

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 22 July 2020 at 2.00 pm in the Virtual Remote Meeting - Remote

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

Also in attendance

Councillors Jeanette Smith, Darren Sanders and Steve Wemyss

Welcome

The chair welcomed members of the public and members to the meeting.

40. Apologies (AI 1)

There were no apologies for absence.

Councillor Stagg advised she needed to leave the meeting at 3pm to attend another meeting.

41. Declaration of Members' Interests (AI 2)

Councillor Fuller declared a personal and prejudicial interest in planning application 3 (187 Havant Road) because of his employer's business, another care home on Havant Road and that there could be the appearance of bias if he participates in and votes on this item. He will not participate in or vote on this item and will vacate the chair.

Councillor Fuller declared a personal and prejudicial interest in planning application 5 (Forest Lodge, Locksway Road) because of his employer's business, another care home in Portsmouth and that there could be the appearance of bias if he participates in and votes on this item. He will not participate in or vote on this item and will vacate the chair.

Councillor Udy declared a personal interest in planning application 1 (Land to the rear of 118 London Road) as a former employee of the Clarence Gardens Public House. She did not consider herself to have any bias in this application.

Councillor Norton declared a personal and prejudicial interest in planning application 3 (187 Havant Road) and would leave the meeting for this item. He had a deputation to make on behalf of residents so would read this out then leave and not take part in the debate.

Councillor Fuller advised that as he needed to leave the meeting for the two planning applications previously mentioned, the order of the planning applications discussed today would be amended slightly. Planning applications 1, 2 and 4 would be heard first. Planning applications 3 and 5 will move to the end of the meeting and Cllr Smyth as Vice Chair will take over as Chair for the remainder of the meeting.

42. Minutes of previous meeting - 10 June 2020 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 10 June 2020 be approved as a correct record.

43. Update on previous applications (AI 4)

The Head of Development Management advised that since the last Planning Committee meeting there had been 11 appeals against decisions of the Local Planning Authority. There had also been two decisions; one had been allowed and one was dismissed. There had been six appeals against enforcement action against HMOs that had come forward without planning permission, which had all come from one applicant.

44. 19/00018/FUL - Land to rear of 118 London Road, Portsmouth, PO2 0LZ (AI 5)

The Planning Officer presented the report.

Further written deputations were read out as part of the officer presentation from:

- Mr Russell - Agent
- Mr Smith - Objector

Deputations are not minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-22jul2020/videos/208937684>

Members' Questions

In response to questions from members, officers explained that:

- The number of parking spaces was in accordance with the Parking Standards Supplementary Planning Document adopted by the City Council.
- The area is well served by buses, but it is some distance from the nearest train station.

- There are four trees, one is multi-stemmed so could be regarded as a group of trees. The planning officer pointed out on the indicative drawing where the planting was proposed.
- The impact of noise is a material planning condition. Placing residential uses at the back could result in some friction, where that is the case then appropriate mitigation measures must be put in place. Mitigation measures put forward by the applicant include acoustic screening and the placement of windows. There is a planning condition proposed to seek the precise details of mitigation.
- Waste collection from the public house will be through a private company. There will be noise but this is a short term impact once or twice a week which would not result in significant harm with the mitigation measures proposed.
- Richard Lee, Regulatory Services Manager said that the extraction system is roughly 13.5m from the boundary of the site to the façade of the new development. Officers suspect a level of dilution sufficient to ensure there is no cause for concern. He agreed that the site was not very open, however considering distances and understanding the routine maintenance, he did not believe it will be a particular problem.
- There is a planning condition proposed relating to energy use which could include solar panels as there is an area of flat roof. Members asked that this be requested from the applicant.
- The target is to make a 19% reduction in the emissions from the building, above what is required through the building regulations. The planning condition will ensure they provide an independent report to show they have met the target rate.

(Councillor Stagg left at 3pm before reaching members' comments.)

Members' Comments

Members had concerns about future occupiers of the dwellings being adversely affected by noise from the public house, the bottle collections, and smells from cooking. Members noted that the design of the building was appealing. Other members commented that the development would improve the area and that there was no reason to refuse the application.

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.**

45. **19/00615/FUL - 46-50 Kingston Road and 2A New Road, Portsmouth, PO2 7RB (AI 6)**

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

The plans have been corrected to show a chamfered corner to the upper floors of the building on the Kingston Road/ New Road corner. This is to ensure that the development would not over-sail the public highway. This amendment does not change the assessment of the merits of the scheme as set out within the committee report.

No further written deputations have been made on this application

Condition 2 has been updated to reflect the amended plan numbers 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: Block and Location Plan 16.2198.105 P3; Proposed Ground Floor Plan 16.2198.100 P4; Proposed First Floor Plan 16.2198.101 P5; Proposed Second Floor Plan 16.2198.102 P5; Proposed Third Floor Plan 16.2198.103 P6; and Proposed Elevations 16.2198.104 P6.

Recommendation otherwise unchanged.

Members' Questions

In response to questions from members, officers explained that:

- This site is in an area where parking standards do not automatically allow a reduction in parking standards. Officially this scheme would require 12 spaces in accordance with adopted parking standards. Officers had balanced this with housing land supply provision, accessibility of the site and made a balanced decision that for 11 one bed flats, a scheme of this nature in this location is acceptable.
- The nearby car parks were pointed out to members on the plan. As referred to in paragraph 5.40 a parking survey determined that overnight there was up to 40 spaces available, which are currently unrestricted.
- Officers are currently revising the Council's SPD on parking and a further public consultation on this would be carried out later in the Summer/Autumn.

Members' Comments

Members noted that there was available parking nearby which is currently free. This development is in line with aspirations for the Kingston Road area, will provide new housing and new residents will revitalise the 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.

46. 19/00371/CS3 - former Longdean Lodge site, Hillsley Road, Portsmouth, PO6 4NH (AI 8)

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

Since publication of the Committee Papers, one further letter of representation has been received from the occupier of an adjoining property to the north-west. Their objection relates to the height of the proposed building and resultant loss of privacy and light. These matters are addressed within the Committee Report.

No further written deputations have been made on this application.

Recommendation unchanged.

Members' Questions

There were no questions.

Members' Comments

Members thought that although there was substantial bulk to the building that it was in keeping with the area and would provide much needed supported living for the city. The proposed solar panels were also welcomed and members thought the design was pleasing.

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.

(Members had a short adjournment after this item)

(Councillor Udy left the meeting after this item)

(Councillor Fuller left the meeting after this item due to his earlier declared interests in the remaining items, Councillor Smyth as Vice Chair took over the meeting)

47. 19/00886/FUL - 187 Havant Road, Portsmouth, PO6 1EE (AI 7)

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

Further written deputations will be read out as part of the officer presentation from:

Applicant - The Society of St James

Objector - Mr Kaye (former resident of 189 Havant Road - now deceased)

111 further representations have been received.

105 of the representations are objecting to the scheme on the following grounds:

- a) inappropriate area for the proposed use due to being mainly populated by elderly residents and young families and close to schools;*
- b) the development would bring people with drug and alcohol problems into the area; there is an alcohol shop close to the site;*
- c) detrimental affect on the lives of local residents; increased noise and disturbance, concern that residents would have to leave the premises during the day;*
- d) additional strain on local services such as pharmacies and doctors;*
- e) small size of the flats unhealthy for future residents;*
- f) unclear what level of support the residents would receive; lack of overnight care;*
- g) increased risk of crime, antisocial behaviour and safety concerns for local residents;*
- h) potential negative impact on local businesses if local people feel discouraged to visit them;*
- i) negative impact on house prices in the local area;*
- j) benefits of housing homeless people outweighed by negative impact;*
- k) lack of communal areas for residents;*
- l) lack of notification and involvement of the local community in the application proposals;*
- m) lack of local facilities for residents and support services in the area;*
- n) flats do not meet relevant space standards and is more like a House in Multiple Occupation;*
- o) too close to a busy main road;*
- p) allowing the proposal would set a precedent for similar accommodation in the area;*
- q) an independent risk assessment should be conducted to assess the impact of the scheme on the local community;*
- r) too many rooms within the property; too dense;*
- s) concerned about lack of communication from the Society of St James when people were temporarily housed at the property during COVID-19;*
- t) the care home only had 9 residents and not many staff;*
- u) the scheme fails to justify the lack of parking against Portsmouth City Council's parking standards;*
- v) there is insufficient evidence to justify the small size of the units, contrary to Policy PCS19;*

- w) lack of appropriate conditions to ensure safety and protect amenity of neighbouring residents;
- x) increased noise and disturbance to neighbouring residents; noise levels have already increased since people have temporarily been housed in the property;
- y) concern that there are already residents in the property.

6 representations give support to the application on the following grounds:

- a) Good for people to get a second chance;
- b) support the aims of the Society of St James to assist and support people of all ages affected by homelessness;
- c) the accommodation will benefit vulnerable people;
- d) the proposed location would distance the residents from inner city areas where poor lifestyle choices are more likely to be made;
- e) suggest that residents should be provided with targeted professional support, including a room for counselling sessions;
- f) suggest more visitor parking is provided (e.g. by using the garden);
- f) suggest adequate laundry facilities provided;
- g) each flat should have a shower or bath;
- h) the location away from the city centre would provide a safer environment for occupants;
- i) an important scheme to meet the needs of the homeless community;
- j) anti-social behaviour is more likely to be a risk if people are left living on the streets;
- k) the property is located on a main road close to essential services and seems a suitable location;
- l) suggestion as to whether one of the vacant retail units in Drayton could be used as a charity shop to further support the scheme.

It is considered that the majority of the matters outlined within the new objections have been satisfactorily addressed within the committee report (please refer specifically to paragraphs 5.5, 5.10-5.12, 5.15, 5.20-5.25, and 5.27-5.31). It can be confirmed that the occupants would not be required to vacate the premises during the day, as it would be their place of residence. The applicant, The Society of St James, has also provided some additional information in response to the latest comments, as summarised below. These points are also made within a written deputation from the Society, which will be read out at the planning committee:

- *The Society of St James is a charity with many years' experience in delivering help for those in need;*
- *The property would accommodate adults with a range of ages and backgrounds, not specifically young people;*
- *Residents are likely to have been through a number of other stages of housing assistance, with the proposed accommodation being the last stage before they are considered ready for general rented accommodation;*
- *The purpose of the accommodation is for residents to have independence, without the need for communal facilities;*
- *The residents would not require 24 hour supervision, but support staff would visit several times a week and staff can be contacted at any time using a 24 hour on call system. There is an out of hours team who can attend the property at nights and weekends to resolve issues. Local residents can*

also be provided with the emergency numbers to report any issues or concerns;

- *Some of the residents may have mental health issues and will already be receiving support from local mental health services, which would continue;*
- *The location of the site was carefully considered. It is within an established community with good access to shops and services, but is far enough from Portsmouth City Centre that can be prone to offering a detrimental social environment.*

The recommendation remained unchanged.

Members noted that with the change to Standing Order 24 due to the COVID-19 pandemic, there had been some confusion over the deadline for deputations, meaning that not everyone who wanted to make a deputation had been able to do so today. The Principal Planning Solicitor said that officers had considered all the representations received and reminded members that deputation requests must be registered prior to the publication of the agenda and then they would be invited to submit a further written representation.

As there were over 100 further representations received which the committee had not been able to hear, the majority of members felt that this application should be deferred until the next meeting to give people additional notice to submit their deputations prior to the deadline.

(Councillor Norton did not vote on this due to his earlier declared interest)

RESOLVED that the application be deferred to the next meeting.

48. 19/01322/FUL - Forest Lodge, Locksway Road, Portsmouth, PO4 8LU (AI 9)

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

The Agent has clarified in response to a query regarding sustainability, that solar panels on the southern roof slope may be considered and/or a ground source heat pump system. Furthermore, that other energy and water efficiency measures would also be considered. Although no specific details are proposed within the submission.

The Agent and RNBT have suggested that if it is not possible to upload or show a submitted video walkthrough of the proposed development, that this can instead be viewed on the RNBT's website or on YouTube; by Members or by the public. It is understood that the video has nevertheless been sent to Members by the Agent.

The recommendation remains unchanged.

Further written deputations were read out as part of the officer presentation from:

Mr A Wood - Agent

Rob Bosshardt - Royal Navy Benevolent Fund - Supporter

Further written representations were received after the deadline for deputations. These were sent to members prior to the meeting but at the request of the committee were subsequently read out by the planning officer:

- Royal Navy Association (Bill Oliphant)
supports the application
- Agamemnon Housing Association (Nigel Langhorn)
supports the application
- Patrick Keefe (neighbour / former Navy Commander)
supports the application
- NHS Property Services (Nicola Booth)
supports the application

Deputations were also heard from:

- Councillor Jeanette Smith on behalf of the Chair of Milton Neighbourhood Planning Forum objecting to the application
- Councillor Darren Sanders on behalf of a constituent objecting to the application.

Deputations are not minuted but can be viewed as part of the livestream on the following link <https://livestream.com/accounts/14063785/planning-22jul2020/videos/208937684>

Members' Questions

In response to questions from members officers explained that:

- There had been extensive negotiations with the applicant over the concerns about the design. Some changes have been made and the applicant is no longer willing to make further changes as they feel the scheme is acceptable. Officers however do not feel the design is of a high enough standard.
- Officers clarified the process for submitting deputations. The deadline for requesting deputations is prior to the agenda being published in accordance with the amended Standing Order 24. Those who have previously registered will have the opportunity to submit a further written representation. The Deputy Director of Planning and Economic Growth, advised that unfortunately a small number of letters went out advising that deputations were available to people who had not properly registered and he apologised for this. The four deputations received following this had been included in the supplementary matters list in full and members have had the opportunity to read these. After a discussion these were subsequently read out to the committee as listed above.
- The most prominent view of the site is from Locksway Road which is considered to be the frontage. There is also the West Lodge traditional flint building on the opposite side of Solent Drive. The site is the gateway to historical access along to the historic St James' Hospital. It is a very prominent location where currently there is a hard boundary along the site. Officers considered it a missed opportunity in terms of integrating better into the street scene and surrounding roads.
- Officers had gone back to the agent with a number of suggestions such as breaking up the building and having lower storey elements and elements

suggested by the Design Review Panel, but the applicant was not prepared to change the bulk of the scheme.

- The previous scheme which was granted planning permission had 8 houses which were two storey and a block of flats. This was not implemented and planning permission has expired.
- Officers have not specifically said that the care home has to match the Flint Lodge adjacent, just asked that this is taken into account. The primary concern is the scale, massing and continuous block in combination with the design.
- Officers have not had a specific conversation with the applicant about the requirements for the internal layout. They have made suggestions though such as pulling apart the building to have two storey link attachments with three storey in the next section.
- Natural England have not agreed what is proposed to be acceptable therefore a condition could not be added. Natural England's view and sign off is needed for that element and the Council need them to say they are happy with the mitigation proposed.
- The Principal Planning Solicitor advised members that para 177 of the NPPF states: "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"
She advised members that in the absence of an appropriate assessment the likely significant effects of the development on the habitat site are unknown therefore planning permission should be refused. It would be unlawful for member to grant planning permission for this development today.
- The Assistant Director of Planning and Economic Growth added that the applicant provided the information last Monday, officers submitted to Natural England and in due course they will reply with hopefully a positive response.
- Officers advised that it would not be appropriate to give delegated authority to the Assistant Director to conclude negotiations with the applicant and Natural England as they do not know if will have a successful mitigation strategy until hear back from Natural England.

Members' Comments

Members were sympathetic to the application and noted that the applicant had reviewed a large number of sites around Portsmouth. The Committee felt that there is an obligation to provide suitable sites for naval veterans in the city. Members felt that the design is similar to other care homes and retains a large amount of greenery. It was felt that the nitrate issue should be resolvable as long as Natural England provide a positive response. There were some unsatisfactory elements to the application due to the environment however greater provision for older people was needed.

Some members however wished to support the officer recommendation to ensure that a better design for the site was achieved.

The Assistant Director of Planning and Economic Development and Principal Planning Solicitor advised that the Council was not lawfully in a position to grant

planning permission without the appropriate assessment. Officers advised that if members were minded to overturn the officer's recommendation they could either resolve to delegate the application to officers or bring back to the next committee scheduled for three weeks' time. Bringing the application back to committee would allow the committee to have some control over the conditions and the appropriate assessment will have been resolved. This will provide transparency for the grant of planning permission.

RESOLVED that the application not be refused and delegated authority be granted to the Assistant Director of Planning & Economic Growth to resolve the application within the next 3 months.

(The officers' recommendation for refusal was overturned)

The meeting concluded at 7.00 pm.

Signed by the Chair of the meeting
Councillor David Fuller