

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 27 April 2016 at 1.00 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 Aiden Gray (Chair)
Stephen Hastings (Vice-Chair)
Jennie Brent
Ken Ellcome
David Fuller
Colin Galloway
Hugh Mason
Sandra Stockdale
Gerald Vernon-Jackson

Also in attendance - Councillors Ben Dowling, Phil Smith and Steve Wemyss.

Welcome

The chair welcomed members of the public and members to the meeting. He also advised that agenda items 5 (15/00788/PAMOD) and 6 (15/00787/PAMOD) had been deferred and would not be discussed this afternoon. The Chair also advised that he would be amending the order of the planning applications today.

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.

34. Apologies (AI 1)

Apologies for absence were received from Councillor Scott Harris.

35. Declaration of Members' Interests (AI 2)

Councillor Fuller declared a personal and prejudicial interest in the planning application for 9 Clarendon Road as his Nephew's Girlfriends Father is the owner of Nesbits Estate Agency which is a neighbouring property to the application.

36. Minutes of Previous Planning Meeting - 30 March 2016 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 30 March 2016 were agreed as a correct record and signed by the chair.

37. Updates on previous applications by the Assistant Director of Culture & City Development (AI 4)

There were no updates reported.

38. 15/00788/PAMOD - Request to modify legal agreement attached to planning permission ref 09/00643/OUT relating to land at 10 St James's Street Portsea (AI 5)

This item was deferred.

39. 15/00787/PAMOD - Request to modify legal agreement attached to planning permission ref 11/00961/FUL relating to land at 61 Earlsdon Street Southsea (AI 6)

This item was deferred.

40. 15/01671/FUL - 46A Lealand Road Portsmouth PO6 1LZ (AI 7)

The City Development Manager reported in the supplementary matters list that:

Following the publication of the Committee report the applicant has made submissions in respect of the 'exception test' set out in connection with development in areas at risk of flooding. The applicant contends that the test is met as the proposal itself would be safe from flooding, additional mitigation would reduce the potential for flooding in the locality and that the proposal would give rise to 'wider sustainability benefits'. The applicant suggests that these benefits include making efficient use of previously developed land, contribute to the housing needs of the city, being highly sustainable, bringing economic benefits through the development process and enhancing green infrastructure.

Whilst the applicants suggested benefits are noted, they are not considered to outweigh the risk of flooding. In the absence of certainty about the cause of flooding on the site, it is not possible to make an informed judgment on whether the proposed mitigation measures will be successful and as such whether the proposal would not increase the risk of flooding elsewhere.

Southern Water have offered the following comments on the amended drainage information provided by the applicant:

Please find attached a plan of the sewer records showing the approximate position of surface water sewer within the site. The exact position of the foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the surface water sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please note: No rainwater pipes should be connected to the foul sewerage system, in order to protect properties downstream from flooding. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Deputations were then heard, whose points are summarised.

Mr Lee Roberts, objecting as a local resident, whose points included:

- Unattractive design and not in keeping with surrounding area.
- Overbearing design.
- Development would cause a loss of light to existing properties and a loss of privacy
- Will create an increase in noise and disturbance to the area
- Increase in traffic and concerns about access
- Properties are already in a high risk flood zone so this would exacerbate this creating an unacceptable risk to existing properties.

Mr Mark Buckner, objecting as a local resident, whose points included:

- Proposal would have a serious impact on surrounding properties.
- Proposed location of the refuse storage would mean only one way traffic could pass.
- It will exacerbate parking issues.
- Materials not in keeping with surrounding properties.
- Unsympathetic design.

Ruth Harding, agent for the application whose points included:

- Applicant has gone as far as they can to obtain required information on flood risk although acknowledges that further flood risk surveys are required to demonstrate that the development would not increase flood risk elsewhere. However, these cannot be carried out in the winter and only now just coming into the window where these can be completed.
- Applicant is willing to undertake additional surveys.
- Accept that flooding has occurred before in this area however none of the agencies have been able to provide details on this.

Councillor Steve Wemyss, ward councillor whose points included:

- Drainage is a serious issue in this area and impacts surrounding gardens which have previously flooded.
- Overbearing development.
- Development is out of character for this area.

Members' questions

In response to a question about mitigation, officers advised that there were raised floor levels and on-site storm water detention would control slow release from the site. However, the drainage team are not in a position to be satisfied in absence of knowing what is causing flooding. The development of the site has the potential to result in impacts and it is uncertain whether the applicant's solution will be effective. In response to concerns about the bin provision, officers advised that the original concerns had been addressed by the use of Euro bins on the driveway which would mean residents would need to walk a short way to dispose of their rubbish in these bins. The furthest property from the bin collection point was 70m. The Highways officer confirmed that this would narrow the driveway to one way traffic so cars would need to give way, but officers had no objections to this.

Members' comments

Members were concerned that the development would exacerbate existing flood problems in the area and felt that without a stormwater connection to serve the development, it would be irresponsible to approve the application particularly as this

is in a known flood risk area. Members were also concerned by the design of the proposal, overdevelopment of the site and parking.

RESOLVED that the application be refused for the following reasons:

- (1) The proposal is not accompanied by sufficient information to demonstrate that the development would not increase flood risk elsewhere or provide the sustainable benefits that would outweigh any residual flood risk elsewhere that would outweigh any residual flood risk. The proposal is therefore not considered to pass the exception test and as such is contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS12 of the Portsmouth Plan.**
- (2) The submitted ecological assessment is not supported by adequate information to demonstrate that the proposal would not adversely affect bats and other protected species or that whether sufficient measures are in place to ensure that impacts will be mitigated and compensated for as appropriate. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS13 of the Portsmouth Plan.**
- (3) The proposal would, by reason of the cramped layout, exacerbated by the positioning of the waste storage facility on the internal access road, result in an overdevelopment of the site, at odds with the prevailing character of the area. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework and to policy PCS23 (design and conservation) of the Portsmouth Plan.**

41. 16/00189/FUL - St James Hospital Locksway Road Southsea PO4 8LD (AI 11)

The City Development Manager introduced the report.

Deputations were then heard whose points are summarised.

Janice Burkinshaw, Chair of Milton Neighbourhood Forum whose points included:

- Asked the committee to carefully consider the potential loss of green open space in a city of tightly packed streets.
- The land has been open to the public to use for many years.
- Will affect the biodiversity of the surrounding area.

Kimberley Barrett, objecting as a member of the Keep Milton Green Campaign Group, whose points included:

- Important to preserve the natural historical environment of St James Hospital grounds.
- The proposed fencing would be visible from the chapel.
- It would ruin the visual amenity of the area.
- Concerned that the TPO trees will become neglected.

Paul Prichard, objecting as a local resident, whose points included:

- Not in keeping with the surrounding area.

- Concern on the east side that the fence is proposed to follow the pavement line.

Geoff Blaber, objecting as a local resident, whose point included:

- The applicant states the reason they wish to erect fencing is to stop arson, fly tipping etc. however he has never seen any of these activities taking place and the public continuing to use the site would be more of a deterrent.
- Fencing will not stop the Japanese Knotweed from spreading.
- Fencing should be closer vicinity of buildings.

Councillor Dowling objecting as ward councillor, whose points included:

- Naive to say the proposed fencing would not affect the setting of the chapel.
- Milton is a low crime area and feels that if it remains open to the public this will be more of a deterrent than fencing.
- The community in Milton do not want this fencing.
- Fencing will not stop the Japanese Knotweed from spreading.

Members' questions

Members sought clarification on the public rights to the land. Officers advised that there is not any established public right to use the land. It is owned by the Homes and Communities Agency (HCA) and in terms of the Portsmouth Plan public green space can still be classified as that even if it has no public access.

Members' comments

Members thought it was unacceptable to fence off the green space in the setting of a listed building and this was contrary to the Portsmouth Plan. Members also agreed that the design of the fence was not suitable in the historical environment setting. Concerns were also raised about the trees that have TPO's would become neglected.

RESOLVED that the application be refused for the following reason: The proposed fencing would, in terms of its appearance and extent, be considered to adversely affect the setting of the Listed Buildings and their relationship to the historic character of the site thereby giving rise to less than substantial harm to the significance of the heritage assets. In the absence of public benefit to outweigh that loss of significance the proposed fencing would therefore be contrary to the objectives of Chapter 12 of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan. In the absence of an arboricultural assessment or method statement that specifically relates to the installation of the proposed fencing it is considered that the proposals would have the potential to adversely affect trees with Tree Preservation Order No. 177. As such the proposed works would be contrary to the objectives of policy PCS13 of the Portsmouth Plan.

42. 16/00288/FUL - Connaught Arms 119 Guildford Road Portsmouth PO1 5EA (AI 12)

(Councillor Brent was absent for the start of the discussion of this application).

The application was introduced by the Assistant Director of Culture and City Development.

A deputation was then heard from Councillor Ashmore, ward councillor, whose points included:

- Residents have many concerns about the proposed change of use to a shop including increased traffic and delivery vans at various times.
- Would change the character of the area.
- The proposed extension to the back is very close to the existing properties and will block out light.
- Applicant has already removed and demolished a huge part of the back wall without planning permission
- Partitions and scaffolding have taken over the pavement which is particularly dangerous as it is close to a school.

Members' questions

Clarification was sought on the changes to this application compared to the previous application which was refused. Officers advised that the proposed extension on this application has a pitched roof which reflects the design of the existing building, compared to a flat roof on the previous application. The size of the proposed extension is also smaller than the previous application and the roller blinds have been removed from the application.

Members' comments

Members felt that this application was an improvement on the previous application however felt the proposed flat roof extension was unsympathetic to the former public house.

**RESOLVED that the application be refused for the following reason:
The proposed extension would, by reason of its excessive scale and unsympathetic roof design, fail to relate appropriately to the recipient building and has no regard to the unique architectural features of the former public house. The proposal would therefore be contrary to the aims and objectives set out in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.**

(note: as Councillor Brent was absent for some of the discussion of this item, she did not vote on this application).

43. 16/00309/FUL - Land Adjacent To 3 Harold Road Southsea PO4 0LR (AI 13)

The application was introduced by the Assistant Director of Culture and City Development.

Deputations were then heard whose points are summarised:

Mr Miah, objecting as a local resident whose points included:

- Proposed dwelling would be out of character for the area.
- Loss of privacy
- Loss of light
- Increase in noise
- Increased parking issues.

- When the existing garage is demolished it will cause damage to neighbouring property.

Mrs Begum, objecting as a local resident whose points included:

- Concerns over the bulk of the building as it will cause loss of light to surrounding properties.
- Loss of privacy
- Increase in noise
- Their property previously had damp issues which is why four air vents were installed to the side of the property, however this proposal would block these vents.
- The proposed layout of the new property would mean the bathroom would be next to their bedroom.

Councillor Phil Smith, objecting as ward councillor whose points included:

- Felt this should be considered as a new application as the proposal is completely different to the previous application.
- The proposed rooms would be very small.
- Environmental health officer recommended refusal and there are already frequent noise complaints in the area from the Wedgewood Rooms which should be investigated.
- Loss of light to existing properties.

Members' questions

Members raised concern about the size of the second bedroom being below minimum standards. Officers advised that as the bedroom one exceeds the minimum standards required for a double/twin room at 13.50 m² so this could be made marginally smaller to allow the additional 0.2m¹ for the bedroom two. In response to a question about noise insulation, officers confirmed that if the committee were minded to approve the application, a condition could be added to ensure that noise insulation is installed before first occupation.

Members queried the ownership of the land to the rear of the properties fronting Albert Road and asked whether this was a Public Right of Way. Officers advised that this was not a formally adopted Public Right of Way and some clarity was needed around the ownership of the land.

Members' comments

Members felt it sensible to defer the application for further clarification pedestrian access to the rear of properties fronting Albert Road, and matters of land ownership.

RESOLVED that the application be deferred for further information regarding the land ownership and the pedestrian access.

44. 16/00152/FUL - 26 Carne Place Portsmouth PO6 4SY (AI 10)

The Assistant Director of Culture and City Development reported in the supplementary matters list that two further objections have been received from local residents. Their objections relate to 1) parking 2) over crowding 3) HMOs are not appropriate within this location 4) noise and disturbance 5) litter 6) anti-social behaviour.

A written deputation had also been received from Councillor John Ferrett which was appended to the supplementary matters list, which the committee noted.

Deputations were then heard whose points are summarised:

Mr Crooks on behalf of the Chair of the Resident's Association Port Solent whose points included:

- Proposal would create and increase in rubbish and noise
- HMO's would be out of character for the area
- Lack of public transport serving the area so likely see an increase in car usage.

Members' questions

Members sought clarification on the number of HMO's within a 50m radius to this property and officers clarified that there was one other HMO within this radius. With regard to a query on the maximum number of occupants living in the property, officers advised that the policy states that it is up to six people. With regard to covenants, officers advised that this could not be used as a planning consideration and that the committee must look at the planning merits of the application.

Members' comments

Members' were concerned about the application however felt that there were no planning grounds to refuse the application as the proposal would increase the proportion of HMO's to 2.8% which is under the 10% threshold within the HMO SPD.

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

45. 16/00047/FUL - 9 Clarendon Road Southsea PO5 2ED (AI 9)

(Councillor Fuller left the room for this application due to his personal and prejudicial interest)

The Assistant Director of Culture and City Development reported in the supplementary matters list that revised Environmental Health comments had been received:

Since completion of the report, the Environmental Health (EH) officer has revisited the site to inspect the revised position of the condenser at the rear of the property and has confirmed that its new position will not cause noise travelling up to the first floor flat. In addition to the matters already raised in the initial Environmental Health consultee response (included within the report) the following additional comments were raised: 'As there was previously residential accommodation above the restaurant I have searched Environmental Health's records and I can confirm that I have not found any noise complaints in relation to the provision of entertainment from former tenants or nearby neighbours. Should complaints of this nature be received this can be dealt with under the Environmental Protection Act 1990. In summary I wish to raise no objections to this application being granted.'

Waste Collection Team comments:

Plans show 2 x 240 litre wheeled bins to be located in alleyway to the rear of the property (one for refuse, one for recycling). However:

* The storage area on the plans for domestic refuse is in a very narrow alleyway, which may obstruct access to and from the property. This could be a particular problem if the alleyway is a fire exit route for the flats and/restaurant.

* Collections are from the front boundary, with resident(s) responsible for taking refuse and recycling through the property to the front boundary on collection day.

* Refuse will be a kerbside black sack collection service at this property. The refuse collection vehicle is not fitted with lifting equipment to empty wheeled bins and wheeled bins are too tall for operatives to manually remove waste, so a 240 litre wheeled bin for refuse is not suitable.

* Recycling is collected from wheeled bins, but a 240 litre wheeled bin is unlikely to fit through the rear and front doorways to the property in order to present them at the front boundary.

* It appears there are a small number of steps up into the rear entrance doorway from the alleyway where the domestic waste storage point is shown on plans. This may present a manual handling risk for resident(s) lifting a full wheeled bin of recycling up into the back of the property.

The waste collection team therefore recommend:

Plans are adjusted to accommodate an internal storage space for domestic refuse and recycling to avoid obstructing the rear access to the property.

The internal waste storage area should be well ventilated, to avoid problems with nuisance odour

Note: Occupiers of both flats will be required to place their waste out at the front boundary of the property (on Clarendon Road) at the required times.

Deputations were heard whose points are summarised:

Mr Ross Lucas-Young, objecting as a local resident whose points included:

- Main objection is to the proposed boxed dormer on the east elevation as these will overlook his property and the other flats. He circulated some photos that illustrated this.
- Other properties who have developments on the east elevation of the roof are flat
- No other objections to the proposal just request that the dormer windows on the east elevation are removed/re-designed.

Mrs Deniz Beck, the applicant's agent made a deputation. She advised that the property was in need of refurbishment and although the dormer window would be obscured glass, they were happy to remove this.

Members' questions

In response to the applicants willingness to remove the dormer window, which would alleviate the objections of neighbouring properties, The Assistant Director of Culture and City Development advised that if members were minded to approve the application, delegated authority could be given to her to amend the application accordingly.

Members' comments

Members' were happy that the applicant was willing to delete the dormer window from the application to alleviate the concerns of the neighbouring properties and were happy to delegate authority to the Assistant Director of Culture and City Development to amend the application.

RESOLVED that delegated authority be given to the Assistant Director of Culture and City Development to grant conditional planning permission subject to the receipt of amended plans deleting the dormer windows on the east elevation.

46. 15/02059/FUL - Land Adjacent Trafalgar Academy London Road Portsmouth PO2 9RJ (AI 8)

The Assistant Director of Culture and City Development reported in the supplementary matters list that there are typographical errors on the first page of the report where 36 car parking spaces should read 43 and the intended size of the UTC is for 600 pupils. The comments in the final paragraph on page 35 of the agenda should make reference to 43 spaces being provided to serve the proposed UTC. The list of approved drawings set out in Condition 2 does not include a drawing showing details of sections to London Road and the boundary of the site.

The applicant has submitted a parking survey which demonstrates that there is capacity for on-street parking in surrounding roads during the day. This is accepted, however the Highway Authority have maintained their request that a financial contribution sought to fund a controlled parking scheme if that is found to be required in the future.

The Assistant Director of Culture and City Development introduced Peter Hayward from the Highway Authority who was present to advise the committee on highway issues relating to the application.

Deputations were then heard, whose points are summarised:

Terry Halloran, on behalf of the Portsmouth Society whose points included:

- Very supportive of project however the design is not up to standards.
- Floor level should be raised to 3.65m.
- BREEAM assessment of the development does not meet requirements.
- Footprint encroaches onto green space.

Tom Lamshead the agent for the application, whose points included:

- The UTC will be a vital link between education and the employment market.
- The site is close to existing education buildings to enable shared teaching and is away from houses.
- Well located in terms of access to the site with good transport links and cycle routes.
- The UTC will strongly discourage students old enough to drive, to travel to the college by other methods.
- A drop off facility will be provided within the site to ensure people do not stop on the gyratory system to drop off students.

- Have worked closely with Sports England to resolve concerns. There will be limited loss of green space.
- Draft conditions include a community use agreement for use of the sports facilities.
- BREEAM score is very good and the design is of high architectural quality.
- Application is in line with Portsmouth Development Plan policy.

Captain Andy Cree, UTC Team Leader representing the project steering group, whose points included:

- The UTC will give the opportunity for a different type of education where students can study for GCSE's and A levels as well as vocational qualifications.
- Will also provide enrichment activities to students including sailing and leadership skills which are important skills employers require.
- Backed by many organisation include the Royal Navy, BAE Systems, Air Marines and others.
- It will be part of a network of the 39 other UTCs. The closest UTC's are currently in Newhaven or Salisbury.
- Data shows that 97% of students leaving a UTC go on to university, apprenticeships or the world of work and they would aim to continue this trend.
- The UTC will Support economic growth and leave a lasting legacy.

Peter Hayward, Highways Officer then provided members with some additional information on the highways and transport assessment of the application. He advised that he established a base case to understand the impact of the proposal. Currently the area is relatively congested at peak times. Trafalgar School is currently only at half capacity but the figures used for the transport model assume the school is at full capacity to develop a transport model. Once the model is complete the anticipated extra traffic from the development is added onto this. It was anticipated that traffic journeys along London Road and Copnor Road northbound would increase by one minute with the UTC in place. For eastbound journeys along Norway Road times would increase by 3 minutes in the morning and five minutes in the evening rush hour which the Highways Officer felt was acceptable.

Highways have no accessibility concerns as the proposal moves access away from the junction. Highways are very comfortable that the applicant is doing as much as they can to encourage parents not to bring their children to the site by car. To limit cars stopping on the gyratory to drop off students, the application includes a drop off/pick up point within the grounds.

Members' questions

Clarification was sought on the proposed number of staff for the UTC and the impact of the additional vehicle movements from the staff. Officers advised that the UTC would have 45 staff and this would create approximately 30 additional vehicle movements a day. The UTC would operate more usual working hours meaning that staff would not all be arriving and leaving at the same time each day. This was taken into account when the highways team were preparing the transport model.

In response to a question about whether a pedestrian crossing could be installed, officers advised that plans to install a crossing were in place and this would be installed in the next year or two.

With regard to the BREEAM pre assessment falling short of 70 that would be required to reach the policy requirement for excellent, officers advised they had discussed this with the applicant who thought they could increase the score from 61.2 to 65 by making some minor tweaks to the application.

Members asked if the sports hall were able to increase from a three court sports hall to four their objection would be removed, officers confirmed this would be the case.

Members' comments

Members were very supportive of the proposal and felt this would be a great benefit to the city. A member suggested that the MP for Portsmouth North be written to and asked to secure money from the government to build a bigger sports hall to conform to the requirements of Sports England. Members of the committee were supportive of this proposal.

Members also agreed that officers should work with the applicant to ensure that the building reaches a BREEAM standard of at least 65.

RESOLVED

- (1) that delegated authority be given to the Assistant Director of Culture and City Development to grant permission subject to referral to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009.**
- (2) That officers write to the MP for Portsmouth North on behalf of the committee to ask her to attempt to secure further investment from the government for a larger sports hall.**

The meeting concluded at 5.45 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray