

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 22 June 2016 at 1pm 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

Frank Jonas (Chair)
Scott Harris (Vice-Chair)
Jennie Brent
Ken Ellcome
Colin Galloway
Lee Hunt
Hugh Mason
Steve Pitt
Gerald Vernon-Jackson CBE

Welcome

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

Guildhall, Fire Procedure

The chair, Councillor Jonas, 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.

56. Apologies (AI 1)

Councillor Chowdhury sent his apologies.

57. Declaration of Members' Interests (AI 2)

Councillor Scott Harris declared a personal interest in item 6 as he knows the applicant and therefore would leave the room for that item.

58. Minutes of the Previous Planning Committee Meeting - 25 May 2016. (AI 3)

RESOLVED that the minutes of the Planning Committee held on 25 May 2016 be agreed as a correct record.

59. Updates on Previous Applications by the Assistant Director of Culture & City Development. (AI 4)

There were no updates by the Assistant Director of Culture & City Development. Councillor Vernon-Jackson suggested a review of previously permitted development. This was agreed by the committee.

60. 15/02010/PAMOD - Request to modify legal agreement attached to planning permission 12/01382/FUL relating to land at 249 Fratton Road. (AI 5)

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

Kate Harris, JCL UK Ltd included the following points in her deputation:

- The company has been investing in rental properties since 2001. 99% of the properties are in Portsmouth.
- She started working there in 2015.
- The value of the site has reduced significantly since it was purchased.
- Several Housing Associations originally offered low prices but then withdrew them.
- When the costs of the development and the affordable housing rents are factored in, the development is no longer viable.

Simon Corp, Agent included the following points in his deputation:

- The building costs have increased since the planning application was submitted.
- Housing Associations will charge 1% less over the next 4 years so cannot offer as much rent.

Members' Questions.

Members sought clarification regarding the timescale that the developers were working in order to sell the land and queried why there was no written evidence regarding the viability of providing affordable housing.

Members were reminded that they were required to consider the viability of the evidence regarding the developers' ability to provide affordable housing that had been assessed by officers.

Members also queried whether the developers approached Portsmouth City Council as a social landlord. Ms Harris replied that they had not been contacted.

Members' Comments.

Members recognised that there was a clear need for affordable housing in the city.

RESOLVED that the request to modify the legal agreement be refused.

- 61. 16/00497/PLAREG - The Parade Tearooms Western Parade Southsea PO5 3JF - retrospective application for change of use of part of building from cafe (class A3) to include external alterations and single storey extensions after removal of existing canopy (amended scheme 15/00380/FUL) (AI 6)**

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

Further extension was withdrawn.

Members' Questions.

There were no questions.

Members' Comments.

Members noted that the loss of public space was counteracted by the benefit to the community, the application fits in with the council's desire to improve the seafront, it is a good use of the space and is a welcome amenity for residents and visitors. Officers were urged to enforce the conditions that were previously imposed on the premises regarding refuse, fumes from the kitchen and noise.

RESOLVED that the application be granted permission subject to the conditions set out in the officer's' report.

62. **16/00223/TPO - Land Surrounding Woodlands Walk St James Hospital Southsea PO4 8GB - within tree preservation order 177 fell Elm (Ulmus) (T188); fell Portuguese Laurel (Prunus Lusitanica) (T190) removal of epicormic growth under 4m to Lime (Tilia X Europaea) (T148A): crown lift branches to 7m to property side of Norway Maple (Acer Platanoides) (T114); fell two Silver Birches (Betula Pendula) (T1 & T2); removal of basal epicormic growth on Silver Birches (Betula Pendula). (AI 7)**

The Assistant Director of Culture & City Development reported in the supplementary matters list that three further representations had been received raising objections that reiterate the points set out in the committee report. The recommendation remained unchanged.

Members were informed of the following amendment to the application regarding T190 Portuguese Laurel: the limb would be felled not the whole tree.

Kimberly Barrett, Keep Milton Green Group included the following points in her deputation:

- She has no objection to the maintenance of the trees nor to the felling of the Elm Tree as it is dead.
- There is no reason to fell the two Silver Birches as they seem very healthy, they do not pose a risk to health and safety, they provide a home to an abundance of wildlife and oxygen for everyone which is particularly important given the poor air quality in the city.
- These trees are the subject of a painting by Edward King which is currently displayed at the City Museum.

Councillor Ben Dowling included the following points in his deputation:

- These trees are part of the Milton landscape and people identify with them.
- Tree wardens and Friends of the Earth do not believe that the trees are diseased.
- There is a discrepancy between the application and the advice given today.
- He would prefer the committee to give conditional permission for most of the application apart from the application to fell the two Silver Birches which should be rejected.

Members' Questions.

In response to questions, the following points were clarified:

- The trees had probably been on that site for between 75 and 100 years.
- No assessment was carried out after the felling of the Horse Chestnut tree to determine whether it was diseased.
- The committee could add conditions if they granted permission.
- The diseased part of the trees could be pruned but this might have to be done regularly if the disease has spread.

Members' Comments.

Members felt that one comprehensive application with the plans for the whole site and all the trees within it would be useful. It was noted that the trees had been Tree Preservation Orders in recognition of their value and that they are useful to birds, bees for food provision and humans for oxygen production. It was also noted that diseased trees need to be felled.

RESOLVED that the application be granted permission subject to an amendment to conditions 3 & 5 to require replacement tree species to be Silver Birch. Conditions 8 & 9 to be substituted (with renumbering of others).

63. **16/00613/TPO - Land Adjacent to Langstone Campus Playing Field West of Furze Land Southsea - within tree preservation order 215: fell of Lombardy Poplar (*Populus Nigra Italica*) (T11); crown and height reduction to leave height of 15m of Lombardy Poplar (*Populus Nigra Italica*) (T20) (AI 8)**

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

Andrew Knight, Arboricultural Officer explained how the soundness of the Lombardy Poplar tree (T11) was measured using tomography. The results indicated that less than one third is sound.

Members' Questions.

In response to questions from members, the following points were clarified:

- A Hornbeam or Lime was recommended as a replacement because it is a similar, upright native tree in keeping with the other species in the area.
- It would be the landowners decision as to what tree would replace T11 and whether its felling could be delayed whilst another tree is established there.
- The decay seems to be in the tree rather than the soil.

Members' Comments.

There were no comments from members.

RESOLVED that the application be granted permission subject to the conditions set out in the officer's report.

64. **16/00576/FUL - 43 Rivers Street, Southsea PO5 4PL - change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house). (AI 9)**

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

Kevin Taylor included the following points in his deputation:

- He has lived in his property for 33 years.
- The granting of this application would mean that he lives between two HMOs.
- He has had numerous issues with the tenants at number 47 including loud music late at night, a smoke detector beeping continuously for a month.
- The walls are very thin in these houses. At the moment he is regularly woken by one of the tenant's loud alarm clock.
- A for let sign has been permanently outside the house for three years.
- If this application is granted, he would sell his home.

Members' Questions.

Members sought clarity regarding the process for counting the number of HMOs in the area and were informed that there were six HMOs within a 50m radius of the property. They were also told that the applicant could use all rooms in the property if they so wished.

Members' Comments.

Members expressed sympathy for Mr Taylor but acknowledged that the council's policy was clear regarding the permitted number of HMOs in the area.

RESOLVED that the application be granted permission subject to the conditions set out in the officer's report.

- 65. 16/00674/FUL - 2 Foster Road, Portsmouth PO1 4HS - change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house). (AI 10)**

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

Members' Questions.

Some members felt that the process for counting HMOs within a 50m radius of the premises was inconsistently applied particularly where the boundary includes only part of a building.

Councillor Vernon-Jackson expressed concern regarding the decision on the previous application as he felt that the officers' advice had been inconsistent.

In response to further questions, the following points were clarified:

- The decision for the previous application cannot be reviewed unless by a judicial review.
- Whether the building that is partly within the 50m radius is included or not, the total number of HMOs in that area would not exceed 10%.

Members' Comments.

It was noted that every application should be determined on its own merits and that it is important that every effort is made to ensue all the HMOs are identified.

RESOLVED that the application be granted permission subject to the conditions set out in the officer's report.

- 66. 16/00775/FUL - 289 Milton Road, Portsmouth PO4 8PG - change of use from residential dwelling (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house). (AI 11)**

The Assistant Director of Culture & City Development introduced the report. The following information was contained in the Supplementary Matters report which was brought to the attention of members: A further letter of objection had been received from a property in Locksway Road but raised no additional issues to those already included within the committee report.

Councillor Ben Dowling included the following points in the deputation he made on behalf of Mr & Mrs Whitely:

- They have lived in this road since 2003.
- The HMO in the street has caused significant nuisance with months of loud music and regular loud arguments.
- Mrs Whitely suffers from a medical condition which stress exacerbates.
- The development of Milton Campus led to parking problems in neighbouring roads.
- Some properties have more than five vehicles.

- Over the last two years, more traffic and congestion outside home.
- This premises should remain a family home.

Members' Questions.

There were no questions.

Members' Comments.

Councillor Vernon-Jackson asked that this item be deferred as he knows a resident who owns a HMO near to the premises which is not shown in the officer's report.

RESOLVED that the application be deferred.

67. 16/00650/HOU - 40 St Ronans Road, Southsea PO4 0PT - construction of part 2/ part single storey side extension and single storey rear extension. (AI 12)

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

Members' Questions.

In response to a question, the officers explained that this application had been brought to committee because the applicant is a council officer and that condition 3 requires the applicant to use matching materials.

Members' Comments.

There were no comments.

RESOLVED that the application be granted permission subject to the conditions set out in the officer's report.

68. 16/00575/FUL - 16 Victoria Road South, Southsea PO5 2BZ - construction of first floor rear extension and modifications to existing ground floor extension, new french windows and "Juliet" balconies to first and second floor front and rear elevations and photo-voltaic panels on main flat roof (AI 13)

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

John Pike, agent included the following points in his deputation:

- A considerable effort and investment has been in this property which comprises 13 letting rooms.
- There is a 70% occupancy rate.
- The modest extension will enable the smallest room to be used as a family room.
- Some of the objections are not relevant for example those regarding noise, smell and disturbance.
- One staircase has been moved and this has given the neighbour a better outlook.
- These modifications would enhance the area.

Members' Questions.

In response to questions, the following points were clarified:

- The committee cannot make a split decision.
- The existing extension is 2.4m from the boundary.
- The current situation would not normally be permitted.
- The extension would have a slight impact on the view from the two windows and one other a bit less.

- The parapet wall are decorative and would be lowered. That is not used as a seating area.
- The kitchen can be treated as a habitable room as there is a table and chairs there.
- From the top of the extension to the boundary is 3.5m

Members' Comments.

There were no comments.

RESOLVED that the application be refused for the following reason:

In the opinion of the Local Planning Authority, the proposed first floor extension would, by reason of its scale and siting, result in a neighbourly increased sense of enclosure and loss of light and outlook to the detriment of the living conditions of the occupiers of Empire House. Furthermore the unsympathetic appearance of the proposed first floor extension would fail to preserve the character or appearance of 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

The meeting concluded at 4.05pm.

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Signed by the Chair of the meeting
Councillor Frank Jonas