

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 5 April 2017 at 1.00 pm in the Conference Room A - Civic Offices

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

Present

Councillors Frank Jonas (Chair)
 Jennie Brent
 Ken Ellcome
 Colin Galloway
 Suzy Horton
 Lee Hunt
 Hugh Mason
 Steve Pitt

Also in attendance

Councillor Simon Boshier

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.

34. Apologies (AI 1)

Apologies for absence had been received from the Vice-Chair Councillor Scott Harris and Councillor Yahiya Chowdhury (and their standing deputies).

35. Declaration of Members' Interests (AI 2)

The following non-pecuniary and non-prejudicial interests were made:

Councillor Ellcome - items relating to 39 Tregaron Avenue and 6 Blake Road were both within his ward but he had not been involved in discussions with his ward colleagues or residents about these.

Councillor Steve Pitt - the report on 103 Manners Road referred to the 3 ward councillors but they would be able to come to an open-minded decision on this application.

Councillor Hugh Mason - was a previous customer of the Florence Public House and the Parade Tearooms.

Councillor Lee Hunt - when he had previously been the Cabinet Member for Culture, Leisure & Sport he had been involved in the initial discussions involving the Parade Tearooms, but he had not been involved since so was keeping an open mind.

Councillor Frank Jonas had also been a customer at the Florence Public House.

36. Minutes of Previous Meeting - 8 March 2017 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 8 March 2017 be agreed as a correct record to be signed by the Chair.

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

There were no updates.

38. 17/00071/FUL - 4 Clarendon Road Southsea PO5 2EE - Change of use from office (Class A2) to restaurant and hot food take away (Class A3/A5) (Report item 1) (AI 5)

The Assistant Director of Culture & City Development's Supplementary Matters list reported the following, which did not change the officer recommendation:

"The objectors (occupying the maisonette directly above the application site) have withdrawn their objection and deputation request on receipt of a letter from the applicant to the objectors which confirms an intention to implement the following measures in the event planning permission is granted:

- 1. The extract flue will be installed as per the drawings submitted within the planning application and terminating at 1 metre above gutter level.*
- 2. Adequate sound proofing to be installed to the ceiling below the living quarters for flat 4B above the shop to mask noise from the shop.*
- 3. An extension of the fire alarm within the building to the patio area to the rear of the property on the first floor, to include an external sounder.*
- 4. Implementation and continuation of a waste management contract with Veolia or Biffa who will manage the collection of waste products from the restaurant.*

Recommended condition 2 requires the development to be carried out in accordance with the Elevational Drawing - Proposed Exterior Extraction Layout (which includes annotation demonstrating the termination of the flue 1m above the gutter height). Condition 5 also relates as it deals with cooking processes. Recommended condition 3 deals with a scheme for insulating the residential use at first floor level against noise from the operation of the A3/A5 use) and recommended condition 7 deals with the storage of refuse/recyclable materials. The issue of the fire alarm is not reasonably and necessarily controlled by a planning condition (it is understood to be a requirement under Building Regulations and Fire Brigade legislation that any dual use of a building has to have a 'sounder' upstairs in the event the alarm is triggered downstairs to act as an early warning)."

A deputation made by Mr Clarke, the applicant in support of his application, whose points included:

- He had experience as owner of a similar business
- He wished to improve the look of the building
- It was a high quality offer specialising in seafood
- He was mindful of the neighbours and had spoken to the tenant above to agree terms
- This would bring employment to the area and help revitalise the retail centre

Members Questions

Members asked questions relating to sound insulation and the size of the silencer, and whether odour control could be improved via imposing a condition.

Richard Lee, Environmental Health, confirmed that a condition could ensure that a suitable system could be installed regarding odour control. He said that there was no information provided regarding the noise of the equipment and they had specified a criteria to be met. The applicant was allowed to clarify that the soundproofing was being addressed and the extract system would be a fan mounted inside the premises on shock absorbers. He also commented on the height of the flue up to ridge level could be more effective (but more visually obtrusive) although the proposed systems should be adequate, and that maintenance of the system was essential for odour control.

Further questions were raised regarding the adequacy of parking and use of the loading bays. Steven Flynn, the Traffic Network Engineer, commented on the provision of park parking in the area including Pay & Display at Ashby Place and commented that if there were problems associated with parking near the takeaway and encroaching the bus stop enforcement would be considered, and an objection on the basis of assumed parking behaviour could not be sustained.

Members' comments

Members were mindful of the balance between use of empty shops and the residential amenity of the area which should be protected, and would therefore wish to see amended conditions relating to the flue with the technical details to be to the satisfaction of the Environmental Health Officer. The use would also bring employment to the area.

RESOLVED that authority be delegated to the Assistant Director of Culture and City Development to grant conditional permission subject to conditions 2 & 5 being amended.

39. 17/00129/HOU - 39 Tregaron Avenue Portsmouth PO6 2NE - Construction of single storey rear extension and two storey side and rear extension (Report item 2) (AI 6)

A deputation was made by Ms Chiu, objecting as the adjacent neighbour, whose points included:

- Photographs were circulated to help illustrate her points

- The character of the semi-detached houses in this road in an area of low density would be changed
- The double storey extension would reduce sunlight to her property and create overshadowing and the close proximity of the side extension would create a sense of enclosure and reduce light to her kitchen
- Her garden and environment would be affected

Members' questions

Members' questions included clarification on the varying distances between the properties, and the extent of the impact of the extension on the neighbouring property and garden, whether there was a need for rear access to the applicant's property and if there was a continuity of styles along the road?

Members' comments

The application was in keeping with the symmetry of the streetscene and rooflines and whilst members were sympathetic to the objector they did not believe that there were sustainable planning reasons to refuse the application.

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

40. 16/00824/HOU - 6 Blake Road, Portsmouth PO6 1ET - Construction of raised patio and balustrading to rear of dwelling including installation of privacy screening to the eastern boundary (Report item 3) (AI 7)

Comments received from Mrs Carter, the objector, were attached to the circulated Supplementary Matters list, which she read out as part of her deputation, whose points included:

- The encroachment caused by her neighbour's unauthorised patio built in 2012 on her own property (especially rooms to the rear) and garden and her loss of privacy
- The close proximity (less than 3 inches) of the raised wall to her kitchen window and the inaccessibility to her own extension for maintenance
- The fencing had no gaps and so there was loss of light to her garden and property
- She should not be expected to prune the screening shrubs
- This was all affecting her wellbeing

The applicant's agent Mr McDermott then spoke in support of the application, whose points included:

- The applicant recognised that the original patio had been built to an unacceptable design and this application sought to remedy the harm
- The gradient of the garden meant that a stepped approach was needed
- There had been close work with the planning officers to discuss the revised application to seek to avoid bulk and massing
- This was set off the boundary and the plants were intended to soften the effect
- The best outcome had been sought

Councillor Simon Boshier then spoke as a ward councillor to object to the application and to support Mrs Carter due to the impact on her property. His points included:

- The height of the neighbour's patio was over head level
- There had previously been an unlawful construction
- The wooden screen and plants were not acceptable and were unneighbourly and overbearing
- the reduced height still made little difference with the applicant only making slight modifications which would avoid enforcement

Members' Questions

Members asked about the design, if there could be a level patio rather than stepping, what enforcement action had been taken and what revisions had been required, whether the plants were suitable.

Members' Comments

Whilst officers had sought a resolution the members did not feel that this had been achieved to the satisfaction of the neighbouring property and felt that the patio should be lowered as it was unneighbourly and too close to the boundary.

RESOLVED that permission be refused on the following grounds:

In the opinion of the Local Planning Authority, the proposed raised patio would, by reason of its excessive size, scale, height and means of enclosure/screening, have an overbearing and unneighbourly relationship with the adjoining property to the east (No.8 Blake Road) and would give rise to an unacceptable loss of privacy and increased sense of overlooking to the detriment of the residential amenities of the occupiers of the adjoining property. The proposal is therefore contrary to policy PCS23 (Design and Conservation) of the Portsmouth Plan.

- 41. 17/00178/FUL - 103 Manners Road, Southsea PO4 0BD - Change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis) (Report item 4) (AI 8)**

There were no deputation requests for this item.

Members' Questions

Members asked about the licensing regime and the Inspector's consideration of communal facilities for 7 individuals, whether the shared lounge was large enough for 7 to share, the facilities and layout of the kitchen, and if there building could accommodate more toilet and shower facilities.

Members' Comments

The layout was seen as cramped for a densely populated area and members were also mindful of the Inspector's view on the HMO applications. They were however concerned by the lack of amenities for the occupiers and felt a better application could be sought with more generous shared accommodation.

RESOLVED that a decision be deferred to allow further negotiations with the applicant.

- 42. 17/00215/FUL - The Parade Tearooms, Western Parade Southsea PO5 3JF - Change of use of land from Open Space to Class A3 (cafe/restaurant) associated with existing cafe; construction of raised balcony and planter to the west elevation and landscaping works including construction of raised planters to eastern elevation (Amended Scheme to 16/00654/FUL) (Report item 5) (AI 9)**

The Supplementary Matters list reported on additional representations:

"Further representations have been received from local residents in objection to the proposal reiterating points previously raised and reported. A number of these representations indicated a desire to speak directly to the Planning Committee but highlight that the timing of the meeting and other commitments have prevented them from doing so. A copy of each of these representations was annexed to the Supplementary Matters sheet for reference.

St Jude Ward Member, Councillor David Tompkins has also highlighted that he is unable to attend the meeting today due to other commitments but has registered his support for the Officer's recommendation of refusal."

Deputations were made, whose points are summarised:

- i) Mr A Ritchie, spoke to object as a resident from Western Parade
 - This was against the National Planning Policy Framework
 - Green spaces should be protected for the city for community use and to preserve the local character of the Conservation Area
 - Concern of more noise nuisance
 - Loss of trees and impact on the environment
- ii) Mr D Kendall, also objected as a resident of Western Parade
 - The report reflected the concerns of the residents and the arboricultural officer
 - The original application had stated there would be no outside element
 - The popularity of the café meant that people were travelling from afar
 - The residents were being inconvenienced by noise, deliveries, smells and parking problems and feared creeping development
 - The common was legally for use by everyone without restrictions
- iii) Ms Newberry, spoke to object as a resident of Western Parade
 - She had supported the previous application but the residents had suffered the disturbance of noise, delivery lorries and parking problems
 - Chairs had already been placed on the common
 - The gain of a few planters was not enough to redress the problems being experienced by residents or the loss of trees
- iv) Ms M Cole, spoke in support as a regular customer

- The café was growing in popularity and was a good quality offer, serving local residents and visitors to the area, so gave more choice
 - It was a well-run local family enterprise offering employment
- v) Mrs Passmore spoke in support, as a local resident
- She was also a regular customer who lived in Western Parade who welcomed the original conversion of the disused sub-station which had reduced crime in the area which now felt safer
 - They provided a good quality produce and the extension would further enhance the facility by allowing outside eating, and was a good alternative to pubs
 - There would be a replacement tree and planters to improve the area with minimal encroachment on open space
 - Sporting activities were not allowed and could be enforced against
 - This brought employment to the area as well as providing work experience
 - There were other local examples of facilities in sensitive areas such as the Coffee Cup on the beach and the ARTches

(A letter was to be read from Ms B White who could not attend however the Chair explained that Mrs Passmore had exceeded the allotted time limit)

- vi) Mr M Hogan, spoke in support of his application as the owner
- He passed round a petition of support of the public benefit of the application by 2510 customers, most of whom were from the local Southsea area
 - The loss of open space was minimal
 - The business had been trading successfully for 18 months and outside eating would make it more attractive and would be able to be used by dog-walkers
 - There were local community benefit of using the previously derelict building which enhanced the seafront area and created jobs
- vii) Mr T Ponsford then spoke as the applicant's agent in support
- The applicant's own arboricultural expert had provided a response to the concerns raised in the officer's report regarding the oaks which should not be detrimentally affected and the loss of the tree which was not of great quality and a mature tree would replace it to enhance the amenity
 - The new structures could be easily removed when required and this was a good quality design of a pavilion type balcony
 - It was in keeping with the Seafront Plan which encourages tourism

Members' Questions

In response to the contrary view of the applicant's own report Mr Knight, PCC's Arboricultural Officer was asked to give his opinion on the life expectancy of the holm oaks which he stated was 40+ more years and that the planters may be to the detriment to the vitality of them. Mr Knight highlighted that his comments which were circulated by the applicant had been taken out of context and dates had been omitted.

The kitchen operations were also examined and the alleged opening of the doors to reduce heat which caused odours to escape; Richard Lee, Environmental Health, stated that the doors should not be kept open as there should be adequate extraction systems. The layout showing entrances/fire exits was clarified.

It was queried how the application compromised policy PCS23 - impact on a heritage area. The height of the raised decking area was at 0.4m above the common, which may attract vermin. It was also asked how this linked to the Seafront Strategy; the Assistant Director of Culture & City Development stated that it was a balance between promoting tourism and protecting the integrity of the common for the use and wellbeing of residents and visitors. The status of the Grade II listing of the common was also examined.

Members' Comments

Members were concerned as to how this fitted in with the Seafront Strategy as this was a sensitive site and the consultation did not include comments from the Seafront Manager. They wish the tree to remain and were concerned by the raised decking. There were conflicting pressures as whilst they would wish to support a successful local business this needed to be balanced by the resulting impact on the residents' amenity with pressure on parking and increased noise. It had previously been stated that there would not be further encroachment on the common and there was the wish to protect the trees and the planters would also have an impact on the trees. Whilst a deferral to find a compromise was mooted it was not felt that this would achieve an outcome that would be to the satisfaction of residents and it was the responsibility of the committee to determine this application.

RESOLVED that permission be refused for the reasons outlined in the Assistant Director of Culture & City Development's report.

43. 16/02104/PLAREG - Public House 18 - 20 Florence Road, Southsea PO5 2NE - Retrospective application for the construction of a single storey rear extension, installation of external ducting, fan and extraction units and installation of roof lanterns (Amended Scheme to 16/00424/PLAREG) (Report item 6) (AI 10)

This item was referred to committee at the request of a neighbour who was unable to attend.

A deputation was made by Mr D Sutton, the applicant, in support of his application, whose points included:

- This was a well-established, quality business, the expanding from the only boutique hotel in the city to 7
- It had been a major investment to save a pub in danger of closing via a long term lease and making it an extension of the hotel business which would be suitable for families and corporate guests
- Part of the investment was ensuring the kitchen is compliant with modern day standards, including the extraction flue, and when this was installed he was aware that it was not acceptable so had set about to find a solution

Members' Questions

The route and alignment of the flue was examined to see where it would be least visually obtrusive, as well as the opening of the roof lights.

Richard Lee, Environmental Health, commented on the technical solution which had an associated expense and the changing of the opening configuration to help minimise noise to nearby residents in St.Catherine's Road. He also explained that screening of the flue would make it more bulky therefore a dark colour had been suggested. The involvement of Environmental Health regarding the technical solutions was raised and it was confirmed that these officers were not involved in advising on design but had responded to complaints and the noise abatement notice issues. However the Planning officer had been involved in pre-application discussions to try to overcome the issues of noise and odour control.

Members' Comments

Members were mindful of the attempts to minimise the previous complaints regarding the flue to enable the business to operate.

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

44. 17/00025/HOU - 14 Armory Lane, Portsmouth PO1 2PE - Construction of replacement garden wall (after demolition of existing) (Report item 7) (AI 11)

This application had been referred to the committee by Cllr Rob Wood. There were no deputations.

Members' questions

It was asked if the legal covenant issue should be considered: it was confirmed that this was not a planning consideration. It was asked whose responsibility it was to maintain this land; it was believed that this was down to the management committee.

Members' comments

Members were disappointed that the reasons for referring this application to committee had not been explained by the ward councillor.

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

The meeting concluded at 5.32 pm.

Signed by the Chair of the meeting
Councillor Frank Jonas