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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 January 2020 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)
 Steve Pitt
 Donna Jones
 Luke Stubbs
 Gerald Vernon-Jackson CBE

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.

1. Apologies (AI 1)

Apologies for absence had been received from Councillors Matthew Atkins, Terry Norton and Claire Udy. Councillor Frank Jonas attended as Councillor Norton's standing deputy.

2. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

3. Minutes of previous meetings - 4 and 18 December 2019 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 4 December 2019 be approved as a correct record to be signed by the Chair.

RESOLVED that the minutes of the Planning Committee meeting held on 18 December 2019 be approved as a correct record to be signed by the Chair subject to the amendment that the reason for refusal for application 19/00574/FUL - Westmoors - 50 London Road, Cosham, Portsmouth - should be recorded as:

The proposal by virtue of the flat roof design and associated visual scale, on this prominent corner site within the context of an immediate character including lower scale pitched roof dwellings fails to achieve the excellence and high quality of design nor take the opportunities available for enhancing the character and quality of the area. The proposal would therefore be contrary to Policy PCS23 (Design and Conservation Area) of the Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019) in relation to 'Requiring Good Design'.

The Chair proposed taking agenda item no.4 (Margate Road) after agenda item no.1 (Playfair Road) as the deputies were the same for both applications. For ease of reference, the minutes will be kept in the original order.

4. Updates on previous planning applications (AI 4)

Eze Ekeledo, Head of Development Management, tabled a report showing the figures for allowed and dismissed appeals. In response to members' questions officers clarified that:

- "Dismissed" means appeals which were dismissed by the Planning Inspectorate so therefore upholding the council's original decisions.
- There are no comparable figures to hand for other local authorities but the number of allowed appeals at 35% is probably quite high.
- Appeals relating to Houses of Multiple Occupation (HMO) would usually come under "Other minor developments" or "Change of use." The data could be recast to show more detailed information on categories and the number of allowed and dismissed appeals relating specifically to HMOs. The figures are for decisions made in 2018-2019; the results of appeals against more recent decisions are not known yet.
- Costs can be awarded against the council if its decisions are overturned. Members felt it would be helpful to see which allowed appeals arose from the Committee's decisions and which from officers' decisions as it might show a pattern that could aid future decision making. Local authorities with large numbers of allowed appeals can be at risk of losing their planning powers. There is no immediate threat to the council of losing its planning powers though a large number of appeals might put it at risk of breaching the threshold. Central government uses several different metrics to assess local authorities' planning powers.
- With regard to nitrates officers explained that the council was still discussing long-term strategy with Natural England. There is no timescale and several central government departments are involved in the discussions. The council's interim strategy covers the next two to three years.
- Officers agreed to collate numbers of applications still subject to a backlog. Some schemes are very complex and can take over a year as Section 106 agreements or viability assessments have to be secured so it is not only the nitrates issue that causes delays.

5. 19/00435/FUL - 11 Playfair Road, Southsea, PO5 1EQ (AI 5)

Change of use from house in multiple occupation (Class C4) to a house in multiple occupancy for 7 bedroom / 7 people (sui generis), ref. 19/00435/FUL

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- *An additional condition for the provision and retention of waste storage at the property has been added (Condition 5). Officer's recommendation unchanged and additional condition included:*
- *Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning authority in writing).*
- *Reason: In the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.*

Deputations against the application were made by Dr Martin Willoughby and Hazel Taylor of the East St. Thomas Residents' Association.

A deputation in support of the application was made by Mr Pandya, the applicant. Councillor Tom Wood, ward councillor, made a deputation against the application.

Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-08Jan2020>

Members' questions

In response to questions from members Planning Officers clarified the following points:

- The credit cost of £200 for nitrate mitigation is because the application is considered as minor under the HMO Supplementary Planning Document (SPD) and is an admin fee.
- Officers noted the valid point that since the Planning Inspector dismissed the appeal against refusal the HMO SPD has revised the minimum room sizes for HMOs. Officers can help members decide how much weight they want to give to policy PCS23 of the Portsmouth Plan, which requires a good quality living environment.
- The Committee could impose a condition of a maximum of seven occupants in view of the small communal living area.
- The Planning Inspector notes the SPD but it provides guidance, not policy. The Planning Inspector has to make a judgement and take a holistic assessment and in this case feels that the large bedrooms outweigh the small communal living

area. The Committee has to give weight to material considerations which include the SPD and previous Planning Inspectorate decisions.

- If members want to resist such developments they need different policies in the Portsmouth Plan.
- Although the kitchen appears too small to have a dining table and seven chairs it is not a requirement that the occupants have to sit and eat together. The application shows a breakfast bar with three seats.

Members' comments

- The current Portsmouth Plan with conditions relating to HMOs managed to secure approval without the need for a public enquiry. However, members may need to significantly revise and strengthen the policy in the Plan and lobby MPs and ministers if they wish to oppose such developments.
- Despite concerns around HMOs there might not be grounds for refusal in view of the Planning Inspector's previous comments.
- Licensing deals with restrictions on the number of occupants unless there is a specific Planning reason for a restriction. A condition of an absolute maximum of seven occupants could be suggested if permission is granted.
- The communal space (kitchen/dining area) is nearly 12 m² under the standard set out in the HMO SPD. If permission is granted then it would breach the council's own SPD.
- Members have to consider factual matters and the application as it is presented. They cannot consider hypothetical matters, for example, how small the communal living area would have to be to recommend refusal.
- There is a difference between converting loft space into an extra bedroom and removing communal space. It is not a question of saying there is no communal space; it is a question of allowing it to be removed.

RESOLVED that permission be refused and the officer recommendation be overturned for the following reason:

The proposed change of use of the building to a House in Multiple Occupation (Sui Generis) would, as a result of the conversion of the lounge in to a bedroom and therefore the overall reduction in communal area, fail to provide an adequate standard of living accommodation for future occupiers and would represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the NPPF and Policy PCS23 of the Portsmouth Plan and the House in Multiple Occupation Supplementary Planning Document (October 2019).

6. 19/01209/HOU - 21 Clarendon Road, Southsea, PO5 2ED (AI 6)

Construction of two-storey rear extension, 19/01209/HOU

The Planning Officer presented the report.

Deputations against the application were made by local residents Jonathan Hodgkins and Anthony Froggatt. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-08Jan2020>

Members' Questions

In response to questions from members Planning Officers clarified the following points:

- Although the extension is large enough to be divided into two separate dwellings, the owner would have to apply for planning permission if they wanted to do this and the application would be assessed on its own merits. There is currently no intention to sub-divide the extension.
- Context is taken into account when looking at what is considered an acceptable difference between properties, for example, garden size or private amenity spaces between dwellings. There are several upper floor windows in the application. However, a condition of obscured glass would be difficult to defend in view of the set back distance of 20 m.
- The distance between the rear elevations of properties in Clarendon Road and those in Stanley Street varies accords to the set back of each property; the closest gap is 20 m.
- The extension would not make much difference to shadowing as in winter the sun is very low anyway and the shadow cast by the existing building would not change significantly, and in summer the sun is higher in the sky for long periods so there is little shadow.
- All the ceiling heights are more than adequate as they match existing ceiling heights.
- The width of the rear window is 2.3 m. It is assumed that some of the panes will open.
- The shape of the two smaller windows in the top storey (whether they are triangular or square), and whether someone is sitting down or standing up, affects how much people can see of Stanley Street. Consideration has only been given from the point of view of someone standing by the window looking out directly.

Members' Comments

- Members felt the design, particularly the large rear window, was not in keeping with the Owen's Southsea Conservation Area where the building is situated. It does not follow Policy PCS23 of the Local Plan in enhancing or preserving the city's townscape and heritage.
- Officers advised permission could be granted subject to a condition that the design of the rear window is changed. The application would not need to be re-submitted to the Committee as authority could be delegated to officers to approve an amended design; officers have delegated authority to decide on minor matters. The condition could cover points such as panes, opening and obscurity. An informative would be added to the decision notice.
- Officers advised members' objections can be overcome with a condition and that refusal would be unreasonable when a condition could be imposed to satisfy the Committee's views.
- Members noted the current design had already been recommended for approval and said they would like to see a revised design brought to the Committee.

RESOLVED that the application be deferred for the following reason:

To allow for the submission of amendments to the northeast (facing rear gardens of properties fronting Stanley Street) window of the proposed scheme for further formal consideration by Planning Committee Members.

Councillor Vernon-Jackson left the meeting at 3.40 pm so was not present for agenda item no.3.

7. 19/01323/FUL - Plot E, Lakeside Business Park, Western Road, Portsmouth (AI 7)

Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping, ref. 19/01323/FUL

The Planning Officer presented the report.

Members' comments

- The application would have no impact on neighbouring sites.
- The application will support economic growth by creating new jobs.
- The company is the largest supplier of electric and hybrid vehicles in the country.

Members resolved to approve the Planning Officer's recommendations contained within the Committee Report, and delegate authority to the Assistant Director of Planning & Economic Growth.

8. 19/00806/FUL - 66 Margate Road, Southsea, PO5 1EZ (AI 8)

Change of use from house in multiple occupation (HMO) (Class C4) to house in multiple occupation for more than 6 persons (sui generis) - ref 19/00806/FUL

The Planning Officer presented the report and drew members' attention to the supplementary matters (attached) which reported:

Deputations against the application were made by Dr Martin Willoughby and Hazel Taylor of the East St.Thomas Residents' Association.

Councillor Tom Wood, ward councillor, made a deputation against the application.

Deputations are not minuted but can be viewed as part of the webcast of the meeting:

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Members' questions

In response to questions from members Planning Officers clarified the following point:

- The proposed bedroom no.7 was the lounge.

Members' comments

- If the application is granted permission it would be inconsistent with the decision to refuse permission for Playfair Road. Officers advised it could be consistent to grant permission as it is a different scheme; on the other hand, refusal could be equally consistent. Members were reminded that the SPD is guidance, not policy.
- It could give false hope to residents if the application is refused as the Planning Inspector may overturn the refusal.
- As with Playfair Road the size of the communal area is below the standard set out in the HMO SPD although the difference is not as great.
- Small houses gradually become HMOs by living rooms and lofts being turned into extra bedrooms. In this case a three-bedroom property has gradually become a seven-bedroom property. Four extra bedrooms in a three-bedroom house is significant harm. Officers pointed out that planning permission had already been granted for C3/C4 use which allows up to six occupants.
- Members would like the council to ascertain the Planning Inspector's views on how in planning terms a three-bedroom property has become a seven-bedroom one regardless of the numbers it was licensed for. It might be that some of the Committee's previous decisions had been overturned as they had considered licensing issues rather than planning matters.
- Reviews of the Portsmouth Plan should perhaps consider removing permitted development rights on certain types of property to prevent this sort of development. A second Article 4 direction may be needed to suspend permitted development rights in certain parts of the city. Residents have been asking for controls on HMOs for ten years. The council also needs to engage with the Planning Inspectorate and the Secretary of State. If officers cannot use current measures to prevent proliferation of HMOs then a new policy is needed.
- Officers advised that how the space within the property is used, for example, if occupants sleep on the sofa, is not a concern for Planning though space standards are.

RESOLVED that permission be refused and the officer recommendation be overturned for the following reason:

The change of use of the building to a 'larger' Sui Generis House in Multiple Occupation by virtue of the conversion of the lounge to an additional bedroom, would result in an inadequate standard of living accommodation being provided for the proposed number of occupiers (7), due to the communal living area falling 5.88m short of the communal living area standards (for 6-10 people) set out at Paragraph 2.8 of the Council's Houses in Multiple Occupation Supplementary Planning Document (October 2019) . As such, the reduction in amenity provision coupled with the increase in occupiers would represent an over intensive use of the site that would be contrary to Core Planning Principles of the NPPF and Policy PCS23 of the Portsmouth Plan, and the Houses in Multiple Occupation Supplementary Planning Document (October 2019).

The meeting concluded at 3.50 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason