

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 November 2013 at 2.00 pm at the Council Chamber - The Guildhall

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

### **Present**

Councillors David Fuller (Chair)  
Les Stevens (Vice-Chair)  
Ken Ellcome  
John Ferrett  
Margaret Foster  
Frank Jonas  
Hugh Mason (Standing Deputy) (In place of Jacqui Hancock)  
Darron Phillips  
Sandra Stockdale

### **Welcome**

The chair welcomed members of the public and students from the University of Portsmouth to the meeting.

### **Guildhall, Fire Procedure**

The chair, Councillor Hunt, 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)**

These had been received from Councillor Jacqui Hancock who was represented by Councillor Hugh Mason as a standing deputy.

Councillor Margaret Foster had apologised that she would be arriving late.

Councillor Ellcome reported that Councillor Rob New had resigned as a member of the committee that day and so a standing deputy was not able to be invited. Councillor Fuller as chair wished to thank Councillor New for his previous participation at the committee and for speaking on behalf of residents.

### **123. Declaration of Members' Interests (AI 2)**

Councillor Ken Ellcome wished to stress that whilst the two large applications for retirement accommodation were within his ward he had not been involved in the campaigning or meetings and would base his decision on the information before him at the meeting. This was neither a personal nor pecuniary interest. Likewise

Councillors Stevens and Stockdale had ward items before them which were not declarable interests.

In response to comments by Councillor Wemyss, Councillor Mason stressed that he was aware of the employment of his group colleagues and was not influenced by this and there was not a declarable interest for items requiring decision at the meeting.

Councillor David Fuller however did have a pecuniary interest in the planning application report item No 3 regarding 93 Havant Road in that worked next door running a residential care home and therefore would leave the chamber and not take any part in this discussion.

The legal adviser reported that at the previous meeting she had given Councillor Wood advice regarding his declared interest and she wished to update this that current guidance was that councillors must leave the room and play no part in any of the debate thereby councillors now lost their individual rights on such items as this was deemed to be in the public interest.

**124. Minutes of the Planning Committee meeting held on 9 October 2013 (AI 3)**

**RESOLVED that the minutes of the Planning Committee meeting held on 9 October 2013 be agreed as a correct record and signed by the chair.**

**125. Updates provided by the City Development Manager on previous planning applications (AI 4)**

There were no updates at this meeting.

**126. Planning appeal decision at Goose on the V & A, Albert Road, Southsea (AI 5)**

**RESOLVED that the report by the City Development Manager be noted.**

**127. Enforcement appeal decision relating to Cosmopolitan House, Cecil Place, Southsea (AI 6)**

**RESOLVED that the report by the City Development Manager be noted.**

**128. Enforcement appeal decision relating to 173 Elm Grove, Southsea (AI 7)**

**RESOLVED that the report by the City Development Manager be noted.**

**129. Enforcement appeal decision relating to 129 Albert Road, Southsea (AI 8)**

It was noted that the enforcement decisions had not come to committee.

**RESOLVED that the report by the City Development Manager be noted.**

**130. Planning appeal quarterly update (AI 9)**

**RESOLVED that the report by the City Development Manager be noted.**

## **Planning Applications (AI 10)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The chair changed the order of business so that the running order for applications was items 1, 4, 2 then 3.

### **131. 13/01070/HOU - 23 Bryher Island, Port Solent, Portsmouth - Construction of single storey rear extension (Report Item 1)**

Mr Stanley appeared on behalf of his mother-in-law Mrs Tardif whose objections included:

- There had been no initial notification by the neighbours with any details on how it would affect the boundary.
- The fence has lights and electrics and there would be a need to take down the balcony to carry out the works.
- There would be a loss of light on both the garden and the kitchen of the neighbouring property and it would devalue his mother-in-law's property.

Councillor John Ferrett then appeared as a ward councillor to add his objections on behalf of Mrs Tardif reiterating that there had been a lack of consultation, the impact on her property whilst works were carried out, the different change to her outlook on a harbour setting, the loss of light to the kitchen window as well as the overbearing impact on her garden. Councillor John Ferrett then removed himself from the chamber whilst the item was being discussed by members of the committee.

#### Members' Questions

Members asked questions regarding the protrusion of the fencing and extension, the possible loss of light and the design of the current balconies. The City Development Manager confirmed that the applicants could have a 2m high fence without the need for permission.

#### Members' Comments

Members had visited the site and it was noted that the consultation between neighbours was a matter of good practice but not a legal requirement and planning conditions could not be put on regarding controlling how the works would take place such as access arrangements being required from another property.

**RESOLVED that conditional permission be granted subject to the conditions outlined in the City Development Manager's report.**

### **132. 13/00878/FUL - 7 Cross Street, Southsea - 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 4)**

The City Development Manager's supplementary matters schedule reported additional representation objecting to this application was received on the 06/11/2013. This is based upon the grounds that; a) The proposed use of this property as a HMO would result in additional noise and disturbance for nearby residents. In particular, this comment highlights a recent incident where a refuse bag was thrown into the garden of No.45 Rivers Street; and b) The method used by the City Council in calculating the percentage of HMOs within a 50m radius does not take into account 'vertical' properties, i.e.: high rise flats.

A deputation was heard from Mr Blackwood on behalf of Morecambe Court residents whose objections included:

- Many of the objectors were elderly tenants of the city council who respected the noise levels within their housing.
- 7 Cross Street had been the subject of several incidents of 18-20 young men creating unacceptable noise after 11.00 pm which had been reported to the council, police and university.
- There was also a lot of noise during the day due to construction works in the area and the residents have the right to enjoy their own homes.
- If this was not rejected there would be a need to pursue noise abatement measures.

A deputation was then made by Ms M Cole on behalf of PATCH whose objections included:

- The property had been let as an HMO prior to the application and this two storey property was unsuitable for six unrelated tenants in its layout and size.
- The HMO density calculations had been based on terraced houses and was unfairly weighted on ground floor occupation whereas there were city council tower blocks in the area which had not been adequately reflected in these calculations.
- There was community impact on the residents in Rivers Street and the property was an historic reminder of old Somerstown.

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

- He had purchased the property to let to three students.
- He was aware that since 2002 the property had been let to students and he circulated details from the agents advertising its sale.
- He was a committed landlord and wished to have well behaved students and used an agent to help manage this.

### Members' Questions

Members asked if consideration had been given to the distortion of figures by the HMO calculation a circle encompassing Edgbaston House and the City Development Manager confirmed that officers had given consideration to this in the SPD that flats were included as dwellings. It was also confirmed that the property did not have planning permission for C4 HMO use and it could have been in use prior to the changes in legislation categorising HMOs. It was also asked if the property was

suitable for up to six occupants and view of the City Development Manager was that it was.

### Members' Comments

The ward councillors on the committee were unaware of complaints regarding the use of the HMO.

**RESOLVED that conditional permission be granted subject to the conditions outlined in the City Development Manager's report.**

**133. 13/00386/FUL - 107 Havant Road, Drayton, Portsmouth - construction of part 3- /part 4- storey building comprising 27 sheltered apartments, communal facilities and car parking with access from Carmarthen Avenue (Report Item 2)**

A site visit had been undertaken by members of the committee the previous day. The City Development Manager's supplementary matters report including the following additional information:

In accordance with the recommendation of the Council's legal officer the Recommendation is amended to read as follows;-

"That a conditional permission be given subject to the conditions shown below and any further conditions considered relevant, necessary and reasonable in the opinion of the City Development Manager and also subject to completion of a legal agreement to secure

1. a £130,000 contribution towards offsite affordable accommodation and
2. a review of the viability assessment submitted in support of the application if the development has not reached "shell and core" stage within 18 months
3. with a commensurate uplift in the affordable accommodation in the event that the viability has improved in the intervening 18 months and
4. the appropriate project management fee

and in the event that the agreement is not completed within four months from the date of this resolution, the City Development Manager shall have delegated power to refuse permission if it is reasonable to do so in all the circumstances of the case."

A deputation was made by Mr Tutton objecting to the proposal. His points included:

- The high density of the application in an area with low access to public transport and querying why the views of the sustainable transport officer had not been sought.
- Referring to the urban characterisation study and the petition being submitted for this special characteristic of a residential character to be recognised.

A deputation was made by Mr Doyle who circulated hand-outs (the committee had a short adjournment to read these) whose objections included:

- The strength of local opposition to an application determined by big business.
- The need to look at the urban characterisation study and the petition of 600 signatures going to the city council to seek greater protection of their community.
- There was already a large number of retirement/residential homes in the immediate vicinity in a ward which already has the highest proportion of older persons.
- There is a lack of executive housing in the city.
- The proposal was out of keeping with the street scene in its mass scale and height.
- The loss of trees already on the site and the importance of retaining a perimeter treatment to keep the existing character of the road.

A deputation was also made by Mr Wilson, whose objections included:

- The previous application's issues had not been addressed.
- There were not sufficient retail facilities nearby for the clientele so this was not sustainable and there would be an increase of delivery vehicles and taxis in the vicinity.
- There were problems for refuse collectors accessing the site.
- There were flooding problems in the area.
- The ecology of the area had not been considered.

A deputation was then made by Ms Kalkowski in support of the application representing the applicants whose points included:

- The design concerns of the previous application had been overcome and there were acceptable access arrangements.
- The Portsmouth Plan encourages increase the housing provision for the elderly.
- There was car parking provided for residents and visitors but the parking requirement levels are less than for other applications due to the age restrictions.
- There had been detailed consultation undertaken locally and the revised application reflected the feedback received.
- There was a positive contribution to the street scene and a significant infrastructure levy in contribution of affordable housing for the city.
- This would boost the local economy.
- The property would complement the character of the Havant Road frontage.

A deputation was then made by Councillor Wemyss as ward councillor objecting to the proposal on behalf of local residents whose points included:

- There had been changes in planning policy and the Portsmouth Plan itself in the years intervening between the previous inspector's decision as well as changes to the planning appeals process.
- There were already two McCarthy & Stone properties in the close vicinity and they were detracting from the character of the area and were bereft of vegetation.

- This was a high density proposal in a low transport accessible area so the elderly residents would feel trapped and there were problems with lighting for inhabitants in the lower floor units.
- There were not sufficient parking spaces for the occupants many of whom would have their own cars for a long time.
- The objection from Natural England had not been addressed.
- There would be a cumulative impact of a high proportion of elderly residents in the area on the medical resources at the nearby surgery.
- The Portsmouth Plan cites the need for large family housing.
- There would be a precedent set for the use of large gardens for such developments.

The City Development Manager advised the members of the committee that the petition referred to council in December was not a material consideration for them at this meeting.

### Members' Questions

The phraseology of sheltered or retirement living was questioned and it was reported that it was a retirement living application. The consultation with Southern Water regarding the adequacy of drainage facilities was also questioned and it was reported that Southern Water are trying to ease the situation in the area and there was a planning condition regarding the requirement for providing details of drainage. Questions were also raised regarding the comparative heights of properties of the existing, proposed and adjacent properties. It was asked if an assessment had taken place in consultation with Natural England and it was reported that the appropriate assessment had been forwarded to Natural England who offered no further comment. Members also queried the calculation of the number of car parking spaces provided for the residents and regarding replacement of trees that had already been removed and it was reported there was a landscaping scheme which was also the subject of a planning condition. A comparison of the previous scheme in terms of bulk was also examined.

A site visit had been undertaken by members of the committee the previous day.

### Members' Comments

Members of the committee were concerned regarding the appropriateness of the proposal in the context of the surrounding buildings and street scene and the landscaping on site not screening the building sufficiently. There were concerns for inadequate disposal of waste water in the area and the high number of retirement and residential homes already in the vicinity.

### **RESOLVED that the application be refused for the following reasons:**

- 1) By virtue of its bulk the proposed development would be out of keeping with properties located on the north side of Havant Road and would thereby be contrary to policy PCS23 of the Portsmouth Plan.
- 2) Having regard to the location of this site within an area of low accessibility to public transport the proposed development would not provide adequate on-site

car parking and would therefore be contrary to policy PCS17 of the Portsmouth Plan.

Councillor David Fuller then left the meeting in accordance with his earlier declaration of interest and Councillor Stevens as vice-chair took the chair for the remaining item.

**134. 13/00544/FUL - 93 Havant Road, Portsmouth - construction of part single/part 2-/part 3- storey building comprising 51 sheltered apartments, managers' flat, communal facilities and car parking (Report Item 3)**

Councillor Hugh Mason apologised that he would have to leave during discussion of this item. A site visit had been undertaken by members of the committee on the preceding day. The City Development Manager's supplementary matters report gave the advice of the city council's legal adviser requesting that the recommendation be amended to read as follows:

"That a conditional permission be given subject to the conditions shown below and any further conditions considered relevant, necessary and reasonable in the opinion of the City Development Manager and also subject to completion of a legal agreement pursuant to Section 106, Town and Country Planning Act 1990 to secure

1. a £200,000 contribution towards offsite affordable accommodation and
2. a review of the viability assessment submitted in support of the application if the development has not reached "shell and core" stage within 18 months
3. with a commensurate uplift in the affordable accommodation in the event that the viability has improved in the intervening 18 months and
4. provision of a Travel Plan
5. provision of an Employment and Skills plan
6. the appropriate project management fee

and in the event that the agreement is not completed within four months from the date of this resolution, the City Development Manager shall have delegated power to refuse permission if it is reasonable to do so in all the circumstances of the case.

and the developer shall also complete an agreement pursuant to Section 278 Highways Act 1980 for provision of a footpath and an appropriate commuted sum for maintenance."

A deputation was made by Mr Tutton objecting to the proposals whose representation included:

- There was insufficient access to local transport at this location.



- The high density of this application and variance of the three storey building which is too dominant in the street scene.
- The design review panel had said that it did not reflect the character of the area.

Mr Parry made a deputation objecting to the application whose points included:

- The overprovision for senior citizens in the area when there were vacancies at other local providers.
- The design and height was out of keeping of the area and skyline.
- The unimaginative design.
- Increasing congestion and road safety for children going to and from school.
- The city's strategic plan requiring family homes.

Mrs Rothstein then spoke objecting to the proposal whose points included:

- Buildings of historic character should be saved in the area.
- There was an over-intensive provision for the elderly in the area with a strain on local services.
- There would be car parking congestion caused by those working at the retirement site.

A deputation was then made by Mr Geddes, the applicant's agent in support of the application whose points included:

- The application would make a significant contribution to the city's housing stock.
- The range of one to three storeys was to be sympathetic to the neighbours' properties.
- The parking ratio was higher for other similar units elsewhere for older occupants and visitors could be accommodated parking on the street.
- There is a demand for such accommodation in the area.
- There would be an economic benefit to local traders and to the wider community through commuted payments and contribution towards affordable housing.

Councillor Steve Wemyss then spoke as a ward councillor objecting to the proposal whose points included:

- Many of the occupants would not be disposing of their cars until later years and there was not sufficient ratio for parking on site.
- The pedestrian crossing went away from the shops.
- The application was overbearing and over-dominant on the street scene.
- The felling of a large number of trees with insufficient replacement.
- There was insufficient storage of motorised buggies on site.
- An application of over 49 units would usually require a park to be provided and there was little or no private amenity space or balconies
- It was not a good use of the site when three bedroom houses were in shortage in the city.

The City Development Manager advised members that reference to how the CIL payments were used was not a material consideration for them.

#### Members' Questions

It was asked regarding accessing the site and its previous use as a nursery, the provision of garden space on site as well as the drainage issues in the area.

#### Members' Comments

Members believed that there was over-development of the site and noted that the design review panel had been disappointed by the design of the scheme. There were also concerns regarding inadequate parking and insufficient screening.

#### **RESOLVED that permission be refused for the following reasons:**

- 1) By virtue of its bulk, scale, massing and overall poor design that would not adequately reflect the character of the area, the proposed development would be out of keeping with the locality. The proposal would thereby be contrary to policy PCS23 of the Portsmouth Plan.
  
- 2) Having regard to the location of this site within an area of low accessibility to public transport the proposed development would not provide adequate on-site car parking and would therefore be contrary to policy PCS17 of the Portsmouth Plan.

The meeting concluded at 5.15 pm.

.....  
Signed by the Chair of the meeting  
Councillor David Fuller