

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 2 February 2022 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 (Chair to Agenda Item 9)
Lee Hunt (Chair from Agenda Item 10)
Matthew Atkins
Robert New
John Smith
Linda Symes
Judith Smyth
Lynne Stagg
Gerald Vernon-Jackson CBE (part)

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.

12. Apologies (AI 1)

Apologies had been received from Councillors George Fielding and Terry Norton (Standing Deputy Councillor Linda Symes). Councillor Lee Hunt had submitted apologies for lateness as he had an unavoidable appointment.

Councillor Gerald Vernon-Jackson apologised that he would be absent from the meeting between 11.00am and 11.45am. Councillor Robert New apologised that he would have to leave the meeting at 1.30pm for a hospital appointment which had been postponed previously.

13. Declaration of Members' Interests (AI 2)

There were no declarations of members' interest.

14. Minutes of the previous meeting held on 12 January 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 12 January 2022 be agreed as a correct record.

15. Updates on previous planning applications (AI 4)

The Development Management Lead reported that two appeals had been received in relation to:

- 5 Stafford Road, Southsea PO5 2AD - a householder appeal received against the refusal of planning permission for construction of a two-storey extension to the front elevation.
- 7 Oyster Mews, French Street, Portsmouth, PO1 2JS - an appeal against the refusal of planning permission for construction of single storey extension to front elevation and alterations to rear elevation and roof slopes to include partial second floor extension, raising of eaves and construction of dormer windows.

It was also reported that appeals decisions had been determined in relation to:

- 27 Lakeside Avenue, Portsmouth, PO3 6EZ - an appeal lodged against the refusal of planning permission for Construction of dormer to front roof slope and side facing window. The Inspector decided to dismiss the appeal.
- 51 Farlington Road, Portsmouth, PO2 0DS - an appeal was lodged against the non-determination of planning application for change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation). The Inspector decided to allow the appeal.
- 1 Red Lodge Apartments, 61 Clarence Parade, Southsea PO5 2HP - an appeal lodged against the refusal of planning permission to replace French doors and windows to side elevation and front elevation. The appeal was dismissed.
- 39 Carmarthen Avenue, Portsmouth, PO6 2AG - an appeal lodged against two conditions attached to a planning consent, concerning a domestic extension. The appeal was dismissed.
- Land West of 53 Derby Road, PO2 8HW - an appeal lodged against the non-determination of planning permission for Display of 1 no. internally illuminated digital LED screen fronting Stamshaw Road. The appeal was dismissed.

Information relating to the appeals has been circulated to members.

16. 21/01182/HOU - 17 Military, Hilsea, Portsmouth PO3 5LS (AI 5)

Construction of part two/part single storey side/rear extension; hip to gable roof extension and dormer to rear roofslope; alterations to first floor rear windows; extension to existing detached garage to rear of garden (amended drawing and revised proposal).

The Development Management Lead introduced the report and read written depositions of objection received from Mrs Horswell and Mr & Mrs Graham, local residents.

A deputation was heard from Mr Semmens (Applicant).

Deputations are not minuted, but can be viewed on the Council's website at:
<https://livestream.com/accounts/14063785/planning-02feb2022>

Councillor Gerald Vernon-Jackson left the meeting at 10.55am and took no further part in the meeting until his return for Agenda Item 9.

Members' Questions

In response to questions, the following points of clarification were made:

- The side door that leads on to the forecourt of no. 19 that would replace the side gate is a private matter and not a planning consideration.

Members' Comments

Members commented that this was a straightforward application and that it was refreshing that the applicant had taken on board his neighbours' concerns.

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

17. 21/01386/FUL - 19 Paddington Road, Portsmouth PO2 0DU (AI 6)

Change of use from dwelling house (class C3) to purposes falling within class C3 (dwelling house) or class C4 (house in multiple occupation).

The Development Management Lead introduced the report and noted that ward Councillor Benedict Swann had submitted a letter of objection.

A deputation was heard from Mr Thorpe (objecting).

Deputations are not minuted, but can be viewed on the Council's website at:
<https://livestream.com/accounts/14063785/planning-02feb2022>

Members' Questions

In response to members questions, the following points were clarified:

- Where all bedrooms exceed 10sq.m as is the case for this application, the combined living space can be reduced from 34sq.m to 22.5sqm and the communal space is 26.89sq.m.
- This is similar to the application mentioned in relation to the appeal decision for 51 Farlington Road, North End (see Minute Number 140 above) which had a communal area of 25.6sq.m, though the layout was different.
- The revised submitted drawings indicate an adequate space for the intended number of occupants and the revised layout provides a route for bicycles being wheeled through the property to access the bike storage in the rear garden.
- Occupants would need to be sensible about taking bicycles through the kitchen when others are cooking, for example.
- There are no plans for a bike hanger on the street.
- In relation to bedroom sizes these are checked by officers who will visit the site if necessary.

Members' Comments

Members clarified that bike hangers are put in at the request of residents when there is enough local support and the budget is available.

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

18. 21/01684/FUL - 49 Oriel Road, Portsmouth PO2 9EG (AI 7)

Change of use from dwellinghouse (class C3) to purposes falling within class C3 (dwellinghouse) and class C4 (house in multiple occupation).

The Development Management Lead introduced the report and read a written deputation of objection from Councillor Wemyss.

A deputation was heard from Mr Thorpe (objecting). Mr Thorpe spoke to a PowerPoint presentation during his deputation.

Deputations are not minuted, but can be viewed on the Council's website at: <https://livestream.com/accounts/14063785/planning-02feb2022>

Members' Questions

In response to members questions, the following points were clarified:

- Factors such as anti-social behaviour may be a relevant planning consideration.
- Planning Policies were referred to during the deputations including the order of applications and those which have not been determined being included in the 50m radius. It was confirmed that when considering a 'live' application such as in this case, officers take into applications and include the information in the report.
- Officers understand permitted development rights including the point from which permitted development is measured, that this is the original building and that maps, photographs and original features indicate the point to from which new building can take place.
- The intended use of rooms is enforceable and will be checked on site where a complaint is made.
- Officers take care to respond to all points raised in representations in the report though they may be highly summarised.
- 58 Gladys Avenue (referred to in the deputation by Mr Thorpe) was suggested by the Deputee to be subject to two applications: if so, the first sought prior approval for a domestic extension and, as no objections were received, was approved; the second related to change of use to an HMO.
- Although subject to debate, it was not necessarily the case that an HMO would add to parking pressures more than a family home; there is considerable congestion in the City.
- Permitted development rights are defined in the Permitted Development Order and relates to the original house as at 1 July 1948, or the date it was built if after 1948.
- The number of HMOs in the vicinity of the application shown during the presentation by the depute, was a different scale to the map included in the report and only 1-2 HMOs are located within a 50m radius of the property.

- The Planning Department uses data from planning history, Council tax records and licensing data as well as information received from ward councillors and residents to determine the number of HMOs in an area.
- These data sources are good and reliable, and although there may be a few unknown or illegal HMOs, the point of engaging with ward councillors and residents is to use local knowledge to identify and assess them. The information provided to members of the Planning Committee is robust.

Members' Comments

Members expressed a level of concern about the accuracy of the HMO database and the potential impact this might have on their decision making. There was a suggestion that the Chair and Vice Chair of the Planning Committee discuss the potential to further enhance the HMO policy to limit the impact on the wider community with the Cabinet Member for Planning Policy and City Development and possibly include this in the new Local Plan.

Members commented that it would have been helpful to see a plan of the extension in relation to the size of the garden.

It was acknowledged that many young people, including key workers and young professionals, are not able to afford to buy or rent a property in the City and that good quality HMOs are needed.

Members commented that this application had been refused previously due to concerns about access to the proposed bicycle storage facilities in the rear garden. The applicant has addressed these previous concerns and has raised the quality of the accommodation with the revised application.

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

19. 21/01391/FUL - 2a Hellyer Road, Southsea PO4 9DH (AI 8)

Change of use of existing building and conversion from gym (class E) to form 3 no. 2 bedroom flats (class C3); construction of one additional storey (mansard roof), installation of windows to rear and alterations to fenestration (21/01391/FUL).

Councillor Gerald Vernon-Jackson re-joined the meeting at 12 noon after the start of the officer's presentation and was not eligible to participate or vote on this item.

The Development Management Lead introduced the report and drew members attention to the updates presented in the Supplementary Matters (SMAT) list as follows:

Updates after the published Committee Report are required to address:

1. *Bats*
2. *Further highway comments*
3. *Four further representations: two objection, two support.*

Bats

The Applicant carried out a Preliminary Bat Inspection which has been assessed by the County Ecologist. The conclusion that the building has negligible bat roost suitability is accepted by the County Ecologist, and they recommend a 'Precautionary Working Method' Informative is attached, with the following:

- Works scheduled during the winter months (November to March) when bats are least likely to be present, insofar as is possible;
- A toolbox talk will be given to contractors to make aware of possible presence of bats;
- An inspection of the potential roost features identified shall be undertaken prior to works commencing;
- The potential roost features be removed by hand (where a risk still remains following the pre-commencement inspection) prior to any mechanical demolition;
- In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop and a bat licensed ecologist contacted for further advice.

Further highway comments

The Local Highways Authority (LHA) has been re-consulted, concerning both vehicle and cycle parking. First, due to the reduction of proposed flats from the original four, to the current three. Secondly, the Applicant's position re the previous gym use and parking as set out in Paragraph 6.15 of the published Committee Report was also provided to the LHA. Lastly, since publication of the report, the Applicant has amended the proposed cycle parking provision. It had been two wall-hung cycle racks in each flat. The Applicant proposes the same in the First-Floor flat, with a cycle store on the Ground Floor to serve the Ground Floor and Second Floor flats.

Vehicle Parking: The LHA maintains its objection, due to the SPD expectation of 4.5 parking spaces, while none are provided, in a permit area where 1,384 permits are issued compared with 1,267 spaces available. The permits are for residential occupiers only, i.e the LHA does not agree with the Applicant's assertion that the previous gym use had or has any dedicated parking bays allocated. The Committee report already notes at the end of Paragraph 6.15: 'It is not known whether such dedicated provision would be achieved, and it is not being relied upon in the consideration of this application'. Paragraph 6.17 compares the existing gym use, to the three new flats proposed, and notes the sustainable location. The Planning Officer Recommendation remains that there are no grounds to refuse the application on vehicle parking.

Bike parking: the LHA notes the following: * the bike parking includes manoeuvring through three doors to get to the store, and going upstairs for the First-Floor Flat; * the store does not meet the SPD size requirement. The LHA considers the proposal is not a convenient nor acceptable arrangement and would limit opportunities for future occupants to use sustainable transport modes, and recommends refusal. Again, the Planning Officer considers the storage to be not so deficient as to warrant withholding consent for a scheme with strong benefits: new housing in a sustainable location, sustainable retention and conversion of building that makes a positive contribution to the streetscape and local character. An extra condition is recommended to achieve the optimum and detailed arrangements for bike parking.

Four further representations: two objection, two support.

The objections: a representation asking about measures that will be put in place to minimise disruption during construction, and one comment suggesting the committee report was misleading to state that 'gym users have parking access in all hours stated'. The first point is addressed by Condition 8, for a Construction Method Statement. The second is addressed above.

The two support letters support the amended scheme.

The Recommendation to Approve is retained as per the Published Report.

The overall Recommendation to Approve is still subject to:

- (a) the receipt of satisfactory comments from Natural England concerning mitigation for Special Protection Areas;*
- (b) a legal agreement to secure mitigation for Special Protection Areas, and; is subject to the published conditions.*

The matter of bats is addressed by the Informative set out in the first column of the SMAT report. The Informative shall be attached to the Decision Notice.

An additional condition shall be attached to address bike storage, as per below:

Prior to first occupation of the development hereby permitted, the Applicant shall apply to the Local Planning Authority for its written approval of a detailed scheme of bike storage, including specifying the allocation of storage spaces to individual flats. The approved details shall be provided prior to first occupation, and maintained as approved during the lifetime of the development.

Reason: In order to provide sustainable transport options, in accordance with Policy PCS 17 of the Portsmouth Plan.

A deputation was heard from Mr Bukin (Agent).

Deputations are not minuted, but can be viewed on the Council's website at:

<https://livestream.com/accounts/14063785/planning-02feb2022>

Members' Questions

Following members questions, the following points were clarified:

- The detailed design of the timber screening fins must be installed as approved prior to the first occupation of the development, maintained as approved for the lifetime of the development and will be subject to enforcement if a complaint, for example about the removal of the fins, is received.
- As outlined in the Supplementary Matters list, it is recommended that an additional condition to address bike storage be added.
- The scheme proposes a bin and recycling store within the main body of the building next to the main entrance which is appropriate to the size of the development.
- The reduction in height of the development and the setting back of the mansard structure will have only a minimal impact on the neighbouring property in terms of overshadowing and effectiveness of their solar panels.

- There is a condition relating to the sustainable construction of the development (condition 6) and the applicant wants to achieve an 'excellent' level in terms of the development's impact and need for resources.
- Although for the developer to determine, it was likely that the use of materials on the stairs would be robust and hard-wearing.
- The additional condition (relating to bicycle storage) and informative (relating to bats) will be added to the Decision Notice.

Members' Comments

A member of the Committee expressed some concerns about additional pressure on parking in the area, inadequate bicycle storage and the potential for road rage as a result. It was noted that the Local Highways Authority recommended refusal on the grounds that the scheme would not provide off-site parking.

RESOLVED

(1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) Receipt of satisfactory, final comments from Natural England, in response to the LPA's Appropriate Assessment for SPA Mitigation;**
- (b) Satisfactory completion of a Legal Agreement to secure mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance, and nitrates) by securing the payment of a financial contribution prior to first occupation;**
- (c) Receipt of satisfactory, final comments from the Hampshire Ecologist re the potential for bats at the site, and any necessary mitigation.**

(2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;

(3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution;

That an extra condition be attached, as follows:

(4) Prior to first occupation of the development hereby permitted, the Applicant shall apply to the Local Planning Authority for its written approval of a detailed scheme of bike storage, including specifying the allocation of storage spaces to individual flats. The approved details shall be provided prior to first occupation, and maintained as approved during the lifetime of the development; and

(5) That an Informative be attached to the Decision Notice such that:

- **Works scheduled during the winter months (November to March) when bats are least likely to be present, insofar as is possible;**

- **A toolbox talk will be given to contractors to make aware of possible presence of bats;**
- **An inspection of the potential roost features identified shall be undertaken prior to works commencing;**
- **The potential roost features be removed by hand (where a risk still remains following the pre-commencement inspection) prior to any mechanical demolition;**
- **In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop and a bat licensed ecologist contacted for further advice.**

The meeting adjourned at 12.20pm for a comfort break and resumed at 12.29pm.

20. 20/00716/FUL - 5 Somers Road, Southsea PO5 4PR (AI 9)

Construction of five storey building to provide 12no. Two bedroom flats and 1no. One bedroom flat, with associated landscaping and parking with access from Warwick Crescent (following demolition of existing building).

The Development Management Lead introduced the report.

A deputation was heard from Ms Richards (Agent).

Deputations are not minuted, but can be viewed on the Council's website at: <https://livestream.com/accounts/14063785/planning-02feb2022>

Members' Questions

In response to questions from members of the Committee, it was clarified that:

- A suite of environmental measures, including the provision of solar panels, to support sustainable design and construction will be controlled by condition (condition 13)
- There is no loss of green space arising from the scheme.
- The developer has submitted a landscape plan which provides further details about its plans to enhance the green space including two trees supplemented with a mix of evergreen shrubs and other lower plants and flowers.

Members' Comments

Members commented that the application would be an improvement on what is there currently and presents a reasonable comprise in relation to regeneration and the provision of parking. Comments were also made about the landscaping which members were pleased to see including in the scheme which they felt was encouraging.

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**

- (a) Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;**
- (2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;**
- (3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.**

Councillor Lee Hunt joined the meeting at 12.44pm and took the Chair for remainder of the meeting. The meeting resumed at 12.47pm and Councillor Hunt thanked Councillor Attwell for Chairing the meeting during his unavoidable absence.

21. 21/01703/FUL - 78 Stubbington Avenue, Portsmouth PO2 0JG (AI 10)

Change of use from dwelling house (class C3) to purposes falling within classes C3 (dwelling house) or C4 (house in multiple occupation).

The Development Management Lead introduced the report.

A deputation was heard from Mr Thorpe (Objecting).

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The Legal Advisor commented that he had referenced the law relating to permitted development in the city but was unable to speak to particular properties or applications.

The Development Management Lead confirmed that officers would be happy to meet with Mr Thorpe again to discuss matters relating to the planning regime. The Chair supported this invitation to talk further to officers, adding that he would be happy to receive ideas about further tightening up HMO policies although he believed that Portsmouth had one of the strongest HMO policies in England and Wales.

Members' Questions

Members asked questions and it was clarified that:

- There is no national policy relating to the control of HMOs, except in relation to permitted development rights, and there is a presumption in favour of development unless material considerations dictate otherwise.
- Portsmouth's Houses of Multiple Occupation SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (50m radius) are already in HMO use.
- The merits of each application in terms of size standards and layout are taken into account.

Members' Comments

Members commented that the applicant has improved spatial standards relating to this application. Generally, consideration also needs to be given layout and shape so rooms retain integrity and purpose and space is usable.

Members also commented that it would be helpful to know if there any other authorities with an HMO limit which is lower than 10%, or whether there are others which use a wider radius to control HMOs. Members noted that Portsmouth has an Article 4 Direction in place.

Members reiterated comments from earlier in the meeting that the opportunity to add information on HMOs into the Local Plan should be taken.

It was noted that in his deputation, Councillor Swann had asked that all HMO applications are halted until the HMO Database can be reviewed. Members commented that it had worked well when the authority had delegated powers to officers.

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

22. 20/00749/FUL - 125 Laburnum Grove, Portsmouth PO2 0HF (AI 11)

Change of use from dwelling house (class C3) to purposes falling within sui generis (house in multiple occupation).

The Development Management Lead introduced the report.

A deputation was heard from Mr Thorpe (Objecting). The Committee also heard from Mr Baker (Applicant) and Mr McDermott (Agent).

Deputations are not minuted, but can be viewed on the Council's website at:
<https://livestream.com/accounts/14063785/planning-02feb2022>

The Chair commented that the Planning Inspectorate had determined that a 50m radius, rather than a street measure which had been rejected, should be used to control HMOs. He also commented that other authorities had followed Portsmouth's lead in setting a 10% limit and that the authority would be happy to look at it again, providing it does not make things worse for residents. He added that there was insufficient housing in this country and that there was a place for good quality shared houses.

Members' Questions

In response to questions from members, the following points of clarification were made:

- Regarding the headroom in the upstairs bedrooms, the nationally described standards require a 1.5m ceiling height and it is only the area 1.5m or taller which is included in the room size calculations.

- The Houses of Multiple Occupation SPD states that a community will be imbalanced where more than 10% of residential properties within the area surrounding the application site (50m radius not 50sq.m area as the depute had stated) are already in HMO use.
- There is one car parking space on the forecourt of this property.
- This is a large property, and which could accommodate more than 7 occupants and still comply with room sizes guidance, this will be controlled by Licence, and there is no planning reason to restrict the number of occupants by condition.

The Applicant indicated that he would be content with the number of occupants being limited to 7 and Mr Thorpe also agreed, adding that enforcement was the issue. The Chair commented that market forces would apply and naturally limit the number of occupants.

Members' Comments

Members commented that there are minimum size standards which apply to car parking on forecourts. Members felt this was a good quality HMO, that the sizes of the rooms were good and that developments with higher standards will drive out the bad ones.

Members requested an occupancy condition, which was prepared and read out by the Development Management Lead:

There shall be a maximum of seven persons in occupation.

Reason: in order to prevent an over-occupation and over-development of the premises, which would harm local residential amenity, in conflict with Policy PCS23 of the Portsmouth Plan (2012) and the HMO SPD (2019).

RESOLVED

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**
 - (a) Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance, and nitrates) by securing the payment of a financial contribution prior to first occupation;**
- (2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;**
- (3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution; and**

An extra condition:

- (4) There shall be a maximum of seven persons in occupation.**

Reason: in order to prevent an over-occupation and over-development of the premises, which would harm local residential amenity, in conflict with Policy PCS23 of the Portsmouth Plan (2012) and the HMO SPD (2019).

23. Members' attendance at Pre-Agenda meetings

The Chair informed members that the Assistant Director Planning & Economic Growth was concerned that members were not taking advantage of attending the Pre-Agenda meetings which are set up in advance of Planning Committee meetings. It was noted that concerns relating to pre-determination had been raised previously and it was confirmed that the purpose of the meeting was to ensure that members had available to them all the information they needed to make decisions at the Committee meeting.

Members commented that holding these meetings on Friday afternoons was not always convenient and meeting on a Monday would be preferable.

The meeting concluded at 13.45 pm.

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Signed by the Chair of the meeting
Councillor Lee Hunt