

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held remotely on Wednesday, 10 June 2020 at 2 pm

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### **Present**

Councillors   David Fuller (Chair)  
                    Judith Smyth (Vice-Chair)  
                    Matthew Atkins  
                    Chris Attwell  
                    Lee Hunt  
                    Donna Jones  
                    Terry Norton  
                    Lynne Stagg  
                    Luke Stubbs  
                    Claire Udy

### **Welcome**

The chair welcomed members to the first virtual meeting of the Planning Committee.

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

Apologies for absence were received from Councillor Gerald Vernon-Jackson (Councillor Chris Attwell deputised for him).

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

There were no declarations of interest.

#### **35. Minutes of Previous Meeting - 11 March 2020 (AI 3)**

**RESOLVED** that the minutes of the Planning Committee held on 11 March 2020 be approved as a correct record and signed by the Chair.

#### **36. Update on previous applications (AI 4)**

The Assistant Director of Planning & Economic Growth noted that since the start of lockdown and the end of May officers had determined 67 applications and processed 11 appeals, despite having reduced resources. He would give a further update at the next meeting. The Chair thanked the team for their work.

#### **37. 20/00078/FUL - 27-29 Kingston Road, Portsmouth, PO2 7DP Construction of additional storey and extension at first floor to provide 6no. 2 bedroom flats and 1no. 1 bedroom flat with access from Sultan Road; ground**

**floor alterations to include provision of 2 commercial units for A1 (shop), A2 (financial and professional services) or D1 (non-residential institution), and undercroft storage facilities with provision of 7 parking spaces (resubmission of 19/01423/FUL) (amended description)**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported:

*In liaison with the Environmental Health Team, it has been established that no condition is required relating to air quality. Whilst air pollution levels are relatively high at the southern end of Kingston Road, an assessment carried out for a nearby development determined that there would not be a significant impact on residents at first floor level and above. Air quality is therefore not considered to represent a constraint to development.*

*Please also note the following corrections / amendments within the report:*

- *Para 5.45 - Impact on the Solent Special Protected Areas: should refer to the Conservation of Habitat and Species Regulations 2017, rather than 2010.*
- *Condition 12 has been amended to remove reference to the General Permitted Development Order, as follows:*

*The flat roof area to the north of the terrace as shown on Plan ref. 20A\_001 09 Rev. B and the flat roof to the lightwell as shown on Plan ref. 20A\_001 08 Rev. C, shall not be used as a balcony, roof terrace, sitting out area or similar amenity area without the grant of further planning permission from the Local Planning Authority.*

*No change to recommendation other than amendment to Condition 12.*

#### Members' Questions

There were no questions from members.

#### Members' Comments

Members thought the application would improve the building line and provide a good standard of accommodation. It would be a good use of commercial space in an area close to public transport. It was good to see solar panels included in the application.

#### **RESOLVED**

- (1) That delegated authority be 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) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;**
- (3) That delegated authority be 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.**

**38. 20/00169/OUT - 62 Middle Street, Southsea PO5 4BP**

**Outline application for the construction of four storey building comprising 21no. Student accommodation units (class C1) and ground floor commercial unit (class B1A), following demolition of existing building (principles of scale and access to be considered) (resubmission of 18/01968/OUT) (amended description)**

The Planning Officer presented the report.

The following written deputations were received and read out by the Planning Officer:

- Mr and Mrs Tarrant (opposing the application)
- Applicant (in favour of the application)

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

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=157&MId=4503&Ver=4>

Members' Questions

In response to questions from members officers explained that

- The Committee needs to consider the entire scheme, not just the ground floor, and to use consistency and reasonableness in their decision making. The previous application was rejected as it would have failed to retain employment uses on the site. Members need to consider if the proposed B1 usage in the re-submitted application is adequate. It could be considered unreasonable to reject the application if there were objections to aspects which had previously been thought acceptable.
- B1 covers office use. D1 covers multiple non-residential community use, for example, health centres, creches, art galleries, libraries, places of worship.
- The area of the current PDSA clinic is slightly larger than the proposed B1 usage for the ground floor.
- With regard to Mr and Mrs Tarrant's deputation matters regarding land ownership should not dictate the Committee's decision as they are not relevant to planning. It is not possible to comment on which officers may have been involved, particularly with an ongoing complaint. However, the planning and land ownership matters in this case are separate and it could be considered unreasonable to delay the application because of outstanding legal matters.
- With regard to future demand for student accommodation in the light of Covid 19 the Committee has to consider the application as it is submitted and determine the matter on the best evidence in front of them. Demand for student accommodation is very market led and there is no policy setting a cap. However, the council is encouraging developers of student accommodation to show how it could be adapted to different occupiers; this would be considered in more detail under reserved matters. Informal discussions with the University show that although they are expecting a dip in the demand for residential accommodation they are working towards a "new normal."
- The Committee needs to decide if the proposed B1 space of 73.6 m<sup>2</sup> is adequate. A proportion of the ground floor space is needed for bins and a cycle store to service the residential accommodation on higher levels.

- The student accommodation itself might create employment opportunities such as cleaners and maintenance staff although it is unlikely to have an onsite warden.
- Condition 14 specifies energy and water use; solar panels could be a way for the development to meet its emissions rate target. When imposing conditions, for example, making solar panels compulsory, their reasonableness has to be considered.
- Condition 15 restricts the ground floor unit to B1A office use, which is what the applicant has applied for, In addition, the unit may not be suitable for the parking and servicing needs of A1 or A2 uses; it is not a question of its size. If there was an application for a different type of use it would have to be considered on its own merits.

#### Members' Comments

- The surrounding area will change when the Horatia House and Leamington House tower blocks are demolished. However, members acknowledged the future of these sites was not relevant to the application.
- Members considered removing the condition specifying B1A use as there are not many offices in the area; retail use might be more appropriate. Officers explained there is flexibility in B1 use as the permitted development rights contained within the Use Classes Order allow flexibility within the three sub-sections of B1 (A, B, C). As some residential use is allowed under these permitted development rights officers proposed the condition to prevent what would be a fundamental change of use, which was the reason for the previous refusal.
- Some members thought the proposed B1 space was barely adequate and only just met minimum requirements for employment use. Commercial conditions may lead to uncertain prospects for residential or student accommodation. There was concern the application still failed to retain sufficient employment uses of the site.

The Committee adjourned from to 3.45 pm to 4.10 pm.

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

- (1) The proposed development would fail to retain sufficient employment uses on the site, contrary to policy PCS6 of the Portsmouth Plan and the allocation for ground floor employment uses set out in Policy SNS8 of the Somerstown and North Southsea Area Action Plan, resulting in a failure to retain and improve employment opportunities in the area needed to act as a springboard for social and economic regeneration.  
And
- (2) Prior to the completion of necessary s106 obligation, results in an unmitigated 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.

#### **39. 19/00975/FUL - 17 Clarence Parade, Southsea, PO5 3NU Construction of additional storey to provide three bedroomed apartment**

The Planning Officer presented the report and clarified two points in the plans:

- a correction relating to the window serving the stairs
- the chimney will be retained and will be part of the approved plans

A written deputation by the applicant in support of the application was received and read out by the Planning Officer.

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

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=157&MId=4503&Ver=4>

#### Members' Questions and Comments

There were no questions or comments from members.

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

The meeting concluded at 4.33 pm.

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Signed by the Chair of the meeting  
Councillor David Fuller