

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held remotely on Tuesday 23 February 2021 at 2pm.

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
Luke Stubbs

Welcome

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

11. Apologies (AI 1)

Apologies for absence had been received from Councillor Claire Udy.

12. Declaration of Members' Interests (AI 2)

Item 5: Park House, 1 Clarence Parade, Southsea, PO5 3RJ - 19/01163/FUL

Councillor Stubbs declared a non-prejudicial interest as he had called this application in and although he had discussed the matters of process with the applicant, he had not discussed the merits of the application.

13. Minutes of previous meeting - 26 January 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 26 January 2021 be approved as a correct record.

14. Update on previous applications (AI 4)

The Head of Development Management gave the following updates:

The council is currently defending enforcement notice appeals for 22 Pains Road, 60 Cottage Grove, 23 Manners Road, 78 Manners Road, 134 Francis Road and 278 Fawcett Road. The enforcement notice requires the owners of the properties to cease using them as HMO Sui Generis. The Inquiries were ongoing and would continue on 25 February and 2 March 2021.

Two appeals are currently with the Planning Inspectorate and relate to dormer extensions at: 225 Stubbington Avenue and Flat 17 Villiers Road. Officers decided that it would cause greater harm to the host property and the surrounding area if the applications were approved.

One appeal for 1 Fourth Avenue was dismissed. The Inspector considered the proposed two storey front extension to be too harmful to the character of the host property and the surrounding area

15. 3 Pains Road, Southsea, PO5 1HE - 19/00866/FUL (AI 5)

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

It has been brought to Officer's attention that there is an error within the Committee Report, in respect of the bathroom sizes for the property. The first floor shower room is listed at 3.77sqm, in actuality it measure 3.5sqm. Additionally the second floor bathroom is listed at 3.74sqm and actually measures 3.54sqm. As such both shower rooms are marginally undersized by at most 0.24sqm. Given that the shower rooms would still be usable in their layout and the minor under-provision of space, the officer's recommendation is unchanged and the property is still considered to provide an acceptable standard of accommodation for seven individuals sharing.

The recommendation remains unchanged.

Further written deputations were read out as part of the officer presentation from the Owner - Applicant. Deputations are not included in the minutes but can be viewed on the livestream using the following link [Planning Committee, 23 February 2021](#).

Members' Questions

In response to questions from members, officers explained that:

- The future intended occupier of the bedroom marked 7 would need to make their way through two fire doors, the kitchen and also the shared communal space to use the toilet or bathroom. While this is a negative aspect of the scheme the officer did not believe that it was sufficient to recommend refusal of the application.
- Before putting forward the recommendations the officer had read all of the recent appeal decisions that had come in regarding HMOs. This had been factored into the officer's judgement and considerations and he thought that on balance the communal space and living standards were acceptable.
- The only planning history for this application was the 2019 application that was to change class C4 to class C3 or C4.
- The application that was determined at committee in March 2020 for 48 Green Road included a basement lounge area. The committee on that occasion did approved the application, however the two applications have slightly different bedroom and communal area sizes. The officer advised that it is mainly a judgement on whether the basement does provide adequate amenity space, adequate standard of accommodation and if it overcomes the under provision of ground floor communal space.

Members' Comments

Members felt that despite the planning officer's report the living conditions were not up to standard and would contravene the council's guidelines. Members did not believe that there was sufficient natural light to the basement area and that the outlook was not good. Although the under provision was only 0.24 sq metres, taken with the layout of the house the functionality of the property becomes poor. This

coupled with the toilet spaces not meeting council's requirements makes it become a poorly configured property.

Members noted that residential amenities for the future occupier of bedroom 7 would not be good enough. The kitchen is long and narrow leading to the communal space meaning the intended occupier would have to awkwardly negotiate the space.

RESOLVED that the application be refused for the following reasons:

1) The proposed development would give rise to a poor quality living environment for existing and future occupiers of the property, having regard to reduced room sizes, distance from bathroom facilities and poor levels of light and outlook. This would be contrary to Policy PCS23 (Design and Conservation) of the Portsmouth Local Plan (2012), the Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) and the National Planning Policy Framework (2019).

2) It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional recreational pressures and nutrient output; with mitigation against these impacts being required. No justification or mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations (2017), the Wildlife and Countryside Act (1981), and Section 15 of the NPPF (2019).

16. The Churchillian Public House, Portsdown Hill Road Portsmouth PO6 3LS - 20/00131/FUL (AI 6)

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

Members are advised that of the 6 parking spaces to be lost as a consequence of the proposals, the two existing disabled parking bays are to be re-provided immediately to the east of the new seating area.

The Council's Environmental Health and Licencing teams have also provided comments on the proposed external seating and with regard to potential noise issues arising. Members are advised that no concerns are raised by either team, as seating areas beneath the proposed pergola are already in existence. Furthermore, seating proposed east of the outdoor bar area would be well screened by boundary fencing and a store building in the grounds of Harbour Heights. In addition, the public house has not received any noise complaints to date. The existing pub licence is restricted to indoor entertainment other than an allowance for a controlled number of outdoor events. Overall therefore, Officers do not consider there would be sufficient justification to apply conditions relating to noise and the existing site licence will continue to address these matters.

The recommendation remains unchanged.

Members' Questions

In response to questions from members, officers explained that:

- No additional lighting would be added to the original arrangements around the outside of the premises and may not be suitable in any case due to the rural location.
- No information had been provided in terms of noise issues. Officers consider that the existing arrangement is unlikely to be significantly altered as the proposals are to improve the existing facilities.
- The officers have looked into the possibility of adding a condition with regards to the closing time of the outdoor bar and believe that it would be unreasonable to impose such a condition to what is effectively an existing situation.

Members' Comments

Members were happy with this sensible proposal and felt that the scheme would improve the area and represent a good use of the outdoor space.

Members noted the loss of the parking spaces but felt that as there were enough spaces and also a carpark next door there would be no significant impact.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and the supplementary matters report.

17. Park House, 1 Clarence Parade, Southsea, PO5 3RJ - 19/01163/FUL (AI 7)

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

Since the publication of the Committee Report, 12 additional representations have been received from neighbouring residents, 11 offering support for the proposal and 1 objecting to the proposal.

The comments from the additional representations are similar in nature to those previously mentioned within the Committee Report and as such the Officer has no additional comments.

The recommendation remains unchanged.

Further written deputations were read out as part of the officer presentation from Rowan and Jason West (the applicant) and Joseph Moser (the agent). Deputations are not included in the minutes but can be viewed on the livestream using the following link [Planning Committee, 23 February 2021](#).

Members' Questions

In response to questions from members, officers explained that:

- The recommendation for refusal on design grounds relates to the front elevation of the building not being in alignment and the view from the front of the building from the street.
- If the plan is to remove the existing roof and replace with a parapet roof it should adjoin correctly with the neighbouring development. The cut out of the balustrade and the use of glass are also points of objection.
- The three points together were found to be unacceptable. Discussions did not take place with regards to simply fixing the issue with the glass; it was always about fixing the front as a whole. Just the realignment of the front would still have been deemed objectionable and slightly peculiar as the glass would not have respected the original character of the building.

- 31 deputations were made in support of the proposal during the general application process and a further 13 deputations in support and 1 objection were received since the publication of the committee report.
- The Local Planning Authority (LPA) had no issue with the applicant developing the roof space in principle given the previous development to the adjoining side. The proposal did not get to a place where it was suitable in design but if another acceptable more symmetrical scheme was proposed by the applicant the LPA would be more likely to support it.
- It was a very difficult approach given the different heights at eaves level of both buildings and the LPA has to take great care given that the proposal is within a conservation area. The approach with glass balustrading is a very different situation to what is there at the moment and the planning officer expressed the need for caution in order to preserve and enhance the conservation area.
- The local highways officer has objected due to a lack of parking and no parking survey had been carried out by the applicant. However officers did not feel the lack of parking would give rise to safety concerns on the public highway and in line with the NPPF, there was not considered to be grounds for refusal.

Member's Comments

Members felt that although the seafront has a mixture of styles and materials, it is essentially and largely a conservation area. Members acknowledged that the local planning officer's report was looking to protect and enhance the local conservation area and thought that on this occasion they were right to do so. Some members thought that the proposal was too big and they were also concerned about going against conservation guidelines regarding roof extensions.

Other members disagreed and felt that this was a well-considered application that was unlikely to impact on neighbours. They noted that there were already a number of glass balustrades along the seafront and found this to be of an acceptable design. It was also highlighted that this application met the internal size standards.

RESOLVED that the application be refused for the following reasons:

1) The proposed alterations would, by reason of their bulk, material choice and relationship with adjoining section of roof, represent an unsympathetic and incongruous form of development that would fail to relate in an appropriate manner to the recipient building and the wider street scene. Furthermore the proposal would fail to preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of The Portsmouth Plan.

2) It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional recreational pressures and nutrient output; with mitigation against these impacts being required. No justification or mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations (2017), the Wildlife and Countryside Act (1981), and Section 15 of the NPPF (2019).

18. 39-40 High Street, Portsmouth, PO1 2LU - 20/00069/FUL (AI 8)

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

*Following Members briefing and discussions with the applicant, an additional condition is proposed to the permission requiring that the proposed glass balustrade is of a clear glazing and not coloured or obscured. This is to ensure that the proposal is lightweight and non-disruptive towards the character and appearance of the Conservation Area and the setting of the nearby Listed Heritage Assets.
The recommendation remains unchanged, besides the additional condition:*

3. The proposed glass balustrading hereby permitted shall be of a clear non-coloured glazing and shall be retained as such at all times, unless otherwise agreed by the Local Planning Authority.

Further written deputations were read out as part of the officer presentation from Terry Henderson (a local resident) and the applicant. Deputations are not included in the minutes but can be viewed on the livestream using the following link [Planning Committee, 26 January 2021](#).

Following the deputations Councillor Luke Stubbs declared an interest in the application due to a close association with Terry Henderson and withdrew from the item. He remained out of the meeting for the remainder of this item.

Members' Questions

In response to questions from members, officers explained that the previously refused balustrading was comprised of a much tighter set of railings which was much more visible and prominent. The new balustrade would be made of clear glazed frameless glass secured by condition, which would give a much lighter appearance on the roof.

Members' Comments

Members were happy with this proposal and felt that the glass balustrade would improve the situation.

RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters report.

19. Fontenoy House, Grand Parade, Portsmouth, PO1 2NF - 20/00158/FUL (AI 9)

The Planning Officer presented the report.

The recommendation remains unchanged.

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

Mr Anthony Knight - Chair of the Fontenoy House Leaseholders Group

Mr Ian Woodward - Local resident

Mr Jason & Mrs Kate Phillips - Applicant

Mr John Clapham - Local resident

Mr Richard Blair - Local resident

Mr Richard Bray - Local resident

Mr Russell Best - Local resident

Cllr Tom Wood - Ward Councillor

Deputations are not included in the minutes but can be viewed on the livestream using the following link [Planning Committee, 26 January 2021](#).

Members' Questions

In response to questions from members, officers explained that:

- There had been no dialogue with the applicant with regards to whether they would be willing to go back to the same footprint as the previous application that had already gained planning permission.
- It would be possible to defer the decision on this item to clarify whether the applicant would be willing to change their proposal on that basis.
- The general height for the approved application is 2.7m with the highest point being 3.1m. The new application would have a general height of 3.1m with the balustrade taking it up to 4.1m.
- In the officer's opinion as the property is in a conservation area and the external rendering and other improvements would have a material effect on the external appearance, the changes would also need planning permission.
- One of the planning conditions (number 3) talks about appearance and colours of external materials which would mean that the windows would have to remain white. The wording of this condition could be amplified should councillors consider that preferable.

At this point in the meeting the Chair was advised that a deputation from The Friends of Old Portsmouth was missing and had not been read out.

Members suggested a deferral so that this deputation could be included and taken into consideration.

Members' Comments

There were no comments.

RESOLVED to defer determination of this application.

20. 17 Merton Road, Southsea, PO5 2AF - 18/02093/FUL (AI 10)

The Chair agreed to determine this application first.

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

It has been identified that the application description for the property is not strictly correct as the building comprises a single ground floor self-contained 1-bed flat plus 10 bedsit rooms (currently empty). It is therefore necessary to change the description to reflect this and to undertake re-consultation and fresh publicity on this basis.

'Conversion of existing residential building (comprising 1No. 1-bed flat and HMO (sui generis)) to form 1no. one-bedroom, 3no. two-bedroom and 1no. three-bedroom residential units; to include construction of rear single storey extension and the provision of cycle and refuse storage'

A further condition is recommended to secure details of the final style and external appearance of the proposed side entrance door.

In view of the need for further consultation, Members are requested to DEFER consideration of this item until this has occurred.

Members' Questions

There were no questions.

Members' Comments

There were no comments.

RESOLVED to defer determination of this application.

The meeting concluded at 6.15pm.

Signed by the Chair of the meeting
Councillor David Fuller