

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 4 December 2019 at 10am 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
Lee Hunt
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.

98. Apologies (AI 1)

Councillors Gerald Vernon-Jackson and Donna Jones sent their apologies. Councillor Frank Jonas deputised for Councillor Jones.

99. Declarations of Members' Interests (AI 2)

Sea Defences Applications.

The Chair reminded the committee that being a member of the Southsea Coastal Scheme Project Board was not a material interest.

He declared a non-prejudicial interest: he is the council's representative on the South East Flooding and Coastal Committee.

Councillor Pitt declared a non-prejudicial interest: he is the Chair of cross party discussion stakeholders advisory group.

Councillors Smyth and Stubbs also declared non-prejudicial interests: they are members of that advisory group.

Councillor Smyth added a non-prejudicial interest: her garden would be at risk of flooding if there were no sea defences.

19/01382/FUL - Knight & Lee, 53 - 57 Palmerston Road, Southsea, PO5 3QE

Councillor Pitt declared a non-prejudicial interest: as the Cabinet Member for Culture & City Development he has spoken to the applicant and had given no expectation of the decision.

19/00592/REM - Former Drayton Dairy, Station Road, Portsmouth

Councillor Atkins declared a non-prejudicial interest: he lives in that road.

Councillor Hunt asked why this committee could be held during purdah.

Kieran Laven, Planning Solicitor explained that there is an expectation that regulatory committees would continue to be held. The Planning Committee is apolitical and has a balanced membership. Members were reminded to keep the discussion to material considerations.

100. Minutes of the previous meeting held on 6 November 2019 (AI 3)

RESOLVED that the minutes of the meeting held on 6 November 2019 be approved as a correct record.

101. Chair's notices - Dates of future meetings (AI 4)

The Chair reminded members that the next meeting would be held on 18 December and start at 10am. He also informed the committee that agenda item 15 would be moved to item 14.

It was then agreed that officers would try to give approximate timings for the next meeting's items so that the public would have an idea of when to attend.

DECISION

The following dates were agreed (all starting at 1pm):

8 January

19 February

11 March

15 April

102. Updates on previous planning applications (AI 5)

The Head of Development Management informed members that the appeal decisions had only been received the day before and therefore the updates would be given at the next meeting.

103. Update on nitrates (AI 6)

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 would apply to the applications at this committee meeting.

104. 19/01097/FUL - Southsea Seafront from Long Curtain Moat in the West to Eastney Marine Barracks in the East. (AI 7)

The Planning Officer introduced the application and informed members of the following supplementary matters:

At the top of p.28 of the report, second line, there is a missing word that should read "would NOT result in significant harm..."

The following consultee comments have been received.

Southern Water

Following review of the Drainage Strategy within Appendix I of the ES, it is requested that a planning condition be imposed requiring a drainage scheme [see condition 19] to be submitted for approval; and, there are detailed matters that SW require the applicant to take into account.

Defence Infrastructure, Land Management Services (HMNB)

Clarence playing field, Long Curtain Road, is the only MoD land holding directly affected. On-site parking is required. It is assumed the new access road will not impact on the existing sports pitches; any disruption should be kept to an absolute minimum. It is appreciated that other matters of detail would be dealt with outside of the planning application consultation process.

Environmental Health (Regulatory Services)

In relation to construction, impacts from piling has potential for some disruption where evening and night time working is unavoidable. The works are short term in nature, therefore any impacts will be of a short duration and temporary. Should mitigation measures be applied the resultant impact is considered minor adverse. These measures are considered appropriate to cover through the CEMP [see condition 20] or more appropriately controlled through other environmental protection legislation.

A further representation has been received from the Southsea Seafront Campaign. It reiterates previous objections. It emphasises comments from Historic England, the council's Conservation Officer, Commonwealth War Graves Commission and Naval Dockyards Society, adding "We support Historic England's requests for further design consideration and additional supporting information. Our major objection to what is proposed is that that it is inadequate in design terms and lacking in crucial landscaping detail...". Leaving details to conditions is not acceptable. It expresses hope for a response to the objection and disappointment it is unanswered.

A list of potential conditions had been circulated to the committee before the meeting.

Deputations against the application were heard from: David Ramsay, John Thurston, Celia Clark, Francis Graves, Charles Burns and Mike Dobson.

Zane Gunton, the agent spoke in favour 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-04Dec2019>
Members' Questions.

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

This scheme has evolved over time in response to feedback received during the consultation process. The scheme divides opinion. It is possible that other solutions could be found; however this is the one before members.

The scheme is predicated on the worst case scenario.

Until the finance is secured, full details would not be available. Climate change modelling may be altered in the future and the scheme may change accordingly e.g. in the section titled sub frontage 3, the road is currently narrow, there is parallel parking and the traffic is one way. The height of the bund at this location is a matter covered in condition no. 35.

There will be opportunities for alterations to the scheme in other areas as it develops. The public arts strategy and the finish on the promenade needs to be developed; a full public consultation would be held for these significant public matters.

The Highways Authority is responsible for the usage of the carriageway.

It is important to balance access by car which may be required for people with disabilities with the need to prioritise walking and cycling.

A groyne will be built adjacent to the hover travel building to keep the beach in place.

They did not know who would be responsible for the cost of maintaining the beach.

This sea defence project would not hinder the economy. There is no conflict with national and local policies.

The comments from the owners of Clarence Pier are included in the report. Flood gates and boards would be required behind the attractions to protect against extreme weather events. The partnership has looked into other possible measures in that area. The 25m wheel would still be visible over the wall and therefore people would know that there is a funfair behind the wall.

The amenity, recreation, social-economic impact is included in the economic statement. Some areas would experience minor detrimental impact during or after the construction period. Overall, the planning officers were satisfied with the positive impact that the scheme would have on the use of the Common and the seafront.

In response to questions, Zane Gunton explained that the car park near Clarence Pier would be insignificant as the road drops down to approximately 1.5m. The topography goes up and down and then raises to meet that. At its highest point it would be 80cm higher than the current height.

The war memorial is currently raised and 1.5m from the road. After the move, it would be 1m further away.

Some monuments are not in their original locations. Historic England has no objection to them being moved, particularly if they would be more appreciated in their new locations. There will be opportunities for modest improvements. They will lose their listed status but applications can be resubmitted afterwards.

Pedestrians have been prioritised in the scheme and the importance of the promenade is noted in the report.

The natural amphitheatre around the bandstand would remain. The promenade would be raised and rock armour installed.

Beach accessibility is currently poor and would be enhanced in some places with these defences.

Westbound traffic would not change. Eastbound traffic would be coming out of the D Day car park.

In response to questions, Zaine Gunton explained that:

The beach near the pyramids would be widened and step revetment installed.

There would be significant widening of the promenade and increased volume of the beach all the way along the seafront.

The Southsea Rowing Club and Mozarella Joes would have steps and a ramp incorporated to ensure access. Mozarella Jones has scour protection because of the loss of shingle but this is not flood protection.

The Blue Reef Aquarium would be beyond the defences.

There is nothing in the scheme to mitigate against the shingle being blasted onto the pier.

They are looking at a 10 year recycling programme. The Flood Defence Grant in Aid would be responsible for beach management and further capital for shingle change in that area.

Briny's Café is set back on the promenade and would not be impacted.

It is not possible to defend Southsea pier.

Southsea Beach Café is on the line of defence and will be demolished and new development will be introduced there.

The Coffee Cup will not be affected.

Members' Comments

It was noted that there is a need to protect the seafront and although access is essential, pedestrians and cyclists should be prioritised.

Members noted that the scheme would bring many benefits to the seafront and welcomed the opportunity to improve the settings of the monuments.

It was hoped that additional funding be secured, perhaps from the LEP.

Members did not wish to see Clarence Pier to be cut off but accepted the arguments from officers. It was hoped that better solutions would be found over time.

Councillor Stubbs abstained from the vote as he lives near South Parade Pier.

DECISION

Permission was granted subject to the conditions set out in the Planning Officer's Committee report and those circulated at the meeting.

It was also agreed that an informative note be added to the minutes that it is the opinion of this committee that the planning aspects of matters referred to in conditions 17, 22, 23, 25, 26, 27 and 38 should be brought back to this committee and supported by a report about the consultation on those matters.

105. 19/01090/LBC - Seafront shelters Nos.7. 8 and 11, Clarence Esplanade, Southsea (AI 8)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

106. 10/01088/LBC - Monuments, various locations, Clarence Esplanade, Southsea (AI 9)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

107. 19/01129/LBC - South Parade Pier, South Parade, Southsea, PO4 0SW (AI 10)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

108. 19/01089/LBC - Lamp columns, various locations, Clarence Esplanade, South Parade and Eastney Esplanade, Southsea, PO4 0SW (AI 11)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

109. 19/01091/LBC - RN War Memorial, Clarence Esplanade, Southsea (AI 12)

DECISION

Consent was granted subject to the conditions set out in the Planning Officer's committee report.

110. 19/00592/REM - FORMER DRAYTON DAIRY, STATION ROAD, PORTSMOUTH (AI 13)

Application for the approval of reserved matters in respect of layout, scale, appearance, materials and landscaping for the development of 108 dwellings with associated roads, cycle paths, footpaths, car parking and 'pocket park' as approved by outline application 17/00224/out (amended plans received September and November 2019)

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

- *Page 54 of the committee report states in error that there would be seven visitor car parking spaces. The total number of visitor spaces would be 17.*

The Assistant Director Planning & Economic Growth noted that the application is the first to be issued in accordance with the Interim Nutrient Neutral Mitigation [nitrates] Strategy. Officers request delegated authority to secure payment for nitrate credits under the S106 agreement.

A deputation in support of the application was made by Jeremy Gardiner, the applicant. Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

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

- Affordable housing units are distributed throughout the site.
- With regard to concerns about gardens being replaced by hard surfaces and thereby increasing the risk of water run-off condition no.3 removes permitted development rights Class F so a patio (or other hard surface) cannot be laid without permission. Most of the landscaping in front of properties is managed by the development company rather than individual householders. The drainage strategy is based on underground storage tanks for surface water run-off and is a combination of infiltration on green spaces and taking advantage of attenuation storage or a combined sewage system.
- The play equipment in the park is made of natural materials as they are more attractive than conventional metal equipment. The landscape architect had suggested using natural materials.
- The layout of driveways on the site is designed to allow unrestricted access for emergency vehicles. If cars parked in the designated turning spaces it would obstruct access to driveways.

Members' comments

- Local residents are generally in favour of the application though there are concerns over increased pressure on services such as schools and GPs.
- The removal of the wall from the application is a good improvement to the site's appearance and road safety.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

111. 18/02089/FUL - 142 MILTON ROAD, PORTSMOUTH, PO4 8PN (AI 15)

Construction of 4 storey residential block to form 12 flats; to include 13 car parking spaces with associated bicycle and refuse storage (following demolition of public house)

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

- *Two further letters of objection received, raising the points set out below. These matters are considered to be already addressed in the published Officer Report, or are more strategic, city-wide comments somewhat outside of the scope of the consideration of this particular planning application.*
 - *Over-crowded population, should not build more houses, need more local shops and better infrastructure;*
 - *The city is congested. If we want a car-free city, will have to bring more business to the city so people can walk to work (public transport is not good enough. The city's parking permit system does not work, it pushes people to park in areas without permits. Should build a multi-storey car park, for residents and match-day. Cycle paths are not widely spread enough;*
 - *The development will increase my travel time as I use this road frequently.*

The Assistant Director Planning & Economic Growth explained there is a one-year implementation period to ensure the nitrate credits are taken advantage of and not left unused. PCC can require a scheme to begin promptly but cannot control when it is completed.

A deputation against the application was made by Kimberly Barratt, a local resident and member of the Keep Milton Green group. Members had received a letter from the group that morning.

A deputation in favour of the application was made by Mark Holman, the applicant.

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

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

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

- When it became apparent that privacy was an issue for neighbouring residents the applicant was asked to revise their plans. In addition, the application has a boundary condition. It is unclear whether responsibility for the rear boundary belongs to the applicant or individual property owners but it is best if the applicant works to reach a compromise with neighbours rather than have individual treatments. Furthermore, the difference may not be that great for neighbours as the boundary is behind the outbuildings. A boundary on the southern side is also being considered to make the site more secure.
- If the developer makes a profit of over 5.4% then PCC is entitled to take some of the excess to put towards affordable housing. It is a difficult balance between the developer's need to break even or make a profit and PCC's obligation to provide affordable housing. It is difficult to say if more units on the site would have allowed a contribution to affordable housing. However, the current application is

assessed as the most suitable from the point of design and delivery even though this means it may not be able to support affordable housing.

- There is no provision for a disability adapted flat at the moment but if there is any profit in excess of 5.4% then a sum such as £1,000 or £2,000 could be put towards adapting one of the flats.
- The plans show the gardens as communal; it is up to the developer to see if they can be subdivided to provide further privacy.
- Independent consultants review applications to prevent applicants using tactics like having expensive fittings in properties as a way of avoiding providing affordable housing.
- The aisle in the top left hand part of the plans is wide enough to allow vehicles to turn left and leave the site facing forwards.
- The nitrates strategy is concerned with providing credits for developments, not funding them. It has no viability to make direct contributions to affordable housing. Contributions from developers are prioritised for affordable housing.

Members' comments

- The loss of another pub in the city is regrettable.
- Members expressed their disappointment that the application has no provision for affordable housing. It is unfortunate that the cost of building for developers does not match the requirement for affordable housing. With a 5% profit margin the developer could be at risk if the scheme ran into difficulties and still had to contribute to affordable housing. Profit is different from contingency.
- However, refusing the application will not address the problem, which is perhaps more a matter of policy. If a block of 12 flats cannot provide two affordable units then this is a reflection on the Portsmouth Plan and the NPPF, which may need revising.
- The Chair reminded members that the committee is a regulatory one and therefore independent of policies unless they are directly relevant to planning.
- It is hoped the applicant will reach a compromise with neighbours over the boundary and protecting their privacy.
- The application is typical and appropriate for a busy area of the city although some members felt there were too many similar developments. However, using the site is better than leaving it empty with hoardings around it. The flats will be less expensive than one or two larger properties.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

112. 19/01382/FUL - KNIGHT & LEE, 53 - 57 PALMERSTON ROAD, SOUTHSEA, PO5 3QE (AI 14)

Mixed use development comprising change of use of building, with partial demolition and extension at roof level (500sq.m. net floorspace) and excavation works at basement level, to provide retail (Class A1), café (A3), bars (A4), 43-bed hotel (C1), gymnasium (D2), cinema (D2) and offices (B1) with associated plant, equipment and enclosures

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

- *At page 80 of the Committee Report reference is made to a midnight closing time for the food and drink uses and the bar. However, condition 18 refers to a 00:30hr closing time. For clarity the recommendation is in line with Condition 18.*

A deputation against the application was made by Martin Meadows, a local resident.

A deputation in support of the application was made by Peter Tisdale, the applicant.

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

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

The Assistant Director said a deputation against the application had been submitted by Paul Denyer; members had already received a written copy. Mr Denyer was unable to present his deputation in person at short notice so the Planning Officer reiterated the main points of his deputation which can be viewed as part of the webcast:

<https://livestream.com/accounts/14063785/Planning-04Dec2019>

Members' questions

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

- The Highways Engineer has responded to Mr Denyer's concerns.
- Although the building is not listed the application aims to be sympathetic to the architectural style and features; as part of this aim the applicant intends to keep the ground floor escalator if possible.
- The hotel rooms on the eastern flank do not have natural light or ventilation; they will be mechanically ventilated. The applicant explained they were close to finding a solution with the pipes.
- The change of use will entail more significant demand for parking during the evenings and weekends. Although there is very little overnight parking close to the site a parking survey provided by the applicant shows there is parking a short walk away so hotel guests would be expected to walk a little further. Guest houses can have a limited amount of parking permits in residential zones but hotels cannot.

Members' comments

- Members acknowledged that the retail sector has changed significantly since the creation of the Southsea Town Area Action Plan in 2007. There is less demand for traditional shops and footfall has been decreasing year on year in Palmerston Road.
- A hotel would be beneficial for people attending events such as Victorious and the Great South Run. The lack of parking and rooms with no natural light may be a disadvantage but members hoped it would succeed. Ships' cabins are a form of accommodation with no natural light or ventilation.
- There would be problems with parking if there were flats on the site.

- The variety of uses in the application will benefit the area more than having only or mainly flats on the site. Southsea needs creative and cultural anchors and the development could help increase its profile. Creative developments like co-working spaces are popular in other areas of the city.
- The inclusion of a cinema in the application could be a good opportunity to develop further the city's thriving independent cinema scene.
- Members hoped the development of the site would start without delay.

RESOLVED that Delegated Authority subject to the recommendations in the Planning Officer's Committee report be granted to the Assistant Director of Planning & Economic Growth.

The meeting concluded at 3.15 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason