

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 February 2023 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 Chris Attwell (Chair)
George Fielding
Hugh Mason
Robert New
Darren Sanders
Russell Simpson
John Smith
Judith Smyth (Vice-Chair)
Linda Symes
Gerald Vernon-Jackson CBE

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.

11. Apologies (AI 1)

There were no apologies for absence.

12. Declaration of Members' Interests (AI 2)

Item 13a 2300002/GPDC 79 St Piran's Avenue, Portsmouth PO3 6JE - Councillor Darren Sanders stated that he would be making a deputation for this item and therefore would not take part in the discussion or decision.

13. Minutes of the previous meeting held on 18 January 2023. (AI 3)

RESOLVED that the minutes of the Planning Committee held on 18 January 2023 be agreed as a correct record.

The Supplementary Matters report and deputations can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 8th February, 2023, 10.30 am Portsmouth City Council](#)

14. 21/00645/FUL 56 Margate Road, Southsea PO5 1EZ (AI 4)

Simon Turner, Acting Head of Development Management Regeneration presented the report and drew attention to the additional information in the Supplementary Matters Report.

Deputations

Ruth Emery, resident against the application.

Carianne Wells, the agent for the applicant.

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 and waste, amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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

Members' Questions

In response to questions, the Planning Officer clarified the following points:

- Should the committee wish to approve the application, a condition limiting the occupancy to seven people could be added.
- There is a long history of HMOs in this area. The Article 4 direction came into force in around 2012 which altered the previous position that change of use C3 dwelling house to C4 small HMO did not require a planning application due to the General Permitted Development Order. However, Portsmouth and many other planning authorities decided that planning applications should be required, so in around 2012 the Article 4 direction was made to remove the particular permitted development right. Where properties were demonstrated as being in C4 HMO use prior to the Article 4 direction, the C4 use was already lawfully established and remained so after the Article 4 direction came into force.
- On 28 March 2018 permission was granted for the change of use for this property from C4 use to C3/C4 use. As the property was already in lawful use as an HMO, there was no reason to refuse the application, despite the number of HMOs in the 50m radius being significantly over the 10% threshold.
- The council had carried out a sweep of landlords and properties to identify all the HMOs in the area.
- For single storey extensions the distance between the property and the rear garden wall is not a planning consideration.

Members' Comments.

Concern was expressed about the over-intensification of HMOs in the area and the increased anti-social behaviour, rubbish and parking problems that authorising an additional occupier could lead to.

However, it was also noted that the rooms meet the space standards and the property was of a good standard.

RESOLVED to grant planning permission subject to the following conditions:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.**
- **A maximum of seven occupiers.**

- **The provision of bicycle storage.**
- **Subject to the completion of a legal agreement for the mitigation of effects on the Special Protection Areas**

15. 22/01607/FUL 41 Margate Road, Southsea PO5 1EZ (AI 5)

Simon Turner, Development Management Lead presented the application and drew attention to the SMAT.

Deputations.

Cerrienne Wells, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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 ground floor shower has been removed and the stairs slightly moved to provide a larger bedroom five.

The communal shower room on the first floor in the published report does not have the layout of the sanitary ware. The plan shown at the meeting displays the toilet, the basin and the shower. Similarly on the second floor. The requirement is for two shower rooms for this number of occupiers. Therefore, the application meets the council's SPD requirements in all matters.

The plans show the proposal to extend bedroom two to a total of 10m². If planning permission is granted, a condition should be included to ensure the room enlargement is completed. If the application were refused, the bedroom extension could be carried out anyway under permitted development rights.

Members asked that the SPD standards be included in the next Local Plan review.

Building Control and Licensing deal with the accessibility requirements.

Members' Comments.

Despite the room sizes meeting the size standards, concern was expressed about the living standards that would be created by the removal of the downstairs shower room.

Applications for this property have been refused twice before. The first time was due it being harmful to the living standards occupiers particularly regarding the internal space provision. The reasons have not been satisfied with this new application.

The area is saturated with HMOs. The council is looking into this situation. Some HMO landlords object to space standards because they fear that it will cut the number in the city.

RESOLVED that the application be refused for the following reasons:

1. The lack of a ground floor toilet and shower room would be harmful to the living conditions of future occupiers having regard to the internal space provision. As such the proposal would be contrary to the PCS23 of the of the Portsmouth Plan , section 12 of the National Planning Policy Framework, and guidance in the HMO SPD.
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 Species Regulations 2017 (as amended).

16. 21/01760/FUL 31 Powerscourt Road, Portsmouth PO2 7JE (AI 6)

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT. Councillor Sanders left the room at approx. 11:43 during the officer presentation and did not subsequently participate in this item.

Deputations

Simon Hill, applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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:

All the bedrooms have ensembles.

In event of planning consent being given, a bicycle storage condition would be added.

If the communal area is below 34m², but all the bedrooms are more than 10m², planning permission is likely to be granted. Subject to the layouts of each bedroom. In this instance, not all the bedrooms are above 10m² but they comply with the 6.51m² which therefore we need 34m² of communal living space; with the entertainment room in the basement this is achieved.

Bedroom one has an unusual but adequate layout with space behind the door for a chest of drawers or cupboard.

In response to a question about the ground floor communal area being supplemented by the basement living space, the Planning Officer did recall a broadly similar example elsewhere but did not want to compare one site with another as

each application is determined on its own merits. The ground floor combined living space was just 3.7m below the space standard but in more than mitigation there is a basement area as well, albeit with limited light.

There is no window in the utility room, just the lightwell to the front. It is up to the occupiers how they use this room.

Members' Comments.

There were no comments from members.

RESOLVED that the application be granted conditional planning subject to:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Areas.**
- **Completion of the refurbishment of the basement and its retention as such for the continued occupation and enjoyment of the occupiers**
- **A maximum of seven occupiers.**
- **The provision of bicycle storage.**
- **The completion of a legal agreement for the mitigation of effects on the Special Protection Areas**

17. 20/00753/FUL 32 Telephone Road, Portsmouth PO4 0AY (AI 7)

Councillor Sanders returned to his seat at approx. 12:06, just prior to the start of this item.

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Cerriane Wells, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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:

Without the wall between the kitchen and dining room, the requirement for communal living space would require be 34m².

There are three toilets in three rooms and two showers which are above and beyond the SPD requirement.

Many houses do not have sanitary provision on the ground floor and there is no requirement for that in the council's policy.

The plans proposed tally with the measurements shown in the table. Currently there is a ground floor bathroom in situ but that is shown removed in the plans and the proposed lounge shown is 14.06m² and complies with the space standards.

As the three communal living rooms only just meet the space standards, it would not be possible to add a WC on the ground floor.

The combined size of the lounge, dining room and kitchen in the existing layout is 40m².

Members' Comments.

It was noted that whilst the Planning Inspectorate may be happy with an isolated bedroom with no access to a WC or shower facilities on that floor, it is over-intensifying the development. There are already three bedrooms on the first floor with access to a single shower room and the same on the second floor. Adding another room on the ground floor would be an over-intensification of use.

However, it was also stated by another Member that this application is an imaginative use of quite a small property to provide a dining room, a kitchen and a lounge. The compromise is not adding a fourth WC. It is a very good standard of communal living.

One Member suggested that if the wall separating the kitchen and dining room was not there, the application would be considerably under the required standards for communal living space for seven occupiers. The Planning Officer informed the committee that the application would comply with the space standards if the wall separating the kitchen and dining room were to be removed because there would still be the proposed lounge.

RESOLVED that the application be refused due to

- 1. The lack of washing space and toilet facilities on the ground floor which represents an over-intensification of use for more than 6 persons without further WC facilities than proposed.**
- 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 Species Regulations 2017 (as amended).**

Councillor Robert New left the meeting.

18. 22/00957/FUL 32 Victoria Rd South, Southsea PO5 2BT (AI 8)

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Cerrienne Wells, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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:

Bedroom one is proposed to accommodate double occupancy, hence the reason for the required standard of 14m² in Figure 1 of the report.

If planning permission is to be granted, a condition would be added to ensure that the bedroom occupancy limits shown on the plan be adhered to.

A condition could also be added to ensure that bicycle storage is provided, at the front of the back of the property.

Members' Comments.

There were no comments.

RESOLVED that the application be granted conditional planning subject to:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Areas.**
- **All the bedrooms be single occupancy apart from bedroom one which may be double.**
- **The provision of bicycle storage.**

19. 22/01644/FUL 58 Gladys Avenue, Portsmouth PO2 9BQ (AI 9)

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Simon Hill, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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 contents or details of how the lounge and study are currently used are not known.

The communal room is wider and shorter communal room than many others that have been considered and is quite flexible. The amount of usable space is 25.79m² Tenants could sit with friends in their rooms many of which are somewhat in excess of the space standards.

The property provides a good standard of accommodation.

Members' Comments.

Concern was expressed regarding the loss of the study and lounge for the existing occupiers and the impact on parking and the transport infrastructure (buses already have trouble going down the road due to parking).

It was noted that some objectors want to include flat conversions in the count for HMOs. Councillor Sanders said he would look into the circumstances regarding the granting of a licence for 75 Wadham Road which is not a HMO.

It is fully compliant with the space standards.

All the bedrooms have ensuite bathrooms.

The impact of nine WCs must have a significant impact of effluent outlet on property on the sewerage network, though that is not grounds for refusal.

RESOLVED that the application be granted conditional planning subject to:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Areas.**
- **The number of occupants be limited to eight people, with The rooms for single occupancy only.**
- **The provision of bicycle storage.**

20. 22/01650/FUL 48 Wallington Road, Portsmouth PO2 0HB (AI 10)

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Simon Hill, agent for the applicant.

The Legal Advisor noted that if members agree with the officer position regarding the extant use being C3, the officer advice is that this would be a material change of use by virtue of going from a C3 use to sui generis HMO use (due to a lack of evidence of commencement of any C4 HMO use at the address under 22/01155/FUL).

Members' Questions.

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

Two bedrooms do not have an ensuite bathroom.

The Legal Advisor explained that the applicant has planning permission to use the property currently either for C3 or C4 uses based on the permission granted in late 2022 (22/01155/FUL), although this has not been implemented. The applicant thought they had successfully demonstrated the change of use from C3 to C4, kicking in that permission (22/01155/FUL). However, planning officers decided that a change of use to C4 has not been adequately evidenced so it remains its extant permission is the original C3, not C3/C4, permission. The C3/C4 permission (22/01155/FUL) still stands to be implemented so the possible outcome of refusing the Sui Generis application at this meeting is that the C3-C4 flexible use can still be implemented at a future point.

In response to further questions, the Planning officer explained that with C4 permission it can be used for up to six occupiers.

Members' Comments

Concern was expressed regarding:

Only eleven days after permission was granted for this to be a six person HMO, an application was submitted for an additional occupier. This gives the impression that it was always intended to be a seven person HMO.

The continuous extension of HMOs changing from C3 to seven person HMOs in some areas. Officers replied that this change of use would be under the 10% SPD HMO concentration figure (1.35% in this instance).

The occupiers of two first floor bedrooms must go downstairs to use the WC.

The room sizes are tight generally and some of the kitchen space is unusable.

RESOLVED that the application be refused for the following reasons:

- 1. Over intensification of use particularly for the communal living area regarding circulation space, the size only just exceeding the guidance minimum, bicycles coming through and restricted head height in that part of the room under the stairs.**
- 2. The impact on community balance, in terms of anti-social behaviour, rubbish and traffic.**
- 3. 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 2017 (as amended).

Councillor Linda Symes left the meeting.

21. 22/01446/FUL 147 Manners Road, Southsea PO4 0BD (AI 11)

Councillor Darren Sanders was absent for this item.

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Simon Hill, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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 kitchen/dining room has a workable layout.

The communal first floor bathroom has a WC and basin on one side and a shower pan on the other. It would be a shower because otherwise it would be an unconventional entry to a bath.

Members' Comments.

Concern was expressed that the occupiers of the bedrooms on the first floor would all share one WC which would also be used by people in the communal area. The application does not provide the amenity that would be expected. Others felt that on balance this was acceptable.

There is a good line through from front door to rear garden for bicycle storage.

The occupier of the rear bedroom on the ground floor has access to the garden in the event of a fire in the kitchen.

RESOLVED that the application be granted conditional planning subject to:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Areas.**
- **The number of occupants be limited to seven people, with one person per bedroom.**

- **The provision of bicycle storage.**

22. 22/01458/FUL 293 Twyford Avenue, Portsmouth PO2 8PD (AI 12)

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Simon Hill, agent for the applicant.

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 and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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:

Sliding French doors give access from the kitchen to the garden.

Planning permission was granted for a change of use from a C3 to C3/C4 on 29 July 2022 (22/00809/FUL).

Prior approval was determined not required for the 6m rear extension on 20 September 2022 (22/00067/GPDC). This was four months earlier than 48 Wallington Road application and so with a greater period for implementation of the flexible C3/C4 consent the Planning Officers did not question whether the works had already been implemented and a C4 use commenced.

Fire escape plans are a matter for building control. This application has the same agent as at previous meetings, who were very much alive to all the issues regarding building regulations, would be surprised if they failed to comply.

The usable space in the top floor bedroom meets the space standards and has the appropriate head height.

The first-floor rear bedroom is in the original two storey rear wing and will have normal ceiling height. The rear roof extension has been built in the roof space above.

RESOLVED that the application be granted conditional planning subject to:

- **The implementation of the additional occupancy within 1 year (a Time Limit condition).**
- **The development be carried out in accordance with plans submitted (an Approved Plans condition)**
- **Increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Areas.**
- **A maximum of eight occupiers with all rooms to be for single occupancy only.**

- **The provision of bicycle storage.**

23. 22/00233/HMO 13 Wyndcliffe Road, Portsmouth PO4 0LA (AI 13)

There was a five-minute adjournment to allow members to read the relevant appendix to the SMAT.

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT and appendix.

Deputations

Matthew Kivell, resident against the application.

RESOLVED that the development that has been undertaken is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking and waste, the amenity impact upon neighbouring residents and the impact on the Solent Special Protection Areas.

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:

In relation to the application of the Council's Supplementary Planning Document for HMOS regarding mixed and balanced communities under PCS20, Inspectors almost invariably will not consider the question of whether something needs planning permission, unless it is a lawful development certificate application. They typically determine appeals on the assumption (rightly or wrongly) that the development is a material change of use and therefore requires planning permission. The Inspector who considered the appeal against the Council's refusal of application 18/01332/FUL for use of the property as a 7 resident HMO proceeded on the basis that this was a material change of use, applied the SPD (as it was then drafted) and PCS20. The Inspector had found 18/01332/FUL to provide an acceptable standard of living.

Members' Comments

The resident who made a deputation was advised to call the police, the council's environmental health department and the University every time there is an incident of antisocial behaviour, including noise and inappropriate storage of waste. The detailed incident log will be valuable evidence to enable action to be taken by other arms of the council. The council's anti-social behaviour Community Warden's contact details should be given to him after the meeting. It is important that the Licensing department is also informed.

The Legal Advisor asked the committee to note that:

The committee asked whether there was a distinction to be drawn between, on the one hand the 18/01332/FUL 13 Wyndcliffe Road Planning Inspectorate appeal decision (of 2019), and on the other hand the Campbell Properties Planning Inspectorate decision (of 2021). The Legal Advisor stated that with the benefit of the detailed analysis in the later 2021 decision, officers now take the view that the development that is the subject of this item is not a "material" change of use on the

facts of this particular case, despite the earlier 2019 decision that proceeded on the apparent assumption that it was development.

Additionally, the Inspector's decision on this site in 2019 was on the basis of a previous SPD that in essence stated that if there were more than 10% HMOs in the area there is a deemed harm. Many Inspectors were reluctant to apply that guidance to interpret policy PCS20 on appeals as they are professionally inclined to enquire about the specifics of any harm, rather than presuming it.

If this application were to result in the issue of an enforcement notice and there were a subsequent appeal, members would be invited to explain to the Inspector why it is a material change of use in precise terms.

The Inspector at Wyndcliffe Road should have engaged with the section 55 question as to whether occupation by one extra resident is a "material" change of use.

Having had the section 55 "material" change of use question raised through the Campbell Properties appeals in 2021 it is not acceptable for the committee in 2023 to ignore it. Having resolved that the seventh resident constitutes a material change of use, the committee is lining itself up for the same standard of scrutiny as in the Campbell Properties decision, which followed a public inquiry. An Inspector at inquiry will have no option but to consider whether one additional resident constitutes a "material" change of use under section 55 Town and Country Planning Act 1990. The Legal Advisor acknowledged that the committee has already adopted a resolution on this point, but it is a necessary element of answering the question relating to any distinctions to be had between the 2019 13 Wyndcliffe Road decision and the 2021 Campbell Properties decision.

Members expressed the following concerns:

The property has been used as a seven-person Sui Generis HMO without planning permission since 2017 and it has a licence until 2024.

The development does not meet the space standards. The planning officer clarified firstly that bedroom 5 (6.58m²) did not meet the space standards in 2018 but it does meet the current size standards, and secondly that the communal area is under the SPD size standard.

This was brought by the Private Sector Housing team and affects both planning and the private rented sector strategy which was agreed in 2021.

The Committee highlighted the objectives of the Council's Private Rental Sector Strategy for Portsmouth 2020-2025:

Objective 9: Strong regulators will use all of their powers working with partner agencies and stakeholders to remove criminal and anti-social behaviour.

Objective 5: Users of the PRS [tenants and landlords] will be a stronger part of and more integrated with their local community. This will increase inclusion and cohesion with other tenures.

Objective 1: Good landlords will be welcomed, supported and promoted through the use of accreditation.

The idea behind the strategy is to reward good landlords and punish bad ones. The work that has been required to make this a seven-bedroom HMO goes against those

three objectives in particular with regard to the shower facilities and the use of a noisy macerator to provide a WC. It has a significant negative impact on the tenants and neighbours.

The committee recalled the 2019 Inspector's decision that "While changing the use of the property to a 7-bedroom HMO would not on its own add many additional bedrooms and people, it would contribute to the general increase in HMO accommodation and the cumulative effect of this would be to make the imbalance in the housing stock worse and harm the local community." The committee noted that the developer's judicial review challenging this decision failed. Despite these clear decisions, the developer has taken no action.

This property has allegedly been badly managed, but this is not directly a planning matter.

The committee was advised in response to a question that it is proper to apply the new (current) SPD and therefore the new (current) space standards should be used. This development does not meet these.

In response to questions from the Legal Advisor, the Planning Officer explained that the extant SPD does not consider the type of sanitary and washing facilities provided as it does not go into that level of detail (i.e. acceptability of macerator toilets) and this is a matter for the Licensing Department. The provision of WC facilities is considered adequate in planning terms by officers whether the property is occupied by 6 persons or 7.

In response to a question from the Legal Advisor, the committee noted that it had weighed the officers' advice that the development created one extra bedspace and this could be termed a benefit but believed the development to be harmful overall for reasons already discussed.

The work to convert this to a seven-bedroom property is relevant to the extent that it facilitates any change of use, but after advice from the Legal Advisor it was clarified that the Committee should not attempt to remove built elements of the development through an enforcement notice where cessation of the offending use is sought.

The committee considered it expedient to take enforcement action because:

- No action was taken by the developer to deal with the Inspector's reason for refusal.
- A planning application was submitted in 2019 and withdrawn.
- The matter was brought to the attention of the Local Planning Authority by Private Sector Housing.
- The Private Rental Sector Strategy for Portsmouth 2020-2025 encourages enforcement action across council functions.
- A neighbour has complained about the use of the property and harm to amenity.

It is right to consider the Campbell Properties Planning Inspectorate decision.

The meeting was adjourned for 20 minutes.

Councillor Vernon-Jackson left the meeting.

The Legal Advisor read out a proposed motion based on what Councillor Sanders and Smyth had said and highlighted technical SPA mitigation issues, which members accepted.

The committee RESOLVED that having regard to the benefit of development of an extra bedspace bringing occupation of the house in multiple occupation to 7 persons set against the disbenefits of intensity of the occupation, the impact on the mix and balance of the community (with regard to the Inspector's decision for application 18/01332/FUL), noise transmission, antisocial behaviour, the poor standard of accommodation and living conditions for occupiers assessed against current policy and SPD guidance and notwithstanding the previous Inspector's decision, and a lack of mitigation to likely significant effects upon the Solent SPAs, the unauthorised development causes harm to amenity, and therefore conflicts with PCS20 of the adopted Portsmouth Local Plan 2012 and HMO Supplementary Planning Document dated 2019, AND that having considered the balance of factors in issue it would be expedient in the public interest and notwithstanding the above referenced benefit for enforcement action to be taken by officers under delegated powers.

DECISION: an enforcement notice will be served.

24. 23/00002/GPDC - 79 St Pirans Avenue, Portsmouth PO3 6JE. (AI 13a)

The Chair of the Planning Committee has agreed for the addition of this item of urgent business at the request of the request of Councillor Sanders. It is an application for the prior determination of details of a larger home extension following the 'prior notification' procedure. This type of planning application is automatically approved six weeks after it is received by the Council unless a decision is formally issued to the contrary, and as Councillor Sanders has asked for Planning Committee to make that decision it has been added to this agenda without the normal five days prior publication. The matter cannot be delayed until the next planning committee, in March, as it would by that time already have been automatically approved in accordance with the General Permitted Development Order.

Simon Turner, Development Management Lead introduced the application and drew attention to the SMAT.

Deputations

Councillor Darren Sanders against the application.

Members' Questions.

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

This is an application for the side rear extension and other possible plans cannot be considered.

The plans for the extension are very clear. The neighbour's concern that the extension would continue halfway down the garden is unjustified. There are two rear-facing walls: one to the rear and one to the side.

The resident in Hayling Avenue is concerned about a possible extra storey to the extension but that is the current roof development which is not the subject of this application.

Although there is no requirement for the applicant to supply details of proposed elevations the plans submitted show how it might look. The only consideration for the committee is the impact on the amenity on the neighbours under the terms of the General Permitted Development Order.

A window at normal height would not produce any further overlooking than the others. The key consideration is the distance and the screening by the neighbours' outbuildings .

The Legal Advisor stated that he was satisfied that the plans were sufficiently clear for the committee to proceed and reminded the committee of the objective factors that the courts use to construe planning permissions, particularly the description of development, any conditions, plans and, in this case, the terms of the General Permitted Development Order.

The wall of the extension would be within the owner's grounds.

Members' Comments

There were no comments.

RESOLVED that the application for Prior Approval is required, and granted.

The meeting concluded at 4pm.

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Signed by the Chair of the meeting
Councillor Chris Attwell