

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 22 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) Judith Smyth (Vice-Chair) George Fielding Hugh Mason Darren Sanders Russell Simpson John Smith Linda Symes Gerald Vernon-Jackson CBE
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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.

The Chair altered the order of business to hear items in the following order:

Item 11 22/01765/HOU - 92 Havant Road, Drayton and Farlington, Portsmouth PO6 2RA

Item 7 22/00226/FUL - Former British Legion, Sixth Avenue, Portsmouth PO6 3PD.
The remaining items were considered in the order of business on the agenda.

Item 4 22/01720/VOC - Sea Defences, Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east

Item 5 22/01721/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner

Item 6 - 22/01722/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner

Item 9 - 23/00021/FUL - 108 Milton Road, Portsmouth PO3 6AR

The remaining items were considered in the order of business on the agenda.

35. Apologies (AI 1)

No apologies for absence had been received. Councillor Hugh Mason had sent apologies that he would be late (joined at 10.45am for Item 7). Councillors

Darren Sanders, Russell Simpson, Linda Symes and George Fielding apologised that they would need to leave at 1.00pm for other commitments and Councillor Gerald Vernon-Jackson apologised that he would need to leave at 1.30pm as he had another meeting relating to Council business.

36. Declaration of Members' Interests (AI 2)

Items 4 22/01720/VOC - Sea Defences, Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east, Item 5 22/01721/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner, and Item 6 - 22/01722/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner
Councillor Gerald Vernon-Jackson declared that he is Chair of the Cabinet which considers matters relating to the seafront but in his view it does not form part of his portfolio and these items do not therefore form a prejudicial interest.

Councillor Judith Smyth declared a non prejudicial interest in these items as she is a member of cross party working group relating to the seafront and she is a keen user of this section of the beach.

Item 9 - 23/00021/FUL - 108 Milton Road, Portsmouth PO3 6AR
Councillor Darren Sanders advised that he had called in the item, would be making a deputation and would not take part as a Member of the Planning Committee this item.

Councillor Hugh Mason confirmed on his arrival at the meeting that he had no declarations of interest in any items on the agenda.

37. Minutes of previous meeting held on 1 March 2023 (AI 3)

The minutes of the Planning Committee held on 1 March 2023 will be considered at the next meeting on 12 April 2023.

PLANNING APPLICATIONS

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

[Agenda for Planning Committee on Wednesday, 22nd March, 2023, 10.30 am Portsmouth City Council](#)

38. 22/01720/VOC - Sea Defences, Southsea Seafront from Long Curtain Moat in the west to Eastney Marine Barracks in the east (AI 4)

Application to vary condition 1 of planning permission 21/00820/VOC to seek approval of amended plans relating to sub-frontage 5 (Pyramids centre to Speakers Corner).

The Acting Head of Development Management presented the report and drew attention to the additional information in the Supplementary Matters report which has not led to a change in the recommendation. The officer noted that

the scheme is necessary to protect thousands of homes and businesses from flooding and that the application seeks to vary the planning consent and previously approved plans to sub-frontage 5 west.

Members' questions

In response to members' questions, officers clarified that:

- The beach is expected to continue to change shape as the shingle is moved, for example, by winter storms. The application has been modelled and engineered to withstand these changes and the result is a higher and flatter beach.
- The steps apron will extend along this section of the seafront and will drop below the level of the new shingle to allow access even if the shingle moves.
- There are four access ramps to the beach at various points, providing reasonable disabled provision.
- Additional work to provide mats to provide disabled access to the sea do not comprise part of the application and is being undertaken by officers in the Culture and Leisure department.
- A condition requiring a Beach Management Strategy will ensure that shingle movement will be monitored and tailored to what the beach does over time, ensuring that it continues to fulfil its flood defence function.
- Details relating to the exact measurement in reduction of the flat space at Speakers Corner were not available.
- The listed building consents for shelters on the seafront have lapsed over time and they will be relocated.
- There is an intention relocate the unlisted shelter also in sub-frontage 5 west to somewhere on the seafront, but this is separate to this scheme.
- Details relating to landscaping and planting are subject to further work and will be subject to condition in relation to specifying the best and most robust species for the area.
- AEP (abbreviation found in paragraphs 15, 18 and 20) refers to Annual Exceedance Probability which describes the chances over a given period that a flood will reach or exceed a specific magnitude.

The Acting Head of Development Management advised that an additional condition requested by a Member of the Committee to require the Applicant to replace the shelter at Speakers Corner would not be appropriate as the Applicant and others would not have an opportunity to comment and the existing condition relating to landscaping represents a betterment.

Member's comments

Councillor Gerald Vernon-Jackson proposed adding a condition to replace the shelter at Speakers Corner. He agreed that this need not be prescriptive but added that he felt it was important to continue to provide a shelter in the area and suggested the following wording: "A shelter is provided as part of any redevelopment of Speakers Corner area".

Councillor Hugh Mason noted that the landscaping formed an important part of the scheme although he agreed that a new or some kind of shelter could be beneficial. He added that the application represented a great improvement on

the previous scheme and that the shingle would produce a more attractive seafront while helping with flooding.

The Acting Head of Development Management reiterated his advice against adding a condition relating to a shelter at Speakers Corner adding that as a matter of procedural correctness no-one would have had the opportunity to comment on the suggested condition as it was not part of the application and had not been advertised. The Legal Advisor confirmed that removal of the existing shelter would not prevent an application for a new structure in the future, adding that the application has also been subject to an Environmental Impact Assessment process.

Some members felt that adding a condition could be ambiguous and supported the officer's recommendation; others considered that the reinstatement of a shelter would be welcomed. It was agreed to add an informative make it clear to the Applicant that the Planning Committee expected a shelter to form part of the redevelopment of Speakers Corner

RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report. An informative stating that the Planning Committee expected the Applicant to provide a shelter at Speakers Corner as part of the redevelopment of the area was added.

Councillor Russell Simpson left the meeting at 12.25pm

- 39. 22/01721/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner (AI 5)**
Removal, repair and relocation of 7no. Grade II listed lamp columns along the seafront.

RESOLVED to grant conditional Listed Building consent as set out in the officer's committee report.

- 40. 22/01722/LBC - Sea Defences, Southsea Seafront: Eastney Esplanade between the Pyramids and Speakers Corner (AI 6)**
Removal, refurbishment, and relocation of 3no. Grade II listed seafront shelters.

RESOLVED: To grant conditional Listed Building consent as set out in the officer's committee report and the Supplementary Matters report.

- 41. 22/00226/FUL - Former British Legion, Sixth Avenue, Portsmouth PO6 3PD (AI 7)**
Construction of 4 storey building, comprising 23no. flats with on site car parking and bicycle storage (following demolition of existing building).

The Acting Head of Development Management presented the report and drew attention to the additional information in the Supplementary Matters report.

There was no change to the recommendation as a result of the additional information.

Deputations

Mr Darryl Howells (Agent)

Members' questions

In response to members' questions, officers clarified that:

- There are conditions relating to tree protection and a full drainage scheme and officers believe that the latter will achieve a betterment over the current situation.
- There is some space for planting shrubs or hedging and it is expected that these would be native species.
- There has not been a submission relating to the inclusion of solar panels though a condition requires the Applicant to consider this.
- Building regulations are improving all the time and the Applicant will need to provide good standard of sustainable development.
- Exact information relating to the height of the development and the Church was not available, but the officer felt that the scheme was in scale to the surrounding area.
- It was confirmed that the Applicant had submitted a financial assessment that the development cannot make the expected provision for affordable housing and make a profit and it was hoped that further discussion and negotiation on this point could take place following the Committee's determination of the application.
- The drainage officer has looked at the topography of the site and is satisfied that a betterment will result from the development.
- A comprehensive Flood Risk and Surface Water Drainage report is required by condition.
- The strong set back of the roof storey, and appropriate and mixed materials across the building, means that the misalignment of the fenestration of the top storey is not considered an aesthetic flaw.

Member's comments

It was proposed that the application be deferred, ideally to the next meeting on 12 April 2023, to allow for officers to hold further discussions and negotiations with the Applicant about affordable housing provision. It was felt that it would be helpful to hold these discussions before determination of the application rather than after the decision. In recognition of the tight turnaround between Committee meetings, it was further agreed that it would not be necessary to not be necessary to write an entire report again, but Officers could simply address the matter of Affordable Housing with new text above the retained original report.

RESOLVED: To defer the application to a future meeting of the Planning Committee (12 April 2023 if possible) to allow for further discussion and negotiation with the Applicant to finalise the level of Affordable Housing, if any, and the corresponding legal agreements.

Reasons: That the Applicant has submitted a financial assessment that the proposals cannot make a provision for affordable housing and remain viable for development, that is, taking into account reasonable profit, and Members wish to oversee the outcome of negotiations between the Applicant and officers.

Councillor Gerald Vernon-Jackson asked that consideration be given to holding an additional meeting between those scheduled for 12 April and 31 May 2023. He noted that there was no impediment to this, despite the local elections, and an additional meeting would help reduce the back log of applications. The Chair agreed to consider the idea.

42. 22/01749/FUL - 163 Station Road, Portsmouth PO6 1PU (AI 8)

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

The Acting Head of Development Management presented the report, drew attention to the additional information in the Supplementary Matters report and confirmed that there was no change to the officer's recommendation.

Members' questions

In response to members' questions, officers clarified that:

- Cycle storage has been secured by condition.
- The northwest facing conservatory has a glazed roof, though the material could not be confirmed.
- The first part of Paragraph 5.7 in the report ("If the property is operated as a Class C4 small HMO this would have an effect on the ratio of communal/ amenity space compared to private bedroom space available internally for future occupants.") should be disregarded.

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

Councillors Darren Sanders, George Fielding and Linda Symes left the meeting at 12.58pm.

43. 23/00021/FUL - 108 Milton Road, Portsmouth PO3 6AR (AI 9)

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

The Acting Head of Development Management presented the report.

Deputations

Carianne Wells (Agent)
Councillor Darren Sanders

Councillor Darren Sanders left the meeting during consideration of this item.

Members' questions

In response to members' questions, officers clarified that the communal areas are in excess of the council's minimum space standards and that a condition to limit the number of occupants to 8 by condition would be possible.

Member's comments

Members were sympathetic to the points raised in the deputation by Councillor Darren Sanders, particularly in relation to parking. However, it was generally agreed that the bedrooms were of generous size, that it was a good conversion and a good use of the property. Members were minded to add a condition limiting the number of occupants to a maximum of eight.

RESOLVED:

- 1. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:
 - a) Satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.****
 - 2. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.**
 - 3. That delegated authority be granted 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.**
 - 4. To add a condition to limit the maximum number of occupiers to eight persons.**
- 44. 20/01092/FUL - 37 Toronto Road, Portsmouth PO2 7QD (AI 10)**
First floor side extension to form an additional two bedroom dwelling.

The Acting Head of Development Management presented the report.

Members' questions

Members asked about the forecourt parking arrangements. The Acting Head of Development Management clarified that although two cars could be parked, it was not something that the Local Planning Authority could rely upon, due to parking and access across/outside each others' properties. An informal arrangement may well be reached between neighbours, but the LPA would not attach a condition to try and control the matter.

Member's comments

Members hoped that residents would find a way to ensure that two car spaces could be made available, possibly by use of a covenant.

RESOLVED:

- 1. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:**

- a) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, and;
 - b) Satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.
2. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.
 3. That delegated authority be granted 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.
45. **22/01765/HOU - 92 Havant Road, Drayton and Farlington, Portsmouth PO6 2RA (AI 11)**
Construction of 1.5 storey side extension, infill extension at rear, external alterations and construction of raised terrace platform at rear (including swimming pool) (resubmission of 22/0071/HOU).

The Acting Head of Development Management presented the report.

Deputations

Mrs Marshalsea (objecting)
Daniel Byrne (Applicant)
Sarah Roberts (Agent)

The Legal advisor advised that neither Councillor Hugh Mason nor Councillor Russell Simpson would be able to vote on this item as they had not been present for the presentation by the officer or the deputations in their entirety.

Members' questions

In response to members' questions, officers clarified that:

- This application is not particularly comparable to 154 Havant Road as the two streets do not have the same width and character and in any event, it was considered that no.154 is too prominent, of questionable design quality and not a good consent.
- The decision on this application will become material to the pending application for a side extension at 94 Havant Road.

The Acting Head of Development Management noted for the record that he absolutely refuted the accusations made against the case officer during the course of the deputations.

RESOLVED: To refuse planning permission for the reasons set out in the officer's committee report.

46. 22/01761/CPL - 119 Bath Road, Southsea PO4 0HX (AI 12)

Application for certificate of lawful development for the proposed construction of rear dormer and installation of rooflights to front roofslope.

The Acting Head of Development Management presented the report.

RESOLVED: To grant a Certificate of Lawful Development.

The meeting concluded at 13.09 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell