

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 28 June 2017 at 1pm in the Executive Meeting Room - The Guildhall

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

Present

Councillors Jim Fleming (Chair)
Frank Jonas BEM (Vice-Chair)
Jennie Brent
David Fuller
Colin Galloway
Steve Hastings
Hugh Mason
Robert New
Steve Pitt
Darren Sanders

Welcome

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

Guildhall, Fire Procedure

The chair, Councillor Fleming, 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.

75. Apologies (AI 1)

Councillor Lee Hunt sent his apologies; Councillor Darren Sanders deputised for him.

76. Declaration of Members' Interests (AI 2)

Item 9: Councillor Hugh Mason declared a prejudicial interest: he would be making a deputation.

Item 10: Councillor Steve Hastings declared a non prejudicial interest: as ward Councillor he dealt with a number of matters regarding the applicant.

Councillor Darren Sanders declared a prejudicial interest: he would be making a deputation.

77. Minutes of the Previous Meeting. (AI 3)

The Chair informed the committee that the minutes of the previous meeting were not available and would therefore be considered at the next meeting.

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

There were no updates on previous planning applications.

79. 16/01438/FUL Access road to Qinetiq site land west of Fort Cumberland, Fort Cumberland Road (AI 5)

The planning officer introduced the report.

Deputations were then heard and their points were summarised.

Mr Rod Baily included the following points in his deputation:

- The application does not comply with the Portsmouth Plan.
- It is inconsistent with the Seafront Strategy.
- It would harm the site of special interest that is adjacent.
- Fraser Range was built as a temporary measure so it could be removed by the council.

Dr Nigel Scarlett included the following points in his deputation:

- Although the application had not been widely publicised in the area, 60 residents had objected to it.
- It is an inappropriate scheme.
- The city has met the housing target.
- There is not much green space in the city especially near the sea.
- There is no justification for a stand-alone wide road which leads to nowhere.

Councillor Matthew Winnington included the following points in his deputation:

- He supported what had already been said.
- There were many reasons to refuse the application.
- The road will not enable any development.
- As it's not leading anywhere, there is no need for a cycle route.
- The applicant did not get the County Archaeology Advisor in to look at it.

Councillor Luke Stubbs included the following points in his deputation:

- He agreed with all that had been said.
- The development would lead to a loss of protected space
- The application was premature.
- This would not function as a road.
- A similar case in Maidstone was refused.

Members' Questions

In response to questions, the following matters were clarified:

- Fort Cumberland Road is not adopted.
- The junction design would be worked through as part of a larger development if an application is submitted.
- Licensing and planning are separate issues.

Members' Comments

Members raised concern that the road led nowhere and it would lead to a loss of protected space. It was felt that this application had wasted officers' and members' time.

RESOLVED that the application be refused for the following reasons:

- 1) **The proposed access road would form an integral part of a wider project including the potential residential redevelopment of adjoining Fraser Range. The proposal is not accompanied by all of the necessary information to assess the potential environmental impact of the project as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the absence of a full and complete proposal with all of the necessary supporting information, the consideration of the access road alone would not form a sustainable approach to development in the locality contrary to paragraphs 118 and 119 of the National Planning Policy Framework and to the Conservation of Habitats and Species Regulations (as amended).**
- 2) **The proposed development would lead to the permanent loss of 0.15 hectares of protected open space which, in the absence of demonstrable wider public benefit from the development, would harm the green infrastructure network in the city contrary to the provisions of PCS13 of the Portsmouth Plan.**
- 3) **Insufficient information is provided in respect of either the scale and nature of the development which the proposed road is to serve or the broader impact of that to establish whether or not it would be sufficient to provide safe and suitable access to the site by all people or if improvements can be undertaken within the transport network to effectively mitigate the significant impacts of the development as is required at paragraph 32 of the NPPF, by PSC16 and PCS17.**

80. 17/00265/FUL - 50 Hudson Road, Southsea PO5 1HD. (AI 6)

The planning officer introduced the report and reported in the supplementary matters list that the applicant had submitted and signed the s111 forms in relation to the Solent Special Protection Areas and had paid the required contribution of £181. The decision recommendation was changed to: Conditional Permission.

Deputations were then heard and the points they raised are summarised:

Ms Hazel Taylor included the following points in her deputation:

- Communities are being let down by the SPD20 which aims to ensure they are balanced and sustainable. If this application were to be granted 55 of the 79 properties in this road would be HMOs.
- Since the legislation changed in 2011 there have been many applications.

Dr Willoughby included the following points in his deputation:

- He spoke on behalf of St Thomas Residents' Forum.
- There would be 330 HMO bedrooms in this road which is equivalent to university halls of residence.
- Not all HMOs are on the database.
- Three brothers lived at the property prior to 2016. Letting to a family changes a property's status to C3.
- The tenancy agreements are incomplete. The applicant only owned the house from 2016. There is therefore no reason to conclude that it is a C4 property.

Mr McDermott included the following points in his deputation:

- The policy on HMOs is very clear.
- The inspector's judgement is set out in report.
- The quality of living environment is acceptable.

- The property's status is C4 class not C3.
- HMOs are much needed for students and workers.

Members' Questions.

In response to questions, the following matters were clarified:

- In determining a property's class, the officer establishes the facts from searching the internet and considering the information provided by the applicant. Substantial weight is given to the applicant's statement.
- The tenancy record is broken in some places.
- It is for members to decide if they have enough evidence to be confident that this property is a C4.

Members' Comments.

Members expressed concern that there is insufficient information to determine the status of the property.

RESOLVED that the decision be deferred in order that further information can be gathered regarding the current status of the property.

81. 17/00289/FUL - 18 Bath Road, Southsea PO4 0HT. (AI 7)

The City Development Manager informed the committee that the objection had been withdrawn.

RESOLVED that the application be deferred to officers to use their delegated powers to determine this application.

82. 17/00390/FUL - 50 Waverley Road, Southsea PO5 2PP. (AI 8)

The planning officer presented the report.

Deputations were then heard and the points are summarised:

Mr Chris Broyd, agent for the applicant included the following points in his deputation:

- The property is already a C4 and has had a licence since 2010.
- He has added a seventh bedroom and brought the property up to a very high standard with many fire safety measures.
- All aspects of comfort and fire safety have been observed.

Members' Questions.

As bicycles are currently stored to the side of the property and in the garden there is no need to instruct them to install further storage.

Members' Comments.

Members felt that this property is of a good standard.

RESOLVED that the application be granted subject to the conditions set out in the officers' report.

83. 17/00408/FUL - 6 Western Terrace, Portsmouth PO2 8JX. (AI 9)

The planning officer presented the report.

Deputations were then heard and the points summarised.

Mr Chris Broyd, the agent for the applicant included the following points in his deputation:

- The standard of the property is exceptional. The aim is to provide quality accommodation for professionals on a low wage.
- The features include fire safety doors, hard wired smoke detectors and anti-slip floors.

Members' Questions

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

The licensing standard size for bedrooms size is 6.5m². One bedroom is 6m² but overall there is an acceptable standard of accommodation.

Members' Comments.

Members were pleased with the standard of the property especially the fire measures but were disappointed that there were only two showers provided for seven bedrooms

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

84. 17/00435/FUL - 7 Montgomerie Road, Southsea PO5 1EB. (AI 10)

The planning officer introduced the report.

Deputations were then heard and the points raised were summarised.

Ms Hazel Taylor on behalf of the residents' forum included the following points in her deputation:

- She has no criticism of the standard of this proposed development.
- There are already 41 authorised HMOs in this road. A sui generis can house up to 15 people. The situation is out of control. Granting this application would put more pressure on the amenities and lead to more rubbish, cars and noise.
- The SPD was meant to have been changed last year.
- The original features are being removed from a big property.

Dr Martin Willoughby included the following points in his deputation:

- If this application is granted, 54% of properties would be C4 HMOs. The community would be unsustainable and unbalanced.
- The SP20 is not fit for purpose and does not protect our city.
- Converting modest houses into mini halls of residence is destroying communities.
- A photograph of one of bathrooms in the planning officer's presentation shows that the toilet is too close to the shower.
- Members resolved to revisit the HMO policy but no action has been taken yet.

Mr Abhai Pandya, the applicant included the following points in his deputation:

- The development is sustainable and improved the property considerably.
- He employed all local people.
- He had provided tenancy records since 2009.
- He had discussed the plans with the neighbours and they did not object.

Members' Questions.

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

- The draft SPD will be considered by the Cabinet Member for Planning, Regeneration and Development in September. Officers will ask for permission for it to go out for consultation.
- The bedrooms are of adequate size.
- The number of HMOs already in the area is not a consideration in determining this application because the property is deemed likely to have had a lawful use as a C4.
- Mr Pandya clarified that there are five showers.

Members' Comments.

Members felt that the accommodation was of a good standard and that according to the council's policies the application is acceptable.

RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.

85. 17/00576/PLAREG - 24 St Thomas's Street, Portsmouth PO1 2EZ. (AI 11)

The planning officer presented the report.

Deputations were then heard and the points raised were summarised:

Mr Richard Prentice, the applicant included the following points in his deputation:

- The porch would not cause a loss of light to his neighbours because it is more than 9m away from the dwelling and due south of no.21; there is therefore no shadow. The tree in their courtyard creates shadow.
- It has no impact on the character of the area because it does not obstruct the view of the heritage assets. Work has been suspended pending the outcome of this hearing. If approval is granted, the support will be darkened to match the tiles and staircase.
- The design of his porch is more sympathetic.
- This porch is lower than the original which was functionally inadequate; it leaked, swelled, stuck and sagged.

Members' Questions

There were no questions.

Members' Comments

Members thanked the applicant for this porch which enhanced the appearance of the local area.

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

86. 17/00647/HOU - 20 Stanley Avenue, Portsmouth PO3 6PN. (AI 12)

The planning officer introduced the report.

Deputations were then heard and the points raised are summarised below:

Mr Rodney Griffin included the following points in his deputation:

- The distance between his property and the garage is 8.5m not 10.5m.
- He would receive less sunlight most of the year.
- The applicant is not resident at the property. His tenants do not have access to the garage. It is used to store timber and build components.
- With the position of the pillar the door would be similar in size to his garage door (6 foot). To access it the applicant would have to drive down the lane. This would cause a health and safety risk to the children, cyclists and dog walkers who use it.
- He works from home. The noise from the garage would be a nuisance.
- It is taller than stated in the report.

Mr Ian Donohue, the agent for the applicant included the following points in his deputation:

- To minimise the impact on the neighbour, there are no windows in the north elevation and low level window in the south elevation.
- The applicant will move back into the property and therefore an office is required. He has no intention to run a business from there. This development would enable him to work from home which is in line with the aim of policy C2 to encourage sustainable communities.
- It would not be used as a workshop.

Members' Questions.

In response to questions the following matters were clarified:

- Number 3 of the recommended conditions would enable to council to establish how it is used.
- Any complaints regarding noise could be dealt with by the Environmental Health Service.
- According to the plans, the structure would be approximately 5m high.
- The plans would have to comply with building regulations.

Members' Comments

Members noted that if the garage was used for any other activity, the council could take action.

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

87. 17/00724/HOU - 52 Chelsea Road, Southsea PO5 1NJ (AI 13)

The planning officer introduced the report.

Deputations were then heard and the points raised are summarised:

Mrs K Thatcher included the following points in her deputation:

- This extension is larger than the previous one; it is 5.43m long and 2.9m high

- The applicant informed her that he needed to remove her boundary wall. As she consequently found out that it was a joint wall, she did not challenge it. There is no wall now just the extension wall.
- He told her he did not need planning permission. She queried this with the planning office.
- The extension is overbearing and she feels enclosed.
- The view from the window has gone.
- She invited the committee to visit and see the impact for themselves.

Ms Flora Furtado included the following points in her deputation:

- The extension dominates the surroundings and she feels very enclosed.
- It is a brutal design and resembles a concrete cube.
- It is an invasion of her privacy because she can see inside it and vice versa.
- The design not in keeping with the rest of the properties.

Mr Alex Shute, the applicant included the following points in his deputation:

- The extension replaced the lean-to conservatory that was there when he moved in.
- Partly through the development, it was discovered that the north front wall needed to be rebuilt because it was of poor quality. Unfortunately the removal of wall brought the start point back to the front of the back wall of the house and needed planning permission. He had not been aware of this until planning officers contacted him.
- The planning officer states in the report that the extension is not necessarily overbearing.
- Number 56 has a two storey and a single extension.
- There is 5m between window and boundary wall and a further 5m on the other side.

Councillor Hugh Mason included the following points in his deputation:

- This is a retrospective application by a professional architect which indicates that the applicant hoped the committee would not require any changes once it had been built.
- The small conservatory is now a full extension. The roof may be used as a sitting area.
- To the south a blank wall presents to no. 50.
- To the north two windows overlooks the neighbour's kitchen.
- This major development is not in keeping with buildings in the area.

Members' Questions

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

- The extension is 2.5m high, 5.5m deep and 3.5m wide.
- Overlooking already exists.
- The neighbours could put in boundary treatment. A condition is not necessary.
- The removal of the existing garden wall along the boundary line is a building control issue.

Members' Comments.

Members expressed sympathy for Mrs Thatcher suddenly facing a big blank wall. However, they were mindful that a development does not necessarily have to enhance a conservation area.

They were also surprised that the architect had not known that the amended development would need planning permission.

RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.

88. 17/00796/HOU - 102 Tangier Road, Portsmouth PO3 6PG (AI 14)

The planning officer introduced the report.

Deputations were then heard and the points raised are summarised below.

Mr Miller included the following points in his deputation:

- He has lived there since 2000 and has a growing family.
- The inspector had no concerns with the current extension in terms of design and materials. This new application is smaller.
- His partner and three children have moved out temporarily because of the upheaval. His mother has Parkinson's and cancer. He is under considerable strain due to having to split his time between three locations.
- There have been no complaints or new objections.

Councillor Lynne Stagg included the following points in her deputation:

- She asked the committee to impose a condition if it were minded to agree the application.
- Mr Miller built the extension without planning permission and then ignored instructions to remove it by the council's and the court. The matter was recently taken back to court and Mr Miller was ordered to remove it by 3 July.
- The fact that he has submitted an application for a smaller design showed that he had had no intention of obeying the order.
- He had blocked access road to the nearby row of garages. He had expanded his own garage and damaged the roof by putting things on top.

Councillor Darren Sanders included the following points in his deputation:

- He asked the panel to note the officer's comments in the report regarding the detrimental impact on no.100 'the outlook would be significantly impaired by the addition of an adjoining first-floor extension at No. 102.'
- He asked the committee to reject the application as it is incongruous and unsympathetic. However, if the application were to be agreed, he asked that a condition be imposed to show that the committee censured Mr Miller's behaviour.

Members' Questions.

In response to questions the following matters were clarified:

- It would not be appropriate to impose a condition relating to activity that may be dealt with elsewhere. There must be a good reason for adding conditions and they must relate directly to this site.

- The previous application for an extension had been refused because of its scale and bulk together with the ground floor extension. This application is half the depth of the original one.
- It cannot be assumed that an application for an extension would be approved simply because there is one next door.
- The court order for the removal of the extension is a separate procedure and granting this new application would not impact the order.
- The committee can impose a condition requiring the development to begin within a shorter time than that recommended on the officers' report.
- The application must be decided on its merits.

Members' Comments

Members commented that it was a shame that the application had not been submitted earlier and therefore the court hearings would not have been required. A condition requiring the development to be completed within six months would send a message to the applicant that this is to be implemented and resolved soon.

RESOLVED that conditional permission be granted as set out in the City Development Managers' report with amendment to Condition 1 to read 'The development hereby permitted shall be begun before the expiration of 6 months from the date of this planning permission'.

The meeting concluded at 4:45pm.

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 Signed by the Chair of the meeting
 Councillor Jim Fleming