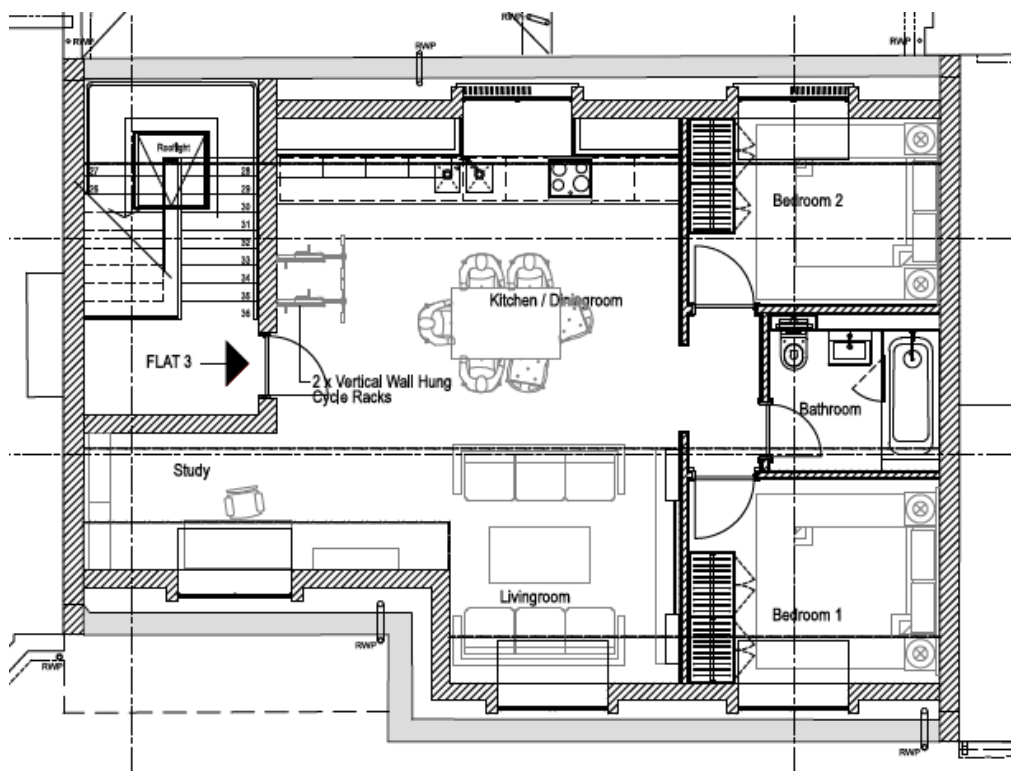
- 2.4 Planning permission as originally submitted was for the change of use of the gym (Class E) to residential use (Class C3) and the construction of two additional storeys to form four new 2-bedroom flats. Officers were, however, concerned that the construction of two additional storeys would result in a form of development which would be out of keeping with surroundings development, damaging to the streetscene and which would have an unacceptably negative impact upon nearby properties.
- 2.5 In response, Officers advised the applicant to amend the scheme by removing the proposed third floor, thereby providing three flats, one on each floor. Amended plans were received on the 14th January 2022 and are the proposals which are considered in this report. The proposal is now for the change of use of the gym (Class E) to residential use (Class C3) and the construction of one additional storey to form three new 2-bedroom flats. An internal bin store would be provided at ground floor level next to the main entrance to the development.



Proposed Ground Floor



Proposed First Floor



Proposed Second Floor



Front Elevation.



Rear Elevation.

Site History

2.6 The following planning permissions are relevant to the consideration of this application

- Approval dated 12.08.94 to vary condition 2 attached to planning permission B*26062/AA-1 to enable a change to the named operator (B*26062/AB)
- Approval dated 19.03.93 to continue use as gymnasium (B*26062/AA-1)
- Approval dated 25.03.92 to continue use as gymnasium (variation Condition 1 DA: 26062/E)
- (B*26062/AA)
- Approval dated 27.01.82 - Change of use to form meeting rooms to gymnasium (B*26062/E)

3.0 POLICY CONTEXT

- 3.1 The following policies of the Portsmouth Plan (2012) should be taken into consideration.
- Policy PCS10 (housing delivery)
 - Policy PCS13 (greener Portsmouth)
 - Policy PCS17 (Transport)
 - Policy PCS23 (design and conservation)
- 3.2 The Guidance provided in the National Planning Policy Framework (NPPF) has also been taken into consideration in assessing the proposals. Other guidance which the proposals have been assessed against include Portsmouth City Council Housing Standards SPD and the Nationally Described Space Standards (2015).

4.0 CONSULTATIONS

- 4.1 The following consultee comments are on the scheme as originally submitted. Any further comments received will be presented to members at the committee meeting.

Highway Authority

- 4.2 The Highway Authority commented that Hellyer Road is an unclassified residential street and that few of the properties have off-street parking facilities with the majority of parking accommodated through on-street parking. The site falls within a residential parking zone MH operating between 18.00 - 20.00 hrs, which is currently over capacity with 1,384 permits issued compared with 1,267 spaces available. The Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments, which for a 2 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, creating a total parking requirement of 6 car parking spaces and 8 cycle parking spaces. The proposal, however, makes no provision for vehicle or cycle parking. No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site. Consequently this proposal is not compliant with policy and will increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and is likely to result in increased instances of residents driving around the area hunting for a parking space and choosing to park where parking is restricted at junctions obstructing visibility/pedestrian routes and increasing the risks of accidents. Furthermore the absence of cycle parking will limit opportunities for future occupants to use sustainable travel modes contrary to the SPD and would justify a reason for refusal.

County Ecologist

- 4.3 The County Ecologist commented that a large area of greenspace (Highland Road Cemetery) is located less than 40 metres south-west of the site and that considering the age of the building and its location close to a suitable foraging habitat, there is the possibility of bats being present and has requested that a Preliminary Roost Assessment of the building is carried out.

Natural England

- 4.4 Natural England advises the scheme will need to mitigate for any increase in waste water from the new housing and also against impacts to the coastal Special Protection Area(s) and Ramsar Site(s) resulting from increased recreational disturbance.

Contaminated Land

- 4.5 No objections have been raised but have asked that an informative is added to any consent 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 to be incorporated into this development.

Waste Services

- 4.6 The Council's Waste Services requested further details on bins and recycling as no details were provided with the application as originally submitted.

5.0 REPRESENTATIONS

- 5.1 The application as originally submitted was advertised for the statutory period and a total of 9 objections have been received. The planning issues raised include;
- The proposed development is out of scale with other existing development along the street.
 - The proposed height of development will result in the loss of light in rear gardens and on solar panels (no. 2 Hellyer Road)
 - Development will result in overlooking and the loss of privacy in nearby properties
 - A resident parking system was recently introduced in the area but there are not enough car parking spaces to meet current demand for parking spaces from existing residents. The proposed development could result in an additional 8 car parking spaces which would make it even more difficult for residents to find spaces to park.
 - Hellyer Road is a one way street and also provides access to Oliver Road, Hatfield Road and Clegg Road. Construction traffic, parking is therefore likely to cause severe disruption to the area.
- 5.2 Letters were sent out on the 14th January 2022 to neighbours advising that amended plans for the reduced scheme have been received and to make any representations within 14 days. Any further representations received will be reported to the planning committee.

6.0 MAIN ISSUES AND COMMENT

Summary of main issues

- 6.1 The main issues for consideration relate to:
- Principle of development;
 - Housing
 - Design
 - Transport and parking
 - Biodiversity
 - Amenity
 - Waste

Principle of development

- 6.2 The National Planning Policy Framework (NPPF) states that decisions on planning applications 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 182). 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', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.3 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 through a net gain of 3 dwellings. 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 within this report.

- 6.4 Policy PCS10 of the Portsmouth Plan (2012) states that "*new housing will be promoted through conversions*". This windfall scheme which will deliver 3 new housing units which would help the Council meet its housing target.
- 6.5 The application site is located in a residential area with existing residential properties to the rear, immediately next to and to the north, and opposite the site across Hellyer Road. Immediately adjoining the application property to the south is a retail unit which fronts onto Highland Road and forms part of a non-designated parade of shops. Taking into consideration the context of the site the principle of the conversion of the gymnasium to residential use is considered acceptable and in line with the aims of Policy PCS10 of the Portsmouth Plan (2012) and guidance provided in the NPPF. For completeness, the building could benefit from the principle of permission for its change of use to flats, with details requiring the Prior Approval of the Local Planning Authority for such matters as transport impacts, natural light for habitable rooms, flooding, etc. (General Permitted Development Order as amended, Part 3, Class MA).
- 6.6 In terms of sustainable construction the applicant has confirmed that a BREEAM Domestic Refurbishment pre-assessment will be prepared for each of the proposed flats with the aim to meet a target of 'Excellent'. The scheme involves the conversion of an existing building and it should be noted that the carbon embedded in the structure will be retained. A condition has been added which requires the submission of documentary evidence that each dwelling meets current policy targets.

Housing

- 6.7 Policy PCS19 of the Portsmouth Plan (2012) requires that schemes should seek to meet the needs of families and larger households but acknowledges that the number of family sized dwellings will be dependent upon both the character of the area and the site/building.
- 6.8 The proposal is to convert the building into three separate 2-bed flats. One flat per floor. The proposed internal arrangement with a stair case core providing access to each floor and with only limited space available on each floor for residential accommodation this precludes larger family sized dwellings. The 2-bed flats will however help meet the demand for smaller residential units for which there is strong demand. The conversion of building into three 2-bed flats is therefore considered acceptable and in line with the aims of Policy PCS19.
- 6.9 The internal dimensions of the room sizes are generous and the flats (74 to 88 sqm) meet the Nationally Described Space Standards (2015). There will be no private amenity space provided with this scheme, although it should be noted that Highland Rd cemetery is only 330 metres away, and open space and the seafront is around 500 metres away.

Design

- 6.10 Policy PCS23 (design and conservation) of the Portsmouth Plan (2012) requires that development is of "*excellent architectural quality in new buildings and changes to existing buildings and provides a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development*".

- 6.11 The amended scheme proposes the conversion of the building and the construction of an additional floor. The existing fabric of the building would be kept with new windows installed, a new entrance door and bin store formed at the entrance and by reducing the height of the parapet wall. The proposed new floor would be a mansard roof structure set behind the parapet wall, with the existing shallow pitched roof removed. The proposed new floor would project 2.8 metres above the top of the parapet wall and as it is set back slightly from the parapet wall would not appear visually dominant.
- 6.12 The front and rear walls would be finished in brick and render with the mansard roof to be constructed using new standing seam zinc with zinc clad dormers. The replacement 'industrial style' windows in the main body of the building would be slim profile PCC aluminium double glazed casement windows. Condition 4 requires the applicant to submit samples of all the proposed external materials for approval prior to the commencement of development.
- 6.13 The proposed extension has been sensitively designed and would be appropriate in terms of the appearance of the extension and would help improve the standard of living conditions for the occupants of the flat, and therefore accords with the aims of Policy PCS23 (design and conservation) of the Portsmouth Local Plan 2012.

Transport and parking

- 6.14 Policy PCS17 of the Portsmouth Plan encourages development in areas around public transport hubs and along corridors where there is good access to public transport. The application site is in a sustainable location with regular bus services both directions along Highland Road, including the Nos. 1, 2 and 17 bus services. The site is also located close to a number of low traffic routes/ cycle lanes including Haslemere Road, Festing Grove and the Esplanade.
- 6.15 The Local Highways Authority (LHA) recommends that this application be refused on the grounds that the scheme would not provide off-site car parking. The applicant has responded that *"the gym has been in Hellyer Road for almost 40 years, currently has 120 members, 5 staff, and 5 permanent personal trainers. In addition, the gym is open from 0900 hrs to 2100 hrs (and) during those times many of our members drive to the gym taking up many available spaces in the road. Further to that, our staff and personal trainers drive to the gym, meaning that they also take up available spaces for the 12-hr period (which) means that parking availability will in fact significantly improve when the gym is made into three, 2-bed flats"*. Furthermore the applicant has stated that *"there are 5 number (on-street) parking bays dedicated to the existing gym and guitar shop, (and) are set as 3 hour no return"* and that the intention is *"to apply for 3 of the dedicated 5 spaces for the residents of the new development"*. It is not known whether such dedicated provision would be achieved, and it is not being relied upon in the consideration of this application.
- 6.16 The applicant proposed that two cycle parking wall-mounted spaces would be provided within each flat. That is a matter of ongoing discussion at the time of report publication.
- 6.17 The site would not increase highway or parking impacts compared to the lawful gym use, and is located in a sustainable location with regular bus services along Highland Road. The LHA has not identified if there would be 'an unacceptable impact on highway safety', or that the 'residual cumulative impacts on the road network would be severe' (both NPPF Para. 111), so it is not considered that the scheme fails the tests of the NPPF nor that consent should be withheld on highway matters.

Biodiversity

- 6.18 The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the designated nature conservation sites along the Solent coast will continue to be protected. Natural England advises the scheme will need to mitigate for any

increase in waste water from the new housing and also against impacts to the coastal Special Protection Area(s) and Ramsar Site(s) resulting from increased recreational disturbance.

- 6.19 In line with the Solent Recreation Mitigation Strategy (December 2017) the applicant has agreed to mitigate the negative impact of recreational disturbance in accordance with the Council's Strategy with the payment of £1,566 to be secured via a S106 agreement (3 dwelling @ £522 / dwelling).
- 6.20 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 partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 6.21 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, subject to availability.
- 6.22 The Applicant has requested using the Council's Credits, and is willing to make the necessary payment of £650 secured via a S106 agreement. Natural England, in response to The LPA awaits response to the resultant Appropriate Assessment for SPA Mitigation that it has sent to Natural England. The response will be received after your Committee meeting, so a resolution to tie this matter up is attached below.
- 6.23 In response to the County Ecologists request a Preliminary Roost Assessment of the building has been carried out and at the time of writing the report feedback from the County Ecologist was outstanding.
- 6.24 On the basis that the Preliminary Roost Assessment demonstrates to the satisfaction of the County Ecologist that there are no bats roosting on the property and with confirmation received that the applicant agrees to make financial payments to help mitigate against recreational disturbance and an increase in nitrates the proposed development accords with Policy PCS13 of the Portsmouth Plan (2012) and the Habitats Regulations 2017 (as amended).

Amenity

- 6.25 Policy PCS23 (design and conservation) requires that development should protect the 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.
- 6.26 To the rear of the building is a small courtyard which provides parking spaces and a bin/cycle storage building for the nearby Hurley Court development. The rear wall of the Hurley Court development and the application property are perpendicular to one another with oblique views available from habitable rooms in the proposed new flats and the habitable rooms within the Hurley Court development. To address concerns about

overlooking and the potential loss of privacy in homes within Hurley Court the applicant has modified the plans to add vertical timber screening fins to be set in the window reveal. A condition will be added requiring the detailed design of these timber screening fins to be submitted, approved and installed prior to the first occupation of the development. The screening fins will ensure that there is no overlooking of the habitable rooms of both the proposed new flats and the flats at Hurley court.

- 6.27 The proposed new windows at the rear would look out onto the small courtyard area at the rear of Hurley Court. The court provides car parking spaces and a bin/cycle storage building for the Hurley Court development and it is unlikely that there would be scope for further development within this courtyard.
- 6.28 The occupants of neighbouring property at No.2 Hellyer Road has expressed concerns about the original submitted scheme (4 storeys) and the loss of light in their rear garden and on the solar panels installed on the rear slope of their roof. However, the latest amended scheme would only project 2.8 metres above the height of the top of the parapet wall, which would be reduced slightly in height, and the mansard structure would be set back slightly from the parapet wall and will not appear visually dominant. The ridge height of the new mansard roof would be only 0.6 metres higher than the ridge height of the existing roof and would have only a very minimal impact upon the neighbouring property in terms of overshadowing.
- 6.29 The windows on the upper two floors would overlook the rear garden of the neighbouring property to the north (2 Hellyer Rd) although it should be noted that the windows immediately adjacent the neighbouring property are for the stairwell. Notwithstanding, the applicant has agreed to the installation of screen fins to the side of the first and second floor stairwell windows. With screening fins the amenities of the neighbouring properties would be adequately protected in line with the aims of Policy PCS23 (design and conservation) of the Portsmouth Local Plan 2012.

Waste

- 6.30 The Council's Waste Services expressed in their consultation response concerns about the lack of detail on bins and recycling. In the revised scheme the applicant now proposes a bin store within the main body of the building next to the main entrance to the development.

Conclusions

- 6.31 The proposed development as amended, has been sensitively designed and is appropriate in terms of its scale and appearance to the existing property and to the wider area, including nearby residential amenity. Highway matters are considered acceptable. With regard to test (ii) of Paragraph 11 of the NPPF, taking account of the assessment outlined within this report, it is concluded that there would be no adverse impacts of granting the development that would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The scheme is considered to constitute Sustainable Development and is therefore recommended for conditional planning permission.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) receipt of satisfactory, final comments from Natural England, in response to the LPA's Appropriate Assessment for SPA Mitigation;

- (b) satisfactory completion of a Legal Agreement to secure mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance, and nitrates) by securing the payment of a financial contribution prior to first occupation;
- (c) receipt of satisfactory, final comments from the Hampshire Ecologist re the potential for bats at the site, and any necessary mitigation.

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 before the expiration of 1 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 nitrates mitigation.

Approved plans

2) Unless otherwise 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:

- 21061_PL_01_P2-Existing Ground Floor Plan
- 21061_PL_10_P3-Proposed Ground Floor Plan
- 21061_PL_11-P3-Proposed First Floor Plan
- 21061_PL_12-P3-Proposed Second Floor Plan
- 21061_PL_14-P3-Proposed Roof Plan
- 21061_PL_15-P3-Proposed Sections A-A and B-B.
- 21061_PL_16- P3-Proposed Sections C-C and D-D
- 21061_PL_17-P3-Proposed Elevations

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

Privacy screens

3) The detail design of the timber screening fins shall be submitted for the written approval of the Local Planning Authority. They shall be installed as approved prior to the first occupation of the development, and maintained as approved for the lifetime of the development.

Reason: To satisfactorily protect the residential amenities of nearby occupiers in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Materials

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of occupiers of neighbouring properties in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Detailing

5) No development shall take place until the following architectural details have been submitted to and approved in writing by the local planning authority.

- depth of window and door reveals
- details of window frames,
- edges and corners, method of fixing, etc for the metal cladding and render.

Development shall be carried out in accordance with the approved details.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of occupiers of neighbouring properties in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Sustainable construction

6) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not 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 (2012).

Nitrate mitigation

7) No development works other than those of demolition and construction of the buildings' foundations, shall take place until a scheme for the mitigation of the effects of the development on the Solent Special Protection Area arising from the discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality, that provision shall be provided in accordance with the approved scheme before the first residential unit is occupied.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Construction Method Statement

8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- measures to control the emission of dust and dirt during construction
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To satisfactorily protect the residential amenities of occupiers of neighbouring properties in accordance with Policy PCS23 of the Portsmouth Plan (2012)

Waste

9) The bin store shall be built in accordance with the approved plans prior to the first occupation of the development and shall be maintained and used as a bin store as approved during lifetime of development.

Reason: To satisfactorily protect the residential amenities of occupiers neighbouring properties in accordance with Policy PCS23 of the Portsmouth Plan (2012)

5 SOMERS ROAD SOUTHSEA PO5 4PR

CONSTRUCTION OF FIVE STOREY BUILDING TO PROVIDE 12NO. TWO BEDROOM FLATS AND 1NO. ONE BEDROOM FLAT, WITH ASSOCIATED LANDSCAPING AND PARKING WITH ACCESS FROM WARWICK CRESCENT (FOLLOWING DEMOLITION OF EXISTING BUILDING)

LINK TO PUBLIC ACCESS WEBSITE:

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=gcsqrgmoisb00>

Application Submitted By:

Mr Alex Templeton

On behalf of:

Mr Alex Templeton

Saxon UK Development Ltd

RDD: 1st July 2020

LDD: 25th February 2021

1. SUMMARY OF MAIN ISSUES

1.1 The main issues for consideration in the determination of the application are as follows:

- Principle of Development;
- Design and impact on the character and appearance of the area;
- Standard of accommodation and impact on residential amenity;
- Affordable Housing;
- Highways and Parking;
- Sustainable Design & Construction;
- Ecology and impact on the Solent Special Protection Areas.

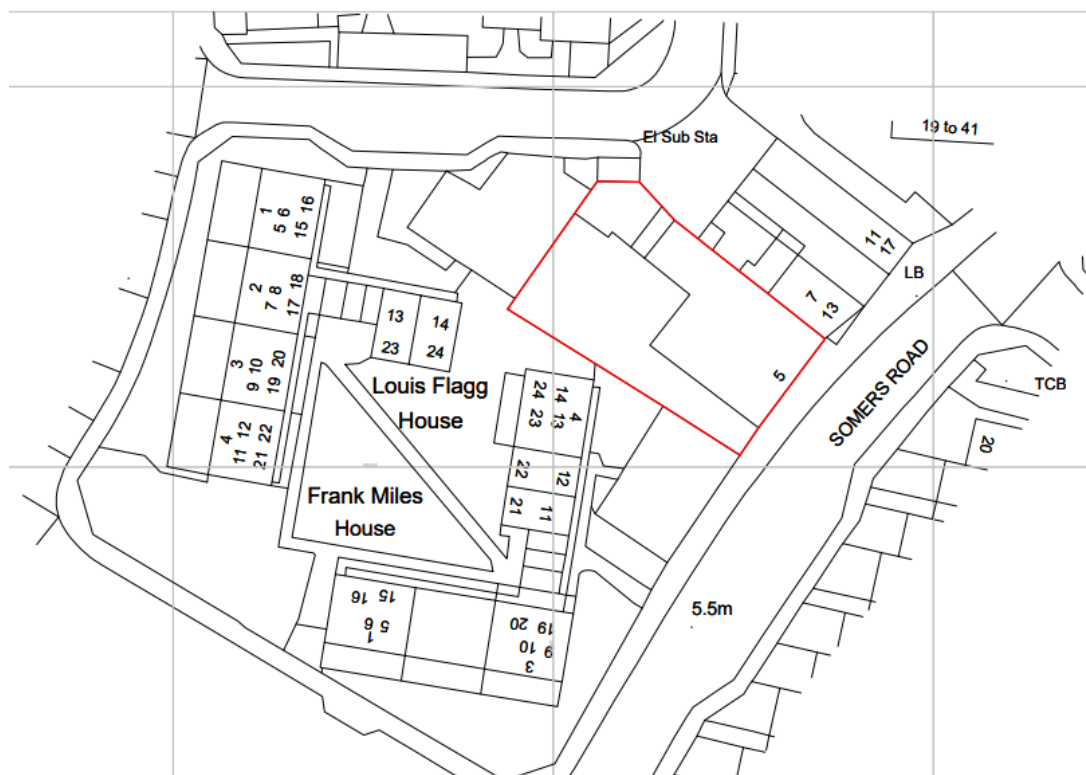
1.2 Site and surroundings

1.3 The application site is located on the western side of Somers Road in St Thomas ward. The site is currently occupied by a post-war two storey building accommodating 2 commercial units (takeaway and retail) on the ground floor and four flats above. The rear of the site is enclosed by a brick boundary wall and serves as a storage and car parking, with access from Warwick Crescent. Beyond the rear boundary wall, there is a public car park. To the north-east, the existing building is attached to a similar two storey building in mixed, commercial and residential use. This property benefits from an outdoor amenity area on top of the roof over a ground floor projection. To the north-east, there are areas of landscaping association with a five storey block of flats. To the south-west and south are more five storey blocks of flats and associated car parking area. Housing opposite to the east is post-war, two-storey. There are three trees (cypress, maple, alder) which lie outside the site to the south-western, with some branch overhang into the site.

1.4 The site, due to flat levels and the position and mass of surrounding built form is fairly prominent when approaching from the southern and northern parts of Somers Road.

- 1.5 In terms of land uses, whilst the surrounding area is predominantly residential, there are other uses scattered around, including convenience stores, a church, a school and a fire station.
- 1.6 The site benefits from a good access to shops, services, facilities and public transport. Elm Grove lies approximately 400m to the south of the site and offers a range of facilities including a pharmacy, shops and restaurants. Along Elm Grove there are regular buses to Fareham, Southsea and Paulsgrove. Winston Churchill Avenue Bus Stops are within 800m distance and Portsmouth and Southsea Train Station and Fratton Train Station lie approximately 900m north and north east of the site. Within 400m radius there are Cottage Grove Primary School, Somerstown Community Centre, Somerstown Health Centre and Lloyds Pharmacy. Guildhall Walk-in Health Centre is within 800m radius, as well as Rowlands Pharmacy, Victoria Dental Centre and Southsea Medical Centre. Commercial Road is approximately 1km north from the site.
- 1.7 In terms of urban grain and built form, there are predominantly two storey Victorian terraces to the east of Somers Road. To the west, the area is more varied. There are blocks of flats of different heights and architectural style as well as terraced houses, both period and modern infills.
- 1.8 In planning policy terms, the site is located in an area which has been allocated for a comprehensive regeneration in the Portsmouth Plan (Policy PCS6) and the supporting Somerstown and North Southsea Area Action Plan which set out the vision and detailed policies for the area. Furthermore, the area is also identified as a high density area (PCS21) where specific requirements apply. Finally, the site is situated within an area where new residential development is expected to be nutrient neutral and to provide a contribution towards mitigation of increased recreational disturbance on coastal SPAs and Ramsar sites.

1.9



Site location plan

1.10 Photographs of the site:



The front of the site



The front of the site from the north-east



The side of the site from the south-west



The rear of the site

1.11 The proposal

- 1.12 The application seeks planning permission for the demolition of the existing two storey building and for the construction of a 5 storey block accommodating 12no. 2-bedroom and 1no. 1 bedroom flats and fronting onto Somers Road.
- 1.13 Car parking provision would be located to the rear of the building and accessed from Warwick Crescent, and would include 15 spaces (13 spaces for residents and 2 for visitors). Cycle provision for 28 bikes have been incorporated within the ground floor of the building. Waste bins would be located within a single storey bin store adjacent to the south-western elevation of the proposed building. A detailed planting scheme, including ornamental planting, shrubs, a tree and lawn is also proposed to the rear and side of the proposed built form.



Proposed elevations

1.14 The proposed schedule of external materials includes:

- Zinc cladding,
- Red facing brick,
- Recon stone (Portland Stone colour),
- Brick end detail,
- Dark grey uPVC framed windows and doors.

1.15 Planning history

1.16 **11/00888/FUL** - Change of use of part rear ground floor to form 2 flats; external alterations to Somers Road elevation to include installation of new shopfront. Conditional Permission. 31.01.2012.

2. POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS6 Somerstown and North Southsea
- PCS10 Housing delivery
- PCS13 A greener Portsmouth
- PCS15 Sustainable design and construction
- PCS16 Infrastructure and community benefit
- PCS17 Transport
- PCS19 Housing mix, size and the provision of affordable homes
- PCS21 Housing density
- PCS23 Design and conservation

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

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

2.3 Somerstown and North Southsea Area Action Plan (DPD, adopted 2012)

- 2.4 Supplementary Planning Documents:
- Parking Standards and Transport Assessments (2014)
 - Housing Standards (2013) and review briefing note (2015)
 - Sustainable Design & Construction SPD (January 2013)
 - Developing Contaminated Land (2004)
 - Reducing Crime through Design (2006)
 - Solent Recreation Mitigation Strategy (2017)
 - Interim Nutrient Neutral Mitigation Strategy (2019)
- 2.5 Other guidance:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - National Design Guide (2019);
 - Technical housing standards - nationally described space standard (2015)
- 2.6 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

3. CONSULTATIONS

- 3.1 **Natural England** - no objection subject to securing mitigation of recreational disturbance and waste water implications.
- 3.2 **Environment Agency** - no comments received.
- 3.3 **PCC Contaminated Land Team** - no objection subject to conditions in respect of asbestos screening, site investigation, remediation and verification.
- 3.4 **Local Highway Authority**- objects: car parking under-provision would increase the local on street parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will increase instances of vehicles being parked indiscriminately and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution; no material impact on the operation of the local highway network; no objection to vehicular access arrangement.
- 3.5 **HCC Ecology** - no objection subject to biodiversity mitigation and enhancement measures in accordance with the Phase 1 Ecological Assessment (Ecosupport, May 2020) being secured by a condition.
- 3.6 **Lead Local Flood Authority** - no objection.
- 3.7 **PCC Landscape Group** - no objection, subject to condition securing maintenance of landscaping scheme.
- 3.8 **PCC Environmental Health** - no objection.
- 3.9 **PCC Arboricultural Officer** - no objection.
- 3.10 **Waste Management Services** - comments only in respect of locking of gates and required waste and recycling bins.
- 3.11 **Head of Community Housing** - no objection, units meet the minimum requirements for the Nationally Described Space Standards (NDSS); commuted sum payment towards affordable housing provision would be acceptable.

- 3.12 **Planning Policy** - no objection; the development can be delivered without compromising or preventing the wider redevelopment of the Somerstown Regeneration Area; no policy justification to require affordable housing provision.
- 3.13 **Eastern Solent Coastal Partnership** - no comments received.
- 3.14 **Hampshire Fire & Rescue Service** - comments only, in respect of relevant legislation concerning access for firefighting and access for Fire Service.
- 3.15 **Crime Prevention Design Advisor** - no comments received.
- 3.16 **SGN** - there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.
- 3.17 **Portsmouth Water** - comments only, in respect of water mains and service connections.

4. REPRESENTATIONS

4.1 Publicity dates:

- Neighbour letters sent: 08.12.20220
- Site Notices displayed: 10.12.2020
- Press notice published: 18.12.2020

No public representations received.

5. COMMENT

5.1 Principle of Development

- 5.2 The National Planning Policy Framework (NPPF) states that decisions on planning applications 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 182). 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', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.3 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 through a net gain of 9 dwellings. 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 within this report.
- 5.4 The application site is located in an area allocated for a comprehensive regeneration in the Portsmouth Plan (Policy PCS6) and the supporting Somerstown and North Southsea Area Action Plan which sets out the vision and detailed policies for the area. Furthermore, the area is also identified as a high density area (PCS21) where specific requirements apply.

- 5.5 Policy PCS6 seeks to "*regenerate the area creating a safer, better quality environment with more housing and necessary facilities for the residents.*"
- 5.6 More detailed guidance for the regeneration of the area where the application sits is provided in the Somerstown and North Southsea Area Action Plan (AAP) - site 14. Site 14 is expected to form a wide perimeter block of which the application site would form a part. The layout of the proposed development, which fronts Somers Road, is in accordance with the layout of the block as shown for site 14.
- 5.7 The proposed scheme also fits within the parameters of site 14 as set out in Table 1 of the AAP, which promotes 3 to 5 storey residential development fronting the roads including Somers Road.
- 5.8 The wider site 14 is proposed for a total of 205 dwellings of which these 13 now proposed would form a part. Table 1 indicates that parking would be included within the perimeter block and be accessed from Warwick Crescent, the proposal fits with this, having parking provision to the rear and accessed from Warwick Crescent.
- 5.9 In light of the above, the proposed development does not prevent the wider redevelopment of site 14 as planned at a future stage. The development as proposed can be delivered without compromising or preventing the wider redevelopment of the Somerstown Regeneration Area.
- 5.10 Therefore, Officers conclude that the principle of the proposed development is acceptable, subject to compliance with other relevant planning policies, in particular those safeguarding quality design, residential amenities, highways safety and ecology.
- 5.11 Design and impact on the character and appearance of the area
- 5.12 In light of the character and appearance of the surrounding area as described above, the proposed development would integrate well with its surroundings, in terms of layout, mass, height and detailed design.
- 5.13 The top floor has been recessed from the front and side walls of the building to reduce its visual presence. Notwithstanding this, the proposed height of the building is considered acceptable, given the heights of other nearby developments.
- 5.14 The proposal would maintain an active frontage at ground floor and would introduce a series of windows in all four elevations improving surveillance of the site and Somers Road and contributing towards a safer environment.
- 5.15 The north-eastern elevation incorporates a large extent of blank wall. However, when seen from the northern parts of Somers Road, this part of the elevation would be screened to some extent by the two storey building at nos. 11-17. The full extent of the elevation would be visible when standing at the front of the adjacent building at nos. 7-13. Given the limited views of this elevation, it would not cause harm to the character or appearance of the wider area.
- 5.16 The appearance of the proposed development and its external amenity space would be further improved by the proposed planting scheme including ornamental plants, shrubs, a tree and lawn.
- 5.17 Finally, the development would replace an existing building that is of a low aesthetic value and has rear courtyard arrangements which do not contribute positively to the visual quality of the area.

- 5.18 The PCC Landscape Group considers the proposal to be an improvement to the character and appearance of the area and raises no objection. Similar, the PCC Arboricultural Officer raised no concerns over impacts on nearby trees, subject to compliance with recommendations contained in the submitted Arboricultural Impact Assessment.
- 5.19 In light of the above, Officers conclude that the proposed development would be acceptable in terms of design and its impact on the character and appearance of the streetscene and the surrounding area.
- 5.20 Standard of accommodation and Impact on residential amenity
- 5.21 Policy PCS23 of the Portsmouth Plan requires, amongst others, 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.
- 5.22 The NDSS standards for a 1 and 2-bedroom flats are 37-50sqm and 61-70sqm respectively. The submitted application proposes one 1-bedroom apartment to be 50.4sqm and remaining 2-bedroom flats to be between 61 and 67sqm. Therefore, the development would meet the required standards.
- 5.23 As to the potential for a traffic noise impacts on the prospective residents of the proposed development, the submitted acoustic report confirms that the dominant sound source at the site would be derived from a traffic noise emanating from vehicles using Somers Road. The report analyses the day and night-time scenarios with double-glazed windows closed and open, and concludes that the proposed development would achieve acceptable sound levels in accordance with relevant guidelines, namely the Guidance on sound insulation and noise reduction for buildings (BS 8233:2014). The Council's Environmental Health Officer has reviewed the acoustic report and conclusions, and raised no objection on the basis of a loss of amenity due to road traffic noise.
- 5.24 Turning to impacts on residential amenity of adjacent residents, the nearest property to the application site is the mixed-use property attached to the north-eastern wall of the application property. This property benefits from a first floor outdoor amenity area to the rear. The mass and bulk of the proposed block of flats have been re-designed to ensure no overshadowing of the amenity area. In addition, proposed windows have been designed and located in a manner that safeguards privacy of the adjacent neighbours.
- 5.25 Finally, in terms of impact on residential amenities of other properties located further away, it is considered that due to detailed design of the proposal, including the location of mass, maximum heights and clear glazed openings, and the separation distances between the properties, the proposed development would not cause an unacceptable adverse impacts on residential amenities, in terms of loss of light, outlook and overshadowing.
- 5.26 Affordable Housing
- 5.27 The proposed development would consist of a block of 13 flats. The existing premises accommodate 4 flats. Therefore, the net increase of dwellings as a result of this proposal would be 9.
- 5.28 The NPPF (2021) para. 64 states that:

- 5.29 *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.*
- 5.30 The Portsmouth Plan Policy PCS19 requires all developments resulting in a net increase of eight or more dwellings to make provision for sufficient affordable housing which will contribute to meeting the identified need in the city.
- 5.31 The updated policy position in respect affordable housing requirement is set out within the Council's "Affordable Housing and Planning Policy (January 2019)" document. It states that affordable housing will be sought on major application that result in a net increase of 10 dwellings or more. Therefore, as the proposed development would result in a net increase of 9 dwelling, affordable housing provision would not be required.
- 5.32 Highways and Parking
- 5.33 Policy PCS17 (transport) of the Portsmouth Plan 2012 aims to provide development in locations with good access to public transport, goods and services as well as to improve accessibility for all through walking, cycling and public transport. Policy PCS23 (design and conservation) requires car parking and cycle storage to be secure, well designed, integral to the scheme and convenient to users. The NPPF (2021), paragraph 111 makes is clear that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 5.34 The proposal includes a bicycle storage for 28 bicycles for both residents and visitors which would be located within the building at ground floor level and accessed internally and externally. This provision meets the standard set out in the Parking Standards Supplementary Planning Document.
- 5.35 The application proposes a car parking area which would accommodate 15 parking spaces (13 allocated spaces and 2 visitor spaces) accessed from Warwick Crescent.
- 5.36 The Local Highway Authority commented that the quantum of residential development proposed would not have a material impact on the operation of the local highway network and that the proposed vehicular access arrangements are acceptable. However, an objection has been made on the basis of the proposal resulting in a parking shortfall of 7 spaces compared to the SPD expectation.
- 5.37 A Transport Assessment has been subsequently submitted to justify the under-provision of car parking. The Assessment notes that the site currently does not provide any car parking spaces for the existing residential units creating an existing shortfall of 6 spaces. It also notes that no car parking is currently provided for the existing commercial uses. Therefore, the Assessment argues that the application would not result in a further residential parking shortfall and would reduce the demand for parking for customers of the commercial premises.
- 5.38 However, the Local Highway Authority notes that previous permission for the existing residential units was granted on the basis that 5 car parking spaces would be provided on site, resulting in an underprovision of 3 spaces. It is this (permitted) underprovision and not the actual on-site underprovision that the Local Highway Authority considers as a baseline in assessing the impacts of the development.
- 5.39 The Local Highway Authority also notes that the proposed underprovision would not cause a highway safety concern, but it would have implications on residential amenity as

- the prospective residents may need to search for a car parking space, which would also impact the local air quality.
- 5.40 It is the Local Planning Authority's duty to conclude whether the public benefits of the proposal outweigh the identified harm resulting from the underprovision of car parking spaces. This consideration is undertaken in the concluding section of this report.
- 5.41 Sustainable Design & Construction
- 5.42 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient. Following a Ministerial Statement on 25th March 2015, the former policy requirements to meet Code for Sustainable Homes Standards were superseded with a requirement to achieve a standard of energy and water efficiency above building regulations standards, as follows:
- 5.43 • 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).
- 5.44 The submitted Design and Access Statement is silent in respect of the proposed measures to ensure that the energy and water usage of the development is minimised in accordance with Policy PCS15. However, as these can be secured through an appropriately worded planning condition, subject to such a condition, the proposed development would comply with the requirements of the policy.
- 5.45 Ecology and impact on the Solent Special Protection Areas
- 5.46 (i) Ecology on site
- 5.47 The dominant habitat on-site is hard standing located around the side and rear of the property used for both parking and storage. Therefore, the existing ecological value of the site is limited.
- 5.48 The application is accompanied by a Preliminary Ecological Appraisal (Ecosupport, 13th May 2020) which found the site to be of negligible suitability for protected species, with the exception of an overhanging cypress tree, which has suitability for breeding birds. The report recommends a range of measures aimed at mitigating and enhancing the site which are considered acceptable given the nature of the existing site and the proposed development.
- 5.49 Subject to securing these measures, the HCC Ecologist does not raise an objection and the proposal is considered to comply with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (2021).
- 5.50 (ii) Recreational impacts
- 5.51 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.

- 5.52 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 with mitigation, as set out below, secured by way of condition, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance. Natural England supports this approach.
- 5.53 As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation (from 1st April 2021) for the proposed flats would be £ 4,698, as per the rationale below.
- 5.54
- 13 proposed units including 1-1bed flat and 12, 2-bed flats
 - Offsetting existing units on site, the net increase would be 9, 2-bed flats (at a charge of £522 per unit)
- 5.55 This payment will be secured with a legal agreement before planning permission is granted.
- 5.56 (iii) Nutrient neutral development - charge £200 per new unit
- 5.57 The site is located within an area where a requirement for a development to be nutrient neutral applies. 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.
- 5.58 To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal would result in net increase of 9 units of overnight residential accommodation which will potentially have an adverse impact through greater nitrates being discharged into the Solent catchment area thereby having an adverse impact on the integrity of the designated European sites.
- 5.59 A precautionary approach is required to be adopted. An Appropriate Assessment has been carried out, with it being concluded that an adverse impact on the integrity of the European sites can be ruled out subject to appropriate mitigation. Natural England supports this approach.
- 5.60 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 Nutrient-Neutral Mitigation Strategy.
- 5.61 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.62 The applicant has agreed that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.

- 5.63 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), subject to the developer securing them in line with the INNMS through an appropriate legal agreement. Subject to this legal agreement and a planning condition requiring mitigation to be in place prior to first occupation of any dwellings, the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would therefore not affect the integrity of the SPA through deterioration of the water environment.
- 5.64 Given the limited availability of mitigation 'Credits', the difficulty of calculating future projections and to ensure that development continues to take place with the associated economic benefits and the provision of new homes, it is also considered necessary and reasonable to restrict the implementation period of any permission to one year.
- 5.65 Planning balance
- 5.66 Whilst the submission does not outline the benefits of the proposed development, the proposal would make a contribution towards the provision of housing by providing 9 additional residential units in time when the Council cannot demonstrate a 5 year housing land supply. In addition to this social benefit, an economic benefit would be made in the form of employment generated during construction phase. The new residents would also boost the vitality and viability of the centres and services.
- 5.67 The development would also improve the visual aesthetics and safety of the site and the immediate area, and the proposed planting scheme would increase the biodiversity value of the site, which is currently covered with hard standing and does not create any opportunity for ecological habitats.
- 5.68 Any concerns in relation to the impacts on residential amenities of adjacent neighbours have been resolved through a detailed design and other matters, such as nitrates, recreational impacts and sustainable construction, can be controlled and managed through the recommended conditions.
- 5.69 This weighs in favour of the proposed development.
- 5.70 However, the Local Highway Authority notes that the development would result in a car parking shortfall. Whilst the Authority notes that this shortfall would not cause a highway safety concern, it considers it would have implications on residential amenity as the prospective residents may need to search for a car parking space, which would also impact on local air quality.
- 5.71 However, the NPPF (2021) in paragraph 111 is clear that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 5.72 Officers note that the proposal would provide each residential unit with one car parking space and therefore the resultant shortfall would be limited. In light of the benefits identified above and the aim of paragraph 111 of the NPPF, the fact that prospective residents may need to search for a car parking space affecting in a very limited manner their residential amenity and air quality does not justify a planning refusal and does not outweigh the balance in favour of this development.

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:

- Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;

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

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 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 nitrates 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:

Location plan 19.028. 01;

Proposed site plan 19.028. 02 rev A;

Proposed floor plans 19.028. 03 rev C;

Proposed elevations 19.028. 04 rev C;

Proposed planting plan CS.650.01A;

Tree protection plan TPP-KC/SOMERS/001;

Design and Access Statement;

Planning Statement;

Preliminary Ecological Appraisal by ecosupport, 13 May 2020;

Sound level assessment by Apple Environmental Limited, ref: EM/2815/WL, May 2020;

Highway Technical Note ref: SJ/RS/ITB15497-002A, 9 March 2021;

Transport Statement by i-Transport, ref: Ref: SJ/RS/ITB15497-001A, 15 May 2020;

Arboricultural Impact Appraisal and Method Statement by Technical Arboriculture Limited, ref: AIA/AMS-KC/SOMERS/001, May 2020;

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

Contaminated Land

3) No demolition works shall occur 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) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

b) A Phase 1 desk study (undertaken 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 (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all

proposed sample locations and depths should be linked to the conceptual model) and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA.

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.

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 Phase 2 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 BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

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.

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 nominated Environmental Consultant/Remedial Contractor(s) as detailed in the stand alone remedial method statement agreed pursuant to condition 4b. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 4b.

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.

Mitigation - Special Protection Areas:

6) (a) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have 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 both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

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.

Construction/Demolition Environmental Management Plan

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission (including demolition) shall commence until a Construction Environmental Management Plan (CEMP), to cover both demolition and construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: development site compound and hoarding; method of demolition; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas; storage of materials; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work; and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as demolition and construction works are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Materials

8) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this Condition.

Reason: To secure a high quality finish of development on a prominent site in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Architectural Detailing

9) (a) Notwithstanding the submitted details, prior to completion of the concrete structure, precise constructional drawings of key architectural features at a 1:20 scale (or such other appropriate scale as may be agreed) shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:

- Windows: window frame profile/dimensions; method of opening; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings;
- Doors: reveals, edges and corners.

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

Reason: To secure a high quality appearance to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and detailing in the interests of visual amenity in accordance with Policies PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Security Lighting and CCTV cameras

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation of the development hereby approved, details of all proposed external lighting schemes (architectural and security, during the operational life of the development) including the number, siting, appearance (including columns) and specification of any luminaires and details of an on-going maintenance as well as details of all external CCTV cameras (during the operational life of the development and including the number, siting and appearance) and

management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall take into account: the prominent location of the site; height; pedestrian and highway safety; impacts on wildlife and residential amenity; and (b) The lighting and CCTV camera schemes approved pursuant to part (a) of this Condition shall be fully implemented as an integral part of the development, completed prior to first occupation of the building and thereafter permanently retained and operated in accordance with the approved maintenance and management strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building, and public safety and to minimise impacts of lighting on the ecological interest of the site, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012), the National Planning Policy Framework (2021) and the aims and objectives of the Reducing Crime Through Design SPD (2006).

Boundary treatment

11) The buildings shall not be first occupied until

(a) details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority, and

(b) these means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Land levels

12) Notwithstanding the submitted details, no development works other than those of demolition shall take place until:

(a) details of levels, including finished floor levels for the building hereby approved, access roads, footpaths existing and proposed levels of public open space areas and the existing and proposed site contours, shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The development shall only proceed in accordance with the approved details pursuant to (a) of this Condition.

Reason: In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building, in accordance with Policies PCS23 of the Portsmouth Plan (2012) and the National Planning Policy Framework (2021).

Sustainable Design & Construction:

13) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not 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 (2012).

Bicycle Storage

14) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with the approved plans; and

(b) The bicycle storage facilities approved pursuant to part (a) of this Condition 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.

Car Parking

15) The development hereby approved shall not be occupied until spaces have been laid out and provided for the parking and manoeuvring of vehicles in accordance with the approved plan and these spaces shall thereafter be reserved for such purposes at all times.

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

Refuse Storage

16) (a) Notwithstanding the submitted details, no part of the development 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 plans; and

(b) The facilities approved pursuant to parts (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 (2021).

Landscaping

17) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation. Reason: To ensure the appearance and setting of the development is satisfactory in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Biodiversity Enhancements:

18) Biodiversity mitigation and enhancement measures for bats, birds and planting shall be carried out in line with Paragraphs 6.2 to 6.4 of the Phase 1 Ecological Assessment (Ecosupport, May 2020), with photographs and a report of the implemented measures submitted by an ecologist for approval to the Local Planning Authority prior to occupation.

Reason: To produce a net gain in biodiversity value at the development site in accordance with Policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2019).

Tree Protection

19) Unless otherwise agreed in writing with the Local Planning Authority, the development shall carry out in full accordance with the approved Arboricultural Impact Assessment and Method Statement ref AIA/AMS-KC/SOMERS/001 dated May 2020 produced by Kevin Cloud of Technical Arboriculture, supported by drawing TPP-KC/SOMERS/001.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period and in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Privacy

20) The development hereby permitted shall not be occupied until upper floor windows on the north elevation have been installed with frosted glazing, to at least Pilkington Level 3 (or equivalent). The written approval of the Local Planning Authority shall also be achieved for the type, size and location of any opening window lights, also prior to first occupation of the development. These shall be top-opening, high-level opening lights. The window specifications shall be maintained as approved during the lifetime of the development.

Reason: In order to safeguard adjoining residential amenity, in accordance with Policy PCS23 of the Portsmouth Local Plan 2012.

INFORMATIVES

Waste management

A combination lock on the gate would be required to ensure that only residents can access the bin storage. The development will need to be equipped with 2 x 1100 refuse and 1 x 1100 recycling bin and 2 x 140 litre food waste bin, this may be subject to change due to the Government's planned Environment legislation that is likely to have an effect on waste matters by 2023.

SGN

Due to presence of a low pressure gas main within the site, there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

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.

78 STUBBINGTON AVENUE PORTSMOUTH PO2 0JG

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

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R2Z14XMOG2U00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R2Z14XMOG2U00)

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Parnham
Ditton Properties Limited

RDD: 22nd November 2021

LDD: 18th January 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee at the request of Copnor Ward Member Councillor Swann (who has also objected, his comments are set out later in this report).

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

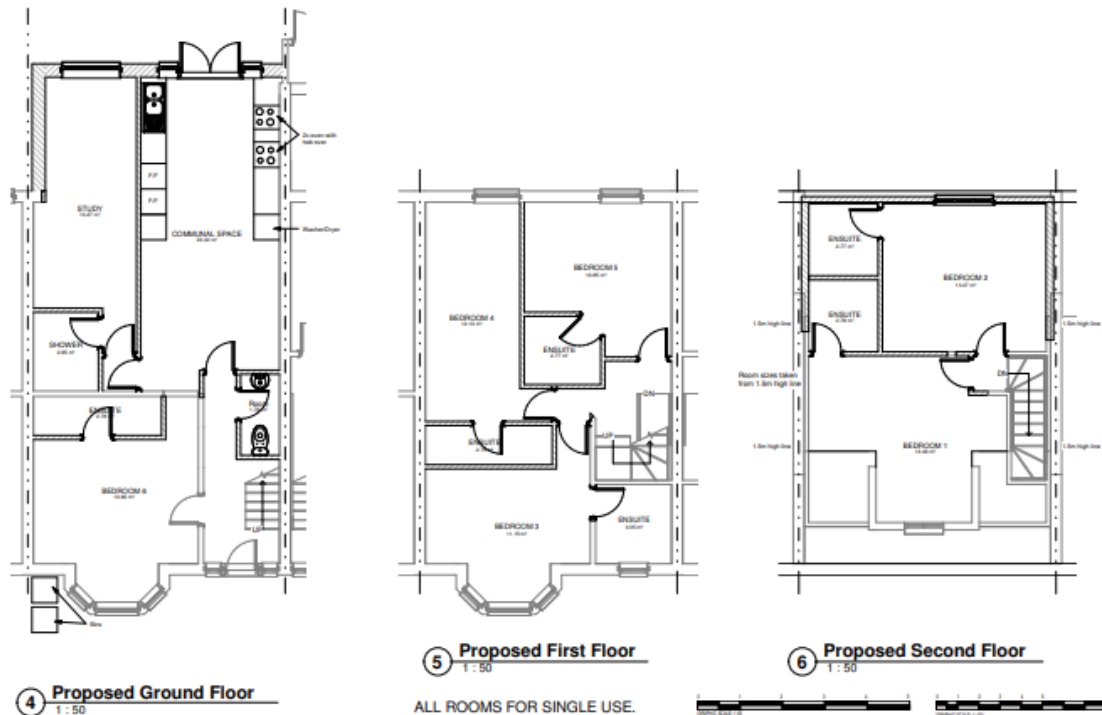
1.5 This application relates to a three-storey (due to dormer roofs added) mid-terrace dwelling, which features a two-storey bay window and is located on the southern side of Stubbington Avenue, east from its junction with Wykeham Avenue. The property is set back from the roadway by a front forecourt and benefits from a rear garden.

1.6 Proposal

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - One bedroom (with an ensuite), Communal Space (Kitchen/Dining room), WC, Study, and Shower room; and
 First Floor - Three bedrooms (each with their own ensuite)
 Second Floor - Two bedrooms (each with their own ensuite)
- 1.10 The submitted drawings indicate the existing rear dormer would be enlarged and the existing rear lean-to extension would be demolished and rebuilt with an insulated flat roof extension. The applicant has confirmed that these works will be undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application relates to the use of the property only.
- 1.11 The applicant's plans state the bedrooms would be single occupancy.



1.12 Planning History

1.13 No relevant planning history.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance

- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

3.0 CONSULTATIONS

3.1 Private Sector Housing

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

3.2 Comments

The use of study room containing shower room will require verification, including means of escape. Second Floor Rooms will require verifying to measure usable space with ceiling height of 1.5m and above.

3.3 Highways Engineer

3.4 Stubbington Avenue is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.

3.5 No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

3.6 The proposed application seeks to convert an existing 5 bedroom residential dwelling to a 6 bedroom HMO.

3.7 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 5 bedroom dwelling is 2 vehicle spaces and 4 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently the parking and cycle requirement remains unchanged. A cycle store is provided to the rear of the property for 4 cycles, however no parking is proposed as part of this application.

3.8 In light of the above, this proposal does not increase the parking demand associated with the site and consequently I would not wish to raise a highway objection to this proposal.

4.0 REPRESENTATIONS

4.1 Site notice displayed 26/11/2021, expiry 17/12/2021

4.2 Neighbour letters sent 23/11/2021, expiry 17/12/2021

4.3 No comments received.

4.4 Councillor Swann has also submitted an objection comment and requested to make a deputation. His objection raises the following points:

- (a) Loss of family housing, adverse effect on community, now at tipping point;
- (b) Increased pressure on medical services;
- (c) increase in noise, waste and rubbish;
- (d) A request that all HMO applications are halted until the HMO Database can be reviewed.
- (e) More road congestion, less parking

5.0 COMMENT

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

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

5.2 Principle of development

5.3 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 self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

5.4 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 (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.



- 5.5 Based on information held by the City Council, of the 53 properties within a 50 metre radius of the application site, 1 HMO was originally identified (no. 72). Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.6 It is noted that six properties within the 50m radius have been sub-divided into flats (Nos. 66, 68, 89, 93 and 97 Stubbington Avenue and 8 Wykeham Avenue), but these are not HMOs and so are not part of the data count.
- 5.7 Following Officer Investigation of the identified HMOs, no other HMOs have been uncovered or removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.77%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.8 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. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.

5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.

5.10 Standard of Accommodation

5.11 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, allow occupation by up to six individuals.

(HMO SPD October 2019)	Area provided:	Required Standard
Bedroom 6	13.8 sq.m	6.51 sq.m
Ensuite B6	2.78 sq.m	Undefined
Communal Space	23.32 sq.m	34 sq.m or 22.5 sq.m
WC	1.76 sq.m	Undefined
Study	13.27 sq.m	Undefined
Shower room	2.85 sq.m	3.74 sq.m
Bedroom 5	10.85 sq.m	6.51 sq.m
Ensuite B5	2.77 sq.m	Undefined
Bedroom 4	12.13 sq.m	6.51 sq.m
Ensuite B4	2.75 sq.m	Undefined
Bedroom 3	11.15 sq.m	6.51 sq.m
Ensuite B3	3.35 sq.m	Undefined
Bedroom 2	13.47 sq.m	6.51 sq.m
Ensuite B2	2.77 sq.m	Undefined
Bedroom 1	13.49 sq.m	6.51 sq.m
Ensuite B1	2.78 sq.m	Undefined

5.12 It can be seen that the communal space falls 10.86sqm short of the requirement. However, the study, which provides additional communal facilities would exceed this shortfall. Also/alternatively, a footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the flexible communal space standards which can be expected where all bedrooms are over 10 sq.m. Since all the bedrooms are over 10sqm, the combined living space can be reduced from 34m² to 22.5m². The proposed layout would meet the minimum size requirements.

5.13 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018.

5.14 The combination of ensuites and a shared WC and a shared shower room would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.

5.15 Impact on amenity

5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.

5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

5.19 Highways/Parking

5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage is proposed as well as front forecourt where bicycles could be stored. This requirement can be secured by condition. The storage of refuse and recyclable materials would remain unchanged.

5.22 Waste

5.23 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.

5.23 Special Protection Areas

5.24 Whilst it is 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 would allow up to 6 occupants), and as such it is not considered to represent a net 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.

5.25 Other matters

5.26 The request from Cllr Swann to pause the determination of all HMO applications within the Copnor Ward until a full and detailed review of HMO's already in the area has taken place is noted. However, on the basis the LPA has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress

applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies which will be undertaken in consultation with Members and the public. In the meantime, it is considered that the data sources and further checks that officers carry out are robust enough to base decisions upon.

5.27 Conclusion

5.28 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

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 otherwise 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 - TQRQM21322125138889; Block Plan - TQRQM21322125224232; Floor Plans - PG.6217.21.1 Rev A; and PG.6217.21.02.

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

External works as shown:

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing PG.6217.21.02, namely the enlargement of the rear dormer, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

Cycle Storage:

4) 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 permanently 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.

125 LABURNUM GROVE

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

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QWN6DOMOKS800](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qwn6domoks800)

Application Submitted By:

Town Planning Expert

On behalf of:

Scott Baker Properties

RDD: 26.11.2020

LDD: 21.01.2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections (three)

1.2 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 Protection Areas; and
- Any other material matters raised

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

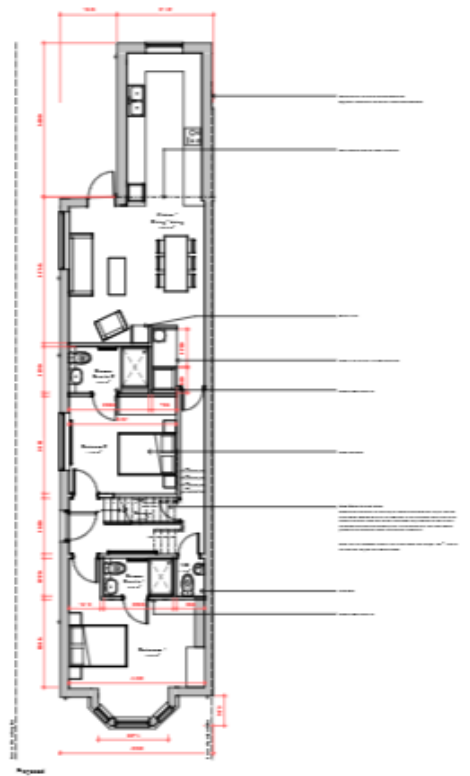
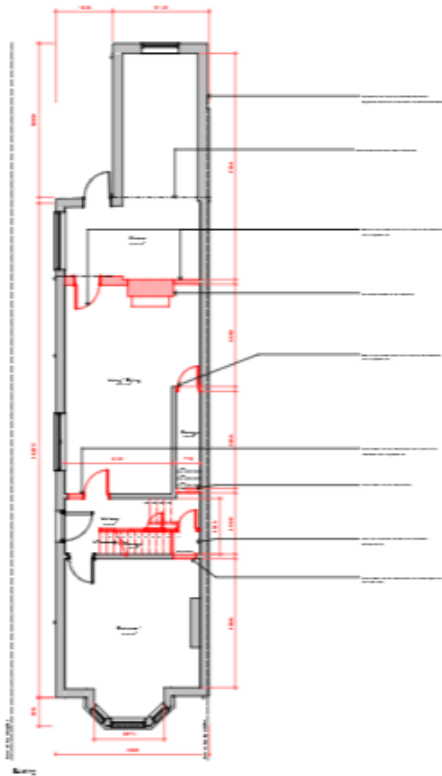
1.4 Site and surroundings

1.5 The application site is a two-storey semi-detached dwelling. It is brick built with a tiled roof. The front elevation has been painted white. It is in a residential area comprising similar two-storey development.

1.6 Proposal

1.7 Planning permission is sought for the Change of use from dwelling house (Class C3) to purposes falling within Sui Generis (house in multiple occupation). The proposal also indicates that roof alterations will be undertaken utilising permitted development rights.

1.8 The proposed internal accommodation comprises 7 no. bedrooms and the applicant has confirmed that 7 persons will be in occupation. The existing property has 4 bedrooms.

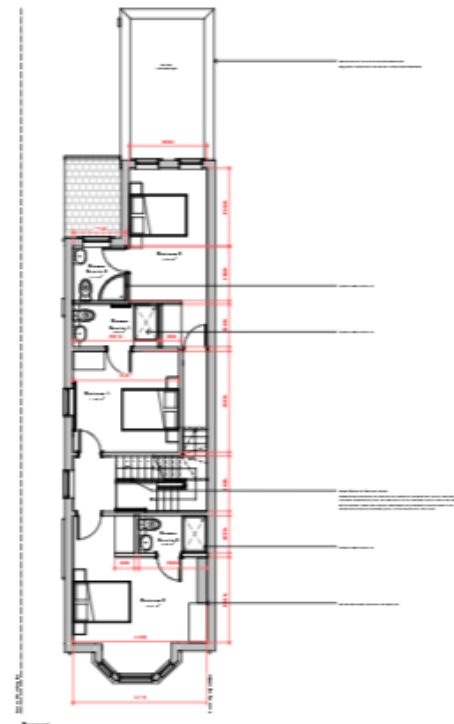
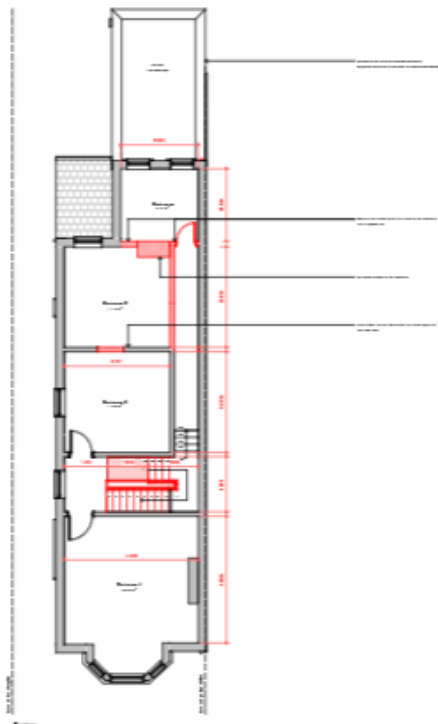


JAS BHALLA/ARCHITECTS
 475, GROUND FLOOR, NEW DELHI

Revision No.	Revision Description	Revision Date	Issued By	Checked By
01	Stage 1 Change	01/01/20	JB	JB
02	Stage 2 Change	01/01/20	JB	JB
03	Stage 3 Change	01/01/20	JB	JB
04	Planning Change	01/01/20	JB	JB



Project Name: 22/2020/2020
 Drawing Name: 22/2020/2020 - 2nd & 3rd Floor
 Sheet No.: 22/2020/2020 - 2
 Project Location: New Delhi

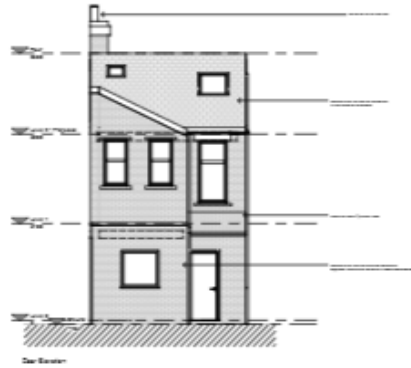
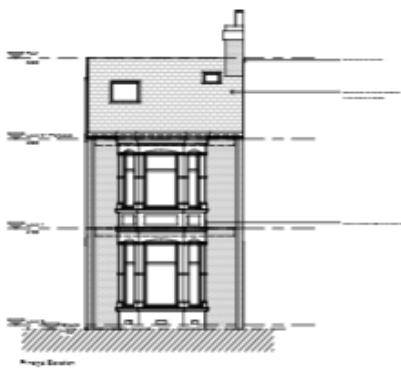
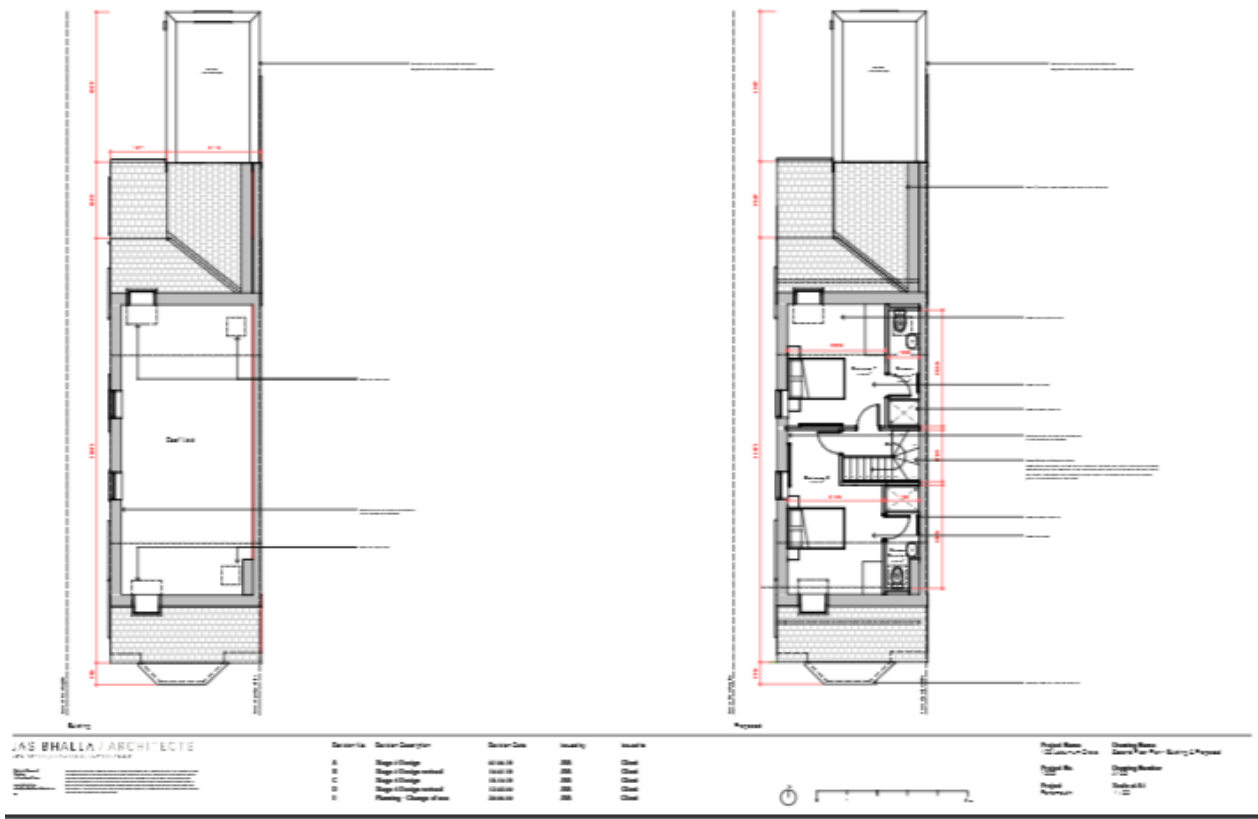


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Project Name: 22/2020/2020
 Drawing Name: 22/2020/2020 - 2nd & 3rd Floor
 Sheet No.: 22/2020/2020 - 2
 Project Location: New Delhi



1.12 Planning History

- 1.13 20/00023/GPDC - Construction of single-storey rear extension that comes out a maximum of 5m beyond the rear wall of the original house with a maximum height of 3.25m and a maximum height of 3m to the eaves. Prior approval not required.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

3.0 CONSULTATIONS

3.1 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.

3.2 Highways Engineer

No objection.

Considering the small scale of the proposal, the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards expect this proposal should provide 2 car parking spaces, the same as for the existing Class C3 dwellinghouse. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street. As such the development would not be required to provide any further spaces despite an increase in the number of bedrooms.

The cycle parking provision required would remain the same as the current use and therefore additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

4.0 REPRESENTATIONS

4.1 Five objections were received raising the following;-

1. Insufficient car parking
2. The number of HMO's in the area is changing the character of the street (two objections confirm the presence of two other HMOs 'in the vicinity' (Nos 132 and 134 were specifically mentioned)
3. One objector questions the accuracy of the HMO data
4. Surprise that an applicant can utilise permitted development and then convert to an HMO.

5.0 COMMENT

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

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

5.2 Principle of the use

5.3 Permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Sui Generis (house in multiple occupation). The property currently has a lawful use as a self-contained dwelling (Class C3).

5.4 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 (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.

5.5 Based on information held by the City Council, of the 59 properties within a 50 metre radius of the application site, 2 no. HMOs were identified (3.3%). Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Allowing this proposal would bring the total HMOs to 5.1%, well below the policy threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

5.8 A further policy strand introduced 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. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).

5.10 Standard of Accommodation

5.11 The application seeks:

(HMO SPD -October 2019)	Area provided: m2	Required Standard m2
Ground floor		
Bedroom 1	15.50 + en-suite 2.75	6.51

Bedroom 2	11.00 + en-suite 3.87	6.51
Kitchen/lounge/dining room	34.07	34
WC	1.1	Unspecified
First floor		
Bedroom 3	16.81 + en-suite 2.75	6.51
Bedroom 4	11.59 + en-suite 3.92	6.51
Bedroom 5	13.42 + en-suite 3. 12	6.51
Second floor		
Bedroom 6	13.86 + en-suite 3.44	6.51
Bedroom 7	12.39 + en-suite 3.85	6.51

For sanitary facilities, the SPD guidelines require 2 separate bathrooms and 2 separate WC's with WNB (one can be contained within one bathroom. In this instance each bedroom has its own ensuite.

- 5.14 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 5.15 Impact on amenity
- 5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by 7 unrelated persons as an HMO.
- 5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.19 Highways/Parking
- 5.20 Considering the small scale of the proposal, the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.
- 5.21 Portsmouth's residential parking standards expect this scheme should provide 2 car parking spaces, the same as the existing use. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street, as such the development would not be required to provide any further spaces despite an increase in the number of bedrooms.
- 5.22 The cycle parking provision required would remain the same as the current use and therefore additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

Waste Storage

- 5.23 This currently takes place on site to the front of the dwelling and no change to requirements is anticipated

Impact on Special Protection Areas

- 5.24 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.
- 5.25 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 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.
- 5.26 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:

- 5.27 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaced the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD), both revoked by the City Council on 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. It is necessary to manage the impact of this development on the SPA.
- 5.28 Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £681 (3 additional bedrooms). The Applicant has confirmed his willingness to enter into a legal agreement to make the requisite payment.

Nitrates:

- 5.28 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 interested partners. However, in the meantime, to minimise delays in approving housing schemes, and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy. Natural England have confirmed that the Council's Interim Nutrient Mitigation Strategy for New Dwellings 2019 is acceptable.
- 5.29 The Council's Interim 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 either options, 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.

5.30 The Applicant has requested use of the Council's Nitrogen Credits, and will enter into a legal agreement to secure the appropriate mitigation steps.

6.00 Conclusion

The application is recommended for approval subject to successful conclusion of a legal agreement in respect of mitigation of the impact of the proposed development on the Solent Protection Area and subject to conditions

RECOMMENDATION Approve, subject to legal agreement

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:

- Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance, and nitrates) by securing the payment of a financial contribution prior to first occupation;

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

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

2) Unless otherwise 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: A002; A100-102; A1033;A200-201

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

3) Before the development is first occupied facilities for the storage of four bicycles shall be constructed and completed or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants for that storage at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises

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.

