

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 31 August 2022 at 10.30 am in the Council Chamber, the Guildhall, Portsmouth

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

Present

Councillors	Judith Smyth (Chair) Chris Attwell Hugh Mason Robert New Darren Sanders Russell Simpson John Smith Linda Symes Gerald Vernon-Jackson
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Welcome

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

Guildhall, Fire Procedure

The Chair explained to all present the procedures for the meeting and the fire evacuation procedures including where to assemble and how to evacuate the building.

124. Apologies (AI 1)

Apologies were received from Councillor George Fielding.

125. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

In the interests of openness and transparency, Councillor Sanders made a voluntary declaration to those present that in relation to Agenda Item 1 (111 Havant Road Portsmouth PO6 2AH) he has a mother living in a care home on Havant Road and in relation to Agenda Item 7 (2 Chalkridge Road, Portsmouth, PO6 2BE) as he lives in a house of multiple occupation (HMO).

Councillor Judith Smyth clarified that although she had been listed as wishing to make a deputation on Agenda Item 6 (24 Beach Road, Southsea PO5 2JH) she no objection to this application. The call-in request, dated 4 years ago and still on file, related to HMOs on this street and did not relate to flats.

126. Minutes of previous meeting held on 10 August 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 10 August 2022 be agreed as a correct record.

PLANNING APPLICATIONS

The Committee agreed to change the order of business to hear Agenda Item 8, 22/00214/FUL - 2 Capstan House, Tower Street, Portsmouth PO1 2JR first.

The Supplementary Matters report can be viewed on the Council's website at [\(Public Pack\)Supplementary matters report Agenda Supplement for Planning Committee, 31/08/2022 10:30 \(portsmouth.gov.uk\)](#)

Deputations are not minuted but can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 31st August, 2022, 10.30 am Portsmouth City Council](#)

127. 21/01726/FUL - 111 Havant Road Portsmouth PO6 2AH

Construction of five-storey building to provide 55 retirement apartments (use class C3), with associated vehicle access from Havant Road, car parking and landscaping, after demolition of existing car showroom and dwelling (resubmission of 21/00684/FUL).

The Development Management Lead presented the report and informed the Committee that this was a re-submission of planning application 21/00684/FUL. The application was refused in November 2021 under delegated powers and allowed at appeal in July 2022. Although planning permission has been achieved, the applicant wishes to pursue this second application to address feedback received at the time of the first application. If this second application was granted by the Committee, the applicant would have the choice of which application to implement.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

Deputations were heard from Damien Lynch (agent).

Members' questions

In response to questions, the Development Management Lead clarified that:

- Drainage and flooding mitigation measures to address concerns about rainwater in sewers and the possibility of sewage flowing into Langstone Harbour is addressed by Condition 8. The Coastal Partnership and Environment Agency had been consulted and had no objection.
- The overall height of the building of the previous application was deemed acceptable to the Planning Inspector. Although this scheme has 5 storeys under a flat roof (rather than 4 storeys, a pitched roof and void), its overall height is similar to the previous application.
- The Council's independent advisors have assessed the development will yield a profit of 19.2%, slightly less than the 20% standard.
- The applicant has not indicated which of the two applications it prefers although the application before the Committee has a better layout and one extra unit.

- Appropriate nitrate mitigation is dealt with by condition on both applications for this site.
- The matter of affordable housing and financial viability was addressed in the first application. The Local Planning Authority (LPA) had viability independently assessed and accepted that the scheme could not provide affordable housing and an acceptable degree of profit. The applicant has provided a Viability Appraisal with a nil affordable housing contribution. Overall, the outcome is consistent with the previously assessed scheme and therefore the nil approach to affordable housing provisions is also accepted in this instance.

In relation to members questions about rainwater run-off, the Agent informed the Committee that the Drainage Strategy ensured attenuation on site. He also confirmed that the footprint of the application before the Committee was smaller than the previous application, the L-section of the building has been removed and it has been set back within the site.

Members' comments

- Concerns about the large number of retirement complexes in this area of Drayton were raised and with the suggestion that PCS19 (mixed community) was being pushed to its limit.
- This design is better than the previous application in terms of its overall design, landscaping and provision for residents including balconies. Rooms sizes are acceptable, and this scheme has a smaller overall footprint and better environmental measures than the previous application.

It was proposed that an informative be added to ask the applicant to explore affordable retirement housing within this property as local residents were in danger of being priced out of the market. The Legal Advisor advised that the matter of affordable housing had been previously addressed and a Viability Appraisal had been undertaken. As a result, she advised that an informative should not be added.

Members noted that in the past, members of the Planning Committee had sight of viability appraisals and suggested that this would be useful in future. The Chair commented that the applicant had provided a Viability Appraisal for the previous application and that the Planning Inspector had commented on this aspect of the Local Plan. The Development Management Lead noted that full viability information would not normally come to Committee and that it had been reviewed by independent consultants and addressed in summary in the Officer Report.

RESOLVED to:

- 1. Grant delegated authority to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the following:**
 - (i) Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.**

- (ii) Nitrate neutrality mitigation for the Special protection Areas;
2. Add one further condition relating to appropriate SPA Mitigation Nitrates as set out in Appendix 1 of the Supplementary Matters List;
 3. Grant delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;
 4. Grant delegated authority to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation 1 has not been completed within three months of the date of this resolution.

It was also agreed to add the Reasons attached to each condition, as per Appendix 1 of the Supplementary Matters report.

128. 21/01102/FUL - Former Car Park, Staunton Street, Portsmouth

Construction of part one, part two, part three, part four storey building to form student halls of residence (class C1) comprising 40no. Studio bedrooms, common room, gym, and associated refuse and cycle storage.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

Deputations were heard from:

Kevin Gissing (objecting) read out by Councillor Russell Simpson as he was not in attendance

Matthew Pickup (agent)

Councillor Cal Corkery had been expected to make a deputation, but he was not in attendance.

Members' questions

In response to questions, the Development Management Lead clarified that:

- There are no windows on the northern and southern elevations and therefore no issue of over-looking.
- He was not aware of applications by other developers to convert student halls of residents into flats because of an oversupply of student accommodation in the city. The pandemic has caused some flux in the demand for accommodation as students consider where they live and study.
- During the planning application process, developers are asked informally about future conversion plans. This is not a requirement but can be useful as there are different space standards for student halls and individual dwellings. This developer has informally shared plans for flat sub-division and flats with balconies or small gardens on ground floor, indicating the building could be used for a different occupation that students, were the need to arise.
- If a disabled student required parking for a car on a temporary or permanent basis, the developer would provide the flexibility to provide this. Disability access is ensured through building regulations.

- The separation between the northern wall of the western section of the development and the nearest house is 8.22m.
- The installation of solar panels and other sustainability measures are controlled by building regulation and which are improving and becoming more robust all the time. The development could accommodate solar panels and the applicant will decide how best to meet sustainability matters.
- The separation of run off rainwater and sewage will be covered by the Drainage Strategy (Condition 11).
- In relation to light, a shadow analysis indicated that neighbouring gardens would receive direct sunlight most of the time, except in winter, and that it was therefore the view of officers that this was within reasonable bounds.

The Agent, in response to members' questions, informed the Committee that it is a condition of the lease that student would not bring cars to the city. Following a suggestion that this be controlled by condition to ensure this practice would continue following a change in ownership, the Legal Advisor and the Development Management Lead advised that it has been established by case law that it would not be lawful to add a such a condition and that all those who manage student halls use a Student Management Agreement and these run from operator to operator (by virtue of condition 15).

Members' comments

- There had been credible media reports of developers looking to amend applications to change the use of buildings following a drop in demand. It was noted that the Council had purchased three empty student halls.
- Some members commented that there were no windows on the north elevation, although the amount of light to the neighbours' gardens would decrease slightly.
- It was noted that the applicant has undertaken to ensure no cars.

It was proposed that the application be refused on the grounds of residential amenity of near neighbours, particularly the objector, including balanced mixed community PCS23. It was suggested that the oversupply of student accommodation be added as an additional reason for refusal.

The Legal Advisor advised that the relevant policy was PCS23 (design and conservation). PCS20 relates to HMOs and requires there to be a mixed and balanced community. Policy PCS23 does not contain any policy requirement for a mixed and balanced community-.

The Development Management Lead commented that amenity had been addressed in his presentation to the Committee and that notwithstanding the proximity of Wingfield House, the application was unlikely to cause an imbalance in the community. Supply and demand is a matter for the market and this application had been made in the summer of 2021 when the market was more uncertain than it is now. The applicant has reduced the scale of the application and if necessary in the future, the developer could apply for a change of use. Contrary to his earlier understanding, he was now aware that

two applications have indeed been received where developers have sought a 12-month relaxation to allow use of the sites outside of student use.

Some members proposed and seconded the officer's recommendation with the suggestion that an advisory be added stating that the Committee expected the applicant to be cognisant of the need to reduce demand on the public electricity supply. The Legal Advisor advised that although building regulations control sustainability, the Committee could add an advisory to this effect.

Members then went on to consider the proposal to refuse planning permission. This proposal failed at the vote.

Following the vote, the issue of supply which potentially threatens the viability of the scheme was raised with the suggestion that an informative be added asking the developer to conduct an annual viability check every 12 months in consultation with the University. The Legal Advisor advised that it would not be appropriate to consider viability once the development had been built.

It was noted that further discussion with officers about the amount of student accommodation in the city would be useful.

Members then went on to consider the recommendation to grant planning permission and **RESOLVED to:**

- 1. Grant delegated authority to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the following:**
 - i) Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.**
 - ii) Nitrate neutrality mitigation for the Special protection Areas**
 - iii) The future control of the land use as student halls as required by the Student Halls of Residence Supplementary Planning Guidance;**
- 2. Attach the extra condition set out in Appendix 2 of the Supplementary Matters report to address the architectural detailing of the proposed building to ensure the quality of the design outcome.**
- 3. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;**
- 4. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.**

It was also agreed to add an informative to request the applicant to consider sustainable construction and the energy efficiency of the development.

129. 21/00935/FUL - 24 Beach Road Southsea PO5 2JH

Conversion from guest house (class C1) to form 3 no. One bedroom self contained flats (class C3); alterations to include second floor rear extension and enlarged rear dormer; replacement of existing window with French door to ground floor rear elevation.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

There were no deputations. Katie Mayers had been due to make a deputation, but she was not present.

Members' questions

In response to questions, the Development Management Lead clarified that:

- Regarding the height of the restricted ceiling height within the bedroom and kitchen of Unit 3 on the second floor flat, the case officer would have checked that the space under the eaves (below 1.5m) was not included in the space calculation.
- The property had been a 5 bedroom guest house, the application was for three 1 bedroom flats and as such was not an HMO application.
- As a guest house the property would be entitled to 5 car parking permits; each flat would be able to apply for two permits and there was one off road car parking space.
- The minimum space standard for a 1 bedroom flat was 37SQM and Unit 3 was 37SQM.
- The height of the eaves (measured by eye using photographs in the officer's presentation) seemed to be 1.5m, therefore met the standard and was acceptable.

Some members expressed concerns about the layout of the kitchen in Unit 3, specifically the cooker under the sloping ceiling.

Members agreed to defer the item to the end of the agenda so that the height of the ceiling and associated floor area could be checked.

Consideration of the Item resumed at 2.37pm without Councillors Robert New and Linda Symes as they had left the meeting earlier.

The Development Management Lead confirmed that Unit 3 conformed to the minimum space standards (37SQM). The dotted lines on the plan indicated some additional space in the bedroom and kitchen where the eaves dropped below 1.5m but this had not been included in the space calculation. The bed and some kitchen units are in this additional space. The applicant could amend the proposed layout of the kitchen if necessary or wanted.

Members' comments

- Some members continued to express reservations about the kitchen layout, including the location of the cooker and fridge/freezer.

Members proposed adding a condition to limit the occupation of Units 2 and 3 to one person each as the plans indicated that these units were for one person. The Development Management Lead commented that this may not be enforceable but could accept the extra condition.

RESOLVED to:

- 1. Grant delegated authority to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:
(a) receipt of the positive response of Natural England to the Local Planning Authority's 'Appropriate Assessment', and;
(b) the satisfactory completion of a Legal Agreement to secure the necessary mitigation for the effects of recreational disturbance on the Special Protection Areas;
(c) include wording set out in the Supplementary Matters report within Condition 5 (Car Parking) to best regulate water run-off from the property forecourt as the application site is located in Flood Zone 3 and to ensure that the development accords with the aims of policies PCS12 and PCS17 of the Portsmouth Plan 2012;**
- 2. Grant delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;**
- 3. Grant 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.**

It was also agreed to add an extra condition limiting the occupation of units 2 and 3 to 1 person in each unit.

The meeting adjourned at 12.40pm and resumed at 12.55pm. Councillors Robert New and Linda Symes left the meeting.

130. 21/00624/FUL - 2 Chalkridge Road, Portsmouth, PO6 2BE

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

The Development Management Lead presented the report and informed the Committee that should this application be approved the percentage of HMOs within the area would be 4.16%, well within the 10% threshold above which an area is considered to have a community imbalance.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

A deputation was heard from Alan Kleyn (applicant). Michael Robinson (objecting) had been due to make a deputation, but he was not present.

Members' questions

In response to questions, the Development Management Lead clarified that:

- The property would require to be licenced under Part 2 of the Housing Act 2002 and that the layout and sizes proposed would be inspected by licensing.
- There is sufficient off road parking in the area and most houses also have off road parking.
- The shared driveway with No.4 Chalkridge Road would be retained, and no parking would be permitted on the driveway by way of property covenant or informal agreement between neighbours so as to retain access to the remaining garage next door.

Members' comments

- The application meets minimum space standards and was under the HMO limit.

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

131. 21/01717/FUL - 58 Gladys Avenue Portsmouth PO2 9BQ

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

The Development Management Lead presented the report and informed the Committee that should this application be approved the percentage of HMOs within the area would be 5.08% (increased from 3.39%), within the 10% threshold above which an area is considered to have a community imbalance. The bedrooms meet the required space standards including the ensuites. This application is subject to a non-determination appeal.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

A deputation was heard from Simon Hill (on behalf of the applicant). Councillor Daniel Wemyss had been due to make a deputation, but was not present.

Members' questions

In response to questions, the Development Management Lead clarified that:

- All ensuites comply with space standards for ensuites and this was clarified within the Supplementary Matters report.
- The conservatory will be replaced with a solid brick built structure on same footprint as the existing structure.
- Regarding the repurposing of rooms and impact on neighbours, there will be some structural work to the rear of the property and there would be some remodelling required, particularly when creating the ensuites.

Members' comments

- Some members expressed concern about the potential 'domino effect' of additional cars impacting on parking in neighbouring roads as Gladys Avenue has restricted parking due to passing places and bus stops.
- Portsmouth has one of the most stringent regimes in monitoring HMOs and it would require a change in the law to make further changes.

RESOLVED that the position of the Local Planning Authority is that if the appeal for non-determination had not been submitted, it would have granted planning permission, with the Conditions set out in the published report.

132. 22/00808/FUL - 22 Burlington Road Portsmouth PO2 0DP

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 presented the report and informed the Committee that should this application be approved the percentage of HMOs within the area would be 5.01% which is within the 10% threshold above which an area is considered to have a community imbalance. The bedrooms are on or over the required space standards and the general layout is acceptable.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

A deputation was heard from Simon Hill (on behalf of the applicant).

Members' questions

None.

Members' comments

- Some members asked to see parking stress surveys in the future if possible.
- The potential for planning officers to ask those adding house extensions under permitted development rights if they plan to subsequently apply for change of use from a dwelling house to an HMO was mooted.

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

133. 22/00085/FUL - Voyager Park North Portfield Road Portsmouth PO3 5FX

Construction of 2 buildings covering total of 3850sqm floorspace (gross external area) in 3 units, for use as general industrial purposes (class B2), storage & distribution (class B8) and/or other industrial purposes (class E(g)(iii)); with ancillary offices, associated car parking, service yard and alteration to vehicular access.

The Development Management Lead presented the report outlining the proposed application, the planning history of the site and a summary of the main issues relating to the application.

Members' questions

In response to questions, the Development Management Lead clarified that:

- Car parking proposed is net minus one space short of the guidelines and that given all the other advantages of the application this was deemed acceptable.

- The applicant is required to enter into a Section 106 Agreement to secure a Travel Plan to encourage sustainable travel.
- A CCTV survey check of the sewers had been undertaken and it was noted that water will be channelled away to Great Salterns Lake and eventually to the harbour. The Environment Agency's concerns would be controlled by conditions 3, 4, 5 and 7 for construction and the building and would protect controlled waters including contamination risk to Great Salterns Lake. On-going by verification reports and site visits will provide monitoring.

Members' comments

- Sustainable travel should be encouraged, and it was suggested that an informative be added to ask the developer to consider the Bus Service Improvement Plan as part of the Travel Plan requirement.

RESOLVED to:

- 1. Grant delegated authority to grant Conditional Permission subject to the applicant first entering into a Section 106 Agreement to secure:
(1) an Employment and Skills Plan and
(2) Travel Plan including contribution to monitoring of £5,000;**
- 2. Grant delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary;**
- 3. Grant delegated authority to the Assistant Director of Planning & Economic Growth to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.**

In addition, it was agreed to add an informative to ask the developer to consider the Bus- Service Improvement Plan as part of the Travel Plan requirement.

134. 22/00214/FUL - 2 Capstan House, Tower Street, Portsmouth PO1 2JR

Reconstruct third floor in revised form to include roof terrace; projecting window at second floor level; second/third floor rear height extension and installation of doors to 'Wyllie' arch at rear.

The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

A deputation was heard from Mr David Cornelius (on behalf of the applicant).

Members' questions

In response to questions, the Development Management Lead clarified that:

- Changes to the rear eastern stairwell facing Broad Street would result in a slight increase in height. However, this was limited and the impact on light to the neighbouring property therefore minimal.
- The new roof would be metal zinc which would result in a smart grey appearance.

Members' comments

- This is a sensitive application.

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

135. 22/00958/CS3 - Unicorn Road, Cascades Approach, Marketway and Charlotte Street, Portsmouth, PO1 4RL

Construction of a new section of carriageway to create a two-way bus lane along Unicorn Road into Cascades Approach, with new cycle lane provision, lighting and drainage, and realignment of Cascades Car Park Entrance. Associated highway improvement works, along Unicorn Road, Marketway and Charlotte Street, including the reconfiguration of the existing highway and amendments to Unicorn Road junction from the Portsmouth Naval Base, removal and provision of new crossing points and cycle lane provision. Tree removal, landscaping and associated engineering and temporary construction works including a temporary site office.

The Chair informed the Planning Committee that this is unusual in that it is an application for roadworks which comprises one of four projects forming part of the South East Hampshire Rapid Transit (SEHRT) programme and forms part of a wider development of the city centre.

The Development Management Lead presented the report and informed the Committee that benefits included increased bus services, bus service punctuality and shorter bus journeys which will help address sustainable travel as well as economic development. The Development Management Lead drew attention to the additional information contained in the Supplementary Matters report.

A deputation was heard from Martin Lavers, Assistant Director Regeneration, Portsmouth City Council (applicant). Kim Cohen (agent) was present but did not speak.

Members' questions

In response to questions, the Assistant Director Regeneration clarified that:

- Heavy use of Cascades car park potentially interfering with buses due to tailbacks has been considered. Overall, the benefits of bus lanes outweigh the disbenefit of possible occasional tailbacks. The bus companies had been consulted and although they would prefer no cars there, that is not an option.
- The proposals will bring benefits to the area before the widening of Charlotte Street. Future plans include an ambition to widen Charlotte Street to have buses going in both directions, but the current benefit is for buses travelling west to east.
- When the benefits of the whole SEHRT scheme are taken together, bus punctuality improvements are significant and this scheme is a step in right direction for sustainable travel including for pedestrians and cyclists.
- Car user access to Marketway is not changed with this.

The Development Management Lead confirmed that although there was a negative effect due to the loss of trees in the area, the applicant would only remove trees when it was unavoidable and would add trees elsewhere. This negative aspect would be outweighed by travel punctuality and sustainable travel benefits.

Members' comments

- Members noted the additional information contained in the Supplementary Matters report, agreed that there was a need to improve walking, cycling and buses in the city and expressed a hope that trees lost would be replaced elsewhere.

RESOLVED to grant unconditional planning permission with the conditions suggested in the officer's committee report and the Supplementary Matters report.

The meeting concluded at 2.46 pm.

Signed by the Chair of the meeting
Councillor Judith Smyth