

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 17 December 2014 at 5.00 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 Frank Jonas (in the Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Lee Mason
Sandra Stockdale
Gerald Vernon-Jackson

Also in attendance Councillors L Stagg & D Sanders

Welcome

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

Guildhall, Fire Procedure

The chair, Councillor Jonas, 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.

139. Apologies (AI 1)

Apologies for absence were received from the chair of the committee, Councillor Aiden Gray and Councilor Les Stevens.

Apologies for lateness were received from Councillor Lee Mason who was stuck in traffic.

140. Declaration of Members' Interests (AI 2)

Councillor David Fuller declared a personal and prejudicial interest in item 1 - Site of Savoy Buildings & Savoy Court, South Parade, Southsea - in that his fellow Liberal Democrat colleague Councillor Will Purvis, whom he knows very well, has been involved with this planning application in his capacity as an employee of McCarthy and Stone, the applicants. Councillors Gerald Vernon-Jackson and Sandra Stockdale also declared personal and prejudicial interests for the same reason as stated above. They agreed to leave the room during discussion of this item.

Councillor David Fuller also declared an interest in item 2 - Park Lodge, 28 Clarkes Road, Portsmouth - in that he had been approached by the applicants but had advised them to speak with the planning officers.

141. Minutes of the previous meeting held on 26 November 2014 (AI 3)

RESOLVED that the minutes of the meeting of the Planning Committee held on 26 November 2014 be approved as a correct record and signed by the Chair.

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

There were no updates from the City Development Manager.

The chair, Councillor Frank Jonas, changed the order of business so as to allow the application relating to the site adjacent to the Portsmouth Outdoor Centre to be taken second.

143. 14/00790/FUL - Site of Savoy Buildings & Savoy Court, South Parade, Southsea (AI 5)

Councillors Gerald Vernon-Jackson, Sandra Stockdale and David Fuller left the room during discussion of this item following their earlier declaration of interest.

The City Development Manager introduced the report and reported in the supplementary matters list that two further objections had been received from residents on the grounds that retirement flats would be too expensive for local residents and a Co-op is unimaginative and detrimental to the area. One objector suggested that the site should be redeveloped to provide a visitor/tourist attraction to provide jobs and encourage investment in the Pier. The other objector suggested that the retail shop should be relocated to the side or rear of the site and not be sited on the seafront.

As referred to in the committee report discussions have been on-going with the applicant on the level of affordable housing contribution which could be borne by the proposed development without it becoming financially unviable. Following the review of the applicant's latest submission, a potential underestimation of sales values and an overestimation of other contributions was identified. The applicant has accepted this and as a result an additional £170,000 has been offered towards affordable housing. Together with the previous additional contributions the applicant is now offering a total affordable housing contribution of £267,779.45 together with other Section 106 contributions totalling £20,332.00. These contributions are accepted as being the most that could be achieved on the site with recommendation I being updated accordingly.

The City Development Manager also reported that following the publication of the committee report the applicant had requested that the timing of any review mechanism of financial viability be amended to be triggered 24 months from the date of any permission, and not 24 months from the date of any permission. The applicant suggested that the initially recommended trigger would not allow for any potential hurdles or delays that may be incurred in completing the S106 agreement and the

subsequent issuing of a permission. Furthermore the applicant advised that the 24 month timescale is very tight on a scheme of this size. The applicant accepts that a review mechanism should be in place to ensure the timely implementation of any permission and not to place inappropriate burdens on a developer. It is considered that the applicants request is reasonable and it is recommended that the trigger for a review be amended.

Recommendation I in the committee report omits a necessary reference to the implementation of the travel plan and also includes a typographical error.

The planning permission which was granted on appeal for redevelopment of the Savoy Buildings site was accompanied by a unilateral legal undertaking securing planning obligations which became binding when the permission was implemented. There is a remaining obligation to provide affordable housing on site. If the development to which the current application relates were to be implemented, the remaining obligation of the previous legal undertaking would no longer serve a planning purpose, because the provision for affordable housing will be off-site with a developer contribution. Accordingly it is recommended that the legal agreement securing the planning obligations that are reasonable and necessarily related to the current proposal should also discharge the 2007 planning obligation in respect of provision of affordable housing (but not otherwise) under the provisions of Section 106A of the Town and Country Planning Act 1990 (as amended).

And finally for clarification it is proposed to add an informative advising that the highway works required by Condition 25 can only be secured through the completion of a legal agreement pursuant to Section 278 of the Highways Act 1980 between the developer and the City Council as Local Highway Authority.

A deputation was heard from Mr Pead, a resident objecting to the proposal, who included the following points in his representations:

- This is a poor and bad plan.
- McCarthy and Stone environmental report refers to a desktop study. On appeal the Inspector required a site investigation survey to be undertaken.
- In 2007 the Inspector also limited the shop to 150sqm gross. This has now trebled.
- The site is in one conservation area and is adjacent to another. It is very important that the development preserves and enhances the area.
- The loading bay is out of character and incongruous on the seafront.
- Character of the area is not retail.
- The unloading of crates and wheeling them across the seafront thoroughfare is unacceptable.
- There are convenience stores nearby at The Strand.

A deputation was also heard from Mr Bendinelli, on behalf of the applicant, who included the following points in his representations:

- Members should support this enterprise.
- This has an eco-benefit from retirement scheme to convenience store, and construction.
- 17-20 full time jobs when complete.
- There is a need to provide housing for older persons.
- This is a significant opportunity to contribute towards housing needs in Portsmouth.
- 18 letters of support for the proposal.
- It is an acceptable design and will improve the character of the area,
- Existing derelict site is very negative and harmful.
- Development will provide two specialist housing needs wholly in keeping with the area.

A deputation was also heard from ward Councillor Matthew Winnington, who included the following points in his representations:

- This is a very important site for the city.
- Local residents are mixed in their views. Some feel that this looks like a bland budget hotel, will not enhance or improve the conservation area, have questioned the convenience store, questioned the amount of car parking and the lack of storage provision for mobility scooters.
- Other residents feel that the proposal enhances the seafront, the convenience store will be of benefit to local residents and visitors on the seafront and that the proposal will benefit the adjacent hotel.
- Councillor Winnington asked members to think about the traffic and whether it would create more in the area, whether the loading bay will create problems, is it the right development for this location on this site, do we want retirement flats on the seafront, is retail appropriate for the seafront and is it right that there is no affordable housing on the site?

Members' questions

Members referred to the 'monolithic appearance' of the proposed building and asked how far the application has come in terms of addressing the concerns of the Design Review Panels. Members questioned the mixed use of the retirement flats with the younger noisier element of who would be attracted to the Pier and whether that mix would work, whether the proposed store size was of a concern, whether there was enough parking on site to accommodate staff, residents and visitors and asked where are the residents to be dropped off/picked up?

Members' comments

Members raised concern about the bulk of a not too interesting design and that the recess cannot be seen until you get to the site, the proposed building will not enhance the seafront scene and that the design could be further enhanced.

Members were concerned about potential parking issues and the use of the loading bay with cars stopping to visit the retail store. Members felt that the design of the building needs to be the best and fit for purpose in such a prime location on the seafront. They felt there is also potential for conflict between pedestrians and vehicles. Members were also concerned that not of the issues raised by the Design Review Panels had been fully addressed.

In response the City Development Manager explained that the mixed was acceptable and works elsewhere in the city. The development is in a flood zone and therefore residential at ground floor level is very difficult, hence there being retail.

The Highway Engineer responded by saying that the 17-20 staff will work on a shift system and with 31 retirement flats and 66 assisted living flats, there is potential for 31 car owners but highly unlikely that the assisted living residents would have a car. Therefore visitors parking is quite acceptable for a development of this size. There is also an undercover buggy park and cycle storage. The layby will be designed to look flush with the walkway so when not in use it will look like additional paving. It will also have double yellow lines to prevent parking. There are entrances from the car park so that vehicles can get close to the rear doors and lifts, which would be much nearer than if residents were dropped out side of the front of the development.

RESOLVED that the application be deferred so as to allow officers to negotiate and address further some of the issues raised by the Design Review Panels and members.

144. 14/01491/FUL - Adjacent to Portsmouth Outdoor Centre, Eastern Road, Portsmouth (AI 8)

Councillor Lee Mason, who was late to the meeting and Councillors Gerald Vernon-Jackson, Sandra Stockdale and David Fuller were in attendance for the remainder of the meeting.

The City Development Manager introduced the report and reported in the supplementary matters list that an objection had been received on behalf of Tudor Sailing Club in respect of : a) safety due to additional traffic on the adjoining access roads: b) Insufficient parking facilities with the potential for users parking within spaces allocated to the sailing club. Whilst the representation from the sailing club refers to "their" access road, it is noted that the access road is owned by the City Council and is intended to serve all of the facilities within the area including the sports pitches, the Portsmouth Outdoor Centre and the Sailing Club. As mentioned within the committee report it is considered that the proposal will not have a significant adverse impact on the surrounding highway network. The Sailing Club incorporate signage within their parking areas to deter non-members from using them.

The Contaminated Land Team (CLT) commented that the site on which the development works are proposed is part of the Great Salterns Estate - marshy land raised by refuse disposal in 20th century up to 1960. A site investigation report is held by the CLT for land to the north of the proposed development which identified elevated concentrations of certain heavy metals within the top metre of made ground present. As such the potential for similar contamination to be present on this site

cannot be discounted. Therefore, conditions relating to land contamination are requested.

The Langstone Harbour Board commented that although they raise objection, they do have strong concerns in respect of the potential loss of more than a football pitch sized area of supporting feeding habitat for Brent Geese. On that basis, support is expressed for the condition proposed by Natural England (NE) relating to the monitoring of bird behaviour during the winter following the erection of the fence. A condition relating to the impact of the floodlighting is also suggested to ensure that they would have no adverse effect on navigation within the Harbour.

The Hampshire and Isle of Wight Wildlife Trust commented that the Trust is generally satisfied with the level of ecological survey work that has been carried out at the site in relation to this application, and the conclusions that have been drawn from that survey work. The mitigation proposals with regard to impacts on the designated sites would appear to be appropriate and deliverable and the Wildlife Trust welcomes the inclusion of the conditions recommended by NE. However, concerns are raised in respect of the effectiveness of the Brent Goose refuge area given its proximity to the coastal path and the potential impact of future coastal defence works.

It should be noted that NE has suggested the inclusion of three conditions. Whilst two relating to the timings of works and the provision of the enhancement (Brent Goose Refuge) area have been included within the recommendation, a third relating to monitoring and future changes to the southern boundary have been omitted. It is considered that such a condition would not meet the six tests (necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects) as set out within the NPPF and the NPPG.

The City Development Manager reported that all of the additions and alterations proposed within the application are required to meet football league entry requirements. Based on the Extended Phase 1 Ecological Survey and Phase 2 Brent Goose Survey Report (HCCET, August 2014), with the additional ecologically-relevant information in the Design and Access Statement, the City Council's ecologist has concluded that the proposal will not reduce the functioning of the site for Brent Geese and will not result in any direct or indirect impacts to the designated sites themselves. On that basis it would be unreasonable for the LPA to expect the football club to make significant investments in the facilities (with the aid of grants from public bodies) when a condition requiring the removal of the southern boundary after a year would conflict with the requirements for league entry rendering any permission meaningless. Therefore such a condition cannot be considered to be 'reasonable in all other respects'.

In respect of the coastal defence works, Phase 1 which would terminate to the north of Kendall's Quay is due to commence in 2015 (subject to planning). These works are unlikely to have an in-combination impact on the Brent Goose habitat. Future phases immediately to the east of the proposed Brent Goose refuge, planned to commence in 2018, will need to consider any potential impact on the adjoining Brent Goose habitat and is not considered to be a concern for the current application.

The City Development Manager reported that further discussions with Natural England need to take place with the council's ecologist and therefore was recommending a change to the recommendation in that delegated authority be granted to grant conditional planning permission, subject to further discussions with NE.

Deputations were heard from Councillors Lynne Stagg and Darren Sanders, both in support of the application, and the following points were included in their representations. Yvonne Fradgley-Smith and Blu Boan, from Baffins Milton Rovers Football Club (the applicants) were in attendance should members require clarification on any matters but had declined to speak.

- The club have been promoted to a step 6 Club in the Sydenhams Football League.
- This promotion is good for any club but for the club to progress they need to upgrade their pitch and facilities.
- Gravel traps along the pathways and roads will mean water will drain away.
- Some trees may need pruning as a result of the fencing but these will be replaced as will the bushes.
- It will cause little or no light pollution.
- There is currently fencing on 3 sides so only one additional side.
- Need fencing to protect the site from vandalism particularly due to the cost of the floodlights and cabins.
- Should be using this club to inspire other young people. Teenagers need to have something to aspire to.
- There is a real issue around the clubs promotion which needs to be sorted.
- This facility gets teenagers off of the streets and playing sport.
- This is the council's access road and not the Tudor Sailing Club.
- Langstone Harbour Board have raised concern not objection.
- It is unreasonable to remove one fence. The site needs the full protection.

Member's questions

Member sought clarification on the effect of the floodlighting in terms of navigation and the possible impact on the Brent Goose.

Members' comments

Members were in full support of this application and felt that the fencing around the pitch area would not interfere but provide some added protection to the Brent Goose.

RESOLVED that delegated authority be granted to the City Development Manager to grant conditional planning permission subject to further discussions with Natural England.

145. 14/01197/FUL - Park Lodge, 28 Clarkes Road, Portsmouth (AI 6)

The City Development Manager introduced the report and reported that in the supplementary matters list that a contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD and the required S.111 forms had been completed and received since the report had been published.

Deputations were heard from Mrs Burnett, the applicant and Mr Manns, the agent, who included the following points in their representations:

- Have been operating for 8years and to my knowledge never had any noise complaints.
- Presently have 22 children in the current premises and will have up to 42 overall if permission is granted.
- Children are from 3months to 3years and in the new build will be up to 8years old.
- We are open all year round although some children are term time only.
- Parents drop off and pick up at staggered times and we are open from 7.30am - 6pm.
- Parents are told not to park on the double yellow lines or in front of the garages at drop off and pick up.
- 80% of the parents walk to the nursery.
- The majority of the children are funded and live close to the nursery.
- Want to continue to work with our neighbours.
- We also work well with the local Police as we are so close to Kingston Park and often see incidents occur.
- The size of the new build has been reduced.
- The design is in keeping with the adjacent building.
- Have changed the internal layout and have tried to put the children's area furthest away from the nearest residential property and are proposing sound barriers.
- Can put in all the necessary noise specifications with it being a new build.
- Suitable management plans have been submitted.

Members' questions

Members sought clarification on whether any noise complaints had been received, the loss of trees and whether there was any overlooking or loss of privacy for nearby residential properties.

In response to questions from members regarding the loss of trees, the City Development Manager explained that there would be a loss of 3 trees which the arboricultural officer had inspected but were deemed to be not of a high standard.

Therefore on balance losing three poor trees against providing facilities for children to enable parents to go to work within the local community was acceptable, particularly as the trees would be replaced.

Members' comments

Members were concerned about the loss of three fairly substantial trees, even though they accepted that they were not of a high quality and would be replaced with new younger trees. However, members were also very supportive of providing much needed childcare facilities within Fratton.

It was at this point in the proceedings that Mrs Burnett, the applicant, confirmed to members that the three trees were not on the land which she was purchasing and that they were actually situated within the Kingston Park.

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

146. 14/01408/FUL - Construction Site, Bus Depot Site, London Road, Portsmouth (AI 7)

This application was considered by the Planning Committee at the request of Councillor Alistair Thompson.

The City Development Manager introduced the report and reported in the supplementary matters list that the applicant had submitted a Sales Cabin Parking Strategy which was attached for members' information.

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

- This is a new landmark building which is already sending out a positive message to local residents.
- The sales cabin is modern and subtle and means that we can sell some units off plan.
- This will allow us to bring in some finance sooner to enable us to build in the city.
- All our contractors are told to park in the two public car parks nearby as opposed to the residential roads to the rear of the site, as will visitors to the sales cabin.
- The siting of the sales cabin will have little or no impact on local residents.

Member's questions

Members asked how temporary the permission was to be for.

In response to this question, the City Development Manager explained that the applicant had applied for a six month period starting January 2015 but suggested

that this be amended to one year so as to prevent the applicant having to re-apply later next year for an extension.

Members' comments

Members were all in support of a temporary one year permission.

RESOLVED that conditional temporary permission, for one year starting from January 2015, be granted subject to the conditions outlined within the City Development Managers report.

The meeting concluded at 7.30 pm.

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Signed by the Chair of the meeting