

DECISIONS of the meeting of the Cabinet held on Wednesday 15 May 2024 at 2 pm at the Guildhall, Portsmouth

Present

Councillor Steve Pitt (in the Chair)

Suzy Horton
Dave Ashmore
Chris Attwell
Kimberly Barrett
Peter Candlish
Lee Hunt
Hugh Mason
Darren Sanders
Matthew Winnington

40. Apologies for Absence (AI 1)

There were no apologies for absence.

41. Declarations of Interests (AI 2)

There were no declarations of interest.

42. Record of previous decision meeting - 5 March 2024 (AI 3)

The record of the previous decision meeting held on 5 March 2024 was agreed as a correct record.

43. Portsmouth Local Plan - Pre-Submission (AI 4)

Lucy Howard, Head of Planning Policy, introduced the report, noting that the Local Plan would guide the city's development for the next 15 years. It was the best plan for Portsmouth and had been carefully considered. It was supported by comprehensive evidence whilst being mindful of the city's physical constraints. There had been four rounds of public consultation. After a short pause in March for discussion with the government about the City Deal and Tipner West, progress had continued. If the national deadline of 30 June 2025 was missed it would mean starting again under an unknown new system of Local Plans. Three main points were:

- Policy PLP 17 (Section 4.1.5) - The ambitious target of 30% affordable housing for new developments of over ten dwellings would be challenged on examination, because of poor viability in the city.
- Policy PLP 20 (Section 4.1.6) - Houses in multiple occupation (HMO) were a major issue. The strict new policy specified a maximum of 10% HMOs within a 50m radius of an application property with properties not allowed to be sandwiched between HMOs nor resulting in three HMOs in a row.
- The strategic site of Tipner West and Horsea Island East was the biggest risk to the Plan. The Habitats Regulation Assessment for the site included the three derogation tests and members needed to decide whether the imperative public interest benefits outweighed the adverse impacts on the international conservation designations in Portsmouth Harbour .

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

The derogation tests would still be required even if there was no building south of the firing range.

Economic viability and lack of profit could be used as an argument against affordable housing as that was the reality of living in a market economy.

The only local authorities which had a 5% limit on HMOs within a 50m radius were parts of Blackpool because of the large number of ex-guest houses and parts of a small university town in north-west England. Thanet District Council wanted to retain a historic 5% limit throughout the district which was removed by the Planning Inspector. Going by appeal decisions in Thanet it appeared that the Inspector did not like the 5% policy being used as guidance. Individual considerations had to be taken into account when determining each HMO application. By attempting to adopt a 5% policy Thanet ended up with no direct control over applications. Such a policy would be unlikely to survive examination in Portsmouth where the current HMO policy was as robust as any in England.

Including a policy for no HMOs was possible but would stand no chance of surviving public examination. Blackpool was the only local authority with a ban because of the number of ex-guest houses providing single-person accommodation and evidence of the link to deprivation and anti-social behaviour. Under a dozen HMO applications had been granted there in the last 20 years. In Portsmouth there was market demand for HMOs and in Thanet the Inspector had identified insufficient evidence for a blanket approach to a 5% limit.

Briefings had been held for all groups except the Conservatives who had not taken up the offer; however, the offer remained open.

With regard to the financial consequences of Full Council voting for the "do nothing" option at Tipner West, the council had a contractual obligation to the government as part of the City Deal and if work was not done funding might have to be returned. In any event, work on land contamination and sea defences was still needed. The "do nothing" option would be very expensive either way.

With regard to Tipner West, officers had carried out a robust assessment of housing and economic need across the city and there were no alternative sites for housing or business. There were no sites around the Solent with deep water access suitable for a marine employment hub. Councillor Pitt said focusing on marine growth would grow the local economy. Not developing the hub would be irresponsible and detrimental to the area's future.

With the site allocations added since the Regulation 18 version of the Plan there was more certainty that housing targets could be delivered rather than relying on planning permission or windfall sites. By allocating sites the council could set policy requirements which meant added benefits for the city. The only allocated sites carried forward from the 2012 Plan were Port Solent and

Horsea Island open space. Fraser Range was part of the broader Seafront policy in the 2012 Plan. The strategic sites were similar to those in the 2012 Plan.

Officers had done considerable work on the Habitats Regulations Assessment, including with James Reilly, at AECOM who is a leading expert in the field, and Toby Fisher, a barrister who specialises in environmental law. Officers have also worked with the RSPB, the Wildlife Trust and Natural England who are all members of the Tipner Regulatory Panel.

Councillor Pitt was disappointed with the government's change of mind on how far the council could proceed with sustainable construction policies and hoped a new government would enable progress as hoped. Officers agreed and hoped higher energy efficiency standards would be brought in via building regulations so that every builder applied them rather than having them enforced through the Plan.

Councillor Hunt thanked officers for an exciting Plan for Portsmouth which embraced the future. The truly excellent Plan reflected issues such as artificial intelligence, regeneration and green policies. Everyone who had a stake in the Plan had been consulted, for example, an acceptable compromise had been reached with Cosham councillors over density. There were currently about 1,500 people on the housing waiting list who were "desperate for their own front door." Housing was a basic human right but had been a failure of successive governments since the war. The government's target of 17,000 homes in Portsmouth was not possible but officers had worked diligently to reduce the target to 14,000. There were discussions with neighbouring local authorities to reduce the target by another 800. HMOs were a symptom of failed housing policy and increased rents and prices out of the reach of so many people. Giving individuals the key to their front door was the answer, not demonising HMOs. Portsmouth's HMO policy together with additional licensing of HMOs was the way to proceed. Just because sites were allocated did not mean houses would be built. The public expected more dentists, GPs, schools and roads if more houses were built even though the government had failed to deliver the infrastructure.

Councillor Mason had been involved with the current Plan and its predecessors. It was comprehensive and considered the economy as well as housing. If the economy was not right no-one would want to live here. As there were very few tools in the council's toolkit he urged members to accept the Plan as a council to encourage investment in housing, industry and recreation. He was very proud to be associated with it.

Summing up, Councillor Pitt said the Local Plan was probably the most significant item the council would consider this year. He echoed Councillor Hunt's comments on the amount of work done on the Plan. Other areas had problems when their Plans were rejected wholesale. The Plan would be disastrous without Tipner West and the city would lose a huge opportunity for employment and housing. The firing range was subject to other policies and decisions. He thanked officers massively for a sound robust Plan that would stand up to examination. Delays and grandstanding at Full Council would be

irresponsible. People in public office had to balance doing their best for the local authority area they served with a focus on very localised areas. Members needed to listen to all residents and then apply their knowledge of the laws within which the council had to operate and the policies needed to run it.

DECISIONS

The Cabinet recommended that Full Council

- 1. Approve the draft Pre-Submission Portsmouth Local Plan and its Policies Map for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development.**
- 2. Approve the draft Sustainability Appraisal and Habitats Regulations Assessment including derogations supporting the draft Pre-Submission Local Plan for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development.**
- 3. Delegate authority to the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development to make any minor changes arising from the consultation and submit the Pre-Submission Local Plan to the Secretary of State for Levelling Up, Housing and Communities under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for examination along with the Pre-Submission representations and the core document library.**
- 4. Note that if major changes are required to the Pre-Submission Local Plan that a further public consultation and decision by the City Council will be required.**
- 5. Note that the final Local Plan will be brought back to Full Council prior to formal adoption following the independent examination undertaken by an inspector appointed by the Secretary of State.**

The meeting concluded at 2.47 pm.

Councillor Steve Pitt
Leader of the Council