

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 18 December 2019 at 10.00 am 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)
 Matthew Atkins
 Steve Pitt
 Lee Hunt
 Donna Jones
 Terry Norton
 Luke Stubbs
 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.

113. Apologies (AI 1)

Apologies for lateness were received from Cllr Pitt who had an emergency at home. Apologies for absence were received from Cllr Vernon-Jackson (not reported at the meeting as the email was not seen until after the meeting).
Councillor Udy apologised that she would need to leave the meeting at 3pm.

114. Declaration of Members' Interests (AI 2)

Councillor Donna Jones declared a pecuniary interest in planning application 3, 43 Eastern Parade and left the room for the discussion of this item.

115. Update on previous planning applications (AI 3)

The Head of Development Management explained that since the last Planning Committee there were eight decisions received from the Planning Inspectorate, which were made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007, against the Council's refusal of advert consent for internally illuminated advertisements. Out of the eight, the council had appeals against two decisions dismissed and six allowed. A key

consideration of the Planning Inspector was to do with the nature of the immediate context of the sites where the adverts would be placed. Considering most were in strong commercially oriented sites, the Planning Inspector took the view that the additional signage would create no adverse visual impact on the street scene or immediate surroundings.

In addition there were three further decisions on householder applications received from the Planning Inspectorate, which were made under section 78 of the Town and Country Planning Act 1990 against the Council's refusal to grant planning permission. One of these was dismissed and two were allowed. Officers will reflect on the key issues arising from these and will ensure they aim for at least 80% in terms of decisions.

116. Update on nitrates (AI 4)

The Assistant Director Planning & Economic Growth informed members that the interim mitigation strategy had been agreed by the Cabinet Member for Culture & City Development on 29 November and officers were using this when making decisions on planning applications. As decisions are made, appropriate assessments are written up and sent to Natural England and officers await their individual comments on each application assessment. Officers continue to support the strategy and this was indicated in the recommendations within the committee reports before members today.

117. 18/01433/FUL - 90A Compton Road, Portsmouth PO2 0SR - Construction of six dwellinghouses with associated parking and installation of dropped kerbs to provide vehicular access onto Compton Road (following demolition of existing site buildings) (report item 1) (AI 5)

The Planning Officer introduced the application.

Mr Martin Hooper and Mr Martin Lewis, both of Compton Road, made deputations objecting to the application. Mr Lewis was also the former scout leader.

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

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions.

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

- The density on this land is 68 dwellings per hectare. Officers look at having around 40 dwellings per hectare as a minimum. Officers consider the character and grain of the local area when making their decisions.
- The footpath is currently not a recognised public right of way but an application for this is being considered. This is dealt with separately under different legislation and is not something that can be considered today. If it does become a public right of way the owners would have a duty to redirect it. Officers advised that the committee should be mindful of the footpath but as there is an additional route officers were satisfied there were no significant adverse implications, should it be identified as a public right of way.

- If a public right of way was already established a condition could be imposed to say there must be a footpath, but the application was still in progress. It was reasonable to assume that a public right of way on this site will be established. It was not for the planning committee to co-opt that legislative function.
- The Local Plan is still the primary policy the committee should be considering when making their decision. The application should be assessed by looking at the National Planning Policy Framework as a whole and significant weight needs to be given to housing need in the city and the lack of a 5 year housing supply. It is about how the policies are applied and it is always a case of judgement.
- The Council's parking requirement is two spaces per dwelling. The lines on the plan were to indicate that there is some on street parking. A different design with a smaller house could potentially allow for two parking spaces on the site, rather than one.
- With reference to concerns raised in the deputations about noise during the construction phase, the officer explained that condition 11 was for a construction management plan which must be submitted for approval prior to development commencing.
- With regard to the overlooking issues raised by one of the deputees, officers had made an assessment of the separation distances between buildings and there was a distance of approximately 16m between the front of the dwellings and those to the north, which was considered sufficient distance to prevent any adverse impact in terms of overlooking.
- The ownership of the scout hut was not a planning consideration as this was privately owned.
- On the plans, the white areas were counter space inside the building and outside parking space, green were reception rooms and blue areas were non habitable space.
- Individual equality impact assessments are not carried out for individual planning applications.

In response to a question from members, Mr Lewis explained that the scout hut was closed and some of the scouts who formerly used the scout hut had amalgamated with the 104th scout group in Hilsea. The scout hut was currently being used as storage since it had been closed.

Members' Comments

During the discussion members' generally felt that this was a good scheme and would provide much needed housing, but were concerned with the potential loss of footpath from Compton Road to Battensburg Avenue. It was noted that the site was close to Cliffdale Primary Academy, a special school and losing access to the footpath would be a huge change of routine to pupils, particularly if they have complex learning difficulties. It was noted however that there was a reasonable likelihood that the footpath would remain.

Members' were also concerned that the proposal did not meet parking standards and residents would lose the on street parking currently available in front of the scout hut. Some members felt that it would have been better to have smaller houses to allow for two parking spaces for each dwelling. The committee were very sympathetic to the views of the local residents and were disappointed that the applicant had not

spoken with residents prior to making the application, as this may have alleviated some of their concerns. Members noted that there would be an impact on residential amenity but felt that this was not significant enough to warrant refusal.

RESOLVED

- (1) Delegated authority was granted to the Assistant Director Planning & Economic Growth to grant conditional permission subject to the completion of a legal agreement to secure the development as nutrient-neutral and mitigation in line with Solent Recreation Mitigation Strategy.**
- (2) Delegated authority was granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;**
- (3) Delegated authority was granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a legal agreement to secure the development as nutrient-neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation 1 has not been completed within three months of the**

118. 19/01193/HOU - 33 Castle Road, Southsea PO5 3DE - Construction of two storey rear extension plus enlargement of existing basement and replacement windows and doors to front (report item 2) (AI 6)

The planning officer introduced the report and report and informed members of the following supplementary matters:

- 1. Policy PCS23 (Design and Conservation) of the Portsmouth Plan should be referred to within the Policy Context section. Policy PCS13 (A Greener Portsmouth) quoted is not relevant to this application.*
- 2. Following the receipt of amended floor plan drawings (to correct an error in the depth of the existing first floor rear projection shown at no.35), Condition 2 (approved plans) is to be updated to read as follows:*

Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Proposed Block Plan drawing no.431.P100_B, Proposed Floor and Roof Plan drawing no.431.P101_C (received 11/12/19), Proposed Elevations drawing no.431.P102_D, sash window, front door and basement door details (431.Keene) received 3 October 2019 and French door details for rear extension (431.Keene) received 10 October 2019.

Deputations were heard from Mr Sharman and Mr Anderson, neighbouring residents objecting to the proposal and Mr Moser the agent speaking in support of the application. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the Planning Officers clarified the following points:

- Officers clarified on the photographs where the rear extension would extend to. The rear extension will be in line with the rear extension of number 31. On the southern side the extension will extend 2.2m further than the neighbour's bathroom extension.
- There is a condition to ensure that all windows in the bathroom in the first floor extension will be obscured glazed and must be permanently maintained thereafter, as indicated in condition 4.

Members' Comments

Members' felt that the neighbouring properties had previously had significant extensions and the authority would leave itself in a difficult situation if it were to refuse the application. Some members felt that with the proposed extension coming out a further 2.2m this would create a sense of enclosure for the neighbouring property.

RESOLVED that the application be granted conditional permission subject to the conditions outlines in the planning officer's report.

119. 19/01232/HOU - 43 Eastern Parade, Southsea PO4 9RE - construction of two storey garage at rear of property (following demolition of existing garage) (description amended 30/10/19 and amended plan received 30/10/19) (report item 3) (AI 7)

(Councillor Jones left the room for the discussion of this item due to her pecuniary interest).

The planning officer introduced the report and report and informed members of the following supplementary matters:

One further representation has been received reiterating concerns previously raised and questioning what changes have been made in the latest revised plan.

To clarify, the revised plan (reference: Plans, Elevations & Section 100D) was submitted to correct an error in the annotation of the proposed materials. The materials would comprise roof tiles and facing brickwork.

The planning officer advised that there was one additional objection received this morning which was not included on the supplementary matters list which was circulated to the committee.

Deputations were heard from Mr Mavirkakis and Mr Higgins objecting to the application as neighbouring residents. Councillor Winnington also made a deputation as ward councillor.

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

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the planning officers clarified the following points:

- The proposed garage would 5.5m in height which is 1.5m taller than the existing garage. The planning officer did not know how tall the garage was in relation to the balcony in the property in Selsey Avenue.
- The window in the garage was not proposed to be glazed but this could be a condition if the application was approved.
- The application was described as a two storey garage for ancillary use. This meant it could be used for anything that would take place in a home. For example if it were to be used for an independent activity such as a home office this would be acceptable but if staff were hired additional approval would be required.

Members' Comments

Members' felt that the height, scale and mass of the building by way of its two storey development was out of character and detrimental to the conservation area. The development would also be detrimental to the enjoyment of the properties in Selsey Avenue by reason of the size of the proposed development. Officers advised members to bear in mind that there are other similar sized outbuildings within a similar footprint in this area. The committee were reminded of the recent appeal decisions that the council had lost and advised that the authority would find this very difficult to defend if the committee refused the application and it went to an appeal.

RESOLVED that the application be refused for the following reason:

The proposed development would, by virtue of its height, scale, massing and rear position, result in a dominant feature to the rear private gardens of dwelling houses front Eastern Parade and Selsey Avenue which would be harmful to the overall character of the area and the setting of the Conservation Area. The proposal would therefore be contrary to Policy PCS23 (Design and Conservation Area) of the Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019) in relation to 'Requiring Good Design' and 'Conserving and enhancing the historic environment'.

- 120. 19/00574/FUL - Westmoors - 50 London Road, Cosham, Portsmouth - Construction of 4-storey building comprising 11 dwellings (Class C3) with associated vehicular access from St. George's Road, - Parking, landscaping, boundary treatments and bicycle/refuse storage following demolition of existing dwellinghouse (resubmission of 18/01492/FUL) (report item 4) (AI 8)**

(Councillor Norton was not permitted to take part in the discussion of this item as he was not present at the start of the officer's presentation).

(Councillor Pitt arrived prior to the start of this item)

The planning officer introduced the report.

Deputations were heard from Mr Heppell representing the applicant speaking in support of the application. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions, the planning officers clarified the following points:

- The overall height of the building will vary depending on where the measurements are taken, due to the site being on varying levels. The ridge of the flat roof will sit very close between the ridge of the existing house. The excavations will take place at the front of the property.
- Condition 1 relating to the time limit for development to begin had been reduced to 1 year from 3 from the date of permission being granted. This was linked to the nitrates statement as the authority is making available its nitrates bank and needs to ensure that developments come forward.
- There was a preliminary ecological assessment carried out on the site that looked at the flora and fauna and the presence of bats. Following on from that there were three separate bat surveys on three different evenings. On the first they did see a bat emerging from the property and other bats foraging in the rear garden, the second they saw evidence of bats foraging in the garden and the third witnessed nothing. The difference of opinion was that the county's ecologists suggested that a dawn survey should have taken place in addition to the three other surveys. The applicant's ecologists have suggested this was not necessary given the limited identification of bats seen from the other surveys. The council's ecologists advised that if officers can demonstrate through the three tests that this is necessary and the impact of the species can be mitigated, they had no objections to methodology to removing bats and providing mitigation on the site.
- Officers know there have been bats present on the site and they are a protected species, however the council's ecologist has confirmed there is a scheme of mitigation. As long as this was followed she was satisfied the third of the tests can be met. It had been left to the local authority to make a judgement whether the public benefits of the development would be sufficient to outweigh the need to carry out further survey work.
- There is level access from London Road to the units. There was no further capacity for the provision of parking on the site. Officers could add a condition to say two spaces must be allocated to the two affordable units on the lower ground floor. The units are not shown as being fully wheelchair accessible but the authority could work with the developer to try and explore this.
- The application is lacking 6 parking spaces but the applicant has demonstrated there is adequate capacity in the surrounding roads. The parking survey looked at parking in roads within a reasonable walking distance of the application site.
- There were 11 units proposed, 2 were affordable housing units which would be secured through a legal agreement. If the applicant wished to deviate from that the officers would have to take a view whether this would require a new application.

- Officers had previously highlighted the flat roof design as a concern and the application had been withdrawn. Alternative designs were considered and when the application was resubmitted the applicant had chosen not to take advice regarding a pitched roof. The flat roof was not ideal but it was not out of character as there are other flat roofed buildings in this area to the south.
- There is clearly a transition from the more traditional houses to the north and the redevelopment properties of the south. It will change the character of that block. The report acknowledges the flat roof does change the streetscape and the roofscape which is a shortcoming of the scheme.

Members' Comments

Members felt that the design of the building in this very prominent site would create an adverse effect on the street scene and felt this is contrary to PCS 23 of the Portsmouth Plan. Members felt however that affordable housing units were needed in the city. Members' were also concerned by the lack of parking provided by the applicant.

RESOLVED that the application be refused for the following reason:

The proposed development would, by virtue of its height, scale, massing and rear position, result in a dominant feature to the rear private gardens of dwelling houses front Eastern Parade and Selsey Avenue which would be harmful to the overall character of the area and the setting of the Conservation Area. The proposal would therefore be contrary to Policy PCS23 (Design and Conservation Area) of the Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019) in relation to 'Requiring Good Design' and 'Conserving and enhancing the historic environment'.

Informative: During the application process, it was agreed between the applicant(s) and the Local Planning Authority that a legal agreement would be satisfactorily completed to secure mitigation of the impact of the development on the Solent Special Protection Area in relation to increased recreational pressure and nitrogen output. The applicant is advised that in the absence of such legal agreement, the development would be likely to have a significant effect on the Solent Special Protection Areas and would be contrary to the National Planning Policy Framework (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Species Regulations 2017 (as amended). This matter would therefore need to be addressed as part of any subsequent appeal.

- 121. 18/01968/OUT - 62 Middle Street Southsea PO5 4BP - Outline Application for the demolition of existing buildings and the construction of student residential accommodation (21 units) in a four storey building (scale and access to be considered) (report item 5) (AI 9)**

(Councillor Udy apologised that she would need to leave the meeting during this item.)

The Assistant Director's Supplementary Matters List reported on the Impact on the Solent SPA - recreational impact mitigation:

"The applicants have confirmed that there are 2 x 2 bed flats within the existing building on the site.

The financial contribution required for mitigating the recreational impact of the development on the SPA (as set out on Page 61 of the Committee Report), has been recalculated as follows:

Proposed - 21 x student rooms

- Each 5 student rooms = 1 dwelling unit: $21/5 = 4.2$ (rounded up to 5)
- Amount calculated based on half the amount for a 5-bed dwelling: $£902/2 = £451$; $£451 \times 5 = £2,255$

Existing - 2 x 2 bed flats

- Amount for 2 bed flat = £500; $2 \times £500 = £1000$

Total payment required:

- $£2,255 - £1000 = £1,255$

Impact on the Solent SPA - nitrate impact:

The applicants have provided a statement setting out the water efficiency measures that would be incorporated into the proposed development. This would include the following:

- Incorporation of fittings with a low capacity or flow restrictors and /or aerating tap heads:
- Installation of low flow showers;
- Installation of dual flush WCs;
- No baths proposed in any of the units.

However, the above measures would not be sufficient in themselves to make the development 'nitrate neutral', therefore the applicants intend to rely on the Council's Nutrient-Neutral Mitigation Strategy to mitigate the impact of increased nitrates on the SPA.

An additional condition is required to ensure that the development is not occupied before the nitrate mitigation is in place.

Approved plans - Condition 3:

Please note that the list of approved plan numbers has been amended in Condition 3.

Amended Condition 3:

Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Existing Site Plan 277-ACG-B2-00-DR-A-0005 Rev. B; Proposed Site Plan 277-ACG-B2-00-DR-A-1051 Rev. B; Proposed Ground Floor Plan - Outline 277-ACG-B2-00-DR-A-2034 Rev. A; Proposed Elevation East - Outline 277-ACG-B2-00-DR-A-4017 Rev. A; and Proposed Elevation South- Outline 277-ACG-B2-00-DR-A-4016 Rev. A.

Additional Condition - Nitrate Neutrality Mitigation:

15: The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local

Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981. "

There had also been an email of objection sent to members of the committee by Councillor Corkery.

Deputations were made by:

- i) Mr Tarrant who spoke to oppose as a businessman affected by the application, also raising concerns regarding the loss of parking, the scale of development, ecology and loss of tree, as well as matters of rights of way and his fire escape.
- ii) Mr Christian, the applicant's agent to support the application, who stated that precedent had been set in the area for student accommodation, the site had good transport links and there was agreement for enhanced ecology and water efficiency measures.

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

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

It was asked if some of the matters raised by Mr Tarrant were material planning matters; it was confirmed that some of these were not but were receiving attention from the City Solicitor. Regarding the ecological measures it was confirmed these would be achieved via an attached condition (no.9) with a biodiversity plan needing to be submitted. Regarding parking there would be a students' arrival and departures plan with no additional parking required for them, with the proximity of the site to the City Centre. It was asked of the objector if there had been consultation with business owners regarding future development; Mr Tarrant stated that he had not been consulted. In response to a question on policy matters, the Assistant Director reported that this was a change of use and there was not a specific policy to resist the demolition of existing residential units for student housing; there was a balance to be made with the diversion of students from other shared accommodation. The Planning Officer also responded to questions on the loss of ground floor office use in that there had been flexibility in the departing from the policy SNS8 (regarding Employment). It was confirmed that the removed cherry tree had not been a protected tree.

Members asked to have Councillor Corkery's email summarised; it was reported that his objection was based on his preference to have social housing on the site. It was confirmed that the access arrangements would be part of a Reserved Matters application. The applicant's agent was asked if there was a viability assessment and target occupancy known? Mr Christian did not have the information available but the applicant would be seeking to maximise occupancy and he confirmed that employment supply evidence had also been submitted.

Members' Comments

There had been some discussion on the ownership of the site and its effect on implementation and access and officers reiterated that this was an Outline Application and detailed design matters would be subject to a future Reserved Matters application. Members were mindful of what matters raised by the deputations were material to their consideration. There was some concern regarding the loss ground floor business and employment use and that this was contrary to policy.

RESOLVED that permission be refused for the following reason:

The application fails to retain employment uses on the site, resulting in a failure to retain and improve employment opportunities within the area need to act as a springboard for social and economic regeneration and the allocation for ground floor employment uses. This would therefore be contrary to Policy PCS6 of the Portsmouth Plan (2012), Policy SNS8 of the Somerstown and North Southsea Area Action Plan (2012) and the national advice in the National Planning Policy Framework (2019).

Informative: During the application process, it was agreed between the applicant(s) and the Local Planning Authority that a legal agreement would be satisfactorily completed to secure mitigation of the impact of the development on the Solent Special Protection Area in relation to increased recreational pressure and nitrogen output. The applicant is advised that in the absence of such legal agreement, the development would be likely to have a significant effect on the Solent Special Protection Areas and would be contrary to the National Planning Policy Framework (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Species Regulations 2017 (as amended). This matter would therefore need to be addressed as part of any subsequent appeal.

122. 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 (report item 6) (AI 10)

The Assistant Director's Supplementary Matters List reported that:

"Whilst indicating his intention to attend and address the Planning Committee in person, Councillor Robert New is unable to attend this meeting and instead provided a written representation. A copy the representation is appended to this Supplementary Matters item.

The points raised by Councillor Robert New have been addressed within the Committee Report.

To provide clarity, the proposed condition relating to Biodiversity has been amended to read as follows: 'Prior to the commencement of any works whatsoever on the site (including clearance of vegetation), a Biodiversity Mitigation and Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved and maintained on the site as approved during the lifetime of the development'.

A deputation was made by Mr Cox objecting on behalf of his mother in Glenthorne Road and some residents from Vernon Road. He was disappointed that there had not been a committee site visit and outlined the residents' concerns which included

the possible commercial use of the garages, increased volume of traffic, problems of access, security and light pollution, as well as environmental issues.

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

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

It was confirmed that the case officer had visited the site three times and that emergency access to the site was a Building Regulations matter. The status of advice from DEFRA and Natural England was queried and it was reported by the Head of Development Management that the traditional orchard status had been reduced due to the work that had already taken place. The Assistant Director further reported that this area had not been designated as green space in the Local Plan and the level of potential harm caused was for members to consider.

Members' Comments

Members were concerned by the environmental impact with the encouragement of more car ownership, the potential for commercial activity to take place and did not see this proposal as adding significant community benefit. They believed this was contrary to the council's aims of "greening the city". It was also regretted that trees had been removed from the site. The Cabinet Member for Culture and City Development confirmed that sites for designation as open spaces were being surveyed.

RESOLVED that permission be refused for the following reason:

The proposed development would result in a net loss of existing open space and compromise the overall integrity of the green infrastructure network in the city, in opposition to Policy PCS13 of The Portsmouth Plan (2019) and the aims and objectives of the revised National Planning Policy Framework (2019).

- 123. 19/00709/HOU - 86 Lincoln Road, Portsmouth PO1 5BQ - Single storey extension to rear (following demolition of existing extension) and first floor extension to rear (report item 7) (AI 11)**

Members' Questions

After the Planning Officer's presentation questions were asked regarding the measurements of the extension and impact on the adjacent property; this was an extra 3m. It was confirmed that the dormer window did not need planning permission and that whilst there were not similar extensions on the same side of the road there were examples on the other side.

Members' Comments

Members did consider the effect on the neighbouring property regarding enclosure and light, but also saw the benefit of the extension giving family use on the first floor.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director Planning & Economic Growth's report.

124. 19/01492/FUL - 87 Gladys Avenue, Portsmouth PO2 9BB - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House) (report item 8) (AI 12)

The Planning Officer in his presentation corrected the figure given in the report (page 81) regarding the undersize of the first floor bathroom was by 0.09m² (not 0.9m²).

Members' Questions

The siting of communal areas in the layout plans was examined.

Members' Comments

Members were satisfied by the provision of bathroom space and bedroom sizes, and the refitting was seen to be to a high quality. The location by a bus route was also acknowledged.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director Planning & Economic Growth's report.

125. 19/00408/FUL - Spinnaker Lodge, 464 London Road, Portsmouth PO2 9LE - Change of Use from Care home (Class C2) to 12 bedroom House in Multiple Occupation (Sui Generis) (report item 9) (AI 13)

The Assistant Director's Supplementary Matters List reported:

"Two additional representations have been received following the publication of the committee report, raising the following additional points to those outlined within the report:

- Loss of care home and facilities for elderly and the disabled;*
- Incorrect information on the application form.*

With regard to the loss of care home facilities, the property is vacant and there are no specific policies that would require the care home to be retained.

An amended application form has been received to correct an error in the applicant's stated address.

In addition to the above, the report omitted a condition to require Nitrate Neutrality Mitigation. This has now been added (Condition 6)."

The presenting officer circulated plans which showed the second floor layout which includes a kitchenette.

A deputation was made by Mr Tutton, the applicant's agent, in support of the application whose points included that this is a suitable location for accessing bus services, it contributed to meeting the city's housing need and would be for professional tenants.

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

<https://livestream.com/accounts/14063785/Planning-18Dec2019>

Members' Questions

In response to questions it was clarified that the second floor kitchen was in addition to the ground floor communal space. The photographs displayed had been taken in May (the consideration of the application had been in abeyance due to the wider nitrates issues). Whilst the application was for 12 bedrooms the number of occupants could be higher if couples shared rooms. It was asked if there would be overlooking of neighbours; the applicant was proposing obscure glazing, but this was not a condition. The Assistant Director responded to the question of late notification of the application which was due to the need to apply new guidance for which he apologised and reported that staff training was being undertaken. The use of 1 parking space was queried; the Planning Officer advised that it was for comparison to the exiting use.

Members' Comments

Members noted that some of the conversion works were had already taken place. The size of bedrooms, en-suite and kitchen provision in this large property was welcomed.

RESOLVED that

(I) That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy.

(II) That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and;

(III) That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral and mitigation in line with Solent Recreation Mitigation Strategy, pursuant to Recommendation I has not been completed within three months of the date of this resolution.

Nitrates Neutrality Mitigation -

6) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by, the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981

The meeting concluded at 4.06 pm.

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Signed by the Chair of the meeting
Councillor Hugh Mason