

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held in the Council Chamber on Tuesday 29 June 2021 at 10.30 am.

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

Present

Councillors Lee Hunt (Chair)
Chris Attwell (Vice-Chair)
Dave Ashmore
Matthew Atkins
Cal Corkery
Jo Hooper
Robert New
John Smith
Lynne Stagg

Welcome

The chair welcomed everyone to the meeting and introductions were made.

45. Apologies (AI 1)

Apologies for absence were received from Councillors George Fielding, Judith Smyth (who was represented by Councillor Cal Corkery) and Gerald Vernon-Jackson (who was represented by Councillor Dave Ashmore).

46. Declaration of Members' Interests (AI 2)

Councillor Lee Hunt declared a personal and non-prejudicial interest for agenda item 11 (73 Ophir Road) as he had known one of the deputies, Lynda Dare, a long time ago. As Councillors Dave Ashmore, Chris Attwell and Lynne Stagg are members of the Cabinet they declared they would not participate in item 5 (Tipner Interchange) in order to avoid any perception of bias.

47. Minutes of previous meeting held on 27 April 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 27 April 2021 be approved as a correct record.

48. Update on Previous Applications (AI 4)

The Head of Development Management advised that four appeals had been dismissed by the Planning Inspectorate (two for HMOs [House of Multiple Occupation], one householder and one non-householder) and two allowed (one for a front extension and one for vehicle access widening). Five appeals are in progress (two householders and three non-householders that were refused).

49. Tipner Interchange, M275 Junction 1 Off Slip From Junction 12 M27, Portsmouth, PO2 8AN - 20/00457/OUT (AI 5)

Councillors Ashmore, Attwell and Stagg left the room.

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

The agent for the application has identified a few typos within the Officer report. These are set out below.

Para 8.2: Main issues for determination in this application, point #3, sub-point (e) - heritage. This is listed as a sub-point of #3 (reserved matters for consideration at a later date) but should actually be a main numbered point in its own right.

Para 8.35: The report must also refer to the S66 test of the Listed Building and Conservation Area Act of having 'special regard', this was omitted in error. In order to rectify this it is reproduced below:

In accordance with national policy and guidance, the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Where a development is considered to result in harm to a heritage asset, the Local Planning Authority is required to address the significance of the harm, in accordance with paragraphs 193 - 196 of the NPPF.

Para 8.41 concludes that there is 'no harm' to heritage assets. Alternatively if some impacts were found (and they were less than substantial as per NPPF para 196) then any public benefits arising from the scheme should also be considered e.g. the provision of a park and ride for public use that will assist with PCC objectives to reduce city centre congestion and improve air quality.

Deputations were made by:

- Martin Lavers, Assistant Director, Regeneration, Portsmouth City Council
- Celia Clark

Deputations are not included in the minutes but can be viewed on the livestream on the website

[Agenda for Planning Committee on Tuesday, 29th June, 2021, 10.30 am Portsmouth City Council](#)

Members' Questions

In response to questions from members, officers explained that:

- The committee are being asked to consider the principle of the development and access and accessibility today; other aspects such as design and scale are reserved matters to be considered later. With regard to scale the applicant has supplied indicative parameter plans and the height of the finished development could be lower than in the parameters but not higher. Approving the application today sets the parameters for the development. The dimensions given in the report are based on the parameter plans as an indication.

- There was concern about the extent of the development's impact on local residential amenity because of the height and visual impact. The 24-hour operation could have a high level of harm because of the light and noise caused by large numbers of people using it; there may also be a large amount of housing next to it (if planning permission is granted for the Tipner East and Tipner West). Officers advised that as with all applications the committee has to consider the balance between benefits such as cleaner air and harm to the public such as the scale of the hub.
- Design is a very subjective matter and although comments on the design and landscaping can be taken into account consideration of appearance is a reserved matter. The committee would consider the final design at the reserved matters application.
- Although the application considers accessibility and capacity primarily for motor vehicles there is provision for other modes of transport such as cyclists and pedestrians. The principle of the hub is to provide excellent facilities for cyclists where cycles can either be left and collected or hired. Charging points for electric bikes and e-scooters will be provided. People could cycle to the hub then take another form of transport. Accessibility and active travel is also considered at the reserved matters stage.
- At this stage weight cannot be given to the Local Plan when considering the application.
- Limited retail space is envisaged, for example, cycle repair shops. Retail units will be under 280 m² which is under the threshold for a mandatory retail assessment when assessing the impact on the local area.
- The application has taken into account regeneration and development plans for Tipner East and Tipner West when assessing how many parking spaces are needed in the hub. It is difficult to give an exact breakdown at this stage of how spaces will be used. Tipner West may have about 4,000 homes with an expectation of one parking space per home. Tipner East may have about 700 homes. There may be more support for these developments if their parking spaces are in the hub rather than on site. The aim of the hub is to reduce pollution. It is not a magic bullet but is one of several measures to facilitate sustainable transport such as encouraging cycling and having businesses closer to homes to reduce commuting.
- Even if Tipner West was not built the number of homes and businesses would be sufficient to justify the hub.

Members' Comments

- Members felt the proposal was unacceptable in its current form as the height, scale and massing would result in an overwhelming edifice that would dominate and have a negative effect on nearby homes. There was concern about agreeing to something which could not be reversed.
- There does not seem to be a justified need for so many car spaces. The case for a longer-term vision was not made, especially as it is unclear if Tipner West will proceed as currently envisaged. Such a large number of parking spaces may not be needed. Members do not want to see a half-occupied building, particularly one that some considered unattractive.
- Members acknowledged a need for a bigger and better Park and Ride to help improve air quality by preventing so many cars coming into Portsmouth. However, access for cyclists and pedestrians needs to be considered in as much detail as for motor vehicles though this can be worked on.

RESOLVED to refuse planning permission, contrary to officer recommendation, for the following reason:

Due to the lack of adequate justification for the need for a 2,650 space park and ride facility, along with the proposed access arrangements and the proposed height of the building this would cause unacceptable harm to the amenities of local residents and the local area contrary to Policies PCS1 and PCS17 within the Portsmouth Plan [2012] and the National Planning Policy Framework [2019].

Councillors Ashmore, Attwell and Stagg rejoined the meeting at 12.05 pm.

50. Land at Sevenoaks Road (ex Wymering Community Centre), Sevenoaks Road, Portsmouth, PO6 3JP - 21/00145/FUL (AI 6)

The Head of Development Management presented the report and drew attention to the Supplementary Matters which reported that:

Additional consultee comment from the Contaminated Land Team received following the submission of an amended Remediation Strategy and Verification Plan prior to the agenda being published;

The following reports have been submitted with the above planning application for consideration and comment in relation to the proposed school building and associated works:

- a) Phase 1 Geo-Environmental Desk Study Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. January 2018.*
- b) Phase 2 Geo-Environmental Assessment Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. March 2018.*
- c) Portsmouth SEN Ground Investigation Report for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-XX-XX-RP-GE-1001, January 2021.*
- d) Portsmouth SEN Remediation Strategy and Verification Plan for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709- HYD-XX-XX-RP-GE-3000, 24 May 2021.*
- e) Portsmouth SEN Remediation Strategy and Verification Plan for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-HYD-XX-XX-RP-GE-3000, 03 June 2021.*

In summary, from a review of the information submitted to date, the Contaminated Land Team (CLT) have not changed their recommendation for an amended pre-commencement condition, together with the standard verification conditions as previously recommended. Reasoning for this together with the proposed conditions are provided below.

The CLT reviewed reports a) - c) with the original planning consultation. Report d) was subsequently submitted and prioritised for review by the CLT. Comments were sent to Development Management (DM) on 11 June 2021. It is understood that between the review of report d) and providing comments, a further revision of report d) was received by DM but not passed on straight away to the CLT. This included additional site investigation carried out by Hydrock for the children's play area as well

as further asbestos screening, meaning the consultants had not received or seen the CLT's comments prior to sending out their revised report. The CLT was then asked to expedite the review of report e) for planning committee at the end of the month, as it is understood that the developer is keen to proceed without pre-commencement conditions.

Given the cross over in CLT's comments and receipt of the report e), the CLT contacted Hydrock and arranged a meeting with Andrew James (environmental consultant dealing with the site) on 21 June 2021. This was to discuss the CLT's comments and understand their concerns with the site including any outstanding information required pre-commencement. Having discussed the points raised in the CLT's memo of 11 June, Hydrock feel they are not yet in the position to have everything required for the pre-commencement condition to be removed.

The CLT await their written response to the points discussed, together with a further amended report e) to address as many things as possible that are required to allow works to commence. Any outstanding issues will be given a proposed deadline for submission to see if the need (or otherwise) for pre-commencement conditions can be further reviewed at this time.

Given the above our recommendation still stands for the following amended conditions to be applied to any planning approval granted:

*5a) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
a Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases identified in the risk assessment (desk study report Phase 1 Geo-Environmental Desk Study Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. January 2018; and site investigation reports Phase 2 Geo-Environmental Assessment Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. March 2018 and Portsmouth SEN Ground Investigation Report for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-XX-XX-RP-GE-1001, January 2021) when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary.*

b) If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Prior to Occupation

6) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning

Authority a stand-alone verification report by the competent person approved pursuant to condition (5) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the Phase 3 remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 5.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Members' Questions

In response to questions from members, officers explained that:

- There will still be open public access to the playfields.
- Use of the school playground out of school hours will compensate for the loss of the current hard court area.
- The Gurnard and Tunstall Parks will be improved by having relocated play equipment. The public benefit of the school will compensate for the small loss of open space.
- The Wymering Tree and Wymering Wall will be retained.
- The proposal includes adequate parking provision for staff, students and parents. The School's Travel Plan includes use of minibuses and staggered start and finish times. Some students will travel by taxi and there is provision for cycle spaces.

Members' Comments

There were no comments from members.

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

51. 1 Slingsby Close, Portsmouth, PO1 2PD - 20/00683/HOU (AI 7)

The Development Management Team Leader presented the report and drew attention to the Supplementary Matters which reported that:

The issue of the proposed slate 'cladding' to the front elevation has not been addressed in the officer report.

Insert new paragraph under 5.10 as follows:

5.10: Further it is considered that the proposed Marley Rivendale slate 'cladding' to the 1st and 2nd floors of the front elevation is incongruous and out of keeping with the area.

Also amend paragraph 5.15:

5.15 Having regard to the use of vertical timber cladding in a highly prominent location at the junction of Slingsby Close and Blount Road and the use of Marley

Rivendale slate to the Slingsby Close frontage, it is considered that the proposals would represent an unduly dominant development that would appear incongruous in relation to the existing dwelling and be harmful to its appearance within the street scene. As such the proposed development is not considered to amount to an acceptable design solution and thereby would be contrary to the design objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

Amend the reason for refusal:

(1) Having regard to the use of vertical timber cladding in a highly prominent location at the junction of Slingsby Close and Blount Road and the use of Marley Rivendale slate to the Slingsby Close frontage, it is considered that the proposals would represent an unduly dominant development that would appear incongruous in relation to the existing dwelling and be harmful to its appearance within the street scene. As such the proposed development is not considered to amount to an acceptable design solution and thereby would be contrary to the design objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

Deputations were made by:

- Mark Holman (agent)
- Karen Gardner (applicant)

Members' Questions

In response to questions from members, officers explained that:

- Officers have corresponded with the applicant and agent and suggested amending the cladding, for example, having a horizontal emphasis rather than vertical, so that it was not incongruous with surrounding properties. The building is prominent within Slingsby Close. The option was not taken up so officers had no option but to refuse permission. There would not be much point granting permission with conditions that cannot be discharged. There had been delays in processing the application due to the nitrates issue and Covid.
- Even though the materials are environmentally friendly they are not considered compatible with others dominant in the area. As a rule of thumb materials have to be similar to those in the area and be sympathetic to the context. It was felt red cedar wood was incongruous. Officers could support the applicants to amend the proposal.
- The applicant was advised in April 2021 if they would consider a single dark colour stain.
- If the cladding was horizontal that would make a massive difference; then consideration of texture, materials and colour would follow suit.
- Where works materially change the appearance of a dwelling, the materials used must be 'similar' to the original dwelling to fall under certain heads of permitted development, or else a planning application must be made for the change.

Members' Comments

- It was difficult to define a particular character for the buildings in Pembroke Park.
- Members realised officers were trying to protect the street scene and were grateful to them for doing so but felt the extension was not incongruous with or harmful to the street scene; there were some unusual buildings nearby with upward momentum.

RESOLVED to overturn the officers' recommendation that planning permission be refused and to GRANT planning permission for the following reason and subject to the conditions set out below:

Having regard to the use of vertical timber cladding, the Planning Committee consider that the proposal would not represent an unduly prominent development and would not be incongruous to the existing dwelling or those within the surrounding area and would not be harmful to the street scene. As such the proposed development is acceptable and it is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. 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: 8601-02 (Floor Plans); 8601-03 (Elevations); 86-1-04 (3D Views).
Reason: to accord with the terms of the permission.
3. Notwithstanding the submitted details, no development works affecting the external appearance of the building shall commence until a detailed schedule of materials and finishes (including samples as requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.
4. The first floor side window (east) hereby permitted shall be fitted with a top-hung opening light, be non-opening to at least 1.7m above internal finished floor level of the room in which the window is installed, and shall be fitted with frosted glazing to a minimum of Pilkington Grade 3 or equivalent. The window shall be maintained as per these specifications.
Reason: In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.

52. Farlington Water Treatment Works, Gillman Road, Portsmouth, PO6 1BL - 20/01257/OUT (AI 8)

The Head of Development Management presented the report.

A deputation was made by:

- Bill Irvine on behalf of Portsmouth Water (applicant)

Members' Questions

There were no questions from members.

Members' Comments

There were no comments from members.

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

53. 13 Shadwell Road, Portsmouth, PO2 9EH - 20/00485/FUL (AI 9)

The Development Management Team Leader presented the report and drew attention to the Supplementary Matters which reported that:

Two further letters of objection have been received from previous objectors since the agenda was published. The representations raise no new material planning considerations and the matters raised have been addressed within the officer's report.

Deputations were made by:

- Mr Reynolds (applicant)
- Kevin Wood

A written deputation was read out as part of the officer presentation from Councillor Daniel Wemyss. The Chair thanked Councillor Wemyss for agreeing to his deputation being read out as this allowed more members of the public to attend the meeting.

Members' Questions

In response to questions from members, officers explained that:

- Applications are considered in terms of need and change of use. The application satisfies the Supplementary Planning Document on HMOs and other planning policies, which officers have carefully followed.
- As to whether there is demand for changing the accommodation from self-contained flats to an HMO, the flats in question were substandard in terms of floor area. The proposal provides more generous room sizes for the occupants.
- Supported living accommodation and HMOs are two different types of accommodation. Supported living implies there are staff on the premises whereas HMOs do not have on-site management. Officers would not consider supported living accommodation as having significant amenity issues; the impact on amenity would be less than with HMOs. Supported living is land use Class C3b. As far as officers are aware 17 Shadwell Road has always been in Class C3b use.
- If the application was approved and the study was used as another bedroom this would be a breach of planning conditions. The applicant needs to show the space for a study exists in order to have an HMO licence. It is to the applicant's advantage to provide a generous living space. If the applicant wanted to change the number of bedrooms they would have to submit another application.
- The committee can only consider the application on its own merits and as it is presented today; hypothetical questions such as whether permission would be granted for a seven-person HMO cannot be considered.

Members' Comments

There were no comments from members.

RESOLVED to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road.

54. 15 Shadwell Road, Portsmouth, PO2 9EH - 20/00252/FUL (AI 10)

The Development Management Team Leader presented the report.

Deputations were made by:

- Mr Reynolds (applicant)
- Kevin Wood

A written deputation was read out as part of the officer presentation from Councillor Daniel Wemyss. The Chair thanked Councillor Wemyss for agreeing to his deputation being read out as this allowed more members of the public to attend the meeting.

Members' Questions

In response to questions from members, officers explained that:

- With regard to using the second bedroom as a double bedroom having more than six occupants in the property would breach planning conditions.
- Although the communal living space is less than for 13 Shadwell Road the difference might be what constitutes communal space in that the communal space for no.13 includes the kitchen, living and dining areas altogether. The minimum space standards for communal space vary according to whether the rooms are separate or combined. However, the bedrooms are far larger than the required minimum space standard. Larger bedrooms means that occupants are likely to spend more time in them than in the communal areas.

Members' Comments

There were no comments from members.

RESOLVED to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road.

55. 73 Ophir Road, Portsmouth, PO2 9ER - 21/00252/FUL (AI 11)

The Head of Development Management presented the report and drew attention to the Supplementary Matters which reported that:

1 no. comment has been received since the agenda was published, this is summarised as follows: (a) the result has already been given to the owner, (b) works have progressed on the property for a long period of time, (c) loft conversion has been undertaken, (d) scaffolding has been up for months and works carried out (including 8:30 on a Sunday).

The application is brought to planning committee to be determined, a formal decision is yet to be made. The applicant would be reminded that any works undertaken prior to any determination of the application would be at their own risk. The loft conversion is not being considered as part of this application.

Deputations were made by:

- Carianne Wells (applicant)
- Lynda Dare

Members' Questions

In response to questions from members, officers explained that:

- As a Class C3 dwelling the property has permitted development rights; the extension has had prior approval and has a certificate of lawfulness. Although work on the property is ongoing it cannot be considered as an HMO yet as it has not reached the stage where accommodation has been made available for the first time as an HMO. Officers are not aware in this case of further applications being submitted and would have advised the applicant about needing to apply for change of use.
- As the property is not yet in use as an HMO the application is not retrospective. An application is retrospective when the change of use has already started and then permission is requested. The committee must not treat retrospective applications punitively. Every single application must be determined on its merits and does not set binding precedents.
- The relatively small size of the kitchen is balanced out by the size of the lounge. The kitchen is probably just under 10m². The photographs are of the existing layout and the cooker could be moved to enable occupants to move around and through the kitchen more easily. Deciding whether the layout provides a good living environment is a matter of planning judgement.
- As the bedrooms are larger than the required minimum space standard it may be that occupants only use the kitchen for cooking and will not spend much time in it, preferring to spend more time in the bedrooms. Although the layout of the kitchen could change the committee can only consider the application as it is presented today.
- The application meets the requirement that there is a maximum of one storey between bedrooms and the kitchen/dining area.

Members' Comments

Having a bedroom next to the kitchen does not provide a good living environment as the occupant could be disturbed by people using it at unsocial hours, for example, shift workers. In addition, the narrow galley style means it would be difficult for occupants to pass through to the lounge and having the cooker next to a door does not seem a sensible layout.

RESOLVED to refuse planning permission contrary to officer's recommendation for the following reason:

Due to the inadequate quality of the proposed communal space particularly the kitchen layout, this would result in poor living conditions for future occupiers contrary to Policy PCS23 of the Portsmouth Plan [2012], the requirements of the Houses in Multiple Occupation SPD [2019] and guidance contained with the National Planning Policy Framework [2019].

The meeting concluded at 3.20 pm.