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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 12 April 2023 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 Chris Attwell (Chair)
Hugh Mason
Russell Simpson
John Smith
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 the procedures for the meeting and the fire evacuation procedures including where to assemble and how to evacuate the building.

The Chair advised this was the last Planning Committee of the municipal year and extended his thanks to the Committee Members for their work during the past year and in particular to Councillor Linda Symes who was standing down as a Councillor for Portsmouth.

47. Apologies (AI 1)

Apologies were received from Councillor Darren Sanders and Councillor George Fielding.

48. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

49. Minutes of the previous meetings held on 1 March 2023 & 22 March 2023 (AI 3)

RESOLVED: That the minutes of the Planning Committees held on 1 March 2023 and 22 March 2023 be agreed as correct records.

50. Report on HMO appeal decisions regarding Houses of Multiple Occupation (AI 4)

The Assistant Director, PCC Regeneration, presented the report the purpose of which was:

- To inform members of the recent appeal decisions addressing that there was a need for planning permission for the change of occupancy of Houses of Multiple Occupancy (HMOs) from 6 beds/occupants to 7 beds/occupants.
- To advise members that these appeal decisions were a material consideration for HMO applications, in particular, where there was a change of occupancy of an HMO from 6 beds/occupants to 7 beds/occupants.
- To advise members that where there was an appeal decision for the application site to have regard to that appeal decision as a material consideration when determining the application.
- To advise members of the need to produce sound, substantive and defensible reasons for the refusal of planning permission.

Members' questions

In response to Members' questions, officers clarified:

- There had been 26 appeals since the Campbell Properties decision in 2021 as noted in paragraph 3.5 of the report. In those decisions, the planning inspectors either said nothing or expressly said they would not give an opinion on whether planning permission was needed.
- The Planning Officer was not aware of how many inspectors took a view on this aspect of the decision and how many did not.
- The 26 inspectors expressly or implicitly did not answer the question regarding planning permission and the officers strongly advised the Committee not to be derelict in their duty in addressing this issue when making their decisions.
- Officers were not able to provide a generalised form of words for the Committee to use as each case should be considered on its own merits and concise, clear reasons should be given that related to the proposal in question. The decision should be based on an actual assessment of the change in nature of the accommodation and the attributes of the two different occupancies between the last lawful occupation and the proposed lawful occupation.
- The appeal decision was a material consideration whenever similar matters are proposed. Where works have been carried out to extend or alter a building, planning permission will be either under permitted development or a separate planning application. The Lane Decisions concerns the changes of use of those buildings, and are concerned with the question of whether, after having done the lawful works to alter the building, the change of use of the buildings require planning permission. Within the agenda of the meeting were examples of where officers considered it did require it and examples where it didn't. There are two unrelated and separate tests to consider regarding alterations to the building and change of use.
- The starting point for determining an application and whether it is development is set out in section 55 of the Town and Country Planning Act. There are two

separate parts: one about operational development and one about the change of use.

- In relation to producing a paper to the Committee regarding work on the Local Plan, officers advised that a paper had been produced in May 2022 which Members had debated. This paper had formed the background papers for workshops held 3 weeks prior to debate the HMO policy and the Local Plan.

PLANNING APPLICATIONS

The Supplementary Matters report and deputations (which are not minuted) can be viewed on the Council's website at:

[Agenda for Planning Committee on Wednesday, 12th April, 2023, 10.30 am Portsmouth City Council](#)

[Planning Committee, 12 April 2023 on Livestream](#)

51. 21/00941/FUL 14 Hudson Road, Southsea PO5 1HD (AI 5)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had amended the application description but had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 6 bedroom/6 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation.

Deputation

Maise Durrant (for the agent)

Members' questions

In response to Member's questions, officers clarified:

- The applicant had confirmed they were willing to enter into a S166 agreement to resolve the issue of the conflict with the Development Plan and the Habitats Regulations as noted in the Planning Inspectors report.
- If Member's made the decision, against the officer recommendation, that planning permission was required, there was nothing in the Habitat's Regulations or Development Plan to lead the application to be turned down as the applicant was willing to enter into the appropriate legal agreement.

Member's comments

Members noted concerns that there was no bike storage at the property as the alleyway was very slim and with insufficient room. In addition, the bedroom on the top floor was considered to potentially be an issue for someone over 5 foot 5 inches tall due to the design of the room. On the whole, Members considered the

development to be converted well and the standard of accommodation to be of a good standard.

A proposal was put forward that the application required planning permission, but this was not seconded at this point.

A further proposal (which was seconded) was put forward to grant the application as per the officer recommendation.

In light of the Lane Decisions report that had been discussed earlier, there was a discussion between Members and Officers regarding the form of words to be used in relation to the consideration of planning permission.

The Committee adjourned briefly at 11:12am to consider the matter and recommenced at 11:24am.

Following the adjournment, a proposal was put forward that the application required planning permission. This was seconded.

Officers advised Members that the wording they had used was wording used previously and that had been found to be vague and generalised by the planning inspectorate and any decision made on that basis was highly likely to fail on appeal and may result in costs awarded against the Council.

The Legal officer advised that prior to the adjournment a motion had already been made by Councillor Smith, which had been seconded and a vote should be taken on this first. The vote was taken, and the motion failed.

A vote was then taken on the second proposal and the motion passed.

Officers advised the Committee that as it had now resolved that planning permission was required, the conditions to be imposed should be considered when deciding whether to grant planning permission.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans and managing impacts on the Special Protection Area.**

52. 22/00963/FUL 101 Oxford Road, Southsea PO5 1NP (AI 6)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had amended the application description but had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 5 bedroom/5 person House in Multiple Occupation to an 8 bedroom/8 person House in Multiple Occupation.

Members' questions

In response to Members' questions, officers clarified:

- The number of bathrooms in the property was adequate for 8 people in accordance with the Private Sector Housing guidance. The provision of bathrooms and the downstairs WC did meet the minimum requirements for this scale of HMO.
- The only way to get a bicycle to the storage area was to wheel a bike through the hall, kitchen, and lounge.

Member's comments

Members noted that two of the bedrooms were marginally below the PCC standards and considered the property did not provide a satisfactory standard of accommodation. They considered the provision of communal living space was insufficient and did not result in the quality of living environment deemed appropriate contrary to PCS23 of the local plan.

RESOLVED to refuse planning permission as the provision of communal living space was insufficient to result in a quality of living environment deemed to be appropriate and the development is therefore contrary to policy PCS23 of the Local Plan.

53. 22/01166/CPL 59 Manners Road, Southsea PO4 0BA (AI 7)

Application for certificate of lawful development for the proposed change of use from house in multiple occupation (Class C4) to an 8 bedroom house in multiple occupation (Sui Generis)

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had not led to a change in the recommendation.

The description of the development was amended to:

Application for certificate of lawful development for the proposed change of use from a 5 bedroom/5 person House in Multiple Occupation to an 8 bedroom/8 person House in Multiple Occupation.

Deputations

Mr Robert Tutton (agent)
Councillor Suzy Horton

Officers advised Committee Members that for a Certificate of Lawfulness, the applicant is obliged to provide evidence to prove their point. Therefore, the Committee needed to consider whether the applicant had evidenced there had not been a material change of use in light of officers' comments in the assessment report. Committee Members should consider whether the change in the nature of the accommodation from 5 occupants to 8 occupants was materially different and therefore required planning permission.

Members' questions

There were no questions.

Member's comments

Members were advised by officers that they should not consider the percentage increase in occupation but should consider the implications of the increase in occupancy by 3 people and the materiality of the change of use, as noted in the officer's report. Members considered that there was a case for the requirement of planning permission and agreed with the officer recommendation.

RESOLVED to refuse the Certificate of Lawfulness as per the officer's recommendation.

54. 22/01101/FUL 24 Norman Road, Southsea PO4 0LP (AI 8)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had amended the application description but had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 6 bedroom/6 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation.

Deputation

Maise Durrant (for the agent)
Councillor Suzy Horton

Members' questions

In response to Members' questions, officers clarified:

- The provision of two shower rooms and one separate toilet met the space standard requirements.

Members' comments

Members did not consider the design of the application and the amount of shower facilities was appropriate despite it meeting the adopted PCC space standards.

Members proposed that the application was 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 were advised by officers that as demonstrated by the fact they had used identical wording to other decisions, the reason was generalised and that in line with the Lane decision, a decision made on that basis was unlikely to be successful on appeal, should an appeal be made, and costs would likely be ordered against the council.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans, and managing impacts on the Special Protection Area.**

55. 22/01142/FUL 160 Chichester Road, Portsmouth PO2 0AH (AI 9)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 5 bedroom/5 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation.

Deputation

Simon Hill (for applicant)

Members' questions

In response to Members' questions, officers clarified:

- The dotted lines on the plan were where from structural alterations and where structural beams were installed due to the rebuilding of that part of the property.

Members comments

Members considered the application to provide above adequate accommodation space.

Members proposed that the application was 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.

Officers reiterated their advice given in the previous application.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans and managing impacts on the Special Protection Area.**

56. 22/01484/FUL 57 Hudson Rd, Southsea PO5 1HB (AI 10)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had amended the application description but had not led to a change in the recommendation.

The description of development was amended to :
Change of use from a 6 bedroom/6 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation

Deputation

Maise Durrant (for the agent)

Members' questions

There were no questions.

Member's comments

Members proposed that the application was 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.

Officers reiterated their advice as given previously.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans, and managing impacts on the Special Protection Area.

57. 22/01494/FUL 98 Beresford Rd, Portsmouth PO2 0NQ (AI 11)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had amended the application description but had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 6 bedroom/6 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation.

Deputation

Maise Durrant (for the agent)

Members' questions

In response to Members' questions, officers clarified:

- As the start date for the planning appeal had not been advised, the Planning Committee were able to determine the application. If the appeal started before the decision letter could be dispatched, the resolution the Committee reached would inform the response to the appeal.

Members' comments

Members noted the difficulties in this area, as in other areas of Portsmouth, with parking and the comments in the report in relation to this 'not being considered a material change' but going on to say '... this could justify a reason for refusal and consequently you should give this due weight in your determination on the planning application'. They noted the regularity with which parking issues are considered in the planning applications.

Officers advised this was a matter of judgement for Members, but officers' advice was that one more occupant was unlikely to cause unreasonable parking stress.

Members proposed that the application was 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.

Officers reiterated their advice as given previously.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans, and managing impacts on the Special Protection Area.

58. 22/01552/FUL 32 Kingsland Close, Portsmouth PO6 4AL (AI 12)

Change of use from house in multiple occupation (Class C4) to 8 bedroom house in multiple occupation (Sui Generis)

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 5 bedroom/5 person House in Multiple Occupation to an 8 bedroom/8 person House in Multiple Occupation

Deputation

Maise Durrant (for the agent)

Officers advised, following the deputation, that they had received new information from the applicant that they had, without licence, moved 6 occupants into the property. Noting that this had been done without licence, the last lawful occupation of the property was 5 people and therefore, the officers' recommendation was that this did require planning permission. Members therefore needed to judge the application on its merits and decide whether to grant that planning permission or not, as per the Supplementary Matters report.

Members' questions

There were no questions.

Members' comments

There were no comments.

RESOLVED to grant conditional planning permission as per the changed officer recommendations in the Supplementary Matters Report.

59. 23/00189/FUL 75 Grosvenor Street, Southsea PO5 4JG (AI 13)

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

The Assistant Director, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report which had

amended the application description but had not led to a change in the recommendation.

The description of the development was amended to:

Change of use from a 6 bedroom/6 person House in Multiple Occupation to a 7 bedroom/7 person House in Multiple Occupation.

Deputation

Maise Durrant (for the agent)

Members' questions

In response to Members' questions, officers clarified:

- The downstairs toilet does have a door which opens inwards.
- The shower room on the first floor is of an adequate size to contain a toilet. Although it appeared on the plans there was no toilet, officers considered it may have been overlaid with the printed words 'Shower Room'.

Members' comments

Members proposed that the application was 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.

Officers reiterated their advice as given previously.

RESOLVED:

- (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) To grant conditional planning permission subject to a legal agreement for SPA mitigation (recreational disturbance and nitrates) and conditions requiring implementation within 1 year, requiring the development to be carried out in accordance with the approved plans, and managing impacts on the Special Protection Area.**

Before the meeting closed, the Chair offered his thanks to officers for their support to the Planning Committee during the current municipal year.

The meeting concluded at 12.48 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

