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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 July 2022 at 10.30 am in the Council Chamber - The Guildhall, Portsmouth

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

Present

Councillors Judith Smyth (Chair)
George Fielding
Hugh Mason
Robert New
Darren Sanders
Russell Simpson
John Smith
Gerald Vernon-Jackson CBE
Mark Jeffery (Standing deputy for Chris Attwell)

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.

87. Apologies (AI 1)

Apologies for absence were received from Councillors Linda Symes and Chris Attwell. Councillor Mark Jeffery was in attendance as standing deputy for Councillor Chris Attwell.

88. Declaration of Members' Interests (AI 2)

Councillor Sanders declared an interest in agenda item 8 (World War 2 Beach Defences). He is a member of the Langstone Harbour Board and he had contributed towards the Langstone Harbour Board comments on this application. Legal advised he was not able to participate in the determine on the issue.

Councillor Smyth declared a personal interest, as the applicant, for agenda item 6 (41 St Vincent Road) and proposed the item be moved to the end of the agenda when she would leave the meeting. The Vice Chair was not present at the meeting, so Members agreed for Councillor Mason to take over as Chair for this agenda item. The minutes will be kept in the original order for ease of reference.

89. Minutes of previous meeting held on 15 June 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 15 June 2022 be agreed as a correct record.

In response to a question from Councillor Vernon-Jackson the Chair confirmed that one of the planning committee objectives is to clear the backlog of planning applications as soon as possible.

The Chair adjourned the meeting until 11:03 due to an IT issue.

90. 21/01664/FUL 155 Oyster Quay PO6 4TQ (AI 4)

Change of use from class C3 (dwelling house) to purposes falling within class C3 (dwelling house) or class 4 (house in multiple occupation).

The Development Management Lead, Planning & Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Since the publication of the Committee Report, two further letters have been received from nearby residents objecting on the following grounds:

- (a) Error with Highways comments - incorrectly identified access;*
- (b) An objection did not appear online;*
- (c) Lack of a flood risk assessment; and*
- (d) Location of site notice.*

Points (a) and (d) are addressed within the Committee Report. Point (b) has been rectified. Point (c): the south-western corner of the property is within Flood Zone 2. Given that the application is for a change of use from one residential use to another, with the same internal layout, there is no different effect on or from flooding.

Bike storage: the Officer Report notes in Paragraph 5.21 that bike storage could be provided on the rear balcony. The Applicant has stated that would not be permitted by the property rules present at the site, but his garage is in a corner location with splayed footprint and so has extra floorspace within which to store bikes. The existing Condition 3 for bike storage remains appropriate for securing the matter.

No change to recommendation.

Deputations

Deputations were made objecting to the application by:

- David Jump
- Peter Harrison

Deputations were made in support of the application by:

- Craig McGuinness (applicant)
- Wendy McGuinness

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

[Planning Committee, 6 July 2022 on Livestream](#)

In response to questions from the chair following the first deputation, the legal officer confirmed:

- The role of the Council as freeholder of the property is completely separate to the role of the Council as a local planning authority and does not need to be taken into consideration in the planning decision.
- The issue of compensation was not relevant to this planning application. The legal officer clarified that the only financial considerations that can be considered are:
 - A grant or other financial assistance that has been or will or could be provided to the relevant authority by a Minister of the Crown.
 - A sum (payment under seal) under the Community Infrastructure Levy.
- Any issues in relation to matters pertaining to the lease come under private law and are not relevant to this planning application.

Members' questions

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

- The applicant has stated there would be three persons in occupation but Class C4 use is for up to 6 occupants. Within this application the room size falls short in bedroom 3 were there to be two occupiers of that room. This matter would be controlled through HMO licensing, and it is likely that the licensing would only allow for a maximum of 5 occupants. In planning terms, there is no reason to restrict the occupation beyond the C4 class.
- Occupancy of a Class C4 premises compared to a Class C3 is not considered to exert any significant additional sewerage and waste disposal load on the drainage system.
- Ongoing issues in relation to cladding which have affected leaseholders within the city have no bearing on this application.
- The application does not involve re-purposing any rooms.
- There is no planning control over the number of occupants of a Class C3 property.
- One and a half parking spaces is the expected number of parking spaces for a two or three bedroomed Class C3 or C4. The parking bay and the garage belong to the applicant and will be available to the occupiers of the property.
- Parking standards are based on the number of bedrooms. This size Class C3/C4 require two long stay bicycle spaces. The garage can accommodate a car and more than two bicycles.
- The planning officer was unaware of Fareham's planning policy on HMOs.

Members' comments

- The application is not controversial, it exceeds Portsmouth City Council (PCC) space standards significantly, meets parking standards, does not exceed the 10% threshold for HMOs in the area and does not depart from PCC policies in any way.
- Members discussed the option of approving, with conditions limiting the number of occupants, and were advised by planning and legal officers that this was not necessary.

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

91. 22/00347/FUL 5 Burlington Road PO2 ODP (AI 5)

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, Planning & Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Private Sector Housing: no objection. Based on the layout and room sizes, the property would require to be licenced under Part 2, Housing Act 2004.

Extra note from the Planning Officer: a new planning application was received at the end of May at 22 Burlington Road (ref. 22/00808/PA). It is also proposing a change of use, from Class C3 Dwellinghouse, to Class C4 small HMO or Class C3. No. 22 is within the 50m radius of the application site on today's agenda. Were both no. 5 and no. 22 to be approved for the flexible C4/C4 use, the numbers of HMOs within the 50m radius of no. 5 would be 2 out of 75 = 2.67%, still well below the policy threshold of 10% for a balanced community.

No change to recommendation.

Deputations

A deputation objecting to the application was made by Julie Banthorpe.

A deputation supporting the application was made by Simon Hill (for the applicant)

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

[Planning Committee, 6 July 2022 on Livestream](#)

Members' questions

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

- There are 3 bedrooms shown on the existing first floor.
- There is a small discrepancy of 0.04 m² below space standards for the ensuite bathrooms. The applicant has not yet provided the amended plans showing that the ensuites now meet the space standards. The difference would be difficult to see on new plans.
- The roof extension is slightly set back at a higher level and would not overlook all parts of the garden. Those parts it would be already overlooked by other windows. There are no windows in the left-hand flank wall.
- The extensions are within permitted development.
- The prior approval submission, that was previously refused, extended 4.8 metres from the original back wall. This application is 3 metres.

- HMO regulations require some degree of noise insulation, but in planning terms there is little distinction between the occupation of a dwelling house and an HMO for up to 6 people. There may be other controls through building regulations and licensing.

Members' comments

- There were no comments.

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

92. 20/00458/HOU 41 St Vincent Road PO5 2QR (AI 6)

Construction of a single storey rear/side extension.

Councillor Smyth left the meeting at 14:09 prior to the presentation of this item.
Councillor Mason took over as Chair.

The Development Management Lead, Planning & Economic Growth presented the report.

Members' questions

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

- The property is not where the applicant currently lives.
- If the applicant were not a member of the Committee or Council the application would have gone through via delegated approval.

Members' comments

- There were no member comments.

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

93. 22/00597/TPO 1 St George Court, 4 Hambrook Street PO5 3SA (AI 7)

Within tree preservation order 175 - (T2) Atlas Cedar (Cedrus Atlantica) - fell tree.

The Development Management Lead, Planning & Economic Growth presented the report.

Members' questions

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

- It was not known if the tree would fall away from the building. Paragraph 5.5 of the officer's report details the possible dangers.
- The tree was considered to be the wrong tree in the wrong place and a more suitable tree will be planted in its place.

- Replacing the current tree like for like would engender the same problems further down the line.
- The new tree would achieve TPO (Tree Preservation Order) status.

Members' comments

- This is a well-loved tree in a good space, it provides high amenity to residents and prevailing winds would not bring it down.
- The tree should not be removed because it may, at some point in the future, during high winds, lose branches and result in a claim for compensation. The tree needs to be preserved.
- This cedar tree is a substantial tree and in the wrong place. The loss of the canopy is unfortunate, but a suitable tree is being proposed for replacement and this is the best way forward to avoid any incidents that may occur through loss of tree limbs.
- The tree is of visual amenity value.

The planning officer and the legal officer advised members of the potential issue of compensation were the Council to refuse the application.

RESOLVED to refuse conditional consent contrary to the recommendation as set out in the officer's committee report because of the visual amenity value of the tree.

Councillors Sanders and Vernon-Jackson left at 13:00

94. 19/01704/LBC World War 2 Beach Defense, Eastney Beach Adj to Melville Road (AI 8)

Removal and reinstatement of anti-tank defences to facilitate new coastal defence and coastal path works.

The Development Management Lead, Planning & Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

The Officer Report presently contains the standard three year period for application implementation. Given the various complexities involved with this site, it is considered prudent to propose a longer five year implementation period, which ought to negate the risk of another Listed Building application being needed due to expiry of a first consent. Secondly, the last section of the condition is unnecessary and is proposed for deletion.

Amend Condition 1 as follows:

The development to which this consent relates shall be begun before the expiration of 3 5 years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents

Members' questions

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

- There are 280 anti-tank defences across the wider beach. The application is to move and reinstate about 33 of these.
- The Fraser Range development has no bearing on the decision to be taken with this application.
- If the blocks need to be moved again at a later stage another planning application would be required.

Members' comments

- The Fraser Range will be developed sooner or later entailing sea defence improvement which will require the resetting of the blocks at some point.

RESOLVED to grant consent as set out in the officer's committee report and the Supplementary Matters report.

The meeting adjourned for a break returning at 13:20.
Councillor Vernon-Jackson re-joined the meeting.

95. 22/00453/HOU Tideways, Tower Street PO1 2JR (AI 9)

Construction of additional storey on flat roof and associated roof terrace; rear extension including lift enclosure and modifications to front and rear elevations, including removal of mansard roof features and oriel window (front) (resubmission of 21/00453/HOU).

The Development Management Lead, Planning & Economic Growth presented the report.

Deputations

A deputation was made in support of the application by Doctor Yve Kelly (applicant)

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

[Planning Committee, 6 July 2022 on Livestream](#)

Members' questions

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

- In the previous application, which was refused, the exterior of the property was to be rendered. This new application will be using brickwork to match the existing building, which is similar to the brickwork on the property to the right of the site.
- The extension windows are facing parallel and out and would have no impact on Spice Island House.
- The extension does not block any windows in Spice Island House.
- The changes requested by the Conservation Officer are within this application.
- Number 1 Tideways wrote stating they had no objections.

- The fenestration is aluminium. Details of materials are in the planning conditions. The existing windows are not believed to be double glazed.
- The front second floor window wraps around the corner. It is not known if it is to be obscurely glazed - this could be put in the conditions.
- The Planning Officer is confident that the guidelines will be complied with.

Members' comments

- This is a good scheme, with improved fenestration and appropriate to this area of Old Portsmouth.

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

96. 21/00817/FUL 192 Laburnum Grove PO2 0EU (AI 10)

Change of use from dwellinghouse (Class C3) to six-bedroom house in multiple occupation (Class C4)

The Development Management Lead, Planning & Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Local Highways Authority: no objection re impact on highway network. Same parking demand (two spaces) for the proposed HMO as for the existing dwelling, where no on-site parking is provided it is assumed that existing parking demand is met on-street. Should provide four cycle parking spaces as per SPD standards.

Private Sector Housing: no adverse comments, providing that the usable area of any loft rooms (with ceiling height of minimum 1.5m) exceeds 6.51sqm. Based on the layout and sizes proposed, property would require to be licenced under Part 2, Housing Act 2004.

Four cycle parking spaces already required by Condition 3.

Members' questions

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

- The property is lawfully a dwelling house and not an HMO. It may be in refurbishment in anticipation of receiving HMO consent. If the property is being used unlawfully as an HMO, the planning application needs to be considered and any action needed can be taken after determination.
- The front yard of the property can accommodate a bicycle store.
- According to PCC records there are no HMOs adjoining the property.
- Item 7.8 of the officer's report has a typo for bedroom 6. All bedrooms are the same size.
- The planning application is for Class C4 which caps the occupancy at 6. It is not necessary to put a condition on limiting the number of occupants to 6. Should the dining room be turned into a 7th bedroom further planning permission might need to be sought. Planning is unable to anticipate future use of the property.

Members' comments

- Member's expressed concern about the living room becoming a bedroom following C4 permission being granted and requested a condition limiting occupancy to 6 people.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report with the additional condition of no more than 6 people to occupy the property.

The meeting concluded at 2.15 pm.

Signed by the Chair of the meeting
Councillor Judith Smyth

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