

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 14 January 2015 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
Colin Galloway
Stephen Hastings
Lee Mason
Les Stevens
Sandra Stockdale
Gerald Vernon-Jackson

Also in attendance: Councillors L Hunt & M Winnington

Welcome

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

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.

1. Apologies (AI 1)

Councillor David Fuller had sent his apologies for absence.

2. Declaration of Members' Interests (AI 2)

Councillors Gerald Vernon-Jackson and Sandra Stockdale would withdraw from the room for the Site of the Savoy Buildings item as their colleague Councillor Purvis works for McCarthy and Stone who are the applicant, so felt this was a code of conduct rather than pecuniary interest. Councillor Les Stevens received legal advice and decided that he would not have an interest as he had not known of Councillor Purvis' employment and had not discussed this application with him so would consider the application on its merits.

3. Minutes of Previous Meeting - 17 December 2014 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 17 December 2014 be agreed as a correct record and signed by the chair of that meeting.

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

There were no updates at this meeting.

5. Appeal decision at Northern Pavilion and Bowling Green, adjacent to Eastern Parade, Southsea (AI 5)

It was asked if costs had been awarded on this appeal decision to allow the development; the City Development Manager confirmed that costs had not been awarded.

RESOLVED that the report be noted.

6. 14/00790/FUL - Site of Savoy Buildings and Savoy Court, South Parade Southsea - Construction of Part Seven, Part Five Storey Building Comprising 31 Retirement Living Apartments (Class C3), 66 Assisted Living (Extra Care) Apartments (Class C2) With Communal Facilities, Ground Floor Retail Unit (Class A1) and Associated Car Parking and Landscaping (AI 6)

Councillors Gerald Vernon-Jackson and Sandra Stockdale withdrew from the room for the consideration of this item in accordance with their earlier declaration of interest. The City Development Manager's Supplementary Matters List reported that eight further representations had been received raising the following objections:-

- design not in keeping and too tall;
- no need for convenience store operated by a national chain;
- elderly persons accommodation will not contribute positively to the area;
- site should be developed for a hotel or tourist attraction;
- likely impact on future operations of South Parade Pier;
- vehicular access should be from Alhambra Road;
- inadequate parking provision.

The City Development Manager gave a formal presentation of this application mindful that not all of the Members had been at the previous meeting at which the application had been deferred. The City Development Manager reported a small amendment to Recommendation 1 regarding the viability review to read "*a review of the financial viability if the development has not reached shell and core within 24 months of the planning permission being granted, with a commensurate increase being made to the financial contribution towards affordable housing if the viability is found to have improved*".

A deputation was made by Mr Pead objecting to the application. His points included:

- Questioning the validity of the extant permission and the associated land contamination concerns relating to the underground tanks at the site;

- There had been changes to the planning policies since the 2007 permission for Savoy Court so the Core Strategy and Seafront Plan should be considered as well as the Tall Buildings Policy for this seven storey building;
- The impact on the Royal Beach Hotel and the conservation area:
- The unsuitability of incorporating the retail element on the seafront with a loading bay.

In his deputation Mr Halloran objected to the proposal on behalf of the Portsmouth Society, which felt that the design was not good enough for Portsmouth on such a prestigious site. His other points included:

- There had not been significant changes to the design and the applicant had not listened to what had been said at the previous occasion;
- The previous comments regarding the design where the design review panels had not been listened to regarding the need for a clearer break in the middle of the frontage
- The Portsmouth Society had offered to meet with the architects and had received no response.

A deputation was then made by Mr Child on behalf of the applicant whose points included:

- The scheme had evolved and had taken account of the site with a thorough access statement
- The applicant had responded to the criticism of the design panels and he felt that the officers had given a balanced recommendation
- The scheme did include a break in the middle of the frontage.
- Their changes had been subtle and the Portsmouth Society had wanted fundamental changes, the applicants felt that their changes had been appropriate for the site and the design should be compared with the extant permission.
- The scheme establishes a residential value of the land
- McCarthy & Stone were willing to explore the option of the retail element, but other uses may not be viable;
- There would be a significant benefit to the city with the scheme, to pay for improvements at Southsea Common and if this received permission the scheme would move quickly to improve the site.

Councillor Lee Hunt wished to comment on the application and his points reflected the planning policies in place and the aspiration to make Portsmouth a premier waterfront city. His points included:

- his concerns were about the design not the use of the site, quoting from the Portsmouth Plan regarding developments at the seafront which should show respect for the natural environment
- the need for a higher architectural quality and enhancing the architectural heritage of the city in a conservation area and stressing the importance of this site as a major tourist destination
- This was on the edge of the seafront master plan area so the design should enhance the seafront which was not the case with this application which he felt was bland in between the Edwardian villas.

Councillor Matthew Winnington then spoke as a ward councillor and he represented the views forwarded to him both for and against the application which was summarised:

- It was out of keeping with the area, with the parking access in the wrong place which would cause problems accessing the retail element.
- The design was 'bland and monolithic' and there should be a sensitivity to development in a conservation area.
- The design should reflect what was there and a convenience store is not appropriate to the site.
- Another resident had commented on the poor design.
- Some residents felt that this should be a non-residential use and that this shouldn't be just developed because it was an empty site and it did not enhance the area which had been promised at the public meeting
- other residents had felt that it should enhance the area of the seafront.

There had also been some positive comments including:

- Some residents liked the design and felt it enhanced the seafront
- Some local residents had welcomed the convenience store at this location and felt that it was a better design than the extant permission.

Councillor Winnington felt this was an important site and the effect on the Royal Beach Hotel (which was raising objections) should be considered and the impact on the conservation area; what was agreed for this site would be there for decades.

In response to the points made by the deputations the City Development Manager responded that the officers' view was that there had been a technical commencement of the previous permission although that had related to part of the site and the other part related to conversion of the building which had been burnt down so could not be implemented. With regard to the subsequent policies that had come into place Members should be mindful of the conservation area setting and there are current policies within the Portsmouth Plan and the Seafront Master Plan which would be relevant to their consideration.

Members' Questions

It was asked regarding whether there could be a better development for this site and officers advised that Members had to consider what was before them at this meeting and design is a subjective issue as seen in the fact that some residents had supported and some had objected to it. It was asked why the comments from the design panels had not been re-sought regarding the changes to the scheme to see if their previous concerns had been satisfied. The City Development Manager responded that there had been subtle changes which had represented an improvement to the scheme.

Members' Comments

Members' concerns included the delivery arrangements and parking outside the retail element but were mainly concerning the design scheme at this sensitive site on the seafront. Members wished it to be noted that they had received unprecedented pressure to give consideration to the financial contribution associated with the scheme, and had received a lot of contact from the applicant which they felt was wrong. The committee members also felt that it was unfortunate that there had not been more effort by the applicant to revise the scheme following its deferral as requested by the committee at the previous meeting.

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

7. 14/01345/FUL - 15 Harbour Ridge, 163 Queen Street, 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 7)

Councillor Stockdale rejoined the meeting. The City Development Manager's Supplementary Matters List reported one further letter of representation from Mr McGovern who had hoped to make a deputation and was travelling from Dorset but did not attend. His objection on behalf of The Old Brewhouse Residents Ltd (Management company for Harbour Ridge) re-iterating concerns previously raised and reported. This representation stated:-

- i) Inadequate Mechanical and Electrical (M& E) provisions for increased occupancy
- ii) Insufficient means of disposal of household refuse. (Fly Tipping is already the norm)
- iii) Inadequate supply of potable and fresh water supply
- iv) Inadequate means of foul water disposal (current system is already the subject of frequent flooding)
- v) Requirement of Fire Alarm and Fire protection system in compliance with HMO's
- vi) Upgrade of lift service to meet Disabled Persons needs
- vii) No facilities for Parking (existing On Street parking is already oversubscribed)
- viii) Any sub-let or part with the possession of part with the possession of a part of or part only of the Property as distinguished from the entirety thereof would be in contravention of the Terms of the Lease.

- ix) Refusal of our present insurers and other recognised insurers to offer Buildings insurance for HMOs
Rendering the building uninsurable (The incidence of death related to fire in HMOs is reported as 8 times higher than residential properties.
- x) Increased occupancy would naturally cause increased noise affecting the quality of life expected from existing residents. We already have frequent complaints from noise transmissions which are the subject of numerous complaints to the City Council we would not wish to exacerbate this situation.
- xi) The corridors of the building are “Blind” and have no natural or mechanical ventilation Odours from Household refuse are a constant complaint, any increase in occupancy would exacerbate this situation.
- xii) Noise levels would naturally increase to the discomfort of other residents.
- xiii) The overall environmental affect would be un-sustainable.
- xiv) The sub division of the existing Lounge would leave insufficient space for communal activities such as eating, relaxing entertaining etc. etc.
- xv) The current facilities for drying washing airing linen could not meet the increased demand and would inevitably result in an overflow onto the balconies in contravention of City By-Laws.

The Committee Report refers (under 'Principle of HMO use' pg.30) to uncertainties surrounding the lawful use of three properties (45b, 46c and 57 Queen Street) that have been included within the HMO 'Count' data.

However, it highlights that even if these properties were found to be in lawful use as HMOs the number of HMOs as a percentage would remain below the 10% threshold if permission was granted.

Following further investigations, it has been established that, on the balance of probabilities, the three properties identified are not in lawful use as HMOs and have been included within the HMO 'Count' data in error. Therefore, the number of HMOs within the surrounding area would be 4.94% rising to 6.17% (5/81) if permission was granted, below the 10% threshold set out within the HMO SPD.

The wording relating to the reason for Condition 1 has been corrected to read: 'To comply with Section 91 of the Town and Country Planning Act 1990'.

Members' Questions

It was asked if the existing HMOs within the calculation were in flats. It was reported that the majority of these were in flats. It was asked how the properties were identified as HMOs. In response it was reported that the HMO database was used and there is a second list of properties where students are exempt from Council Tax in which case further investigations are carried out to these properties. The layout and the use of the double bedrooms was queried and it was asked how the occupancy would be monitored. In response it was reported that this would rely on people notifying the city council if it was not occupied in its licensed use. The level of cycle storage was also questioned and the impact on parking. The access to the shared bathroom was also queried and it was reported that there was an error on the drawing as displayed as there was a second separate door to the bathroom which would mean that it could be accessed other than from one of the bedrooms.

Members' Comments

There was some concern that this may set a precedent of HMO use within the block of apartments and there was a loss of family living space. However Members were mindful of the flexibility of the planning regime that allowed the change of use to HMOs.

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

8. 14/01100/FUL - Cadgwith Place, Port Solent, Portsmouth - Installation of Traffic Islands and Parking Bays in Cadgwith Place Parking Court (AI 8)

The City Development Manager's Supplementary Matters List reported one further letter of representation in support of the proposal which had been received from Paulsgrove Ward Member, Councillor John Ferrett whose comments read:-

"I would be grateful if this written deputation could be placed before the Planning Committee at their meeting on 14 January 2015. Unfortunately, I am unable to attend the meeting in person. I have spoken to residents about the problems encountered with inconsiderate parking at Cadgwith Place, Port Solent. I have also observed the haphazard and random nature of parking on numerous visits to this area. It is clear from my visits and observations that some structure and order to the parking area must be provided, both to ensure there is adequate access and egress from the square, but also to minimise disputes over parking. I believe the proposal that has been put forward deals with the parking and traffic problems that have been encountered in this area and would, therefore, urge the committee to support the officer's recommendation".

The deputation was made by Mr Critchley the applicant's agent who circulated photographs showing the intensity of parking at the site. His points included:

- This is unusual open space within Port Solent
- The rest of the site had neat integral parking and this open space had led to illegal parking causing inconvenience to residents especially at weekends with yachting parties and commercial vehicles being left over the weekend.
- Since 2009 the residents had tried to control the parking there which needed a formal solution.
- The application had been made by the Residents' Group for associated landscaping and this still allowed access for refuse collection.

Members' Questions

Councillor Ellcome as the Cabinet Member for Traffic & Transport asked why an application had been made whereas usually schemes on public adopted highway went through Traffic Regulation Orders. He was concerned that future maintenance would be part of the PFI arrangements with Colas. The Head of Transport &

Environment's representative confirmed that the future maintenance had been discussed with Colas who did not require a commuted sum as there were minimal implications for them and members asked that this agreement to be formalised.

Members Comments

Members were unsure whether the formal parking would deter all the inconsiderate parking as the residents hoped. However it was felt that the scheme would be an improvement to the current situation.

(As Councillor Vernon-Jackson returned to the meeting during this item he did not take part in the discussion or voting.)

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

The meeting concluded at 6.52 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray