

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 14 September 2016 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### **Present**

Councillors Frank Jonas (Chair)  
Scott Harris (Vice-Chair)  
Jennie Brent  
Yahiya Chowdhury  
Ken Ellcome  
Colin Galloway  
Lee Hunt  
Hugh Mason  
Darren Sanders (Standing Deputy)  
Lynne Stagg (Standing Deputy)

Also in attendance  
Councillor Tom Wood

### **Welcome**

The chair welcomed members of the public and members to the meeting.

### **Guildhall, Fire Procedure**

The chair, Councillor Jonas, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

### **103. Apologies (AI 1)**

Apologies for absence were received from Councillors Steve Pitt (represented by Councillor Darren Sanders) and Councillor Vernon-Jackson (represented by Councillor Lynne Stagg).

### **104. Declaration of Members' Interests (AI 2)**

Councillor Hugh Mason declared a personal and prejudicial interest (a disclosable pecuniary interest) in planning application 16/01325/COT - 32 Chelsea Road as he was the applicant and advised he would leave the room during discussion of this item.

Councillor Lynne Stagg declared a personal interest in planning application 16/01210/FUL - 25 Baileys Road, as she knows the owner of the property.

Councillors Darren Sanders, Frank Jonas, Lee Hunt and Lynne Stagg all declared a personal interest in planning application 16/01325/COT - 32 Chelsea Road as they all know and work as elected members alongside Councillor Mason who is the applicant.

**105. Minutes of previous meeting - 17 August 2016 (AI 3)**

**RESOLVED that the minutes of the previous meeting held on 17 August 2016 be approved and signed by the Chair as a correct record.**

**106. Updates on Previous Planning Applications by the Assistant Director of Culture and City Development (AI 4)**

There were no updates.

**107. 16/00840/FUL - Site Of Former Savoy Court & Savoy Buildings South Parade Southsea PO4 0SR (AI 5)**

The planning officer introduced the report and explained that this application had been deferred from the August Planning Committee to enable further clarification with the applicant regarding the height of the proposed wall. A members' site visit had taken place on Monday 12 September to view the proposed boundary wall between the site and Alhambra Road.

Deputations were then heard whose points are summarised.

Mr and Mrs O'Driscoll, objecting to the application, whose points included:

- The proposed wall is not a like for like replacement.
- Unsure whether applicant had permission to knock down the existing wall.
- Discussion with the residents in neighbouring properties has not taken place.
- The wall is not owned by the applicant.
- The wall is the subject of ongoing legal proceedings.

Mr Burns, on behalf of McCarthy Stone, the applicant, whose points included:

- Since the application was deferred the applicant has met with neighbouring properties to discuss their concerns.
- The proposed wall will provide privacy to neighbouring properties.
- Agreed to re-instate pre-existing wall.
- The previous wall was dilapidated.
- Materials of the new wall would be in keeping with the area.

Members' questions

In response to questions the following points were clarified by officers:

- The matter of the ownership of the wall, or any legal proceedings relating to that issue, is not a material planning consideration.
- The proposed red brick (Hathaway Brindled) would be in keeping with the other properties in this area.
- The previous wall was finished in a mix of materials but a large part was red/brown brick and the inside of the wall was painted brickwork.
- It was the officers' view that this proposal is very similar to the former wall.

- Officers advised that the committee could not recommend an amendment to the application to include two more courses to the wall, as suggested by the neighbouring residents. If the committee were minded to do this the application would need to be deferred for further amendments, and brought back to committee.
- Planning permission was not required by the applicant in order to remove the previous wall as this was permitted development.
- Concerns from the residents regarding the condition their properties will be left in if the wall is built, is a matter for the landowners and the applicant. However officers advised that they could monitor progress and although they could not enforce anything, they could facilitate discussion with both parties.

#### Members' comments

Members felt that the applicant could have improved the consultation with the neighbouring properties regarding the proposal and understood their concerns. Members were also concerned that the proposed wall was not exactly a like for like replacement.

**RESOLVED that conditional permission be granted subject to the conditions outlined in the Assistant Director of Culture & City Development's report.**

#### **108. 16/00611/FUL - Rear Of 70/70A Albert Road Southsea PO5 2SL (AI 6)**

This application was withdrawn from the agenda as the one objector removed their objection and deputation request.

#### **109. 16/01209/FUL - 11 Baileys Road Southsea PO5 1EA (AI 7)**

The planning officer introduced the report and reported in the supplementary matters list that in addition to the three letters of objection reported within the Committee report, a further letter of representation has been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident objecting whose points included:

- All of the HMO applications on the agenda today highlight a need for a change to the council's HMO policy.
- There are 63 houses in Bailey's Road and 34 of these are HMO's.
- It is no longer a mixed and balanced community.
- Lack of communication between the planning and licensing departments within the council regarding HMO' - licensing do not seem to be aware when a new HMO application is granted.

Dr Willoughby, local resident, objecting, whose points included:

- PCC has stated its aim to create mixed and balanced communities in the HMO supplementary planning document however this area is already oversaturated with HMO's and this therefore goes against the council's aims.
- The HMO density is already significantly over the council's 10% target and potentially in excess of 50%. The simultaneous effect of this application and the other three applications on the agenda today for Bailey's Road and Margate Road would be significant.
- This property originally had 5 bedrooms and this proposal would increase this to 8 bedrooms which is an overdevelopment of the site.
- Urge committee to refuse the application.

Councillor Tom Wood, ward councillor, objecting to the application, whose points included:

- Planning reasons to refuse the application under PCS20 and the HMO supplementary planning document. The SPD states that a community will be imbalanced if more than 10% of properties are HMO's.
- The HMO density in this area is already 5 times above this so this application should be refused.
- Visited the property the previous evening and there are already 8 people occupying the property.
- Cumulative impact to the community given the compounding effects of relatively high levels of HMO's and the number of applications within this area.
- Should be able to consider the impact on the area of approving each application.

Mr McDermott, Agent, whose points included:

- PCS20 and the HMO SPD are clear and unambiguous planning documents and this development conforms to these.
- The development is already in use as a HMO, this application is seeking to increase the number of bedrooms from 6 to 8.
- Similar applications to this that have been refused and have gone to appeal the planning inspector concluded that there was no substantive impact on the intensity of activity in the surrounding area.

#### Members' questions

In response to questions, the following matters were clarified:

- Adopted policy within the Local Plan and the HMO gives more detailed information. The SPD identifies that up to 10% of dwellings can be HMO's however there were areas of the city such as this one, where HMO use was already over 10% before the SPD was adopted in 2012.
- This property is already operating as a HMO and HMO's in this area are significantly over the 10% threshold. Increasing the number of residents from 6 to 8 does not impact the balance of HMO's in an area.
- There are 6 bedrooms currently in the property. The Council's private sector housing team have confirmed that the proposed new room sizes conform to the minimum standards and that the amount of communal space is adequate for the number of proposed bedrooms.
- The planning inspector will look at each appeal decision separately and the committee need to have regard to the outcome of the appeal decisions in

Telephone Road and Beatrice Road as listed in the report, as this application is similar.

- No pre-applications took place prior to the application being submitted.
- The application is for a sui generis 8 bedroomed house. The planning team could not enforce that only 8 people would live there, this would be controlled through the council's housing licensing team and a licence would dictate how many people per bedroom. If the property was occupied more intensively than what has been agreed, the council could take action.
- The city has a diverse housing need which includes HMO's. If this need is not met then it could create overcrowded homes or even homelessness so the council is looking to meet all housing needs.
- In 2010 the government planning regulations were amended so that changes of use between dwellinghouses and houses in multiple occupation could take place without the need for an application for planning permission. This is why the HMO density is over 10% in this area.
- With regard to the point Cllr Wood raised in his deputation that there are already 8 people living in the property, the Assistant Director of Culture and City Development advised that following the meeting she would instruct officers to follow this up with the enforcement and compliance team.

The Assistant Director of Culture and City Development advised members that as a committee, it is their duty to determine planning applications under the council's adopted policies. If the committee felt that the policies are not addressing these issues that they could request to take this back through the PRED portfolio for discussion to change the policy.

#### Members' comments

Members were very concerned that by allowing this application, it would create an unbalanced community and have a negative impact on the other residents in the vicinity. There was also concern regarding the lack of communal space and the increased noise that two extra residents would bring to the property.

**RESOLVED that the application be refused for the following reason: The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.**

Members of the committee said that although the current HMO policy is a good policy it needs to be revisited as it does not address some of the issues raised in the applications the committee were being asked to consider at the meeting. It was suggested that a meeting be held with the committee members (including the standing deputies) and officers to discuss the issues, to enable officers to proceed with reviewing and amending the policy. The Assistant Director of Culture and City Development would arrange a meeting with committee members as soon as possible to discuss issues that were concerning members. The Chair and Assistant Director of Culture and City Development would then meet with the portfolio holder to

discuss revising the SPD. The recommendations would be reported to PRED and then consulted on, before the amendments can be formally adopted. It was estimated that 6 months was a reasonable timescale for this process.

**RESOLVED that the HMO supplementary planning document be reviewed and following consultation a report taken to the PRED portfolio for consideration. The Committee asked officers to start this process as a matter of urgency.**

#### **110. 16/01210/FUL - 25 Baileys Road Southsea PO5 1EA (AI 8)**

The planning officer introduced the report and reported in the supplementary matters list that in addition to the three letters of objection reported within the Committee report, a further two letters of representation have been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident objecting to the application. She advised that all the points raised in her earlier deputation are all relevant to this application as well and she added:

- A change to the HMO policy is needed.
- HMO's are having an impact on the lives of other residents some of whom are elderly or have young families and go out to work
- Very disappointed that areas such as Baileys Road are not staying as family areas. Residents are 'stuck' in their homes as they cannot sell them as the number of HMO's locally puts buyers off.
- Proposal will impact on parking, sewers and noise levels.

Dr Willoughby, local resident objecting to the application. He advised that all the points raised in his earlier deputation were all relevant to this application as well and added:

- Already over 50% HMO's in the area
- Properties have been taken from 4/5 bed properties up to 7/8 bed properties.
- These applications cloak the real intensity increases.
- Ask committee to refuse application.

Councillor Tom Wood, ward councillor objecting to the application who advised his earlier points were relevant to this application and added:

- The planning inspector said that councillors can consider the cumulative effect of applications that have already been granted.

Mr Oliver, applicant, whose points included:

- The application seeks to increase the number of residents from 6 to 8.

- It would not be possible to allow further people to live there as there is limited space.
- He referred to the planning inspectors' comments on the planning appeals in both Telephone Road and Beatrice Road, which are similar applications which were allowed on appeal, and suggested that the committee should listen to the advice of their officers.

Mr McDermott, agent, who advised his points in his earlier deputation were also relevant to this application. He added that:

- There would be no reduction in communal space.
- Asked that the committee applied full and proper weight to the planning inspectors decisions for both Telephone Road and Beatrice Road from 2012 that are similar to this application and were both allowed on appeal.

#### Members' questions

In response to questions the following points were clarified:

- An application for change of use from a C4 or C3 to a Sui generis is technically a new application however as it is already a HMO the 10% policy cannot be considered.
- The additional bedroom would be achieved by turning the study into a bedroom.

#### Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community.

**RESOLVED that the application be refused for the following reasons:  
The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.**

#### **111. 16/01211/FUL - 37 Margate Road Southsea PO5 1EY (AI 9)**

The planning officer introduced the report and reported in the supplementary matters list that in addition to 4 letters of objection reported within the Committee report, a further letter of representation has been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Hazel Taylor, local resident, objecting who advised that all her points raised in the earlier deputations were relevant to this application. She added that in Margate Road there are 102 houses and 62 of them are HMO's.

Dr Willoughby, local resident, objecting, who advised that all his points raised in his earlier deputations were relevant to this application and he had nothing further to add.

Councillor Tom Wood, ward councillor, who advised that all his points raised in his earlier deputations were relevant to this application and he had nothing further to add.

Mr McDermott, agent, who advised that all his points raised in his earlier deputation were relevant to this application and added that there would be no reduction in the amount of communal space.

#### Members' questions

Members sought clarification to the layout of bedroom 7 and officers advised that there would be two skylights in this bedroom.

#### Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community and the neighbouring properties.

**RESOLVED that the application be refused for the following reasons:**

- (1) The application would have an adverse impact upon the amenity of neighbouring properties caused by noise and disturbance to**
- (2) There is already an imbalance in HMO's in the area and this application would exacerbate the imbalance, with a disproportionately impactful effect on the and balance of the community.**
- (3) The over intensive use would reduce the amenity of the property.**

### **112. 16/01223/FUL - 80 Margate Road Southsea PO5 1EZ (AI 10)**

The planning officer introduced the report and reported in the supplementary matters list that in addition to the five letters of objection reported within the Committee report, a further three letters of representation have been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) Parking: (b) Pressure on existing services (c) Noise & Disturbance and anti-social behaviour (d) decrease in property value (e) inconsistent information on application form.

All of the matters raised within the additional representations are addressed within the main Committee report.

Deputations were then heard whose points are summarised.

Alderman Sally Thomas, local resident, whose points included:

- 64 out of 102 properties on this road are HMO's.
- There have already been two sink holes on this road and additional water pipes installed due to pressures on the sewer system, this would exacerbate the issue.
- The population density in this area is colossal.
- Rubbish often left out on the wrong day and frequent issues with rodents in the area.
- Increase in noise
- A balance needs to be struck - these houses were built and designed as family houses and 8 unrelated individuals in a property is overcrowding.

Hazel Taylor, local resident, objecting to the application - she advised that she had nothing further to add to her previous comments which all applied to this application.

Dr Willoughby, local resident, objecting to the application. He advised that all his previous points raised his deputations were relevant to this application and added that he was pleased that the committee had agreed to review the HMO SPD.

Councillor Tom wood, ward councillor, who advised that all his previous points he made in his earlier deputation were relevant to this application and added that he had visited this property the previous evening and it was already occupied by 8 students.

Mr McDermott, agent who said that all of his previous points made in his earlier deputation were relevant and he had nothing further to add.

#### Members' questions

There were no questions.

#### Members' comments

The committee agreed that they must be consistent with their planning decisions on the HMO applications. There is already an imbalance in HMO's in the area and allowing this application would exacerbate the balance, having a negative impact on the community and the neighbouring properties.

#### **RESOLVED that the application be refused for the following reasons:**

**The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PSC20.**

**113. 16/01325/COT - 32 Chelsea Road Southsea PO5 1NJ (AI 11)**

Councillor Hugh Mason withdrew from the room before the commencement of this item due to his personal and prejudicial interest, (a disclosable pecuniary interest) in this application being the applicant.

The planning officer introduced the report.

Members' questions

In response to a question the planning officer advised that a tree surgeon would be carrying out the works.

Members' comments

Members had no objections to the application and were pleased that replacement trees would be planted to replace those trees that would be felled.

**RESOLVED that the committee had no objections to the proposed works.**

The meeting concluded at 4.20 pm.

.....  
Signed by the Chair of the meeting  
Councillor Frank Jonas