

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 3 April 2024 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)
Darren Sanders (Vice-Chair) (except for minute 51)
Hannah Brent
Peter Candlish
Raymond Dent
Asghar Shah
John Smith
Judith Smyth
Mary Valley
Gerald Vernon-Jackson CBE (minute 45 to 53 only).

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.

45. Apologies (AI 1)

No apologies had been received.

46. Declaration of Members' Interests (AI 2)

Minute number 50: 2300182FUL - 16 Shadwell Road, Portsmouth PO2 9EJ.

Councillor Darren Sanders is the Cabinet Member for Housing and Tackling Homelessness, so he made a voluntary declaration: the council now owns 17 Shadwell Road which is referred to in the officer's report for the purposes of the HMO count only. 17 Shadwell Road is in a C3(b) use, so it is not an HMO.

47. Minutes of the previous meeting held on 13 March 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 13 March 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, 3rd April, 2024, 10.30 am Portsmouth City Council](#)

Deputations (which are not minuted) can be viewed on the webcast via the link above.

48. 19/00420/FUL - Fraser Range, Fort Cumberland Road, Southsea (AI 4)

The Development Management Team Leader informed the committee that this application had been withdrawn from the agenda because Natural England requires further information to determine the impacts from this proposal and how these will be mitigated. In response to a question, he explained that it was not possible to say when this would return to the committee for determination.

49. 24/00065/FUL - 60 Elm Grove, Southsea PO5 1JG (AI 5)

The Development Manager Team Leader introduced the report and drew members attention to the Supplementary Matters Report which added that:

Planning History.

In addition to paragraph 4.0

First report to Enforcement in August 2023. The applicant subsequently confirmed that the container replaced an existing 10ft storage container for the purposes of business growth / storage. This is double the previous size. In October 2023, a site visit was conducted and established that the container is used for food storage and preparation. Advice given that permission is needed and screening (i.e. a fence) would support the application.

Deputations

June Turner gave a deputation against the application.

Members' Questions.

In response to questions, the following points were clarified:

- This container replaced one that was 10m long which is half as long as the current one.
- There is space between the building and the container.
- It is for the applicant to consider how adequate space for the bin operatives' access would be achieved.
- The applicant has not established who owns the land where the fence would be erected.
- The applicant stated that he would provide lighting, but it is not clear where these would be sited nor the type or brightness that would be used.
- This application is part retrospective because the container, the roof and extraction system were put on site without planning permission.
- The container at 62 Elm Grove mentioned in the report is also a refrigeration unit but is slightly smaller.
- If the application is refused, enforcement action would be pursued.

The Legal Advisor explained that an application has a red outline plan which sets out which land it relates to. It does not set out the ownership of land. An application could be submitted on someone else's land, so it is not relevant in that sense. However, the developer would need the landowner's permission to implement the development.

The Development Management Team Leader advised members that a condition could be added requiring details of bin storage facilities to be submitted and agreed by the council.

Members' Comments

Members raised the following concerns:

- If the fence were to be erected, the bins must be placed behind it.
- More could be done to make the container more attractive.
- There is no waste management plan.
- This is not anywhere near permitted development.
- The ownership of the land was not established.
- The scale of the proposed lighting was not provided.

RESOLVED to refuse the application contrary to the officer's recommendation for the following reason:

The container's size and location and inadequate bin storage facilities, the proposed continued siting of shipping container for use as storage with retention of wooden roof and extraction system and construction of 2m fence at the rear of the property is considered to be harmful to the amenity and character of the area contrary to policy PCS23 of the Portsmouth Plan and the NPPF.

50. 2300182FUL - 16 Shadwell Road, Portsmouth PO2 9EJ (AI 6)

The Development Management Team Leader introduced the report. There were no supplementary matters to report.

Deputations.

Councillor Emily Strudwick gave a deputation against the application.

Members' Questions.

The Development Management Team Leader provided the following points of clarification following members' questions:

- The application had been submitted in May 2023. He did not know why the application had only today come to committee for determination.
- There are four bedrooms.
- The room sizes exceed the required standards for an HMO.

In response to a question, the Legal Advisor explained that conditions restricting the number of occupants can be attached in certain circumstances.

The Development Management Team Leader confirmed that in this case there is a proposed condition restricting the number of occupants to five due to the bathroom and toilet facilities.

Members' Comments.

During the discussion the following points were raised:

- The committee is severely limited by government and the planning inspectorate what we can look at. It is important not to give residents misapprehension.
- The potential impact on parking, property values and the lack of bicycle storage raised in the deputation are not issues the committee can use to refuse an application. It is not unusual in Portsmouth for residents to take their bicycles through their house.
- There are not enough bathrooms for six people.

- One bedroom measures 18m² which is much larger than others that have been approved elsewhere.

The Legal Advisor added that a condition could be attached restricting the number of occupants to five due to the number of bathrooms and toilet and advised against refusal, where such a condition can be attached. It would be unreasonable to limit the number of occupants to four.

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

51. 2301527FUL - 115 Chichester Road, Portsmouth PO2 0AG (AI 7)

The Development Management Team Leader introduced the report. There were no supplementary matters to report.

Deputations.

Carianne Wells, agent made a deputation in favour of the application.

Councillors Benedict Swann and Councillor Jason Fazackarley made deputations against the application.

The Chair reminded the people making deputations that the committee could only have regard to material planning considerations.

Members' Questions.

The Development Management Team Leader provided the following points of clarification:

- He did not have information on how many applications refused by this committee because of lack of parking had been subsequently approved by the Planning Inspector. The Legal Advisor added that officers always advise against refusing an application because of simply the impact on parking.
- The ground floor bedroom has adequate space for a standard double bed.
- Occupancy is controlled by the licensing service.
- All rooms are for single occupancy.

Members' Comments

- Members expressed disappointment in the size of the ground floor bedroom and the lack of amenity to residents. However, they noted that it was compliant with the council's standards and the law.
- They accepted the need for this type of accommodation and that the liveability of the bedroom space needs to be considered rather than simply its size.

The Legal Advisor reminded the committee to look at communal area, if they considered a bedroom fails to meet room standards.

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

52. 23/01106/FUL - 51 Shadwell Road, Portsmouth PO2 9EH (AI 8)

The Development Management Team Leader introduced the report and drew members' attention to the supplementary matters report which added that:

No29 Shadwell Road has a pending HMO application subject to s111 Nitrate and Bird Aware mitigation payments. This has been accounted for within the officer report and the HMO density including no.29 is 5.8%

Deputations

Councillor Russell Simpson made a deputation against the application.

Members' Questions.

In response to questions, the following points were clarified:

- It has a licence as a C3 property. The first-floor bedroom already exists.
- No daylight sunlight study has been carried out to ascertain the light levels for the ground floor bedroom.
- The communal space exceeds standards.
- Conditional permission was granted in March 2023 for a change of use from a class 3 to C4. The current application is for a change of use from a C3 to a 7 bed/ 7 person HMO.

In response to a question, the Legal Advisor explained that it would seem that the change to a C4 had not been implemented and added that for this application the committee was not looking at operational development it was only considering change of use.

In response to a question as to whether there was sufficient light for the ground floor bedroom, the Planning Officer explained that it was an existing bedroom.

Members' Comments.

Following a lengthy discussion, it was agreed that the photograph was very misleading, and the committee was not clear about the exact plans in this application. There appeared to be an inconsistency between the photograph, which shows operational development and the proposed plans.

They also expressed concern that the first-floor window looked directly into a neighbour's bedroom window at no.36 Oriel Road and the potential detrimental impact on parking caused by this change of use that had been raised by the Highways Engineer in paragraph 6.2 of the report.

RESOLVED to defer determination of this application to allow a site visit to be carried out and for amended plans to be submitted showing single storey rear extension as being built rather than that shown on the plans

53. 23/01604/FUL - 124 Twyford Avenue, Portsmouth PO2 8DL (AI 9)

The Development Management Team Leader introduced the report. There were no supplementary matters to report.

Deputations.

There were no deputations.

Members' Questions.

In response to questions, the following points were clarified:

- Construction of single storey rear extension extending 4m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m Prior Approval Not Required 15.08.2023 #PP not required
- The black line showing on the agenda pack and slides is a printing error and is not relevant to the determination.
- The application is for a 8 bed/ 8 person dwelling. The report refers to 7 people at three points in the report in error.

The number of parking permits that will be given to the occupants was not available.

Members' Comments.

Members noted that the application is compliant with the council's policy.

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

54. 24/00105/FUL - 68 Margate Road, Southsea PO5 1EZ (AI 10)

The Development Management Team Leader introduced the report. There were no supplementary matters to report.

Deputations.

Carianne Wells, the agent gave a deputation in favour of the application.

RESOLVED that the proposal is considered to be a development (material change of use) requiring planning permission due to the intensity of use of the accommodation, the impact on residential amenity, nitrates and an already saturated parking zone in an area that has a high density of HMOs, plus the comments of private sector housing.

Members' Questions.

In response to questions, the Development Management Team Leader clarified the following points:

- The format of the property would not be changed.
- The 2.3m head room in the first floor bedroom satisfies the licensing requirement and exceeds the planning requirement for 1.5m.
- The ground floor bedroom's head room is 2.6m
- Bedroom no. 1 is 11.58m².

The Legal Advisor explained that this property was an existing HMO.

Members' Comments

There were no comments.

RESOLVED to grant permission subject to the conditions requiring that:

- **The implementation of the planning within a three year period**
- **The development be carried out in accordance with the plans submitted**
- **Details of the cycle storage to be submitted and agreed in writing by the local planning authority.**
- **Increased occupancy should not occur until an appropriate scheme of mitigation be submitted and approved to mitigate any impact on the Solent Special Protection area.**

- **The prior completion of a legal agreement to secure the mitigation for the impact of the development on the special protection area (recreational and nitrates).**

Councillor Darren Sanders expressed concern about people being named and insulting language that was used in one deputation.

The meeting concluded at 12:45

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Signed by the Chair of the meeting
Councillor Chris Attwell