

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 29 October 2014 at 5.00 pm 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 Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Hugh Mason (Standing Deputy)
Gerald Vernon-Jackson

Also in attendance

Councillors Michael Andrewes, Lee Hunt, Leo Madden
and Luke Stubbs

Welcome

The chair welcomed members of the public and members to the meeting. He advised the committee that planning application 7, 4 Adair Road had been withdrawn from the agenda.

Guildhall, Fire Procedure

The chair, Councillor Gray, 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.

117. Apologies (AI 1)

These had been received from Councillor Sandra Stockdale (who was represented by Standing Deputy Councillor Hugh Mason) and Councillor Lee Mason. Standing Deputy, Councillor Rob New also sent apologies as he was unable to deputise for Cllr Lee Mason.

118. Declaration of Members' Interests (AI 2)

Councillor Hugh Mason declared that he lived within 10 metres of the edge of 28 Goodwood Road (application 1) and could see the site from his back window. He felt this was prejudicial and advised he would leave the room during this item.

Councillor Ken Ellcome declared a personal interest as he realised that he knew Mr Ward, one of the people making a deputation on planning application 1, from working with him several years ago.

119. Minutes of Previous Meeting held on 1 October 2014 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Planning Committee held on 1 October 2014 be approved as a correct record and signed by the Chair.

120. Updates Provided by the City Development Manager on Previous Planning Applications (AI 4)

The City Development Manager advised she had no formal updates for the committee.

Councillor Luke Stubbs, Cabinet Member for Planning, Regeneration and Economic Development addressed the committee at the invitation of the Chair. He advised that the Council are looking to change pre-application procedures for large planning applications. Currently for some large planning applications, a private meeting is held with committee members. It is important to learn best practice from other local authorities and he advised that Havant Borough Council hold public meetings once a month with members, developers and applicants and include one large planning application on an agenda. These meetings usually have good attendance by members and it gives the developer the opportunity to outline their proposals before submitting their application.

Cllr Stubbs advised that the next pre application meeting at Havant is on 4 December at 5:30pm. He would be attending this as an exploratory visit and invited planning committee members as well. The City Development Manager added that a formal report with recommendations would be submitted to the Cabinet Member or the Planning Committee for a formal decision. Councillor Gray asked Cllr Stubbs to provide all councillors with this update and inform them of the meeting.

121. Planning appeal decision relating to 34 Playfair Road, Portsmouth (AI 5)

(TAKE IN REPORT)

The City Development Manager introduced the report. She advised that officers felt the outcome of the appeal was seriously flawed. The Planning Inspector had given regard to a policy decision that Southampton City Council had made, when his statutory obligation was to have regard to Portsmouth Plan policies. He had also referred in his decision to the marketing evidence submitted by the appellant by reference to incorrect details, concluding that such irrelevant matters were such a material consideration that it outweighed the harm associated with the conflict of PCS20. Officers have written to the Planning Inspector advising of their concerns with the decision, however, it was the conclusion of the officers that this decision was a 'rogue' decision and should be set to one side, since no responsible decision maker could be obliged to have regard to it as guidance.

Some members of the committee felt that since the decision is fundamentally flawed that the Council should consider challenging the decision through judicial review. Officers advised that there was enough evidence to start a judicial review, however considered that the resources and cost involved in challenging the decision were too great to justify this. Members felt that PCS20 is an important policy and that the Planning Inspector's decision undermines the policy. In response to a question, officers advised that the decision of the Planning Inspector would not set a precedent and as a planning authority the Council must make decisions that are in line with development plan policies and the SPD. The Planning Inspector's decision may be a material consideration however as it is flawed and contrary to policy the committee should give it no weight when considering similar HMO applications.

The Senior Solicitor (Planning) endorsed the City Development Manager's comments and advised that the statutory process of challenging the Inspector's decision needed to be commenced within 6 weeks of the Planning Inspector's decision, which would end on Sunday 3 November. If the committee were minded to use this route, officers would need to be sure that the basis of challenge comes within the statutory framework. However she felt that the Inspector's decision is so fundamentally flawed that the committee should give this no regard and recommended not to proceed with this. She added that when local authorities challenge a decision they enter into litigation procedure and the full cost would never be covered.

In response to a question whether planning appeal decisions could come to the committee sooner, the City Development Manager advised that they are reported to the next Planning Committee which are held every four weeks however, she would review with officers whether there was a way of notifying members sooner, perhaps by publishing them on the Member's Information Service.

After receiving advice from the officers and noting the limited time left to start judicial proceedings it was **RESOLVED that the report be noted.**

122. 14/00938/PLAREG - Stores 28 Goodwood Road, Southsea - Retrospective permission for conversion of existing workshop to form dwelling house; external alterations to include construction of a new roof, installation of new windows and doors, cycle and refuse stores (Resubmission of 14/00101/FUL) (AI 6)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

Councillors Hugh Mason withdrew from the room due to his declaration of interest.

The City Development Manager's supplementary matters report explained that a contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD and the required S.111 forms have been completed and received since the report was published.

A revised ownership certificate has also been received clarifying the additional owner of the application site (who resides at the same address as the applicant) together with confirmation that Notice of the application was served on this person in July

2014.

In light of receipt of the contribution in connection with the Solent Special Protection Areas SPD the recommendation is now one of Conditional Permission.

The following depositions were heard:

Miss Eastwood of Goodwood Road, objecting to the proposal, whose points included:

- Impact on the rear elevation of her property, 28 Goodwood Road.
- Loss of privacy, the window of the new property's bedrooms will look directly into her garden.
- Driveway is on a sharp bend and manoeuvring into and out of the site will be dangerous.
- Goodwood Road is two way for cyclists therefore the Highway comments in the report are incorrect.
- Moving to residential use will mean there is the potential for noise 24/7 and not just during business hours.
- The applicant has disregarded planning procedures as they started work before obtaining planning permission.
- Concern that cycle store is using the outside wall of No. 28.

Mr Ward, of Allcot Road, objecting to the proposal, whose points included:

- Visual intrusion into No.28 Goodwood Road.
- The porch has already been built.
- No documentation to prove that the land is not contaminated.
- Rubbish has been dumped by the outside wall of No.28.
- No consultation with neighbours by applicant.

Mr Ayles, the Applicants Agent whose advised that he had worked with officers to overcome any issues raised by the objectors.

In response to points raised by Mr Ward about the porch and land contamination, the City Development Manager advised that the porch had now been built. Extensive discussions had taken place between the applicant and the contaminated land team and the contaminated land team had said they were happy with the development and had not recommended any conditions be added.

Members' Questions

The officers were asked to explain further the issue of privacy which had been mentioned in the depositions. Officers described the layout of the property and showed photographs taken from bedroom 2. The other two windows facing No. 28 Goodwood Road would be obscured glazed as one is a bathroom and one an en suite. With regard to whether the Council's policies required there to be a specified distance between properties, officers advised there were only guidelines in place for new build developments. The City Development Manager advised that whilst it was useful for members to understand the distances between the properties, members should not give this too much regard particularly as the site is in a densely populated part of the city. She advised that members should consider whether the development is acceptable with regard to the character of the area and whether the

change of use to residential is acceptable.

With regard to the highways comments being flawed, officers confirmed that the road is two way for cyclists. A question was asked about what advice the Planning Department had given the applicant about proceeding with works without obtaining planning permission. The City Development Manager advised that officers had advised the applicant to cease works and that carrying out further works would be at their own risk, however members were advised to disregard that this permission was sought retrospectively.

Members' comments

Members were concerned with the access to the property and felt that reversing from the driveway onto the blind corner was too dangerous and contrary to PCS23. It was also felt that the change of use to a residential dwelling would cause a loss of amenity.

RESOLVED that the planning application be refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposed parking and access arrangements are unacceptable and would result in vehicles reversing onto and across the highway in a manner that would be likely to cause a conflict of traffic movements along Goodwood Road resulting in additional hazard and inconvenience all users of the highway and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan.
2. In the opinion of the Local Planning Authority the proposed residential use would, by reason of an increased level of overlooking, increased activity in the evening and at weekends, odour and nuisance from the siting of the proposed refuse storage facilities and potential increased fear of crime and anti-social behaviour to the occupiers of number 28 Goodwood Road, have an unacceptable impact on the living conditions of the occupiers of neighbouring properties. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

123. 13/00287/FUL - 4 Adair Road, Southsea - Change of use from house in multiple occupation (class C4) to purposes falling within class C4 (House in Multiple Occupation) or class C3 (Dwelling House). (AI 7)

This planning application was withdrawn from the agenda and was not considered at this meeting.

124. 14/00998/FUL - 11 Cleveland Road, Southsea - Change of use from Dwelling House (class C3) to purposes falling within class C4 (House in Multiple Occupation) or class C3 (Dwelling House). (AI 8)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager's supplementary matters report explained that the Committee Report makes reference to a Residents' Parking Zone (RPZ) operating within the area. However, it should be noted that this zone has been suspended on a trial basis for a period of six months. This was in response to significant levels of

displacement parking experienced within adjoining areas that were not subject of a RPZ.

Notwithstanding the suspension of the RPZ, as highlighted within the Committee Report, it is considered that given the level of occupation associated with a HMO is not significantly greater than the occupation of the property as a Class C3 dwellinghouse and the site's location within a short walk of local transport links and local shops and services, an objection on car parking grounds could not be sustained.

The following deputations were heard:

Mr Athill, Portsmouth & District Private Landlord Association whose points included:

- The Portsmouth & District Private Landlord Association considered this an exceptional HMO.
- It was a 'trapped' property.
- The applicant planned to sell the property however it was valued £15-20K less due to it being in a student populated area.
- If approved it would help meet the demand for houses in this area.

Councillor Lee Hunt, ward councillor whose points included:

- HMO properties are not solely for students, many professional people share houses as they cannot afford to get on the property ladder.
- This is a strong report and stands by PCS20 which is a very robust policy. The policy is clear that the level of HMO's should not exceed 40% and this proposal is contrary to policy.

Members' Questions

No questions were raised

Members' Comments

Members agreed that to approve this application would be contrary to policy and that more private rented family houses were needed in this area.

RESOLVED that the application be refused for the reasons set out in the City Development Manager's report.

125. 14/01105/FUL - 276 Twyford Avenue, Portsmouth - Change of use from dwelling house (class C3) to purposes falling within class C4 (House in Multiple Occupation) or class C3 (Dwelling House). (AI 9)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager introduced the report.

Councillor Leo Madden made a deputation as ward councillor and his points included:

- Each planning application for change of use to HMO's needs to be considered on their own merits.

- Over 30 people had signed a petition objecting to the application.
- The property is too small to be a HMO.
- Not a suitable location for a HMO due to a lack of parking.

Members' Questions

With regard to the size of the second floor bedrooms and ceiling heights, the City Development Manager advised that HMO licensing criteria control the minimum size of a bedroom. It was considered that the ceiling heights are appropriate and there are two large dormers that would allow an adult to stand upright. Officers considered the size of the bedrooms appropriate for a C4 class property and said that there may be up to 6 adults living there however all the bedrooms may not be used if for example three couples occupied the property.

Members' Comments

Members were concerned that the size of the property was too small, in particular the second floor, for up to six adults to occupy it and felt that the location of the property was not ideal due to a lack of parking. The City Development Manager advised that under planning terms the committee could not refuse an application due to concerns over the size of the second floor bedrooms and if the property did not have the loft conversion, the property could still change to a C4 property.

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

126. 14/01132/FUL - 1 Pelham Road, Southsea - Change of use from hostel (Sui Generis) to purposes falling within class C3 (Dwelling House) or class C4 (House in Multiple Occupation). (AI 10)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that the 1977 permission for the use of the property as a hostel was subject to two planning conditions, one restricting the number of occupiers to 11 persons and the second relating to the level of sound emissions measured from the neighbouring property.

The level of occupation and the associated noise and disturbance which could result from the existing lawful use is considered to be similar if not greater than those which typically result from the proposed uses of the property as either a dwellinghouse or a Class C4 HMO. It is considered that the imposition of a planning condition similar to that on the 1977 permission would not accord with the tests set out in the NPPF as it would not be relevant to planning and difficult to enforce.

The following deputations were heard:

Mr Ballard of Pelham Road, objecting to the proposal, whose points included:

- The HMO percentage is just above the 10% level for the SPD.

- The hostel formerly housed a number of adults with learning difficulties who had jobs in the local community and had constant social support which was well managed.
- In the 1976 planning permission approval noise levels were specified.
- Victorian properties with thin walls meaning noise is a concern and if approved would request that soundproofing be added.
- Quiet residential street and a change to a HMO would increase disturbance.

Mr Shute, Applicant whose points included:

- Spoken to local estate agents who indicate there is no need for a hostel in this location. There is a need for a HMO, either student or private.
- Still considering options on whether to convert to a private dwelling house or a HMO but requires planning consent to proceed.
- Concerned that the neighbouring properties have objected.
- With regard to soundproofing this would need to be on the southern wall but due to the staircases this would be difficult and do not have the scope to rearrange the fabric of the building.
- The current use allows for up to 11 residents which is high, changing the use would reduce this to a maximum of 6 and would reduce the number of transient residents.
- Changing to a HMO from the existing use would also give more control and there would be longer term lets and it was hoped because of this tenants would have more pride in their home.
- The hostel was run by First Wessex Housing Association who were already based on assured short hold tenancies so therefore a move toward a HMO.
- Prepared to settle any contribution towards mitigation measures in connection with the Solent Special SPD.

Councillor Andrewes made a deputation as ward councillor. His points included:

- Walls to the neighbouring properties are very thin would like applicant to consider amenity of neighbours.
- If approve application use nothing to stop the owner selling the property and it becoming a student HMO in the future.

Members' Questions

In response to a question regarding whether the committee could permit class C3 use and reject C4 use, the City Development Manager advised that it was not possible to do this. A question was raised with regard to Mr Shute's comment that the hostel before it closed was effectively operating as a HMO. The City Development Manager advised that the evidence was that it was operating as a hostel, however Mr Shute had suggested that the hostel had operated with shared rents.

Members' Comments

Member's commented that the hostel had never operated as a HMO. If it changed use to include C4 use it would take the percentage over the 10% limit

which is contrary to policy. It was felt that it would be more appropriate for the property to be converted into a dwelling house.

**RESOLVED that the application be refused for the following reasons:
The proposal would fail to support a mixed and balanced community in an area imbalanced by the level of similar such resources. The proposal would therefore be contrary to PCS23.**

Post meeting note: Although the Planning Committee resolved to refuse permission, before a decision on the application was issued it had been WITHDRAWN by the applicant.

127. 14/01186/FUL - North Street Play Area, North Street, Portsmouth - Construction of three storey building to form 5 flats and associated works. (AI 11)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported that amended drawings have been received showing communal refuse storage facilities and their appearance. The submitted details are considered acceptable.

The Contaminated Land Team have provided comments confirming that recommended Conditions 3 and 4 should be imposed.

The Portsea Action Group have made representations in which they raise no objection to the proposal but raise concerns about the potential vulnerability of prospective occupiers to anti-social behaviour.

The recommendation is unchanged subject to the amendment of Condition 2 to refer to the amended drawings and Conditions 10 to require the facilities shown on the amended drawings to be provided.

The following deputations were heard:

Mr Miller, Secretary and Mr Thurson, Chairman of Portsea Action Group, whose points included:

- Do not object to the development as there is a park further down the road.
- They have been informed that the flats will house people with special needs and the Portsmouth Action Group have concerns that they would be targeted due to their disability and be victims of anti-social behaviour.

Members' Questions

In answer to a question about the point raised in the deputation about the flats being allocated for people with special needs, the City Development Manager advised that the flats were not allocated for any particular sector of society.

Members' Comments

In response to a request the City Development Manager advised that the housing team had already been notified of the Portsea Action Group's concerns however she

would ensure they were made aware of these again and add this to the post committee action list.

RESOLVED that delegated authority be given to the City Development Manager to grant Conditional Planning Permission subject to the securing of an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD.

The meeting concluded at 7.40 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray