

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 25 October 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)
Hannah Brent
Peter Candlish
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.

144. Apologies (AI 1)

Councillor Raymond Dent sent his apologies. Councillor Russell Simpson deputised for him.

145. Declaration of Members' Interests (AI 2)

Agenda item 1 - 22/01243/CS3 City Centre North - Councillor Gerald Vernon-Jackson declared a prejudicial interest; he was the Leader of the City Council and the Cabinet Member when this development was being prepared and therefore had a role in the promotion of the scheme..

In response to a question, the Legal Advisor explained that for other members who were involved in developing the Local Plan but were not Cabinet Members and therefore not involved in the scheme's promotion there was no perception of prejudicial interest.

Councillor Lee Hunt declared a non-prejudicial interest; as Cabinet Member for City Development, he had been involved in the work, including consultation, but for the Local Planning Authority rather than the promoter.

Councillor John Smith declared a non-prejudicial interest; prior to being a councillor, he worked for John Lewis and was involved in meetings regarding their potential move to the city centre.

146. Minutes of the previous meeting held on 4 October 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 14 October 2023 be agreed as a correct record.

The running order was changed to:

22/01243/CS3 - City Centre North
23/00442/FUL - 105, Balfour Road
23/00793/HOU - 7, Fawley Road
23/00695/FUL - 63-65, Albert Road
23/00868/FUL - 7, Dersingham Close
23/00958/FUL - 170, Chichester Road
23/00533/FUL - 93, Gladys Road
23757/FUL - 94, Oriel Road

The items will be recorded in the original order, as set out on the agenda.

The supplementary matters report and deputations (which are not minuted) can be viewed on the Council's website at: [Supplementary Matters report - 25 October 2023.pdf \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/sites/default/files/2023-10/Supplementary%20Matters%20report%20-%2025%20October%202023.pdf)

147. 22/01243/CS3 Land bound by Hope Street & Church Street Roundabout to the North, Commercial Road (A3) & Lake Road to the East, Charlotte Street to the South and Hope Street to the West (AI 4)

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

Councillor Russell Simpson left the meeting at 11:05 and returned at 11:20. He took no part in the discussions or voting.

Deputations

Anna Limburn, for the applicant.

Members' Questions.

In response to members' questions, officers clarified that:

- Members can bring any future application for this development to the committee for determination.
- It is important that any future determination is not prejudiced by decisions made at this meeting.
- A mixture of materials will be used.
- There will be extensive consultation on the details by the council.

Members' Comments.

- Residents have expressed frustration at the perceived lack of forward momentum in developing this part of the city.
- It was felt that this development will create one of the most sustainable districts in the country and would improve biodiversity.
- The public and members have stated that they wanted to see better connectivity; this application would join up with the Southeast Hampshire Rapid Transport Scheme and the Public Transport Strategy.

- The government may take planning responsibility away from local authorities if they continue to frustrate planning applications. All the political parties will prioritise house building in the next ten years.
- They welcomed the big opportunity this would bring for St Agatha's and Charles Dickens Birthplace Museum.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

Further matter

A motion was made and agreed that any future application for confirmation with compliance with a condition in respect of approval of external materials (proposed condition 5) relating to buildings in Phase 1 of the development approved under 22/01243/CS3 should be reserved for committee consideration.

RESOLVED that the committee requests future applications under condition 5 relating to phase 1 of 22/01243/CS3 be referred to the planning committee.

148. 23/00695/FUL - 63-65 Albert Road, Southsea Portsmouth PO5 2RY (AI 5)

Ian Maguire, Assistant Director for Planning and Economic Development presented the report and drew attention to the SMAT which contained a letter from Mr. Oliver Hounslow of 1A Chelsea Road. There was no change to the officer's recommendation.

Deputations

Councillor Hugh Mason on behalf of Mr Hounslow against the application.
Mr Steve Lawrence, agent.

Members' Questions.

In response to members' questions, officers clarified that:

- Licensing is a more effective control mechanism regarding the operating hours. It is not unusual for some duplication to exist. The planning officers consulted with the licensing team to get those hours and will follow their lead on those matters.
- Although the rule ensuring a mix of businesses is in the Local Plan, the council has no ability to control town centre use following changes to the national Use Classes Order, so the Local Plan policy is effectively unenforceable.
- Paragraph 125, sub paragraph C of the National Planning Policy Framework highlights the importance of applying flexibility to guidance on daylight and sunlight when looking to make efficiency in land use, with the caveat that it must be an acceptable living environment.
- There is also a variation between existing residents having their light affected and new residents. The latter would know before they move in that their rooms do not have light.
- This flexibility applied as instructed helps tilt the balance, which is already tilted due to the Council's lack of a five-year housing land supply.
- The bedroom sizes are adequate.
- The skylight in bedroom two takes approximately 20% of the floor space.
- As they have no outlook, bedroom 2 and the two rooms labelled storage/ domestic on the plans are not deemed fit to be habitable rooms.

Members' Comments.

- The council used to try to the control mix and uses of shops until it was deregulated by the government.
- The conversion of a shop into a restaurant is permitted.
- The lack of outlook in a bedroom is not acceptable and would set a terrible precedent.
- The noise issues from the restaurant can be regulated in a different way.

The applicant suggested that the dividing wall between rooms one and two could be moved to provide outlook for both rooms.

The Assistant Director for Planning and Economic Development explained that whilst minor amendments could be considered, the proposed variation would be substantial and therefore the committee could only consider the application as it had been submitted. The applicant could apply to vary the application at a future date.

RESOLVED

- 1. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to: (a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.**
- 2. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary including a condition limiting the occupation of bedroom 2 and the 2x storage rooms as non-habitable rooms.**
- 3. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.**

149. 23/00442/FUL - 105 Balfour Road, Portsmouth PO2 0NH (AI 6)

Ian Maguire, Assistant Director for Planning and Economic Development presented the report and drew Members' attention to the Supplementary Matters report that included:

- Amended floor plans which the officer deemed to be extremely minor and do not result in a materially different scheme, but are considered to result in an improvement to the proposal.
- A further letter of objection from Councillor Wemyss.

There was no change to the officer's recommendation.

Deputations

Richard John, against.

David Mugridge, against

Councillor Russell Simpson, against.

Carianne Wells, agent for the applicant

Members' Questions.

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

- Were this application to be granted, the percentage of HMOs within a 50-metre radius would be 2.9%. This would be considerably lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- All the work is permitted development, or internal works that are not defined as development under s.55 Town and Country Planning Act 1990.
- All the rooms exceed the space standards. There is a separate standard for the housing team to do in terms of layout, furniture etc.
- Property value is not a material planning consideration.
- Parking is a material planning consideration in a number of different factors; the provision of parking is an amenity question.

Members' Comments.

- Portsmouth has one of the toughest regimes in the UK, for regulating HMOs vis. 10% in an area and room size standards.
- Demand for rented accommodation is high.
- The government has deregulated this industry and some properties were over-developed to house too many people and subsequently caused problems for their neighbours.
- The industry did not regulate itself properly and HMOs became stigmatised.
- This property was not intended to accommodate seven people. However, there is no justifiable reason to refuse this application.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

150. 23/00868/FUL - 7 Dersingham Close, Portsmouth PO6 3LE (AI 7)

Ian Maguire, Assistant Director of Regeneration introduced the report.

Deputations

Samuel Cheatle, against

Julie Harman, against

Debbie Gray, against

Dr Tudor Leandru, applicant

Members' Questions.

There were no questions.

Members' Comments.

- Some of the matters raised in the deputations are not material planning considerations.
- The application meets all the required standards.
- The number of HMOs within a 50m radius would be below 10%.
- The area has a number of issues including parking, lack of GP services and anti-social behaviour.

The Assistant Director for Planning and Economic Development advised that the parking standards require 1.5 parking spaces be provided for a 2-3 bedroom house and the same number for a class C3-4 HMO.

RESOLVED that conditional permission be granted as set out in the officer's committee report with the additional condition that the number of residents be limited to five.

151. 23/00958/FUL - 170 Chichester Road, Portsmouth PO2 0AH (AI 8)

Ian Maguire, Assistant Director for Planning and Economic Development introduced the report.

Deputations.

Simon Hill, agent for the applicant.

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

152. 23/00533/FUL - 93 Gladys Avenue, Portsmouth PO2 9BB (AI 9)

Ian Maguire, Assistant Director for Planning and Economic Development introduced the report and drew Members' attention to the Supplementary Matters report which included a further letter of objection from Councillor Wemyss. There were no changes to the officer's recommendation.

Deputation.

Simon Hill, agent for the applicant.

The Assistant Director for Planning and Economic Development corrected the depute: the premises does not have planning permission to be used as a class C4 HMO. There is a live application, but it has not yet been determined. The agent has advised that they intend to withdraw that, subject to the hearing of this application.

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

153. 23/00793/HOU - 7 Fawley Road, Portsmouth PO2 9QY (AI 10)

The Assistant Director, PCC Regeneration introduced the report.

Deputations

Ashley Black, against.

Councillor Russell Simpson, against.

Members' Questions.

In response to questions, the officer clarified that:

- It has a blended household: a family and a lodger. An inspector has interviewed the residents and is satisfied that its usage falls under a class C3 dwelling.
- A side and rear extension could interfere with light for the neighbouring property by obstructing light from the single storey side extension. Officers are satisfied that this development would not cause an unreasonable loss of light. The side window on the neighbouring property serves a hallway, so while it is affected, it is not an unacceptable amenity impact. The right to light is outside the planning authority's remit and is a civil matter. The new dwelling has no side-facing windows.
- A party wall agreement would need to be set regarding the use of the neighbour's land to gain access; that is a private civil matter.
- It would be possible to build this extension without access to the neighbouring property.
- The removal of the garage and the installation of a front door on the extension would not mean that the dropped kerb would have to be removed.

Members' Comments.

Members expressed concern regarding the substantial loss of light which contravenes PCS23 in terms of amenity for the neighbours.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

154. 23/00757/FUL - 94 Oriel Road, Portsmouth PO2 9EQ (AI 11)

The Assistant Director for Planning and Economic Development introduced the report.

Deputations.

Councillor Russell Simpson, against.

Simon Hill, agent for the applicant.

Members' Questions.

There were no questions.

Members' Comments.

- There is often a demonisation of HMO tenants but there is not much difference between the behaviour of people in class C3 dwelling houses and HMOs.
- The key is to encourage higher standards.
- Portsmouth Landlord Association advises landlords with small HMOs to get rid of them.
- There has been a lack of house building by successive governments.
- HMOs provide affordable accommodation.

RESOLVED that conditional permission be granted as set out in the officer's committee report.

The meeting concluded at 2:30pm

Signed by the Chair of the meeting
Councillor Chris Attwell