

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 10 January 2024 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  
Darren Sanders

Also in attendance: Councillor Russell Simpson.

### **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 in case of a fire.

### **1. Apologies (AI 1)**

Councillor Gerald Vernon-Jackson sent apologies. Councillor Sanders was present as his standing deputy. Councillor Raymond Dent apologised that he would need to leave the meeting at 12.45pm for an appointment.

The meeting was adjourned for a short break at 12.50pm and resumed at 1.11pm.

Councillor Raymond Dent left the meeting at 12.50pm and returned at 2.24pm.  
Councillor Peter Candlish left the meeting at 1.58pm and returned at 2.24pm.  
Councillor Darren Sanders left the meeting at 1.58pm and did not return as he had declared personal and prejudicial interests in Items 9 and 10.

### **2. Declaration of Members' Interests (AI 2)**

**Item 5 23/01220/FUL 19 Tamworth Road, Portsmouth PO3 6DL** - Councillor Sanders declared that he would not participate or vote on this item because he had already formed a view on the item and would be making deputation against the application.

**Item 9 23/01456/HOU 20 Pretoria Road, Southsea PO4 9BB** - The Legal Advisor noted that the Applicant is a member of the council. She advised that no members present would have a disclosable pecuniary interest in this item and

provided advice about when it is appropriate to declare personal and/ or prejudicial interests and offered further advice about predetermination, bias and the appearance of bias.

Councillor Sanders declared a personal and prejudicial interest in Item 9 as he knows the Applicant well.

Councillor Peter Candlish declared a personal and prejudicial interest in Item 9 as he attended the Applicant's birthday party at the weekend.

Councillor Chris Attwell declared a personal interest in this item as he is acquainted with the Applicant.

Councillors Sanders and Candlish would leave the meeting when Item 9 is considered.

**Item 10 22/01129/FUL Stamshaw and Tipner Leisure Centre, 689 Wilson Road, Portsmouth PO2 8LE** - Councillor Sanders also declared that as he is the Cabinet Member with budget responsibility for the facility there could be the appearance of bias and he would leave the meeting when the item is discussed.

### **3. Minutes of the previous meeting held on 6 January 2023 (AI 3)**

**RESOLVED that the minutes of the Planning Committee meeting held on 6 December 2023 be agreed as a correct record.**

#### Planning Applications

The Supplementary Matters Report can be seen on the council's website at [Supplementary Matters Report 10 January 2024](#).

Deputations, which are not minuted, can be viewed on the webcast for the meeting at [Planning Committee 10 January 2024 \(youtube.com\)](#)

The Chair amended the order of the agenda to hear the agenda items in the following order:

- 23/01289/FUL - 291 Queens Road, Fratton, Portsmouth PO2 7LY
- 23/01193/FUL - 118 Ophir Road, Portsmouth PO2 7NE
- 23/01220/FUL - 19 Tamworth Road, Portsmouth PO3 6DL
- 23/00543/FUL - 26 Fearon Road, Portsmouth PO2 0NJ
- 23/00568/FUL - 198 Fawcett Road, Portsmouth PO4 0DP
- 23/01456/HOU - 20 Pretoria Road, Southsea PO4 9BB
- 22/01129/FUL - Stamshaw and Tipner Leisure Centre, 689 Wilson Road, Portsmouth PO2 8LE

For ease of reference, the minutes remain in the order published on the agenda for the meeting.

4. **23/01289/FUL - 291 Queens Road, Fratton, Portsmouth PO2 7LY (AI 4)**  
Change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house in multiple occupation) (resubmission of 23/00873/FUL).

The Development Management Lead presented the officer's report. He explained that the application had been brought to the Committee for consideration due to the number of objections received. These relate to the standard of accommodation, parking, waste, loss of amenity, impact on the Solent Protection Areas and other matters. The Development Management Lead noted that the application meets accommodation and community balance policy standards and is therefore considered to be acceptable.

#### Deputations

Deputations were made by Carianne Wells (Agent) and Poppy Thomas-Taylor (on behalf of Kay Simmons) objecting.

#### Members' questions

In response to Members' questions, officers clarified:

- The local planning authority may not intervene on works allowed under permitted development rights.
- There is no need to add a condition to prevent double occupancy as the application is for Class C3 dwelling house or C4 house in multiple occupation and the required licence will control occupancy.
- The application before the Committee is for C3 or C4 use with up to 6 individuals living together in the case of C4.
- The previous application was withdrawn, and the proposal resubmitted in this current application once the property purchase had been finalised. This does not affect determination of the current application.

#### Members' comments

The Chair notes that the Committee must only consider material planning considerations.

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

5. **23/01220/FUL - 19 Tamworth Road, Portsmouth PO3 6DL (AI 5)**  
Change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Development Management Lead presented the officer's report which included updated floorplans for the property and drew attention to the Supplementary Matters Report (SMAT). He confirmed that all room sizes (set out in Appendix 1 of the SMAT) are above the minimum size standards. He also informed Members that the SMAT included comments by the Highways officer and a response from the planning officer. There was no change to the officer recommendation due to matters included in the SMAT.

The Development Management Lead explained further that the application had been brought to the Committee for consideration due to the number of objections received and call-in by Councillor Darren Sanders. The objections raised relate to the standard of accommodation, parking, noise, loss of amenity to neighbouring residents and impact on the Solent Protection Areas and other matters. The Development Management Lead noted that the application meets accommodation and community balance policy standards and is therefore considered to be acceptable.

### Deputations

A deputation was made by Chris Broyd (Agent) and Sue Thomas representing the residents of Tamworth Road (objecting). Councillor Darren Sanders also made a deputation objecting to the application.

The Chair invited the Development Management Lead to respond to points raised in the deputations. The officer present clarified that:

- The road is narrow once cars are parked on one side and there is a turning circle at the end.
- The hardstanding is 4.4m deep front to back (the current standard is 5m).
- The plans show the property has 4 bedrooms currently.
- The level of activity associated with a single family, or 3-6 occupiers of an HMO would not, in the view of officers, be significantly different.
- The property is in walking distance of shops and transport links.
- Safety of children was raised in objection but in the view of the officer, safety of children is not affected by the application.
- The planning regime does not exist to restrict the occupation of residents whether the property is used as an HMO or family home.
- The Applicant has said they would be seeking occupation by 4 people and the rooms are large enough for 6 individuals. The current arrangements for sanitary facilities, though, are not sufficient for 6 persons. For 6 persons the minimum standard is 2 bathrooms and 2 W/Cs (of which one can be in a bathroom).
- A site notice was displayed, and a photograph taken of it in situ and a letter was sent to all residents.
- Devaluation of property is not a material planning consideration.
- It is not possible to say definitively that noise will increase following a change from occupation by a family or individuals living in an HMO.
- Ownership of the property is not a planning consideration. Planning permission runs with the land.
- Officers do not believe it is necessary to restrict occupancy to 4 persons by condition as it will be for licensing to limit numbers.
- It was accepted that there may not be rear access for cycle storage and that bicycles may need to be pushed through the property, though there may be space for cycle storage at the front of the property.

The Agent confirmed there was side access to the cycle storage between the house and garage.

The Chair confirmed that each application must be considered on own merits.

#### Members' questions

In response to Members' questions, officers clarified:

- A mixed community is about seeking a mix of residential type rather than who occupies the properties.
- In relation to differences between room size measurements and those on the schematic floorplan, it is accepted that they do not add up but as the room sizes are clearly beyond required minimum standards, in the round this is considered acceptable.

#### Members' comments

Members expressed concern that the measurements indicate that ensuite bathroom overhangs the storeroom at the rear. Members felt that they could not have confidence in the measurements and floorplans provided and they would like clarification before making a decision.

The Legal Advisor enquired whether the Agent was able to provide clarification. The Agent informed the Committee that although all the rooms had been measured twice using a laser measure, the storeroom had not been measured and would be used for cycle storage and as the tank room. He added that the revised room sizes are accurate and exceed minimum standards.

The Development Management Lead stated that the Agent had confirmed that the storage room had not been measured but that all other rooms had been measured accurately and no extension/overhang was proposed. A Condition 2 could be amended to require detailed plans to be submitted.

Members commented that they must have confidence in all measurements and from the current floorplan is not clear that the first floor would fit above the ground floor without an overhang, and this was not acceptable.

Some Members felt that amending Condition 2 to require detailed drawings would be acceptable while others felt that they could not have confidence in the application as some of the dimension given varied by 300-700mm.

Councillor Dent left the meeting at 12.50pm and took no further part in determining this matter.

The Legal Advisor advised that as there was doubt about the measurements on the plan, the Committee could consider deferring the item to allow clarification to be provided.

A Member suggested that a Condition requiring that all room sizes must meet the council's minimum size standards. However, the Development Management Lead advised that this could lead to a situation where planning permission was granted for something that it later transpired did not actually meet the standards.

**RESOLVED to defer determination of the application to allow for clarification of floorplans.**

**6. 23/00543/FUL - 26 Fearon Road, Portsmouth PO2 0NJ (AI 6)**

Change of use from dwelling house (C3) to purposes falling within dwelling house (C3) or 6 bed/6 person house in multiple occupation (C4).

The Development Management Lead presented the officer's report and explained that if planning permission is granted, it can be used as a C3 dwelling house or C4 6 bed/6 person house in multiple occupation interchangeably for a 10 year period. He drew Members' attention to the Supplementary Matters Report. He explained that it was proposed to secure the degree of communal living space by way of Condition, confirmed that the property would need to be licensed and added that Condition 2 would be amended with updated Plan numbers.

The Development Management Lead noted that the main issues raised in the 23 objections received included the principle of the development, the standard of accommodation, parking, waste, amenity impacts on neighbouring residents and the impact on the Solent Protection Areas. The Development Management Lead noted that the application meets accommodation and community balance policy standards and is therefore considered to be acceptable.

Deputations

Deputations were made by Simon Hill (Agent) and Councillor Russell Simpson.

Members' questions

In response to Members' questions, officers clarified:

- In relation to the ground floor W/C opening directly into the kitchen, the licensing team had been asked about this but had not provided a response on this aspect of the application. There are en-suites throughout the property and the Applicant stated that plans have received Building Regulation approval.
- The location of the W/C door is a matter for Building Regulations and licensing, and it would not be appropriate for the location of the door to be subject to Condition.
- A reduction in the size of the ground floor bedroom could increase the size of the communal space which would allow both to exceed minimum space standards.

The Development Management Lead advised that in relation to both these aspects, the application should be determined on the plans before the Committee.

The Agent informed the Committee that the space allocated to the ground floor W/C could be a storage room, or access could be amended to be from the hall or living room. He offered to have an amended plan emailed in during the committee meeting for consideration.

The Legal Advisor confirmed that the plans are clear, and that the Committee should make its decision based on the information before it.

### Members' comments

Members expressed concerns about the location of the door to the ground floor W/C, specifically regarding the safety of residents and the quality of their living conditions. A member noted that landlords go to first tier tribunals on matters such as doors going in or out of rooms.

The Development Management Lead commented that the WC apparently complied with Building Regulations and suggested that Members could request a Condition requiring the submission of amended plans regarding the location of the doorway to the ground floor W/C be added.

Members agreed that they could not accept emailed plans sent in during the meeting and that it was preferable to add a condition requiring amended plans on this aspect of the application. Members also noted that receiving a second, future application for additional occupancy would be a waste of public money.

**RESOLVED to grant conditional permission as set out in the officer's committee report and the Supplementary Matters Report and an additional condition requiring the submission of new plans regarding the location of the doorway for the W/C (ground floor).**

### **7. 23/01193/FUL - 118 Ophir Road, Portsmouth PO2 7NE (AI 7)**

Change of use from purposes falling within dwelling house (Class C3) to 8 person house in multiple occupation (sui generis).

The Development Management Lead presented the officer's report which had been called in by Councillors Russell Simpson and Daniel Wemyss and objections had been received from 44 residents. He informed members of the Committee that the main issues for consideration in the determination of the application include the principle of development including compliance with policy, impacts on amenity including parking, refuse and recycling.

### Deputations

Deputations were made by Carianne Wells (Agent) and Christopher Green and Arthur Webb (objecting). A deputation was also heard from Councillor Russell Simpson.

### Members' questions

In response to Members' questions, officers clarified:

- The potential mental health impact and impact of developments on children with disabilities are dealt with under Human Rights law and the Public Sector Equality Duty (PSED) rather than planning law. Officers have taken advice on very similar situations in the recent past from the legal team and the council's equalities officer when it was concluded that unfortunately matters concerning impact on mental health and anxiety could not be taken into account in those very similar examples.
- In relation to noise insulation, Building Regulations require noise insulation, and it is ultra vires to require the Applicant to go beyond what is required by

other legislation. Use of a higher standard of insulation would be for the Applicant to consider having heard representations.

- Most of the kitchen-diner will be beyond the main body of the neighbouring property at no. 120, the hall is not living space, and bedrooms adjoin no. 116, so this should limit impact on neighbours.
- It is not known how many people lived at the property when a self-contained dwelling house and it is considered that changing its use would not have a significantly greater impact on local services.
- Fire risk and safety are dealt with by Building Regulations and/ or licensing.
- Planning inspectors have not used access to bike storage through the property as a reason to withhold planning permission. They have noted it as a temporary issue while bikes pushed through the property.
- Building Regulations will require certain head height at various points to ensure access through the property. Information about the rake of the stairs was not available and it was likely the drawing detail was not correct and there would be more space than indicated.
- It was intended to retain the existing structures in the garden for use as cycle storage.

#### Members' comments

Members were concerned about the impact of noise and disturbance on the mental health and anxiety of children living in neighbouring properties.

The Agent informed the Committee that the Applicant was happy to add additional insulation to both party walls.

The officer noted that an email to the Applicant confirming this would be added to the public file.

Councillor Sanders noted that he would contact the equalities officer about matters relating to mental health and thanked Mr Webb and Mr Green for their deputations. He added that he felt changing a three-bedroom property into one for 8 individuals represented intensification and he asked it to be recorded in the minutes that the Planning Committee supported use of the highest level of noise insulation possible.

Councillor Smyth noted that the plans do not show the size of house which is bigger than many others in the city. She added that she hoped the developer would make the process as easy as possible for the neighbours. The Chair commented that the developer had committed to ensure that.

#### **RESOLVED:**

- 1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:**
  - (a) first receiving 'no objection' from Natural England concerning the LPA's Appropriate Assessment for SPA mitigation, and;**
  - (b) 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.**

In addition, it was also agreed that the Local Planning Authority shall send an email to the Applicant, requesting:

- Achieving the highest standards of noise insulation to the neighbours, above-and-beyond Building Regulations, and;
- Working with the neighbours to minimise disruption and noise during the construction/ conversion period.

**8. 23/00568/FUL - 198 Fawcett Road, Portsmouth PO4 0DP (AI 8)**

Change of use from a 5-bed/5-person house in multiple occupation to a 7-bed/7-person house in multiple occupation.

The Development Management Lead presented the officer's report and drew Members' attention to the Supplementary Matters Report. He explained that there was a correction to the officer report at paragraph 1.6 which was that there would be a small single-storey extension constructed under permitted development, replacing an existing structure, forming part of Bedroom 7. The roof extensions shown are also allowed under permitted development.

The main issues for consideration in the determination of the application are the principle of Development including compliance with policy, impacts on amenity to neighbouring residents including parking and internal space considerations. The Development Management Lead also explained that in this case, the addition of two additional occupants to the existing lawful HMO is not considered to require planning permission nor does it result in a significant difference in the character of the activities that would occur as an HMO with up to six occupants. He added that it was considered that the proposal would have no impact on the matter of a mixed and balanced community (and the HMO policy therefore) as the property is already an HMO.

Deputations

A deputation was made by Simon Hill (Agent).

Members' comments

Councillor Smyth suggested that the application required planning permission due to the number of HMOs in the area, the addition of two extra people into a small property and the resulting impact on local services, neighbours, and the potential impact on nitrates. This was agreed.

Members considered that the development would result in improved accommodation.

## **RESOLVED**

- 1) The proposal is considered to be development requiring planning permission due to the concentration of HMOs in the area, intensity of the use of the accommodation (two extra people), the impact on local services including waste collection, amenity impact upon neighbouring residents and the impact on the Solent Special Protection area (nitrates).**
- 2) To grant conditional planning permission subject to:**
  - i) 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;**
  - ii) Implementation of the permission within 3 years;**
  - iii) The development to be carried out in accordance with the approved plans;**
  - iv) Provision of secure and weatherproof bicycle storage facilities;**
  - v) Water efficiency.**

Councillor Sanders left the meeting at 13.58pm. Councillor Candlish left the meeting at 13.58pm for Item 9 only.

### **9. 23/01456/HOU - 20 Pretoria Road, Southsea PO4 9BB (AI 9)**

Construction of dormer to front roofslope.

The Development Management Lead presented the officer's report and confirmed that the application had been brought to the Committee for determination because the Applicant is a member of the council. He drew attention to the Supplementary Matters Report which sets out submissions made by the Applicant in response to the officer's report. These submissions, and the officer response, is attached to the SMAT as Appendix 2. The Development Management Lead noted that there was no change to the recommendation because of the matters raised in the SMAT as they were not closely comparable to the specifics of the application and so did not support the Applicant's position.

#### Members' questions

In response to Members' questions, officers clarified:

- Most rear dormers fall within permitted development rights and the local Planning Authority cannot make a judgement on scale or design. Front dormers usually require planning permission. There is no specific policy and officers therefore rely on PCS23 which requires that development must be well designed and respect the character of the street and individual building.
- The design of the dormer (placement of windows) was not considered for amendment as it is considered that the proposed dormer extension was too large and so Officers would not have needed to consider design detail.

- Every site and application is different. In another case recently, the Planning Inspector agreed with a decision to refuse a smaller dormer as it was the only one in the street and was, therefore, not appropriate.
- The local Planning Authority seeks consistency such as when 2-3 dormer extensions have been approved nearby and in the recent past which the LPA considers may affect a current and similar application. However, in cases such as this when there is not another comparable one nearby, then the Planning Authority may make its own decisions. The three nearest examples the Applicant noted did not apply for, nor receive planning permission so there is no formal planning history to affect the current application.

**RESOLVED to refuse the application for the reasons set out in the officer's report.**

Councillors Peter Candlish and Raymond Dent returned to the meeting at 14.24pm.

**10.22/01129/FUL - Stamshaw and Tipner Leisure Centre, 689 Wilson Road, Portsmouth PO2 8LE (AI 10)**

Installation of 3no. UPVC opening windows with double glazing and security screens to east and west elevations to create ventilation to sports hall.

The Development Management Lead presented the officer's report and drew Members' attention to the Supplementary Matters Report, noting that for completeness the annotations to the proposed elevations have been corrected vis-à-vis the details of the windows (paragraph 8.8 of the report). He explained that the application had been brought to Committee as the council was the Applicant and it was also subject to a Formal Complaint by a local resident.

Members' questions

In response to Members' questions, officers clarified that a judgment was made to seek planning permission as it was considered that the new windows materially affected that appearance of the building and a formal complaint had been received. It was confirmed that planning permission had not been sought when the original windows had been bricked up.

Members' comments

Some members were not sure why it was necessary for this application to seek planning permission.

**RESOLVED to grant conditional permission as set out in the officer's committee report and the Supplementary Matters Report.**

The meeting concluded at: 14.35pm