

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 January 2014 at 2.00 pm in 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)  
Darron Phillips  
Jacqui Hancock  
Margaret Foster  
Sandra Stockdale  
Ken Ellcome  
John Ferrett  
Lee Mason  
Luke Stubbs (Standing Deputy for Frank Jonas)

### **Also in attendance**

Councillors Michael Andrewes, Peter Eddis, Jason Fazackarley and Rob Wood

### **Welcome**

The chair welcomed members of the public and members to the meeting, in particular Councillor Lee Mason to his first meeting of the Planning Committee.

### **Guildhall, Fire Procedure**

The chair, Councillor Fuller, 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.

#### **1. Apologies (AI 1)**

Apologies for absence were received from Councillor Frank Jonas. His standing deputy, Councillor Luke Stubbs was in attendance.

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

Councillor Ken Ellcome declared a personal but non-prejudicial interest relating to items 2 and 3 in the applications list - Annesley House, Queens Crescent, Southsea - in that he knows the applicant, Mr Charlie Stunell because they had worked together.

Councillor David Fuller declared a personal but non-prejudicial interest relating to item 1 in the applications list - 287 New Road, Portsmouth - in that he had spoken with the applicant but only to advise them to speak with the planning officer. He had

also spoken with an objector but had suggested they contact the planning department. He had not made any comments relating to the application.

**3. Minutes of the Planning Committee meeting held on 4 December 2013 (AI 3)**

(TAKE IN MINUTES)

Councillor Darron Phillips wished to make an amendment to minute 147 - 156, 158 and land to rear of 154-172 Southampton Road, Portsmouth - in that members had moved and voted on the removal of the right hand turn but this had not been reflected within the minutes. It was agreed that an amendment be made accordingly.

**RESOLVED that the minutes of the meeting of the Planning Committee held on 4 December 2013 be agreed and signed by the chair as a correct record subject to the amendment above.**

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

There were no updates.

**5. Planning appeal decision at Petrol Station, Holbrook Road, Portsmouth (AI 5)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

**RESOLVED that the report be noted.**

**Planning applications (AI 6)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

**6. 13/01176/PLAREG - 287 New Road, Portsmouth (Report item 1) (AI 6)**

The Planning Officer reported that this application seeks retrospective planning permission for the use of part of the dwelling for dog boarding. The business has two elements, day time boarding (day care) and overnight boarding.

The City Development Manager reported in the supplementary matters list that six further letters of support had been received from residents in the city, current and intended customers of the dog boarding business and from the applicant's daughter.

A deputation was heard from Ms B Murphy, objecting to the application, who included the following points in her representations;

- Live next door to the premises;
- Dogs bark, whine and howl throughout the day;
- There was a 2-week period when 2 dogs were unwell and cried all day;
- Had up to 12 dogs in the garden at one time;
- Noise even at night time from a plastic holder attached to the railings which bangs against the railings, especially in the wind;
- Premises are open all year round;
- They don't check on the dogs;

- One dog came into my garden, through the conservatory and into my home which was very frightening;
- One weekend a dog escaped which had no lead. It took them 15minutes to catch it;
- The support for this application is huge and that shows how many people use it;
- I feel intimidated and uncomfortable outside of my property;
- The owners are still posting unkind comments about me on their Facebook page even though the Police and the Anti-Social Behaviour Unit have advised them not to;
- Am worried about repercussions from this;
- Police have told me to install CCTV and to keep collecting evidence;
- You cannot stop a dog from barking;
- Not against the business but do object to the constant noise and disturbance and just want to have my life back.

Deputations were also heard from Mr Millard (in support) and Mrs Standen (the applicant). Mr Millard included the following points in his representations;

- Am a customer of the premises;
- Agree that dogs do bark;
- Don't believe enough mediation has taken place;
- There is a need for this service;
- Do help to walk the dogs occasionally.

Mrs Standen included the following points in her representations;

- Have been treated unfairly and not offered mediation;
- Feel we've been victimised;
- Do dog grooming from my son's place;
- Have downsized our business and couldn't afford the mortgage last month;
- Always tried to be a good neighbour;
- Been unfairly treated by the planning department;
- Will do anything to keep the business open;
- Took the doorbell off as someone kept ringing the bell and starting the dogs off;
- Dogs do not bark at night as I sleep downstairs with them;
- I am too frightened to go out now as people take photos of me;
- Have tried everything to prevent noise to the neighbour, including anti bark devices, insulation, removing the doorbell;
- Have been so unfairly treated all because my neighbour works for the council;
- My husband is unwell and can no longer work.

A deputation was also heard from Councillor Jason Fazackarley who included the following points in his representations;

- Took this case on from ward Councillor Eleanor Scott;
- The business has been in operation for several years until the recent complaint;
- Environmental Health took readings and then the applicant took steps to address this;
- She removed the bell, insulated the property, put a fence up and installed anti barking devices so has tried;
- This is the first time I have been made aware that there are 17 objections;
- Livelihood is not a material consideration but there is no reason why a business should not operate in this location;
- When I visited the premises there were only 6 dogs;
- Anyone can own 6 dogs but do appreciate that this is a business;
- Cannot see what the objection is;
- Work with the applicant and use mediation;
- Attach conditions and then monitor the situation;

- Steps have been taken, the applicant does not want to upset the community and the neighbours;
- Please look at granting permission and attaching conditions;
- The level of complaints have gone down.

The City Development Manager explained to members that the planning officer had looked at appropriate conditions but there are none which could be imposed which would address the issue of noise and disturbance to the adjoining property.

#### Members' questions

Members sought clarification as to whether there were similar businesses operating in residential areas, the timescale involved from when the complaint was first received by Environmental Health, how long the recording equipment was installed for, the peak noise times, the number of objections received and what insulation works had been undertaken.

In response, the Environmental Protection officer responded by saying that recordings had been taken for a week and described the results taken, including barking from 6-8 in the mornings. He was not aware of any insulation works being undertaken at the property. He explained that it would be very difficult to fully insulate a party wall in a terrace house. The party wall would take up about 6 inches of space and also had a staircase attached to it which would make it even more difficult to insulate.

#### Members' comments

Members explained that concerns had been expressed at a previous meeting for a similar application in a light industrial area because of the noise from barking dogs which can be extremely annoying to neighbours. Members felt that they themselves would not want to be in the position of the neighbour and be subject to noise from barking dogs, throughout the day but particularly early in the morning.

#### **RESOLVED that;**

**I: planning permission be refused for the reason outlined within the City Development Manager's report.**

**II: that authority be granted to the City Development Manager to pursue formal enforcement action to resolve the breach of planning control associated with the unauthorised use of the property.**

#### **7. 13/01182/HOU - Annesley House, Queens Crescent, Southsea (Report item 2) (AI 7)**

This application was brought to the committee at the request of Councillor Rob Wood.

The City Development Manager reported in the supplementary matters list that objections had been received from Councillor Wood and seven local residents regarding the safety of the proposed access, its proximity to a blind bend and increased danger to road users and pedestrians, especially children. A letter of support had been received from a Transport Consultant.

The submission of support had been considered by the Highway Engineer who had advised that its content does not justify allowing the access with poor visibility and maintains their objection to the proposal on highway safety grounds.

A deputation was heard from Mr Stunell, the applicant, who included the following points in his representations;

- Referred to the letter of support from a friend and highway engineer;
- Permission was granted to No 1 Sussex Terrace for an access and vehicles reverse onto the highway;
- Permission was also granted to No 6 Sussex Terrace to allow vehicles to reverse onto the highway;
- How can it be acceptable for one and not another?
- Undertook a traffic survey myself - 28 vehicles between 0800 and 0900 - peak time;
- Vehicles are only travelling at 10mph;
- Afternoon peak time was less than the morning peak;
- Could change the gates to wrought iron;
- Have lived in this property for 20years and the access will be for my benefit.

A deputation was also heard from ward Councillor Rob Wood who included the following points in his representations;

- Not acceptable for people to be put in danger;
- Children are going to and from school every day;
- Increasing the chance of an accidents as the proposed entrance is right on the bend;
- St Thomas ward councillors were not notified of the application initially;
- Permission was granted to convert the property into two dwellings with a shared access;
- The issue of a separate access was withdrawn from the previous application as they knew permission would not be granted for an access onto Sussex Terrace;
- Residents in Sussex Terrace are concerned about the danger;
- Applicant agreed to use shared driveway and should continue to do so.

#### Members' questions

Members sought clarification as to whether any accidents had been recorded in Sussex Terrace and why No 1 Sussex Terrace had been granted permission for an access which meant that vehicles had to reverse onto the highway.

The Highways Engineer explained that permission had been granted for an access with the difference being that the entrance is much wider so visibility is better and there is adequate room on site for a vehicle to turn.

#### Members' comments

Members were mixed in their views in that some members felt that the safety risk in Sussex Terrace to pedestrians outweighed the personal benefit to the applicant to have their own access. Other members felt that Sussex Terrace is not a main thoroughfare and that due to the nature of the road drivers tend to drive slower and with more caution and therefore felt that the access would be acceptable.

**RESOLVED that permission be granted.**

8. **13/01183/LBC - Annesley House, Queens Crescent, Southsea (Report item 3) (AI 8)**

This application was brought to the committee at the request of Councillor Rob Wood.

The City Development Manager reported in the supplementary matters list that objections had been received from the occupiers of six neighbouring properties regarding the safety of the proposed access, its proximity to a blind bend and increased danger to road users and pedestrians, especially children.

The objections relate to highway safety matters which fall outside of the scope of this application for Listed Building Consent.

**RESOLVED that conditional consent be granted subject to the conditions outlined within the City Development Managers report.**

**9. 13/01179/FUL - 130-136 Elm Grove, Southsea (Report item 4) (AI 9)**

The City Development Manager reported that in July 2013 the Planning Committee refused permission for the conversion of the building to a student halls of residence by reason of its over-intensive nature, would give rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties. In July 2013 it was also considered that the proposed alterations to the building would also fail to complement or enhance the appearance of the existing building, and failed to make adequate provision for the storage of cycles and refuse/recyclable storage.

The City Development Manager reported in the supplementary matters list that the applicant had submitted a draft planning obligation, the terms of which are considered acceptable. The applicant had advised that a completed undertaking would be submitted promptly after a positive resolution by the committee.

A deputation was heard from Ms Stewart, objecting to the proposal, who included the following points in her representations;

- Live in Stafford Road;
- Re-submission completely disregards the previous objections;
- Proposal represents an inappropriate location;
- Elm Grove library was converted into university accommodation and there is constant anti-social behaviour associated with it;
- Are proposing the same high density without addressing residential amenity issues;
- Environmental Health recommend non-opening windows;
- There is no on site management;
- There is no change to the 53 student rooms;
- This will create a massive imbalance and is not part of the 'city campus';
- Should have fixed shut, frosted windows;
- This would provide residents with a degree of privacy;
- Will allow 24-7 access to the rear of the property;
- There is inadequate car parking provision;
- Proposal smacks of development greed;
- Profit before people by cramming them in;
- Fails to satisfy conservation area and residential amenity.

A deputation was also heard from Mr Upton, on behalf of the applicants, who included the following points in his representations;

- Environmental Health had recommended mechanical vents for the protection of the occupiers of the building from noise from the adjacent pub and road;
- Car parking and overlooking were not reasons for the previous refusal;
- Room numbers have been reduced and are a standard size;
- Timber cladding softens the appearance and fits in with the University accommodation across the road, and looks better than what is there now;
- There are four spaces for staff and deliveries;
- The spaces are only to be used for drop off/pick up times at the start and end of term;
- A tenant management plan will be implemented;
- This has been implemented across the road and since then there have been no complaints;
- There is pressure to convert family homes into student accommodation.

A deputation was also heard from Councillor Jason Fazackarley, objecting to the application as the cabinet portfolio holder for Traffic and Transportation, who included the following points in his representations;

- Fundamental proposals have not changed;
- Applicant will impose a tenancy agreement to restrict vehicle use;
- This will mean students cannot park within 3km of the building - who will enforce this?
- This is un-workable;
- Cannot believe that 53 students will not have cars;
- We all support education and the expansion of the university but not to the detriment of local residents;
- Noise does affect people's lives;
- This is an extremely intensive development;
- It is totally out of keeping in the area and inappropriate;
- Noise and parking are a problem.

Deputations were also heard from ward Councillors Peter Eddis and Michael Andrewes, who included the following points in their representations;

- No one living south of Elm Grove is entitled to residents parking permits for north of the road;
- Parking is already a major problem and this will only exacerbate this;
- Made worse with St Johns teachers and boarders;
- Environmental Health clearly state that no significant levels of attenuation can be achieved;
- Applicant says they will restrict cars but can't see how they will do that;
- Noise, over-development and parking - all an issue;
- Agent threatened social housing but actually probably better suited to the area and building as less intensive;
- Would ask you to be consistent with the previous decision;
- This proposal is not the same as having an office working away quietly 9-5;
- Students have radios, tvs and music systems on throughout the day and night;
- The minor change to the restriction of the opening of the windows does not address the overlooking issue;
- Would like to see student accommodation where like they used to have a senior student living on site;
- Not suitable to cram 53 students on to this site;
- Should have closed windows and an internal mechanical ventilation system;
- The tenancy management agreement is unenforceable.

The City Development Manager reminded members of the committee that the number of bedrooms had not changed from the previous application.

#### Members' questions

Members sought clarification on the tenancy management agreement and in particular the 3km restriction.

#### Members' comments

Members felt that the level of noise and disturbance would be the same as from the previous 2013 application because the number of study bedrooms had not been reduced and that no effort had been made by the applicant to address the issue of over-intensive use of the building in a residential area.

**RESOLVED that permission be refused for the following reason:**

**The proposed conversion would, by reason of its over-intensive nature, give rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.**

#### **10. 13/01169/FUL - 39 Palmerston Road, Southsea (Report item 5) (AI 10)**

The City Development Manager reported in the supplementary matters list that an additional objection had been received on the grounds that there is no need for a further coffee shop, there are too many already and that it will impact on the flower stall which operates to the front of the adjacent unit.

A deputation was heard from Mr Gooch, the applicants agent, who included the following points in his representations;

- Accept all of the proposed conditions;
- The design will make a positive improvement within the shopping centre;
- Objections seem to relate to it being a coffee shop;
- External seating is a matter for the highway authority and have submitted an application;
- Seating has been referred to as a public safety issue but other establishments have outside seating;
- Will work alongside the flower seller.

A deputation was also heard from ward Councillor Peter Eddis, commenting on the application, who included the following points in his representations;

- The premises are technically vacant on the ground floor;
- The previous tenant - The Discount Store - had his lease terminated even though he agreed to pay an increase in rent;
- Understand that the owners wanted a change of use;
- There is not a single empty unit in Palmerston Road which is good but sad that a retail unit is going to be replaced by a coffee shop;
- Cannot see why the flower seller cannot continue to sell as he has an amenity licence;
- Feel it would be in applicant's interest to accommodate the flower seller;
- Outside seating is not a planning consideration;
- Please restrict this use to the applicant and this use only.



A deputation was also heard from ward Councillor Michael Andrewes, objecting to the application, who included the following points in his representations;

- There does need to be retail units for people to visit a shopping centre rather than having all coffee shops;
- Could it be conditioned to be A1 use only and personal to the applicant?

The City Development Manager explained to the committee that there would be no planning justification to personalise the permission in this instance.

Members' comments

Members were surprised to see that someone would want to open up another coffee shop within the Palmerston Road shopping precinct but accepted that it seems to be 'the culture' and that coffee shops are popular.

**RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Managers report.**

The meeting concluded at 4.55 pm.

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