

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 June 2014 at 2.00 pm in the 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 Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Lee Mason
Sandra Stockdale

Welcome

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

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.

55. Declaration of Members' Interests (AI 2)

Agenda Item 14.

Councillor Ellcome declared a non-pecuniary interest as this reconfiguration comes under his responsibility as Cabinet Member for Traffic and Transportation.

Councillor Sanders declared a non-pecuniary interest as he was a member of the Cabinet which considered the plans.

56. Apologies (AI 1)

Apologies for absence were received from Councillors Gerald Vernon-Jackson.

57. Minutes of the meeting of the Planning Committee - 23 April 2014 (AI 3)

RESOLVED that the minutes of the meeting of the Planning Committee held on 23 April 2014 were agreed and should be signed by the chair as a correct record.

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

There were no updates.

- 59. Planning appeal decision relating to Kingsway House, 130 - 136 Elm Grove, Southsea (AI 5)**

RESOLVED that the report be noted.

- 60. Planning appeal decisions relating to land at the rear of Portland Hotel, Tonbridge Street, Southsea (AI 6)**

RESOLVED that the report be noted.

- 61. Planning appeal decision relating to 151 Fawcett Road & 3 Heyward Road, Southsea (AI 7)**

RESOLVED that the report be noted.

- 62. 14/00411/FUL - 34 Taswell Road Southsea (AI 8)
Retrospective planning application for use as a house in multiple occupation (sui generis) for up to eight persons.**

The City Development Manager reported in the supplementary matters list that one of the alleged HMOs referred to by an objector originally discounted as being outside the 50m radius is in fact within it. It is not known whether this property is a HMO, however if it were the proportion of HMOs would remain below the 10% threshold set out in the SPD.

A deputation was heard from Ms Gallien objecting to the application, who included the following points in her representations:

- She was also speaking on behalf of Simon Davis, resident at flat no.3.
- There are already 8 HMOs within an 80m radius.
- This area has one of the highest density of housing in Portsmouth.
- Will have an impact on services.
- Noise is already at an unacceptable level.
- Parking after 6pm spreads into other roads. She cannot park in her own street.
- She offered the planning department the opportunity to live in her flat for one week to gain an understanding of the issues.

A deputation was also heard from Councillor Andrewes objecting to the application, who included the following points in his representation:

- A balance of housing types is required. Allowing more than 10% to be HMOs would change the nature of the street.
- It is very difficult to know the exact number of HMOs in the area.
- The number stated in the report is inaccurate as it does not take into account of all the buildings that are within a 50m radius.
- He calculates that there are 8 of the 75 buildings are HMOs, which is a higher proportion than permitted in the SPD.
- The parking in this area is terrible.

- HMOs generate more noise than other types of houses.

A deputation was also heard from Councillor Hugh Mason, objecting to the application, who included the following points in his representations:

- The information in the report regarding the types of housing in the area is incomplete.
- Some houses are being used as HMOs but are not registered.
- According to a map with a scale 1:10,000, which was circulated, number 16 should be included.
- 24 Taswell Road had planning permission in 1987 for 5 flatlets and 1 bedsit with full facilities, so fitted the criteria for an HMO. In 1997 an application was refused for 1 bedsitting room and 5 flatlets. It seems that this has not changed since then.
- 35 Wimbledon Road comprises 3 flats but there are 7 doorbells.
- It is important to look at the whole picture and take into account shared access and facilities etc.
- He calculates that there are 8 of the 76 properties within this area are HMOs, which is a higher proportion than is permitted in the SPD.

Members' questions

In response to a question from a member of the committee, the case officer explained that the information used to calculate the number of properties within a 50m radius was the best available and as accurate as it could be. Licenses are reviewed every 5 years and if the standards have changed, the new licence would be subject to the new standards.

Councillor Sanders commented that not all properties used as HMOs are registered.

Members sought clarification regarding noise and parking.

RESOLVED that the application be deferred in order for clarification to be sought regarding the exact number of HMOs within a 50m radius.

63. 14/00449/FUL - Owens 81-83 Palmerston Road Southsea (AI 9) Installation of new windows to front elevation (resubmission of 13/00600/FUL).

This application was brought to the committee at the request of former Councillor Peter Eddis.

The City Development Manager reported in the supplementary matters list that since the report was published, condition 3 has been added stating: 'The windows hereby permitted shall be to a specification of 4/20/4 or any alternative specification with the same or increased noise attenuation capabilities that may be submitted to and approved in writing by the LITHE Planning Authority'. The reason for this condition is: 'In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.'

The submitted Noise Assessment has been amended to reflect the comments made by the City Council's Public Protection team.

Two further objections have been received since the committee report was published. These raise objection on the grounds as summarised in the report. An additional deputation request for Councillor Andrewes has been received.

A deputation was heard from Ms Ross-Richards, objecting to the application, who included the following points in her representations:

- She cannot open her windows because of the noise.
- Drunken people could mistake the opening windows for a door.
- The behaviour of the clientele particularly on Friday and Saturday nights is unacceptable and includes inappropriate language, urination in public and fighting.
- The residents felt ignored by the committee.
- The licensee should keep control of their clientele.

A deputation was also heard from Mr Thackery, the applicant who included the following points in his representation:

- The previous application submitted last year was refused because of concern that the proposed fully opening windows would lead to an increase in noise.
- There are outside tables and chairs.
- The door is kept open.
- The windows in this application are of better quality and stronger glass, which makes it a bit more upmarket.
- He is aware of problems regarding clientele.
- There will be more of a food offer.

A deputation was also heard from Councillor Hugh Mason objecting to the application who included the following points in his representation:

- This is not a music venue, but the clientele can be very noisy, so noise attenuation is important.
- More could be done to make the front of the premises fit in better with the street scene e.g. the proposed window does not have the same number of small panes as the other window and does not have the same curves.

A deputation was also heard from Councillor Michael Andrewes objecting to the application who included the following points in his representation:

- The residential area that is very close suffers from the night time economy.
- The opening windows will mean that there will be noise nuisance.
- This application is not appropriate for a conservation area.

Members' questions

Members sought clarification on the design, possible noise disturbance, previous complaints about noise and the rest of the street scene.

Members' comments

Members discussed design in the setting of the conservation area and noise impact.

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

**64. 14/00480/FUL - 22 Inglis Road Southsea (AI 10)
Construction of 2 semi-detached dwelling houses after demolition of existing building (amended scheme 14/00136/FUL)**

The City Development Manager reported in the supplementary matters list that additional representations have been received from the occupiers of two neighbouring properties raising the following objections:

- i. Loss of the existing building which makes a positive contribution to the conservation area.
- ii. Overdevelopment of the site.
- iii. Loss of light.
- iv. Increased pressure on utilities.
- v. Increased demand for parking.
- vi. Impact on neighbouring garage business and
- vii. Noise and disturbance from building works.

Following the adoption of the Solent Protection Areas SPD alternative means of securing mitigation have been introduced. As a result the recommendation has been amended to reflect this.

A deputation was heard from Mrs Candy objecting to the application, who included the following points in her representation:

- The development would lead to overshadowing, overlooking, loss of light and privacy.
- Her house, where she has lived for 26 years, is 17/18m from the opposite windows.
- The building is a unique feature of the conservation area.
- Every effort must be made to retain the external features as much as possible.
- Residents' concerns have been ignored. Human Rights Article 1 states that people have the right to peaceful enjoyment of possession (including home). Article 8 protects their right to privacy and family life. It is immoral to rob residents of their rights to enjoy their homes.
- Planning legislation applies that these can only be breached if there was a benefit to the community.
- This development would exacerbate existing parking problems.

A deputation was heard from Ms Davies objecting to the application who included the following points in her representation:

- Modern houses do not belong in a conservation area particularly this poorly thought out one.
- The proposed design is not sympathetic.
- Light and privacy for the neighbours would be impeded.
- It is too close to her property and others'.
- She asked whether precautions would be taken to ensure the safety of residents in case asbestos is discovered.
- She expressed surprise that local councillors who are meant to work for residents are considering this application.

A deputation was heard from Mr Lympny objecting to the application who included the following points in his representation:

- He felt that it was an odd proposal in that a church hall would be developed into two semi-detached houses.
- Ward councillors represent local residents and they do not want this development.
- He had started a petition objecting to the development which had only one signature (his own) but had not submitted it to the planning department in advance of this meeting.

The Legal Adviser explained that human rights are taken into account within the procedures of the Council in accordance with the law relating to administration of the planning system. She further explained that the petition could not be considered at the Planning Committee.

A deputation was heard from Mr Oliver, the applicant's agent who explained that in response to suggestions from a previous committee in regard to an earlier application, the applicant has added bay windows, to reflect the design of neighbours' windows and will use materials that match that used by the rest of the street. The aim is to enhance the area.

A deputation was heard from Councillor Linda Symes objecting to the application who included the following points in her representation:

- This is not the right development for this area because it is overbearing and inappropriate.
- She asked whether a light reading had been carried out.
- The residents' lives would be changed forever if this development were to go ahead.
- It does not enhance the conservation area.

A deputation was heard from Councillor Andrewes objecting to the application who included the following points in his representation:

- This is not an appropriate development for a conservation area.
- The design could be improved. There are ways that elements of the building could be retained.
- It would have a major impact on the neighbours.

A deputation was heard from Councillor Hugh Mason objecting to the application who included the following points in his representation:

- The frontage of the premises is from circa 1923 but adds to the character of the area.
- Every effort should be made to seek alternative uses.
- It is a better pastiche than the original application.
- The high building will lead to light loss for neighbours.
- He questioned whether the owners of the properties to the rear of the property would have sold their garden if they had known that two buildings would be built.

Members' questions.

Members sought clarification on human rights, building in a conservation area, the distance between buildings considered to be acceptable and the sustainability of the proposed building.

Members' comments

- Councillor Ellcome assured residents that he had listened carefully to the representations at this meeting and the one where the previous application had been considered. He also commented that members represent the needs of all the residents in the city, not just in their wards.
- Some councillors felt that the need for more housing in the city would be helped by the provision of two houses to replace an empty, unwanted church hall.
- Other members felt that the proposed design did not fit in with the conservation area and also expressed concern that no information had been provided regarding PCS15.

RESOLVED that the application be refused for the following reasons:

- The lack of information regarding the PCS15.
- Overbearing impact on surrounding property.
- It is out of keeping and does not enhance or preserve the nature of the conservation area.

65. 13/00993/OUT - Trafalgar Wharf Hamilton Road Portsmouth (AI 12)

Outline application for mixed use development comprising up to 163 dwellings in two, three and four storey buildings and one 10 storey building with associated landscaping areas and parking; a flood defence barrier; and construction of up to 18094SQM of floor space in buildings for use class B1, B and/ or B8 purposes, following the demolition of existing buildings with accesses from Hamilton Road (principle of access to be considered) (resubmission of 12/00998/OUT).

The City Development Manager reported in the supplementary matters list that in condition 21 the values of 'X' are 4, 9 and 2 respectively.

In condition 22 after '...Sustainable Homes,' insert ' including 9 credits from issue Ene 1, 2 credits from issue Ene 7, 1 credit from Hea 3 and 2 credits from issue Ene 8,'

In conditions 23 and 24 the values of 'X' are 'excellent'.

A deputation was heard from Mr Beck, the applicant's agent who included the following points in his representation:

- The principle for redevelopment was accepted in 2001.
- More than 1,000 organisations and residents were invited to the public exhibition where all the concerns were addressed.
- No objections had been submitted from the statutory consultees.
- English Heritage has no objections.
- The key to its success is the creation and delivery of the flood defence scheme. The seawall around the site would safeguard the site and encourage new investment next door. More than 750 residents and two industries would benefit from the protection.

A deputation was heard from Mr Boys, on behalf of the applicant who included the following points in his representation:

- He circulated plans of the site to the committee which include buildings, housing and offices.
- He had waited 5 years, 9 months and 6 days to talk to the committee today.
- He is passionate about the development and the regeneration that this will bring to the area.
- The area flooded several times this winter. If the tidal surge were to coincide with the spring tide, there would be 1m of water over the whole site and the neighbouring site. The £4m spending on flood defences will unlock funding from government.
- The development will increase employment
- The proposed 163 new homes will contribute to the council's targets for new homes.

Members' Questions.

Members sought clarification regarding the flood defence funding, tree planting, investment in public transport in Paulsgrove, provision of affordable, family homes and employing the local workforce.

RESOLVED that:

- 1. Delegated authority was granted to the City Development Manager to grant conditional outline permission subject to:**
 - a) The prior completion of a section 106 agreement with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued.**
 - b) The prior completion of an agreement under the Local Government Acts (with triggers for the release of funds as necessary) to secure a funding contribution of £3.1m; and confirmation of Grant in Aid funding from the Environment Agency to ensure delivery of improvements to off-site sea defences by 2019.**
- 2. Delegated authority was granted to the City Development Manager to add to or amend the conditions referred to by this report where reasonable and necessary having regard to material considerations at the time the permission is issued.**
- 3. Delegated authority was granted to the City Development Manager to secure a highway closure order under s247 of the Town and Country Planning Act 1990 in relation to the highway land at the turning head south of No. 11 Hamilton Road.**
- 4. Delegated authority was granted to the City Development Manager to secure a s278 agreement under the Highways Act 1980 in relation to the reconfiguration of the Hamilton Road/ Southampton Road junction, the removal of the existing pelican crossing to the west and extension of the cycle lane to the new junction; and the provision of a new pelican crossing to the west of the Sedgefield Close.**

5. It was confirmed that the Council had taken into account the environmental information as required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2012.

**66. 14/00467/FUL - The Hard Interchange Portsmouth (AI 14)
Reconfiguration of The Hard transport interchange to include the construction of new terminal building and shelter following demolition of existing terminal building and concessions, altered access and site layout, relocation and alterations to railway station entrance and associated landscaping.**

The City Development Manager reported in the supplementary matters list that in addition to those previously reported (6), three further letters of representation have been received from local residents/ users of the existing interchange. Two of these representations are generally supportive of the proposal, although a number of concerns are identified. The third representation is in objection to the proposal. The areas of concern can be summarised as follows:

- a) Insufficient parking for private cars dropping/ collecting passengers
- b) Inadequate public conveniences within The Hard area.
- c) Taxi rank located too far from Portsmouth Harbour Railway Station
- d) Shared surface (pedestrian/ bicycles) creates a hazard for the visually impaired
- e) Better links should be created into Gunwharf Quays via the Portsmouth Harbour Railway Station.

These issues are addressed in turn below:

- a) The current interchange includes two small areas dedicated to private vehicle pick up/drop off which can accommodate a similar number of vehicles which is considered to be appropriate. This area would also benefit from the inclusion of a small shelter to protect passengers during inclement weather.
- b) It is accepted that the proposal would result in a net reduction in public conveniences within the interchange area itself. However, it should be noted that those proposed within the main terminal would all be fully accessible, of a significantly greater standard and would be available whenever the terminal is open. These facilities would be supplemented by additional provisions within the improved waiting facilities at Portsmouth Harbour Station.
- c) It is accepted that the proposed taxi rank would be located further from the station entrance. This could cause some inconvenience to passengers, particularly those with disabilities. However, it should be noted that the proposed interchange has been designed to find the most efficient and safe layout, removing conflict between pedestrians, cyclists and vehicles wherever possible. Re-grading of the site would also allow for level access between the private and taxi drop off points and the platforms within Portsmouth Harbour Railway Station. Overall, it is considered that the significant improvements in safety, legibility and accessibility would enhance the pedestrian environment, particularly for those with an impairment. The main terminal building would also offer opportunities for shelter and/ or seating en route to and from pick up / drop off points.
- d) The main route between Portsmouth Harbour Station and The Hard to the north of the main terminal building will be a shared surface. A change in surface materials/ finish will clearly define these areas. This is considered to be acceptable approach in highway safety terms.
- e) This issue is addressed within the main committee report.

Formal comments have also been received from First Hampshire & Dorset Limited (First), one of the principal operators from the transport interchange. 'First' recognise that the physical constraints of the site and capacity requirements have led to the Drive In Reverse Out (DIRO) layout of the proposed interchange. Segregation measures put in place to separate members of the public (pedestrians) from bus and taxi traffic are highlighted as a significant improvement on the existing layout.

However, whilst emphasising their support for the new bus station and the wider benefits it would bring to the city, First consider that the DIRO arrangement does raise 'fundamental, operational and health and safety problems' with buses having to turn into the direction of buses entering the station.' In combination with the layover provision, First consider that this could result in delay, confusion or even collision unless appropriate mitigation measures or management systems are put in place.

Concerns are also raised in respect of the proposed provision for staff facilities which First believe would be insufficient to all for the operations in an effective manner from the points of view of dispatchers and welfare facilities for the number of staff involved.

It should be noted that proposals for the interchange have been progressed in conjunction with all stakeholders as highlighted within the submitted Design & Access Statement. The applicant has indicated that First have at no time during the design process raised concerns with the proposed DIRO layout or staff facilities at the interchange and that their objection has come as a surprise.

There are many examples of new DIRO style bus stations across the country, a number of which can be found around Portsmouth at Fareham, Gosport and Havant. The architects, Aedas, have been involved with the design of bus stations since the 1980s and have carried out extensive research into the cause and prevention of accidents at bus stations. The proposal is considered to have taken a proven design and improve it by segregating pedestrians, bicycles, private vehicles and takes from larger vehicles and by creating enlarged manoeuvring area behind parked buses. Therefore, whilst the concerns of First are noted, having regard to the experience and skills of the architect and the absence of any concerns from the City Council's Highways Team, it is considered that limited weight can be afforded to this objection which may have been submitted with wider, more strategic objectives.

A deputation was heard from Anna Turner Project Manager, who included the following points in her representation:

- This is an important scheme, which will bring £50m in benefits.
- Stakeholders have been involved from the start with the Project Board, comprising key stakeholders met bi-monthly and the working group meeting monthly.
- The team worked very closely with First.

A deputation was heard from Councillor Luke Stubbs, in support of the application who included the following points in his representation:

- The existing bus station is a utilitarian building that needs replacing.
- It is a gateway building for people from the Isle of Wight and Gosport.
- Important for residents too.

- The DIOA system with pedestrians and vehicles separated is the norm for bus stations in the UK and Europe.

Members' Questions.

Members sought clarification regarding shelter for pedestrians alighting the train, provision for coaches from which people alight from the other side, measures to minimise disruption to the public during the construction work, the loss of some parking spaces and the cleaning of the roof.

Members' Comments.

Members were pleased with the design and the views.

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

67. 14/00233/FUL - 79 Manners Road Southsea (AI 11)

Change of use from house in multiple occupation (class C4) to house in multiple occupation (sui generis) to include construction of dormer window to rear roof slope and roof lights to front roof slope.

The City Development Manager reported in the supplementary matters list that an additional objection had been received from the occupier of a neighbouring property on the grounds of increased noise and disturbance and increased pressure for parking.

The City Development Manager introduced the report.

Members' Questions.

No questions were raised.

Members' Comments.

No comments were made.

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

68. 13/01369/FUL - Land Adjacent Kendalls Wharf Eastern Road Portsmouth (AI 13)

Change of use of vacant land to form a freight transport depot and parking area (sui generis use), siting of 2 single storey modular buildings and installation of 15 5m high lighting columns.

The City Development Manager introduced the report.

Members' Questions.

Members sought clarification regarding loss of amenity and land, access and consultation with users of the football pitches.

Members' Comments.

No comments were made.

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

The meeting concluded at 5.40 pm.

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Signed by the Chair of the meeting
Councillor Aiden Gray