

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 25 May 2022 at 2pm in the Council Chamber.

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

### Present

Councillors

Judith Smyth (Chair)  
Chris Attwell (Vice-Chair)  
George Fielding  
Darren Sanders  
Russell Simpson  
John Smith  
Linda Symes

### 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.

### 59. Apologies (AI 1)

Apologies for absence were received from:

Councillor Chris Attwell who had to leave between 4 and 4:30pm.  
Councillor Robert New; Councillor Scott Payter-Harris deputised for him.  
Councillor Vernon-Jackson; Councillor Steve Pitt deputised for him.  
Councillor Hugh Mason; Councillor Lynne Stagg deputised for him.

### 60. Declaration of Members' Interests (AI 2)

Councillor Darren Sanders declared a blanket personal interest; he lives in a house of multiple occupation.

Item 6 - Councillor Scott Payter-Harris will give two deputations: one on behalf of Councillor Daniel Wemyss and one for himself. He will sit out for this item.

### 61. Minutes of the previous meeting held on 13 April 2022 (AI 3)

**RESOLVED that the minutes of the planning committee held on 13 April 2022 be agreed as a correct record.**

The Chair noted that the agenda comprised solely of Houses of Multiple Occupation (HMO) applications and proposed that item 4 be moved to the end of the agenda as it was the only one with no deputations.

Ian Maguire, Assistant Director for Planning and Economic Growth, gave a broader context on the similarities of all the applications. The Campbell Properties appeal decisions in April 2021 is an important material consideration for the council when considering an application where an applicant is seeking to change the use of an existing HMO, usually C4, allowing up to 6 people to live together to a 7 or 8 bed HMO. It is incumbent upon the decision maker to decide whether the changes are material.

The Chair proposed that for each application, after debate the committee take a decision on whether planning permission is required and if it is, then a further debate ensue to decide whether planning permission will be granted.

#### Members' Questions on the Process

In response to member's questions, the following points were clarified:

- In Campbell Properties the Inspector was expressly asked to resolve whether the change from 6 to 7 bedrooms was a material change of use. They judged it not to be. The Inspectors at other appeals did not engage that question. The Inspectorate declined to give a further view on this when challenged. Campbell was an appeal on an enforcement matter. At three appeals, the applications were not deemed to be development; at the other appeals the Inspectors were silent on the matter.
- Inspectors are only legally allowed to take into consideration in their deliberation, matters that are material in planning terms.
- 'There is no change to law or to council policy.
- It is not a matter of a blanket judgment for all cases of C4 HMO to Sui Generis change of use from 6-bedroom HMO to 7-bedroom HMO. The merits of each individual case need to be considered.
- The nitrates issue is only engaged in a planning matter when planning permission is required.
- The Legal Advisor noted that with regard to the habitats regulations, an appropriate assessment is only required where planning permission is required, or there are reserved matters or prior approvals. If there is no planning permission an assessment does not need to be carried out.

**RESOLVED that item 1 remain at the start of the agenda.**

#### **62. 20/00071/UND - 118 Prince Albert Road, Southsea PO4 9HT (AI 4)**

The Assistant Director for Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

The Assistant Director of Planning and Economic Growth advised Members that there are 2 questions to consider:

1. Is planning permission required for the development or not.
2. If planning permission is required members will need to go on to consider if it is expedient to take enforcement action, as this is a discretionary power.

#### Members' Questions

In response to member's questions, the following points were clarified:

- Planning permission was refused on 18 January 2021 after the licence was granted in April 2020.

- As far as he was aware, there had been no change in line with the inspector's judgment.
- The property had recently changed hands.
- If the private sector housing department had refused to grant the licence, it is more likely that officers would be recommending refusal of planning permission due to the quality of the internal living environment.

#### Members' Comments

- As the application had previously been refused by this committee and the appeal dismissed, the member was unable to see how members could take a decision and that no further action should be taken. Officers advised that a decision must be made.

#### **RESOLVED that**

- 1. The intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area result in a material change of use of this site requiring planning permission.**
- 2. Furthermore, the amount of communal living space, below that recommended by the HMO SPD, results in an unacceptable living environment for occupants warranting enforcement action.**

#### **63. 20/00964/FUL - 123, Talbot Road, Southsea PO4 0HD (AI 5)**

Assistant Director for Planning and Economic Growth presented the report.

The Assistant Director of Planning and Economic Growth advised Members that they firstly needed to consider if planning permission required for the development or not. In other words is there a material change of use or not by the addition of 1 extra person.

Secondly, if Members are of the view that planning permission is required Members will need to go on to consider if planning permission should be granted or not.

Deputations against the applications were received from Henry Thorpe and Councillor Suzy Horton.

#### Members' Questions

In response to questions, the following points were clarified:

- This is a new planning application. The applicant has re-applied for planning permission for 7 bedrooms. Applicant under no obligation to come and speak to the planning committee.
- Applicants' agents have confirmed that they accept if the Nitrates issue is set forward as a condition. The officer confirmed with the agent they are willing to make the necessary nitrate contribution.
- This is a type of HMO that requires to be licensed and officers confirmed that this was licensed for 7 people on the 25 November 2019.
- The communal living space includes space for standing sitting and moving
- The Assistant Director of Planning and Economic Growth advised Members that the appeal on this site pre-dates the Campbell appeals. Planning permission was only dismissed on the single issue of SPA habitat mitigation. The planning

inspectorate considered the proposed development provide adequate living conditions for the occupiers of the property in respect of communal space. The planning inspector overruled your previous decision, if you revert to your previous decision there is a likelihood the Council will be subject to an award of costs against it.

#### Members' Comments

- A number of decisions have been upheld on our decisions at appeal where existing living space has been removed purely to create an additional bedroom to let which members believe to be contrary to policy, to ensure quality accommodation for residents. In principle, removing a quantity of communal space that exists purely to create an extra bedroom should be unacceptable and it has been deemed unacceptable by a number of inspectors. This is material to member's considerations.

#### **RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Members then went on to consider if planning permission should be granted or refused

RESOLVED that planning permission be refused for the following reasons:

- 1. The provision of an additional bedroom at the property to create a 'larger' Sui Generis HMO, couple with the under provision of communal living space, would create a situation that would result in inadequate amenity provisions for occupiers of the property and as such 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). And**
- 2. In the absence of a suitable agreement to secure appropriate mitigation measures for the increased discharge of nitrogen and phosphorous into the Solent water environment, the development would be likely to have a significant effect on the Solent Special Protection Areas and is therefore contrary to the National Planning Policy Framework, policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Special Regulations (as amended).**

#### **64. 21/00303/FUL - 331 London Road, Portsmouth PO2 7NA (AI 6)**

Deputations were received from:

*For the application*

Jonathan McDermott, the agent.

*Against the application:*

Henry Thorpe

Councillor Daniel Wemyss (read out by Councillor Scott Payter-Harris).

Councillor Scott Payter- Harris. (He took no further part in this item).

The Assistant Director for Planning and Economic Growth introduced the report and reported the supplementary matters to be considered.

The Assistant Director of Planning and Economic Growth advised Members that they firstly needed to consider if planning permission required for the development or not. In other words is there a material change of use or not by the addition of 1 extra person.

Secondly, if Members are of the view that planning permission is required Members will need to go on to consider if planning permission should be granted or not.

Councillor Wemyss' deputation was read out by Councillor Payter-Harris and summarised:

- Concern that policies not robust enough, nor suitably applied.
- Over-crowding, comings-and-goings, road and parking congestion, strain on sewage and water systems, harm to residential amenity.
- HMOs should be of good standard and size, the house is not actually big enough. The full submission is attached as Appendix A.

A deputation from Councillor Payter-Harris was then received.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

#### Members' Questions

In response to questions the following points were clarified:

- The licence for this property was for 7 occupants as of 10 February 2022. Prior to this, it was licenced for 6 persons however, evidence from the Housing Team showed that 4 people were in occupation when they last inspected. The real occupancy could change by 1 or by 3 but neither of these should happen without planning permission.
- All the bedrooms are 10m<sup>2</sup> so the requirement for the communal living area is for 22.5m<sup>2</sup>. This has 34.2m<sup>2</sup>. The space standards are met so there is no reason to withhold planning permission.
- The variation in the required living space is that where the property has significantly larger bedrooms this gives the occupants an alternative space to use thereby allowing for a reduction in the communal space.
- Requirement for cycle storage is unaltered and remains at 4.

#### Member's Comments

There were no comments.

#### **RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Members then went on to consider if planning permission should be granted or not

**RESOLVED to grant planning permission subject to**

1. **conditions on time limit, approved plans and nitrates and potential recreational distribution and**
2. **satisfactory completion of a Legal Agreement to secure the following:**
  - **SPA nitrate mitigation**
  - **SPA recreational impact mitigation**

**65. 20/00963/FUL - 48 Jessie Road, Portsmouth PO4 0EN (AI 9)**

It was agreed that items 7 & 8 would be considered now.

The Assistant Director for Planning and Economic Growth introduced the report. There were no supplementary planning matters.

The Assistant Director of Planning and Economic Growth advised Members that they firstly needed to consider if planning permission required for the development or not. In other words is there a material change of use or not by the addition of 1 extra person. Secondly, if Members are of the view that planning permission is required Members will need to go on to consider if planning permission should be granted or not.

Deputations against the application was received from Councillor Suzy Horton.

Members' Questions

In response to member's questions, the following points were clarified:

- The applicant has agreed to submit mitigation measures to deal with the Inspector's refusal. This applies for every item on the agenda.
- Officers confirmed that, should it go to appeal, the inspector is highly likely to follow the recommendations of the previous one.
- Confirmed that licence was issued 25 November 2019 for 7 people.
- The Assistant Director of Planning and Economic Growth advised Members that the appeal on this site pre-dates the Campbell appeals. Planning permission was only dismissed on the single issue of SPA habitat mitigation. The planning inspectorate considered that the development would not result in inadequate communal living space, which is 26.84m<sup>2</sup>. If the Council refuse planning permission and the applicant appeals the next inspector will be likely to follow the previous inspector's decision.

Member's Comments

- The combined living space of this application is identical to one assessed earlier.
- In past applications, this committee has seen unused studies or lounges converted into bedrooms, subterranean lounges dug out against the advice of building control and rooms added at the back of two-up; two-down houses.
- The new Local Plan should have more guidance to ensure space standards are embedded.
- The need to be consistent in their decisions was noted.

**RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Members then went on to consider if planning permission should be granted or not.

**RESOLVED to refuse planning permission for the following reasons:**

- 1. The change of use of the property, by reason of the under provision of communal living space would fail to provide a good standard of living accommodation for the occupiers and 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 Houses in Multiple Occupation Supplementary Planning Document. And**
- 2. It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional nutrient output; with mitigation against these impacts being required. No mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2021.**

**66. 20/00965/FUL - 56 Jessie Road, Portsmouth PO4 0EN (AI 10)**

The Assistant Director for Planning and Economic Growth introduced the report and that informed the committee that there were no supplementary matters.

Deputations against the application was received from Councillor Suzy Horton.

Members' Questions

In response to member's questions, he explained that

- The number of bathrooms is identical to the previous application.
- It was probably the same Inspector who determined this application's appeal and previous ones as the wording regarding space standards was identical.
- Again, this appeal pre-dates the Campbell appeals and was only dismissed by the inspector for the development's impact on the SPA. The planning inspector concluded that the development would not result in inadequate living condition for 7 persons. The communal living space is 26.82m<sup>2</sup>.

Members' Comments

- The space standards were very similar to the previous application.

**RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Members then went on to consider whether to grant or refuse planning permission.

**Members RESOLVED to refuse planning permission for the following reasons:**

- 1. The change of use of the property, by reason of the under provision of communal living space would fail to provide a good standard of living**

accommodation for the occupiers and 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 Houses in Multiple Occupation Supplementary Planning Document.

2. It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional nutrient output; with mitigation against these impacts being required. No mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2021.

**67. 20/00601/FUL - 34 Queens Road, Fratton Portsmouth PO2 7NA (AI 7)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning and Economic Growth introduced the report and reported that there were no supplementary matters.

Members' Questions

In response to member's questions, the following points were clarified:

- The property was licensed for 7 people on 28 July 2020.
- The property meets space standard set out in the SPD
- The appeal start date for non-determination of this planning application has not been set. If you grant planning permission it today the appeal will fall away

Members' Comments

- The application has good living space of a suitable size and standard.

**RESOLVED that**

1. The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.

Members then went on to consider whether to grant or refuse planning permission.

**RESOLVED to grant planning permission subject to**

1. conditions on time limit, approved plans and nitrates and potential recreational distribution and
2. satisfactory completion of a Legal Agreement to secure the following:
  - SPA nitrate mitigation
  - SPA recreational impact mitigation agreement and
3. an informative to advise them of the concerns of PSH regarding means of escape windows to the two ground floor bedrooms.



**68. 20/00747/FUL - 85 Margate Road, Southsea PO5 1EY (AI 8)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning & Regeneration introduced the application and informed the committee of the supplementary planning matters:

Councillor Mark Jeffery has submitted objections which are summarised below.

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to Policy/ Guidance.
- Evidence that no demand for additional HMO rooms in the south of the city.
- Should refuse the application, as per the robust stance at February 2022 Planning Committee for
- the same type of proposal.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

Members' Questions

In response to member's questions, the following points were clarified:

- This property was licenced on 21 May 2020
- All bedrooms are over 10m<sup>2</sup>, so the communal living space in the SPD is 22.5 m<sup>2</sup>. The communal space at this property is over this at 23.89m<sup>2</sup>.

There were no comments.

**RESOLVED that**

- 1. The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Members then went on to consider whether to grant or refuse planning permission

**RESOLVED to grant planning permission subject to**

- 1. conditions on time limit, approved plans and nitrates and potential recreational distribution.**  
**and**
- 2. satisfactory completion of a Legal Agreement to secure the following:**
  - SPA nitrate mitigation
  - SPA recreational impact mitigation agreement

**69. 20/01296/FUL - 4 Playfair Road, Southsea PO5 1EQ (AI 11)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning & Regeneration introduced the report and reported on the supplementary matters:

Councillor Mark Jeffery submitted objections which are summarised below:

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to Policy/ Guidance.
- Evidence that no demand for additional HMO rooms in the south of the city.
- Should refuse the application, as per the robust stance at February 2022 Planning Committee for the same type of proposal.

Officer update: it has been noticed that there is a minor error on the Existing floor plans. There is a small conservatory-type structure in situ, located directly outside the Dining room window, but it is not shown on the plans. It would be removed as part of the proposed development, and is shown as such on the Proposed plans. It does not affect the assessment of the application.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

#### Members' Questions

In response to member's questions, the following points were clarified:

- The property was licenced on 1 October 2019 for 8 occupants.
- The previous application has gone through the appeals process. The appeal was dismissed due to the combined living space was 30.2m<sup>2</sup> The developer has addressed the shortfall of combined living space which is now 32.4 m<sup>2</sup>. The developer has achieved this by removing a toilet from the plans.
- The development has 2 toilets. This complies with Bathroom standards comply for 8-10 persons, one toilet being in the bathroom and a separate toilet. The provision for bin storage is of adequate capacity as per council policy.

#### Members' Comments

There were no comments.

#### **RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Then members went on to consider whether to grant or refuse planning permission.

#### **RESOLVED to refuse planning permission for the following reasons:**

- 1. The proposal would be harmful to the living conditions of future occupiers having particular regard to the internal space provision and that the configuration of the combined living space is relatively long and narrow. As such, parts of the room function as a thoroughfare through the living and dining spaces to the rear garden and the kitchen. This diminishes the functionality of the space and the quality of the living environment for occupants. Furthermore, noting that the rear garden is very limited in size. For example, there is little space for storage, clothes drying and outside recreation. This places greater emphasis on the quality of the internal living space so as to ensure a good standard of living environment for occupants. As such, the proposal would be contrary to Policy PCS23 of the Portsmouth**

**Plan 2012, Section 12 of the Framework and guidance in the Houses in Multiple Occupation Supplementary Planning. And**

- 2. It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional nutrient output; with mitigation against these impacts being required. No mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2021.**

**70. 21/00045/FUL - 3 Playfair Road, Southsea PO5 1HE it (AI 9)**

The Assistant Director for Planning & Regeneration introduced the report and reported the following supplementary matters:

Councillor Mark Jeffery has submitted objections which are summarised below.

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to policy/ guidance.
- Evidence that no demand for additional HMO rooms in the south of the city.
- Should refuse the application, as per the robust stance at February 2022 Planning Committee for the same type of proposal.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

The Chair decided to allow a written deputation from Mr Willoughby which had just been received. The committee took a five-minute break to read this application which was against the application.

A deputation against the application was also received from Henry Thorpe.

Members' Questions

In response to questions, the following points were clarified:

- Two different methodologies were applied for calculating the communal living space: individual standards for individual rooms or a combined standard which is an arithmetic derivation of the standards combined.
- The committee should consider the impact on amenities including access to on-street parking, anti-social behaviour, bicycle and waste storage.
- Planning is obligated to take the applicant's description.
- SPD20 deals with several different activities.
- The number of people living in the house is for Private Sector Housing to monitor.
- A HMO licence was issued on 7 June 2021
- The room sizes meet the SPD's space standards
- There is no appeal on this site

### Members' Comments

There were no comments from members.

### **RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Then members went on to consider whether to grant or refuse planning permission.

### **RESOLVED to grant planning permission subject to :**

**1. Conditions on time limit, approved plans and nitrates and potential recreational distribution and**

**2. Satisfactory completion of a Legal Agreement to secure the following:**

**- SPA nitrate mitigation**

**- SPA recreational impact mitigation agreement.**

*Recorded vote: 3 in favour, 0 against and 5 abstentions.*

### **71. 21/00941/FUL - 14 Hudson Road, Southsea PO5 1HD (AI 13)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning & Economic Growth introduced the report and informed the committee of the following supplementary matters:

Councillor Mark Jeffery has submitted objections which are summarised below.

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to policy/ guidance.
- Evidence that no demand for additional HMO rooms in the south of the city. Should refuse the application, as per the robust stance at February 2022 Planning Committee for the same type of proposal.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

A deputation against the application was received from Henry Thorpe.

### Members' Questions

In response to questions, the following points were clarified:

- The property was licenced on 22 September 2020.
- The application was made in 2019.

### Members' Comments

The dates applications are licensed will be included in future committee reports.

### **RESOLVED that:**

**1. The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

**Then Members went on to consider whether to grant or refuse planning permission.**

**RESOLVED that:**

**2. The application was deferred for a site visit.**

**72. 21/01615/FUL - 3 Pains Road, Southsea PO5 1HE (AI 14)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning & Regeneration introduced the report and informed the committee of the following supplementary matters:

Councillor Mark Jeffery submitted objections which are summarised below.

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to policy/ guidance.
- Evidence that no demand for additional HMO rooms in the south of the city.
- Should refuse the application, as per the robust stance at February 2022 Planning Committee for the same type of proposal.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

Members' Questions

In response to member's questions, the following points were clarified:

- The office was unaware if the two spaces in the basement were habitable rooms. The plans show no access to them and they would require planning permission to make them habitable.
- The proposal meets the space standard in the SPD
- The appeal predates the Campbell appeal decisions. The appeal was refused on SPA grounds only. The planning inspector has already considered the living environment of occupier of bedroom 7, which Members are proposing as a reason for refusal. The planning inspector considered that the development provides adequate living conditions for 7 occupants.

Members' Comments

- Concern was expressed regarding the ventilation through the basement room windows.
- The application fails to provide quality accommodation and assurance that the number of bathrooms is policy compliant.

**RESOLVED that**

**The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.**

Then members went on to consider whether to grant or refuse planning permission.

**RESOLVED to refuse planning permission for the following reasons:**

- 1. The proposed development would give rise to a poor quality living environment for future occupiers of the property due to distance from bathroom facilities to the proposed bedroom 7. This would be contrary to Policy PCS23 (Design and Conservation) of the Portsmouth Local Plan (2012), And**
- 2. It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional nutrient output; with mitigation against these impacts being required. No mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2021.**

**73. 21/01733/FUL - 22 Montgomerie Road, Southsea PO5 1ED (AI 15)**

A deputation against the application was received from Henry Thorpe.

The Assistant Director for Planning & Regeneration introduced the report and informed the committee of the following supplementary matters:

Councillor Mark Jeffery submitted objections which are summarised below.

- Including permitted development rights, there are individual and cumulative material changes of use of properties. Significantly impacts residential, contrary to policy/ guidance.
- Evidence that no demand for additional HMO rooms in the south of the city.
- Should refuse the application, as per the robust stance at February 2022 Planning Committee for the same type of proposal.

The matters raised are addressed in the published committee report and there is no change to the recommendation.

Members' Questions

In response to member's questions, the following points were clarified:

- 31 of the 81 nearby properties are HMOs which is 38.3%.
- The property was licenced 15 May 2022.
- The bedrooms are above 10m<sup>2</sup> except for 2 bedrooms , which are just below at 9.6m<sup>2</sup> and 9.5m<sup>2</sup>. The measurements of the property have been rounded up by the developer and give a fair representation of the space.
- Residents would access the bicycle storage area by the French windows.
- An appeal has been submitted to PIN, but the Council has not received a start date yet, so the committees can determine the planning application today.

Members' Comments

- Two of the bedrooms did not meeting the size standards.
- The corridor is considered to be the only communal space.

**RESOLVED that**

The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area.

**RESOLVED** to refuse planning permission for the following reasons:

1. On balance the proposed development would give rise to a poor quality living environment for existing and future occupiers of the property due to the insufficient provision of communal living space, having regard to the shortfall of bedroom 6 and bedroom 7. This would be contrary to Policy PCS23 (Design and Conservation) of the Portsmouth Local Plan (2012).
2. It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional nutrient output; with mitigation against these impacts being required. No mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2021.

The meeting concluded at 7.45pm.

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Signed by the Chair of the meeting  
Councillor Judith Smyth