

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 2 August 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 Lee Hunt (Vice Chair)
Peter Candlish
Raymond Dent
Asghar Shah
John Smith
Mary Vallely
Gerald Vernon-Jackson CBE

Also in attendance: Councillor Jason Fazackarley.

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 in case of a fire.

98. Apologies (AI 1)

Apologies had been received from Councillors Chris Attwell, Hannah Brent and Judith Smyth. Councillor Lee Hunt, Vice Chair took the Chair for the meeting. Councillors Gerald Vernon Jackson and Asghar Shah apologised that they would have to leave for other meetings at 1.00pm.

The meeting was adjourned for a short break at 1.02pm and resumed at 1.13pm.

99. Declaration of Members' Interests (AI 2)

Councillor Gerald Vernon-Jackson declared he had pre-determined the planning application relating to agenda item 7 - 1 Oliver Road, Southsea PO4 9BY - and would be making a deputation.

Councillor Gerald Vernon-Jackson declared he had pre-determined the planning application relating to agenda item 10 - Amenity Area, The Hard, Portsmouth PO1 3PU - and would be making a deputation in support.

Following the officers' presentation and before Member's questions, Councillor Peter Candlish took advice from the Legal Advisor and then declared a personal and prejudicial interest in agenda item 4 - Southsea Seafront from The Pyramids in the West to Speakers Corner in The East - in that he lives in close proximity to the application site.

Councillors Peter Candlish and Gerald Vernon-Jackson took no part in consideration of the items where they had declared an interest.

100. Minutes of the previous meeting held on 12 July 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 12 July 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 [Agenda for Planning Committee on Wednesday, 2nd August, 2023, 10.30 am Portsmouth City Council](#)

The Chair amended the order of the agenda to hear agenda item 10 - Amenity Area The Hard Portsmouth after agenda item 6 - 16 North End Avenue Portsmouth PO2 9EB to allow Councillor Gerald Vernon-Jackson to make his deputation before leaving the meeting. For ease of reference, the minutes remain in the order published on the agenda for the meeting.

101. 23/00556/DOC - Southsea Seafront from The Pyramids in the West to Speakers Corner in The East (AI 4)

Application to seek approval of details reserved by conditions 2 (Phasing Plan), 3 (Potential for soil contamination), 5a and b (Archaeology), 17 (Soft landscaping scheme), 19 (Drainage), 20 (Construction Environmental Management Plan), 21 (Construction Traffic Management Plan), 22 (External lighting), 23 (Street furniture and walls), 25 (Hard surfacing materials), 30 (Reinstatement of listed shelters), 35 (Scale of secondary defences) and 37 (Scale of primary defences) of planning permission 22/01720/VOC.

The Interim Head of Development Management presented the report and reminded Members' that at its meeting in December 2019, the Committee had asked that certain conditions relating to public realm elements be considered by the Planning Committee rather than being determined under officer's delegated powers. The details under consideration fit in with the character and quality of the other elements comprising the whole Southsea Seafront scheme.

Deputations

A deputation was made by Nicky Reid, representing Coastal Partners, supporting the application.

Members' questions

In response to Members' questions, officers clarified:

- The proposals aimed to retain the large open space at Speakers Corner.
- The listed shelters are included in the application, the other (1950s) shelter is not part of this planning application but work on it is being progressed by the council.
- The lamppost which appeared to be in the middle of the open space on the images shown in the presentation may actually be closer to the edge of the open area with the amphitheatre seating in front of it.

- It was not possible to determine the location of the lamppost under discussion by condition.

Members' comments

Councillor Gerald Vernon-Jackson noted that it was important to retain the open space at Speakers Corner and that every effort should be made to ensure that a lamppost does not result in this being compromised.

Councillor Lee Hunt commented that the Council was seizing the opportunity offered by the installation of the sea defences, which were necessary to protect homes and businesses, to enhance Southsea Seafront while respecting its character.

Officers from Coastal Partners agreed to review the location of the lamppost which had been discussed during Members' questions and comments.

Members expressed their support for the proposals and were reassured by the commitment by officers to check the location of the lamppost and to move it if necessary, by informal agreement with the Applicant.

RESOLVED:

- 1) To approve details submitted pursuant to Conditions 17, 22, 23 and 25 as set out in the officer's committee report.**
- 2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to approve details pursuant to conditions 2, 3, 5A and 5B, 19, 20, 21, 30, 35 and 37.**

102. 22/00775/HOU 19 Garden Lane, Southsea PO5 3DP (AI 5)

Construction of a single storey rear extension (including mezzanine level) to provide annexe accommodation, following partial removal of existing single storey outbuilding.

The Interim Head of Development Management presented the report and confirmed the property lies within the Castle Road conservation area, abuts the Owens Southsea conservation area and is on the local list. The application is subject to a condition relating to bats and had been called in by Councillor Ian Holder.

Deputations

Deputations were made by Eileen Brooks, who had circulated a short PowerPoint presentation and photographs, and Richard Lacey objecting to the application.

Members' questions

In response to Members' questions and points raised during the deputations, officers clarified:

- The proposed annexe building will be on the site of the existing garage and existing wall.
- The loading on the existing footings and wall will be subject to Building Regulations and, possibly, the Party Wall Act.

- The case officer for the application wrote the report, it was checked by the Interim Head of Development Management, and all proposals by the Applicant and objections from local residents had been considered.
- Should the Applicant wish to use the annexe as a separate dwelling, planning permission for change of use would be required.
- The Applicant was seeking planning permission for the annexe and its size was not therefore limited by the sizes allowed for permitted development.
- The application could not be considered under permitted development as some of the measurements exceeded those allowed under this scheme.
- The annexe extension is effectively single story externally with a bedroom fitted into the roof space.
- The bat survey had been properly commissioned by the Applicant, had been checked by the planning department, had been assessed by a specialist ecologist in Hampshire County Council and it had been confirmed that wind and cloud cover had been considered.
- The distance from the wall to the neighbouring house was estimated to be 18 metres and there appears to be a sizable tree on the boundary which provides an intervening feature.
- Neighbours will see the change as the extension will be wider and taller, but it is considered that this is not unreasonable in a tightly packed urban area taking account of the good sized garden.
- Members should be satisfied that the application will conform to the aims and objectives of the National Planning Policy Framework (NPPF) which require that there will be no material harm to neighbours. Officers are content that the application meets this policy test.
- In relation to being within a conservation area, officers are satisfied that the application will be neutral or enhance the area as required by the 1990 Act.
- It is intended that the existing 2 metre wall be retained and that there will be the least intervention as possible, although until work starts it is not possible to know how much of the old wall can be retained.
- Further work with the Applicant will take place on site and details relating to a mix of old and new materials will need to be agreed by the planning department and a heritage advisor if necessary.
- The eaves of the current garage are 2.2 metres, and the ridge is 3.9 metres; the new building will measure 3 metres at the eaves and 4.7 metres on the ridge.

Members' comments

Members agreed that the property being in a conservation area added to the complexity of considering the application. Councillor Gerald Vernon-Jackson noted that the annexe will be attached to a building from the early 1800s and he expressed concern that this is effectively a 2-storey building, and the roof height is higher than the existing lean to garage.

Councillor Hunt commented that it may have been preferable for the extension to have been set back from the boundary wall, but the depth of the neighbouring garden and tree made it a difficult and finely balanced judgment. On balance he felt that it may be out of character for a conservation area.

Councillor Mary Vallely disagreed, adding that she did not find the application objectionable.

A proposal to refuse the application for planning permission was put forward and seconded. The vote was taken, and the motion failed.

A proposal to support the officer's recommendation was put forward and seconded. A vote was taken, and the motion passed.

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

103. 23/00498/FUL - 16 North End Avenue, Portsmouth PO2 9EB (AI 6)

Change of use from dwellinghouse (Class C3) to a 7-bed/7-person House in Multiple Occupation, with changes to rear fenestration.

The Interim Head of Development Management presented the report noting that the application meets accommodation and policy standards and is therefore considered to be acceptable.

Deputations

A deputation was made by Carianne Wells, the Agent.

Councillor Jason Fazackarley made a deputation objecting to the application and noted that his objection to the application had not been included in the officer's report. A deputation from Councillor Daniel Wemyss was read to the Committee by the Interim Head of Development Management.

Peter Robson had not asked to speak but made statements to the Committee during Members' comments.

Members' questions

In response to Members' questions, officers clarified:

- The case officer had been contacted by Councillor Fazackarley but his objections to the application had not been received.
- For clarity, Members' could add a condition limiting the number of occupants to 8 people.
- The proposed legal agreement (Recommendation I in the report) deals with issues relating to the Solent Protection Area.
- It was unlikely that the traffic team would undertake a survey of traffic movements for a development of this size, and they do not consider there to be a significant difference between the impact of a family house (which could have a similar number of occupiers) or an HMO with 7 individual occupants.
- The existing utility room will be included in the communal area, and this will include space for a fridge, freezer and washing machine.
- The long thin side area of the kitchen is usable space, and the combined living use area is bigger than space standards requirements for a communal space.

- The Planning Inspector has supported previous decisions by the Committee where an application has been refused on the basis that the communal living space did not lend itself to usable space. The Planning Inspector has also overturned such decisions in the past.
- The impact of an HMO on infrastructure is dealt with by the government, directly or indirectly, and there may be elements which relate to local matters including the community levy.

Members' comments

Councillor Lee Hunt noted that impact on infrastructure such as the water supply and other matters including access to GPs are dealt with elsewhere and he noted that the government had recently reiterated its directive for Portsmouth to build 17,000 new homes. He commented that he was however uneasy about this application and would support a move to limit then number of occupants to 7 people.

Councillor Gerald Vernon-Jackson noted that although he did not like HMOs and called them in for consideration by the Committee, every application must be considered on its own merits. He noted that Portsmouth has some of the strictest HMO rules in the country, that officers had provided reasonable answers on the matter of the communal space and that it was a matter of judgement as to whether this was an acceptable application.

Councillor Hunt commented that he was confident that if the application was refused, the Planning Inspector would agree that the communal space was not usable due to its configuration and layout. He reiterated that Portsmouth's space standards are important, and that this application does not meet those standards in relation to usable space.

RESOLVED to refuse planning permission on the basis that the configuration and layout of the communal space is unsuitable, would not provide good living space and conflicts with the city's Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD).

104. 23/00610/FUL - 1 Oliver Road, Southsea PO4 9BY (AI 7)

Change of use from a Class C3 dwellinghouse to a 8-bed/8-person House in Multiple Occupation; construction of single storey rear extension following removal of existing and garage and construction of boundary wall (resubmission of 23/00099/FUL)

The Interim Head of Development Management presented the report and noted that a water efficiency condition will be added should planning permission be granted.

Deputations

A deputation was made by Simon Hill on behalf of the Applicant.

Councillor Gerald Vernon-Jackson made a deputation objecting to the application.

Councillor Asghar Shah left the meeting at 12.50pm. Councillor Vernon Jackson left the meeting after making his deputation.

Members' questions

In response to Members' questions, officers clarified:

- For clarity a condition limiting occupancy to 8 people could be added.
- The garage may have been large enough to accommodate a car though this cannot be confirmed as many garages are too small for modern cars.
- The white line (parallel to the new boundary wall) would be removed, thereby creating an additional on the road parking space.
- The dropped kerb could be removed, and the pavement reinstated by condition.

Members' comments

Members felt that this application offered a high standard of accommodation, particularly in relation to the communal living space and noted that unusually, it also provided easy access to cycle storage.

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 additional conditions to limit occupancy to 8 people, reinstate the kerb following the removal of the garage and water efficiency be added by the Assistant Director of Planning & Economic Growth.**
- 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 has not been satisfactorily completed within three months of the date of this resolution.**

105. 23/00244/FUL - 35 Pembroke Road, Portsmouth PO1 2NS (AI 8)

Change of use from dwellinghouse (Class C3) to governmental offices (Class E(g)(i)), external alterations to include replacement windows and porch; installation of access ramp, landscaping and new car park facilities.

The Interim Head of Development Management presented the report and noted that the application had been called in by Councillor Ian Holder due to concerns about the number of bike spaces, parking spaces and additional traffic near to

St Jude's CE Primary School. He drew Members' attention to the information in the Supplementary Matters report including additional comments made by the Active Travel Officer and the Friends of Old Portsmouth Association (FOOPA).

The Interim Head of Development Management noted that extra conditions relating to sustainable drainage the development's extra parking spaces and in relation to the details, standard and location of new trees (oaks and sweet chestnuts) including a management plan to plant and get the trees established will be added to the planning permission should the application be granted.

Deputations

A deputation was made by Andrew Cooper, on behalf of the Applicant, in support of the application.

Members' questions

In response to Members' questions, officers clarified:

- Tree T3 has crown dieback and had brutal crown reduction and needs to be removed; T2 had unsympathetic crown reduction but is in reasonable health, but none of the trees on the site are of best quality. T3 is the most sick, others have other defects.
- The trees designated for removal are situated along the front boundary and T1 and the existing hedge will be retained.
- Due to the condition of the trees, the council's arboricultural officer has not objected to the removal of the trees subject to them being replaced.
- The new trees are likely to be native trees such as oaks and sweet chestnuts, though the species, location, size and number of trees planted is subject to condition which also required a management plan to be put in place.
- Landscaping to include shrubs could be controlled by condition.
- Although it is anticipated that 5 members of staff will work at the premises, the Applicant has chosen to seek permission for 13 parking places.
- There is no requirement for the Applicant to develop a Green travel plan.
- The permeable blocks (in the parking area) are shown as pavers on sand rather than greencrete and is subject to condition.

Members' comments

Members were concerned about the loss of green space due to the removal of trees and grassy areas for parking spaces. Councillor Lee Hunt noted that there was no information in the report about the addressing water run off and commented that although one tree must be removed, the removal of the others would have an adverse impact on the street scene and conservation area. He also felt that the number of parking spaces proposed was out of step with the council's sustainable travel ambitions, would encourage traffic movements in narrow streets and have a negative impact on residential amenity and the safety of road users particularly in relation to the school.

The Interim Head of Development Management advised that he had already addressed Members' comments around the removal of the trees and green space; that there were technical solutions to run off and drainage; that

Members' may form a view on the number and impact of parking spaces and that he would encourage members not to use the impact on traffic as a reason for refusal as this is a small facility with limited opening hours and Pembroke Road is already fairly busy. Members noted his advice.

A proposal to refuse the application for planning permission based on the adverse impact of loss of trees and the provision of parking spaces which was contrary to the council's sustainable transport ambitions was put forward and seconded. The vote was taken and, following a casting vote by the Chair of the meeting, the motion passed.

A proposal to support the officer's recommendation was put forward and seconded but it was not necessary to vote on the proposal.

RESOLVED to refuse planning permission on the basis of:

- 1) Loss of trees resulting in an adverse impact on the street scene and conservation area.**
- 2) Excessive provision of parking spaces which does not support sustainable transport.**

106. 23/00684/FUL - H & E Car Spares (breakers Yard) Alchorne Place, Portsmouth PO3 5QL (AI 9)

Change of use from car breakers yard (Sui Generis) to waste vehicle storage (Class B8) incorporating adjoining properties into a single planning unit (following demolition of existing boundary walls and outbuildings); installation of security fences to west and east boundaries.

The Interim Head of Development Management presented the report and drew Members' attention to the information in the Supplementary Matters report which corrected the hours of operation to 0500 - 1800. These hours are not considered to be of concern due to the industrial setting of the application site and this amendment has not led to a change in the recommendation.

Deputations

A deputation was made by Ashleigh Moore and Martin Harvey on behalf of the Applicant.

Members' questions

In response to Members' questions, officers clarified:

- There may be a further application for planning permission to cover the improvement of welfare facilities and access and egress to the site as the whole site needs a refurbishment.
- In the meantime, access and egress will remain in the current locations and access to the new space will be within the existing boundaries.
- The Highways Officer has made no objection and would be consulted on any future changes to the access and egress arrangements at the newly combined site.

Members' comments

Members noted the improvements to efficiency and the green credentials of the waste collection service which is being brought 'in house' by the council.

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

107. 23/00487/FUL - Amenity Area, The Hard, Portsmouth PO1 3PU (AI 10)
Construction of memorial obelisk.

The Interim Head of Development Management presented the report.

Deputations

A deputation was made by Councillor Gerald Vernon-Jackson supporting the application.

Members' comments

Councillor Hunt noted he was surprised by the objections raised by the Portsmouth Society.

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

The meeting concluded at 2.03pm.

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Signed by the Chair of the meeting.
Councillor Lee Hunt