

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 October 2021 at 10.45am 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 (Vice-Chair)
Dave Ashmore
George Fielding
Jo Hooper
Robert New
John Smith
Lynne Stagg
Luke Stubbs

Welcome

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

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

94. Apologies (AI 1)

Apologies had been received from:

Councillor Matthew Atkins - Councillor Luke Stubbs deputised for him
Councillor Gerald Vernon-Jackson - Councillor Dave Ashmore deputised for him.

95. Declaration of Members' Interests (AI 2)

No interests were declared.

96. Minutes of the previous meeting held on 29 September 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 29 September 2021 be agreed as a correct record.

97. Updates on previous applications. (AI 4)

In the previous 30 days there had been no appeal decisions and 15 appeal applications lodged.

98. 21/01219/FUL - 2 Prospect Road, Portsmouth PO1 4QY (AI 5)

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

Contaminated Land Team comments are attached as an appendix. Further commentary on this will be provided at the meeting.

Regulatory Services has commented on the likely impact on air quality in respect to vehicles attending the BCP, as follows:

"The BCP will be occupied by two primary responsible authorities the Animal & Plant Health Agency (APHA) and the Port Health Authority (PHA) [principally responsible for food safety checks]. The need for vehicles to attend the BCP for physical checks of goods necessary in performance of the delivery of official controls is mandated by the Government. This regime will determine the level of HGV+ traffic to the facility.

It is less clear as to the requirements placed upon APHA, however, the PHA are likely to require 1% of HGV+ to visit the BCP for product checking as of July 2022 - this equates to approximately 2 vehicles attending the facility per day. It should be noted that this checking regime only relates to vehicles containing goods of particular interest as identified through pre-notification processes and not all vehicles arriving at the Portsmouth International Port. If similar levels of vehicles attending the BCP is applied to goods of interest to APHA then the level of HGV+ movement is unlikely to be material... the above needs to be caveated by the fact that there is currently a significant level of uncertainty in respect to the APHA official control regime and any changes necessitated by the Government in respect to the % change (increases) in official controls via physical checks required by the PHA (and / or APHA) in the future."

The recommendation was unchanged.

He suggested that given the level of risk seems low, the Assistant Director be given delegated authority to determine the exact wording of the condition, working with the Land Contamination Team.

Jim Beavan gave a deputation on behalf of the applicant.

Members' Questions.

In response to questions, the following points were clarified:

It would not be feasible to remodel the access.

There are no proposals for any soft landscaping in the small site. The sustainability credentials could not be demonstrated due to the applicant's limited budget.

Mr Beavan reminded the committee that a suite of measures regarding biodiversity was set out in the condition.

Members' Comments.

Members recognised that this is essential infrastructure for the port and that there are few locations where it could be sited.

The design is not ideal in some ways as it is in a very prominent location and stands out. They suggested it could be painted black and a gateway welcome sign could be erected.

Members welcomed the fact that biodiversity enhancements were required to be in place before the building is brought into use.

RESOLVED that permission be granted subject to delegated authority being given to the Assistant Director to resolve the wording for the conditions with the Land Contamination Team

99. 21/01136/FUL - Victoria Park, Anglesea Road, Portsmouth, PO1 3HJ (AI 6)

The Planning Officer introduced the report and drew members' attention to the Supplementary Matters which reported that:

Following publication of the Committee reports, two letters of representation have been received:

The first on behalf of the University of Portsmouth. Whilst supporting improvements to the park as a matter of principle, and recognising the contribution the space makes to those living, working and studying in the area, concerns are raised in respect of the scheme's relationship with land owned by the University at the former Victoria Baths site, and increased pressure on park infrastructure. A full copy of the representation is attached.

The second from a local resident in support of the application highlighting that the 'hub' building would be a good addition to the park. The building is described as "modern and functional, well thought out, low key, offering flexible space for many different types of community and educational activities".

Officer Comment:

The closest element of the proposal would be situated approximately 80m from the southern boundary shared with the former Victoria Baths site. Having regard to the modest scale of the proposed development and degree of separation, it is not considered that the proposal would have any significant adverse impact on neighbouring occupiers, significantly affect park infrastructure or compromise development opportunities proposed by the University.

As set out within the Committee report, other works are proposed as part of the wider on-going restoration project within Victoria Park. However, these works fall outside of the scope of this planning application and are a matter for discussion between the two landowners.

The recommendation was unchanged.

Mark Harris, University of Portsmouth gave a deputation against the recommendation.

Adrian Rozier, the applicant gave a deputation.

Members' Questions.

In response to questions from members, the following points were clarified:
The university is 80m from the park.

A decision is required as soon as possible to meet the current timescales.

Much of the consultation was held virtually due to the pandemic. The Community Development Officer engaged with many community groups and residents. A series of focus groups was held. More than 1,500 responses were submitted to the consultation.

Members were reminded that the council's Master Plan that was referred to in a deputation, was outside of this committee's remit.

Members' Comments.

Members recognised that a decision was required immediately as there was a lot of funding involved.

Members were pleased to note that the views of the community had clearly informed the design which included solar panels and a green roof.

It was suggested that having a consistent colour scheme and style paving in the park and outside the surrounding buildings would give a signature style to the area.

RESOLVED that permission be granted subject to the conditions set out in the officer report.

100. 21/01137/LBC - Victoria Park, Anglesea Park, Portsmouth, PO1 3HJ (AI 7)

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

Following publication of the Committee reports, one letter of representation has been received in support of the application highlighting that it is positive to see the memorials being cared for as they are a very valuable part of Portsmouth's heritage.

The recommendation was unchanged.

Members' Questions.

There were no questions.

Members' Comments.

Members noted the very specialist work and the engagement that had been carried out to inform these proposals.

Resolved that permission was granted subject to the conditions set out in the officer report.

101. 18/01967/OUT - 32-60 Middle Street, Southsea, PO5 4BP (AI 8)

The Planning Officer introduced the report and drew the members' attention to the Supplementary Matters which reported that:

Councillor Stagg took no part in the discussions nor the voting for this item.

The Planning Officer introduced the report and drew attention to the Supplementary Matters that reported:

*Further to the Published Officer Report, two outstanding matters relating to the prospective s.106 legal agreement Heads of Terms have now received the agreement of the Applicant:
o the provision of Public Open Space in the vicinity of the development;*

o the inclusion of a Review Mechanism, so that in the event of the scheme's actual/resultant finances improving sufficiently, Affordable Housing provision could be made.

Public Open Space:

The Applicant has agreed to this in principle, and subject to financial viability. The Parks and Open Spaces officer has verbally confirmed that monies could be spent in Victoria Park, and/or possibly in nearby Children's Play Areas. That Officer's more detailed assessment will be forthcoming (including location, purpose and amount of spend) and will be progressed with the Applicant so that a position can be set out for the Planning Inspectorate in reaching its decision on the Appeal.

Review Mechanism:

The details will be negotiated with the Applicant, again so that a position can be set out for the Planning Inspectorate in reaching its decision on the Appeal.

Mitigation for Impact on The Special Protection Area (SPA) (The Solent and Harbours):

The Published Officer Report sets out that because there is an Appeal, the Planning Inspectorate is now the 'Appropriate Authority', rather than the Local Planning Authority. For completeness, this will also be set-out in a revised set of Recommendations, in the next column of this report.

In the meantime, and to confirm to the Planning Committee: the applicant is aware and willing to mitigate the impact of the development on the SPA, both in respect of Recreational Disturbance and Nitrates. Page 50 of the Published Officer Report notes that nitrate-mitigation solutions available in the market, in addition to that provided by the Council for generally smaller developments. For the reason given above, the formal Appropriate Assessment has not been completed, but the Local Planning Authority (LPA) has confidence that mitigation can be positively resolved. This is an as-yet unfinalised financial burden on the scheme to deliver off-site nitrate mitigation, but approximate sums for the mitigation available on the market are known.

Summary:

*The remaining matters set out in the Published Officer Report are resolved in principle, albeit with important details to be progressed, as described above. The LPA therefore continue to advise the Planning Inspectorate that it would not have refused the application **subject to satisfactory completion of a legal agreement on the Heads of Terms**. This is set out in the next column of this report.*

Amendments to the Published Officer Report are underlined.

RECOMMENDATION I

That had there been no Appeal against Non-Determination, and subject to satisfactory conclusion of an Appropriate Assessment for mitigation of the effects on the SPA, the Local Planning Authority would have granted delegated authority 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 Recreational Impact mitigation;*
- SPA Nitrates mitigation;*

- *Public Open Space;*
- *Viability Review Mechanism;*
- *Implementation and monitoring of a Travel Plan;*
- *S106 Administration fee of £620 per obligation.*

[if any element is found to be not required or compliant with the tests for planning obligations, an equivalent amount may be offered towards the affordable housing contribution instead]

RECOMMENDATION II

That had there been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III

That had there been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority 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.

- *SPA Recreational Impact mitigation;*
- *SPA Nitrates mitigation;*
- *Public Open Space (**financial contribution**);*
- *Viability Review Mechanism;*
- *Implementation and monitoring of a Travel Plan;*
- *S106 Administration fee of £620 per obligation.*

Alex Tarrant gave a deputation against the application on behalf of his parents Mr & Mrs Tarrant. He also circulated photographs showing the poor state of the building that is adjacent to the premise that his parents lease.

Jamie Hanna gave a deputation on behalf of the applicant.

Members' Questions.

The council's affordable housing policy sets out the expectation that 30% of units in all new builds must be affordable housing unless providing this would put the scheme's viability at risk. The viability assessment submitted by the applicant for this scheme had been verified by an independent consultant commissioned by the council. The consultant concluded that the forecast profit was higher than the figure the applicant had submitted but would still be low at 15% and therefore the council's policy states that the developers could not be forced to provide any affordable housing. However, the review mechanism proposed would allow the profit to be assessed as the development progresses.

The Highways Authority expressed concerns regarding parking, but no actual objection.

The number of bird and bat boxes that will be installed was not known but would be looked into.

The site is just outside the area identified in the council's tall building policy. However, there are a number of tall buildings in close vicinity ranging from 5 to 18 storeys in height. It is felt that the area can support these proposed tall buildings.

The application is near local amenities such as shops, jobs, buses, trains and ferries.

The Planning Officer had advised Mr and Mrs Tarrant to take advice about leaseholders' rights.

The details of the roof top communal open space had not been seen by the Planning Officer but he was confident that it would be accessible to all the residents.

Members' Comments.

The committee thanked Mr Tarrant for his deputation and recognised the importance of artisan skills.

It was noted that the target set by the government for new housing 17,700 would drive carriage and horses over the council's parking standards.

The need for new housing and affordable housing is clear. Increasingly developers are saying that they cannot afford to provide affordable housing. A previous developer had been reluctant to provide affordable housing and the council had been obliged to push hard.

The national policy that had been introduced recently obliges local planning authorities to consider all applications for tall buildings.

Whilst recognising that this is not a planning matter, members commented that the photographs circulated by Mr Tarrant showed that poor building materials had been used in the building adjacent to the premises that his parents lease. They also noted the increase in cars and the subsequent pressure on parking that would result from this development.

When the detailed application is submitted, the committee can ensure that high quality materials will be used.

NB: there was an error in the SMAT, which can be seen above - the list of Heads of Terms was repeated, with the intended change only shown in the repeated list at the end. That intended change was to add the words 'financial contribution' after 'Public Open Space'. That error has been corrected below, to give a clear and correct final Resolution.

Resolved that

- 1. That had there been no Appeal against Non-Determination, and subject to satisfactory conclusion of an Appropriate Assessment for mitigation of the effects on the SPA, the Local Planning Authority would have granted delegated authority 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 Recreational Impact mitigation;
 - SPA Nitrates mitigation;

- Public Open Space (financial contribution);
- Viability Review Mechanism;
- Implementation and monitoring of a Travel Plan;
- S106 Administration fee of £620 per obligation.

[if any element is found to be not required or compliant with the tests for planning obligations, an equivalent amount may be offered towards the affordable housing contribution instead]

2. There been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;
3. There been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority 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.

102. 21/01150/VOC - QA Hospital, Southwick Hill Road, Portsmouth, PO6 3LY (AI 9)
The Planning Officer introduced the report.

Members' Questions.

There were no questions.

Members' Comments.

Members were disappointed to note that the tree planting could not proceed but understood the risks that prevented it.

It was noted that the draught from the helicopter when it takes off and lands on the hospital site causes branches to scatter onto Southwick Road causing a danger to the road users.

Resolved that permission be granted subject to the conditions set out in the officers' report.

The meeting concluded at 1:15pm.

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Signed by the Chair of the meeting
Councillor Lee Hunt