

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 13 September 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)
Lee Hunt (Vice-Chair)
Peter Candlish
Raymond Dent
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
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.

120. Declaration of Members' Interests (AI 1)

23/00196/FUL 253 Powerscourt Road, Portsmouth PO2 7JJ

Councillor Raymond Dent declared a personal interest; the applicant is an acquaintance. In response to a question from the Legal Advisor, he confirmed that he would remain for that item to vote.

121. Apologies (AI 2)

Councillor Hannah Brent sent her apologies for absence and Councillor Vernon-Jackson sent his for being late.

122. Minutes of the Previous Meeting held on 23 August 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 23 August 2023 be agreed as a correct record.

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, 13th September, 2023, 10.30 am Portsmouth City Council](#)

123. 22 Montgomerie Road, Southsea PO5 1ED - 22/01658/FUL (AI 4)

The Assistant Director, Planning and Economic Development presented the report and drew Members' attention to the Supplementary Matters report which included clarification regarding room sizes and notice that an appeal for non-determination had been made. There was no change to the officer's recommendation.

Deputations.

Ms C Wells, agent.

RESOLVED that the proposal is considered to be development requiring planning permission due to the intensity of use of the accommodation, the impact on parking, waste, amenity, neighbouring residents and the living conditions of occupants.

Members' Questions.

In response to members' questions, officers clarified that:

- The committee is required to determine whether one additional resident would have a detrimental impact on amenities.
- Bicycles would be taken through the house to the storage area in the garden.
- The lounge would be converted into the additional bedroom.
- The room sizes would not change.
- Members and officers can disagree on the definition of an ensuite facility.
- The only reason that the Planning Inspector rejected the application was the failure to mitigate against the increased impact on the Special Protection Area.

Members' Comments

Members raised concerns regarding:

- Bedrooms six and seven being smaller than the council's minimum size standards.
- The area is oversubscribed with HMOs.
- Access to the rear of the property for occupants with their bicycles.

Councillor Lee Hunt stated that there is no question that this is a government-driven policy to increase accommodation within areas that are already intensely residential. For thousands of people, this is a huge concern.

He said that he had been accused on social media of taking bribes to allow HMOs to be granted planning permission, an accusation that he refuted. He explained that the council is shackled by government policy and that the council is unfairly already in disrepute for just considering HMOs in the eyes of some residents.

The Legal Advisor stated that he was sorry to hear that Councillor Hunt had endured such comments and asked him to bring any concerns to the City Solicitor & Monitoring Officer. The Legal Advisor reminded the Committee that only the development plan and material planning considerations could lawfully influence planning committee decision-making.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**
- **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.**
- **Cycle storage be provided.**

124. 253 Powerscourt Road, Portsmouth PO2 7JJ - 23/00196/FUL (AI 5)

The Assistant Director, Planning and Economic Development presented the report.

There were no deputations.

Members' Questions.

In response to members' questions, officers clarified that:

- Bicycles would be taken through the house to access the storage area at the rear.
- There are no deputations for this application.
- The representations are detailed in paragraph 4.1 of the report.
- The HMOs in the vicinity are shown in the presentation.

Members' Comments

There were no comments.

RESOLVED to grant conditional permission as set out in the officer's report.

125. 32 Margate Road, Southsea PO5 1EZ 21/00489/FUL (AI 6)

The Assistant Director, Planning and Economic Development presented the report.

There were no deputations.

RESOLVED that the proposal is considered to be development requiring planning permission due to the intensity of use of the accommodation in a very built-up area with a mix of HMOs over 50% and the adverse impact on residential amenity and the environment.

Members' Questions.

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

- The provision of bathrooms and toilets is considered sufficient.
- There are some inaccuracies in the plans regarding the first-floor bathroom and the second-floor shower rooms.

Members' Comments

Members raised significant concerns regarding the cumulative detrimental impact on residents' amenities from so many HMOs each adding one occupant.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**
- **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.**
- **Cycle storage be provided.**

126. 33 Darlington Road, Southsea PO4 0ND - 23/00207/FUL (AI 7)

Councillor Vernon-Jackson arrived at 11:34 partly through this item. He had no interests to declare and took no part in the discussion nor vote for the application.

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which contained a letter from Councillor Gerada.

Deputations.

Councillor Mary Vallely read out the letter from Councillor Gerada.

Ms C Wells, agent.

RESOLVED that the proposal is considered to be development requiring planning permission due to the increase from a change from C4 to multiple occupation which has an adverse impact on residential amenities in a highly built-up area already oversubscribed with 25% of properties in multiple occupation which has an impact on residents by virtue of parking, noise, waste, sewerage and impacts on the SPA.

Members' Questions.

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

- The lounge on the ground floor would be bedroom 7.
- Every room except the lounge and bathrooms is a bedroom.
- Sufficient bins are provided; two 240l bins, one for recycling and one waste. This is the same for a 6 bed or family home.
- Cycle storage has not yet been constructed. It would seem that taking bicycles through the house would be the standard approach.

Members' Comments

Members raised significant concerns regarding:

- The cumulative detrimental impact on residents' amenities from so many HMOs each adding one occupant. This area is already oversubscribed with 25% of properties being shared accommodation.
- It is an insidious attack on neighbourhoods. In her deputation, Councillor Gerada had described the detrimental impact that is felt in areas that are already oversubscribed with HMOs.
- Sometimes it is argued that a shared house people living almost as a family living together but it is not normal to have all rooms bar one as a bedroom.
- It is important not to give people false hope that we are able to defend refusals at appeal and then burden Portsmouth taxpayers with the cost.
- It is important to ensure that cycle storage is provided.
- There is inadequate communal living space. The kitchen cannot be considered communal space as there is no room for sitting with friends. However, it was noted that at least it there was no door at the end of the extension.

RESOLVED to grant planning permission subject to the following conditions:

- **Implementation of the additional occupancy within three years.**
- **The development be carried out in accordance with plans submitted.**

- **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.**
- **Cycle storage be provided.**

127. 49 Cleveland Road, Southsea PO5 1SF - 20/00748/FUL (AI 8)

The Assistant Director, Planning and Economic Development presented the report.

Deputations.

Ms C Wells, agent.

RESOLVED that this application does require planning permission on the grounds that the change of use from C4 to 7 person with the lounge changing into a bedroom with impact on residential amenity and intense use of the building within this highly built-up area with 43.8% of properties being HMOs and the cumulative impact on parking, noise, waste, sewerage and impacts on the SPA.

Members' Questions.

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

- The sizes shown are correct.
- The minimal size for a single bedroom is 6.51m² and the communal space must be 34m². However, if the bedroom is larger than 10m², only 22.5m² communal space is required.
- The plans are illustrative; the actual kitchen size will depend on advice from the developer's kitchen fitters. There are minimal sizes for kitchens under the separate HMO licensing regime. It is the same for both 6 and a 7-bed houses. A minimum work surface of 2.5m x 0.5m must be provided. However, the layout is not a consideration for this committee.
- Even though the council's adopted standards state that six people can live in the same space as seven, the developers have tried to improve the living space. The occupant of bedroom six would now share a shower room rather than have an ensuite. All the occupants have use of a kitchen/ diner and a utility room. 29.21m² total living space.
- It is understood that the cycle store would be in the narrow outdoor space. The cycle storage requirement is the same for six and seven people, so they should have already provided storage.
- The plans show one bin behind the other.
- The layout of the bathroom is not an unusual configuration.

Members' Comments

Members raised concerns regarding:

- Insufficient combined living space for seven people. Although it does just about meet the standards, it is unreasonable to assume that people would socialise in the utility room and if they did it would be noisy for the occupants of the adjoining bedrooms. This is exacerbated by the fact that the only place to sit outside is opposite the bike shed.
- The net effect of effectively creating a new HMO in these three roads.

- The residential amenities are poor and this change would be an over-development of this property.
- It is not normal to have bedrooms in the front rooms.
- The area is oversubscribed with HMOs area.
- The configuration of the bathroom is poor.

Members felt that plans on future applications should include the location of cycle stores.

RESOLVED to refuse planning permission as the communal living space is considered to be inadequate in size to provide an adequate living environment for future occupiers contrary to Policy PCS23 of the Portsmouth Plan.

128. 49 St Pirans' Avenue, Portsmouth PO3 6JE - 23/00736/FUL (AI 9)

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which contained a correction to paragraph 4.1. The application has eight objections as noted in paragraph 1.1, and was called-in by Councillor Sanders not Councillor Swann. Cllr Smith left the meeting for a period of this item so did not participate in it once he returned to the room.

Deputations.

Ms C Wells, agent.

The Chair noted that this application requires planning permission.

Members' Questions.

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

- The Assistant Director did not know whether members had visited this property.
- The additional room is marked on the plans as bedroom no. 7 on the ground floor. It was previously a lounge.
- The bicycle store is not shown in the plans but would be in the garden. There is adequate space for this.
- The bicycles would have to be taken through the house.
- There is a pinch point in the kitchen between the projecting peninsulas for the breakfast bar. This is an adequate space to get a bicycle through. This is an illustrative drawing. There would need to be a clear space underneath the rising staircase to access the kitchen door. The dotted line on the plan shows where the staircase goes above head height.
- The developers used the prior notification process to build a substantial extension, 34m².

Members' Comments

Members raised concerns regarding:

- When the application was submitted for a six-bedroom property, the developer had been indignant at the suggestion that they would be returning shortly with an application for an additional occupant.
- There is nothing wrong with the layout.
- Only 2.1% of the properties in the area are HMOs.

RESOLVED to grant planning permission in accordance with the officer recommendation.

129. 55 Bedhampton Road, Portsmouth PO2 7JX (AI 10)

The Assistant Director, Planning and Economic Development presented the report.

Deputations.

Simon Hill, for the applicant and gave an information pack to the committee.

The Chair noted that this application requires planning permission.

Councillor Hunt challenged the reading of a note by Councillor Smith on behalf of Councillor Swann and sought a legal opinion. The legal officer was concerned that the deputation request had been made too late to be included even in the Supplementary Matters report. An adjournment was taken for the legal officer to advise the Chair. Following the adjournment, the Chair did not invite Councillor Smith to read the note.

Members' Questions.

In response to members' questions, officers clarified that:

- Different standards are applied for shower rooms and bathrooms as more floor space is required for a bathroom.
- In the deputation, the agent had mentioned the possibility of enlarging bedroom 7 and reducing the size of bedroom 6. Making a normalisation between them would be considered perfectly reasonable.
- Bedroom 6 is a full height room. Rather than allow the eaves in bedroom 7 run to the floor, the developer is proposing putting in a wall at the sides. Even though it will be slightly truncated, it will exceed the minimum room size and have adequate head height.
- In the new licensing conditions that were agreed two weeks previously, there is a requirement that landlords must share contact details with neighbours. These type of management issues are being well dealt with in the new licensing regulations.
- The provision of cycle storage is included in the conditions proposed in the officers' report.

Members' Comments

Members raised concerns regarding:

- The committee is aware that some HMOs are being sold for family homes.
- The committee has been driving up the standards for HMOs.
- The rules are clear, if applications are not compliant, they should not be approved. The room sizes have been made as small as possible. If the bathroom was converted into a shower room the application would be complaint.
- There was a discussion regarding the benefits of having showers rather than baths.

RESOLVED to grant planning permission in accordance with the officer recommendation.

130. 78 Stubbington Avenue, Portsmouth PO2 0JG - 23/00363/FUL (AI 11)

Councillor Lee Hunt left the meeting at 1pm.

The Assistant Director, Planning and Economic Development presented the report and drew attention to the SMAT which stated that there is a typographic error in paragraph 5.5; the last line should read ensuite B7.

Deputations.

Daryn Brewer, agent.

RESOLVED that this application does require planning permission as it is highly developed area with lots of pressure and this will add to it with rubbish, noise, anti-social behaviour, water and pressure on parking.

Members' Questions.

In response to members' questions, the officer clarified that:

Cycle storage is not shown on the plans therefore a condition would be a possible precautionary measure.

Members' Comments

There were no comments.

RESOLVED to grant planning permission with conditions on time limit, approved plans, cycle storage and steps to mitigate the impact on the SPA.

131. 27 Down End Road, Portsmouth PO6 1HU - 23/00788/HOU (AI 12)

The Assistant Director, Planning and Economic Development.

Deputations.

There were no deputations.

Members' Questions.

There were no questions.

Members' Comments

There were no comments.

RESOLVED to grant planning permission in accordance with the officer's recommendation.

132. 114 Queens Road, Portsmouth, Fratton, Portsmouth PO2 7NE - 23/00278/FUL (AI 13)

The Assistant Director, Planning & Economic Development presented the report and drew members' attention to the SMAT which stated the following change of description:

Change of use from purposes falling within dwelling house (Class 3) to 7 person house in multiple occupation sui generis. The explanation is attached to the SMAT.

He stated that this application requires planning permission.

Deputations.

There were no deputations.

Members' Questions.

In response to members' questions, the officer explained that:

- The council's standards state that 11m² is the adopted size for double occupancy.
- The private sector housing team is responsible for enforcement and monitoring the management of the property.
- The landlord may choose to let both rooms on the top floor to a couple with exclusive rights of access. The narrow non-habitable room could be used as a study or sitting room. Another option is that the room be used as a cinema.
- If the room were to be used as a bedroom, a smaller bed could be put in or a larger one could be re-orientated.
- As stated in the SMAT, it expected that the window would be changed to match that of permitted development; any development below 1.7m internal floor level must be obscurely glazed and fixed shut. Therefore, the fan light at the top which is above that level can be clearly glazed and open to allow ventilation.
- A simple fan would provide sufficient ventilation. Building regulations is responsible for ventilation.
- A condition could be imposed limiting the number of occupants.

Members' Comments

- Members raised asked that their concerns be passed on to the Private Sector Housing Team.
- They do not want to create a precedent allowing every room over 11m to have two occupiers.
- There is a significant risk that this property would end up with eight occupants.
- It is not possible to have a bedroom that is airless.
- It would be better to have the top rooms for a couple.

RESOLVED to grant planning permission in accordance with the officer recommendation and a condition to limit occupation to 7 persons.

The meeting concluded at 1.15pm.

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Signed by the Chair of the meeting
Councillor Chris Attwell