

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 March 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
Lee Hunt
Donna Jones
Terry Norton
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.

24. Apologies (AI 1)

Councillors Matthew Atkins and Claire Udy had submitted their apologies for absence.

(Councillor Stubbs apologised for his late arrival and Councillor Hunt apologised that he would need to leave after 2pm.)

25. Declaration of Members' Interests (AI 2)

Declarations - for the item relating to Burcote Drive, Councillors Gerald Vernon-Jackson, Steve Pitt and Donna Jones all made declarations, having taken legal advice:

Cllr Gerald Vernon-Jackson declared a personal and prejudicial interest as he knows the applicant. She works for him, in his role as Leader of the Council.

Cllr Stephen Pitt declared a person and prejudicial interest because he knows the applicant. She works for him in his role as the Deputy Leader of the Council.

Cllr Donna Jones declared a personal and prejudicial interest as she appointed the applicant to her current post.

Other councillors knew the applicant but less well and were able to participate.

Conduct - The Chair of Planning and Assistant Director Planning & Economic Growth had emailed the committee members earlier that day to remind them of standards expected at these meetings, to give due courtesy and to remind them that they are not on the committee as ward members.

26. Minutes of Previous Meeting - 19 February 2020 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 19 February 2020 be approved as a correct record and signed by the Chair.

27. Update on previous applications (AI 4)

There were no updates on previous applications or nitrates issues.

28. 19/00798/FUL - 42 Festing Grove, Southsea PO4 9QD - Change of use from house in multiple occupation (Class C4) to a 7 bedroom house in multiple occupation (Sui Generis) (report item 1) (AI 5)

(Councillor Stubbs was not present at the start of this item so did not participate in its discussion.)

The Assistant Director of Planning & Economic Growth's Supplementary Matters list reported:

"The following details were reported on the Supplementary Matters update to the Committee Report on 19 February 2020; an additional representation has been received from a neighbouring resident reiterating points of objection already addressed within the Committee Report, as follows:

- (a) Number of existing HMOs;*
- (b) Parking;*
- (c) Run-down properties and*
- (d) Rubbish.*

In addition, following the last Committee Meeting Members have raised concerns around ceiling heights within bedrooms. The only room impacted by this a second floor (front) bedroom. However, due to the presence of two front dormers, only 0.5m² is under full head height and the total area for the room is 17.9m².

The final sentence on p.8 of the Officer's report has been included in error and has no relevance to this proposal."

Ian Maguire, Assistant Director Planning & Economic Growth, reported on the evidence gathering process, which would be relevant to the discussion of all 3 HMO applications at this committee. The local policy of looking at the HMOs in a 50m radius of an application site has some reliance on historical information. Before coming to committee the case officers take steps to validate HMO properties, either knocking at the door or undertaking a visual inspection. For the 3 HMO items on the agenda a planning officer and an enforcement officer had visited to make these

identifications. He stressed that judgements are made on the best available evidence on a case by case basis. The information is published so that if other HMOs are known locally these can be brought to the Planning Department's attention. The Assistant Director was looking at a larger project on this issue but this would require further resources for validation and manual checks but the intention was to improve the base data to increase public confidence in it.

Members' Comments

Members were grateful for the further information brought following the previous deferral.

(Councillor Hunt had not been at the previous meeting at which a full discussion had taken place so did not participate in the vote.)

RESOLVED

- (1) That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral;**
- (2) That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary;**
- (3) That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral has not been satisfactorily completed within three months of the date of this resolution.**

29. 19/01096/FUL - 48 Green Road, Southsea PO5 4DZ - Change of use from mixed use class C3 (dwellinghouse)/Class C4 (House in Multiple Occupation) to Sui Generis (report item 2) (AI 6)

The Assistant Director, Planning & Economic Growth's Supplementary Matters list reported a correction:

that on page 13 of the officer's report, in the 'Proposal' section - Ground Floor - there are 2 bedrooms (each with en-suite).

Deputations are not minuted in full but can be viewed as part of the webcast recording here:

<https://livestream.com/accounts/14063785/planning-11mar2020>

Mr Willoughby and Ms Taylor both spoke on behalf of the East St. Thomas Residents' Forum to raise objections, including the breach of the 10% HMOs known in the area, space standards, token nitrates compensation and the effect on the local amenities.

Mr Oliver spoke in support of his application, regarding his management experience of HMO properties and the communal area combined spaces giving the necessary amenity for occupants; he circulated copies of the licence and photographs of the basement area.

Members' Questions

Members examined the space standards and measurements for each of the rooms and layout of the property and how the other accommodation could be used communally. The Assistant Director Planning & Economic Growth advised that they should also consider whether the application satisfied the Development Plan regarding standards for future occupiers. It was asked if Homesea House layout was known as this bisected the 50m radius; this was not known, whereas Homeroose House had been accounted for. The applicant gave clarification that he was asking for 1 more person to occupy the property through this application.

Members' Comments

Some members felt that the space standards had not been adequately met, whilst others felt that these were for guidance purposes and there was some flexibility in looking at communal areas giving additional usable space. The provision of the private WCs made this a higher quality HMO property. The living conditions were such that this would not be able to be defended if this went to appeal. As this property was between 2 other HMOs it was not felt that this would return to family use. The Chair would liaise with the Assistant Director regarding the current HMO SPD.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral;**
- (2) That delegated authority granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary;**
- (3) That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral, has not been satisfactorily completed within three months of the date of this resolution.**

- 30. 20/00091/FUL - 130 St. Andrew's Road, Southsea PO5 1E Change of use from a dwellinghouse (Class C3) or House in Multiple Occupation (Class C4) to 8 bedroom/8 person house in multiple occupation (Sui Generis) (Retrospective) (report item 3) (AI 7)**

(Councillor Hunt left the meeting and did not take part in this or the next item.)

The presenting officer drew members' attention to page 24 of the report which dealt with ceiling heights in bedrooms. The Supplementary Matters list reported that regarding the impact on the Solent Special Protection Area (SPA):

" The sum required in mitigation for recreational disturbance through the Solent Recreation Mitigation Strategy for a 2-bed dwelling is £500 not £653 as set out in the report. This sum has been paid through a S111 Agreement."

Deputations were made by Mr Willoughby and Ms Taylor on behalf of East St. Thomas Residents' Forum to raise objections, including the high number of HMOs in the immediate area (with residents identifying further which would be sent to the Planning Department) and the undersized bedrooms. They wished to see more

balance towards family home provision with the same roads taking most of the HMOs.

Members' Questions

Members asked how the 10% threshold had been exceeded to such an extent to reach 33%? There were 15 existing HMOs in the area and 9 had been unknown to the Planning Department. There were some sub-divided properties within the radius, turned into flats. It was reported that a window had since been added to the front of the roof that had not been shown in the older picture in the presentation (the Chair recalled this having been added in April 2019). It was not known how many of these HMOs had been granted on appeal.

Members' Comments

Members were concerned that shared living accommodation had been taken away to create an additional bedroom upstairs and that the application fell below space standards on communal spaces. This was regarded as overdevelopment of a small property with an unacceptable quality of life for the future occupants.

RESOLVED that permission be refused for the following reason:

The application by virtue of the insufficient communal living space fails to provide an adequate standard of living accommodation for future occupiers contrary to policy PCS23 of the Portsmouth Plan.

And an informative to be added regarding Nitrates as a matter requiring resolution.

- 31. 19/01443/FUL - 73 Stubbington Avenue, Portsmouth PO2 0HZ - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (House of Multiple Occupancy) (report item 4) (AI 8)**

Following the officer's presentation a question was asked on the HMO figures.

Members' Comments

Members acknowledged that this application fell below the 10% threshold guidance figure for HMOs in a 50m radius.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director Planning & Economic Growth's report.

- 32. 19/01783/HOU- 3 Burcote Drive, Portsmouth PO3 5UD - Construction of single storey side extension (report item 5) (AI 9)**

The Chair asked that the agenda order be varied so that this item was taken first to allow a decision to be made whilst the committee was quorate, due to Councillors Vernon-Jackson, Pitt and Jones all needing to withdraw and not take part in the discussion of this item.

Members' Questions

It was asked if there are any special conditions relevant to development in this area of the city; whilst there is regarding the removal of Permitted Development rights on corner properties it was reported that this was not an implication for this application.

Members' Comments

There were no concerns regarding this application.

RESOLVED that conditional planning permission be granted, subject to the conditions outlined in the Assistant Director of Planning & Economic Growth's report.

The meeting concluded at 2.40 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason