

MNIUTES OF THE MEETING of the Planning Committee held on Wednesday, 15 June 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 Chris Attwell (Vice-Chair)
George Fielding
Hugh Mason
Robert New
Darren Sanders
Russell Simpson
Gerald Vernon-Jackson
Daniel Wemyss

Welcome

The Chair adjourned the meeting until 11:00am due to an IT issue.
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.

74. Apologies for absence (AI 1)

Apologies for absence were received from Councillors John Smith, Judith Smyth and Linda Symes. Councillor Daniel Wemyss deputised for Councillor Smith.

75. Declarations of interest (AI 2)

Councillor Sanders stated that he had sought advice from the Legal Advisor, in relation to agenda item 8 (Edinburgh House), as although the matter is for council housing, decisions on the matter have been taken by the Cabinet Member for Health, Wellbeing & Social Care and not by him in his role as Cabinet Member for Housing and Preventing Homelessness. The Legal Advisor advised that this would not preclude Councillor Sanders from participating in the item.

Councillor Mason declared, in relation to agenda items 4 and 5 (Furness Road), that he had known the applicant since he was a small child. This would not affect his judgement on the matter as a personal but non-prejudicial interest.

Councillor Mason declared, in relation to agenda item 6 (Marmion Road), that he was acquainted with two of the deputees, but did not consider this was a prejudicial interest.

Councillor Vernon-Jackson declared that he has had discussions with the different groups on agenda item 6 (Marmion Road), so it would be inappropriate for him to take part and vote on this application.

Councillor Vernon-Jackson sought advice from the Legal Advisor about a possible interest in agenda item 8 (Edinburgh House) as he is a member of the Cabinet, and the site is owned by the council. The Legal Advisor advised that this would not preclude Councillor Vernon-Jackson from participating in the item as long as there was no predetermination.

Councillor Vernon-Jackson joined the meeting at 11:18am so did not take part in the decision for agenda items 4 & 5 (both Furness Road) as he had not heard the whole application and discussion.

76. Minutes of previous meeting held on 25 May 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 25 May 2022 be agreed as a correct record.

77. 20/01143/PLAREG - Garage, 2 Furness Road, Southsea, PO5 2JL (AI 4)

Retrospective application for the use of adjacent land and garages for purposes ancillary to main workshop including repairs, storage and parking

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Error in paragraph 5.20 of officer report, reference is made to a dwellinghouse, however, this is a typo and should make reference to a commercial garage as opposed to a dwellinghouse.

Since the publication of the agenda, one further letter of objection has been received from a previous objector and can be summarised as follows;

a) Previous enforcement appeal decision; b) Planning applications are untrue; c) Increase in noise and air pollution; d) Proposal contrary to National and Local Green Policies; e) Approval of applications condones the continual breaches of planning regulations and failure to enforce planning regulations; and e) Harm to conservation area.

The objector makes reference to works being carried out on the site prior to the applications being submitted. This application is a retrospective application, however, it is understood works relating to this application have ceased while the applications are in progress. All other points raised in the objection have been address in the officer report and officer report relating to application reference: 20/01144/ADV. No new material planning considerations have been raised and the officer recommendation remains unchanged.

Mr Semmens (applicant) made a deputation in support of the application. Deputations are not minuted but can be viewed on the council's website at

<https://livestream.com/accounts/14063785/planning-15jun2022/videos/231662175>

Members' questions

In response to questions, officers explained that

- No information was held in relation to any noise complaints.
- The application is a retrospective application to formalise past activities on the site and allow for additional activity. Reference was made to the Supplementary Matters.
- Some of the site comes within the Inspectorate's original decision but does not go against it due to the conditions on operating hours and the nature of operation restricting it to hand tools only and not power tools. It is fully in accordance with the Inspectorate with those restrictions and having regard to the guidance from the Environmental Health Officer.
- There is no consultation process with the Planning Inspectorate as they only deal with appeals.

Members' comments

- This is a small family run business, and it is clear that the applicant is doing all that he can to operate in a respectful way in the local community.
- The expansion of the business is supported and there is no issue around amenity. Planning Inspectorate decisions should be upheld, but with the conditions imposed the deviation is minor. If there are significant problems the matter could come back to the Committee.

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

78. 20/01144/ADV - Garage, 2 Furness Road, Southsea, PO5 2JL (AI 5)

Retrospective application for the display of non-illuminated signage

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Since the publication of the agenda, one further letter of objection has been received from a previous objector and can be summarised as follows;

a) Previous enforcement appeal decision; b) Planning applications are untrue; c) Increase in noise and air pollution; d) Proposal contrary to National and Local Green Policies; e) Approval of applications condones the continual breaches of planning regulations and failure to enforce planning regulations; and e) Harm to conservation area.

The objector makes reference to works being carried out on the site prior to the applications being submitted. This application is a retrospective application, however, it is understood works relating to this application have ceased while the applications are in progress. All other points raised in the objection have been address in the officer report and officer report relating to application reference: 20/01143/PLAREG. No new material planning considerations have been raised and the officer recommendation remains unchanged.

Members' questions

There were no questions

Members' comments

- The signs are already in place and there are no new ones. New clear signs are preferable to faded ones.
- No complaints or objections have been received by one of the Ward Councillors regarding the signs. It is important that small businesses should be able to advertise their presence.

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

79. 21/00535/FUL - 73-75 Marmion Road, Southsea, PO5 2AX (AI 6)

Change of use of first floor of the building (Class F1) to form 3no. self-contained flats (Class C3). External alterations to include construction of porch to west elevation (resubmission of 20/00413/FUL)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

*Representations have been received raising concerns about the alleged incorrect service of notice by the applicants upon owners and also alleged failure to properly reference the Public Sector Equality Duty (PSED) pursuant to the Equalities Act. One memorandum are attached to these Supplementary Matters by way of LPA response.
No change to the recommendation.*

A deputation objecting to the application was made by Abdul Basith (co-owner).

A deputation supporting the application was made by Iqbal Miah.

The Chair read out a statement in relation to the application and Portsmouth City Council's Public Sector Equality Duty. The Council's Legal Services had provided specific guidance on the Committee's duty, under the Equality Act, acting as a public authority to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations amongst different groups.

Members' questions

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

- It was not known when the building was last used as a Mosque but it is known that it was vacant in November 2018.
- The application will be increasing the number of flats from one to three with the existing flat subsumed into the flats.
- The application is for full renovation of the building and the ground floor will be capable of being used as a prayer hall or community use, but it will be for the owners to decide how they use it within the limitations of F1 land class use.

- There is nothing in the application that guarantees the ground floor cannot be turned into flats in the future. A new planning application would be required for this. However, it would be unlawful to impose a condition preventing the ground floor being turned into flats.
- There are no conditions that will restrict the flat residents from applying for a parking permit. There is clear case law that this cannot be a condition of planning; the land in question is not the public highway.
- Parking surveys are only required for larger developments. There are no PCC standards on parking for places of worship or Madrassas.
- The capacity of the ground floor would depend on its future use.
- In relation to noise, the residents would be aware of the use of the ground floor. It would be for Environmental Health to assess noise levels. It is not unusual to have residential facilities above community facilities.
- The building is partial residential and is in need of high-quality repairs but this application does not consider change of use of the whole building
- The National Planning Policy Framework (paragraph 93) briefly mentions the need to guard against the loss of community spaces. The council's 2012 infrastructure delivery plan did not identify a need for growth in this area; however, the planning system is based on use classes.

Members' comments

- Members noted how passionate the deputies were in delivering their views on the application and this important decision for the Muslim community and for the city.
- Members noted the prima facie case for change of use and the need to consider the application with the legal advice given.

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

The meeting adjourned at 12:16pm and continued at 12:26pm

80. 21/01727/HOU - 187 Dover Road, Portsmouth, PO3 6JU

Construction of single storey rear extension (following removal of existing) and rendering of first floor rear elevation.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Members' questions

In response to questions from members, officers clarified that:

- The planning application is compliant with policy. It is not uncommon for minor alterations to be seen when developments are delivered reflecting matters identified by builders on site.

- The loss of light to the neighbours is, on balance, reasonable and therefore acceptable.
- The reason for the increase in size of the extension is not known. Detailed plans do not have to be submitted although for larger household extensions sought under the GPDO prior notification to the planning department is needed. The prescribed matters for such proposals will only be considered if a neighbour objects.

Members' comments

There were no comments

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

- 81. 21/01710/CS3 - Land at former Edinburgh House, Cosham, PO6 3JL (AI 8)**
Construction of three storey building accommodating 50no. 'Extra Care' apartments (Class C3) to be provided as affordable housing; with associated vehicular access and turning head, vehicle parking, cycle parking and landscaping (Amended Plans Received)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

The applicant has raised concern that the proposed condition (4) would unreasonably tie the development to the completion of off-site A3 highway works which are not demonstrated (in the submitted Transport Assessment) to be necessary mitigation to support the development. It would potentially give rise to a financial obligation upon the applicants that would make the development unviable.

The off-site highway improvements will be undertaken as part of the SEHRT highway works which are funded through the Transforming Cities Fund (TCF) and is programmed to be completed by September 2023 prior to the completion of this development. The Local Highway Authority has however advised that the condition is considered necessary in the interests of highway safety, the junction improvements being expressly referenced in the submitted Transport Assessment. There is in any event a high prospect of the highway works being implemented within the lifetime of any permission granted and that the financial burden would not be expected fall upon this development (even in part). It is therefore considered necessary and reasonable to apply recommended condition 4.

It is recommended that a further condition is added that requires prior implementation of the on-site junction improvements and car parking.

Following the receipt of comments from the Environmental Health team, to ensure a satisfactory residential amenity is achieved in all residential units within this development and notwithstanding recommended condition (2) it is proposed to add a condition that secures the implementation of noise mitigation measures as outlined in the submitted Noise Impact Assessment.

Car parking Provision

Paragraph 8.20 of the planning report comments that "there would be no resident staff (shift workers only) and, at the time of writing this report it is not clear how many non-resident staff would be employed at the site at any one time. This can be provided by way of supplementary matters (SMAT)". The applicant has clarified that there will be three shifts worked by staff with between 11 – 20 staff on site during the following shift patterns 0800 – 1400, 1400 – 2000 and 2000 – 0800. Applying the parking standards there is the need for an additional 10 car parking spaces for non-resident staff.

As a sheltered housing scheme parking standards require 25 spaces for residents, plus 2.5 for visitors with 10 spaces per non-resident staff (i.e. max. 20 staff x 0.5 spaces = 10 space), to meet parking standards a total of 37.5 car parking spaces is required. However, as an extra care facility primarily for people living with varying degrees of dementia, accommodating both very frail and more active people with early-onset dementia, it is highly unlikely that there will be demand for 25 car parking space for residents. Therefore the proposed provision of 24 car parking spaces on site is more than adequate to meet the needs of non-resident staff and visitors and thereby satisfies Policy PCS17 of the Portsmouth Plan (2012) and the Parking Standards and Transport Assessments SPD (2014).

The following additional conditions are recommended but otherwise the recommendation remains unchanged:

(17) The new access junction off Sundridge Close and associated on-site car parking spaces shall be laid out in accordance with the drawings hereby permitted and made available for use prior to the first occupation of the development and thereafter for the lifetime of the development.

Reason: In the interests of highway safety.

(18) To mitigate noise impacts the following recommendations from the submitted Noise Impact Assessment, Omnia A11315/2.1 shall be implemented to ensure internal noise levels within the residential accommodation are acceptable.

a) glazing in any living rooms to be installed on the southern façade of the Care Home overlooking Southampton Road shall be upgraded to provide an attenuation of 32dB Rw +Ctr

b) a full mechanical ventilation heat recovery (MVHR) system shall be installed which will allow windows to remain closed and adequate ventilation achieved and this system shall be the highest grade of ventilation system (system 4) as detailed in the recently published Acoustics Ventilation Overheating (AVO): Residential Design Guide.

Reason: To protect the amenities of the future residents in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Oliver Willcocks (applicant) made a deputation in support of the application Mr Willcocks read out a deputation from Councillor Matthew Winnington, in his capacity as Cabinet Member for Health, Wellbeing & Social Care, in support of the application.

Members' questions

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

- The photovoltaic panels are not visible on the pictures, but it is the applicant's intention to include some panels within the development. Planning is not prescriptive at this stage as to how the environmental standards are achieved.
- Environmental Health has considered the noise from the neighbouring fire station in the Supplementary Matters ("SMAT") Report. The applicants are proposing noise reduction features in the building construction.
- Blue Light egress from the fire station is directly onto the A3. The access on Sundridge Close is for the entry of vehicles into the fire station and for non-emergency exit of vehicles.
- Crime reduction has been considered by the applicant. The planning department is satisfied in this respect.

Members' comments

- The application is a well thought-out proposal providing vital accommodation that is needed across the city and is a sensible part of the wider re-development plan for Cosham. It is in the right place and on balance is a good scheme.

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

82. 21/00477/FUL - Royal Beach Hotel, 1 St Helen's Parade, Southsea, PO4 0RN (AI 9)

Conversion of the East Wing to form 3no. maisonettes and 26no. flats with associated external alterations and construction of mansard roof to form additional storey

The Assistant Director of Planning and Economic Growth presented the report and drew attention to the Supplementary Matters report which provided the following additional information:

Proposed Condition 10 (Sustainable construction) requires that "unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such

evidence shall be in the form of a post-construction stage water efficiency calculator"

The applicant has however suggested that the Building Regulations for England Approved Document L1A applies to new dwellings whereas reference should be made to 'Document L1B' where a dwelling is being created in an existing building as a result of a material change of use of all or part of the building. Furthermore, Policy PCS15 of the Portsmouth Plan (2012) also separates out new build development from conversions and require BREEAM Domestic Refurbishment very Good standard. Members attention is also drawn to the latest update to this part of the Building Regulations (Part L) It is proposed therefore that the wording of Condition 10 (Sustainable construction) is modified accordingly.

Amend recommended condition 10 to read as follows:

Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: a) achieved the target emission rate, as defined in The Building Regulations for England Approved Document L1B: Conservation of Fuel and Power in Existing Dwellings - 2010 Edition (incorporating 2010, 2011, 2013, 2016, 2018 and, where relevant 2021 amendments). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended), c) overall 15% reduction in carbon emissions as required by Policy PCS15 of Portsmouth Plan (2012). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan 2012 and the NPPF.

Deputations were made in support of the application by:

- Stuart Bone (agent)
- David Blackford (Chairperson of Mansion Court Residents Association)

Members' questions

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

- The location of 'Casey's Bar' is on Common Street.
- The previous application for 40 flats did not require any car parking space to be provided. This is a reduction in the number of flats so similarly no car parking space is required.
- Photovoltaic panels are not mandated. It is for the applicant to demonstrate how they comply with the Building Regulations, Part L1B, in which there are a whole suite of options.
- In relation to the 1-bedroom flats, whilst some of these do not meet the space standards in the council's Supplementary Planning Document they meet national standards if occupied in accordance with the developer's plans. However, the local planning authority cannot stipulate

how people choose to occupy the flats. A condition stipulating occupancy would be unsustainable and a refusal on grounds of space standards would be unsustainable on appeal.

Members' comments

- Members expressed concern about the 1-bedroom flats being below the standards set in PCS23 of the Portsmouth Plan.

The committee adjourned from 1.25 to 1.35 pm.

Councillor Sanders left the meeting at 1.35 pm.

RESOLVED to refuse the application. Reason for Refusal: The Development by virtue of the size of flats 9,10; 14, 15; 19, 20; 24, and 25 being below the adopted space standards described in the Portsmouth Housing Standards SPD and therefore fails to provide a good standard of living as required by Policy PCS23 of the Portsmouth Plan 2012.

83. 21/01646/PLAREG - Cockleshell Community Sports Club, Southsea, PO4 9SA (AI 10)

Retrospective application for the construction of temporary gazebo and proposed construction of storage shed.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Jayne Mills (applicant) made a deputation in support of the application.

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.

84. 21/01213/PLAREG - 5 Atalanta Close, Southsea, PO4 8XP (AI 11)

Change of use from access drive to garden area with new side boundary fencing.

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Jackie Laver (applicant) made a deputation in support of the application.

Members' questions

There were no questions from members.

Members' comments

- The only concern had been in relation to the access for emergency vehicles but the depute had clarified that there is access.

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

85. 22/00304/FUL - 12 Thurbern Road, Portsmouth, PO2 0PJ (AI 12)

Change of use from dwelling house (Class C3) to dwelling house (Class C3) or House in Multiple Occupation (Class C4)

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Simon Hill made a deputation in support of the application.

Councillor Wemyss read out a deputation from Councillor Scott Payter-Harris objecting to the application (included in the SMAT).

Members' questions

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

- There is rear access to the property which allows for bike storage in the garden.
- The increase in parking is not a justifiable reason for refusal of this application.

Members' comments

- The impact of this HMO opposite a block of flats will greatly increase parking and nitrates as well as an increase in rubbish. Residents already have to park in neighbouring roads. Parking is an issue for the whole area.
- There are currently many HMOs in the south of the city. There should be a wider distribution of HMOs in the city as it is not ideal to concentrate them all in one part. This is a reasonable place for an HMO as it does not increase the number in the area unduly.
- There are bus routes available nearby connecting to the different parts of the city.
- The increase to HMOs in the area is way below the 10% limit, the space standards are significantly above the council's space standards and the applicant has attempted to work with neighbours.

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

86. 21/01107/HOU - 5 Crinoline Gardens, Southsea, PO4 9YB (AI 13)

Construction of two storey/single storey, side/rear extension

The Assistant Director of Planning and Economic Growth presented the report and informed the committee that there were no supplementary planning matters to report.

Members' questions

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

- The extension does not come right up to the neighbouring boundary wall and the loss of light is not unreasonable.

Members' comments

There were no comments from members.

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

The meeting concluded at 2:20 pm.

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Signed by the Chair
Councillor