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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 December 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
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
Gerald Vernon-Jackson CBE

Also in attendance

Councillors Darren Sanders
Russell Simpson

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.

165. Apologies (AI 1)

Apologies were received from Councillor Lee Hunt with Councillor Darren Sanders attended as standing Deputy. Apologies also received from Councillor Raymond Dent with Councillor Russell Simpson attending as standing deputy.

Councillor Gerald Vernon-Jackson joined the meeting at 10:37am and left the meeting at 11:28am.

Councillor Asghar Shah joined the meeting at 10:38am

Councillor Darren Sanders left the meeting at 12:51pm.

Councillor Russell Simpson left the meeting at 12:24pm.

166. Declaration of Members' Interests (AI 2)

Councillor Sanders declared that he knew Tracey Jones, an objector on 35 - 37 Fratton Road but had not discussed the application with her.

Councillor Sanders declared that as Cabinet Member for Housing and Preventing Homelessness he had agreed the funding for 305 - 307 Twyford Avenue and would therefore not be taking part in agenda item 5.

Councillor Sanders declared a personal, non-prejudicial interest as he lives in an HMO.

Councillor Candlish declared that he had been in discussions with local residents of Henderson Road and so would not be taking part in agenda item 13.

167. Minutes of previous meeting held on 15 November 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 15 November 2023 be agreed as a correct record.

The Chair altered the order of business to hear items in the following order:

- 59 Manners Road (agenda item 9)
- 12 Thurbern Road (Agenda item 6)
- 37 Henderson Road (Agenda item 13)
- 46 Shadwell Road (Agenda item 7)
- 47 Oriel Road (Agenda item 12)
- 35-37 Fratton Road (Agenda item 4)
- 305-307 Twyford Road (Agenda item 5)
- 58 Somers Road (Agenda item 8)
- 75 Wadham Road (Agenda item 10)
- 80 Chichester Road (Agenda item 11)

For ease of reference the minutes will remain in the order as presented on the agenda.

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, 6th December, 2023, 10.30 am Portsmouth City Council](#)

168. 23/00639/FUL - 35 - 37 Fratton Road, Portsmouth PO1 5AB (AI 4)

The Development Management Team Leader introduced the report and drew Members' attention to the information in the Supplementary Matters report. He noted the application was brought before the Planning Committee at the request of Councillor Cal Corkery. He drew attention to the information in the SMAT.

Deputations

Caroline Trimnell, Southsea Self-help Housing Co-operative (objector)

Tracey Jones, local resident (objector)

Mark Holman (agent on behalf of the client)

Members' questions

In response to Members' questions, officers:

- Discussed in more details the fenestration at the development with regard to the obscure glazing and the availability of natural light and outlook to the proposed flats.
- Were satisfied that the layout of the flats and fenestration was acceptable.
- Advised that the only landscaped area was the small external terrace which would be an urban landscape at first floor level. There was a condition reserved under landscaping which was strong enough to ensure and encourage appropriate planting for maintenance, appearance and ecological biodiversity that would make a difference to the outlook for residents.
- Advised that the trees discussed in the deputation were on adjacent land beyond walls so there was no protection for the trees within the site that the developers could undertake. The developer could go into the neighbouring site, with their permission, to put a fence around the root protection area but this would prevent the residents from utilising the area.
- Noted that if the council felt the trees warranted a tree preservation order that would be a separate judgement to whether or not to grant planning permission as the development would have no impact on the trees.
- Advised there were no affordable homes in the development as it falls below the threshold to require that.
- Advised that the status of the application for a retail unit was not known.
- Advised that the need to manage the environmental impact of construction had been recognised as relevant and material to the application and that a Construction Environmental Management Plan had been added through condition 17.
- Noted it was not in the power of the committee to add, as a condition, that a stakeholder engagement plan was put in place. It would be disproportionate to do so and there was no policy justification to do so.
- Advised there may be temporary disturbance on the enjoyment of the outside space for neighbours whilst construction took place but there would be no encroachment or interference with the space.
- Advised that the bats are protected by national legislation. Condition number 11 required that the applicant undertake the work they said they would in respect of the preservation of bat habitats in accordance with their bat scoping report.
- Noted that the screening of apartment five's terrace and lightwell would be a utilitarian fence style screen.
- Explained how the access to the commercial part of development is planned from the rear of the property.

- Advised that the 3 storage units are not directly associated with or tied to the commercial units, but it would be possible to subdivide them for use by different occupiers.

Member's comments

The development was not considered to be a particularly attractive design for the high street.

RESOLVED to approve in accordance with the officer recommendations.

169. 23/01225/CS3 - 305 - 307 Twyford Avenue, Portsmouth PO2 8PD (AI 5)

The Development Management Team Leader presented the report. The application had been brought to the Planning Committee for determination as it was an application by the Council, and he drew attention to the information in the SMAT.

Deputations

There were no deputations.

Members' questions

In response to Members' questions, officers clarified:

- There would be some loss of light for neighbours, but it was not significant enough to warrant refusal of planning permission on those grounds.
- They were not aware how the flats would be heated.
- In relation to parking, the current frontage has double yellow lines and there is no on-site parking. The addition of 2 dedicated parking spaces would result in no net loss or net gain of spaces. There would be the same number of flats looking for parking space in the surrounding area.

Members' Comments

Members did not feel the design was attractive and it was proposed to refuse the application by virtue of its design in particular the roof form which was considered to lack the excellent architectural quality and appropriate appearance in relation to its context to aspirations of policy PSC23 of the Local Plan and guidance of the NPPF.

Consideration was given on whether to approve, reject or defer. Officers advised that the Committee must determine the application before it, and that it should be treated no differently to any other application just because it was a Council application.

RESOLVED to REFUSE planning permission contrary to officer recommendation for the following reason:

- **The development by virtue of its design, in particular the roof form is considered to lack the excellent architectural quality and appropriate appearance in relation to its context that is required by policy PCS23 of the Local Plan and guidance of the NPPF.**

170. 23/01073/FUL - 12 Thurbern Road, Portsmouth PO2 0PJ (AI 6)

The Assistant Director for Planning and Economic Growth presented the report and noted it was a re-submission of an application previously refused by the Planning Committee on 12 July 2023 and drew attention to the information in the SMAT.

Deputations

Councillor Russell Simpson (objector).
Carrienne Wells (agent)

Members' questions

In response to Members' questions, officers clarified:

- There was a need for planning permission because the last useful use was a C3 dwelling house. The premises could lawfully be occupied as a 6 bed HMO under the planning permission they already have and then an incremental increase applied for. However, that permission had not been implemented and the applicants had decided to go from a C3 dwelling to a 7 bedroom HMO hence the need for planning permission.
- The June 2023 decision was relevant in relation to the mix and character and the percentage of HMOs in the location of the application.
- The refusal of planning permission on 29 August 2023 was in relation to the layout of bedrooms 2 & 3. The committee must make a reasonable decision consistent with previous decisions of the council.
- Officers were satisfied that the rooms are adequate in terms of width and layout.
- Access to the rear of the building could be through the front door, down the corridor and then a 90degree right turn into the combined kitchen space and through the large doors at the back.

Member's comments

Members noted they are limited in their ability to make decisions on HMOs by national law despite Portsmouth having the toughest HMO policies in the South of England. The system of incremental development was frustrating for residents, but the planning system allows that to happen and there was a hope that would change.

RESOLVED to approve in accordance with the officer recommendations.

171. 23/01144/FUL - 46 Shadwell Road, Portsmouth PO2 9EJ (AI 7)

The Assistant Director for Planning and Economic Growth presented the report and advised it had been brought before the Planning Committee due to a call-in request from Councillor Russell Simpson and 6 neighbour objections.

Deputations

Councillor Russell Simpson (objector)
Carrienne Wells (agent)

Members' questions

There were no member questions.

Member comments

Members were pleased the application was direct to a 7-bedroom HMO and had not gone down the route of incremental applications.

RESOLVED to grant conditional permission as the officer's recommendations.

172. 23/00553/FUL - 58 Somers Road, Southsea PO5 4PX (AI 8)

The Assistant Director for Planning and Economic Growth presented the report. This was the only application on the agenda where officers were recommending it required no planning permission and consequently should members wish to disagree with that a vote should be taken on that question with specific reasons. If planning permission was required, then the committee would go on to discuss the merits and decided accordingly.

Deputations

Carrienne Wells (agent)

Planning permission

Members considered the application required planning permission as the change in occupation amounted to a material change in use primarily due to the intensity of the use of the accommodation, the impact on parking, waste amenity and impact upon neighbouring residents and the impact on the Solent Special Protection Area.

There were no comments or questions.

RESOLVED that the change in occupation amounts to a material change in use primarily due to the intensity of the use of the accommodation, the impact on parking, waste amenity and impact upon neighbouring residents and the impact on the Solent Special Protection Area so that planning permission is required.

RESOLVED to grant conditional planning permission with conditions related to SPA mitigation, time limit, approved plans and cycle storage.

173. 23/00657/FUL - 59 Manners Road, Portsmouth PO4 0BA (AI 9)

The Assistant Director for Planning and Economic Growth presented the report and advised that it had been brought to Planning Committee due to five objections as well as at the request of Councillor Suzy Horton.

Deputations

Councillor Suzy Horton (objector)

Carrienne Wells (agent)

Councillor Sanders advised he had received representations from Councillor Charlotte Gerada and Councillor Suzy Horton about waste issues in Manners Road

which he had referred on to the relevant teams. Although this was not relevant to the application, Councillor Sanders felt it prudent to advise the committee.

Members' questions

In response to Members' questions, officers clarified:

- There were two errors in the report. The existing use of the building was not C3 (point 1.4) but came within use class C4. At 5.12 it should state it was a 5 bed HMO not 4.

The legal advisor advised that Councillors Vernon-Jackson and Shah would not be able to vote on this item due to arriving late to the meeting.

RESOLVED that permission be granted as per officer recommendations.

174. 23/01065/FUL - 75 Wadham Road, Portsmouth PO2 9ED (AI 10)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the information in the SMAT.

Deputations

Carianne Wells (agent)

There were no questions or comments.

RESOLVED that permission be granted as per officer recommendations.

175. 23/00667/FUL - 80 Chichester Road, Portsmouth PO2 0AH (AI 11)

The Assistant Director for Planning and Economic Growth presented the report and advised that the application had been brought before the Planning Committee due to an objection (and call-in) from Councillor Daniel Wemyss and Councillor Ben Swann.

Deputations

Simon Hill (for applicant)

Member comments

The Chair stated that every member of the committee understood their role was to represent the people who had elected them. However, in relation to the application in respect of a mixed and balanced community and policy standards etc, there was little in the application for the committee to consider. He stated he wished Councillors would think about that when applications were called in.

RESOLVED to grant conditional planning permission as per the officers' recommendations.

176. 23/00619/FUL - 47 Oriel Road, Portsmouth PO2 9EG (AI 12)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the information in the SMAT and the corrections to the SMAT.

Deputations

Councillor Russell Simpson (objector).

Simon Hill (agent for the applicant).

Members' Questions

In response to Members' questions, officers clarified:

- Crime can be a material consideration if relevant evidence is available to the council. Officers noted that crime is not committed by properties but by residents whether they are homeowners, HMO occupiers or private rented sector. This had been fully accounted for in policy setting within the 10% rule.
- The ground floor WC was never present at the property; this was an error in the report. The ground floor snug/living room was correctly measured at 13 square meters.
- The private sector housing standards have some variation to the adopted SPD. The SPD is a material consideration, as are other corporate policies. The alignment of standards is being discussed at the present time.

RESOLVED to grant conditional permission as per the officer recommendation.

177. 23/01139/FUL - 37 Henderson Road, Portsmouth PO4 9JD (AI 13)

The Assistant Director for Planning and Economic Growth presented the report and noted that the application was brought to Planning Committee due to the number of objections (19) including an objection from Councillor Matthew Winnington.

Deputations

Councillor Matthew Winnington (objector).

Simon Hill (for applicant)

Members' questions

There were no questions.

Members' comments

Members expressed disappointment that the applicant had not gone straight to a 7 person HMO, having noted the study room with the adjacent shower room. They considered this would eventually come back requesting an increase to a 7 person HMO.

They considered, in general, that this current process of applying was a gross waste of public money having to consider applications more than once for this reason.

RESOLVED to grant conditional permission as per officers' recommendations.

The meeting concluded at 1.52 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

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