

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 11 March 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
Terry Hall
Stephen Hastings
Sandra Stockdale

Also in attendance Councillor M Andrewes

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.

18. Apologies (AI 1)

Apologies for absence had been received from Councillor David Fuller.

19. Declaration of Members' Interests (AI 2)

There were no declarations of members interests.

20. Minutes of previous meeting - 11 February (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the meeting of the Planning Committee held on 11 February 2015 were agreed and should be signed by the chair as a correct record.

21. Updates from the City Development Manager on previous planning applications (AI 4)

Councillor Ellcome asked officers for an update on the Roko Health & Fitness Club application that had been deferred at the last meeting, as he had received emails from residents asking for an update. The City Development Manager advised that an internal meeting was due to take place to discuss the land ownership issues. The City Development Manager had met with Portsmouth Football Club to discuss issues associated with restricting access to the site by the public. Officers had been advised by Portsmouth Football Club that they would meet with the objectors to the application to reach an agreement.

There were no further updates.

22. 14/01665/FUL - Cavendish House, Victoria Road South, Southsea - Change Of Use From Purposes Within Class D1 to a 15 Bedroom Halls of Residence (Within Class C1) (AI 5)

The City Development Manager introduced the report and reported that the applicant had submitted a written statement in support of their application which was circulated to Members by e-mail today. Amended plans have also been received relocating the refuse store as suggested by the Highway Engineer.

Comments have been received from the Highway Engineer confirming a car free development would be acceptable in this location and suggesting that the location of the refuse store be relocated to allow collection from Cavendish Road rather than from Victoria Road South. Condition 2 had been updated to reflect the amended plans. Following a recent judicial decision of the High Court a project management fee could form part of the requirements of a planning obligation only in limited factual circumstances, which did not appear to apply in this case; therefore the project management fee had been removed from the recommendation.

A deputation was made by Ms Hannaby, objecting to the proposal whose points included:

- Ms Hannaby agreed that something needs to be done with the property and would support the property being converted into a family home.
- Major concerns about parking and potential for 15 additional cars in the area as there is no more capacity for further cars.
- No car parking surveys have been completed.
- 8% of students commute to university by car.
- numerous surrounding student properties where many of the student residents have cars or motorcycles.
- University of Portsmouth Estates figures indicate that the student population is projected to decrease by 41% by 2020, therefore why are more student halls of residence required?
- There are numerous new build halls of residence planned which would be a better environment for students.
- Adding further students to an area where there are already numerous student houses does not create a balanced and mixed community.

A deputation was made by Mr Parsons, legal counsel for the applicant whose points included:

- He had submitted a written submission in advance of the meeting detailing why local residents should not be concerned about this application.
- If the property did not change to student halls of residence, it could become residential flats, which he felt the impact and consequences of this would be worse for neighbouring residents.
- The external building would not be changed.
- Misconception about car use; B2B properties would ensure the terms of let for the students would mean they would not be permitted to keep a car at the address.
- Students are not necessarily noisier than other residents. If there were noise complaints these would be easier to police than if other residents lived in the property and these would be swiftly dealt with.

A deputation was made by Councillor Michael Andrewes, ward councillor objecting to the application, whose points included:

- B2B properties run similar student halls of residence in Elm Grove and he was unsure whether this example had been a positive experience.
- Application is unsuitable for area and it does not preserve or enhance the conservation area. Better suited closer to the university.
- Will impact on the local community considerably.
- Contrary to PCS 23.
- Unsure if all the bedrooms meet the minimum size requirements under the SPD guidelines.
- Dubious about whether this would be a car free development.

Members' Questions

In reference to the points made by Councillor Andrewes, clarification was sought on the size of the bedrooms and also further information sought on the property on Elm Grove that it was claimed that B2B also manage. Officers sought clarification from Councillor Andrewes about the property he was referring to and advised that this was not a B2B managed property. Officers drew members' attention to the plans and advised that all bedrooms do exceed the size standards with the smallest bedroom being 10 square metres.

A question was raised about whether a condition had been recommended by officers that habitable rooms fronting Victoria Road South and Cavendish Road have suitable insulation. Officers advised that this had not been included as a condition, however the applicant could choose to do this anyway. With regard to a condition on parking, officers advised that the application has not met the relevant tests for imposing a condition and this would be problematic to enforce. There was a willingness from the applicant to ensure it was a car free development however the Council could not enforce this under condition.

With regard to the management of the property, officers advised that a management plan had not been submitted with the application, but the supporting documents circulated before the meeting did include details of how the halls of residence would be managed.

A question was raised about cycle storage. Officers advised that the application provided one cycle per study bedroom which accorded with SPD guidance. The

S106 agreement would control the occupancy of the bedrooms and ensure that students living in the property are enrolled on a recognised course.

Members' Comments

Members felt that additional cars would be inevitable with this development and had concerns over how it would be policed in future years to ensure that only students rent the accommodation. Members had concerns over supply and demand, particularly following Ms Hannaby's information that the student population is predicted to decrease. Members' also commented that there is a well-known parking issue in this area and although noted that the university encourage students not to bring cars and this was proposed to be a car freed development, this could not be enforced. The Senior Solicitor (Planning) gave legal advice and advised that under S106 of the Town and Country Planning Act the Council could impose a restriction on the use of the property so that during term time the property is restricted to full time students enrolled at colleges (including the University) in the vicinity of the development. This would be monitored anonymously using the student registration numbers. If such a restriction is breached the Council can apply to the High Court for an injunction.

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

In the opinion of the Local Planning Authority, the proposed development, by reason of it making insufficient provision for the parking of cars, is likely to give rise to an increased demand for on-street parking in an area with no capacity to accommodate additional demand and as such would result in harm to the amenities of the occupiers of existing residential properties in the area by increasing the demand for on-street parking. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.

23. 15/00039/FUL - 22 Inglis Road, Southsea - Construction of 2 Semi-Detached Dwelling Houses After Demolition of Existing Building (Amended Scheme) (AI 6)

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

24. 14/01672/FUL - Former Allders Warehouse, Cross Street, Portsmouth - Construction of Four-Storey Building Comprising 85 Flats, Construction of 5 Two-And-A-Half Storey Houses And Associated Access, Car Parking and Landscaping (Following Demolition of The Existing Building) (AI 7)

The City Development Manager reported that the applicant has submitted a drawing showing how an additional 10 on-street parking spaces could be provided in Cross and Prince George Streets.

Comments have also been received from the Landscape Group generally supporting the proposed landscaping scheme and suggesting improvements. The applicant has submitted an amended landscaping scheme to reflect the comments which the Landscape Group have agreed.

Amended plans have also been received amending the layout of the proposed disabled persons units to be provided as part of the affordable housing. These drawings have been prepared following discussions with the applicants architects and the Council's Housing team and Occupational Therapists. To allow further amendments if required delegated authority is sought to amend or add conditions if required.

Following this officers recommended an additional recommendation:
Recommendation 3: that delegated authority be granted to the City Development Manager to update or amend planning conditions to include references to amended plans. The monitoring fee within recommendation 1 should also be removed from the recommendation.

The following condition (and an associated informative) be added to secure the provision of the on-street parking:

25) The development hereby permitted shall not be occupied until the additional on-street parking spaces shown on Drawing No. Cross-PHP-Potions Rev.B (dated 6/3/15) have been provided.

Reason: To secure the provision of additional off-site parking to mitigate the potential highway impacts of the development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Informative: The applicant is advised that the requirements of Condition 21 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 Monaghan objecting to the application whose points included:

- One of the proposed entrances to the site is opposite the children's playground which is unacceptable and dangerous. Entrance should be kept in Cross Street and the second entrance is not necessary.
- 2.5 metre wall at the back of his property around the perimeter of the site and this is proposed to be reduced to 2 metres - unclear why this needs to be changed.
- Proposal includes planting trees up against his boundary wall and the fallout of the trees will go into his garden.
- Proposed four storey building will cause a lack a lack of privacy for his property.
- This is overdevelopment on a massive scale.

A deputation was heard from Mrs Ford, objecting to the application whose points included:

- Mrs Ford realises that the site needs to be developed but feels that the proposed development will create a sense of enclosure and a loss of privacy.

- She showed the committee some photos showing views from various windows in her property and due to the close proximity of the properties in the Admiralty Quarter development she already needs to keep her some of her blinds at shut as people can see into the rooms. This development would mean all rooms in her property could be looked into.
- Proposed access arrangements unsafe.
- Parking issues will be even worse than they are currently.
- Increased pressure on the sewer network, the main drain already has collapsed outside her property causing a foul smell.

A deputation was heard from Mr Nash, Manager of Bellway Homes on behalf of the applicant whose points included:

- Mr Nash believed that the new scheme is visually interesting and will fit in much better than the scheme that has the extant permission.
- The design was supported by the Design Review Panel at a pre application stage.
- The extant permission was approved before the recession but this is now unviable to build particularly as this had basement parking.
- Speed control on Prince George Street due to the 90 degree bend, therefore the speed of traffic would not be that high and cause any safety issues with the new entrance.
- More sustainable with a better mix of dwellings, than on the extant permission.
- Proposal is 11 metres lower than the extant permission.
- Refuse storage would be fully provided for in the scheme.

Members' questions

In response to a question, officers confirmed that the access locations to the site had not changed from the extant permission. A question was raised about the proposed additional on street parking and removal of the yellow lines. Officers advised that a separate consultation would be needed for a TRO. If a TRO is required to allow a development to proceed there should be a "Grampian" condition in place preventing the development proceeding until the TRO is approved.

Members' Comments

Members felt that the issue raised by Mrs Ford regarding the sewer system was a major concern and asked that officers follow this up with Portsmouth Water outside of this meeting with an update provided at the next meeting. Members felt that this scheme was an improvement on the extant permission.

DECISION:

(1) That delegated authority be granted to the City Development Manager to grant conditional planning permission subject to the applicant first entering into a legal agreement pursuant to S106 to secure:

- 27 units of affordable housing;
- a financial contribution of £15,480.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- a financial contribution of £75,000.00 towards off-site public open space improvements in lieu of on-site provision;

- the implementation of the travel plan associated with the proposed development;
- a financial contribution of £5,500.00 towards the monitoring of the travel plan associated with the proposed development;
- a financial contribution of £1,500.00 towards the costs of implementing a Traffic Regulation Order to enable the provision of additional on-street parking bays in Cross and Prince George Streets
- the preparation and implementation of an Employment and Skills plan to cover the construction phase of the development.

(2) That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within two months of the date of the resolution pursuant to Recommendation 1.

(3) That delegated authority be granted to the City Development Manager to update or amend planning conditions to include references to amended plans. The following condition (and an associated informative) be added to secure the provision of the on-street parking:

25) The development hereby permitted shall not be occupied until the additional on-street parking spaces shown on Drawing No. Cross-PHP-Potions Rev.B (dated 6/3/15) have been provided

Informative: The applicant is advised that the requirements of Condition 21 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.

The meeting concluded at 6.50 pm.

Signed by the Chair of the meeting
Councillor Aiden Gray