

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 November 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)
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.

155. Apologies (AI 1)

Apologies for absence were received from Councillor Hannah Brent and Councillor Lee Hunt.

Councillor Vernon-Jackson apologised that he would need to leave the meeting at 11:30am to attend a funeral but would come back afterwards if the meeting was still running. Councillor Shah said he would need to leave the meeting at 2pm.

156. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

157. Minutes of the previous meeting held on 25 October 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 25 October 2023 be agreed as a correct record.

The Chair said that the application for 23/00905/FUL 73 Margate Road would be heard first and then the remaining applications would be considered as per the agenda.

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 [Agenda for Planning Committee on Wednesday, 15th November, 2023, 10.30 am Portsmouth City Council](#)

158. 23/01119/FUL 31 Angerstein Road, Portsmouth, PO2 8HL (AI 4)

The Head of Development Management introduced the report and drew Members' attention to the Supplementary Matters report. The officer recommendation remained unchanged with an amended condition 2 to refer to the correct site address.

Deputations

Mr C Fielder (objector)

Ms C Wells (agent)

Members' Questions

There were no questions.

Members' Comments

Members agreed that the application fully complies with the Council's space standards and that there was no reason for refusal.

- (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.**
- (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.**

(Councillor Vernon-Jackson left the meeting following this item)

159. 23/00704/FUL 53 Kensington Road, Portsmouth, PO2 0DY (AI 5)

The Head of Development Management introduced the report.

Deputations

Ms C Wells (agent)

Members' Questions

In response to members' questions, officers clarified the following:

- It was not for officers to suggest why this application was for a six bed HMO. There is a ground floor room that could be used as a seventh bedroom however officer advice would be not reasonable to restrict the property to 6 occupants only.
- The application description is for C4 use which is up to 6 occupants. Members' must determine the application before it today.

Members' Comments

There were no comments.

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

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160. 23/00479/FUL 29 Shadwell Road, Portsmouth, PO2 9EH (AI 6)

The Head of Development Management introduced the report.

Deputations

Mr Simon Hill (for applicant)

Members' Questions

There were no questions.

Members' Comments

There were no comments.

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

161. 23/00686/FUL 237 Chichester Road, Portsmouth, PO2 0AN (AI 7)

(Councillor Dent had to leave the meeting during this item so did not vote on this item)

The Head of Development Management introduced the report and drew members' attention to the supplementary matters list update.

Deputations

Ms C Wells (agent)

Members' Questions

There were no questions.

Members' Comments

There were no comments.

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

162. 23/00561/FUL 262 Chichester Road, Portsmouth, PO2 0AU (AI 8)

The Head of Development Management introduced the report and drew Members' attention to the Supplementary Matters report and as a result the recommendation is amended from an unconditional permission to permission subject to conditions (as indicated at paragraph 6.2).

Deputations

Mr Simon Hill (for applicant)

Members' Questions

In response to questions, officers clarified that:

- There is a rear alleyway to the garden so cycles could be taken through the back of the property to the cycle storage in the rear garden.

Members' Comments

Members' wished to add a condition relating to bicycle storage.

RESOLVED that conditional permission be granted as set out in the officer's committee report in paragraph 6.2, including 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 and an additional condition relating to bicycle storage to be provided and retained.

163. 23/00905/FUL 73 Margate Road, Southsea, PO5 1EY (AI 9)

The Head of Development Management introduced the report and drew Members' attention to the Supplementary Matters report. There was no change to the recommendation.

Deputations

Mr Jim Briscoe (applicant)

The committee felt that it was clear that this application needs planning permission as this area has a very high concentration of HMOs; 50% where the Council's limit is 10%. The additional development could cause additional pressure on parking, rubbish, noise, and anti-social behaviour in the area.

The legal officer advised members that they needed to consider the Lane appeal decisions. When considering if planning permission is required or not members need to look at the specific facts relating to this application.

Officers advised that it was their view that moving from 6 to 7 occupants in the property is not a material change of use for the reasons set out in the report. This is commensurate with previous decisions from the Planning Inspector.

RESOLVED That the development hereby proposed is development constituting a material change of use due to the impact on parking, increase in waste, noise and antisocial behaviour.

Members' Questions

In response to members' questions, officers clarified that:

- The certificate of lawfulness confirmed that the property had been in use for up to 6 unrelated persons for a period of 10 years which started before the Article 4 came in. The property was never in unlawful use.
- Prior to the Article 4, planning permission was not required to change the use to up to 6 persons. The Article 4 does not mean that properties that were already in use then become unlawful.
- The fact that this was never granted planning permission for a change of use does not mean it was not on the HMO register. The HMO register will be overhauled in January.
- All of the bedrooms meet the required space standards apart from bedroom 6 which falls just below. Officers are content that this is acceptable.
- Officers advised that the difference in size of the rooms between the standard and what is proposed is considered to be so small by officers that it would not make a meaningful difference and advised this would not be a robust reason for refusal if appealed.

Members' Comments

- It was felt that six rooms fall below the space standards; two bedrooms, three en-suites and the communal area. Officers advised that the bedrooms are all large enough. If bedrooms are large enough to allow for recreational space officers allow a reduction in the communal floor space accordingly.
- Another member commented that it was not the bedrooms that were substandard in size, but two of the bedrooms (one in size and one practically with a corridor into it) were below the size standard that would allow recreation, and that that would result in undue pressure on the communal living area, which was not of a size to allow this additional recreation displaced from the two bedrooms.
- Other members felt that although the space standards needed to be followed, the rooms were only slightly under the requirements and the space is still useable due to its shape. The committee were advised that the Council's policy is to create good living environments so it is a judgement whether this application meets this even though it falls short slightly on meeting space standards. This property has been licenced by the private sector housing team for this number of residents.
- One member felt that the application should be approved as per the conditions set out in paragraph 6.2 of the report, however this did not receive a seconder.

RESOLVED that the application be refused for the following reasons:

- 1. The proposed development does not provide a suitable living environment for future residents as the insufficient space/layout of two bedrooms will place undue pressure on the small size communal living area. This is contrary to policy PCS23 of The Portsmouth Plan 2012 and the Houses In Multiple Occupation Supplementary Planning Document (2019).**

2. The proposal, in combination with other housing developments in the city is considered to have a likely significant effect on the conservation objectives of relevant designated sites. This impact, caused by recreational disturbance and increase nitrate production has not been mitigated and planning permission should therefore be withheld in accordance with the Habitats Regulations in accordance with guidance within the Solent Recreation Mitigation Strategy and Updated Interim Nutrient Neutral Strategy.

164. 23/01136/MMA 17 Military Road Portsmouth PO3 5LS (AI 10)

The Head of Development Management introduced the report.

There were no questions. Members stated that the changes to the window resulted in an improvement on the design.

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

The meeting concluded at 12.04 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell