

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 13 January 2016 at 5.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Stephen Hastings (Vice-Chair)
Jennie Brent
Ken Ellcome
David Fuller
Colin Galloway
Scott Harris
Hugh Mason
Sandra Stockdale
Gerald Vernon-Jackson

Also in attendance

Councillors Ben Dowling, Darren Sanders, Luke Stubbs, Matthew Winnington

Welcome

The Vice Chair welcomed members of the public and members to the meeting. As Councillor Gray was unable to attend this meeting, Councillor Hastings as Vice Chair explained he was chairing the meeting today. The Chair advised that he would be amending the order of the planning applications today. Planning Application number 2 would be considered first followed by application 1 then application 5. Applications 3 and 4 would then be considered.

Guildhall, Fire Procedure

The chair, Councillor Hastings, 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.

122. Apologies (AI 1)

Apologies for absence were received from Councillor Aiden Gray.

123. Declaration of Members' Interests (AI 2)

Councillor Steve Hastings declared an interest in respect of planning applications 3 and 4 as he is a member of the Milton Neighbourhood Forum where the applications relating to the St James Hospital site had been discussed. However, he advised that he would remain open minded in considering these applications today.

Councillor Gerald Vernon-Jackson declared an interest in respect of planning applications 3 and 4 as he is a member of the Milton Neighbourhood Forum where the applications relating to the St James Hospital site had been discussed. However, he advised that he remain open minded in considering these applications today.

Councillor Fuller declared a personal interest in planning application 5 as he had advised that he had spoken to Mrs Spickernell, however he had not discussed the planning application with her.

Councillor Stockdale declared a personal interest in planning application 5 as she knew Mrs Spickernell however she had not discussed this planning application with her.

124. Minutes of previous meeting - 9 December 2015 (AI 3)

RESOLVED: The minutes of the meeting held on 9 December 2015 were agreed as a correct record and signed by the Chair accordingly.

125. Update on Previous Applications - by the Assistant Director of Culture & City Development (AI 4)

There were no updates to be reported by the Assistant Director of Culture & City Development.

126. Ref: 15/00942/CS3 - Beach Opposite Junction Of St Georges Road and Southsea Esplanade, Southsea - Installation of 25 beach huts and timber decking sited on seafront (report item 2) (AI 6)

The Assistant Director of Culture & City Development reported in the supplementary matters list that one further letter of representation has been received raising concerns in respect of: (a) Ecology; (b) Visual harm; and (c) Precedent for further applications. These issues have been addressed within the Planning Committee report and the recommendation remained unchanged.

Deputations were then heard whose points are summarised:

Mr Holland objecting on behalf of the Portsmouth Society whose points included:

- Large areas of the beach have already been destroyed following the recent building of the Coffee Cup.
- The beach huts would cause loss of amenity which is not welcomed.
- Loss of an unspoiled part of seafront.
- Portsmouth City Council is a member of the Solent Forum, one of whose aims is to 'protect the natural system from long term damage due to human activity'
- Questioned whether there is a need for more beach huts as a quick survey in June revealed only a small percentage of beach huts were being used.
- Unique flora and fauna of this part of the seafront. It is estimated that there is potential for 200sq metres that would be destroyed due to the increased human activity if this application is approved.

Mr Butler objecting whose points included:

- A row of 25 beach huts will create a barrier.
- Application is contrary to policy PCS 9 of the Portsmouth Plan.
- Ill-conceived application that will damage the seafront and is contrary to policy.

Mr Higgins, objecting, whose points referred to both of the beach hut applications and included:

- He has recently had the opportunity to ask Hannah Brett (Msc, Bsc, & Cbiol) and Liz Powell (Msc, Bsc & MCIEEM) who are ecologists for Ecohab Consultancy, the effect that beach huts would have on the vegetated shingle beach they have read and agreed with his rationale for objecting to the proposals.
- Eastney's unique beach flora environment is "a vegetated shingle habitat defined as a habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006".
- Vegetated shingle is characterised by specialised plants that have adapted to survive in harsh coastal conditions where lack of fresh water and nutrients are compounded by fierce winds and impact by waves. Shingle habitats are also particularly important for invertebrates and for some breeding and roosting birds.
- Most coastal shingle is too mobile to support plant communities. Only a small proportion of these habitats are sufficiently stable for fixed vegetation to become established, further stabilising the habitat and providing opportunities for a more biodiverse community structure to develop.
- It is known by the council that the beach vegetation is a unique feature and that it is one of only a few in the world.
- Yellow horned poppy, Sea lavender and Sea Thistle are three very rare examples of wild plants that need protection.
- The introduction of additional beach huts at Eastney and Southsea will almost certainly distort/destroy large areas of a unique area of bio-diversity.
- The introduction of beach huts along the front will create a visual barrier of the view enjoyed by the residents who live and enjoy the esplanade and Portsmouth's visitors.
- The design of the new huts is considerably better than a previous application.
- Chichester and Langstone Harbour is a RAMSAR site, meaning that the wetlands are of international importance, especially for wildfowl. Eastney beach, being nearby, offers good connectivity for wildfowl thus also being important to protect.
- However if the installation of beach huts is sure to go ahead then the council should reconsider the chosen location for the huts justified by the objections given. There are plenty of other areas of shingle beach that are not vegetated that may offer similar opportunities for beach hut installation.

Dr Bryce, objecting whose points included:

- Unique flora along the beach.
- Would create additional parking issues along seafront.
- At a neighbourhood forum meeting in June only two people who attended supported the application, 220 people were against.

Councillor Matthew Winnington, made a deputation as ward councillor for Eastney and Craneswater whose points included:

- The Seafront is very diverse so it is important to protect the seafront at Eastney.
- He has spoken with many of his constituents and there has not been any who support this application.
- It will create parking issues and felt that the west of South Parade Pier would be a more appropriate location for beach huts.
- Welcomed the recommendation to refuse as the seafront should not be put at risk.

Councillor Luke Stubbs made a deputation as the Cabinet Member for Planning, Regeneration and Economic Development, whose points included:

- A SPD document had been considered at the PRED Cabinet identifying possible sites, which had been fully supported.
- The locations of the beach huts were chosen as they are ones where there would be minimal impact.
- There are no ground breeding birds in the city and due to foxes and dogs in the city, it would be difficult for them to survive.
- Not aware of any more suitable locations for beach huts.
- The open character of the seafront is important which is why the number of beach huts has been reduced from the original application.
- There is an unmet demand for beach huts and there are 400 city residents on the waiting list.
- Accept there will be some environmental impacts but there will be benefits in terms of the economic benefits to the city.

Members' Questions

Members asked what mitigation could be provided and whether a condition could be added for this. Officers advised that the SPD sets out a number of potential options but these had not been looked at. In terms of a planning condition, these can only be imposed where it relates to an application site and no other areas. In response to a question, officers confirmed that an ecological assessment had not been received from the applicant. With regard to potential damage caused by the beach huts, officers advised that the direct impact was estimated at 750 square metres. In response to a question officers confirmed that the vegetation along the Eastney beach is fairly well scattered. A question was raised about the design of the beach huts and officers confirmed that they would be of a robust design to ensure they are suitable for a marine environment and to protect against vandalism.

Members' Comments

Members felt that they could not support this application due to the lack of an ecological assessment. Members were also concerned that the cladding of the beach huts could be removed, so felt this was contrary to policy PCS23 Design and Conservation. Members felt that policy PCS9 the Seafront - could be used for or against this application.

RESOLVED that the application be refused for the following reasons:

1) The proposal is located on a Local Wildlife Site identified for vegetated shingle that supports scarce species. In the absence of an ecological assessment the Local Planning Authority is unable to assess the potential impact on the Local Wildlife Site and given that it may not be possible to avoid habitat loss, how the impacts would be mitigated/compensated for. In the absence of this the Local Planning Authority is unable to properly assess if any potential benefits represent an overriding justification against the protection and enhancement of the biodiversity value of the site and the proposal is therefore contrary to policy PCS9 and PCS13 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

2) In the opinion of the Local Planning Authority, the proposed beach huts would not be of sufficiently robust construction to withstand potential damage in a manner that would not result in harm to the appearance of the beach huts or to the visual amenities of this part of the seafront. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

127. Ref: 13/00791/FUL - Eastney Beach, Eastney Esplanade, Southsea - Installation of 25 beach huts and new timber boardwalk to eastern end of Esplanade (Amended Description) (Resubmission of 12/00968/FUL) (report item 1) (AI 5)

The Assistant Director of Culture & City Development reported in the supplementary matters list that one further letter of representation had been received raising concerns in respect of: (a) Ecology; (b) Visual harm; and (c) Precedent for further applications. These issues have been addressed within the Planning Committee report and the recommendation remained unchanged.

Deputations were then heard whose points are summarised:

Mr Higgins objecting who advised the points raised in his previous deputation on the other beach hut application also applied to this one. He added that there is a lot of disturbance on the seafront where the current beach huts are located.

Dr Bryce objecting whose advised the points raised in his previous deputation on the other beach hut application applied to this one and added that the people needing a beach hut would be those living further afield therefore parking would be an issue and this needed further analysis.

Councillor Luke Stubbs, Cabinet Member for Planning, Regeneration and Economic Development made a deputation who informed the committee of the process to date for the two beach hut applications. The process had taken almost two years and to provide a three year bird study in addition to this he felt was an unnecessary delay to the application process.

Councillor Matthew Winnington, Ward Member for Eastney & Craneswater made a deputation whose points included:

- The visual impact of the beach huts needs consideration.
- Very unusual to have beach huts on the beach, they are usually set back or on the promenade.

- Concerns that the small boardwalk would not give sufficient disabled access to the beach.
- The vegetative shingle should be valued.
- If approved this would be extremely detrimental to both locals and the city as a whole.

Members' Questions

Members asked what height the beach huts would reach above the level of the promenade. Officers advised the beach huts would extend 2.1m above the level of the promenade. In response to a question about whether specific species of bird are found along the length of the seafront or are concentrated, the Ecology Officer from Hampshire County Council who was present advised that some birds will have specific habitat requirements and they would hope to find that out through the ecological survey however this detailed analysis was not submitted with the planning application. Figures from the RSPB show that in 2008 there were 600 Dunlin birds in the area and in 2006 there were 131 Ringed Plover.

Members' Comments

Members felt that the 2.1m height of the beach huts above the level of the promenade would cause a visual obstruction. Members also agreed that an ecological assessment was required to assess how the proposal would affect bird habitats and that the application should be deferred to allow time for this to be completed. Members were also concerned with the design of the beach huts and suggested that would cause a visual obstruction to the seafront.

RESOLVED that the application be deferred to allow for a detailed ecological assessment to be completed.

128. Ref: 15/01846/FUL - 3 Olinda Street, Portsmouth PO1 5HP - 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 5) (AI 9)

The Assistant Director of Culture & City Development introduced the report.

Deputations were then heard whose points are summarised:

Mrs Spickernell objecting whose points included:

- Lives next door to the property and has had major problems with the tenants living at the property previously. She has needed to involve the antisocial police unit and to obtain an abatement order.
- Neighbouring properties are entitled to peace and quiet.
- The properties are not soundproofed and walls are very thin.
- Has lived in the property for 30 years and should not have to move.
- Her health has suffered as a consequence of the antisocial behaviour of tenants.
- The property is too small for up to 6 adults to live there.

Councillor Dave Ashmore, ward councillor objecting whose points included:

- Unrealistic to say that 6 adults could live in the property. There is only one bathroom which is very small.
- There is already a strain on parking in the area and this would exacerbate the problem.
- There is no condition listed on how any antisocial behaviour would be dealt with and there should be a contact number for residents to call if there is antisocial behaviour.

Members' Questions

Members asked whether it was possible to limit the number of adults living in the property to 3-4. Officers advised that this a licensing issue not a planning issue, it was therefore not possible to add a planning condition to say that only three people could occupy the property. Under licensing regulations for HMO's, bedrooms need to be a certain size for two people to share a bedroom. A member asked whether it was possible to add a condition that soundproofing is installed between numbers 1-3 and 3-5 to limit the amount of noise to neighbouring properties. Officers advised that it was technically unlikely that soundproofing could retrospectively be added onto party walls.

Members' Comments

Some members felt that the application was contrary to policies PCS19 and PCS23. The Assistant Director of Culture & City Development advised that PCS19 does not specifically say that there should be no change of use to future homes. The design of the property is not proposed to change and is the same street scene so PCS23 was not strong enough grounds for refusal. Members had sympathy with the issues that the neighbouring properties had experienced, but felt that there was no firm planning reasons why this application should be refused. Members suggested that the ward councillor's work with the landlord to ensure that any antisocial behaviour complaints are quickly resolved.

RESOLVED that conditional permission be granted subject to the conditions listed outlined in the Assistant Director of Culture & City Development's report.

- 129. Ref: 15/01838/TPO - St James Hospital Locksway Road Southsea - Within Tree Preservation Order 177 - fell horse chestnut (T876), norway maple (T338), holm oak (T419), and yew (T940); reduction of overhanging branches back to boundary of two common limes (T789, T761) and two silver birches (T788, T786); reduce major limb on road side by 5metres and crown lift up to 5metres of holm oak (T370); crown lift up to 5.2metres of lime (T403); crown reduction over cricket pitch by 4-5metres of holm oak (T450); crown thin by 20% and crown lift up to 5metres of silver maple (T990) (report item 3) (AI 7)**

The Assistant Director of Culture & City Development reported in the supplementary matters list that on 2 January 2016 the Holm Oak T370 split in half during bad weather. The remaining half was considered to be unstable. The tree was inspected by the Council's Arboricultural Officer who concluded that the tree should be removed under the 'Dead or Dangerous' provisions. In accordance with normal procedures the tree will be replaced by a Caucasian Wing Nut [*Pterocarya fraxinifolia*] or a Red Twigged Lime [*Tilia platyphyllos* 'Rubra'].

This application is therefore amended to exclude tree T370 and there is no change to recommendation.

Deputations were then heard whose points are summarised:

Miss Powell objecting whose points included:

- The application is incomplete and gives no acceptable justification for cutting down the trees or any plans to replace them.
- With regard to T876 an alternative would be remedial maintenance over the next few years and to plant a new tree nearby so that when T876 needs to be removed the new tree is of a substantial size.
- Trees have many benefits including removing pollution and removing excess water from the ground helping to prevent soil erosion. They also absorb sound and reduce noise pollution, provide shade these benefits are worth millions to an already cash strapped City.

Councillor Dowling made a deputation as ward councillor whose points included:

- Disappointed by the lack of information provided by the applicant.
- Concerns with the proposal to remove the Horse Chestnut Tree (T876) and would like to see this tree given an additional two years to see if it improves.

Members' Questions

Members asked for clarification regarding whether the replanted trees will be of a similar nature to those removed. Officers advised there were many ornamental versions of Horse Chestnut that would be suitable replacements and for the other trees there were lots of evergreens that would be suitable. With regard to the removal of the Holm Oak, officers would advise this is replaced with a Lime Tree as this is a native species and prominent. For the replacement of the Yew tree officers advised that another Yew or native species would be suitable.

Officers confirmed that if a tree covered by a TPO is removed the replacement tree is automatically covered by the TPO. If the replacement tree fails within five years the owner is obliged to replace this under the TPO. Members asked whether a condition could be added that the replacement tree for T876 is at least 8-10m tall. Officers advised that it was not possible to add a condition to specify what the exact height the replacement tree should be. The Arboricultural Officer advised that specimen trees are sized by girth rather than height. They would seek to ensure an heavy standard tree is the replacement which would have a tree girth of 12-14 cm and a height of 4-4.5m. The logistics of getting an 8-10m tall tree into the site would be very challenging as this would require specialist equipment and officers were uncertain whether this is available in this country. A member queried why the Horse Chestnut Tree continued to produce conkers if it is diseased. The Arboricultural officer explained that this is known as 'angry flowering' where diseased trees often flower in an attempt to continue their species. Officers advised that they had debated whether a staged reduction of the Horse Chestnut tree was sensible but felt that this was delaying the inevitable and it increased the risk of one of the limbs falling giving its proximity to the access road. In response to a question about reports of bats in the Horse Chestnut tree, officers advised they had seen no evidence of this.

Members' Comments

Members were concerned about the removal of the Horse Chestnut Tree and felt it was prudent to add a condition that the replacement tree is nursery Extra Heavy Standard with a minimum height of 4m.

RESOLVED that conditional consent be granted, subject to the conditions listed in the Assistant Director for Culture & City Developments report and an amendment to the condition requiring replacement trees to be Extra Heavy Standard with a minimum height of 4m (as specified in British Standard 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs).

130. Ref: 14/01664/FUL - Land At St James Hospital (formerly Light Villa And Gleave Villa) Locksway Road, Southsea - Construction of two-and three-storey dwellings comprising 14no 4-bed houses, 12no 3-bed houses, 2no 2-bed houses and 2no 1-bed flats with associated access roads, parking, cycles stores, open space and landscaping works (report item 4) (AI 8)

The Assistant Director of Culture & City Development reported in the supplementary matters list that one further representation from the Chair of the Milton Neighbourhood Planning Forum objecting on the grounds that;

(i) no consultation has been undertaken on the proposed level of affordable housing breaching the fundamental principle of public participation and its use of public funds,

(ii) it does not account for the financial costs to the citizens of Portsmouth of the failure to provide five low cost 3-bedroom homes,

(iii) the Environmental Health Officer should evidence the view that the proposed development will not have a material impact on air quality, and

(iv) the application should be deferred to address these issues.

The proposed development would fall below the thresholds outlined in the Air Quality and Air Pollution SPD in that it would not generate a significant increase in traffic generation on the local highway network, provide in excess of 300 additional car parking spaces or be located within an area of low air quality. As such the developer would not be required to submit an Air Quality Statement for formal consideration.

Policy PCS19 provides for situations where viability is an issue. The level of affordable housing provision in such circumstances is a matter for negotiation between the Council and the developer so that the maximum amount and best mix of affordable housing can be provided whilst maintaining the scheme's viability. In this case the maximum level of provision, based on independent analysis, has been achieved.

At point 6 on page 47 the figure "18" should read "12". There was no change to recommendation.

Deputations were then heard whose points are summarised:

Ms Burkinshaw, on behalf of Milton Neighbourhood Forum objecting whose points included:

- At the recent Milton Neighbourhood Forum Meeting, members had been concerned with the increased air pollution from the proposed application as air pollution in the city is already excessive.
- Increased pressure on the traffic network which has already been impacted by the Tesco development and cannot cope with additional traffic.
- Concerns on the effect on local wildlife and trees.

Mr Baily, on behalf of the Milton Neighbourhood Planning Forum objecting whose points included:

- Insufficient school places for the new population.
- No evidence of an air quality assessment.
- The new homes should have solar panels as renewable energy is promoted in the Portsmouth Plan.
- The affordable housing provision has been reduced from 9 dwellings to 4 and the reason for this is unclear.

Mr Utting, Agent whose points included:

- The protected trees on the site will be retained and managed.
- Highways have raised no concerns with the application.
- The application has been through two public consultation exercises and the applicant has worked extensively with officers.
- A significant amount of money from the developer will go to the coastal SPA's to help deliver the Milton Common Local Nature Reserve Restoration and Management Framework to mitigate the additional housing.

Councillor Darren Sanders made a deputation on behalf of Councillor Lynne Stagg, whose points included:

- Strain on the highway network
- Concerns on the cumulative impact of the development and this application should not be looked at in isolation.

Councillor Darren Sanders made a deputation, whose points included:

- Evidence to show how many houses the site can't sustain but no evidence on how many houses could be sustained.
- Asked for consideration to be given to strengthen planning condition 10 so that construction traffic go along both Lapwing Road and Locksway Road and that construction managed plan is discussed with the local residents.
- Concern over the increased pressure on school places.

Members' Questions

Members referred to the viability assessment that had been examined by the District Valuer and asked why the number of affordable housing dwellings had reduced to 4. In response the Officer clarified that the reduction in affordable housing arose from the unforeseen requirement for the payment of a financial contribution towards the Milton Common Restoration Framework strategy that was necessary in order to address site specific impacts on the nearby Langstone Harbour Special Protection Area.

The Assistant Director of Culture & City Development advised that officers must consider planning application in light of the national policies at the time so the

recommendation of the local planning authority is based on the most current policies and not the policies that were current when the application was submitted.

Members asked whether when considering applications for housing such as this, whether they take into consideration the effect of future developments where these are known. Officers advised that traffic flows are calculated using the TRICS database which is a robust system and there is no reason to suggest this data is incorrect. The impact on junctions is less 5%but further developments in this area will cause this to increase.

Despite the development having parking spaces and garages, concern was raised that residents may not choose to use their garages for their vehicles and instead use these for storage and park their vehicles on the road causing parking issues.

With regard to school places, officers advised that this is listed on the Regulation 123 list and is a priority. Money is collected through the CIL from developments and planning officers work with the pupil place planning officers to inform them of the likely pupils yielding from new developments.

Members' Comments

Members had a number of concerns with this application and felt that they did not have enough information available to be able to make a decision at this meeting.

RESOLVED that the application be deferred for the following reasons:

- **To allow for a briefing for committee members on the viability assessment**
- **Further details to be provided on the traffic assessment process , capacity of junctions and how TRICS data is obtained.**
- **Further information about air quality**

The meeting concluded at 9.45 pm.

Signed by the Chair of the meeting