

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 25 July 2018 at 1.00 pm in the 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 Hugh Mason (Chair)
 Judith Smyth (Vice-Chair)
 Ken Ellcome
 Suzy Horton
 Steve Pitt
 Luke Stubbs
 Claire Udy
 Frank Jonas (Standing Deputy)
 Scott Payter-Harris (Standing Deputy)

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

83. Apologies (AI 1)

Apologies for absence were presented for Councillor Donna Jones (whose Standing Deputy was Councillor Frank Jonas), Councillor Lynne Stagg and Councillor James Fleming (whose Standing Deputy was Councillor Scott Payter-Harris).

84. Declaration of Members' Interests (AI 2)

There were no declarations of interest at the start of the meeting, however when plans relating to 92 Osborne Road were circulated Councillor Pitt announced that he knew the architect who had prepared the plans but had not known of his involvement so this was non prejudicial.

Announcement - the late Chris Dale

Councillor Hugh Mason, as Chair, wished to pay tribute to Chris Dale who had been the Administrative Manager for Development Control for many years and who had regularly attended Planning Committee meetings. The Chair was sad to announce that Chris had been involved in fatal road accident whilst cycling in Northern Road. The Chair felt that it was appropriate to remember Chris at this meeting and minute the upset caused to those who knew him by this untimely death, with sympathy for his family.

85. Minutes of the previous meeting held on 20 June 2018 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 20 June 2018 be agreed as a correct record and signed by the Chair.

86. Updates on previous planning applications by the Assistant Director of City Development (AI 4)

The Assistant Director of City Development reported that she would be bringing back a report detailing the decision on the appeal relating to Brunel House (on grounds of appearance) which had been allowed by the Inspector, although the application for costs had not been successful.

She further updated the committee on national guidance relating to viability that would be shared with members at a training session.

Planning Applications

Deputations are not minuted in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-25Jul2018>

87. 18/00837/FUL - 37 Wadham Road Portsmouth PO2 9ED - Change of use from purposes falling within a house in multiple occupation Class C4) to a 7 bedroom house in multiple occupation (sui generis) (amended description) (Report item 1) (AI 5)

The Assistant Director of City Development's Supplementary Matters List reported the written deputation that Councillor Payter-Harris had submitted but which he would be making in person questioning the accuracy of the HMO database and notification procedure. The supplementary matters also reported four additional representations received following publication of the committee report, raising the following concerns:

- a) The development would impact upon parking - cannot rely on residents using public transport;*
- b) Increased pressure for parking would lead to increased safety concerns for residents due to having to park a number of streets away from their homes;*
- c) There are other unlawful HMOs in Wadham Road that have not been taken into account;*
- d) The change of use could result in a potential occupation by up to 14 residents;*
- e) The local authority is putting the rights of developers above the rights of residents;*
- f) The change of use would increase noise levels within the property, impacting on neighbours.*

In relation to the concern about the number of occupants that could potentially be accommodated, it is noted that Condition 3 as set out in the Committee Report would place a limit on the number of occupants at 7.

Whilst reference is made to other unlawful HMOs in the area, very little specific information has been provided within the representations to base further research

on. However, Councillor Scott Payter-Harris has provided a list of suspected HMOs for the Local Planning Authority (LPA) to investigate. Of the properties to investigate, the ones that are within the 50m radius of this application site are No.60 Wadham Road and No.67 Oriel Road. The LPA has investigated these properties and deduced the following:

60 Wadham Road: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants with both the same surname. A site visit confirmed a family lived at the property

67 Oriel Road: No licencing history. No planning history. Council tax records indicate the property is owned by a Housing Association and a site visit determined that the property appeared to be in use as a care home.

From the above research, there is insufficient evidence to suggest that either of the properties are in HMO use. Therefore, no further properties have been added to the HMO count and the percentage within the 50m radius remains at 1.4%.

Councillor Scott Payter-Harris made a deputation to raise objections and then withdrew from the room as he was not part of the committee deciding this application.

Members' Questions

It was asked why there were no comments from the Highways Engineer; it was confirmed that they had raised standard advice in assessing parking for HMOs. In response to a query it was reported that means of fire escape would be a matter for Building Control but that this HMO did not require a fire escape.

Members' Comments

Members were mindful that a Planning Inspector would not accept parking as a grounds of refusal for this HMO use by 7 persons and could award costs against the authority. The 10% threshold for HMOs had not been breached. The communal space and provision of en-suite facilities met the required standards. The enforcement of occupancy was hard to administer but should be reported to private sector housing if there was evidence of over-occupation.

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

88. 18/00280/PLAREG - 2 Raglan House 4 Clarence Parade Southsea PO5 3NU - Retrospective application for installation of replacement external staircase (Report item 2) (AI 6)

The Assistant Director - City Development's Supplementary Matters List reported one further letter of support had been received from an occupier (leaseholder/co-freeholder) of Raglan House who had requested a deputation but is unable to attend the meeting. In comparing the existing and replacement staircase the following points were made:

1) Noise

Replacement: Significant reduction in noise owing to soft treads and new material. Old staircase: Caused a great deal of clanging. My balcony is directly above the staircase and in the past the noise would rise.

2) Health and safety

Replacement: Safer owing to a) non-slip treads, b) gradient less steep, c) new metal improving solidity.

Old staircase: A potential danger to users and visitors as (a) it was rusty and corroded, (b) gradient far too steep.

3) Appearance

Replacement: Less intrusive (paler colour).

Old staircase: Dark metal, corroded, visible.

Once again with 4 years' experience of the old staircase it is also highlighted that there are no changes in comparison with the old staircase in terms of the following:

1) Positioning and attachment to building.

2) Frequency of use by previous owners (garage to rear).

3) Privacy/overlooking - both the garden of Flat 2 and the courtyard of Flat 1 are overlooked by all those with access to rear upper storeys - my flat (Flat 3), as well as all flats located in the houses to the left and right of Raglan House which extend around the whole garden.

A deputation of objection was read out by Mrs Godley on behalf of Mrs Patta who was the neighbour directly affected by the replacement staircase.

Members' Questions

Members asked if the change in tenure of the property impacted the application; the legal adviser Peter Baulf confirmed that this would not impact the consideration of planning issues. The use of staircase as a fire escape was examined and it was confirmed that there is a secondary entrance/exit to the rear of the property and this can be used as a secondary fire escape in the event of fire. It was also asked why the previous staircase had had to be replaced; this was due to health and safety reasons of steepness and rust and the new staircase was compliant with Building Regulations. The design of the new staircase with the balcony by the neighbour's window was raised.

Members' Comments

Members were conscious of the different requirements of Building Control and planning considerations which had meant that the replacement staircase met the safety requirements but had an unneighbourly impact. It was therefore asked that further consideration be given to the flexibility of the design and route of the staircase.

RESOLVED that consideration be deferred so that further information could be sought regarding Building Regulations requirements and the route of the staircase.

89. 18/00292/FUL - 92 Osborne Road Southsea PO5 3LU - Change of use from a shop (Class A1) to a cafe/restaurant (Class A3); external alterations to include replacement extract duct to rear elevation (Report item 3) (AI 7)

(Councillor Pitt declared that he knew the architect Carl Leroy Smith who had prepared the plans circulated at this point in the meeting but this was not prejudicial.)

A deputation of objection was made by Mr Kitchen as a leaseholder in Raglan House, who also represented other residents from Osborne Road.

Members' Questions

In response to questions it was clarified that the need for landlord's consent and planning permission are separate things and there would be the need to get the landowner's permission to carry out alterations; this was a speculative application. There was further clarification given to the planning and licensing regimes for opening hours; if later licensing hours were granted there would be an application to vary the hours granted under the planning permission. Peter Baulf, as legal adviser, explained that the Licensing Committee would look at the premises being in an area of cumulative impact. The siting and handling of waste storage was queried at the rear of the site; this could be dealt with by a condition requiring details to be supplied. There was also examination of the layout of the premises with regard to means of escape in the event of fire. It was confirmed that the conditions suggested by Environmental Health were detailed in the report's recommendations.

Members' Comments

Members expressed concern at the fire escape descending into the kitchen which was the most likely source of a fire in a restaurant. More details regarding the size and siting of waste storage were required.

RESOLVED that consideration of this application be deferred to allow further information to be provided on the environmental health implications, waste storage details and fire escape provision.

90. 18/00538/VOC - 19 Powerscourt Road Portsmouth PO2 7JE - Application to vary Condition 5 of planning permission 17/02007/FUL increasing the number of occupants to 8 persons (Report item 4) (AI 8)

The presenting officer corrected the report to refer to the provision of 6 en suites and 1 shower.

A deputation was made in support by the applicant Mr Venables regarding the quality of facilities provided.

Member's Questions

It was asked if the grounds of objection stated in the "representations" section were sustainable, which are not for an HMO application. It was confirmed that Building Regulations approval had been obtained. The applicant clarified that there was a second window giving natural light to the basement.

Member's Comments

Some of the members were familiar with the history of this property and there had been previous concerns regarding the layout of the basement and lack of natural light making it unsuitable for an additional bedroom. It was felt that this was an over-intensive use of the property and the communal space in the basement should be retained for the amenity of occupants.

RESOLVED that permission be refused for the following reasons:

In the opinion of the Local Planning Authority the variation of Condition 5 of 17/02007/FUL to allow the occupation of the property by up to 8 individuals would result in the loss of ground floor shared amenity space previously

considered necessary to provide an appropriate standard of living accommodation for future occupiers. The remaining shared amenity space for the increased number of occupants would be situated solely at basement level which has limited access to natural light and ventilation. The inadequate shared amenity space at basement level would therefore, fail to provide an adequate standard of living accommodation for future occupiers and would represent an overly intensive use of the building. The proposal is contrary to Core Planning Principles of the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan and the revised House in Multiple Occupation Supplementary Planning Document (November 2017).

91. 18/00767/HOU - 5 Lealand Road Portsmouth PO6 1LY - Construction of single storey outbuilding (Report item 5) (AI 9)

This application was brought to committee due to the applicant being a close relative of a planning officer (it was clarified that the officer was not one present at the meeting) and the Deputy Monitoring Officer confirmed that as far as he was aware this had been dealt with normally and in accordance with Paragraph 5.11 of the Code for members and officers in respect of Planning Matters.

A question was raised regarding the route for vehicular access but no further comments were made.

RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.

92. 18/00991/FUL - 69 Wadham Road Portsmouth PO2 9ED - Change of use from Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation) or Class C3 (dwellinghouse) (Report item 6) (AI 10)

The Assistant Director of City Development's Supplementary Matters List reported the written deputation that Councillor Payter-Harris had submitted but which he would be making in person questioning the accuracy of the HMO database and notification procedure. The supplementary matters also reported 7 additional representations received following publication of the committee report, raising the following concerns:

- a) The development would impact upon parking - cannot rely on residents using public transport;*
- b) Increased pressure for parking would lead to increased safety concerns for residents due to having to park a number of streets away from their homes;*
- c) There are other unlawful HMOs in Wadham Road that have not been taken into account;*
- d) The local authority is putting the rights of developers above the rights of residents;*
- e) The change of use would increase noise levels within the property, impacting on neighbours.*

Unlawful HMOs:

Whilst the representations make reference to other unlawful HMOs in the area, very little specific information has been provided to base further research on. Councillor Scott Payter-Harris has provided a list of suspected HMOs for the LPA to investigate. The possible HMOs located within the 50m radius in regards to 69 Wadham Road include: Nos. 56, 58, 66 & 74 Gladys Avenue; and, Nos. 60 & 75 Wadham Road.

The LPA authority has investigated the above properties and deduced the following:

56 Gladys Avenue: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants with both the same surname. A site visit confirmed a family lived at the property.

58 Gladys Avenue: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants. There was no answer during the site visit and a calling card was left.

*66 Gladys Avenue: No licensing history. Planning history indicated that a Certificate of lawfulness was granted for the existing use of ground and first floor to provide bedsitting room accommodation in October 2001 (ref.A*35739/AB). Council Tax records indicate the first floor flat is inhabited by 1 named occupant (but potentially 2). Council Tax records indicate that the ground floor flat is empty. A site visit confirmed there were 2 occupants living in the first floor flat and the Enforcement Team were informed the ground floor flat was empty.*

*74 Gladys Avenue: No licensing history. Planning history indicated that planning permission was granted in December 1985 for the conversion to form self-contained flat and maisonette (ref.B*29569/C). Council Tax records indicate that the ground floor flat has a single occupancy discount and the Maisonette has three names occupants (unrelated surnames). There was no answer during the site visit and a calling card was left.*

60 Wadham Road: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants with both the same surname. A site visit confirmed a family lived at the property.

75 Wadham Road: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 3 occupants (under description it states 'This property is a HMO'. There was no answer during the site visit and a calling card was left.

Based on the above findings, the LPA considers that there are two additional HMOs (74 Gladys Avenue & 75 Wadham Road) which were not included in the initial data capture. Therefore, based on information held by the City Council and the above findings, of the 73 properties within a 50 metre radius of the application site, three (3) are considered to be in use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 4.11%, 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.

NB. The above HMOs are currently being investigated by the Enforcement Team.

HMO Count Data:

The HMO Count Data for 69 Wadham Road was placed as sensitive on the Planning Register. This has now been made public (24.07.2018). Furthermore, the HMO Count Data and relevant information was emailed to the Nelson Ward Councillors on 09.07.2018 (it is noted that no further response was received).

Publication and Neighbour Notification:

Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures. A Site Notice was displayed on the lamp post outside Nos.63-65 Wadham Road on the 14.06.2018 (see presentation for photo).

Neighbour Notification Letters were sent to the following addresses:

67 Wadham Road, 71 Wadham Road, Flat Ground Floor 66 North End Avenue, Flat First Floor 55 North End Avenue, 68 North End Avenue, 70 North End Avenue, 86 Wadham Road, 88 Wadham Road and 90 Wadham Road

The presenting officer clarified that whilst the original report referred to 1 HMO, following the investigation of the 6 additional possible properties brought to her attention by Cllr Payter-Harris, 2 more had been identified bringing the total to 3, and a 4.11% total for the radius count.

Deputations were then made:

- i) Mrs Lowe, objecting due to the impact on her adjacent property
- ii) Councillor Payter-Harris objecting and referring to the petition organised by Mrs Lowe (he then withdrew from the room and was not part of the committee considering the application)

Members' Questions

In response to queries on parking standards for HMOs the Assistant Director of City Development reported that a separate report on a Supplementary Planning Document for Parking would be taken to the forthcoming Planning, Regeneration and Economic Development (PRED) meeting. The accuracy and extent of information on the existence of HMOs in the north of the city was raised and it was noted that sewerage and drainage were Building Control matters. The potential of controlling noise attenuation was also raised.

Members' Comments

Members considered the availability of sustainable transport links to this location and whether there was the need for further checks to be undertaken on possible HMO properties in the vicinity as there was less information about these in the north of the city.

RESOLVED that consideration of the application be deferred to allow further investigation of the HMO density within a 50m radius of the application site.

The meeting concluded at 3.27 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason