

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 19 February 2020 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    Hugh Mason (Chair)  
                     Judith Smyth (Vice-Chair)  
                     Matthew Atkins  
                     Steve Pitt  
                     Luke Stubbs  
                     Claire Udy  
                     Gerald Vernon-Jackson CBE

Also in attendance

Councillors Dave Ashmore and Matthew Winnington

### **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.

#### **9. Apologies (AI 1)**

Apologies for absence were received from Councillors Donna Jones and Lee Hunt.

#### **10. Declaration of Members' Interests (AI 2)**

Councillor Judith Smyth declared a personal and prejudicial interest in planning application 6 - 99 Victoria Road South as she was the applicant. She would withdraw from the meeting for the discussion of this item.

Councillors Steve Pitt and Gerald Vernon-Jackson declared a personal interest in planning application 7 - 20 Pretoria Road as this was Councillor Hunt's application and they know him very well. They would leave the room for the discussion of this item.

#### **11. Minutes of previous meetings - 8 January 2020 (AI 3)**

**RESOLVED** that the minutes of the Planning Committee meeting held on 8 January 2020 be approved as a correct record to be signed by the Chair.

## 12. Update on previous applications (AI 4)

Ian Maguire, Assistant Director Planning & Economic Growth said there were no updates. With regard to nitrates he said there had been a small technical tweak to a footnote within the strategy at the request of Natural England who have now endorsed the strategy and officers are now continuing to issue planning permissions.

The Chair advised he would be changing the running order slightly. Planning application 3 would be heard first, followed by planning application 1 and planning application 8. Applications would then revert to the scheduled running order. The minutes will be kept in the original order for ease of reference.

## 13. 19/01657/FUL - Fontenoy House, Grand Parade PO1 2NF (AI 5)

The planning officer introduced the report and drew members' attention to the supplementary matters list which reported:

### *Waste and Recycling:*

*The Council's Waste and Recycling team has been consulted and has provided the following comments:*

- The proposed development would require an additional 360 litre recycling bin and an additional 240 litre refuse bin.*
- The existing waste facilities are located against the wall within the rear courtyard, not under the stairs because of potential fire safety issues. Because of this no additional bin stores would need to be provided.*
- The proposed development would be brought into the Council's food waste trial, and a 140 litre food waste bin will be provided.*

### *Other relevant applications:*

*A planning application has recently been received for the erection of a single storey 2-bed dwelling on the roof of Fontenoy House under application 20/00158/FUL. This application seeks to address the refusal of application 18/01634/FUL, which sought permission for the erection of a 2-storey dwelling on the roof of the building:*

*20/00158/FUL - Construction of mansard roof extension to form two bedroom apartment (Class C3) with roof terrace and alterations to existing building, including brickwork, render to ground floor and extension of external staircase and balconies (resubmission of 18/01634/FUL) - Not yet determined.*

*18/01634/FUL - Construction of additional two stories to form one dwellinghouse (C3); extension to existing external fire escape; and alterations to existing building to include installation of replacement windows, Juliet balconies, new brickwork and raising parapet walls - Refused 13.09.2019.*

A deputation was made by Mr Phillips the applicant.

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

Members' questions

There were no questions.

Members' comments

Members' had no concerns with this application and were happy to propose the officers recommendation. Members' queried why this application had come to committee. Officers explained it was because the application had received eight letters of objection which triggered committee referral however they were reviewing the scheme of delegation.

**RESOLVED**

**(1) That in the event of the need for nitrate neutrality, which is not achieved by the existence of the extant permission 17/00566/FUL, delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**

**- SPA Nitrate mitigation**

**(2) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend/substitute conditions where necessary, including for the possibility that extra standard conditions are required to prevent the occupation of the development until achieving nitrate neutrality, and to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.**

**(3) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution, if such a legal agreement is required (see Recommendation 1).**

**14. 19/00798/FUL - 42 Festing Grove, Southsea PO4 9QD (AI 6)**

The planning officer introduced the report and drew members' attention to the supplementary matters list which reported:

- *Following publication of the Committee Report, an additional HMO has been noted within a 50m radius of the application site, at No.54 Festing Grove. This brings the total percentage of HMOs within the area to 6.5%, which is still below the 10% threshold.*
- *In terms of local amenity, given the low concentration of HMOs within the area as a whole and mindful of the fact that the property is already in use as a 6 person HMO, it is still not considered that the proposal would result in a demonstrably higher level of harm to amenity in the surrounding area.*

Deputations were heard from Mr Julian Thomas, objector; Mr Colin Sarling, Applicant and Councillor Matthew Winnington ward councillor.

#### Members' questions

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

- With regard to the confidence of officers that the number of HMOs in the vicinity was correct, officers explained that they do not knock on every door in the area. Validation of records had been completed and officers were confident that there were no other HMOs in the area and it was well below the 10% threshold.
- The council's policy is to create mixed and balanced communities so this could be a range of housing, including HMOs.
- All of the points raised in the representations are material considerations but it is how the committee weighs each of these. It was the officer's opinion that none of the areas raised by residents were grounds for a reason to refuse the application.
- As the council has a specific piece of recently adopted guidance, and officers can identify no specific other harm caused by the scheme, officers cannot see a defensible reason how they could sustain a refusal in the event of an appeal.

#### Members' comments

Members' felt that additional clarification was required regarding the number of HMOs in the area.

### **RESOLVED**

**That the application be deferred for further checking of HMO numbers in the area.**

#### **15. 19/01368/FUL - North Portsea Island Phase 4B, Coastline between Milton Common and Kendalls Whard, Eastern Road (AI 7)**

The planning officer introduced the report.

A deputation was made by Caroline Timlett on behalf of the Eastern Solent Coastal Partnership and Portsmouth City Council who were the applicants.

#### Members' questions

In response to questions from members officers and Ms Timlett clarified the following points.

- The wall would be increased by 1.2m.
- The view for the residents living in the caravan park will change but this is not a material planning consideration. The applicant is considering installing glazed panels as part of the wall. The exact nature of the fortified glass would need to be covered by a planning condition.

- The coastal footpath can be used by cyclists. Officers suggested it would be more appropriate for leisure cyclists rather than commuters. This would be 2.2m along the whole stretch of the path.
- The path would be made from self-compacting aggregate similar to that at Milton Common and Anchorage Park which is wearing quite well.

#### Members' comments

There were no comments.

**RESOLVED that Planning permission be granted as per the recommendation in the Planning Officer's report and subject to the conditions set out in the Planning Officer's Committee report.**

#### **16. 19/01258/FUL - 186 Northern Parade PO2 9LU (AI 8)**

The planning officer introduced the report and drew members' attention to the supplementary matters list which reported:

*The applicant submitted a Nitrate Statement, which commented that the proposed development was unlikely to result in an increase in nitrate output compared to the existing dwelling, when taking account of the potential occupancy levels of the existing dwelling and its poor level of water efficiency. However, upon review of the submitted details, it was not considered that sufficient evidence had been provided to reach this conclusion. It has therefore been agreed that the applicants will purchase 'credits' in accordance with the Council's Nitrate Strategy to mitigate the impact of the development on the SPA. An Appropriate Assessment has been submitted to Natural England and a response is awaited.*

#### Members' questions

In response to questions from members planning officers clarified the following points.

- There is some on street parking and some spaces for cars in St Francis Court. Coronation Homes have stated that only half of their residents own cars.
- The matter of whether car parking would be available at the church overnight was not a matter that was indicated in the application. This would need to be agreed with the landowner.

#### Members' comments

Members welcomed this application as there are very few bungalows in the city which are needed with an ageing population.

#### **RESOLVED**

**(1) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**

- SPA Nitrate mitigation (if required)
- SPA recreational impact mitigation

**(2) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;**

**(3) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.**

**17. 19/01541/FUL - Land Rear of 233 Goldsmith Avenue, PO4 0BS (AI 9)**

(Councillor Pitt was making a deputation on this item and after making his deputation left the meeting)

The planning officer introduced the report.

Deputations were heard from Trevor Byng, objecting to the application, Matthew Williams on behalf of the applicant and Councillor Steve Pitt as ward councillor objecting to the application.

Members' questions

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

- It was the officers understanding that rubbish collection vehicles would access the site through the car park through the main development.
- The waste management team had raised no objections to the proposal. There was a condition for the full details of the bin and cycle storage to be submitted to the council.
- Condition 9 would allow officers to consider an alternative location for the bin stores.
- Some of the parking spaces on the existing development were allocated but this was not something that the council could enforce.
- There are two bin stores and two cycle stores proposed for the site.
- This piece of land only became available last year which is why it was not included in the main development.
- In terms of security the site frontage could be secured by railings and a pedestrian gate (with lock), to be achieved by condition.
- The noise report referred to in one of the deputations took place on 2 and 3 January. It was found that the main noise would be from the road and the proposed flats would not cause a restriction on the existing businesses. The objections were relayed to the environmental health officer and if they were not happy they would have asked for another noise survey to be completed.
- The planning officer was not aware that there was a fire exit from the adjacent food outlet that would be affected by the proposed development. Officers said this was likely to be a private matter between the food outlet and the applicant and could be dealt with through condition.
- With regard to the brick wall that would face properties to the south of the application site, this was proposed to be 6.2m in height.

#### Members' comments

Members raised concerns about the entrance to the site being directly opposite the pedestrian crossing on Goldsmith Avenue and cyclists and pedestrians in particular being at risk. Members felt that delivery vehicles would park on the main road to deliver items into the development causing traffic congestion. There were also crime and safety concerns raised due to the layout of the site. It was felt that the development would have a detrimental effect on the local businesses in the area. Members considered the scale, design and distance of the southern flank wall would adversely affect existing residents to the south. Concern was also raised that this was a piecemeal development Members acknowledged however that the city was in need of affordable housing.

**RESOLVED that the application be refused for the following reasons:**

- 1. The proposed development would require access via a narrow pathway between two buildings, with the result that it would encourage crime and anti-social behaviour, impacting on the security of existing and proposed residents. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework, which require development to consider how to reduce crime through design.**
- 2. The proposed development would, due to its backland location, lack of vehicle access and location of refuse storage facilities, encourage vehicles to stop on a main road adjacent to a pedestrian crossing, creating conflict with users of the highway and leading to highway and pedestrian safety concerns. The development is therefore contrary to Policy PCS17 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.**
- 3. The proposed development would represent poor design due to the provision of a blank elevation facing south towards the neighbouring properties in Orchard Road, creating a poor outlook for existing residents, contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.**

#### **18. 19/00377/HOU - 99 Victoria Road South PO5 2BU (AI 10)**

The planning officer introduced the report.

#### Members' questions

In response to questions officers clarified the following:

- It was proposed that the replacement tree be a Rowan or similar. Condition 3 controls the full details.
- It was likely that it would be a younger tree as it would take better to the new conditions compared to an older species. Members requested officers to ensure that the tree was as mature a species as the arboricultural officer finds acceptable.

Members' comments

There were no further comments.

**RESOLVED**

**Planning permission was granted subject to the conditions set out in the Planning Officer's Committee report.**

**19. 19/01637-CPL - 20 Pretoria Road, Southsea PO4 9BB (AI 11)**

(Councillors Pitt and Vernon-Jackson withdrew from the meeting due to their earlier declared interest). Following advice given by the legal advisor at the meeting, Councillor Hugh Mason advised the committee he did not feel he needed to declare an interest and withdraw from the meeting. Although he was a member of the same political party as the applicant (Councillor Hunt) he would be open and fair minded to the application.

The planning officer introduced the report.

Members' questions

There were no questions.

Members' comments

Members were reassured that there is compliance with the relevant criteria and were happy to propose the officers recommendation.

**RESOLVED that the lawful development certificate was granted.**

**20. 19/00633/FUL - Connaught Arms, 119 Guildford Road PO1 5EA (AI 12)**

The planning officer introduced the report.

A deputation in support of the application was heard from Councillor Dave Ashmore as ward councillor.

Members' questions

In response to a question regarding parking permits in this area, Councillor Vernon-Jackson said from memory he thought that there were more permits issued than spaces available.

Members' comments

Members were pleased that the applicant had listened to the views of residents who wanted housing on this site instead of retail. It was also felt that this would provide much needed housing in this area.

**RESOLVED**



**(1) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**

- SPA Nitrate mitigation**
- SPA recreational impact mitigation**

**(2) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;**

**(3) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.**

**21. 19/00354/FUL - 69 Wadham Road PO2 9ED (AI 13)**

The planning officer introduced the report.

There were no deputations.

Members' questions

In response to questions officers clarified that the photo of the front of the property was an old photo which is why there was no black bin in the forecourt.

Members' comments

Members commented that this was not an area with a large concentration of HMOs and therefore proposed the officers recommendation.

**RESOLVED**

- (1) Delegated authority was granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the development as Nutrient-Neutral.**
- (2) Delegated authority be 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, pursuant to Recommendation I has not been satisfactorily completed within four months of the date of this resolution.**

**22. 19/00013/FUL - 32 Montgomerie Road PO5 1ED (AI 14)**

The planning officer introduced the report.

A deputation objecting to the application was heard from Mr Martin Willoughby of the East St Thomas Residents Forum.

### Members' questions

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

- For a HMO with 6-10 people there is a requirement for two separate bathrooms and two separate WCs, one of the WCs can be within one of the bathrooms. This property does meet this required standard.
- This property has one of every kitchen appliance and one kitchen sink.
- Clarification was given on the existing floorplans and the proposed floor plans. A bathroom had been moved to create an additional bedroom within the roofspace.
- Bedroom 3 has a pitched roof. The 9m<sup>2</sup> is taken from the area with a ceiling height above 1.5m indicated up until the dotted line on the plan. The additional space beyond the dotted line on the plans can be used for storage.
- The Council introduced new SPD in October 2019 which reduced the minimum size standards of a single room but increased the minimum size of a communal area.
- Bedroom 3 would have two rooflights, this is considered sufficient for a bedroom.
- Officers drew members' attention to the penultimate paragraph of page 112 of the report - the Standards for HMO guidance document states that in cases where bedrooms achieve a size of 10m<sup>2</sup> or larger, the communal living area expectations can be lowered to 22.5m<sup>2</sup>. The living space for this property is 25m<sup>2</sup>. The utility room provides a communal function.
- Most of the bedrooms are over the required size standard, there was just one that was under.

### Members' comments

Members felt that the over provision of bedroom space does not mitigate the shortfall in combined living space. Members also felt that this was very small and inadequate accommodation for the proposed number of occupants. The kitchen in particular was extremely narrow for the proposed number of occupants. Concern was also raised over the size of bedroom 3. Other HMOs of this size have been of substantially better quality. The chair said that the standards for HMO document 2018 gives two sets of standards. He wished to make an additional recommendation that the SPD is brought in line with HMO licensing document in terms of room heights.

### **RESOLVED**

**(1) that the application be refused for the following reason:**

**"The change of use of the property, by reason of the under provision of communal living space and restricted ceiling height of the second floor front bedroom, would fail to provide a good standard of living accommodation for the occupiers and represent an over intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the NPPF and Policy PCS23 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (October 2019)."**

**(2) That the committee would recommend that the standards for rooms for the HMO SPD are brought in line with the minimum standards set out in the standards for HMO September 2018 licensing document with respect to ceiling heights.**

**23. 19/01209/HOU - 21 Clarendon Road PO5 2ED (AI 15)**

The planning officer introduced the report. This item was deferred from the January meeting as concerns were raised regarding the design of the window proposed to the north elevation of the extension.

A deputation was heard from Mr James Froggatt, objecting to the application.

Members' questions

In response to questions, officers clarified the following points:

- All issues need to be weighed today along with all the issues that were raised when the application was considered at the January meeting.
- The window to the west elevation would be obscured glazed. Officers did not think it was necessary to have an obscured glazed window for the north elevation as it is sufficient distance away from the neighbouring properties.
- There is 20m from the rear elevation of the extension to the closest property on Stanley Street.

Members' comments

Members' were concerned that this application did not enhance the conservation area particularly as the windows were proposed to be UPVC and felt this was not appropriate. The chair advised that conservation grade UPVC windows are acceptable in a conservation area. Officers clarified that a condition could be added that the finer details of the window are submitted to officers to ensure that a good quality window is installed.

**RESOLVED planning permission was granted subject to the conditions set out in the Planning Officer's Committee report and an additional condition regarding the design and material details of the north-facing rear window:**

*"Prior to the installation of the proposed window to the north elevation serving the kitchen, details of the window specifications including materials, method of opening and sectional details of the frames and glazing bars shall be submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details*

*Reason: In the interest of preserving the character and appearance of the Conservation Area, in accordance with Policy PCS23 of the Portsmouth Plan (2012)."*

The meeting concluded at 6.15 pm.

.....  
Signed by the Chair of the meeting  
Councillor Hugh Mason