

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 27 July 2022 at 10.30am 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)
Chris Attwell (Vice-Chair)
George Fielding
Hugh Mason
Darren Sanders
Russell Simpson
John Smith

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.

97. Apologies (AI 1)

Apologies were received from Councillors Linda Symes, Robert New and Gerald Vernon-Jackson (Councillor Steve Pitt deputised for the latter).

98. Declaration of Members' Interests (AI 2)

Councillor Darren Sanders declared a personal non-prejudicial interest; he lives in a House of Multiple Occupation.

Councillor George Fielding declared a prejudicial interest: in agenda item 9 - he knows the applicant professionally and will leave the room for that item.

99. Minutes of previous meeting held on 6 July 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 6 July 2022 be agreed as a correct record.

100. 22/00449/FUL 54 SHEFFIELD ROAD PORTSMOUTH PO1 5DP (AI 4)

The Assistant Director for Regeneration reminded members that as a number of appeals for non-determination had been submitted:

Appeals submitted but not validated

27 Cleveland Road

95 Castle Road

70 Manners Road

Appeals have been validated

54 Sheffield Road

178 Walmer Road

13 Shadwell Road

He then presented the report and drew attention to the Supplementary Matters report (SMAT) which provided the following additional information:

There is an error at paragraph 5.7 of the report which should read as follows:

*'As is shown in the table above, the proposal results in an internal layout, which is compliant with room sizes in the adopted HMO Guidance. There would be a satisfactory standard of living environment and as such the proposal is **not** considered to comply with Local Policy Plan PCS23.'*

This application has an appeal lodged but pending valuation as of 25 July 2022.

A late letter of objection has been received by Mr Henry Thorpe of 30 Oriel Road, Portsmouth and was appended to the SMAT.

*The recommendation changed (as appeal has not yet been validated) to:
Unconditional permission.*

Deputations.

Carianne Wells, the agent made a deputation which she asked to be considered for all applications.

Deputations are not minuted but can be viewed on the council's website at [Planning Committee, 27 July 2022 on Livestream](#).

The Assistant Director for Regeneration advised Members that the appeal had been validated the previous day, the committee is therefore requested to determine what it would have resolved.

there are two questions to consider:

1. Is planning permission required for the development.
2. If it is required, whether planning permission should be granted.

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' Questions

In response to questions from the committee, the following points were clarified:

The committee has the application before it to determine. The applicant's intentions may not necessarily be known to their agent. The agent for the applicant declined to respond to the question as to whether her client would go ahead with the development regardless of the committee's decision.

Members' Comments

Members noted that the application met all the required space standards but determined that bicycle storage should be included in the conditions.

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. Provision of bicycle storage.**

101. 22/0046/FUL 19 Lawson Road, Southsea PO5 1SD (AI 5)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

There is a typo within para 5.7 which mistakenly includes the word 'there', it should read either 'their utility' or the 'utility' when referring to the open plan kitchen/ dining area. See below corrected extract:

'While the substandard open plan kitchen/ dining area is supplemented by a 'cinema room' on the ground floor, judgement must be applied to consider whether overall this provides a satisfactory standard of living environment. While if these two areas were combined into a single space they would just exceed the suggested 34sqm standard the layout of these two rooms limits the utility with the open plan kitchen dining area being narrow and linear in its form and also providing the only access to the rear of the external areas of the property.'

This application has an appeal lodged but pending validation as of 25 July 2022.

*The recommendation changed (as appeal has not yet been validated) to:
Unconditional permission.*

Deputations

Councillor Suzy Horton made a deputation against the 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' Questions

In response to questions from the committee, the following points were clarified:

The lounge would be converted into the new bedroom (number 7).

The door to the kitchen diner is in the rear amenity just beyond the shower. It could be closer to the shower's dividing wall and there would be less movement through the site. However, it may be an existing opening which would be much easier to use

rather than cut a new hole. Whether that would make a particular difference to members' judgement is up to the committee.

Members' Comments.

Councillor Sanders noted his delight that this application had been brought to committee by Councillors Vernon-Jackson and Horton, if it had not been brought to committee, members would not have known about the proposed changes.

The kitchen/ diner is 12.8m² less than required.

Although some landlords do not like the council's space standards, these are essential.

The loss of amenity would be significant.

This is not a good layout. The three bedrooms on the second floor share a shower room on the first floor because the residents on the first floor share the ground floor shower room. There is one toilet between the six bedrooms on the two floors.

The current six tenants would have their current amenity space reduced purely for the financial benefit of the landlord. Landlords use their permitted development rights to expand their properties to the maximum they can and then remove the amenity space that may have been required to obtain the licence originally. It is the government's fault, over the past 40 years it has failed to come up with proper planning laws that address the needs of the community, rather than the needs of the developers. If sensible laws - enable us to come up with a policy that is appropriate for Portsmouth.

The Assistant Director for Regeneration reminded members that they are obliged to consider that regardless of the possible motivation, the application would provide accommodation which is required in Portsmouth. There is therefore a presumption in favour of sustainable development which means that where you do not have a 5-year LAN supply, they should be looking to provide as much accommodation as possible.

He quoted the National Planning Policy Framework *If you are satisfied that the adverse impacts significantly and demonstrably outweigh the benefit, the committee can withhold planning permission.*

RESOLVED that the application be refused for the following reasons:

- 1. The change of use of the property would fail to provide a good standard of living accommodation for the occupiers and is therefore contrary to Policy PCS23 of the Portsmouth Plan.**
- 2. It has been identified that 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.**

102. 22/00445/FUL 27 Cleveland Road, Southsea PO5 1SF (AI 6)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

Amended plans have been received which correct a previous error with the previous plans and include the access to the second-floor bathroom.

This application has an appeal lodged but is pending validation as of 25 July 2022.

The officers' recommendation is unchanged.

He explained that the ground floor toilet by bedroom 7 was marked as 1m² on the plans however, the applicant has confirmed that this is now 1.17m² which is compliant with the minimum standards for a toilet. This measurement has been verified by officers. On that basis it is fully compliant with space standards.

Deputations.

Councillor Suzy Horton gave a deputation against the application.

Members' Questions.

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

The applicant has provided an update and clarification about the layout of the rooms. By moving the walls slightly in the hallway, the bedroom and the toilet now meet the space standards.

The shower room measures just over 2m² and therefore does not meet the space standards. This is not deemed to be sufficient reason to withhold planning permission in the officers' recommendations. It is an additional shower room that is not required by our standards.

The shower room on the second floor does have a door which is not shown on the original plan. The top floor bathroom has reduced headroom. Tenants would not be able to stand up straight when using the toilet and washbasin.

All the bedrooms have windows.

There are no details about the venting in the first-floor bathroom. Building Control would be responsible for ensuring that this is provided.

Members' Comments.

Concern was expressed about the floor layout and the fact there is only one cooker, one hob, one oven and two fridge freezers for seven people.

It would look better if the third double sofa were moved back against the cupboards.

There are four toilets and three shower rooms which are currently used by three to six residents. Two are a little small but in the officers' opinion this is not sufficient reason to withhold planning permission as collectively it creates an adequate living environment. The only change is the transformation of the amenity room to an additional bedroom.

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.
2. The application be granted conditional planning subject to:
 - a) Conditions on time limit, approved plans and nitrates and potential recreational distribution and
 - b) Satisfactory completion of a Legal Agreement to secure the following:
 - SPA nitrate mitigation.
 - SPA recreational impact mitigation agreement and
 - Provision of bicycle storage.

103. 20/01328/FUL 243 Fawcett Road, Southsea PO4 0DJ (AI 7)

The Assistant Director for Regeneration informed the committee that the applicant had withdrawn this application.

104. 20/01402/FUL 35 Baileys Road, Southsea PO5 1EA (AI 8)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

The report contains a small number of typos at paragraph 5.13. The paragraph should read:

The letter of objection refers to the increase in the intensity of the HMO and the very negative impacts on the amenities of residents when considered against the other HMOs in the area and that the application needs to be considered in this regard. The application, as noted above, does not represent a new HMO and would only represent an increase of 1 additional person. Such a small increase would not result in any adverse impacts over and above the existing situation.

In addition, the Private Sector Housing Officer has confirmed that the property is licensed for 7 persons. The license runs from 18 December 2021 to 17 December 2025.

The officers' recommendation is unchanged.

Deputations.

Emma Blackburn had indicated that she would make a deputation but was not present.

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' Questions.

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

The photos are not CGI.

Bedroom seven would not have an ensuite bathroom. The tenant would share the use of the shower room on the second floor.

Members' Comments.

Concern was expressed that the Valuation Office is re-banding many HMOs. Those that could not easily be converted back into family houses will be put in a higher cost banding because they would be considered individual self-contained dwellings. This may mean that landlords will be reluctant to increase the amenities for their tenants including providing ensuite bathrooms.

All the rooms comply with the space standards.

RESOLVED that the application be granted conditional planning subject to:

- c) Conditions on time limit, approved plans and nitrates and potential recreational distribution and**
- d) Satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation.**
 - SPA recreational impact mitigation agreement.**

105. 20/01347/FUL 95 Castle Road, Southsea PO5 3AY (AI 9)

Councillor George Fielding left the room for this item.

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

This application has a valid appeal against non-determination, but is awaiting a formal appeal start date as of 25 July 2022.

The officers' recommendation is unchanged as the appeal has not yet been validated.

Deputations.

There were no deputations for this 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' Questions.

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

The bicycle storage area is on the ground floor in the lobby.

The second kitchen on the second floor was shown in the presentation.

The living room at 40m² is more than large enough to provide all the required amenity space. The kitchen/ dining room at 22.2m² and the kitchen at 7.4m² are both from a floor space point of view, in addition to the minimum requirements. They are massively over provided in terms of floor space.

Members' Comments.

This is the best standard of accommodation that the committee had seen that morning.

RESOLVED that the application be granted conditional planning subject to:

- e) Conditions on time limit, approved plans and nitrates and potential recreational distribution and**
- f) Satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation.**
 - SPA recreational impact mitigation agreement.**

106. 20/01415/FUL 98 Manners Road, Portsmouth PO4 0BG (AI 10)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

The Private Sector Housing Officer has confirmed that the property is licensed for 7 persons. The licence runs from 4 January 2021 to 3 January 2026.

The officers' recommendation is unchanged.

Deputations.

The Chair reminded the committee that Councillor Horton had asked that the deputation she had given earlier also be considered for this item.

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' Questions.

Bicycle storage is provided.

Members' Comments.

One of the highest density of HMOs in the city. Massive impact on residents' lives. Most are let to students and outside of term time residents have told him that they feel their streets are ghost towns and they feel insecure and unsafe.

RESOLVED that the application be granted conditional planning subject to:

- g) Conditions on time limit, approved plans and nitrates and potential recreational distribution and**
- h) Satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation.**

- SPA recreational impact mitigation agreement.

107. 21/01532/FUL 70 Manners Road, Southsea PO4 0BB (AI 11)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

This application has a valid appeal against non-determination, but it is waiting for the formal appeal start date as of 25 July 2022.

The officers' recommendation is unchanged as the appeal has not yet been validated.

Deputations.

The Chair reminded the committee that Councillor Horton had asked that the deputation she had given earlier also be considered for this item.

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' Questions.

This is a small HMO class C4 for up to 6 people under the planning regulations.

It is likely that this property was exempt from requiring planning permission because of its age. It sought to update its status in 2021.

Members' Comments.

Some HMOs are not on the register because they are very old and did not need to seek planning permission. This causes difficulties for the planning department to know the exact number of HMOs in the city.

This application is for the property to go from C4 to Sui.

Landlords are less likely to create better quality HMOs with good standards of community space because of the Valuation Office's re-banding.

RESOLVED that the application be granted conditional planning subject to:

- i) Conditions on time limit, approved plans and nitrates and potential recreational distribution and**
- j) Satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation.**
 - SPA recreational impact mitigation agreement.**

108. 22/0026/FUL 1 Garnier Street, Portsmouth PO1 1PD (AI 12)

The Assistant Director for Regeneration presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

There is a typo at para 5.8. The incomplete sentence: 'It should be noted...' should be deleted.

Amended floor plans have been provided by the agent, to reflect changes made on site, this has resulted in the ground floor ensembles now meeting the size standards.

It should also be noted that in addition to the other rooms provided, and not included within the report, the property includes a utility space (4.1m²) on the first floor, an external workspace in the rear garden (7.9m²) and bedroom 2 includes a walk-in wardrobe (3.9m²). All these areas, further support the overall amenity of the residents.

This application has a valid appeal against non-determination, but is awaiting formal appeal start date as of 25 July 2022.

The officers' recommendation changed as the appeal has not yet been validated to: Unconditional permission.

Deputations.

There were no deputations.

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' Questions.

A previous application for a dormer was refused. It does not form part of this application.

Members' Comments.

It is under the 10% rule for HMOs in the vicinity.

The application complies with the space standards and provides a good standard of accommodation.

RESOLVED that the application be granted conditional planning subject to:

k) Conditions on time limit, approved plans and nitrates and potential recreational distribution and

l) Satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation.
- SPA recreational impact mitigation agreement.

109. 22/00448/FUL 178 Walmer Road, Portsmouth PO1 5AU (AI 13)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

This application has a valid appeal against non-determination, but is awaiting a formal appeal start date as of 25 July 2022.

The officers' recommendation changed as the appeal has not yet been validated to: Unconditional permission.

He informed the committee that the appeal had now been validated and therefore the committee is asked to inform the Planning Inspector what decision it would have made.

Deputations.

There were no deputations.

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

Members' Questions.

The thickness of the wall in the living space and how far it is stepped in dictates this variation.

The communal space measurements are based on a non-annotated drawing that acknowledges a faulty plan which means that the total size is likely to be 32.4m² but cannot be confirmed. Members could defer the determination of this application, but this would remove the opportunity to comment on the application. The committee could state what it would have determined if the measurements were smaller and what it would have determined if these were larger. Once the Planning Officers have confirmed them, the written statement to the Inspector could be informed accordingly.

In the front hallway, there are three doors on the right, a bedroom, a toilet and another bedroom.

The upper bedroom has a wardrobe in between the two walls. The various boxes are illustrations of furniture which are more relevant to licensing. The boxes above the door could be venting or ducting above head height. The plans are confusing; the room is rectangular and meets your minimum size standards.

The applicant may have noticed the drawing error when preparing the pack for the appeal and updated the plans accordingly.

There are seven bathrooms.

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' Comments.

With the information before the committee today, members would have refused because of the substandard amenity space.

The Assistant Director for Regeneration informed the committee that the minutes of the meeting would be used for the appeal statement.

RESOLVED that the Secretary of State be advised that Portsmouth City Council Planning Committee would have resolved that the works would be considered development requiring planning permission and would have subsequently resolved to refuse the application for the following reasons:

3. The change of use of the property would fail to provide a good standard of living accommodation for the occupiers and is therefore contrary to Policy PCS23 of the Portsmouth Plan.
4. It has been identified that 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.

110. Urgent Item - 21/01622/FUL 13 Shadwell Road Portsmouth PO2 9EH (AI 14)

The Assistant Director for Regeneration presented the application and drew attention to the SMAT which provided the following additional information:

A written deputation has been received by Henry Thorpe. As this item has been added as an urgent matter due to the starting of an appeal against non-determination of the application the written deputation has been accepted and is appended to this SMAT.

The recommendation is unchanged.

He informed the committee that the appeal had now been validated and therefore the committee is asked to inform the Planning Inspector what decision it would have made.

Deputations.

The written deputation from Henry Thorpe was read out by Councillor Russell Simpson.

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

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' Questions.

The property is a C4 property for up to six residents, but without a licence. If it has tenants, it would be unlawful for it to have tenants living there now but it may be unoccupied.

It was granted permission to be a HMO in 2021. One other HMO is within a 50m radius.

In the deputation, reference is made to a nearby C3 dwelling house which in accordance with sub paragraph b up to six residents can live together where care is provided. This is not a HMO and therefore would not be included in the number of HMOs in the area.

15 Shadwell Road is also mentioned in the deputation. This application is at appeal against the refusal of a variation of the condition limiting the number of tenants to four. The applicant had applied for this limit to be increased to six.

The combining of two dwellings into one is not considered to be a material change of use. However, the division of one into two dwellings is defined as development.

The planning history of this application nor the percentage of HMOS in a 50m radius is not relevant.

The Scheme of Delegations defines which applications must be considered by the committee. Whether it is policy compliant is not one of the grounds. This application has come to committee because a member promoted it for determination.

Members' Comments.

This would become seven flats in the eyes of many people.

The Assistant Director for Regeneration reminded members that every application must be judged on its own merits and that the committee must respond to the Inspector for this appeal for non-determination.

The existing HMO is entirely ensuite and this does not change on that basis. To conflagrate a 6 / 7 bed HMO with flats would be a fundamentally incorrect interpretation of planning policy and law and would lead to an incorrect direction for the committee's decision-making.

RESOLVED to grant planning permission subject to:

- 1. Limited to occupancy of seven tenants.**
- 2. Conditions on time limit, approved plans and nitrates and potential recreational distribution and**
- 3. Satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation.**
 - SPA recreational impact mitigation agreement.**
- 4. An informative to advise that the committee would have found that the communal space by the kitchen / dining area given its layout and narrowness of the corridor leading into it, would not have been sufficient communal space for residents.**

Signed by the Chair of the meeting
Councillor Judith Smyth