

Public Document Pack

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 21 June 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)
Lee Hunt (Vice-Chair)
Hannah Brent
Raymond Dent
John Smith
Judith Smyth
Mary Vallely

Also in attendance

Councillors Russell Simpson and Daniel Wemyss.

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.

71. Apologies (AI 1)

Apologies were received from Councillors Peter Candlish, Asghar Shah and Gerald Vernon-Jackson.

Councillor Hunt apologised that he needed to leave the meeting at 11:30am.

72. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

73. Minutes of the previous meeting held on 31 May 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 31 May 2023 be agreed as a correct record.

Planning Applications

The Supplementary Matters report and the deputations (which are not minuted) can be viewed on the council's website at [Planning Committee, 21 June 2023 on Livestream](#)

The Chair advised that he would be amending the order of the agenda; the applications were considered in the following order:

Item 7: 2 Mayfield Road, Portsmouth, PO2 0RW

Item 8: 152-154 London Road, Hilsea, Portsmouth, PO2 9DJ

Item 6: 46 Shadwell Road, Portsmouth, PO2 9EJ
Item 4: Land to the South of Limberline Rad and North of Norway Road, Hilsea
Item 5: Trematon, The Thicket, Southsea, PO5 2AA
Item 9: 172 Chichester Road, Portsmouth, PO2 0AH
Item 10: 11 St Davids Road, Southsea, PO5 1QH
Item 11: 68 Bedhampton Road Portsmouth, PO2 7JY

However, for ease of reference the minutes will be kept in the original order.

74. 23/00063/FUL - Land to the South of Limberline Road and North of Norway Road, Hilsea (AI 4)

The Interim Head of Development Management presented the report and drew members' attention to the information in the Supplementary Matters report.

Deputations

Victoria Yeandle, on behalf of applicant
Cllr Daniel Wemyss, ward councillor
Cllr Russel Simpson, ward councillor

Members' Questions

In response to members' questions, officers clarified that:

- The local highway Authority are responsible for maintenance of the highway.
- The applicant intends to operate to the BREAM excellent standard so there are a range of possible features across a development like this and solar panels were one of those identified.
- There is no objection from the highways department. This is an excellent location in the city with a good transport network nearby and the applicant will encourage staff to use public transport or to cycle where possible.
- In terms of infiltration and SuDS, the applicant has gone through the range of possible options and discounted infiltration based on the soil and ground conditions. The council's drainage officer would like to investigate this further to ensure that is the case, he has however accepted the scheme as a good scheme as it stands. Surface water will be attenuated by large tanks and oversized pipes underneath the north/south spine road to regulate the amount of surface water coming off the site when it rains heavily. The discharge from this site as proposed would be half of the existing.
- There is more work to come but the drainage officer will ask for it to be as best they can to discharge the condition. Officers were satisfied that the condition was strong enough.

Members' Comments

Concerns were raised that the double yellow lines will not stop lorries stopping parking there causing more traffic congestion in this area.

RESOLVED

(1) - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission as per the officer's report with the amendment to condition 2 and the additional condition to secure the TRO, subject to:

(a) satisfactory completion of a Legal Agreement to secure a Travel Plan Monitoring sum, and an Employment and Skills Plan.

(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 six months of the date of this resolution.

75. 23/00348/FUL - Trematon, The Thicket, Southsea PO5 2AA (AI 5)

The Interim Head of Development Management presented the report and drew members' attention to the information on the Supplementary Matters report.

Deputations

Gary Elliott, applicant

James Kirby, neighbour against the application.

Members' Questions

In response to members' questions, officers clarified that:

- The eaves height of the proposals are the same as the ridge height of the property to the west. There is not much of a difference in terms of height. These were pointed out by the officer on the presentation.
- In terms of the neighbouring property being overshadowed, this would depend on the time of day and time of year. In the winter the proposed new building may not make much of a difference as the sun is already blocked by the existing three storey building; having another building slightly closer would not change this. It is an 'in the round' judgement and because the windows affected are non-habitable rooms and secondary windows to the main living accommodation, this effect would not be so undue to withhold planning consent.
- A former motor company previously existed to the north of the site from the 1930s to the 1990s and there were chemicals and oils stored on site. The site was redeveloped in the 1990s and investigations into contamination took place at that time. The contamination was fairly deep and it is common where there is such deep contamination to leave the contamination at depth. The ground was capped with the tarmac to the parking area to Hendy Close.
- It is possible that some of the contamination from the land could have migrated south into the application site. The environmental team and officers have looked at this issue very carefully and appropriate conditions had been proposed in the report and the thorough process was explained to members. The matter will be properly controlled by conditions if the application is approved,
- The applicant has worked with the planning authority to achieve a form of development including footprint, height, and appearance, that officers are satisfied with. There will be an impact on neighbours, but it was the degree of the impact that is the matter of judgement. Officers felt that this is an appropriate development for the site and a good development.

Members' Comments

Members' felt that this area of Southsea was very densely occupied and noted that the site falls within the Owens Southsea conservation area. It was felt that the proposal would not enhance the area due to its height, mass and being on a larger footprint.

RESOLVED that the application be refused for the following reasons:

- (1) The proposed development is over-sized for the plot available, in height, footprint and mass, and would have consequent adverse effects on the amenity of the adjoining residential occupier to the east (Thicket Cottage), in terms of light, over-shadowing, and dominance. Architectural quality is also insufficient. The scale and position and design of the building would harm the character and appearance of the Conservation Area. As such, the proposal would conflict with Policy PS523 of the Local Plan and the provisions of the NPPF.**
- (2) It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional recreational pressures; with mitigation against this impact being required. No justification or mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations (2017) (as amended), the Wildlife and Countryside Act (1981), and Section 15 of the National Planning Policy Framework (2021).**

76. 23/00465/FUL - 46 Shadwell Road, Portsmouth, PO2 9EJ (AI 6)

The Interim Head of Development Management presented the report.

Deputations

Carianne Wells, agent

Cllr Daniel Wemyss, ward councillor

Cllr Russell Simpson, ward councillor (also on behalf of Cllr Emily Strudwick, ward councillor)

Members' Questions

In response to members' questions, officers clarified that:

- No. 15 Shadwell Road at appeal is outside of the 50m radius but any undetermined applications or appeals are included in the figures.
- There are two HMOs in a 50m radius out of 65 dwellings.
- The application is for C4 use for up to six people so any more people would, according to this committee's position, require planning permission.
- The licensing department are rigorous with their checks to ensure that the development matches the plans agreed.

Members' Comments

There were no comments.

RESOLVED that conditional planning permission be granted.

77. 23/00499/FUL - 2 Mayfield Road, Portsmouth, PO2 0RW (AI 7)

The Interim Head of Development Management presented the report and drew members' attention to the information on the Supplementary Matters report.

Deputations

Andrew Slee, Mayfield Residents Association
Carianne Wells, agent
Cllr Daniel Wemyss, ward councillor
Cllr Benedict Swann (read out by Cllr Wemyss)
Cllr Russell Simpson, ward councillor

Members' Questions

In response to members' questions, officers clarified that:

- The application is for a 7 bed/7 person HMO, to add an extra occupant would, according to this committee's position, require a further planning application.
- There was a post war extension to the property. The planning system commenced in 1948 which is the date that considered to be original in the legislation. There was an original outbuilding at the location pre-war. This was replaced on the same footprint so they could still extend the 3m beyond that. The extension as shown would therefore be permitted development.
- The Council already has an Article 4 Direction in place relating to HMOs which covers the whole city.
- It was the request of the former Leader of the Council that applications from Class C4 (small HMO) to a large HMO, typically for 7 or 8 persons, be considered by the Planning Committee for decision if it is recommended for approval by officers. This is the same for closing enforcement cases for the same change of use and also for applications for lawful development certificates which seek to confirm an increase in occupation from 6 to 7 or 8 occupants. Applications for HMOs also come to committee if they have received a call-in request from a councillor or have received a large number of objections.
- A HMO does not necessarily use more water than a family dwelling with multiple occupants. Water and sewerage concerns are outside of the planning system for small scale applications. The water authority has a duty to provide the relevant capacity so residents can engage with the water authority if they wish.
- If the planning authority receive concerns that a property is operating illegally as a HMO, planning officers will investigate this. Officers believe that their data on the number of HMOs in the area is up to date and they were not aware that the property is operating as a HMO.

Members' Comments

It was noted that concerns about capacity of the sewer system were not a material planning consideration. Members were concerned about parking and a proposal was put forward to refuse the application on lack of parking, overcrowding and the application being out of context with the street scene, however this motion did not receive a seconder.

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.**

Councillor Hunt left the meeting at the end of this item.

78. 22/01667/FUL - 152-154 London Road, Hilsea, Portsmouth, PO2 9DJ (AI 8)

The Interim Head of Development Management presented the report and drew members' attention to the information on the Supplementary Matters report.

Deputations

Matt Baker, agent

Cllr Daniel Wemyss, ward councillor

Cllr Russell Simpson, ward councillor

Members' Questions

In response to members' questions, officers clarified that:

- Further provision for cycling would be useful and it was felt there was space available for further cycle storage. The condition does not mention how bicycle bays are to be provided so this did not need amending, it would just be for the applicant to bear in mind.
- The North End District Centre Policy generally resists the loss of upper floor office space but also supports residential use, so it was not felt the proposal presented a difficulty.
- All the concerns raised with the previous application had been resolved. The dormers are now more modest in size and there was now more floorspace available. The refuse and recycling concerns had been resolved and this has been moved from the alleyway to the front of the property and the capacity has been worked out with the waste disposal services at Portsmouth City Council.
- In terms of room sizes, the policy does not anticipate beyond 6 or more people sharing so this may need to be addressed. Officers were happy that what is provided in terms of living space is reasonable accommodation.

Condition 6 states that the property shall not be permitted by more than 13 persons.

- Concerns over the sewer system being overloaded were outside of the planning process.
- There is no spare capacity for off street parking.
- The layout of and use of rooms seen on the plans is covered by condition 2.

Members' Comments

Members' raised concern over the impact on the sewer system with the additional showers and baths in this property. Members were concerned about there not being enough cycle storage for all occupants and officers advised it would be reasonable to ask the applicant to add some further cycle storage to the maximum number that the site could accommodate. Members requested that condition 5 be amended to read 'at least 10 cycle storage facilities shall be provided'. It was also requested that condition 6 have the following wording added 'having the benefit of three separate communal areas'

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 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.**
- (4) That the following amendments to the conditions be applied:**

condition 5 have the following wording included 'at least 10 cycle storage facilities shall be provided'

Condition 6 - to add the following wording 'having the benefit of three separate communal kitchens'

79. 22/00208/FUL - 172 Chichester Road, Portsmouth, PO2 0AH (AI 9)

The Interim Head of Development Management presented the report and drew members' attention to the information on the Supplementary Matters report.

Deputations

Carianne Wells, agent.

Members' Questions

There were no questions.

Members' Comments

There were no comments.

RESOLVED that conditional planning permission be granted.

80. 22/01735/HOU - 11 St Davids Road, Southsea, PO5 1QH (AI 10)

The Interim Head of Development presented the report.

Deputations

Mr Amir Hussain, Applicant.

Members' Questions

In response to members' questions, officers clarified that a condition regarding the capping detail was already included as part of condition 3.

Members' Comments

Members felt it was important that a permeable material be used for the parking area and wished to add this as a condition.

RESOLVED that conditional planning permission be granted with an additional condition that a permeable material be used for the parking area.

81. 23/00110/FUL - 68 Bedhampton Road, Portsmouth, PO2 7JY (AI 11)

The Interim Head of Development Management presented the report and drew members' attention to the information on the Supplementary Matters report.

Deputations

Carianne Wells, Agent.

Members' Questions

In response to members' questions, officers clarified that the hallway was 3.6m long and 0.95m wide which was common and a bicycle could fit up and down it. In two recent inspector decisions where this issue arose, the inspector noted that people moving through the hallway with bicycles is a momentary activity.

Members' Comments

It was felt it was important that the window in the utility room was able to open to provide ventilation and prevent damp.

RESOLVED to grant conditional planning permission with an additional condition stating that the maximum occupancy of the property is 6 people.

The meeting concluded at 2.06 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

This page is intentionally left blank