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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 January 2025 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 Gerald Vernon-Jackson CBE (Chair)
Judith Smyth (Vice-Chair)
Richard Adair
Chris Attwell
Peter Candlish
Matthew Cordy
Hugh Mason
Derek North
Asghar Shah
Mary Valley

Also in attendance

Councillor Graham Heaney to address the committee on minute number 4.
Councillor Lee Hunt to address the committee on minute numbers 4, 6 and 7.

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.

1. Apologies (AI 1)

Apologies for lateness were received from Councillors Candlish and Shah who arrived at 10.36 am and 10.57 am respectively. Councillor Attwell gave apologies as he had to leave at 1 pm.

2. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

3. Minutes of meeting held 18 December 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 18 December 2024 be agreed as a correct record.

Councillor Vernon-Jackson noted that an appeal against refusal for 24 Sussex Road (24/00671/HOU) had been dismissed.

Planning Applications

The Supplementary Matters report (SMAT) and deputations, which are not minuted but can be viewed, are on the council's website at

[Agenda for Planning Committee on Wednesday, 15th January, 2025, 10.30 am Portsmouth City Council](#)

4. 24/00966/FUL 21 Woodpath, Southsea PO5 3DX (AI 4)

Change of use from dwellinghouse (Class C3) to 2-bed assisted living home (Class C2)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report (SMAT).

Deputations

- Kay White and Scarlett Wain, residents, gave a deputation against the application.
- Helen Palmer, Head of Care, Verve Homecare, gave a deputation on behalf of the applicant, in favour of the application.
- Councillors Heaney and Hunt gave deputations against the application.

Members' questions

In response to questions, officers provided the following information as clarification:

- Verve Homecare was commissioned by Hampshire County Council (HCC).
- The staff would be on waking nights and in the sensory / staff room if not needed elsewhere.
- It was not known why that particular property was purchased.
- The Committee had duties to apply both the Human Rights Act 1998 and the Equalities Act 2010 and neither took precedence over the other as they covered different areas. Residents and those cared for both had rights.
- In response to concerns that the boarded-up window and frosted glass was an inhumane environment for the occupant as they had limited daylight, the glazing was obscured and reinforced for the current occupant who was set to move shortly. HCC and the applicant acknowledged the environment was unsuitable for the current occupier but it was an emergency placement. In terms of planning members needed to consider residential amenity but balance it with the need for privacy. With a different occupant and the right care the obscured glazing might not be needed.
- With regard to the boarded-up broken window, lack of maintenance was not a reason to withhold planning permission.
- Fear of crime could be a material consideration though was subject to much case law. Proper management of the premises should ensure that no crime took place. Officers reminded members that they had to consider the use of the building and

not cast judgement on the applicant. They had to work on the basis that the premises would be run by a competent operator.

Members' comments

- Members sympathised with HCC as they realised that external provision was only used as a last resort, which often meant the young people had very substantial needs, were incredibly vulnerable and difficult to manage.
- The lack of thought in placing a distressed young person in the property was shocking. A boarded-up broken window was not acceptable in freezing temperatures and it was possible to have clear rather than glazed strengthened glass. Members were sceptical about the way the provision was managed and there was not enough information about any new occupants though they realised management was an Ofsted issue and not a planning matter.
- A semi-detached property was inappropriate for such provision though officers said it could be soundproofed. Although there were no noise complaints registered with Regulatory Services, issues with noise had been raised at a meeting on 18 October 2023 with HCC, residents and Councillor Heaney, and then passed on to Planning officers.
- The location was inappropriate as it was in a fairly dense residential area and near sheltered accommodation for the elderly.
- There were concerns about traffic, parking and access, especially for emergency vehicles, in what was a narrow one-way street.

Councillor Shah did not participate in the voting as he had not been present for the entire duration of the agenda item.

RESOLVED that the application be refused on the grounds of noise and disturbance to local residents and the fear of crime, and harmful impacts to the highway network, due to the construction of the semi-detached property and its proximity to other neighbours, and the one-way street with limited parking. As such, the proposal conflicts with Policies PCS23 and PCS17 of the adopted Local Plan.

5. 24/00720/PLAREG Kingston House, Netley Road, Southsea PO5 3NB (AI 5)

Change of use of building to form 11 Bedroom 11 person HMO (updated description and plans received).

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report,

Members' questions

In response to questions, the Development Management Lead provided the following information as clarification:

- Some of the rooms could accommodate more than one bed so occupancy could be for more than 11 persons if Licensing agreed standards were met. However, if there were concerns a condition restricting occupancy to 11 persons could be attached.

- The calculation for communal space could be complicated as sites were all different; it could be within one room or spread over a series of rooms. However, the room sizes in the application met and exceeded space standards.

Members' comments

- The previous way of showing how many HMOs were in a 50m radius was clearer as members only needed to see other HMOs; also colours did not show in printed reports. Floor plans would have been helpful in the application.
- The property was an unusual building that had had many uses. If the change of use worked it could benefit the community and occupancy would be lower than with previous use.

RESOLVED

- 1) **That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to a Legal Agreement necessary to secure A) The mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational bird disturbance and nitrates) by securing the payment of financial contributions.**
- 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 two months of the date of this resolution.**

6. 24/01407/VOC 138 Cardiff Road, Portsmouth PO2 8BL (AI 6)

Application to vary condition 2 (approved plans) and condition 7 (occupancy limit), and to remove condition 6 (use of snug) of planning permission 24/01030/FUL

The Head of Development Management introduced the report and pointed out that the permission granted by the Committee on 23 October 2023 still stood and could not be rescinded.

Deputations

- Oliver Gooch, the applicant, made a deputation in favour of the application.
- Councillor Hunt made a deputation against the application.

Members' questions

In response to questions, the Head of Development Management provided the following information as clarification:

- Regarding concerns that it was misleading and confusing to say the floor plans were approved by the Committee on 23 October 2024, officers explained the plans were approved but with a clear condition restricting use of bedroom 6.
- Regarding a suggestion that the shower room next to bedroom 1 could be an ensuite to avoid the occupant being disturbed by other occupants, HMOs needed a set number of bathrooms and WCs, depending on the number of occupants. Officers were not in a position to restrict the arrangement and it was not

considered harmful to have a bathroom next to a bedroom; the first floor bathroom was between two bedrooms and the second floor WC was next to a bedroom. It was a common layout in houses in the city. The first floor bathroom meant occupants would not need to go downstairs.

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

7. 24/01090/FUL 41 Derby Road Portsmouth PO2 8HW (AI 7)

Change of use from a 5-bed/5-person House in Multiple Occupation to a 7-bed/7-person House in Multiple Occupation with alterations to include rear gable extension (with rooflight)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report. The application was unusual in that the proposed increased occupancy did not require planning permission but the external alterations did.

Deputations

- Carianne Wells, the agent, made a deputation in favour of the application.
- Councillor Hunt made a deputation against the application.

Members' questions

In response to questions, the Development Management Lead provided the following information as clarification:

- The proposed external alterations to the appearance of the property could be a material consideration.
- Newer thinner stone mullions would be inserted in the bay window at the front of the building to divide it. The attractiveness of one large pane would be lost but the alterations could be done well. There was already a condition to secure approved alterations for the windows. It would not be a reason for refusal.

Members' comments

- Members were generally uncomfortable with densification and the number of bedrooms squeezed into properties but had to be mindful of the National Planning Policy Framework's position on land supply. The proposal would be an improvement for occupants as it would provide ensuite rooms and extra windows so splitting the bay window was a small negative point. The property was already wider than the adjoining one.
- One member felt the proposal would desecrate a type of house that was not built any more; once they were gone they were gone forever. Bay windows of that style were not designed to be split and it would be out of symmetry with the adjoining house.

RESOLVED to grant conditional permission as set out in the officer's report and the amended condition 2 in the Supplementary Matters report.

8. 24/00478/PLAREG 60A Elm Grove Southsea PO5 1JG (AI 8)

The 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 (resubmission of 24/00065/FUL)

The Head of Development Management introduced the report and drew attention to the Supplementary Matters report.

Members' questions

In response to questions, the Head of Development Management provided the following information as clarification:

- Although the deeds of 2, Woodpath indicated that the 9' wide access path to the service yard was in its ownership, it was not a material consideration. The proposals did not affect the layout or access. It could be that 2, Woodpath had a right of way rather than ownership. Whether the ownership and control of the land for the proposed fence was under 2, Woodpath or the applicant was not for members to decide. If consent was granted, the fence would have to be built on the location specified in the plans and if it was not on land owned by the applicant, it needed the landowner's permission. If it was built elsewhere it was unlawful. Members had to base decisions on the plans they had. Private rights were a separate matter. The Planning Lawyer reiterated that land ownership was not relevant to planning considerations and was not a reason for deferral.
- Condition 3 specified that the fence and trellis should be erected within six months of permission being granted. A condition about storing bins under the canopy was not unreasonable but might be difficult to enforce.

Members' comments

- Although it was not part of the proposals, members requested that enforcement be undertaken against the non-compliance with bin storage at the back of 62, Elm Grove as the area was a disgraceful mess. Consent had been granted for a similar application in February 2024 for the property but if it was not implemented within the timeframe the container would be unlawful.

RESOLVED

- 1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional permission, including a condition that bins be stored under the approved canopy.**
- 2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**

9. 24/01423/CPL 37 Henderson Road Southsea PO4 9JD (AI 9)

Application for a certificate of lawful development for the proposed use as 7-bed/7-person House of multiple occupation (Sui Generis)

The Development Management Lead introduced the report and drew attention to the Supplementary Matters report.

Deputations

- Joel Walker, the applicant, made a deputation in favour of the application. He had applied for Certificate of Lawful Development (CLD) as it was quicker and would save Portsmouth residents from the costs of an unnecessary appeal.

Members' questions

In response to questions, officers provided the following information as clarification:

- Members were being asked if an extra person with an increase of six to seven occupants was a material change of use requiring planning permission. In this case they were not applying a blanket assessment nor applying the HMO SPD (Supplementary Planning Document). CLDs were usually decided by officers as they were a technical matter. If they considered the increase did not require planning permission, they must grant the Certificate. If they considered the increase did require planning permission, they must refuse the Certificate.
- Officers explained the difference between a planning application and a CLD. Although small domestic extensions might not require planning permission, some people applied for a CLD as they thought the formal confirmation would be helpful, for example, when they sold the property. The planning authority could not decide on an extension's merits, only if it was lawful or not. In this case members were simply being asked to consider if one extra person was a matter that needed planning permission or not, and if not, there had to be reasons given.
- The Planning Lawyer reminded members their role was to determine S192 of the Town & Country Planning Act 1990; they could not ask the applicant to make a planning application. In response to concerns that a precedent might be set, members had to consider each CLD on the facts and in accordance with legislation so therefore a precedent could not be set.

Members' comments

- The application was unusual as increases in numbers of occupants from six to seven persons in HMOs were usually requested via a planning application; with an application for a CLD members could not make a judgement whether planning permission should be granted or not, albeit that members usually recommended approval if an application met the criteria.
- There was no information on room sizes or communal areas in the application.

RESOLVED that the Certificate of Lawfulness be granted.

The meeting concluded at 1.30 pm.

Signed by the Chair of the meeting
Councillor Gerald Vernon-Jackson CBE

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