PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on 6 February 2019 at 1pm 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
Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Donna Jones
Gemma New
Steve Pitt
Lynne Stagg
Luke Stubbs

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.

144. Apologies (AI 1)
Apologies for absence had been received from Councillors Suzy Horton, Claire Udy and Jo Hooper (Councillor Robert New deputised for her).

145. Declaration of Members’ Interests (AI 2)
18/01980/PLAREG - 112 Palmerston Road, Southsea PO5 3PT
Councillor Steve Pitt declared a non-prejudicial interest as he is a Cabinet Member and the owner of this premises has a relationship with the council.

Councillors Donna Jones and Luke Stubbs declared personal interests as they know the owner. They would withdraw themselves for this item.

146. Minutes of the Previous Meeting - 9 January 2019 (AI 3)
RESOLVED that the minutes of the Planning Committee held on 9 January 2019 be agreed as a correct record and signed by the chair subject to the following corrections:

Agenda item 140
The reference number 18/00967/FUL should be 18/01211/FUL

This item was included on the agenda in error and would be dealt with under the Officer Scheme of Delegation.

The committee acknowledged that conditional permission would be granted subject to the conditions set out in the report by the Assistant Director of City Development.
147. Appeal decisions relating to change of use applications from C4 HMO to sui generis HMO (AI 4)
Councillors Donna Jones, Luke Stubbs and Robert New were not present for this discussion.

The Chair introduced the report and during the subsequent discussion the following points were raised:

A number of planning applications for change of use from a C4 House in Multiple Occupancy (HMO) to a Sui Generis HMO had been refused by the committee in line with the amended Supplementary Planning Document (SPD) on the grounds that the change of use would result in an imbalance in the community. However, the Planning Inspector upheld the appeals. It was felt that the council's policy was therefore misleading as it is unenforceable.

The SPD does not clarify what potential harm could be brought to the community by having additional residents in the HMO. The term harm is loose and open to interpretation. The problem is that the committee does not have the power to stop the government crowding people into streets with no quality of life and no services.

A change from C4 to Sui Generis would not necessarily mean just one extra tenant. There could be a total of 54 further people within a 50m radius. There is no specific number which would tip the balance and demonstrate potential harm to the character of the area.

The committee's refusal of an application for a 25 bedroom HMO with only one kitchen was overturned by the Planning Inspector.

Although class C4 properties can have 3-6 tenants, the actual number of tenants they can be licensed for is not clear; more work is required.

The impact on parking and air pollution and the fact there will be unrelated tenants is considered irrelevant by the Planning Inspector.

RESOLVED:
1. The officers' recommendation was rejected.
2. The Planning Committee Chair and Vice Chair to liaise with the Cabinet Member for Planning, Regeneration & Economic Development (PRED) and Opposition Spokespersons regarding improvements to the Supplementary Planning Document in consultation with officers.

REASONS
Members rejected the recommendation as all applications which are contrary to the provisions of the SPD automatically trigger to the committee under the current scheme of delegation so the reinstatement of a blanket call-in would serve no purpose.

Members also considered it necessary to refer the matter to PRED for a review of the wording within the SPD relating to the change of use from C4 to HMO which has been the subject of a number of appeals which have recently been dismissed.
Members were of the opinion that the wording may need to be amended to require an assessment of harm to the character of the area to be undertaken with regard to the proposed change of use.

148. Updates on Previous Planning Applications by the Interim Assistant Director for City Development (AI 5)
There were no updates.

149. 18/01703/FUL - 243 Fawcett Road, Southsea PO4 0DJ (AI 6)
The Planning Officer introduced the report.

Anthony Lane, the applicant made a deputation to the committee.

Members' Questions.
In response to questions from members, officers clarified the following points:
- The measurements given by the applicant in his deputation differ from those in the report. The officers based their measurements on the applicant's plans.
- The loft bedroom with the sloping roof has 10.7m$^2$ floor area and over 1.5m high. The area that is less than 1.5m is not counted as floor area.
- The Planning Officer could not expand on the information given by the private sector housing.

Members' Comments.
Members felt that they could not determine this application due to the disagreement regarding room sizes.

RESOLVED that this application be deferred due to insufficient information for the committee to be able to make a decision.

REASONS
Members were concerned that the views expressed by a consultee with regard to room sizes were different from that contained within the officer's report and therefore, asked that the application be deferred to allow for the matter to be clarified.

150. 18/01675/FUL - 358 London Road, Portsmouth PO2 9JY (AI 7)
The Planning Officer introduced the report.

Members' Questions.
In response to questions from members, the Planning Officers clarified the following points:
- Bedrooms 5 and 6 have ensuite bathrooms. Bedroom 6 is on the second floor.
- The floor areas of the rooms were given:
  - The shower room on the ground floor 4.23m$^2$
  - The bathroom on the second floor 5.94m$^2$
  - The WC and wash basin on the second floor 1.53m$^2$
- The shower room had not been built when the site visit had taken place so the officer could not say if it would contain a WC.
- There had been three revisions to this application and several amended descriptions. It could not be confirmed that the private sector housing had looked at the latest revision.
• The application met the requirements of the SPD for HMOs and is considered adequate for 8 tenants.
• The conservatory appeared to be double-glazed at the time of the site visit.
• The ensuite for bedroom 4 had been removed because the room space had not met private sector housing requirements.
• The applicant had assured the officer that there was no intention to have a self-contained flat on the top floor. Access would be given through the front door, the whole property and the same staircase.
• The kitchen is fully functioning.
• There is a fire door at the bottom of the stairs leading to the top floor.
• The application had been submitted in December and the applicant had agreed that it would be heard today.

Members' Comments.
During the discussion, members made the following observations:
• The double bedrooms were very large: 14.58m² and 17.6m²
• Bedroom 4 was not the largest but it was not the smallest either.
• Four of the ten tenants would use two bathrooms and the other six would use two.
• There are anomalies between the information given by planning and that given by private sector housing.
• The bedroom, kitchen and bathroom on the top floor could be used as a flat, particularly as there is a door at the bottom of the stairs that lead to that floor.
• The plans are not clear.
• Some tenants would be obliged to go through the ground floor kitchen to access the bathroom.
• It was however acknowledged that not all HMOs were perfect.

The Planning Solicitor reminded the committee that whether the top floor could be used as a flat is a planning judgement; however, he advised against excessive speculation as to the use of the rooms. If there were to be a breach in the conditions, enforcement action would be taken.

RESOLVED that authority be delegated to officers to approve the application having ascertained there is adequate WC facilities for the number of people and double rooms in the property.

REASONS
Members felt that to be sure that the application meets the required standards, clearer plans were required showing the location of the bathrooms and whether these contained WCs.

151. 18/01644/FUL - 10 Telephone Road, Southsea PO4 0AY (AI 8)
The Planning Officer introduced the report.

Members' Questions.
There were no questions from members.
Members' Comments.
Members expressed disappointment that the SPD’s aim to prevent over intensification of HMOs in residential areas would not stand up to scrutiny.

RESOLVED that permission be granted subject to the conditions set out in the officers’ report.

152. 18/01741/FUL - 1 Darlington Road, Southsea PO4 0ND (AI 9)
The Planning Officer introduced the application.

Ms Christine Candy made a deputation against the application.

The Chair informed Ms Candy that a number of appeals against the committee’s refusal of applications for a change of use from C4 to Sui Generis HMO based on the impact on the community had been upheld by the Planning Inspector, despite the fact that there would be more than 10% of HMOs within a 50m radius.

Members' Questions.
In response to a question, members were told that imposing a condition that sound insulation be fitted as Environmental Health recommended, would be possible.

Members’ Comments.
- Whilst members sympathised with the objector regarding the large number of HMOs close to her home, they noted that only a change in legislation could empower local planning authorities to refuse applications on the grounds that approval would result in there being more than HMOs comprising more than 10% of the properties within a 50m radius.
- The committee was not anti HMOs; it wanted to protect a mixed balance of properties in local communities.

RESOLVED that permission be granted subject to the conditions set out in the officers’ report with an additional condition requiring sound insulation to be fitted.

153. 18/01869/PLAREG 84 Station Road, Drayton, Portsmouth PO6 1PJ (AI 10)
The Planning Officer introduced the application and referred members to the supplementary matters list.

The applicant had indicated that they want to the scheme to be judged on its original design which would leave the trellis at the top of the loft unchanged and gives the structure a maximum height of 3.1m. While the proposal was amended to reduce its scale and to bring it closer to the requirements of the Permitted Development, it is not considered that the trellis is significant enough to change the officer’s recommendation (conditional permission).

Anthony Barrett, the applicant made a deputation in favour of the application and Julie Musselwhite made a deputation against.

Members’ Questions.
In response to questions, the following points were put forward:
The applicant explained that the entrance to the loft did not face towards his house but towards the end of his garden. However, it was not visible because the neighbour put up a 2.9m high fence at the end of her garden.

The Planning Officer suggested that had the loft been facing a different way it might be felt to be less intrusive to the neighbour. If it were to be moved a short distance it would not require planning permission.

Members' Comments
During the discussion, members noted that:
- Keeping pigeons often brought communities together
- The trellis had an overburdening impact on the neighbouring property.
- Although it was aggravating that this is a retrospective application, it would be treated as a new application.
- This loft replaces three smaller ones in the same position.

RESOLVED that permission be granted subject to the conditions set out in the officers’ report.

154. 18/01917/TPO - 29 Siskin Road, Southsea PO4 8UG (AI 11)
The council's Arboricultural Officer introduced this and the next two applications together.

Councillor Darren Sanders made a deputation regarding all three applications.

Members' Questions
In response to questions, members were informed that:
- The Planning Enforcement Officers would be informed once the chop day is set and would take action if the trees were not replaced.
- The trees would be replaced by nursery trees of between 3.5 and 4m high of the species recommended in the report. These will have a similar shape and growth habit but will have a longer longevity.
- If the new trees are planted within 12 months, they would receive Tree Protection Orders.
- It would be possible to notify Ward Councillors in future of any intentions to fell other trees.
- The chop date is not given to the officer for privately owned trees.

Members' Comments.
Members noted that:
- Notices informing the public of the council's intentions regarding felling have been displayed on trees in the past.
- The protection of trees is very important to residents.
- There has never been a war on trees in the city.
- It is sometimes necessary to fell trees.

RESOLVED that permission be granted subject to the conditions set out in the officers’ report.
RESOLVED that permission be granted subject to the conditions set out in the officers' report.

RESOLVED that permission be granted subject to the conditions set out in the officers' report.

The following Councillors were not present for this item: Councillors Donna Jones, Robert New, Steve Pitt and Luke Stubbs.

The Planning Officer introduced the application and referred members to the supplementary matters list.

Following publication of the Committee report, an Objector has submitted a further email, to her local Councillor, raising the following points:

(a) This is an on-going application process, having failed at local level and at appeal and now continuing to disregard the Planning Contravention Notice (PCN). I do not understand how a PCN can be issued on the one hand, yet there is also a positive recommendation for this new application. There seems to be a waste of time and money, against the spirit of planning and due process;

(b) The applicants are also the organisation behind the Victorious Festival and I wouldn't want to think this was the reason why this was bypassing, abusing or illegally obtaining retrospective planning, we have been through a very robust process and a decision had been made.

The points can be addressed as follows:

(a) The Applicant seeks to resolve the only outstanding issue from last year's appeal decision, by way of a new planning application. Should the application be refused, the Local Planning Authority would still have the enforcement process available.

(b) The application is being determined on planning matters alone.

Deputations were heard against the application by Sue Lloyd and Peter Cairns.

Members' Questions.

- It was not known whether the owner had considered fitting inward-opening windows.
- The Inspector had considered that adherence to the operating procedure could be assured by adding a condition.
- It is not known whether the applicant had considered having opening windows solely on Auckland Road West. It may be felt that having open windows is an important part of the offer.
- The locking mechanism was fitted recently; perhaps in the Autumn. The planning department was not aware of any reports of accidents or near misses that had occurred since then.


• If permission were to be granted and an accident involving the windows occurred, no direct causation would be attributed to the council regarding possible negligence.
• Other statutory leads could be involved with having windows opening across pavements including Highways and Building Regulations.
• Community Enforcement Officers could be asked to keep an eye on this premises.
• The committee was within its powers as a determining authority could impose a condition requiring two windows to be remain closed.

Members' Comments.
• Although a solution was offered, it is the responsibility of the council to ensure that it could work and would protect public safety.
• The committee considered requiring a log of the staff involved in the opening and closing of the windows every day to be maintained.
• The fitting of latches to ensure that the windows could not be dislodged was welcomed.
• There is a risk to pedestrians coming from the Auckland Road West side.

RESOLVED that:
1. Delegated authority is given to officers to conclude an arrangement whereby 2 temporary notices are placed to warn pedestrians of the opening and closing of these windows as part of the opening procedure under condition 2 [and thereafter grant conditional permission].

Condition 2 is worded as follows:
"At no time shall the windows to the premises be opened over the highway unless in full compliance with the submitted "Procedure for operation of windows opening into public highway" dated XX/XX/2019¹, and the securing bolts and angle-brackets shall thereafter be maintained in accordance with that document.

158. Additional Planning Meeting - 20 February 2019 (AI 15)

The meeting concluded at 5pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

¹ Date to be confirmed.