

Public Document Pack

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 30 November 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
Darren Sanders
Russell Simpson
John Smith
Linda Symes
Gerald Vernon-Jackson CBE

Welcome

The chair welcomed members of the public and members to the meeting.

The Chair proposed that each application should be considered in two stages: firstly, if the application is considered to constitute development and therefore requires planning permission and secondly, if this is the case, then whether planning permission should be granted.

Agenda items 6 (84 Shadwell Road) and 7 (302 London Road) were considered at the end of the meeting, to allow time for Councillor New to attend to present his deputations. For ease of reference the minutes will remain in the same order as the agenda.

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.

171. Apologies (AI 1)

Apologies for absence were received from Councillor Attwell.

172. Declaration of Members' Interests (AI 2)

There were no declarations of interests.

173. Minutes of previous meeting held on 9 November 2022 (AI 3)

RESOLVED that, following a correction to the name of "Hartley Road" the minutes of the Planning Committee held on 9 November 2022 be agreed as a correct record.

All deputations (which are not minuted) can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 30th November, 2022, 10.30 am Portsmouth City Council](#)

174. 21/01666/FUL - 259 Queens Road, Fratton, Portsmouth PO2 7LY (AI 4)

Change of use from house in multiple occupation (Class C4) to house in multiple occupation for more than six persons (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in support of the application.

Requirement for Planning Permission

Members' questions

There were no questions.

Members' comments and recommendations

In response to member's comments, officers explained that there is no universal rule that adding an additional occupier to a 6 bed HMO requires planning permission. To apply this universal rule would result in an unlawful judgement. The decision as to whether an application requires planning permission should be decided on the individual merits of each individual case and for a specific reason and these reasons should be articulated and recorded for the minutes.

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that the building to the rear of the property is to be used as a bicycle store.

Members' comments and recommendations

In response to a suggestion by members to limit occupancy to 7 people, officers advised that this was an unnecessary condition as licensing was the correct place for control on the number of occupants. Officers advised that such a condition would not pass the test of necessity, but it was for the judgement of members as to whether or not such a condition was included.

Members agreed to grant planning permission, including conditions on time limit, approved plans, and the Solent Special Protection Area.

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 the changes considered in this case on their own individual merits amount to development requiring planning permission. And to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

175. 22/00399/FUL - 8 Baileys Road, Southsea, PO5 1EA (AI 5)

Change of use from house in multiple occupation (Class C4) to seven-bedroom house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

The planning officer noted that this application was one of two on the agenda (the other being 128 Manners Road - agenda item 8) where an appeal had been submitted to the Planning Inspectorate for non-determination. An official start date for the appeal had not yet been notified.

The planning officer advised members that as the appeal had not yet started, their jurisdiction had not been removed from them, meaning that any decision taken would allow planning permission to be granted or refused respectively. However, if a start date should be announced prior to a decision notice being issued, the jurisdiction would move away from the planning committee and to the Secretary of State. Should this happen, any decision taken at the committee meeting would become advisory guidance to the Inspectorate as part of the appeal process.

The Planning Officer advised that this should not change their consideration of the application, which should be decided in the usual way. He stressed that officers would act with reasonable diligence to either issue a decision notice as quickly as possible or support the Inspectorate, should an appeal exist either for non-determination, refusal or imposition of conditions as the case may be.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Requirement for Planning Permission

Members' questions

There were no questions.

Members' comments and recommendations

Members considered in this case and on its own merits the proposal to be development requiring planning permission due to the intensity of the use of the

accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that the actual date class C4 planning permission was granted was not known but that in 2021, when the planning permission was sought to change the use to dual C3/C4, officers were satisfied it was C4 since prior to 2011.

Members' Comments and recommendations

As the license in the application was for 7 people members proposed a condition be attached to any planning permission limiting the number of occupiers to 7 people.

The planning officer re-iterated his professional advice, given during the previous planning item, that this was an unnecessary condition as licensing was the correct place for control on the number of occupants. He advised that such a condition would not pass the test of necessity, but it was for the judgement of members as to whether or not such a condition was included.

Members agreed to grant planning permission, including conditions on time limited approved plans, the Solent Special Protection Area, bicycle storage and limit on occupancy to seven persons.

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 the changes considered in this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans and nitrates and potential recreational disturbance, and subject to completion of s106 planning obligations.

176. 22/00568/FUL - 84 Shadwell Road, Portsmouth, PO2 9EJ (AI 6)

Change of use from dwelling house (Class C3) or house in multiple occupation (Class C4) to house of multiple occupation for seven people (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in favour of the application

Allison Harper on behalf of Councillor Daniel Wemyss - objecting to the application

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Member's questions

In response to members' questions, officers clarified that:

- The Planning Department had total confidence in the numbers of HMOs and flats recorded in the area. Officers took all reasonable diligence in liaising with colleagues in private sector housing, asking local people and asking ward members to produce as accurate a picture/number as possible. Within the 50-meter boundary there were 70 properties; one property (84 Shadwell Road) was an HMO, 53 properties were C3 family dwellings and 16 were flats. This was according to published records which are shared with members in the usual way. The officer highlighted the census carried out in 2021, the results of which are expected in January 2023, and which will include the outputs for housing and development variables. This will provide another data set/intelligence to inform records. In addition to this, additional licensing requirements, due to be implemented, will provide more evidence from the private sector housing team to aid accurate records of HMOs and flat conversions in the city.
- The existing HMO had a licence for 5 people and the applicant was applying to change this to 7 people. The property was currently a construction site but once the construction was completed they would be in a position to progress the licence application, if it meets the private sector housing requirements and planning permission had been granted for an HMO for 7 people.
- A condition could not be added limiting the occupancy to 5 people as stated on the current licence as the planning application is for 7 people. The application can either be agreed for 7 people or refused if members felt they have grounds to do so.
- No evidence of any additional HMOs had been provided by the depute objecting to the application.

Members' comments and recommendations

Members noted that there can, at times, be a misconception of the situation in relation to HMOs and flat conversions, leading to deputations which have conflated the two, but which none the less bring up issues relevant to the city as a whole.

Members agreed to grant conditional planning permission, under the conditions of a 1-year time limit, requiring the development to be carried out in accordance with the plans submitted, the Solent Special Protection Area, bicycle storage and limit on occupancy to seven persons.

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 the changes considered in

this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

177. 22/00714/FUL - 302 London Road, Hilsea, Portsmouth (AI 7)

Change of use from house in multiple occupation (Class C4) to house in multiple occupation for more than six persons (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Allison Harper on behalf of Councillor Daniel Wemyss - objecting to the application.

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that:

- The concerns in relation to a fire risk was a concern about HMOs in general, outlined in a letter from a member of the public in relation to the application rather than a specific concern about a failure to comply with fire controls in this case.

Members' comments and recommendations

Members observed that the PCC minimum space standards had been quite considerably exceeded in this application and the photos showed accommodation of a good standard. Members, therefore, proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, Solent Special Protection Area, bicycle storage and limiting occupation to 7 occupants.

Officers gave advice to members to consider whether the limitation on 7 occupants was a reasonably required condition, considering the large size of the bedrooms and the larger than average communal space which exceeds the PCC space standards.

Members kept the condition as the application specifically stated that it was for 7 individuals to live together in an HMO and members were looking to not intensify the area in terms of amenity.

Officers clarified that the application was for a change from C4 to more than 6 as stated in the description. Members, however, agreed to list the condition as stated previously

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 the changes considered in this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

178. 22/00804/FUL - 128 Manners Road, Southsea PO4 0BG (AI 8)

Application for change of use from house in multiple occupation (Class C4) to Sui Generis house in multiple occupation for use of more than 6 persons

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report. The information in relation to an appeal, as stated in agenda item 2 - 8 Bailey's Road, also applied for this application.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Requirement for Planning Permission

Members' questions

In response to members' questions, officers clarified:

- The application was on behalf of Simon Birmingham and the Company name was Bunked.
- The property became an HMO prior to 2011.
- In paragraph 5.7 of the report, the applicable space standard for the combined living space is 22.5. Professional guidance was that the application provides a reasonable living environment.

Members Comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified:

- The application does not mention a bike store.

Members' comments and recommendations

Members proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, SPA, bicycle storage and limiting occupation to 7 occupants.

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 the changes considered in this case on their own individual merits amount to development requiring planning permission; AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

179. 22/01143/FUL - 297 Powerscourt Road, Portsmouth PO2 7JL (AI 9)

Change of use from dwelling house (Class C3)/house in multiple occupation (Class C4) to a 7-person house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in favour of the application

Councillor Darren Sanders was not present for this application.

Requirement for Planning Permission

Members' questions

In response to members' questions, officers clarified:

- Within the 50-meter radius there were 76 properties, 4 of which were HMOs, equating to 5.3%.
- It was not appropriate, in a public meeting, to detail the location of the neighbour objecting on the basis of their mental well-being. However, the officer advised that mental well-being, as part of wider well-being and relevant public health issues were considered within every planning application. Should an issue, that for example, engaged a public sector equality duty, be raised, additional work would be carried out to investigate further.
- The planning department fully met the notification requirements for the application and all due diligence was taken to fully meet the obligations and notifications, in line with nationally prescribed requirements for local planning authorities.

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

There were no questions

Members' comments and recommendations

Members proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, SPA, bicycle storage and limiting occupation to 7 occupants.

Members were advised that the condition limiting occupation to 7 occupants was not needed, due to the application description stating it was for 7 people. However, members agreed to retain this condition to ensure it was enforced.

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 the changes considered in this case on their own individual merits amount to development requiring planning permission; AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

180. 22/01156/FUL - 281 New Road, Portsmouth PO2 7RA (AI 10)

Change of use from dwelling house (Class C3)/house in multiple occupation (Class C4) to 7-person house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report and drew attention, verbally, to the Supplementary Matters report:

Members should be aware that the property has not been used as a HMO and is currently undergoing renovations to be used as a HMO, pursuant to the previous planning permission for C3 to C3/C4 use. Therefore, this use is not considered to have been implemented and the previous beneficial use of the property, and therefore its current lawful use, is still considered to be C3.

It was unclear, when the report was published, as to the property classification, but officers were now sufficiently satisfied, on the best evidence available to them, to give the guidance that the property is a C3 dwelling. Therefore, as the application was a change from a C3 dwelling to a 7-bedroom HMO, it was a material change of use and therefore required planning permission.

Deputations

Simon Hill - in favour of the application

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that:

- The application was a change of use from C3 to 7-bedroom HMO, so the officer recommendation needed to change to conditional permission with a time limit, SPA 106, approved plans and bicycle store. This was the new and amended recommendation being verbally provided.
- The property had previously been given planning permission to be a C4 6-bedroom HMO but was never occupied as such. Therefore, if members refused planning permission on the application the previous permission would still stand. However, as it was never occupied under the previous permission and was going through refurbishment, if members granted permission it would become a 7-bedroom HMO under the new application.

Members' comments and recommendations

Members proposed that conditional planning permission be granted, as it meets all the space standards, subject to the conditions relating to time limitation, approved plans, Solent Special Protection Area ("SPA"), bicycle storage and limiting occupation to 7 occupants.

RESOLVED to grant conditional permission subject to s106 planning obligations for SPA mitigation and conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limit on occupancy to seven persons.

181. 22/01336/FUL - 118 Prince Albert Road, Southsea PO4 9HT (AI 11)

Retrospective application for change of use from purposes falling within house in multiple occupation (Class C4) to a 7-bedroom house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Councillor Russell Simpson was not present for this item.

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

There were no questions

Members' comments and recommendations

Advice from officers was that the proposed side extension was permitted development.

Members considered that planning permission should be refused because the proposed side extension would result in an adverse impact on the outlook and amenity of the proposed bedroom one thus resulting in an unacceptable living environment.

RESOLVED: 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 the changes considered in this case on their own individual merits amount to development requiring planning permission.

Furthermore, planning permission should be refused as the proposed side extension would result in an adverse impact on the outlook and amenity of the proposed bedroom 1 thus resulting in an unacceptable living environment for future occupants contrary to Policy PCS23 of the Portsmouth Plan.

The meeting concluded at 12.22 pm.

.....
Signed by the Chair of the meeting
Councillor Judith Smyth

This page is intentionally left blank