

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 23 March 2022 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) (part)  
Chris Attwell (Vice-Chair) (part)  
George Fielding  
Robert New  
Terry Norton (part)  
John Smith  
Judith Smyth  
Lynne Stagg  
Gerald Vernon-Jackson (part)

Also in attendance: Councillor Benedict Swann

#### **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.

#### **33. Apologies for absence (AI 1)**

Councillors Chris Attwell and Terry Norton had submitted apologies for lateness.

#### **34. Declarations of interest (AI 2)**

There were no declarations of Members' interests.

#### **35. Minutes of previous meeting held on 23 February 2022 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 23 February 2022 be agreed as a correct record.**

#### **36. Update on planning applications (AI 4)**

Members noted that an update will be circulated to members of the Committee following the meeting.

#### **37. 20/00558/FUL - 205, London Road, Hilsea PO2 9AJ (AI 5)**

Construction of 3 storey rear extension to form 8 flats (following demolition of existing extension).

The Development Management Lead introduced the report and confirmed there were no updates to the report.

A deputation in support of the application was made by Lauren Atkins (applicant). Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 23<sup>rd</sup> March, 2022, 10.30 am Portsmouth City Council](#)

#### Members questions

In response to questions, the Development Management Lead commented that adding additional greening such as an herbaceous border might be difficult but condition 16 requires the applicant to submit details of soft landscaping before the development proceeds above slab level.

#### Members comments

The Chair noted that low level planters would be a welcome addition to what is an excellent application.

#### **RESOLVED to:**

- 1. Delegate 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:**
    - Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;**
  - 2. Delegate authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**
  - 3. Delegate 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.**
- 38. 20/00720/HOU - 39 Gritanwood Road, Southsea PO4 9JR (AI 6)**  
Proposed first floor rear extension.

The Development Management Lead, introduced the report and drew member's attention to the Supplementary Matters report which provided the following additional information:

*For completeness, the application was called-in to the Planning Committee by then-Councillor Winnington (in the event of a recommendation to approve).*

*The bedroom window proposed is annotated on the plans for frosted glazing. For the avoidance of doubt, an extra condition shall be included to specifically require such glazing, please see below.*

#### *Extra condition:*

*The window in the extension hereby permitted shall be fitted with frosted glazing to Pilkington Level 3 or higher, and with a top-opening light of at least*

*1.7m height from floor level. The window shall be maintained as such during the lifetime of the development.*

*Reason: in the interests of adjoining residential amenity, in accordance with PCS23 of the Portsmouth Local Plan 2012.*

A deputation opposing the application had been expected, but A Dowdeswell was not in attendance.

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

- 39. 20/01143/PLAREG - Garage, 2 Furness Road, Southsea PO5 2JL (AI 7)**  
Retrospective application for the use of adjacent land and garages for purposes ancillary to main workshop including repairs, storage and parking.

The Development Management Lead informed the Committee that this item had been withdrawn from the agenda, and it will come back to the Committee in due course.

- 40. 20/01144/ADV - Garage, 2 Furness Road, Southsea PO5 2JL (AI 8)**  
Retrospective application for the display of non-illuminated signage.

The Development Management Lead informed the Committee that this item had been withdrawn from the agenda and will come back to the Committee for consideration in due course.

- 41. 20/01167/FUL - The Parade Tearooms, Western Parade, Southsea PO5 3JF (AI 9)**  
Construction of single storey front extension to provide storage and freezer facilities.

The Development Management Lead, introduced the report and drew member's attention to the Supplementary Matters report which provided the following additional information:

*Two additional representations have been received since the publication of the Committee Report, objecting for the following reasons:*

- (a) Loss of Open Space;*
- (b) Asset Management's objection;*
- (c) Possible impact on nearby trees;*
- (d) Impact on the setting of the Listed Common and the Seafront Conservation Area;*
- (e) Loss of the memorial garden;*
- (f) No guarantee that the extension will reduce amenity concerns through deliveries;*
- (g) Existing level of noise caused by the café;*
- (h) The applicant's van parked adjacent to the café reduces parking availability and is an eyesore (though one of the comments did note that if the extension leads to the removal of the van then it would be a positive).*

*These matters are all addressed within the Committee Report already.*

*No change to the Recommendation.*

#### Members questions

In response to members' questions, the following points were clarified:

- It would not be possible to add a condition requiring the applicant to remove the van currently being used for storage purposes.
- There was an investigation into non-compliance with the planning permission granted previously which related to deliveries being made outside the specified time and the opening of the kitchen door.
- The enforcement complaint was therefore separate to the proposal before the Committee, and it would be an improper use of the Committee's powers to link them.
- The Council as local planning authority could issue a Section 215 notice (under the Town and Country Planning Act 1990) if it judges the van to be an eyesore or harmful to the area.

Councillor Chris Attwell joined the meeting at 11.10am and did not participate in or vote on this item.

#### Members comments

- The Highways department could be invited to investigate if the van is causing an obstruction on the highway or is contravening parking restrictions.
- The removal of the van would release a parking space.
- It would be good to help this business and the application could solve the problem of the van and storage.
- Although the tearoom brings people to the seafront, they would not like to see any further development of the Common and some members were concerned about the potential for further expansion of the premises.
- The Common is a fantastic asset to the city and the provision of facilities such as this premises supports the Seafront Masterplan objectives.

The Committee requested that it be updated at its next meeting on the Planning Department's investigation for non-compliance with planning permission granted previously and the outcomes of enquires by the Highways department and/or the land-owning PCC Department into the van parked permanently adjacent to the premises and currently used as storage by the applicant.

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

Councillor Lee Hunt (Chair) informed members that he could not continue in the Chair as the hearing loop was not fully operational. Councillor Hunt left the meeting and Councillor Chris Attwell (Vice Chair) chaired the remainder of the meeting.

#### **42. 21/01383/FUL - 38 Ophir Road, Portsmouth PO2 9EN (AI 10)**

Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house).

The Development Management Lead, introduced the report and drew member's attention to the Supplementary Matters report which provided the following additional information:

*Since publication of the Officer Report, a further Representation has been received from a group named the 'Residents of Shadwell, Oriel, Wadham & Ophir Road', written by the two organisers of the Petition referred to in the Officer Report. The issues raised are summarised as:*

**OBJECT:**

*In excess of 150 residents objected. We do not agree with the Officer Report stating "limited weight has been given to this petition".*

*The 50m radius is too small, is not a 'community assessment' and does not reflect the current wave of HMOs permitted in the nearby roads, also with more applications pending decision.*

*The new local plan says the council will monitor HMO development and react. It is disingenuous to use an HMO SPD that states in Table 1 there are eight licenced HMOs in Hilsea. Why is a planning policy document talking about licencing not planning? And the number is exceeded in these four roads alone. The report is unbalanced.*

*Need to address soundproofing, for example a bathroom against a party wall. Need to review HMO policy, and role of licencing. The new local plan refers to the matter of HMOs as 'green', but to permit more HMO in the more overdeveloped part of the city is disingenuous.*

**Officer comment:**

*It is also understood that other parties consider there to be one or more HMOs within the 50m radius. The Council's database shows none. Following further checks: within a 50 m radius of 38 Ophir Road, four properties have been converted into 2 flat units each, at Nos. 23, 28, 37 & 50 Ophir Road. These are not HMOs and so are not included in the HMO count. Reasonably recent planning permissions within the 50m radius show the following properties were granted to change the use to an HMO:*

- 21/00252/FUL - 73 Ophir Road - Recommended by Officers for approval, refused by the Planning Committee on 7<sup>th</sup> July 2021, allowed at appeal on 6<sup>th</sup> Dec 2021*
- 17/01929/FUL - 5 Ophir Road - Approved 8<sup>th</sup> Feb 2018*

*Both of these are outside the 50m radius from the application site, so also are not included in the HMO count.*

*Otherwise, Officers consider the published Committee report to be correct, fair and in accordance with Policy.*

**SUPPORT:**

*This is a super HMO with the bedroom space now being larger than the entire original floorplan.*

*Would support the application on condition the occupancy is limited to four people (compared to the 2.5 bedroom house that this property is/was). Note that HMOs are likely to be at capacity while a many family homes actually occupied by couples. Cannot see how four unrelated individuals with potential different social values, beliefs, ambition and stage of life are not going to further strain local resources.*

*Do not believe HMO are the issue, it is the scale of development and therefore ability to integrate within the community, and not just the parking. Have been police visits linked to arrest, stabbing, drug, immigration linked to our newest licenced HMO/unapproved super HMO.*

*Officer comment:*

*There is no planning reason to restrict occupancy levels, the proposal complies with policy and guidance, and with a reasonable assessment of its suitability for occupiers and surrounding residents.*

*No change to the Recommendation.*

The Development Management Lead summarised a deputation received from Councillor Daniel Wemyss overnight which was too late to be included in the Supplementary Matters report. Henry Thorpe had been expected to make a deputation but was not in attendance and the Development Management Lead confirmed that the points raised by the group known as the 'Residents of Shadwell, Oriel, Wadham & Ophir Road' and set out in the Supplementary Matters report were believed to reflect his objections.

Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 23rd March, 2022, 10.30 am Portsmouth City Council](#)

The Principal Planning Officer then presented the Committee with further information about the application.

#### Members questions

In response to questions from members', officers provided the following information:

- At the Committee meeting on 2 February 2022, it had been suggested that the Chair and Vice Chair of the Planning Committee discuss the potential to further enhance the HMO policy to limit the impact on the wider community with the Cabinet Member for Planning Policy and City Development and possibly include this in the new Local Plan. The Development Management Lead agreed to ensure this meeting was arranged.
- It was also confirmed that there would be a meeting on 24 March 2022 between officers, councillors and a local resident to informally discuss HMOs, increase understanding between officers and residents and explore ideas for further strengthening Portsmouth's policies.
- There was no need to add a condition to limit the number of residents to 6 people as the application was for Class C4 which is defined as up to 6 residents.

Councillor Gerald Vernon-Jackson requested that officers provide Councillor Daniel Wemyss with information about the limit of 'legal powers available to the Planning Authority'.

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

**43. 21/01778/FUL - Land Adjacent to James Callaghan Drive (AI 11)**

Construction of a two storey research and development unit with associated landscaping, parking and hardstandings.

The Development Management Lead, introduced the report and drew member's attention to the Supplementary Matters report which provided the following additional information:

*Condition 1 gives the time period for implementation of the planning consent. In error, a one year period has been given, it should be three years for this non-residential development not affected by Nitrates. Accordingly, the replacement condition set out below should be provided.*

*The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.*

*Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.*

A deputation in support of the application was made by Sean Codling (applicant). Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 23rd March, 2022, 10.30 am Portsmouth City Council](#)

Members questions

In response to questions from members, the following points of clarification were provided:

- The application includes solar panels on the roof and the applicant is keen to be as green as possible
- Overall, the application provides positive benefits in relation to the retention and additional trees and the Winchester part of site will be chalk grassland.
- Currently there are no specific safeguards for the existing or new trees although the landscaping scheme is subject to approval and concerns about the replacement of trees could be addressed by condition.
- Commercial signage will be limited and the lighting condition which had been prompted by conservation concerns will also address lighting at an appropriate level for the development's wider appearance. It was confirmed that condition 9 could be amended to include protection for new trees.
- In relation to charging for electric vehicles, condition 16 could be amended to include changing facilities for electric vehicles before the development is brought into use.

Members comments

Members commented that this was a high-quality application with good green credentials including in relation to its design and the inclusion of solar panels and green walks.

**RESOLVED to:**

- 1. Delegate authority to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to amended conditions listed in the report to safeguard the retention of trees and**

**include some degree of electric vehicle charging, and on the Supplementary Matters report.**

**2. Delegate authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**

**44. 22/00015/FUL - 327 Queens Road, Fratton PO2 7LY (AI 12)**

Change of use from house in class C3 (dwellinghouse) to purposes falling within class C3 (dwellinghouse house) or class C4 (house in multiple occupation).

The Development Management Lead, introduced the report and drew member's attention to the Supplementary Matters report which provided the following additional information:

*There is an error in Paragraph 5.12, listing the required standard for a Living Room as 2.74m<sup>2</sup>. The standard is actually 11m<sup>2</sup> when there is no combined kitchen/dining/living room, however the property already has communal facilities of sufficient size and configuration contained within the proposed Kitchen/Diner. As such, the Living Room is additional beneficial space, supplementary to the Kitchen/Diner.*

*No change to the Recommendation.*

Deputations were made by Petar Markov and Councillor Benedict Swann (objecting) and Simon Hill (agent) (supporting).

Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 23rd March, 2022, 10.30 am Portsmouth City Council](#)

Members questions

In response to members' questions, the following points of clarification were provided:

- Deferral of the item to allow officers to meet with some councillors and a resident who has previously expressed concerns about HMOs was not recommended. It was conjecture to suppose that policy, either by way of a Supplementary Planning Document or the Local Plan, would be changed, and even if it was, it was unlikely that policy would change rapidly enough to justify deferral of this or any other item. For clarification, officers explained that there are a number of similar applications in the pipeline and expected, and deferral would affect these applications. An appeal for non-determination could be lodged. The Legal Officer confirmed that the policy as it is today must be applied and that every application must be considered on its own merits.
- Like many properties in Portsmouth, whether for a family or an HMO, bicycles would have to be taken through the house. A standard condition relating to secure and secure cycle storage had been recommended.



### Members comments

- Members noted that they shared many of the concerns about badly managed HMOs and that there was general dissatisfaction with the policies in place, notwithstanding they are among the strongest.
- It was suggested that Copnor ward councillors could also be invited to the meeting with other ward councillors and residents on 24 March.
- The proposal to defer this item would apply only to this application and not affect others.
- This proposal was better than some, including in relation to the size of the communal space.
- There was no need to add a condition to limit the number of residents to 6 people as the application was for Class C4 which is defined as up to 6 residents.

The Development Management Lead confirmed that the proposed ground floor extension and second floor rear roof dormer would be built to permitted development rights.

Councillor Terry Norton arrived at 12.37pm and took no part in discussion of the item or the vote.

### **A motion to defer the application failed and members:**

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

The Committee adjourned from 12.40 to 12.50pm. Councillor Gerald Vernon-Jackson left the meeting before during the adjournment.

### **45. 22/00062/REM - Queen Alexandra Hospital, Southwick Road, PO6 3LY (AI 13)**

Application for approval of reserved matters pursuant to outline planning permission 21/00848/OUT (for the development of new emergency department), in regard to details of layout, scale, appearance and landscaping.

The Principal Planning Officer introduced the report.

A deputation in support of the application was made by Mervyn McFarland (agent). Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 23rd March, 2022, 10.30 am Portsmouth City Council](#)

### Members questions

Following questions, the agent present confirmed that it had not been possible to include charging for electric vehicles in the underground staff car park due building safety issues but that electric vehicle charging is available elsewhere on the site.

**RESOLVED to delegated authority to the Assistant Director of Planning & Economic Growth to grant reserved matters approval after the site notice expires on 25 March 2022 subject to the conditions as set out in the officer's committee report.**

#### **46. Verbal update on nitrates**

The Development Management Lead reminded members that they would be aware that the Solent Marine Habitats sites contain a variety of sensitive habitats and species vulnerable to adverse effects of changes to nutrients within the sites. New residential development will create additional nutrients, through wastewater and surface water runoff contributing to these adverse effects. In order to remove these adverse effects, it is necessary to calculate the nutrient load through a nutrient budget methodology allowing mitigation to be confidently applied, to achieve robust nutrient-neutrality as part of such new development.

This methodology was previously provided for in Portsmouth within its own Interim Nutrient Neutrality Strategy which had been approved by Natural England and tested through numerous Habitats Regulations Assessments by Portsmouth City Council and Natural England, both on planning applications and appeals.

However, on 16 March 2022 Natural England updated its advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. This advice included catchment-specific Nutrient Neutrality Calculators and associated Guidance. This new guidance and calculator reflects the best available scientific knowledge and as such, with immediate effect, represents the only robust method to assess the likely significant effects on the Solent Marine Habitats sites.

The new calculator includes additional precautionary buffers and a further mitigation requirement, in addition to that needed from waste water arising from the development, to account for the nitrates arising from the land [cover] uses. Overall, therefore the total annual nitrogen load to mitigate required under the new methodology for all residential developments will increase.

The general approach to mitigation, requiring a financial contribution towards the mitigation strategies that the Council has already introduced, does not change albeit each application is now likely to need to make a larger financial contribution.

Officers are satisfied that this changing advice from Natural England does not change the recommendations or judgements contained in the matters considered by the Committee today. The relevant Appropriate Assessments, including the new 'nitrate calculator', will need to be updated and referred to Natural England as part of the process to satisfactorily complete the legal agreement to mitigate this impact on the SPA and this will be carried out, where relevant as part of the work delegated to Officers in today's decisions.

The meeting concluded at 13.13pm

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Signed by the Chair  
Councillor Lee Hunt