

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 December 2021 at 10.30 am in the Council Chamber - The Guildhall

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

Present

Councillors Chris Attwell (Vice-Chair)
George Fielding
Robert New
John Smith
Judith Smyth
Lynne Stagg

Also in attendance

Councillor Cal Corkery

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.

116. Apologies (AI 1)

Apologies had been received from Councillor Lee Hunt, Councillor Gerald Vernon-Jackson, Councillor Terry Norton and Councillor Matthew Atkins.

Councillor Chris Attwell as Vice Chair chaired the meeting.

117. Declaration of Members' Interests (AI 2)

Councillor Chris Attwell declared a personal interest in planning application 1, Victoria Park Building, University of Portsmouth, as a friend of Victoria Park.

118. Minutes of the previous meeting held on 10 November 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 10 November 2021 be agreed as a correct record.

119. Update on previous planning applications (AI 4)

The Assistant Director of Planning & Economic Growth reported that there had been five new decisions received on appeals by the Planning Inspectorate; three were

allowed, one was dismissed, and one enforcement appeal was upheld with variation. All appeal decisions would be circulated to members in the usual way.

Two of these decisions were relevant to the meeting today as they related to change of use of HMOs: 73 Ophir Road and 5 Vernon Road. In both cases appeals against refusals were allowed by the Planning Inspectorate as the schemes accorded with the Council's 10% rule for mixed and balanced communities and also the Council's space standards detailed in the SPD and guidance.

120. 21/01129/FUL - Victoria Park Building, University of Portsmouth (AI 5)

Construction of a new twelve-storey teaching and learning building (use Class F1(a) education) and associated landscape and access works.

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

Two further objections received since publication of the Committee report

Wildlife: National and local concern about wildlife and how to improve our environment for them for instance creating wildlife corridors and wildlife sanctuaries. Bees and other pollinators like to forage in sunnier areas and this building will cast shadows. The construction of a tall building so close to the park will be detrimental and work against the aims of creating wildlife havens. Also concern about the effect of shadow on the trees and the other plants in the park.

Enclosure: Another concern is the 'walling in effect', impact on people in the park, which is already surrounded by built form which replaced mature trees. Open space feels much nicer than being surrounded with another tall building. Adverse impact upon park heritage and character, with no public benefit.

Officer response

These matters are already addressed in the Officer Report.

Southern Water

SW now confirm the drainage proposals are acceptable.

Conditions

As is common for a large and complex application, the full details of all conditions are being refined with the Applicant. Just for complete information for the Committee, some ten or so conditions will be amended from the Conditions published, using the flexibility the 2nd Resolution confers. The forthcoming amendments are essentially matters of detail rather than any significant changes

Recommendation unchanged.

Councillor Cal Corkery made a deputation as ward councillor. Mr Mark Harris (agent) made a deputation.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

Members' Questions

In response to questions, the following points were clarified:

- There is good practice guidance for shading for open spaces which helps understand how people use open spaces. The standards laid out by the Building Research Establishment (BRE) which is quoted in paragraph 5.21 of the committee report, is at least 50% of the open space receiving at least two hours of sunlight. The assessment identified that with the proposed development this would be 99.47% which is above the BRE compliance level. The images on page 37 of the committee report show the additional shading that this building would create. It is a matter of judgement for members whether this was substantive harm, but the application easily meets the BRE compliance level. Shading will be a negative impact of this development however the Assistant Director suggested that it is almost the only negative impact of the building weighed against the reactivation of that vacant site, the opening up of the southern access and the significant economic benefits to the city.
- The Assistant Director of Planning & Economic Growth was not aware of shadowing of a public space in Portsmouth as a single reason of refusal due to a breach of BRE guidance.
- The proposed building is not carbon neutral but is outstanding when it comes to sustainable design. It has incorporated several low and zero carbon technologies and aims to meet the BREEAM outstanding standard which is the highest standard. Carbon neutral is a very difficult standard to meet.
- There is no specific policy that lists the number of tall buildings on the perimeter of the park and every application must be assessed on its own merits. The majority of the southern boundary will be this site and the railway line. There are a number of tall buildings already consented to the eastern side of the park. Therefore the majority of the boundary, by the fact of circumstance, cannot have tall buildings built around them.
- Consent had been given for a 33-storey building on the site. A 12-storey building is considerably smaller than what has already been consented which should be material in the considerations today.

Members' Comments

- Members felt this was an exceptional building in an iconic location however acknowledged the concerns of the ward councillor and residents. If this application is approved, it will save this area from a more overbearing development. The city has declared a climate emergency and it was felt that the committee should be applauding the university for bringing forward an iconic high-quality design.
- Victoria Park is a gem in the city and one of very few parks in this part of the city. This application is a great opportunity for this piece of land to be developed and it was hoped that if approved this would be developed quickly to improve the area.
- Members did raise concerns about the shadowing that the building would cause to Victoria Park. This would have implications on the use of Victoria Park and have limitations on the planting.
- Members also liked the public realm gains and the fact that the ground floor is open to both public and students. Members felt on balance this application should be approved.

RESOLVED

1. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to the conditions listed in the report;
2. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

121. 20/00620/FUL - 44-46 Palmerston Road, Southsea, PO5 3QG (former Debenhams Southsea) (AI 6)

Mixed use redevelopment of former Debenhams department store to comprise circa 2,260sqm ground floor commercial space (use Class E) and change of 3 use and 2 storey extension of upper floors to comprise 98no. Studios, 1, 2 and 3 bed apartments; demolition of rear storage units and construction of 36no. New apartments with associated landscaping, access and parking (amended plans and description received).

The Assistant Director of Planning and Economic Growth introduced the report and advised that this report had been brought back to members as requested as an information update following planning permission being granted on 26 January 2021.

There were no deputations for this item.

Members' Questions

There were no questions.

Members' Comments

Councillors Stagg and Smyth expressed their dismay that this development has no affordable housing. One of the reasons for this is due to the recent change in legislation of the vacant building credit policy guidance of the NPPG. Members were saddened that people are living in unsuitable accommodation and there will not be the opportunity for affordable housing in St Jude ward.

RESOLVED that the report be noted.

122. 21/01162/VOC - 15 Shadwell Road, Portsmouth, PO2 9EH (AI 7)

Application to remove Condition 4 of 20/01540/FUL to allow occupancy for more than 4 residents and users.

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

The application for Class C3/C4 use was considered at the Planning Committee meeting of 21st July 2021. To assist Members, the Minutes of that meeting are attached at Appendix A.

Three additional objections have been received since publication of the Officer Report, from addresses that have already commented on this application - no new issues are raised.

A written Deputation has also been received, from an Objector who had previously submitted comments which are already set out and considered in the Published Officer Report. The repeat/further objections are attached at Appendix B.

A joint written deputation for 15 Shadwell Road and 23 Oriel Road has been received from Cllr Wemyss and is attached in Appendix C

The Assistant Director of Planning & Economic Growth advised that a written deputation had been received from Mr Elvis Carvalho objecting to the application. This was too long to read out within the permitted 6 minutes however this had been circulated to the committee.

A written deputation was read out by Councillor Daniel Wemyss as ward councillor.

Mr Henry Thorpe made a deputation objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

Members' Questions

In response to questions, the following points were clarified:

- The Committee are obliged to consider the applications before them on its individual merits. There is a specific mechanism in place to review whether conditions imposed are necessary when an applicant wishes to re-evaluate those. If the committee consider this inappropriate this is not a material planning consideration, and it would not be lawful.
- The planning solicitor clarified that Class C4 allows for up to six people, therefore it would be unreasonable to have a condition limiting it to four people. However if the communal space is lower than that required for six, it would be reasonable to add this as a condition.
- There is no requirement to have en suite bathrooms. All the room sizes do meet the guidance which is why the application is recommended for approval.
- The appeal decisions mentioned earlier in the meeting have not specifically informed this application. It is for the decision maker to judge whether on the individual merits there is anything abnormal to depart from the guidance.
- Private Sector Housing guidance 2018 provides information and states that a 6-7 occupancy dwelling should have two shower/bathrooms and two toilets.
- The Private Sector Housing licensing regime on HMOs is separate to the planning HMO regime. Licensing is more concerned with how homes are managed. Both have the same goal but in terms of minimum room sizes they both say the same thing.

Members' Comments

- Members had previously felt that when this application came before to committee that it was a poor standard. It was felt if this was approved this sets a bad precedent. Members commented that this application is not appropriate for this

road. Members added that they would want to see good quality HMOs and many good applications have come forward which have been approved.

- It was felt that the living space was not adequate.

RESOLVED to refuse planning permission for the following reason:

The communal spaces are considered to be inadequate for more than 4 people due to the size and configuration of the dining/living area and the kitchen and is therefore considered to be contrary to policy PCS19 of the Portsmouth Plan (2012) and associated guidance.

123. 21/01087/FUL - 23 Oriel Road, Portsmouth, PO2 9EG (AI 8)

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report and explained that there was a typo in paragraph 5.20 of the report- this should read 'It is therefore considered that an objection on car parking requirement can **not** be sustained on refusal'. The Highways Authority are satisfied that the parking provision does comply with the standards set out in the Council's SPD sufficient to warrant the recommendation for the grant of planning permission.

Attention was drawn to the Supplementary Matters report which reported that:

Further objections

It has come to the officer's attention that the published Committee Report missed off 8 objections received. These comments raise similar issues to those already detailed within the published report, and bring the total number of objections to 29, from 27 addresses.

The published Committee Report also omitted two petitions of objection from local residents. One has 160 signatures from 132 properties primarily in Oriel Road, Shadwell Road, Wadham Road and Ophir Road. The other has 122 signatures from the residents of Oriel Road. They raise the following issues:

- a) should place a hold on HMO's in this style of property and conduct a review of the policy due to the over development of existing family housing stock into cramped, low quality and poorly managed HMO's causing a negative impact on the community;*
- b) shortage of family homes - existing family homes should be retained;*
- c) the community is concerned about the shift in both the placement and scale of these developments; concern that developers are using policies originally intended for residents to make minor alternations to their homes to over develop them into residential business; using the HMO SPD as a design standard to produce the smallest possible spaces creating social issues;*
- d) do not give up resident democratic rights to have these applications reviewed by elected councillors;*
- e) the infrastructure, parking availability and services cannot support more occupiers;*
- f) Impact of physical and mental wellbeing; and*

g) Safety concerns.

On paragraph 5.20 there is a typo, which reads "It is therefore considered that an objection on car parking requirement can be sustained on refusal."
It should read 'It is therefore considered that an objection on car parking requirement could not be sustained at appeal'

Officer response

The request to pause the determination of HMO applications on this style of property until a requested review of the existing policy is noted. However, on the basis the Local Planning Authority (LPA) has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies, which will be undertaken in consultation with Members and the public.

The proposal is considered to comply with existing guidance on the standard of accommodation, and with respect to community balance, as the published Officer report sets out.

Parking is already summarised within the report and the shortfall of 0.5 car parking spaces, is not considered to be sufficient to refuse the application.

The change of use of this property in and of itself, is not considered to result in any significant impact upon the local infrastructure or services. Further the use of the property as a HMO is unlikely to result in any increase crime or anti-social behaviour or safety concerns.

As summarised within the report, the application is not considered to result in any significant impact on the amenity of surrounding neighbouring occupiers.

A joint written deputation for 15 Shadwell Road and 23 Oriel Road had been received from Cllr Wemyss and is attached in Appendix C. This was also read out to the committee during the previous application.

A written Deputation has also been received, from an objector who had previously submitted comments which are already set out and considered in the Published Officer Report. The repeat/further objections are attached at Appendix D.

The Assistant Director of Planning & Economic Growth advised that a written deputation had been received from Mr Elvis Carvalho objecting to the application. This was too long to read out within the permitted 6 minutes however this had been circulated to the committee.

Mr Henry Thorpe, Ms Lisa Hussey and Mr Richard Ferrans made deputations objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at

Members' Questions

In response to questions, the following points were clarified:

- Condition 3, detailed in the report, states that the works must be carried out prior to first occupation of the property as a HMO, namely the construction of the rear dormer and rear extension. The floorspace in the drawings is required before it becomes a C4 HMO. If the applicant decides to remain as a C3 HMO however they are not required to undertake these works.

Members' Comments

There were no comments.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters list.

124. 21/01098/FUL - 210 Chichester Road, Portsmouth, PO2 0AX (AI 9)

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

Additional objection

An additional objection has been received from a local resident, on the grounds of the proposal being an over-development due to a number of sub-divided properties within the area, and stating that the proposal has changed recently and without consultation.

Officer response

It is understood that the reference to sub-divided properties within the area relates to houses sub-divided into flats. These are not considered in the HMO count and policy assessment and are not a consideration towards the mix and balance of the community in regards to HMO uses.

The plans were updated to show a rear dormer to be constructed under Permitted Development, and changes to the roof of the rear conservatory. As stated within the report these matters are not for consideration as they fall under Permitted Development works. It is therefore considered that the proposal has not fundamentally changed since original advertisement.

A written deputation from the owner has been received and is attached as Appendix E.

Councillor Swann has also submitted a written Deputation, to supplement his objections previously made and which are already set out and considered in the Published Officer Report. The written Deputation is attached at Appendix F.

The recommendation remains unchanged.

Mr Henry Thorpe made a deputation objecting to the proposals.

Written deputations were then read out by the Assistant Director of Planning & Economic Growth from Councillor Benedict Swann, ward councillor and the owner of 210 Chichester Road, Vandenberghe.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

Members' Questions

In response to questions, the following points were clarified:

- The Council's mixed and balanced communities' guidance is that 10% of properties within a 50m radius being a HMO as a maximum. This scheme is well below that. While the change of use of a residential dwelling to another use does result in an alteration, the overall impact on the character of the area needs to be considered. The policy identifies that the authority is satisfied that the application would not cause an imbalanced community if that percentage was less than 10%. The committee are obliged to consider applications under current policy. The development plan should be used to give significant weight to see whether this application would change the character of the area.
- The HMO licensing register is maintained by the Private Sector Housing Team and the planning register by the Planning team and these registers are shared and published jointly to cover the separate regimes. This is a significant piece of work for the Council. When planning applications come in it provides the opportunity to interrogate the register. When the planning officer does their site visits this often identifies other HMOs in the area and these are added to the register. There is no legal obligation to tell the Council if a property is a HMO if it is not required to be a licensed HMO. The Assistant Director was confident that the Council has the best information as possible at present however this work is ongoing as officers are aware that there are HMOs that the Council are not aware of. Officers are confident in the assessment of this application and the other HMOs on the agenda today as this has been interrogated and been accompanied by site inspections. As a neighbour it is very hard to identify what is a HMO as 6 unrelated individuals could live together and not be a HMO.
- The Planning Enforcement team will investigate that all conditions have been complied and if anyone has an issue, they can contact the team to follow up accordingly. The Private Sector Housing Team will undertake a detailed inspection and consider the internal plans.
- The Private Sector Housing Team advises that utility rooms can be included as part of the combined living space if there is unrestricted access.
- Officers are satisfied that the amount of living space available does meet the guidance and thresholds laid out in the SPD and associated housing guidance.

Members' Comments

It was felt that the SPD on HMOs needed to be reviewed urgently. The Assistant Director of Planning & Economic Growth advised the Council sets its own policies on this and the SPD on HMOs was reviewed in the last few years. The Committee could request the 10% threshold within a 50m radius could be reviewed and if

appropriate a different threshold could be implemented.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters list.

Councillor New left the meeting after this application.

125. 21/01386/FUL - 19 Paddington Road, Portsmouth, PO2 0DU (AI 10)

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report.

Mr Henry Thorpe made a deputation objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

Members' Questions

- Flats and houses are held to a national space standard compared to HMOs which are locally required space standards, and are held to a higher standard than the average HMO.
- Officers had been concerned about the layout and this had been amended as indicated on the plans. Officers were satisfied that this proposal was highly comparable with schemes that the Planning Inspectorate have found to be acceptable.
- The use class for C4 allows for up to 6 people, if more people were added a judgement would need to be made as to whether there is a materiality to that change.
- There is no rear access to the property. The corridor going through the kitchen is 1.1m wide and is capable of taking a bicycle through.
- The SPD on bicycle storage does not go into more detail about layouts and accesses. Members felt that this needed revisiting.
- The requirement is that bicycle storage should be secure and weatherproof. There is already a condition on the proposal for bicycle storage, if the applicant wished to propose an alternative secure storage at the front of the property this could be considered, however this would be quite visually intrusive so this would need to be balanced against the convenience of the residents and the character of the area.
- An informative could be added for the applicants to explore installing bike hangars at the front of the property. If it were to be in the public realm, they would need to guarantee that the applicant could take that space. The amount of public realm space and parking is a concern to local residents. A balance between the character of the area and the impact on public realm against the convenience of the residents. Officers recommended that a bicycle store in the rear garden is the appropriate balance to that requirement.

- The condition proposed in the papers regarding bicycle storage is reasonable as to what the developer can provide. To require the developer to ask the occupants to pay for cycle storage outside the property would not be a reasonable condition.

Members' Comments

Concerns were raised about the layout of the combined living space and it was felt that it was inadequate for 6 people. Officers said that internal layout had been amended slightly and officers were satisfied with the revised layout. Concerns were also raised about getting bicycles through the house as there is no rear access to the property. It was proposed that this application be deferred whilst the bicycle storage be explored and to suggest that the applicant could apply for and fund a bike store in the vicinity.

RESOLVED to defer this application whilst the bicycle access is properly explored and suggest to the applicant that they could apply for and fund a Portsmouth City Council bike store in the near vicinity.

The meeting concluded at 1.38 pm.

Signed by the Chair of the meeting