

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 13 March 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 (to end of Minute No. 42)
Judith Smyth
Mary Vallely (from start of Minute No. 36)
Gerald Vernon-Jackson (to end of Minute No. 37)
Dave Ashmore

Welcome

The Chair welcomed members of the public and members to the meeting. The meeting started at 10.38am to give members of the Committee time to read the Supplementary Matters report and accompanying documents which had been circulated.

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.

32. Apologies (AI 1)

Apologies had been received from Councillor Darren Sanders. Councillor Dave Ashmore was present as his standing deputy. Councillor Mary Vallely apologised for lateness (arrived at 10.52am).

The meeting was adjourned for a short break at 12.47pm and resumed at 1.13pm. During Item 12 - 73 Margate Road, Southsea PO6 1EY there were short adjournments at 2.02pm to 2.08pm and 2.23pm to 2.31pm.

33. Declaration of Members' Interests (AI 2)

On item 4 - St Johns College, Grove Road South, Southsea PO5 3QW - Councillor Gerald Vernon-Jackson declared a personal interest in that a good friend of his works as a PR consultant on behalf of the developer. After receiving advice from the Legal Advisor concerning bias and pre-determination, Cllr Vernon-Jackson clarified that this individual is not a direct employee of the developer and that he is confident that he comes to application with an open mind.

On item 4 - St Johns College, Grove Road South, Southsea PO5 3QW
Councillor Peter Candlish declared a personal interest in that his children had attended the school some 10 years ago.

34. Minutes of the previous meeting held on 21 February 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 21 February 2024 be agreed as a correct record.

Planning Applications

The Supplementary Matters report is on the council's website at [Agenda for Planning Committee on Wednesday, 13th March, 2024, 10.30 am Portsmouth City Council](#)

Deputations (which are not minuted) can be viewed on the webcast at [Webcast of Planning Committee meeting held on 13 March 2024](#)

35. 23/01089/FUL & 23/01074/LBC - St Johns College, Grove Road South, Southsea PO5 3QW (AI 4)

Application A - Planning Application 23/01089/FUL - Conversion and extension of former college buildings to create 110 apartments and demolition of college buildings and erection of new buildings to create 102 apartments utilising existing access from Grove Road South, Nelson Road and Albany Road together with associated landscaping, parking, cycling and refuse storage.

Application B - Listed Building Consent Application 23/01074/LBC - Conversion and alteration of Linnholm and The Castle to create 8 apartments.

The Assistant Director, Economy Planning and Transport, introduced the report which covered both applications for this development. He informed Members that the applications included the conversion and extension of existing buildings, the demolition of others and some new buildings to create 212 new dwellings. There are some listed buildings on the site and others of historical significance, and the settings around listed buildings are also material.

The Assistant Director referred members' attention to SPDs and guidance and noted that the material considerations include the principle of development; housing supply, density, mix and affordable housing; design and heritage considerations; residential amenity; transport and highways matters; trees and landscape; Appropriate Assessment, ecology and biodiversity; flood risk and drainage; energy and sustainability; Community Infrastructure Levy and S106; and Human Rights and the Public Sector Equality Duty.

The Assistant Director drew Members' attention to the Supplementary Matters report ("SMAT") which provided clarification to paragraphs 10.142 and 10.195

and noted that 5 additional representations had been received since the finalisation of the agenda which repeated matters already raised. In addition, further representations had been received from the resident of The Thicket asking for the application to be deferred, leading to the applicant seeking counsel's opinion on the subject. There was no change to the substantive recommendation. The SMAT lastly noted an addition to the identified Heads of Terms for the s106 agreement of a £200,000 financial contribution to Affordable Housing had been made.

The Assistant Director confirmed that 94 representations objecting to the proposed development had been received with two in support.

Deputations

Deputations were made by James Kirby, Tamaryn Storey, Sue Pike (objecting), Stefan Jacobek, The Portsmouth Society (objecting) and David Jobbins (Agent) and Nicholas Roach (Applicant).

Members' questions

The Assistant Director provided the following points of clarification following Members' questions:

- The application does not include a dedicated space for a play area although the developer has considered informal play spaces as part of its landscaping proposals.
- One of the larger green spaces is the central courtyard and this may lend itself to a play area.
- Although not recommended by officers, Members could add a condition requiring the addition of a dedicated area for play but the cost of this may affect the viability of the scheme and the ability of the applicant to offer the, without prejudice, Affordable Housing financial contribution.
- Although subject to a separate application which is not before the Committee for consideration today, for clarification, the applicant has expressed an interest in making nursery space available in the Castle Building, with the potential for a small reduction in the number of dwellings that this scheme would permit. This would be the subject of a future planning application.
- The Applicant has confirmed that it has no objection to permissive access through the site, although this will be limited to daylight hours. Whether this will be at set times throughout the year or a more general dawn to dusk limitation has not yet been agreed.
- All parking spaces are permeable in that hard standing parking will have drainage which will consider the historic nature of the site and avoid water entering the sewer system.
- A Copenhagen style crossing is a blended pedestrian focused crossing where the carriageway rises to the same height as the pavement.
- The Committee may not add a condition to prevent future planning applications seeking to add rooms to roof spaces in flat blocks. This would require a further planning application in any case.
- There is provision for 106 parking spaces and residents will not be able to apply for residents' parking permits. Residents or visitors will need to find legal parking spaces elsewhere.

- Detailed drawings of the windows have been provided in paragraph 5, page 2 of the Applicant's submission. Nonetheless, Condition 4 requires the Applicant to submit details regarding the design and appearance of all windows and doors and this will include the requirement for obscure glazing when appropriate.
- It was not possible to say whether a Committee decision to refuse would be overturned on appeal to the Planning Inspector as it would entirely depend on the reasons given. Officers have considered the application, its benefits and disbenefits and in the round have recommended approval.
- Any application to add accommodation in the roof space would be considered on its merits at the time of the hypothetical application. The usable space is minimal; the roof would need to be redesigned and the imposition of, for example, a flat roof to prevent conversion in the future would be of concern to the Conservation Officer.
- The Committee may seek to make minor design changes by decision, but to reduce the height of the Simon Wing by one storey with the loss of 8 units, as suggested by one of the residents making a deputation, is likely to be considered going beyond these powers.
- At 21 metres, the separation distance between The Thicket and the Simon Wing gives more separation than in many cases and The Thicket is itself a narrow road.
- The current building nearest the location of the Simon Wing does not contain living accommodation. At the western end of The Thicket its spot height is 11.98m; the new building will be 16.3m to 16.5m though it is not in the same place on the site.
- The developer has suggested that a high proportion of the accommodation will be available to rent. However, offering units for rent at 'affordable' rates would not qualify them as affordable housing. The definition of affordable housing is very tightly controlled, and to qualify must be subject to legal control so that it is maintained in that format in perpetuity. There is no on-site affordable housing in this scheme.

Members' comments

Members commented that the provision of rental accommodation in Southsea where there is a high proportion of owner-occupied properties is to be welcomed. The St John's site is currently vacant and subject to vandalism and its future needs to be resolved. The proposal includes the demolition of some poor buildings, the inclusion of mature trees is to be welcomed and Owen's Southsea does not entirely take one building form.

Members were minded to approve Application A with an additional condition relating to the provision of a play area for young children and were content for authority to draft the condition to be delegated to the Assistant Director for Planning and Economic Growth.

As Councillor Mary Vallely had arrived during the officer's presentation, she was not able to vote on the matter.

Application A - PLANNING APPLICATION 23/01089/FUL

RESOLVED to:

- 1) Grant planning permission subject to conditions and a s106 Agreement.**
- 2) Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below) and an additional condition regarding the provision of play space, and finalise the s106 agreement in line with the Heads of Terms listed above.**

Draft Conditions (Headings)

- 1. TIME LIMIT**
- 2. APPROVED PLANS**
- 3. MATERIALS**
- 4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS**
- 5. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**
- 6. CONTAMINATED LAND - RISK MITIGATION**
- 7. CONTAMINATED LAND - VERIFICATION**
- 8. CONTAMINATED LAND - WATCHING BRIEF**
- 9. PREVIOUSLY UNIDENTIFIED CONTAMINATION**
- 10. FLOODING - REVISED FLOOD RISK ASSESSMENT AND IMPLEMENTATION**
- 11. SURFACE WATER DRAINAGE SCHEME**
- 12. PILING METHOD STATEMENT**
- 13. LOCAL HIGHWAY IMPROVEMENTS**
- 14. LANDSCAPING - DETAILS**
- 15. BOUNDARY TREATMENT**
- 16. BOUNDARY ENTRANCE(S) OPENING TIMES**
- 17. ARBORICULTURAL METHOD STATEMENT**
- 18. TREE PROTECTION**
- 19. LANDSCAPE IMPLEMENTATION**
- 20. LIGHTING SCHEME**
- 21. NOISE AND VIBRATION MITIGATION**
- 22. ECOLOGICAL MITIGATION**
- 23. SUSTAINABILITY MEASURES**
- 24. WATER EFFICIENCY**
- 25. CAR PARKING**
- 26. CYCLE PARKING**
- 27. CAR PARKING ACCESS AND MANAGEMENT PLAN**
- 28. PROVISION OF REFUSE AND RECYCLING FACILITIES**
- 29. ARCHAEOLOGY**
- 30. DEFENSIBLE SPACE FOR GROUND FLOOR RESIDENTIAL UNITS**
- 31. BAT SURVEY**
- 32. SWIFT BRICKS**
- 33. TRAVEL PLAN**

- 34. EV CHARGING**
- 35. DELIVERY AND SERVICING PLAN**
- 36. BIODIVERSITY NET GAIN**

Application B - LISTED BUILDING CONSENT APPLICATION 23/01074/LBC

RESOLVED to:

- 1) Grant listed building consent subject to conditions.**
- 2) Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below).**

Draft Conditions (Headings)

- 1. TIME LIMIT**
- 2. APPROVED PLANS**
- 3. MATERIALS**
- 4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS**
- 5. DETAILED DESIGN/SITING OF REFUSE AND CYCLING STORES**

36. 23/01549/DOC - Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east (AI 5)

Application to seek approval of details reserved by conditions 2 (phasing plan); 3 (potential for soil contamination); 11 (protection of birds); 16 (soft landscaping); 17 (earth bund design); 18 (drainage); 19 (CEMP); 20 (CTMP); 21 (lighting); 22 (street furniture); 23 (flood gates and boards); 24 (hard surfacing materials); 26 (roads and footpaths); 28 (lamps); 29 (monuments); 32 (scale of secondary defences); 33 (scale of rock revetments); and 34 (scale of primary defences) of Planning Permission 23/00896/VOC.

The Development Management Team Leader, Economy Planning and Transport, introduced the report and informed Members that the whole scheme extends from Long Curtain Moat in the west to the Eastney Barracks in the east. The frontage for consideration is Phase 4. The application aims to deliver a continuity of approach throughout the scheme and this application includes the finer design details such as materials, landscaping, public art and street furniture. The soft landscaping aims to provide year round structure and colour to the seafront as well as biodiversity interest. Lighting and street furniture proposals are similar to previous applications, are appropriate for use in a coastal environment and the shingle will be locally sourced.

Members' questions

Alex Prior and Robin Ward were present from Coastal Partners to answer questions and provide information of detail. In response to Member's questions, they clarified that:

- There were no plans to include historical interpretation boards, for example for the anchor or monuments, within this part of the scheme.

- Although the images suggested that some seating would have sloped ends which could allow scooters up onto the seating, the ends were square, there will be arm rests at regular intervals and studs will stop skateboarding.

The Assistant Director did not have any information about whether a budget had been allocated for artwork pieces to support the scheme. Depending on the nature of the art or sculpture installations, planning permission may be required.

Members' comments

Councillor Vernon-Jackson commented that it was not intended for there to be a net loss in car parking in the area. He also commented that although the sea defences were being funded by central government, the Council had allocated some budget for the provision of art along the seafront.

Councillor Smyth commented that the original application had envisaged zones, each with a different feel and design along the seafront and she had supported this. However, having seen the high quality, clutter free design delivered to date, she is now supportive of this more consistent approach. Councillor Smyth noted that it was important to explain Portsmouth's history to visitors and she supported the introduction of a limited number of historical interpretation boards.

The Assistant Director clarified that there was authority to install heritage interpretation boards at Long Curtain Moat and Southsea Castle in accordance with prior plans for the whole scheme. Members were minded to agree the conditions set out in paragraph 1.4 of the officers' report (soft landscaping, external lighting, street furniture and walls, hard surfacing materials, roads and footpaths), and request the use of further interpretation boards for items of historical significance relevant to Phase 4 by way of an informative.

RESOLVED - To approve details submitted pursuant to Conditions 16, 21, 24, 26 and 35 subject to an informative relating to the use of interpretation boards for items of historical significance.

37. 24/00012/FUL - Adventure Playground Stamshaw Park, Newcomen Road, Portsmouth (AI 6)

Construction of single storey brick building to provide youth club (24/00012/FUL).

The Assistant Director, Economy Planning and Transport, introduced the report which was before the Committee for consideration as the application was by Portsmouth City Council. The Assistant Director drew Members' attention to the Supplementary Matters report which included a representation which had been received from Councillor Lee Hunt supporting the application.

Members' questions

There were no questions.

RESOLVED: To grant approval subject to conditions set out in the officers report.

The Committee took a short break at 12.47pm and resumed the meeting at 1.13pm when time was given to read additional information circulated in relation to Items 8 - 32 Montgomerie Road, Southsea PO5 1ED and Item 13 - 165 Laburnam Grove, Portsmouth.

Councillor Gerald Vernon-Jackson left the meeting before consideration of the remaining items on the agenda.

- 38. 23/01592/FUL - 350-352 London Road, Hilsea, Portsmouth PO2 9JY (AI 7)**
Construction of two storey rear extension (following removal of existing ground floor extension) with gable end roof enlargement, associated fenestration, and solar panels.

The Assistant Director, Economy Planning and Transport, introduced the report and informed Members that this relates to a commercial building and the rear of a commercial building which it is proposed to replace and extend. The key issues for consideration in the determination of the application are the principle of development; design and layout; residential amenity and highways and transportation impacts. In response to the consultation a total of seven objections letters of objection have been received voicing concerns including increased traffic/parking, increased levels of noise, disturbance, air pollution, overlooking and loss of privacy and crime.

Deputations

A deputation was made by Brian Mabe (Applicant).

Members' questions

The Assistant Director confirmed that the hours of operation set out in paragraph 5 of the officer's report could be enforced by way of a Breach of Condition Notice if necessary. He agreed the hours of operation were restrictive but were the hours sought by the applicant.

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

- 39. 20/00944/FUL - 32 Montgomerie Road, Southsea PO5 1ED (AI 8)**
Change of use from purposes falling within a Class C4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (*sui generis*).

The Assistant Director, Economy Planning and Transport, introduced the report and noted that planning permission had been refused in 2019 as it was considered that the time that the communal living space was not adequate. However, the bedroom layout has been reoriented with the result that the

scheme is now compliant with the council's space standards. The Assistant Director drew Members' attention to the Supplementary Matters report which noted that elevation plans had been provided by the Applicant. There was no change to the recommendation in the officer's report.

Deputations

A deputation was made by Carianne Wells (Agent).

Members' questions

In response to Members' questions, the Assistant Director clarified that:

- Although the downstairs W/C failed to meet the council's space standards this related to 4cm² (about the size of a book of stamps) and officers considered this to be insignificant.
- If so minded, the Committee could limit occupancy to 7 persons by condition.
- When considering the number of HMOs in an area, officers take a 'worst case scenario' into account and include all Class C3 and Class C4 properties which could operate as an HMO, resulting in a calculation of 37.5% in this case.

Members' comments

It was recognised that the application only narrowly failed to meet the council's space standards and that the loss of space was not significant. Councillor Smyth suggested that the application required planning permission due to the concentration of HMOs in the area which is over 10%, amenity impact on neighbouring residents, the quality of the living space for potential occupants and the potential impact on nitrates. This was agreed.

RESOLVED:

- 1) The proposal is considered to be a development requiring planning permission due to the concentration of HMOs in the area, intensity of the use of the accommodation and quality of living space for occupants, amenity impact upon neighbouring residents and the impact on the Solent Special Protection area (nitrates).**
- 2) To grant conditional planning permission subject to:**
 - i) Implementation of the permission within 3 years;**
 - ii) The development to be carried out in accordance with the approved plans;**
 - iii) 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;**
 - iv) An additional condition to limit occupancy to 7 people be added by the Assistant Director of Planning & Economic Growth.**

40. 23/01220/FUL - 19 Tamworth Road, Portsmouth PO3 6DL (AI 9)

Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

The Assistant Director, Economy Planning and Transport, introduced the report noting that this application required planning permission and that it had been deferred from the Planning Committee meeting held on 10 January 2024.

The Assistant Director drew Members' attention to the Supplementary Matters report which noted that the floor plan has been updated, further comments had been received from one of the objectors querying the external measurements and that the measurements had been checked by officers. A further representation had been received from Councillor Darren Sanders. The officer recommendation is to update Condition 2 to reflect the updated floor plan and proposed layout. The Applicant has confirmed again that the intended occupation is as a 4-bedroom/4-person HMO.

Deputations

A deputation was made by Chris Broyd (Agent).

Members' questions

The Assistant Director confirmed that the plans are now correct, there is no overhang over the ground floor and the measurements and floor plans have been subject to great scrutiny.

RESOLVED: To grant Conditional permission as set out in the officer's report and the Supplementary Matters report.

41. 23/01420/FUL - 25 Tottenham Road, Portsmouth PO1 1QL (AI 10)

Change of use from 5 bedroom/ 6-person house in multiple occupation, to 7 person/ 7 bedroom house in multiple occupation.

The Assistant Director, Economy Planning and Transport, introduced the report and informed Members that the application had been withdrawn from the agenda for the Committee meeting held on 31 January 2024. The Applicant has re-assessed how to provide an amended layout and still achieve the necessary minimum of 22.5sqm of communal kitchen-dining space. As a result, all the rooms meet the size requirements of the HMO SPD, and all would have reasonable layout and natural light. It was the officer's view that planning permission was not required.

The Assistant Director drew Members' attention to the Supplementary Matters report which provided an updated location plan to reflect the change to the proposed extension from the original submission. There was no change to the officer's recommendation.

Members' questions

The Assistant Director clarified that when considering the number of HMOs in an area, officers take a 'worst case scenario' into account and include all Class C3 and Class C4 properties. In addition, an HMO may come to light because of enforcement action.

Members' comments

Councillor Candlish proposed that the application required planning permission due to the density of HMOs in the area, amenity impact on neighbouring residents, the quality of the living space for potential occupants and the potential impact on nitrates. This was agreed.

RESOLVED:

- 1) The proposal is considered to be a development requiring planning permission due to the concentration of HMOs in the area, intensity of the use of the accommodation and quality of living space for occupants, amenity impact upon neighbouring residents and the impact on the Solent Special Protection area (nitrates).**
- 2) To grant conditional planning permission subject to:**
 - i) Implementation of the permission within 3 years;**
 - ii) The development to be carried out in accordance with the approved plans;**
 - iii) 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.**

42. 23/01544/FUL - 82 Chichester Road, Portsmouth PO2 0AH (AI 11)

Change of use from C3 dwellinghouse to a 7-bedroom/ 7-person House in Multiple Occupation.

The Assistant Director, Economy Planning and Transport, introduced the report and noted that as Councillor Benedict Swann was not able to be present, exceptionally it had been agreed that his written submission and the statement he had been due to read on behalf of Tracey Brickell would be accepted.

Deputations

A deputation was made by Carianne Wells (Agent). Deputations were due to be made by Tracey Brickell (Objecting) and Councillor Benedict Swann but they were not present and their submissions had been added to the Supplementary Matters report.

Members' questions

The Assistant Director confirmed that the application had been called in by Councillor Jason Fazackarley and Councillor Benedict Swann and that reference to Councillor Darren Sanders in paragraph 7.1 was an error.

Members' comments

Members noted that the application was clearly for occupation by 7 persons and that it was not necessary to control this by condition.

RESOLVED: To grant conditional permission and that:

- 1) Delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:
 - a) Receipt of no objection from Natural England;**
 - b) Satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution and conditions (below).****
- 2) Delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**
- 3) 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.**

43. 123/01584/CPL - 73 Margate Road, Southsea PO5 1EY (AI 12)

Application for certificate of lawful development for proposed use as a 7-bedroom/ 7-person house in multiple occupation.

The Assistant Director, Economy Planning and Transport, introduced the report and noted that the sole issue for consideration in the determination of this application is whether the increase from six occupants to seven occupants in an existing Class C4 House in Multiple Occupation would result in a material change of use as defined under s55 of the Town and Country Planning Act 1990. As the application is for a Certificate of Proposed Lawfulness and not a Planning Application, no neighbour publication is required under the Council's Statement of Community Involvement. It was noted that this was a parallel application as the previous application had been refused and was currently subject to an appeal to the Planning Inspector.

Deputations

A deputation was made by Mr Briscoe (Applicant).

Members' questions

Following an adjournment (2.02pm to 2.08pm) to obtain information, the Assistant Director presented a table showing the room sizes for the property following a request for this information from Councillor Smyth.

The Assistant Director provided the following points of clarification in response to Members' questions:

- When providing room sizes, measurements are taken from a mid-point in the room, variations along a wall may not be taken into account and officers considered that the room sizes provided were within normal tolerances.
- The Applicant, in his deputation had confirmed that the communal room size varied by +/- 5cm along the wall length.

- Bedroom 6 is the newly created bedroom; Bedroom 7 includes a corridor space and limited headroom which may result in reduced amenity for the occupant. This is relevant to the quality of living of occupants but is not material to the change of use application.
- As set out in the report, every application which has been refused on this basis has been overturned on appeal to the Planning Inspector and guidance on room sizes does not therefore apply to the application for a Certificate of Lawfulness.
- The sole issue for consideration in the determining of this application is whether the increase from 6 occupants to 7 occupants in an existing Class C4 House in Multiple Occupation would result in a material change of use. Officers consider that planning permission is not required but the Committee may make a judgment on that matter.

The Legal Advisor commented that this is currently a 7 bedroom house with 6 occupants and that the Committee should consider whether adding one further occupant was a material change of use. The Assistant Director added that the Applicant did not need planning permission to reconfigure the property to add a bedroom (by putting a wall up) and he confirmed that the *status quo* is that this is a 7 bedroom property. He also confirmed that Licensing considers that it is acceptable and has issued a license for 7 persons.

Councillor John Smith left the meeting at 2.16pm.

In response to further questions, the Assistant Director confirmed that as the planning authority, the Committee must determine applications and it was not appropriate to defer this application while the appeal for the previous application was being considered by the Planning Inspector. He also clarified that there is a back log of appeals to the Planning Inspector and that although the target was for appeals to be determined in 26 weeks, he was aware of appeals taking 12-14 months. The Assistant Director also confirmed that as this application and the proposal subject to appeal are the same, the Committee's decision regarding room sizes will be relevant to the appeal and that if the appeal is successful, the outcome would be material.

There was a short adjournment (2.23pm to 2.31pm).

Members' comments

Members considered whether the application needed planning permission due to the intensity of the use of the accommodation, quality of living space for occupants due rooms being compromised by corridors, the lack of clarity relating to compliance with space standards in relation to the communal living room and the density of HMOs in the area. Members also expressed a desire to be consistent in their decision making in relation to the previous application.

The Legal Advisor advised that as the application is for a Certificate of Lawfulness and not a Planning Application, the space standards guidance cannot be taken into account.

Councillor Candlish commented that no new information had been presented to the Committee and he proposed refusal on the same grounds as in November 2023 namely impact on parking, increase in waste, noise and antisocial behaviour.

As Councillor John Smith had left the meeting during consideration of this item, he was not present to vote on the matter.

RESOLVED: To refuse the application for a Certificate of Lawfulness due to the impact on parking, increase in waste, noise and antisocial behaviour.

44. 23/01599/FUL - 165 Laburnam Grove, Portsmouth (AI 13)

Change of use from Class C3 dwelling house to 7 person/ 7 bedroom house in multiple occupation.

The Assistant Director, Economy Planning and Transport, introduced the report and clarified that although the hyperlink in the report referred to an 8 bedroom/ 8 person house in multiple occupation, this was an application for change of use to 7 person/ 7 bedroom house in multiple occupation. The main issue to consider in the determination of this application is whether the proposal is acceptable in principle. The Assistant Director drew Members' attention to the Supplementary Matters report, amended plans and an additional written submission from Councillor Swann.

Deputations

A deputation was made by Carianne Wells (Agent).

Members' questions

The Assistant Director confirmed that the density of HMOs within a 50m radius was below 5%.

Members' comments

Members noted that the application was fully compliant with the council's space standards for HMOs. One member expressed concerns about sewerage overflowing into street.

RESOLVED:

- 1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to 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.**

The meeting concluded at: 2.43pm.

Signed by the Chair of the meeting

Councillor Chris Attwell