

## PLANNING COMMITTEE 08.02.2023

### SUPPLEMENTARY MATTERS TO BE CONSIDERED AS PART OF THE REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

<u>ITEM NO</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
1.	21/00645/FUL	<b>56 MARGATE ROAD SOUTHSEA PO5 1EZ</b>	<p><u>Kitchen layout</u>: an Updated plan has been received, showing an amended kitchen layout (compared to that shown in the Officer Report). This will be shown in the Presentation.</p> <p><u>Private Sector Housing</u>: No objection. The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.</p> <p><u>Transport Planning</u>: No objection. The proposal would not increase on-street parking demand from the existing Class C4 HMO use. A condition should be attached to any permission granted requiring secure cycle storage to be provided prior to occupation of the additional bedroom.</p> <p><u>5 year housing supply</u>: additional text is required and is set out in Appendix 1.</p>	<p>No change to recommendation.</p> <p>No change to recommendation.</p> <p>Attach the relevant condition should the event that the Planning Committee decide the proposal (a) requires planning permission, and (b) planning permission should be granted.</p> <p>No change to recommendation.</p>
2.	22/01607/FUL	<b>41 MARGATE ROAD SOUTHSEA PO5 1EY</b>	<p><u>Kitchen layout</u>: an Updated plan has been received, showing the kitchen layout (such layout is not shown in the plan in the Officer Report).</p> <p><u>Complete Bedroom 2</u>: In the event that the Planning Committee decide the proposal (a) requires planning permission, and (b) planning</p>	<p>No change to recommendation.</p> <p>No change to recommendation, but an extra condition may be</p>

			<p>permission should be granted, an extra condition would be required to secure the construction of the rear roof extension under Permitted Development rights, to achieve the required room size for Bedroom 2.</p> <p><u>5 year housing supply</u>: additional text is required and is set out in Appendix 1.</p>	<p>required should the Committee decide as per the first column. Officers would complete the detailed wording of the condition under powers delegated to them, hereby requested.</p> <p>No change to recommendation.</p>
3.	21/01760/FUL	<b>31 POWERSCOURT ROAD PORTSMOUTH PO2 7JE</b>	<p><u>Kitchen-dining room</u>: Following publication of the Officer Report, the floor plans have been corrected to show the Permitted Development rear extension as built. This has reduced the length of the extension by 0.35m to allow for better access to the rear bike storage. This reduces the kitchen-dining room by 0.82m<sup>2</sup>, to 29.46m<sup>2</sup>, but the communal living areas are considered to remain providing a satisfactory living accommodation.</p> <p><u>Complete the basement</u>: In the event that the Planning Committee decide the proposal (a) requires planning permission, and (b) planning permission should be granted, an extra condition would be required to complete refurbishment of the Basement.</p> <p><u>5 year housing supply</u>: additional text is required and is set out in Appendix 1.</p>	<p>No change to recommendation.</p> <p>No change to recommendation, but an extra condition may be required should the Committee decide as per the first column. Officers would complete the detailed wording of the condition under powers delegated to them, hereby respectfully requested.</p> <p>No change to recommendation.</p>
4.	20/00753/FUL	<b>32 TELEPHONE ROAD</b>	<p><u>Amended floorplans</u>. an Updated plan has been received, showing an amended kitchen-diner</p>	<p>No change to recommendation.</p>

		<b>SOUTHSEA PO4 0AY</b>	<p>layout, as provided in situ and as seen in the Presentation photographs. This updates the plan shown in the Officer Report. Also, for completeness, the Applicant has confirmed that the ground floor bathroom in situ would be removed in order to comply with the HMO SPD Space Standards for the lounge as shown in the plans, were permission to be granted.</p> <p><u>5 year housing supply</u>: additional text is required and is set out in Appendix 1.</p>	No change to recommendation.
5.	22/00957/FUL	<b>32 VICTORIA ROAD SOUTH SOUTHSEA CITY OF PORTSMOUTH</b>	<u>5 year housing supply</u> : additional text is required and is set out in Appendix 1.	No change to recommendation.
6.	22/01644/FUL	<b>58 GLADYS AVENUE PORTSMOUTH PO2 9BQ</b>	<u>5 year housing supply</u> : additional text is required and is set out in Appendix 2.	No change to recommendation.
7.	22/01650/FUL	<b>48 WALLINGTON ROAD PORTSMOUTH PO2 0HB</b>	<p><u>Existing use of the premises</u>: the Applicant reports that the works to convert the premises from a Class C3 dwellinghouse to a Class C4 HMO are 'substantially complete', there is 'interest from future tenants', and the property may already be 'engaged with marketing'. However, the Local Planning Authority has not been presented with sufficient evidence to demonstrate that a C4 use may actually be deemed to already exist, and so it would classify the existing use as still Class C3. This may affect the consideration of the proposals, as planning consent is certainty required for the proposed Sui Generis HMO use, contrary to the published recommendation. Very briefly, Officers would now engage Policy PCS20 and the SPD, especially with respect to the local community balance, and room sizes and layouts. The change of use of the property to a Sui</p>	Altered from the published recommendation, as follows: To approve the change of use from Class C3 dwellinghouse to a Sui Generis HMO for 7 Persons. Were the Committee to agree, Officers would draw up relevant conditions under powers delegated to them, hereby respectfully requested.

			<p>Generis HMO would maintain the local balance at 1.35%, well within the guidance, and the room sizes and layouts comply and are acceptable. As such, Officers would recommend the application from Class C3 dwellinghouse to Sui Generis HMO for 7 Persons be approved.</p> <p><u>5 year housing supply</u>: additional text is required and is set out in Appendix 3.</p>	No change to recommendation.
8.	22/01446/FUL	<b>147 MANNERS ROAD SOUTHSEA PO4 0BD</b>	<u>5 year housing supply</u> : additional text is required and is set out in Appendix 1.	No change to recommendation.
9.	22/01458/FUL	<b>293 TWYFORD AVENUE PORTSMOUTH PO2 8PD</b>	<u>5 year housing supply</u> : additional text is required and is set out in Appendix 2.	No change to recommendation.
10.	22/00233/HMO	<b>13 WYNDCLIFFE ROAD PORTSMOUTH PO4 0LA</b>	<u>Judicial Review, Policy, 5 year housing supply, expediency to take enforcement action, Human Rights Act, Equalities Act</u> : for completeness, the Committee's attention is drawn to the Judicial Review brought by the applicant in 2019 (including matters of policy and guidance), and separately, the 5 year housing supply. Also, the considerations of the expediency of taking enforcement action, and the Human Rights Act, and the Equalities Act. These matters are explained more fully in Appendix 4.	No change to recommendation.

## Appendix 1

### 5 year housing supply:

Applicable to the following applications which propose **one** additional occupant:

56 Margate Rd, 21/00645/FUL  
41 Margate Rd, 22/01607/FU L  
31 Powerscourt Rd, 21/01760/FUL  
32 Telephone Rd, 20/00753/FUL  
32 Victoria Rd South, 22/00957/FUL  
147 Manners Rd, 22/01446/FUL

In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of an additional bedspace of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy of one person in this area are considered to be insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of a single additional bedspace.

## Appendix 2

### 5 year housing supply:

Applicable to the following applications which propose **two** additional occupants:

58 Gladys Ave, 22/01644/FUL  
293 Twyford Ave, 22/01458/FUL

In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of two additional bedspaces of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy of two persons in this area are considered to be insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of two additional bedspaces.

## Appendix 3

### 5 year housing supply:

Applicable to the following application which entails a change of use from Class C3 to a seven person Sui Generis HMO = **4.6** additional occupiers:  
48 Wallington Rd, 22/01650/FUL

In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of 4.6 additional bedspaces of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy of 4.6 persons in this area are considered to be relatively insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of 4.6 additional bedspaces.

## Appendix 4

### **13 Wyndcliffe Rd, 22/00233/HMO**

Judicial Review, Policy, 5 year housing supply, expediency to take enforcement action, Human Rights Act, Equalities Act:

Please see separate sheets.