

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 1 March 2023 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 Chris Attwell (Chair)
Hugh Mason
Darren Sanders
Russell Simpson
John Smith
Judith Smyth (Vice-Chair)
Linda Symes
Gerald Vernon-Jackson CBE
Asghar Shar (Standing Deputy)

Also in attendance

Councillor Payter-Harris.

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.

25. Apologies (AI 1)

Apologies for absence were received from Councillors George Fielding and Robert New. Councillor Asghar Shar was present as a Standing Deputy for Councillor Fielding.

Councillor Gerald Vernon-Jackson apologised that he would need to leave the meeting before 1:00pm to get to another meeting and Councillor Hugh Mason apologised that he would need to leave the meeting at 1:30 to get to another commitment.

26. Declaration of Members' Interests (AI 2)

Item 4, 22/01292/FUL - Land at Tipner East, East of the M275, West of Twyford Avenue

Councillor Darren Sanders declared that he knew Mark Perry, the agent for the application, in his capacity as Cabinet Member for Housing and Preventing Homelessness, however he had not discussed the Tipner application with him. This was not a disclosable pecuniary interest.

Item 5 - 22/01102/FUL - 49 St Pirans Avenue, Portsmouth, PO3 6JE Councillor Darren Sanders advised that he had called in this application and would be making a deputation on this item as Ward Councillor so he would leave the meeting for the discussion of this item.

Item 8 -22/01528/FUL - Shed 9, The Camber, White Hart Road, Portsmouth, PO1 2JX

Councillors Darren Sanders and Chris Attwell made voluntary declarations. They advised that they knew and had spoken to Ms Riches, one of the deputees, but had not discussed the application with her and they had kept an open mind therefore this was not a disclosable pecuniary interest.

Councillor Attwell had received correspondence from residents, but had not expressed an opinion on the application.

Item 9 - 23/00004/PLANREG - 8 Highbury Way, Portsmouth, PO6 2RH Councillor Judith Smyth made a voluntary declaration. She advised that herself and Councillor Asghar Shar were both members of the Labour party, and had worked closely with Councillor Shah, but she did not have a close personal relationship with Councillor Shah. She has not discussed the application with him. After seeking legal advice Councillor Smyth did not consider that she has any personal or prejudicial interests.

Councillor Asghar Shar declared a disclosable pecuniary interest as he was the landowner and applicant for this application and would therefore leave the meeting for the discussion of this item.

27. Minutes of the previous meeting held on 8 February 2023 (AI 3)

Members noted that for minute numbers 15,17 and 18 there was a typing error under deputations - Cerriane Wells should be amended to Carianne Wells.

RESOLVED: That the minutes of the Planning Committee held on 8 February 2023 be agreed as a correct record subject to the above amendment.

PLANNING APPLICATIONS

The Supplementary Matters report and the deputations (which are not minuted) can be viewed on the Council's website at:

[Agenda for Planning Committee on Wednesday, 1st March, 2023, 10.30 am Portsmouth City Council](#)

The Chair advised that he would be amending the order of the agenda slightly. The applications were considered in the following order but for ease of reference the minutes will be kept in the original order:

22/01292/FUL Land at Tipner East, East of the M275, West of Twyford Avenue, Portsmouth

22/01102/FUL 49 St Piran's Avenue, Portsmouth, PO3 6JE
22/01528/FUL Shed 9, The Camber, White Hart Road, Portsmouth, PO1 2JX -
22/01603/FUL 36 Hartley Rd, Portsmouth, PO2 9HU
22.01707/FUL 51 Shadwell Road, Portsmouth, PO2 9EH
22.01707/FUL 51 Shadwell Road, Portsmouth, PO2 9EH
23/00004/PLAREG 8 Highbury Way, Cosham PO6 2RH

28. 22/01292/FUL - Land at Tipner East, East of the M275, West of Twyford Avenue, Portsmouth (AI 4)

Detailed planning application for the redevelopment of site to provide 835 residential units of 1,2,3 and 4 bed units across a number of buildings of between 2 and 11 storeys, to include some ground floor commercial (use class E) and community uses (use class F1 and F2), within blocks E,F, J and K. With vehicular access from Twyford Avenue and pedestrian cycle and emergency access to and from the park and ride. To include landscaping, sea wall improvements to the ecological barge, new coastal path cycle lane, car parking and services and other associated works. This application constitutes EIA development.

The Assistant Director of Planning and Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report. He advised that there is an area of undeveloped land to the south of the application site which is in the ownership of Homes England and under the control of Bellway Homes, that have a complimentary application coming forward in due course.

Deputations

Mark Perry, Chief Executive VIVID Homes.

Members' questions

In response to members' questions, officers clarified that:

- Car parking management is proposed as part of the conditions. Conversations are ongoing regarding the use of the proposed transport hub which is why the letter from the Chief Executive, David Williams was included as part of the supplementary matters list. The scheme is very low in parking provision and there is no assumption that 396 parking spaces will be provided in a future the transport hub. The maximum benefit for connecting to sustainable and active transport is in the mind of all parties.
- The car parking management plan would be a binding condition with any developer and the authority would hope that they would want to continue those conversations to maximise that opportunity.
- This application was deferred in January 2023 to allow for further discussions with coastal partners and the Environment Agency. There are a number of elements to the flood defence; the flood wall which is in the control of the application site which connects through to the rest of the Tipner Lake flood wall. There is a gap where there will need a managed solution and on the west side the land peters out to the M275 embankment. Grampian conditions will be required for both the eastern and western gap to require that the flood defence is put in with the appropriate management in place, prior to the occupation of the development.

- There are lots of conditions regarding surface water and flood management on site discussed in depth with the Environment Agency. There were several challenges with surface water drainage which would drain the site directly into the Tipner Lake. These would be finalised through the planning conditions.
- There would be plenty of opportunities for kerb side planting which would include drainage opportunities and enhance biodiversity.
- The scheme would be capable of taking equipped play and this would be part of the ongoing discussions.
- With regard to a cycle way dedicated to children, officers said they would make a note of this for the ongoing discussions. It is a low car scheme so it would be well suited for cycling for children.
- Mr Maguire said that if you wish for a lower car future for the city, parking provision must be reduced. This was a challenge however unless parking provision is reduced, it will be more convenient for people to have a car. There is a risk that more people will own cars living on this site than there are spaces. In terms of where excess cars would park there is the existing park and ride and surrounding streets which would be inconvenient to existing residents. This disadvantage of the scheme needs to be weighed against the advantages of providing new homes; until development happens there will be no infrastructure.
- The policy compliant level is a floor so it would be not less than 30% affordable homes.
- One of the Heads of Terms required in the planning obligation is in respect of community space, culture and community arts which entails a detailed understanding of what and how the commercial community spaces will be offered up to market. A second element is community access to determine if some buildings will only be for community use and this will be secured through planning obligation. The rest of the commercial and community space is to be looked at as onsite employment space to include a convenience shop or some enterprise and co-working spaces. There is a collaboration agreement between VIVID Homes and Bellway to maximise those shared opportunities. If the transport hub comes forward this will have an amount of non-parking structures which forms the opportunity of an urban village centre.
- One of the planning obligations is around bus opportunities. The design from VIVID Homes to enable exit bus gate on the north side of the park and ride to allow buses to move east to west from the park and ride and discussions are ongoing with bus providers.
- The objection from the Highways Authority has largely been resolved. The original submission did not involve a junction redesign at Twyford Avenue. Since the deferral a design has been provided and has gone through a stage one road safety audit which demonstrated there are two or three options to deliver that junction safely. The Highways Authority wants more information which will be required by planning condition and then it will need to go through stage two of the road safety audit.
- A planning obligation would be more appropriate than a condition to ensure a route through to the park and ride/transport hub is achieved. A bus services contribution would need to be a contribution through the s 106 agreement, not a condition.
- The authority has signed a contract through Enterprise for a car club in the city. Car hire provision is part of the conversation around the transport hub.

The car parking access and management plan will cover this and paragraph 7.7 of the report gives a breakdown of the number of spaces at the proposed transport hub including EV charging spaces and disabled bays.

- The obligation of water companies is to accept foul water and they have a power under the Water Management Act to acquire contribution from developers who are increasing the impact on the sewer system. This is outside the planning function.

Member's comments

Member had serious concerns about the lack of parking in the scheme however welcomed the development and said it was long overdue.

RESOLVED:

- (1) Permission was granted subject to a s106 agreement and conditions, including the obligation to provide an Employment and Skills Plan as part of the finalised s106 agreement;**
- (2) Authority was delegated to the Assistant Director of Planning and Economic Growth to finalise the wording of the draft conditions and to finalise the s106 agreement in line with the Heads of Terms listed in the report.**

29. 22/01102/FUL - 49 St Piran's Avenue. Portsmouth PO3 6JE (AI 5)

(Councillor Sanders withdrew from the meeting and moved to the public gallery to make a deputation on this item)

Change of use from dwellinghouse (Class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (House in Multiple Occupation)

The Assistant Director Planning and Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations

Mr Gary Tobitt, objecting

Mr Terry Leonard, objecting

Councillor Darren Sanders, Ward Councillor

Mrs Carianne Wells, Agent for the applicant

Members' questions

In response to members' questions, officers clarified that:

- With regard to the query raised by one of the deputees over the depth of the rear extension, officers explained that when the rear extension was approved under the prior notification process, the Planning Authority was satisfied that the conservatory rear wall was at the same place as the original rear wall. Therefore, it is 6m beyond that and the 2m conservatory which gives an 8m reconstruction.
- The authority is able to grant planning permission to build above the sewer network, however this would need to building regulation approval.
- The Planning Authority would not have any powers to ensure that the lounge on the ground floor would not become bedroom 7. The Council can impose

conditions on the grant of planning permission if there are planning reasons to do so. Whether or not the lounge is provided makes no difference to the Council's adopted standards because the full provision of communal space is provided in the combined living/dining space. The communal living space requirements are the same for 6 people as it would be for 7. There would be no planning reason to be concerned with a potential future conversion into a seventh bedroom as it meets the required standards.

- It would be a matter for planning judgement on whether this would need to come back to committee to become a Sui Generis HMO and would be dependent on whether there was an enforcement case, how that seventh occupant is provided and whether a planning application is submitted.

Member's comments

Members were disappointed with this application as when this previously came to committee members' raised concerns that the lounge has an ensuite and felt that the lounge would likely become a seventh bedroom. Concern was also raised that the building works would be over the sewer network and would disadvantage being able to access the sewer network. It was also suggested that a condition be added that only 6 people can live in the property. Officers advised that building over the sewer network would be a building regulations issue and would not be a material planning consideration. It would be in the committee's gift to impose a condition to limit the number of occupants to 6 however this would need a planning reason; space standards would not be a sufficient reason.

A proposal for refusal was put forward but this motion fell.

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

The committee had a 15 minute adjournment at 12:15.

30. 22/01603/FUL - 36 Hartley Rd, Portsmouth, PO2 9HU (AI 6)

Change of use from dwellinghouse (Class C3) to house in multiple occupation for seven people (Sui Generis).

The Assistant Director of Planning and Economic Growth presented the report.

Deputations

Mr Henry Thorpe, objecting (read out by Councillor Russell Simpson)

Mrs Carianne Wells, Agent for the applicant

Councillor Payter-Harris, Ward Councillor

Members' questions

In response to members' questions, officers clarified that:

An earlier application was considered by the Committee on 9 November 2022 when it was under appeal for non-determination, and it was resolved that planning permission would have been refused due to inadequate safe amenity space for the occupier of bedroom six contrary to building regulations. This has now been clarified and there are double doors out into the rear garden, so this issue is now resolved.

Member's comments

Members' felt that when the application came forward previously it was to move from C3 to C4 use. It was felt that adding another bedroom would cause the property to be overcrowded. It was noted however that the application does provide adequate communal living. It was also noted that the policy issues raised would be considered as part of the HMO SPD which is being considered as part of the Local Plan review.

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

31. 22.01707.FUL - 51 Shadwell Road, Portsmouth PO2 9EH (AI 7)

Change of use from dwellinghouse (Class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (House in Multiple Occupation).

The Assistant Director of Planning and Economic Growth presented the report. He pointed out that the annotation of the drawings on room sizes was incorrect and do not match those figures put into the table in the report; the figures in the table were the accurate measurements.

Deputations

Mr Henry Thorpe, objecting (read out by Councillor Russell Simpson)

Mr Simon Hill, on behalf of the applicant.

Councillor Payter-Harris, Ward Councillor

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There were no questions.

Member's comments

Members' felt that flats should be included when reviewing how many HMOs are within a 50m radius.

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

32. 22/01528/FUL - Shed 9, The Camber, White Hart Road, Portsmouth PO1 2JX (AI 8)

Refurbishment of existing fish market to include wheelchair accessible main entrance; electric sliding door, alterations to fenestration, fixed awnings; installation of external freezer room and secure pant area for new condenser units.

The Assistant Director of Planning and Economic Growth presented the report.

Deputations

Mr Chris Barker, Agent

Ms Paula Riches, Supporting the application.

Members' questions

In response to members' questions, officers clarified that:

- The opening hours of the fish market are 7am to 3pm and there is no intention to amend these hours.
- The installation of the external freezer room would be approximately 50cm above the existing wall.
- When there are no other storage containers or fishing equipment there is space for a vehicle to turn. It is not public land. The broader implications for the area are however nil as it is a piece of land that is some distance away from the public highway.
- There would be no change to the coastal path, the changes are to the south and to the northern frontage.

Member's comments

Members felt that this was a good scheme which would improve the appearance of the area.

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

(Councillor Vernon-Jackson left the meeting at the end of this application)

33. 23/00004/PLAREG 8 Highbury Way Portsmouth PO6 2RH (AI 9)

(Councillor Shah left the meeting due to his previously declared disclosable pecuniary interest)

Retrospective application for the construction of 2 no. rear outbuildings.

The Assistant Director for Planning and Economic Growth presented the report.

Members' questions

In response to members' questions, officers clarified that:

- The applicant had undertaken development without planning permission which is a breach of planning control, therefore a retrospective application was required to resolve this. The General Permitted Development Order (GDPO) is a confusing document and it was not uncommon for householders to undertake development without realising that planning permission is required. If this happens applicants are invited to make a retrospective planning application.

- Officers have delegated authority to determine householder applications with no objections. This application had come to committee due to the applicant being a member of the Council.

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

34. 22/01565/HOU - 107 Portchester Road, Portsmouth PO2 7JA (AI 10)

(Councillor Hugh Mason left the meeting prior to the commencement of this item)

Construction of single storey rear and side extension.

The Assistant Director for Planning and Economic Growth presented the report.

There were no questions or comments.

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

The meeting concluded at 1.39 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell