

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 August 2014 at 2.00 pm in the Council Chamber - The Guildhall

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

Present

Councillors Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Lee Mason
Les Stevens
Sandra Stockdale
Hugh Mason (Standing Deputy)

Welcome

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

Guildhall, Fire Procedure

The chair, Councillor Gray, 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.

82. Apologies (AI 1)

These had been received from Councillor Gerald Vernon-Jackson who was represented by Councillor Hugh Mason as his standing deputy.

83. Declaration of Members' Interests (AI 2)

Councillor Frank Jonas had been advised by the City Solicitor that he had a pecuniary interest in the item relating to land adjacent to Fratton Park (planning application item 6).

Councillor Ken Ellcome would be appearing as a deputation as the Cabinet Member for Traffic & Transportation on the item relating to land adjacent to Fratton Park (planning application item 6) and he wished to declare he was a season ticket holder for Portsmouth Football Club.

84. Minutes of the Previous Meetings Held on 18 June and 9 July 2014 (AI 3)

There was one correction to minute No 73 in that the name of the former Conservative councillor was Mr Hey. Subject to this correction the minutes were approved as correct records.

RESOLVED that the minutes of the Planning Committee meetings held on 18 June and 9 July 2014 be agreed and signed by the chair as correct records.

85. Updates Provided by the City Development Manager on Previous Planning Applications (AI 4)

There were no updates.

Planning Applications

The chair asked that the order of items to be considered be varied due to the high number of residents attending for the item relating to land adjacent to Fratton Park therefore this item was taken first. It was also agreed that the amount of time for each deputation on this item be extended to allow them to have enough time to clearly express their views.

86. 14/00128/FUL - Land Adjacent Fratton Park, Fratton Way, Southsea Construction of a retail store (use class A1) of up to 10,475sqm gea, petrol filling station (sui generis) with an associated kiosk up to 86sqm gea, canopy and jet wash, new access/ egress arrangements, car parking including replacement stadium car parking, service yard, highway and footpath works, landscaping, and other associated works (after demolition of existing structures) - (Report Item 6) (AI 10)

Councillor Frank Jonas withdrew from the room due to his declaration of interest.

The City Development Manager's supplementary matters report explained that following detailed exchanges and provision of additional information by the applicant's transport consultants on a range of highways and transport issues, the conclusions of the highways authority are that a package of off-site highways and transport improvements could mitigate the impacts of the development and no highways objection is raised.

Condition 26 is proposed to be substituted with the following: "Before any service yard area is brought into use the acoustic fencing shall have been constructed to a height of 4.5m above finished floor level, with a surface mass of at least 10 kg/m², and shall be continuous (without holes or gaps) along the alignments marked 'C' on approved drawing no.3505-PL-048RevA; and the acoustic fencing shall thereafter be retained in such condition."

An additional representation objecting to this application was received on the 06/08/2014. This raised objection on the grounds that there are already a number of Tesco stores in the area.

In relation to sustainable construction, to give a greater degree of certainty to delivery, an amended condition was now recommended to address what the scheme can presently achieve which falls just short of BREEAM "excellent" by a narrow margin, rather than what it could achieve. It is acknowledged that this would not be fully compliant with policy PCS15. Conditions 17&18 were proposed to be substituted by: "Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum score of 69 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority."

The applicant had provided additional information pursuant to the request for a condition by the Environment Agency. The EA confirm that this Hydrogeological Risk Assessment (HRA) information meets their requirements and request amending of condition 10, for works to be carried out in accordance with the submitted HRA.

The following deputations were heard:

Mr Bentley, objecting, whose points included

- The concern of the impact on the small businesses which would suffer in the local area and he felt it was these independent providers that were providing locally sourced products rather than the large supermarkets and there would be a loss of the diversity of shops within the local area such as butchers and fishmongers which had already been lost in the Albert Road area and he felt this would be replicated in Winter Road and the Milton area generally.

Mrs Burkinshaw, attending to represent Milton Neighbourhood Forum, whose points included

- Concern regarding air pollution and increase of noise.
- She felt this would stifle the ambition of the football club and would block the views of the ground.
- The retail impact and also any jobs at the superstore would lead to losses at other shops in the area.
- She had a petition signed by over 1,000 people concerning the traffic impact on the local roads adding that the changes to the lights and the roundabout would not be sufficient to cope with the capacity, with concerns regarding emergency services access.
- The preference would be for a recreational facility at this site.

Mr Crow, whose objections included

- The flow of traffic on the roads with Fratton Road already being poorly designed and the fourth roundabout would make the situation worse on roads which already suffered from gridlock.

Mr Crook, on behalf of Sellars Properties, whose concerns included

- There were traffic flow and access problems associated with the additional roundabout for clients at the industrial estate which would undermine the regeneration there and he felt it was contrary to technical guidance. He felt access should be taken from the roundabout currently giving access to B&Q because the additional roundabout was not acceptable in its present location.

Mr Semple, objecting on behalf of Fitness First, whose points included

- There would be problems in accessing the commercial units with a need to cross queuing traffic and the access to the medical centre would be problematic for patients. He felt that the B&Q roundabout would be the most appropriate for access to the proposed Tesco store.

Mr Curtis, objecting, whose points included

- The supporters of the scheme were not local to the area and were harnessing the support for the football club and benefits to it.
- There was already gridlock along Goldsmith Avenue and there were air pollution concerns in the city.
- There was already a reduced bus service in Milton.

Mr Harmer, objecting, whose points included

- That this was in its present form contrary to policy PCS7 for the site.
- It was prejudicial to the long term aspirations for improvements to Fratton Park.
- There were no indicative drawings provided regarding the north stand development.
- He felt this was too close to the Fratton End and this was the opportunity to safeguard the future of the ground and therefore he would urge deferral.

Mr Robinson spoke on behalf of Applicant, whose points included

- There would be benefit to the football club who would be able to control their own parking for the ground and have room for future expansion.
- The Tesco store would be a key part of regeneration and the creation of 300 jobs (full and part time) which would benefit the local community and give added choice and competition in an area under-served by large food stores and he did not expect there to be significant retail impact from the proposal.
- There would be visual improvement of the land.
- Cyclist and pedestrian access was catered for.
- This would also create jobs during the construction period.

Mr Brown, appeared as a director on behalf of Portsmouth Football Club, to represent their views which included:

- This would help the future expansion of the club, providing benefits in giving car parking to the north side and had significant impact for the long term survival of the club.
- There would also be public gain through the improvements at Milton Lane.

Councillor Ken Ellcome spoke to comment as the Cabinet Member for Traffic and Transportation (and not as a member of the committee). He stressed the need for road safety and the impact there would be with the fourth roundabout causing delays on Fratton Way. He was also concerned regarding the petrol station and crowd management on match days as some fans walking towards the ground may go across the forecourt and should be routed around it. The HGVs deliveries would also have problems with access and the routes should be designed to minimise conflict between traffic, cyclists and pedestrians.

Councillor Lynne Stagg then spoke as a local ward councillor objecting on the grounds of cumulative impact with the other developments in the area having an impact on the road network (at the university's Langstone site, St James' site and St Mary's hospital). She felt there should be a full traffic impact survey undertaken and asked that consideration be deferred for this.

Councillor Darren Sanders then spoke as a local ward councillor whose concerns included the impact of traffic generated by development at Rodney Road, and that there was no improvement of public transport or encouragement of bus subsidies.

Councillor Gerald Vernon-Jackson also spoke as a ward councillor (and not as a member of the committee). His points included

- He welcomed Tesco's undertaking to keep the Crasswell Street store open.
- This proposal would give the football club room to develop and rotate the pitch.
- Transport concerns regarding Velder Avenue and Fratton Way junctions causing queuing.
- Concern regarding the noise caused by deliveries near to residential properties; he asked that consideration be given to restricting the hours of delivery between 10 pm and 7 am.
- Concern regarding alcohol being served on match days.

Councillor Luke Stubbs then spoke to raise the procedural issue if there was a deferral. This application had a 13 week determination period so an appeal could be lodged by the applicant if no decision were made. If committee members had major concerns it would be better to refuse than defer, otherwise the applicants might appeal rather than delay for a deferral, and the decision would be made by the Planning Inspectorate.

Members' Questions

In response to the questions raised regarding the highway matters, Peter Hayward from Transport & Environment spoke regarding the access design, location and

suitability of toucan/signalised crossings, routes used by pedestrians and cyclists along Milton Road, as well as the passenger traffic accessibility provision of real time information regarding the local bus services.

Richard Lee, Environmental Health Manager, then spoke regarding air quality issues and he reported that the next formal assessment was being prepared and was due to be reported to council in 2015. He confirmed that the Velder Avenue/Eastern Road was one of the air quality management areas.

Questions were then raised regarding the engagement of retail consultants and it was confirmed that the greatest impact would be on the Fratton area and specifically on the Asda store. Further questions were raised regarding the noise levels and acoustic screening at the two delivery areas (HGV and internet sales) on the site and the distances between these and the residential properties. With regard to the pedestrian movements on match days the City Development Manager explained that this would be the responsibility of the stewarding by the football club although the city council did have input via the Safety Advisory Group (which was attended by the council, the police and the football club). It was noted that the Travel Plan is produced by the city council and is part of the safety certificate for Fratton Park.

Clarification was given by the legal adviser that a condition could not be attached to the permission to impose requirements relating to the football club which is not party to the application and did not own the relevant land; all conditions had to be precise, enforceable, necessary, relating to planning and to the development proposed and reasonable in all other circumstances, and that conditions could not be imposed where there were other statutory regimes of control (such as the city council's role as highway authority and the Licensing Committee regarding the sale of alcohol).

It was noted that the bus provision was part of the travel plan and the future use of Park and Ride was being discussed with the football club. It was asked if restriction could be put upon night time deliveries and whilst it was confirmed a condition could be imposed, such a condition was subject to the same considerations as others (as set out above). Officers considered such a condition was not the most effective way of dealing with the problem of noise of deliveries at night, because if they were unable to enter the site these vehicles (possibly travelling long distances which could be prone to delays preventing arrival in restricted hours) would park up elsewhere in the locality overnight, possibly to the inconvenience or at risk of the safety of other road users, so the most effective way of dealing with the problem of noisy night-time deliveries was through specifically designed acoustic barriers. On that basis a condition restricting night time deliveries was neither necessary nor reasonable.

Members' Comments

Consideration was given to whether a decision should be deferred but the legal adviser advised that the committee should have clear reasons and purpose in deferring, taking account of all the circumstances, and in particular that the applicants would be in a position to appeal, delaying the decision outside the Council's control and making it a decision for the Planning Inspectorate. Whilst members gave consideration to requesting restricting the hours of delivery it was then decided that the acoustic screening would be the most effective way of dealing with this to benefit local residents. Members asked that recommendation (2) be

changed so that the delegation not be to the City Development Manager alone as if it was proposed to amend conditions these should be brought back to the committee for amendment due to the significance of this application, and concerns that the conditions should have the required effects and benefits set out in the report.

RESOLVED (1) that delegated authority be granted to the City Development Manager to grant Conditional Permission subject to Referral to the Secretary of State under the (Consultation) (England) Direction 2009 and prior completion of agreements pursuant to section 106 Town & Country Planning Act 1990 and section 278 Highways Act 1980 to secure the following planning obligations:

- **Land for Stadium enhancements (car park, dedicated area for media vehicles and congregation/circulation areas) to be made exclusively available to PFC for these purposes**
- **Prepare and implement Employment and Skills Plan**
- **Any necessary commuted sum for future maintenance of the public footpath and possibly of landscape planting margins (if considered suitable for adoption)**
- **Project management and monitoring fee for the S106 Agreement (subject to agreement as to the amount of such a fee)**
- **Provision of lighting and CCTV camera/cabbling linked to PCC control centre for monitoring of diverted Milton Lane, installed and available before first use of the (diverted) public footpath**
- **Upgrading of signal controls at Velder Avenue / Milton Road to provide MOVA operation.**
- **Refurbishment of signal controls at Goldsmith Avenue / Priory Crescent to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian and CCTV coverage linked to PCC control centre.**
- **Provision of on road cycle lanes from Fratton Way to link with the existing facilities to the west on Goldsmith Avenue in the vicinity of Talbot Road.**
- **Provision of off road cycleway across site frontage to link with Toucan crossing to south on Fratton Way (including removal of 4th unused arm of existing roundabout).**
- **Provision of boarding platforms to facilitate easy access to bus stops on Goldsmith Avenue immediately to east of Fratton Way junction.**
- **Provision of real time information for bus services at stops on Goldsmith Avenue and Fratton Way linked to store atrium.**
- **The development of the framework travel plan to establish a series of SMART targets, monitoring mechanisms (with monitoring costs over a 5-year period of £5500 to be met by the developer, payable upon commencement of development) and remedial measures in the event that the targets are not achieved.**

(2) that the City Development Manager inform the committee should conditions need to be added or amended;

(3) that delegated authority be granted to the City Development Manager to refuse planning permission if section 106 agreement has not been completed within three months of the date of the resolution.

**87. 14/00587/FUL - 33 Cardiff Road Portsmouth
Change of use from dwelling house (class c3) to purposes falling within class
c4 (house in multiple occupation) or class c3 (dwelling house) - (Report item 1)
(AI 5)**

A deputation was made by Mrs Nancarrow objecting to the proposal whose concerns included

- She was already suffering from the behaviour caused by residents from another house in multiple occupation nearby which had been the subject of call-outs by the police and Environmental Health (noise abatement) officers.
- The application property was directly behind and there was an alleyway alongside her property which had previously had a gate and she was concerned that this would be the subject of further anti-social behaviour.

Members' Questions

Members asked questions regarding the possible requirement for a gate and it was reported that this could not be a condition (for reasons explained earlier in the meeting) however this could be looked at by the council whose Community Safety department had previously run an alley-gating scheme to see if this would be suitable to combat anti-social behaviour in the area.

Members' Comments

Members hoped that the possibility of a gate could be considered for the alleyway and asked that the complainant make contact with the council regarding any anti-social problems experienced in the area as they felt that the application itself was worthy of support.

RESOLVED that conditional permission be granted subject to the conditions outlined in the City Development Manager's report.

**88. 14/00337/FUL - Public Conveniences adjacent Tescos, Paradise Street,
Portsmouth
Change of use from public conveniences to cafe/takeaway (class a3/a5);
external alterations to include installation of new doors and windows and
extract flue to roof (Report item 2) (AI 6)**

The City Development Manager's supplementary matters report clarified that whilst the committee report had suggested that the application had been referred to the Planning Committee at the request of Councillor Donna Jones this was an unfortunate misunderstanding and Councillor Jones had not requested that the application be referred for determination. A deputation was made by Miss Hannon objecting as a resident of the adjacent Chandos Rise whose points included:

- Residents already suffered noise and pollution from customers and deliveries to the local shops and currently this was quieter from 7.00 pm and they were concerned that this would lead to more anti-social behaviour in the evenings.
- The openings were too early and too late.

- There was no parking for those using the café.

Members' Questions

Members queried the level of notification that had taken place to local residents regarding the application and it was confirmed that there had been two site notices, one of which was in Paradise Street and one in Buckingham Street and there had been a re-consultation when there had been a change in the description of the application, so the statutory duty had been met. Questions were also asked about the extraction system being used and the siting of refuse storage on site.

Members' Comments

Members commented on the loss of the toilet provision. Members stressed the importance of the enforcement of the condition regarding the hours of operation and they asked that local residents inform the Planning Department of any breaches.

RESOLVED that conditional permission be granted subject to the conditions outlined in the City Development Manager's report.

**89. 14/00591/FUL - 21 Allens Road, Southsea
Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) (Report item 3) (AI 7)**

Ms Rattue within her deputation objecting to the proposal included the following points:

- She chose this as a desirable location to relocate to, however she was concerned regarding the deterioration of Waverley Road.
- She listed the houses in multiple occupation within Waverley Road, Welch Road, Herbert Road, Gains Road and three in Allens Road but she felt there were others that had not been recorded for the report.
- There was a loft room at the property that was being used as a bedroom without approval.
- The HMOs were changing the nature of the neighbourhood and there was more anti-social behaviour locally associated with this plus there the impact of extra parking, rubbish and noise within the street.

A deputation was then made by Mr Edwards, also a resident of Allens Road objecting. His concerns included:

- Waverley Road was now a ghetto of HMOs with boarded up houses and people sitting outside drinking.
- There were five not four HMOs in Allens Road. He pointed out that 60 Waverley Road was a property accessed by Allens Road which should make it six.
- There were 43 houses in Allens Road and so there would be more than 10% HMOs within it if this went through. There would be an impact on the amenity of local residents who enjoyed a community spirit which was not enhanced by

unrelated adults living together and students who did not wish to join in community events.

- He was also concerned regarding the safety at No 21 with the loft bedroom conversion.

Councillor Michael Andrewes (also representing Councillors Hall and Winnington as ward councillors) voiced the residents' concerns; he felt it would be worth re-checking the number of HMOs within the area and asked that there be a deferral to allow this. He asked that the committee take account of the amenity of the residents and the problems with parking which was already difficult.

Councillor Luke Stubbs appeared as a ward councillor; he reiterated the problems with properties in Waverley Grove being sub-divided into flats and he felt that there was an overuse of properties in the area with an impact on residential amenity. As the Cabinet Member for Planning, Regeneration & Economic Development he would give consideration to reviewing the policy used to assess HMO numbers. He was also concerned regarding the additional litter.

Members' Questions

In response to the debate regarding how the number of HMOs were calculated it was clarified that the 50 metre radius was taken from the mid-front of application property for the circle to be drawn. In this case the area covered included properties in other roads. It was also clarified that a refusal could not be defended on the basis of how members might suppose the occupants of a property would behave as there were instances where HMOs were well-managed and the residents were well-behaved. Questions were raised regarding the loft conversion and it was clarified there could be a conversion without specific reference in planning application; however there would be controls through the Building Regulations where a storage loft had been converted to a habitable room. No condition could be imposed to require compliance with Building Regulations.

Members' Comments

Members asked that there be a check that the building regulations were complied with for the conversion of the loft at this property. It was hoped that the Cabinet Member for Planning, Regeneration & Economic Development review the policy of looking at HMOs to move to more of a "road by road" basis rather than taking into account properties from adjacent roads. It was felt that it would be beneficial to defer consideration so that the exact number of HMOs in the relevant radius could be re-examined.

RESOLVED that consideration of this item be deferred for further examination of the concentration of houses in multiple occupation within this area.

90. **14/00725/FUL - 88 Gruneisen Road, Portsmouth**
Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house) (Report item 4) (AI 8)

Members' Questions

Members questioned the layout of and number of adults who would occupy the property.

Members' Comments

It was noted that these were small houses for sub-division and there were concerns regarding the convenience, comfort and safety of residents of the premises when the proposed alterations had been completed.

RESOLVED that permission be refused for the following reasons:

This proposal would result in the overintensive use of the property detrimental to the residential amenities of future occupiers of the development and contrary to policy PCS23 of the Portsmouth Plan.

**91. 14/00442/FUL - Old Canal Inn, 2 Shirley Avenue, Southsea
Change of use of first floor and part ground floor to form two self-contained flats; external alterations to include blocking-up of ground floor windows and installation of bin stores, bicycle stores and condenser units (Report Item 5) (AI 9)**

The City Development Manager's supplementary matters report set out that one further letter of representation had been received from a local resident objecting on the grounds that the removal of the window frames and the blocking up of the openings, which has been carried out without the benefit of planning permission, will severely damage the appearance of the Locally Listed Building.

It also reported on amended drawings - the applicant has provided amended drawings to address some of the concerns identified within the Committee Report and raised within representations. This includes:

A reduction in the number of condenser units proposed within the rear yard from three to two, and a change in their specification. This amendment has been considered by the City Council's Environmental Health Team who confirm that the change would represent an approximate reduction in noise levels of 10 dB (A) when compared to the proposal as originally submitted. However, notwithstanding the slight reduction in noise levels, there would still be a requirement for the applicant to install acoustic screening or housing to protect the amenity of the adjoining occupiers. This could be required through the inclusion of a suitably worded planning condition should permission be granted.

Removal of the forecourt onto the Maurice Road frontage and the repositioning of refuse and bicycle storage facilities to the rear of the building. A new access is also proposed from Shirley Avenue into the rear garden of the ground floor flat to improve access and convenience for the bicycle storage facilities. An access through the rear yard of a commercial unit would not be encouraged in most situations. However, having regard to benefits of removing visual clutter and preserving the appearance of

the main elevations of this Locally Listed building, this arrangement is considered to be acceptable in these circumstances.

Solent Special Protection Areas mitigation

Since the committee report was written, the applicant has provided a contribution through agreement under Section S111 of the Local Government Act as mitigation for the potential impact of the proposal on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (SPAs). The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development. On that basis the applicant has addressed the second reason for refusal.

Heritage Statement

The applicant has provided a heritage statement in which it is suggested that the removal of the windows and blocking up of their openings would benefit from the provisions of Part 2, Class A of The Town and Country Planning (General Permitted Development) Order 1995 (as amended). These provisions relate to the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure.

It is the view of the Local Planning Authority that the external alterations would materially affect the external appearance of the building and could not be carried out as permitted development.

The recommendation remains as refusal for a single reason 1) as set out in the report deleting reason 2).

A deputation was made by Mr Wilson objecting to the proposal whose points included:

- The main concern of him and his neighbours who he represented, Mr and Mrs Cox, was the siting of the condenser units and the noise that they would make by these which would damage the health of the neighbours' son due to his serious medical condition.
- There was no regard for the heritage of the building with the vandalism of it and the removal of windows.

A deputation was then made by Mr Bevan, the agent in support of the application whose points included:

- The change of use was seen as acceptable and the highways impact had been made no worse by the application.
- The issues for siting of bins had been resolved and relocated to the front.
- There had been significant discussions regarding the condenser units which had been changed to two quieter units.
- He viewed the windows as 'minor alterations' under the permitted development order which would not require approval.

A deputation was then made by ward Councillor Ben Dowling who reiterated the residents' concerns regarding the condenser unit and the windows of this locally

listed building and asked that if the committee were minded to approve the application there should be mitigation of the condenser units by enclosure.

The written representation of Councillor Gerald Vernon-Jackson was circulated to members of the committee and read out by the chair, in which he asked for the refusal with an additional reason for refusal of the loss of amenities for local residents, or if the application was approved for there to be further screening of the condenser units.

Members' Questions

In response to the issue of the permitted development, the City Development Manager explained that officers believed that the windows did require planning permission, because of their material effect on the exterior of the building, and did not feel that the proposal was acceptable for the locally listed building. With regard to the condenser units and the amenities for the adjoining residents, these could be mitigated through the use of conditions if requested. Members asked questions regarding the level of noise that would be emitted and how this could be mitigated. The committee's legal adviser also clarified that the alterations to the windows was not alterations to "a means of enclosure" under the permitted development order.

RESOLVED that the application be refused for reason 1) as set out within the City Development Manager's report.

92. Start Time of Future Meetings

Councillor Gray, as Chair, wished to raise the issue of changing the time of the Planning Committee meetings in the spirit of openness and transparency he felt that a 2.00 pm start was difficult for residents to attend if they needed to take time off work. Therefore he would like these to be moved to a 5.00 pm start for a six month trial period, to start from the September meeting and this was agreed by the committee.

The meeting concluded at 6.45 pm.

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Signed by the Chair of the meeting
Councillor Aiden Gray