

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 September 2021 at 10.30 am in the Council Chamber, the Guildhall

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

Present

Councillors Lee Hunt (Chair)
Chris Attwell
Jo Hooper
Robert New
Judith Smyth
Lynne Stagg
Gerald Vernon-Jackson CBE

Welcome

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

75. Apologies (AI 1)

Apologies had been received from Councillors Matthew Atkins, George Fielding and John Smith. Councillor Jo Hooper joined the meeting at 11.10 am.

76. Declaration of Members' Interests (AI 2)

Councillor Vernon-Jackson declared a personal and non-prejudicial interest for agenda item 4 (Update on Planning Applications) as he lives in one of the roads mentioned (Lindley Avenue). He has no connection with the application and did not know it would arise at the meeting.

77. Minutes of the Previous Meeting held on 18 August 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 18 August 2021 be agreed as a correct record.

78. Update on Planning Applications (AI 4)

The Head of Development Management gave the following updates:

- 27 Guildhall Walk - The Planning Inspector had dismissed an appeal against an application for prior approval relating to change of use from offices to ten one-bedroom self-contained flats. The appeal was accompanied by an application for costs against the decision, which the Planning Inspector refused.
- 118 Prince Albert Road - The Planning Inspector had dismissed an appeal against refusal of planning permission for change of use from an HMO (House of Multiple Occupation) (Class C4) from a six person to a seven person/seven-bedroom HMO (sui generis).
- 45 Lindley Avenue - an enforcement notice appeal is pending for a rear dormer clad in non-matching roof tiles and the alteration to a first-floor rear projection to facilitate the creation of a rear dormer by replacing a pitched roof with a flat one with a subsequent increase in height of the eaves.

The Chair urged the Committee to continue to test the quality of living environment, communal space and room sizes in HMO applications. Even though the Committee may not always make the right decisions consistently it seems that the Planning Inspector is in broad agreement.

79. The News Centre, London Road, Hilsea, Portsmouth, PO2 9DG - 21/00383/ADV (AI 5)

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

At paragraph 1.5 of the original report, the dimensions of the proposed sign should state "0.2m depth".

The Head of Development Management read out a deputation from Mr and Mrs Smith, who objected to the application.

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

[Agenda for Planning Committee on Wednesday, 8th September, 2021, 10.30 am Portsmouth City Council](#)

Members' Questions

In response to questions from members, officers explained that

- A previous application for a sign on the north elevation sign had been refused. Consent had been granted for a sign on the west elevation and the major difference is that in the current proposal the sign would still be on the west elevation but 30 metres due south of the sign that was approved in 2007.
- The illumination level is the standard level for signage so as not to have an impact on amenity and residents.
- There are a couple of trees in a small fenced-off square in front of the site and to the right-hand side of the square there is a belt of trees. The sign is at an angle to the deputees' property and is 30 metres from the edge of their property. There are no plans to remove any of the trees.
- The area around the site looks very different now as opposed to winter when the photographs in the presentation were taken. The building is more obscured when the trees are in leaf, particularly from the road.
- There are a couple of street lights between the deputees' property and the site.
- The photographs taken by the deputees in their garden show a panoramic view.

Members' Comments

Members noted that as planning permission had been granted previously for a sign on the west elevation a refusal would be unlikely to be sustained on appeal. However, they were pleased that the operating hours in the evening had been reduced from 20:00 hrs to 19:00 hrs as it would help reduce the impact on neighbouring properties.

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

80. Building 1-209, Shipbuilding Road, Portsmouth - 21/00347/FUL (AI 6)

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

A consultation response has been received from Natural England. They have raised no objection subject to appropriate mitigation being secured. The Ecology Appraisal confirms a potential effect on the SPA. In terms of visual disturbance, no further mitigation is required. No objection relating to noise subject to use of a SR-65 EVO Hydraulic Rotary Rig or similar, and noise levels not exceeding 70dB. The submitted CEMP would ensure no harm caused through pollution, run-off, dust or debris.

The applicant has submitted the following additional evidence in respect of contamination survey findings and mitigation already undertaken:

- *Test results of soil suspected of being contaminated from Olfactory and Visual evidence.*
- *Construction Phase Health & Safety Plan - Updated with revised RAMS.*
- *(Asbestos & Contaminated Soil) - Waste Transfer license.*
- *Obstruction Plan*

For archaeology, an additional recording plan has been provided detailing archaeological finds during excavation. These have been referred to the County Archaeologist who has advised that the recommended condition (7) requiring a full monitoring report remains necessary.

Members' Questions

In response to questions from members, officers explained that concerns about adequate daylight, fresh air and ventilation for people working in the building, particularly in view of Covid, have been incorporated into the design, which has to meet building regulations, which are undergoing a review.

The Legal Advisor advised that a condition on adequate ventilation would not be appropriate or necessary as ventilation is covered under building regulations. However, members could request an informative.

Members' Comments

- The building is not particularly attractive but it is a warehouse and is needed to support forces who are deployed around the world. It is a working Navy, not just a historic Navy, and needs support mechanisms to operate effectively.
- The Dockyard has an interesting and important industrial heritage. The council needs to support the Navy's presence in Portsmouth.
- It is good to see photovoltaic panels on the roof; the Dockyard has done an amazing amount of work to reduce their carbon footprint.

RESOLVED to grant conditional permission as set out in the officer's committee report and the Supplementary Matters report, and subject to an informative requiring the developer to ensure implementation of appropriate building ventilation in line with Building Regulations.

Councillor Jo Hooper joined the meeting.

81. Land around tennis courts, Court X (formerly Canoe Lake Leisure), Canoe Lake, Eastern Parade, Southsea, PO4 0ST - 21/00348/FUL (AI 7)

The New Neighbourhoods Team Leader presented the application and drew attention to the Supplementary Matters which reported that:

1. Amend condition 2 to read as follows: "*..the permission hereby granted shall be carried out in accordance with the following approved drawings and documents (including mitigation measures therein) - Drawing Nos:*"
2. Amend condition 3(a) "*...to summarise the likely ground conditions and associated risks at the site, including UXO;*"
3. Add the following conditions:

Soft Landscaping

(6) Prior to implementation of planting on site, a scheme of soft landscaping works shall be submitted to the local planning authority for approval, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.

Materials

(7) Prior to first use of external construction materials on site (including hard landscaping), precise details of each material shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in full accordance with such details as approved.

REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.

Site Levels

(8) Details of final site levels, including finished floor levels for all structures, paths and natural features, and the existing and proposed site contours, shall be submitted to and agreed in writing by the Local Planning Authority prior to first opening of the development. Development shall only proceed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.

4. The Council's heritage consultant has raised no objection to the proposals.

5. A further representation has been received from 18 Cresta Court on 6 September raising the following concerns:

- "a continuing erosion of the ratepayers quality of life" , "for no perceived economic development opportunity";
- south-eastern corner of the subject site needs attention;
- "Could not the fort become the "gallery" proposed?" "Why not the two together?";
- Loss of seaview/people can get the exercise nearer seafront;
- "a precursor to stands around the tennis courts".

RESPONSE: As set out in detail in Officer's report, it is not considered that the development would result in adverse impacts on residential amenities of adjacent neighbours and the existing conditions of the application site are acknowledged. Concerns over loss of sea view, the need for and the rationale behind the development, given the alternatives available in the nearby area, as well as how this use would operate alongside the tennis courts, have also been addressed in the Officer's report.

Geoff Hawkins made a deputation against the application.

John Cooke, the applicant, and Natasja Jozsa, Art Curator, made a deputation.

Members' Questions

In response to questions from members, officers explained that:

- The plan in the presentation shows hedging in the north-west corner around the maintenance area; there is also a hedge along the road
- Although the proposed use is appropriate as the site is part of the recreational area of the seafront, planning permission is needed as the proposal involves elements of engineering such as constructing a tunnel and an overhead walkway.

Members' Comments

- The tennis programme in Portsmouth is strong and the proposal would complement it and the other sports nearby.
- A Heritage Lottery bid several years ago for a similar project in the area had been rejected.
- Although the Landscape Architect had some concerns they are not critical.
- Members thought the proposal would be a great enhancement to the seafront and a terrific addition to Portsmouth's cultural offer. It would be another step towards a world-class seafront.
- The proposal would provide an opportunity for cultural activities such as poetry readings and small-scale drama events in the open air. It is a wonderful opportunity and is valuable for promoting physical and mental health, particularly after Covid-19.
- A designated use for green space is less subject to littering and dog mess.
- Members noted it is a much-loved area and there can be tensions between residents and visitors. However, concerns about previous proposals in the area have not come to fruition. The applicant needs to work closely with residents to address any concerns. On balance the proposal is a significant additional improvement to the seafront offer and is positive for the area.

RESOLVED that delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.

82. 25 Driftwood Gardens, Southsea, PO4 9ND - 21/00207/HOU (AI 8)

The New Neighbourhoods Team Leader introduced the application and drew attention to the Supplementary Matters which reported that:

At paragraph 1.7 of the report, the dimension should read "7.95m in height"

The New Neighbourhood Teams Leader read out a deputation from Councillor Luke Stubbs.

Valerie Wood made a deputation against the application.

William Freemantle, the applicant, made a deputation.

Members' Questions

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

- No errors have been identified in the report (apart from the reference to a height of 7.95mm in section 1.7, which should be 7.95m). Confusion may have arisen because of the concurrent application for a certificate of proposed lawful use to convert the garage under permitted development which is a separate matter.
- The window mentioned in condition no.4 is the same one referred to in Councillor Stubbs' deputation.
- It would not be possible to look into the garden of no.1 Driftwood Gardens from the proposed balcony.
- With regard to concerns over piecemeal development, the applicant could make a combined application if they wish but they are using their right to apply for a certificate of lawfulness for the south facing dormer and the conversion of the garage, which would probably be granted.
- Officers are not experts in glass but Pilkington Level 5 provides more obscurity than Level 3.
- Officers can check the exact specifications for the tilt vent window but it tilts inwards to allow ventilation and light. If obscured glazing was set to a height of 1.7 m above the finished floor level then occupants would probably only be able to see through it by standing on their toes.
- The north-facing front dormer window would only serve a stairwell.
- Building regulations for non-opening windows and fire safety would have to be applied. The balcony has French doors which would act as a fire escape for the room.

Members' Comments

Officers and the applicant have worked together to try to mitigate overlooking into neighbouring properties and have done as much as they can. Although there are concerns over piecemeal development a refusal would be unlikely to be sustained on appeal.

Resolved to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report, subject to amendment to recommended condition (4) to secure Pilkington Glass Level 5 or equivalent fixed obscure glazing to a height of 1.7m above finished floor level.

There was a short break from 12.38 to 12.45 pm.

83. 162b Copnor Road, Portsmouth, PO3 5BZ - 21/00854/HOU (AI 9)

The New Neighbourhoods Team Leader introduced the application.

There were no questions from members.

Members' Comments

Relocating the door is a good idea as it will prevent the property's occupants coming into contact with people using the sewing machine repair business next door, which is particularly relevant in view of Covid.

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

84. 38 St Chad's Avenue, Portsmouth, PO2 0SB - 21/00356/FUL (AI 10)

The New Neighbourhoods Team Leader introduced the application and drew attention to the Supplementary Matters which reported that:

The header section of the report on page 41 has the wrong prefix year on the application number - it should be 21/00356/FUL (as it is on the contents page).

Paragraph 5.27 contains erroneous text and the first sentence should read: 5.27 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, the property would be used for flexible C3/C4 use. The existing...."

Councillor Daniel Wemyss made a deputation.

The New Neighbourhoods Team Leader read out a deputation from Rob Vanderberghe, the applicant.

Rebecca Sutcliffe made a deputation against the application.

Members' Questions

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

- The communal space in the kitchen/dining area is measured from inside wall to inside wall, not from the wall units, which complies with the SPD (Supplementary Planning Document). The cooker is at the far end of the communal area; the washing machine and tumble dryer are next to one of the bedrooms.
- It is about four to five metres from the rear extension to the end of the garden, which is acceptable under permitted development rights.
- Refusal would be very difficult to sustain. The application has to be determined against the National Planning Policy Framework and the SPD and it is well within the threshold of no more than 10% HMOs within a 50m radius. Government policy would be very unlikely to allow refusal on the grounds of the application resulting in 1.25% HMOs within a 50m radius.
- Even if bedroom no.5 was used as a double room rather than a single the application would still be Class C4.
- Under the NPPF the possibility of refusing the application on the grounds of parking is very slim as the Highways Officer has raised no objections despite the 0.5 increase in demand for car parking spaces.
- Although parking is past saturation point in Portsmouth with an average of 1.3 cars registered to each property (1.5 if commercial vehicles are included), the Parking Standards SPD specifies parking requirements which are not dissimilar to those of other local authorities and would have gone through consultation and

approval. Parking specifications are set out in the Local Plan on the advice of officers but the Plan is due to be revised.

- The requirement of 1.5 vehicle spaces for a three-bed property is more apt when used as a multiplier, for example, building new estates, rather than individual properties.
- Based on the photographs the building work appears to have been mainly completed.
- According to the SPD shared living space is defined as a single open plan area comprising kitchen, dining, living, laundry and utility facilities.

Members' Comments

- Although high-quality HMOs are to be welcomed the communal space in the proposal is the bare minimum. The area has been improving in the last few months after experiencing problems but the application will not help with improvement.
- It is unrealistic to prevent occupants having cars.
- Parking is a problem in the area as it has narrow roads; parking on corners particularly impacts on people with wheelchairs and pushchairs.
- A condition could be added to restrict all bedrooms to single use.
- 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 irregular hours, for example, shift workers. The noise from appliances would have an adverse impact on the occupant.
- A refusal is unlikely to be sustainable under government policy and to refuse the application at this stage would give false hope to objectors as it would probably be overturned on appeal.
- Members were unhappy about the extension being built under permitted development rights.
- Members noted that the MP for Portsmouth North, Penny Mordaunt, had written to Planning officers in response to representations from residents, particularly about parking. They requested that the Committee should write to her to put the case for changing government policy so that there are more powers to reject applications they feel are poor quality.

RESOLVED to refuse planning permission contrary to officer recommendation for the following reason: the proposal would give rise to unacceptable living conditions for the rearward ground floor bedroom by reason of proximity to the proposed communal living/dining area and kitchen and associated appliances, including washing machine and tumble dryer.

The meeting concluded at 1:45 pm

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Signed by the Chair of the meeting
Councillor Lee Hunt