

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 September 2019 at 1.00 pm in the 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 Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Suzy Horton
Lee Hunt
Donna Jones
Luke Stubbs
Claire Udy
Robert New (Standing Deputy)
Scott Payter-Harris (Standing Deputy)
Gerald Vernon-Jackson (Standing Deputy)

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.

71. Apologies (AI 1)

Apologies for absence had been received from Councillors Matthew Atkins, Terry Norton and Steve Pitt. Councillor Robert New attended as Councillor Atkins' standing deputy, Councillor Scott Payter-Harris attended as Councillor Norton's standing deputy and Councillor Gerald Vernon-Jackson attended as Councillor Pitt's standing deputy. Councillor Hunt apologised that he would need to leave before the end of the meeting around 3 pm.

72. Declaration of Members' Interests (AI 2)

Declaration of Members' Interests

19/00885/FUL - Mayfield School, Mayfield Road, Portsmouth, PO2 0RH

Councillor New said he represents Copnor ward but this does not preclude him from being able to vote unless he makes a deputation. Councillor Horton declared a personal interest as she is the Cabinet Member for Education and had been featured in the press speaking about the school. She had taken legal advice and would not participate in the discussion so as to avoid issues of predetermination. However, she can speak on the application and then leave the room. Councillor Jones explained

she has a personal and non-pecuniary interest as Councillor Norton works at Mayfield School; he is employed by the school albeit via an agency.

18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF

Councillor Jones declared a personal and non-pecuniary interest as she had known one of the residents making a deputation, Mr Bray, many years ago.

73. Minutes of the previous meeting held on 14 August 2019 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 14 August 2019 be approved as a correct record to be signed by the Chair subject to the amendment that Councillor Udy's first name is spelt Claire.

74. Updates on previous planning applications (AI 4)

Sim Manley, Development Manager, gave the following updates on appeals:

- An appeal at 31 Hatfield Road-was dismissed as the box dormer on the extension was deemed to be obtrusive.
- An appeal at 146 St. Andrews Road was dismissed due to the impact of the extension on neighbours.
- A refusal for change of use from C3 to C4 at 37a Stanley Avenue due to the substandard room sizes, particularly for the bathroom, was overturned on appeal by the Inspector despite the bathroom being 0.4 m² below the recommended size.
- A refusal for change of a variation of condition in an HMO (19 Powerscourt Road) from 7 to 8 occupants due to the poor quality of the alternative living space was upheld as the basement area did not offer adequate provision for the amenity of the future occupier; a case of costs submitted against the council was also dismissed.

75. Update on nitrates (AI 5)

Sim Manley, Development Manager, explained a proposal was presented at the Cabinet and was approved subject to calculations being worked out and hopefully would be in workable form in October 2019. In response to questions from members he clarified that

- The council's approach is a different to the PUSH approach; it is an interim measure while PUSH develop a more strategic approach. There is a delay in working out calculations and the council is working with PUSH to see how they can support other local authorities if they have capacity to help.
- The council has sufficient credits to move forward, possibly for up to three years up to the point of occupation which is where nitrates are generated, including with larger scale developments. If there is a surge in applications they may have to wait if not enough credits have been generated for mitigation.
- The Ministry of Housing, Communities and Local Government (MHCLG) have been liaising with the council and have asked for numbers of delayed applications.

Cllr Jones reported she had discussed nitrates with Penny Mordaunt MP and the Secretary of State for MHCLG recently where she emphasised the unique situation in Portsmouth due to the effects of pig farming in the Meon Valley and Portsmouth Harbour's geography. Simon Gallagher, Head of Planning Policy for Local Government, also present, advised ministers would speak to Defra as he is aware of the impact on house building in the PUSH area. Working with the water boards will be a key feature as Defra's help will be needed.

Sim Manley advised ministers had met councils in the PUSH area so they were aware of the situation. However, there are numerous issues with nitrates, for example, discharge rates through water companies as well as those caused by farming.

Chair's Notices

The Chair thanked Sim Manley for his sound advice over the last 18 months which has greatly benefited the Committee. On behalf of the Committee he wished Mr Manley well in his new post in Newcastle-under-Lyme.

Supplementary matters

The Chair proposed a five-minute adjournment to allow members to read the supplementary matters list. At 1.25 pm Councillor Horton moved to the back of the room.

76. 19/00885/FUL - Mayfield School, Mayfield Road, Portsmouth, PO2 0RH (AI 6)

Construction (including part retention) of part two/part three storey school building (to the east of the site); single storey extension to existing dance studio to form nursery; with associated landscaping, land remediation, boundary treatments, parking and cycle storage (following phased demolition of existing school buildings upon completion of the new school)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

- Two new additional representations objecting to the application
- Matters raised by Highways
The Applicant has confirmed that no change to either the staffing or child capacity in the on-site nursery are proposed as a part of this application. In that light there is no need to undertake a parking survey to establish whether or not there is capacity on street to accommodate any potential increase, as such the LHA would not wish to raise a highway objection to this application.
- Matters raised by Natural England
Following receipt of the Ecological Appraisal (further bat survey) Natural England state that there do not appear to be any issues that cannot be appropriately dealt with by securing the required mitigation and enhancements contained within section 5 of the August 2019 Ecological Appraisal and Phase 1 & 2 bats report, through a condition on any permission. Therefore Natural England raise no objection to the application, subject to securing said mitigation and enhancement. Condition 16 already addresses the matter.

- Matters raised by Sport England
Sport England have confirmed that they are content for the LPA to proceed without a condition restricting the use of the sports pitch. It is considered that the condition does not meet the statutory tests.
- Amended conditions - *Due to the specific and important phasing requirements of the development, the majority of the conditions have required adjustment following publication of the Agenda. The Decision Notice, attached, sets out the amended conditions.*

Deputations are not minuted in full but are recorded as part of the webcast of the meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-11Sep2019>

Deputations in support of the application were made by:

- Caroline Corcoran, Head of Sufficiency, Participation & Resources, Education Service, Portsmouth City Council
- Daniel Wiseman, the applicant's agent

A deputation against the application was made by Ryan Taylor.

Councillor Horton made a deputation in support of the application then left the room at 2 pm.

Members' questions

In response to questions from members Planning Officers clarified the following points:

- Building Control are responsible for safety and any concerns over flammable cladding.
- The applicant is aware of concerns over contamination issues, particularly over asbestos. The applicant had been required to re-examine the matter and took samples over the summer, mainly from the East Field, in order to inform the application. The next phase, if consent is granted, is further testing and investigations which are submitted to the Contaminated Land Team with a clear remediation strategy, if one is necessary. Then there will be a second round of testing prior to demolition.
- The application presented today is the one members have to determine. The assessment of the impact of the building (which is a non-designated heritage asset) is independent from the financial (funding) aspect. Planning officers have assessed the building on its merits and retention against the wider public benefit. It is regrettable that the original building cannot be kept but the wider public benefit is deemed to outweigh the loss.
- The new building has better insulation, is more energy efficient, makes more re-use of existing materials, has improved thermal ratings and decreased artificial lighting. It will use responsible construction methods and have an updated travel plan. Existing carbon emissions are unknown but the important point is to meet new standards.

Members' comments

- It is regrettable and disappointing that the current building will be lost as it is part of Portsmouth's history and valued landscape, particularly the frontage, though keeping the archway is a nice touch. Many new buildings look alike and designs lack imagination, for example, schools are all three storeys and the building a new school will generate carbon. There are concerns that future developments for new schools could require demolition of the old one.
- However, if new designs are proven to work it will save costs by sharing good practice.
- Members have to balance the application against advice received on educational attainment.
- The application has been significantly improved since a bid for funding was submitted in 2014. PCS23 enables the city to have building of this size as a community benefit in a residential area.
- Members appreciated parking is an issue and suggested that pockets of space could be used, for example, for more bikes or if a disabled space is needed.
- Innovative features such as solar panels and wind catchers to cool the building will reduce its carbon footprint.
- The new school seems an exciting development for young people. It will enhance education in Portsmouth and together with extra-curricular activity will give the local community a focus and could open up new career pathways.
- Members thanked all those involved in the application. The school has an outstanding headteacher and senior management team.

RESOLVED that conditional permission be granted.

Councillor Horton rejoined the meeting at 2.25 pm.

77. 18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF (AI 7)

18/01634/FUL - Fontenoy House, Grand Parade, Portsmouth, PO1 2NF

Construction of additional two stories to form one dwellinghouse (Class C3); extension to existing external fire escape; and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising of parapet walls

Construction of additional two stories to form one dwellinghouse (Class C3); extension to existing external fire escape; and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising of parapet walls

The Planning Officer presented the report.

Deputations against the application were made by the following residents

- Graeme Swinburne on behalf of FOOPA (Friends of Old Portsmouth Association)
- Jonathan Clapham
- Richard Bray
- Richard Blair
- Terry Henderson

Deputations were made in support of the application by

- Anthony Knight, Chair of the Fontenoy House Leaseholders Group
- Jason and Kate Phillips, the applicants, who distributed information in support of the application

Councillor Tom Wood, ward councillor, made a deputation against the application.

Members' Questions

In response to questions from members Planning Officers clarified the following points:

- If officers had felt a refusal was unsustainable on appeal they would not have submitted the application with a recommendation for refusal to the Committee.
- The colour of bricks can sometimes vary on different screens or types of paper. If permission was granted then materials (bricks, glass, window frames) would have to be approved and there would be detailed discussion with the applicants. Members need not be distracted by minor variations.
- The windows have a dark frame and it was acknowledged there is a minor concern over the new treatment of the building's façade; most of the windows in the area have white frames.
- There have been discussions over a long period and concerns were expressed over a two-storey development but pre-application discussions are without prejudice so members have to consider the application as it is presented today.
- Brick slips are secondary to the main concerns but any slips that are used need to be good quality and be able to withstand weathering.

Members' Comments

- The application does not relate to PCS23, for example, the requirements for "excellent architectural quality", "the geography and history of Portsmouth" and "the protection and enhancement of the historic townscape."
- The dark colours in the design and the mass of the building are unattractive.
- Fontenay House is not a particularly attractive building and could be significantly enhanced.
- The application could not be supported as it stands today but further discussion and negotiation might enable the application to be supported so deferral could be considered. It was suggested the applicants could have had better advice before re-submitting the application.
- A one-storey extension might be acceptable but that change is too big to be considered for a deferral so a new application would have to be submitted.
- A refusal could be lost on appeal in view of Historic England's comments so deferral may not necessarily help the applicants. However, members have to assess the application on the information in front of them and not on what they think the Planning Inspector might do.

RESOLVED that permission be refused.

REASONS

Members agreed with officers' recommendations for refusal, particularly the first and second reasons regarding the additional bulk, mass, height and incongruous design,

which do not respect local heritage and are substantive matters in a very sensitive area. The third reason for refusal regarding concerns over the extraction system at the Wellington public house could be addressed further in any further discussions or appeal. The fourth reason regarding effects on the harbours is the least important one and could be resolved technically if consent was given.

Councillors Hunt and Vernon-Jackson left the meeting at 3.25 pm

78. 19/00960/FUL - 42 Beaulieu Road, Portsmouth, PO2 0DN (AI 8)

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

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

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

Condition 3 of the recommended permission stating; "The premises shall not be occupied by more than four persons", is to be removed. It is noted that the property as a C3 residential dwelling could be occupied by multiple persons, and a C4 allows occupation of up to 6 persons. Therefore it would be unreasonable to limit this permission to 4 persons.

Mr McGee, a resident, made a deputation against the application.

Nuria Perez Alcantara and Andrew [surname not given], the applicants, made a deputation in support of the application and distributed photographs of the property.

Members' Questions

In response to questions from members Planning Officers and the Legal Advisor clarified the following points:

- Condition 3 was removed due to confusion with larger HMO's which have their own class (sui generis) and conditions are imposed on an individual basis. However, with classes C3 and C4 occupation is already limited by legislation to six people if the property is being used as HMO. Officers apologised for the error.
- Issues such as single rooms being used as doubles is matter for Licensing.
- Nitrates are not an issue as C4 use will generate no more than with the current lawful C3 use.

As there were no comments the Chair made the proposal to agree with officers' recommendations to grant conditional permission; as the proposal was from the Chair there was no need for a seconder. He noted that several decisions on similar applications have been overturned by the Planning Inspectorate but this consideration should not undermine members' decision making.

RESOLVED that conditional permission be granted.

79. 19/00510/FUL - Land to rear of 76 Vernon Road, Portsmouth, PO3 5DS (AI 9)

19/00510/FUL - Land to rear of 76 Vernon Road, Portsmouth, PO3 5DS

Construction of seven garages and one storage building (following demolition of existing outbuildings) and the construction of a fence

RESOLVED that the application be deferred.

80. 19/00692/HOU - 13 Lower Drayton Lane, Portsmouth, PO6 2EL (AI 10)

Single storey rear extension to terraced house

The Planning Officer presented the report.

David Everett, a resident, made a deputation against the application.

Members' Questions

In response to questions from members Planning Officers clarified the following points:

- Under permitted development rights an extension could be 3 metres in depth and 4 metres in height. The height is 1 metre lower than in the previous application.
- Mr Everett's property is to the north of the applicant's property.
- The height of the extension has been reduced but not the pitch.
- Alternatives such as a mono pitch cannot be considered as members can only consider the application which is in front of them and which has been submitted in response to refusal of the previous application.
- The previous and current applications propose building beyond that which the permitted development rights allow, hence the need for planning permission.
- The Legal Advisor explained the Town & Country (General Permitted Development (England) Order 2015 permits people to make small extensions without needing planning consent but is distinct from any subsequent refusal for planning permission that has been considered by the committee.

Members' Comments

- Mr Everett's concerns are understandable and it is a difficult decision.
- Taking into account the width and height of the house it is a large extension and would be detrimental to Mr Everett's property.

RESOLVED that permission be refused.

REASONS

The proposed development by reason of its size and design would be detrimental to the amenities of the occupiers of no.11 in terms of loss of outlook and light, increased sense of enclosure and overshadowing.

81. 19/00726/PLAREG - 12 Glenthorne Road, Portsmouth, PO3 5DN (AI 11)

Retrospective application for the retention of outbuilding to rear garden (description amended 27/06/19)

The Planning Officer presented the report and drew members' attention to the supplementary matters which reported:

The additional comment requires the developer to comply with the advice given by Network Rail to ensure the safe operation of the railway and protection of Network Rail's adjoining land. The comment addresses matters such as encroachment onto Network Rail land, future maintenance, landscaping and drainage.

Deputations were made by:

- Patrick McManus, a resident, against the application.
- Matthew Hawnt, the applicant, in support of the application.

Members' Questions

In response to questions from members Planning Officers clarified that the comment from Network Rail is a standard item in that they have to be consulted when the property is within 10 metres of railway land in case there are any concerns over matters such as safety, drainage, encroachment or maintenance.

Members' Comments

The intention behind the outbuilding is admirable and it is a pity the matter has come to a formal Committee.

RESOLVED that conditional permission be granted.

Councillor Jones left the meeting at 4.35 pm.

82. 19/00962/HOU - 13 Boston Road, Portsmouth, PO6 3LG (AI 12)

Construction of part single storey/part two storey rear extension after removal of existing rear extension

The Planning Officer presented the report.

There were no questions or comments from members.

RESOLVED that conditional permission be granted.

The meeting concluded at 4.45 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason