

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 19 June 2019 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Judith Smyth (Chair)
Matthew Atkins
Suzy Horton
Lee Hunt
Donna Jones
Terry Norton
Steve Pitt
Rob Wood

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.

54. Apologies for absence

Apologies for absence had been received from Councillors Hugh Mason (Chair) and Claire Udy. In the absence of the Chair Councillor Smyth (Vice-Chair) would chair the meeting. Cllr Rob Wood was attending as Cllr Hugh Mason's standing deputy.

55. Declaration of Members' Interests

Item 6

Councillor Pitt explained for sake of transparency that the applicant for item 6 had asked to meet him the following day on a different matter unrelated to the planning application. Councillor Pitt has had no prior knowledge or contact with the applicant.

Councillor Jones declared a personal, non-prejudicial interest as she knew of the applicant as a casual acquaintance.

56. Minutes of the previous meeting

RESOLVED that the minutes of the Planning Committee held on 23 May 2019 be agreed as a correct record and signed by the chair. Although Councillor Smyth had not been present at the previous meeting a motion in favour of her signing the minutes was approved.

57. Updates on Previous Planning Applications

In response to a question from members the Development Manager explained the Planning Inspector had dismissed an appeal following a refusal for a sui generis house of multiple occupation (HMO) on the grounds of the adverse impact it would have on the character of a residential area, even though there were already a few HMOs there. The decision shows the council's planning policy can withstand challenges. A copy of the decision is available from officers.

58. Chair's Notices

Members noted the dates of the Planning Committee for the remainder of the year (all on Wednesdays at 1 pm) - 17 July, 14 August, 11 September, 9 October, 6 November, 4 December.

59. 19/00017/FUL - Connaught Arms, 119 Guildford Road, Portsmouth, PO1 5EA

Change of use from Class A4 (drinking establishment) to Class A1 (shop) to include external alterations to the shop front and construction of a single storey rear extension.

The Planning Officer introduced the report.

A deputation against the application was made by Councillor Dave Ashmore, ward councillor, who felt the proposal for a shop was unsuitable in a residential area, leading to more traffic, and that the building should be used for more homes.

Members' questions

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

- Two previous applications had been refused. The first application had been refused because of the scale of the extension and the design of its roof and the appearance of the roller shutters. An appeal against refusal had been dismissed although the Planning Inspector had no objection to the principle of the extension. The second application incorporating a smaller extension with a pitched roof was refused (prior to the Inspector's decision in the first application being issued) because of the scale of the extension and the roof design.
- The present application is the first time a change of use has been applied for. Permitted development rights permitting conversion to an A1 shop use expired in 2017.
- There is a rear service yard with vehicular access.
- The proposed application would require altering the windows and cutting through existing sandstone brickwork. The proposed design aims to keep the vertical

emphasis of the windows in the building's appearance. The building is not listed nor is it in a conservation area.

- The pitch of the proposed roof is 250 mm higher than the flat roof that was part of the application which was dismissed on appeal. The Inspector allowed a flat roof for the first application, but that did not preclude the opportunity for a pitched roof design, which officers considered could be a visual improvement as part of this new application.
- Members have to make a balanced decision. In officers' views the proposal still maintains the building's architectural features. The building currently has lawful use as a pub and could be used as a pub again entailing the disturbance associated with pubs.
- There is highly likely to be refrigeration and cooling equipment 24/7 although the applicant has not stated where this will be sited. This is why Environmental Health have recommended conditions in order to mitigate noise.
- The Highways Engineer has not lodged any objections on the grounds of safety. There are no specific controls or conditions around parking; cars would use surrounding roads.

Members' comments

During the discussion members made the following observations:

- A shop has a different pattern of deliveries from a pub. There may only be a weekly delivery with a pub whereas a shop selling fresh produce can have daily deliveries by several refrigerated lorries, the number of lorries depending on if it is a chain or not. The footfall with a shop is different from that of a pub. Furthermore, residents have recourse to the Licensing laws if there is disturbance from a pub.
- Policy PCS23 of the Portsmouth Plan covers the design, character and historical context of buildings in Portsmouth. The proposed shop will be very big with a large frontage and will substantially change residents' street scene in an area where there is already a shop. Replacing the windows with modern materials does not meet the requirement of Policy PCS23. The replacement windows would be an unsympathetic feature not in keeping with the unique architectural quality of the former pub and would detract from the street scene.
- Paragraph 91 of the National Planning Policy Framework refers to healthy, inclusive and safe places which promote social interaction. Even though the proposal is a good design for a shop on balance it is not appropriate in the area.
- The application may result in more trucks in the area; however, parking is an issue in most parts of Portsmouth. The proposed opening hours of 7 am to 9 pm seem reasonable. Empty buildings need to be used and the building will improve if it is used and occupied. It would be good to see the rest of the building being used for homes. Members need to consider the expense to taxpayers and the council if there was an appeal against refusal.
- Concern was expressed about the negative impact of noise and air quality from refrigeration and increased traffic. The area has a complex road system. Refusal could be considered on the grounds of amenity.
- Members discussed proposing refusal on the grounds that the application contravenes Policy PCS23. However, it was questioned if refusal on the grounds of contravention of PCS23 could be upheld and it was felt an appeal could not be risked.

Response from officers

In response to members' comments Planning officers advised:

- It is acknowledged there are differences between pubs and shops. There is an interplay between the use and character of an area.
- The building will be more attractive when it is renovated and re-used. It will still be a publicly accessible building and the overall character and majority of points of character will be maintained. The vertical emphasis of the windows will be maintained as they will not be cut across. The recess for the main door will still be fairly deep and will retain its architectural depth and shadowing. However, the window lights either side of the door would be lost.
- If the application is approved members could impose conditions relating to delivery times (there are currently no restrictions).
- Although members need to consider visual impact and the building's prominence in the street scene it is not listed nor does it have any statutory protection. Members need to have specific reasons and strong arguments for refusal.
- The council has a fiduciary duty regarding public finances. It has to consider if it could be deemed as acting unreasonably. Members can form an opinion contrary to that of officers if they think the design of the windows would cause harm. Not all cases attract costs; in fact, a case can be dismissed and the council can still have costs awarded against it if it is considered to have acted unreasonably.
- If members were minded to refuse the application on visual amenity grounds then this would be a subjective decision and as such not likely to attract a case of costs as forming an opinion contrary to an officer recommendation is not acting unreasonably. There are no policy grounds for refusal on change of use as the application is fully compliant with use from the perspective of the Portsmouth Plan. Refusal on change of use would be difficult to sustain at appeal.

Motion for deferral

Some members noted the report, in particular the section from the Highways Engineer, does not mention the Harbour School, which is due to re-open as a satellite of the Mary Rose School, and will have a different category of children. This could entail more traffic in the area as children with special needs and disabilities have more transport needs. The junction in the area is complex and dangerous. As it was unclear if the report had been written with knowledge or consideration of the re-opening of the Harbour School a motion to defer the meeting was proposed in order to gain more information to clarify the situation.

The Legal Advisor advised that a motion for deferral takes precedence over motions for or against proposals or any other matters. If members feel they do not have enough information on which to make a decision they can defer the business to a subsequent meeting. The Legal Advisor offered to send members a guidance note explaining precedence of actions at meetings.

There were no seconders for the proposal to defer the meeting so the motion fell.

A motion to refuse the application was defeated.

A motion to approve the application in accordance with the officers' recommendation was approved with the Chair exercising a casting vote in favour of granting permission.

RESOLVED that conditional permission be granted.

60. Water Quality Issues in the Solent Catchment Area and Planning Decisions

The Committee noted the report which had been presented to the Cabinet on 11 June. Planning officers advised they were working with PUSH and other local authorities to identify solutions and will keep the Committee updated. The Committee needs to be involved as a sounding board and is encouraged to challenge as the matter progresses. A PUSH lead planning officers meeting is being held the following day which will give officers the opportunity to see why other local authorities (Havant Borough Council and Southampton City Council) have decided to proceed at risk with planning applications.

61. Planning Training

The Chair and officers reminded members of the training sessions on Tuesday 25 June and Thursday 18 July (both 9.15 am to 4.30 pm). Members only need to attend one session. It may be possible to attend the morning of one session and the afternoon of the other if it suits members' other commitments.

The meeting concluded at 2.40 pm.