

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 November 2019 at 1pm 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

Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Matthew Atkins
Steve Pitt
Terry Norton
Claire Udy

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.

91. Apologies (AI 1)

Apologies for absence had been received from Councillors Lee Hunt, Donna Jones, Lynne Stagg and Luke Stubbs.

92. Declaration of Members' Interests (AI 2)

No interests were declared.

93. Minutes of the previous meeting held on 9 October 2019 (AI 3)

RESOLVED that the minutes of the meeting held on 9 October 2019 be approved as a correct record to be signed by the Chair.

94. Updates on previous planning applications (AI 4)

The Development Management Lead reported that:

25 Battenberg Avenue - retrospective application for a front dormer.

The Inspector upheld the delegated decision to refuse this application on the grounds that it is too large and intrusive. Applications for a front dormer have now been refused three times.

29 Marmion Road - application for a rear extractor duct on the future café/restaurant.

The Inspector overturned the committee's decision to refuse the application on the grounds that there is a variety of design, age and uses of buildings in the conservation area; on balance the arrangement at the rear of the building was utilitarian but functional and that the fenestration would remain the dominant feature. The material would be the same colour as the render. It would be a more discreet location in respect to the conservation area and the main drag on Marmion Road.

95. Updates on nitrates (AI 5)

This item was discussed at the end of the meeting.

The Assistant Director Planning & Economic Growth reported that the Mitigation Strategy had been drafted and was currently with Natural England the key statutory body whose support the council is seeking. They have assured the council that their comments would be submitted by Friday. Members would then be notified before it can be used towards the end of this month.

In response to questions from the committee, he explained that planning permissions are on track to be considered by the end of the month but it could be at the start of December. It was agreed that a brief note be provided to all Planning Committee, if the information from Natural England is received on Friday.

96. 19/00762/FUL - 104 Elm Grove, Southsea PO5 1LP - Change of use from retail (Class A1) to restaurant/ café (class A3) to include installation of extraction system to the rear. (AI 6)

The Planning Officer introduced the application.

Deputations are not minuted, but can be viewed as part of the webcast of the meeting:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=157&MId=4247&Ver=4>

Robert Levin, the freeholder of the premises and Mr Essa, the applicant gave deputations in favour of the application.

Members' Questions.

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

- Decisions made at the Planning Committee do not impact on any future decisions.
- The nearby Coop is currently open.
- The premises at number 104 was open when the application was submitted. Now the business at number 106 appears to have expanded into number 104.
- The premises at 110 and 112 are excluded from the Primary Frontage policy.
- The reasons for the boundaries for the policy are not recorded.
- The rationale for the policy is set out in the preamble to the Local Plan. It explains that each local centre has different needs and thresholds for the varying uses.
- Many factors influence the success of business including many nuances: how that particular sector is fairing; customer care; price points etc.
- The number of vacant premises is low in this primary frontage and indicates that it is relatively healthy.
- There are currently two vacant premises in this primary frontage: one is being renovated and is expected to reopen shortly and the other was a cake shop which moved recently for business reasons.
- The low level of vacancies and the re-occupation of nos. 106 and 104 suggests that there is a demand for small units with class A1 use.

- When an application for a change of use is granted, the records are updated. Once a year officers walk down the road to monitor the uses and any anomalies are investigated.

In response to a question, the Chair explained that the committee deviated from policy once before to grant a change in use to the Salvation Army Café in Albert Road from class A1 to A3. This was due to the nature of the service provided in addition to food.

In response to questions, Mr Levin explained that the premises at 104-108 has been leased to several businesses that then failed including Blockbuster, Morrisons and My Local and the business at 104 is not expanding into 106 as stated by the Planning Officer. These are separate businesses.

Members' Comments.

The Chair reminded members that if they were considering departing from the policy, clear grounds would need to be given.

Members raised the following points during the discussion that followed:

- There are no grounds to divert from the policy and it would be unfair to other applicants if they did so.
- As stated in page 16 of the report, the applicant has not provided evidence of how he marketed the premises.
- There is a high turnover of businesses in that area. A1 businesses are still being opened. This justifies protecting the proportion of A1 use.

RESVOLED that the application be refused.

REASONS

The proposed change of use from Class A1 to Class A3 (Café/ Restaurant) would result in an over-concentration of non-shopping uses that would be detrimental to the vitality and viability of the district centre. The proposal is therefore contrary to Policy PCS8 of the Portsmouth Plan (2012) and the guidance contained within the National Planning Policy Framework (NPPF 2019).

97. 19/01047/FUL - Flat 1, 82A High Street, Portsmouth PO6 3AJ - change of use from residential (class C3) to residential/ house in multiple occupation (class C3/C4) mixed use (A1 7)

The Planning Officer introduced the application.

Members' Questions.

In response to questions, the following points were clarified:

- Access to the patio area is through the side door and along the alleyway on the side of the building.
- The shop continues upstairs.
- The bathroom and bedroom sizes are very similar to those in a previous application that had been refused but subsequently allowed by the Inspector who said that the smaller sizes did not necessarily mean unsatisfactory living conditions.

- No discussions had been held between the officers and applicant regarding extending the bathroom. It was considered by officers but they felt that tenants spend longer in the bedroom and therefore it would be better to have an inbuilt cupboard in the bedroom.
- They did not notice any window in the cupboard during the site visit.

Members' Comments.

During the discussion, members expressed concern regarding bathroom and bedroom sizes and noted that the tenant in the third bedroom has to go upstairs to use the small bathroom

However, it was also noted that the kitchen and dining room sizes complied with guidelines and the bathroom was only marginally smaller.

RESOVLED that the application be approved subject to the conditions set out in the officers' report.

Signed by the Chair of the meeting
Councillor Hugh Mason