

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 12 August 2015 at 5.00 pm in the Executive Meeting Room - Third Floor, The Guildhall, Portsmouth.

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### **Present**

Councillors Aiden Gray (Chair)  
Stephen Hastings (Vice-Chair)  
Jennie Brent  
Colin Galloway  
Robert New (Standing deputy)  
Darren Sanders (Standing deputy)  
Sandra Stockdale  
Gerald Vernon-Jackson

### **Also in attendance**

Councillor Paul Godier

### **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.

### **81. Apologies for absence (AI 1)**

Apologies for absence were received from Councillors Ken Ellcome, Steve Harris and Hugh Mason. Councillors Darren Sanders and Robert New were in attendance as standing deputies.

### **82. Declaration of Members' Interests (AI 2)**

Councillor Aiden Gray declared an interest in application 1 - Myfanwy House, 14-16 Magdala Road, Portsmouth - in that he has been personally working with residents and the 'Friends of Myfanwy House'. He was also appearing as a deputation on the matter.

### **83. Minutes of previous meeting - 22 July 2015 (AI 3)**

RESOLVED that the minutes of the Planning Committee meeting held on 22 July 2015 be approved as a correct record and signed by the chair.

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

There were no updates.

**85. DA:15/00244/FUL: Myfanwy House 14-16 Magdala Road Portsmouth PO6 2QG - Demolition of existing 3 storey building and construction of a part 2-/part 3-storey building to form a home for the elderly (within use Class C2) for 14 persons with staff sleepover unit, office, communal facilities and associated refuse/buggy storage, landscaping and parking (report item 1) (AI 5)**

Councillor Steve Hastings took the chair for this item following Councillor Gray's earlier declaration of interest.

It was reported in the Assistant Director of Culture and City Developments supplementary matters list that notwithstanding the submission of a report outlining the results of survey work to establish whether the existing building has a roost, or roosts, for bats, in response to a concern from the occupier of the adjoining property a further survey was undertaken and the results were forwarded to the Council's ecologist for assessment. His comments were attached to the supplementary matters list. It is concluded that even if the building did support small numbers of pipistrelle bats, and if the measures set out in the report to address this were to form the basis of an application for a European protected species mitigation licence from Natural England (NE), then it is considered that the development would be likely to be granted a licence, and would appear to be able to be accommodated under the low-impact class licence. It is therefore recommended that the following condition be attached should permission be granted:

Development shall proceed in accordance with the recommendations set out in the Additional Bat Detector Survey Work & Report - Redevelopment of Myfanwy House, 14-16 Magdala Road, Portsmouth, PO6 2QG for the Abbeyfield Solent Society Ltd (FOA Ecology, letter report dated 5<sup>th</sup> August 2015) regarding pre-commencement bat survey work and subsequent working methods and integration of new bat roost features.

Reason: To protect biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

A deputation was heard from Mr Potter, representing himself and the Hunt family of No.18 Magdala Road who included the following points in his representations:

- The development will result in a compromise in privacy.
- Proposed building is substantially larger than current one.
- There are few windows and a fire-escape currently facing No.18.
- There is a greater mass coming towards No.18.
- New development will require additional staff.
- Sewer system won't be able to take any more developments.
- Much of Cosham's architecture has been vandalised over the last decade.
- Cosham's heritage is being taken away and has very little Edwardian/Victorian architecture left.
- The ambience of Cosham will be affected.
- Strongly object to the findings of the bat survey. Feel it is flawed.

- I see bats in numbers every night and would invite anyone to view at dusk and dawn to see what I see.
- It may be seen as impartial but I do not believe it to be.
- The Planning Committee needs to re-address the bat survey.
- No.14 was gifted to the Abbeyfield Society. It needs to continue in its current form to provide facilities for elderly persons.
- Would ask that there is a covenant to restrict the change of use to residential.

Deputations were also heard from Mr Mitchell (the applicant) and Mr Knight (the applicant's agent) who included the following points in their representations:

- The development will provide supported sheltered housing for 7-11 residents in individual units.
- This is not a care or nursing home but a residential home for older persons who do not want to live alone.
- We need to update the facilities to meet the growing aspirations of our residents.
- Have six properties in this area and each has a house keeper/manager.
- We are able to record a high occupancy rate and a healthy waiting list.
- Except for one other, all our properties will need updating over the next ten years.
- This is private accommodation, providing three meals a day, warmth and comfort whilst living independently in a friendly and supported atmosphere.
- Myfanwy House will be a welcome addition to the street scene.
- Car parking is provided for the manager. Residents do not own a vehicle only a mobility scooter.
- No resident is under the age of 60.
- Had considerable pre-application negotiations and discussions with the council.
- Have reduced the bulk and mass of the building.
- Any windows overlooking residential properties will be fixed and obscure glazed.
- Roof design and window proportion are all in keeping with Cosham.
- There are no recorded bats present or any that have been seen.

A deputation was also heard from Cosham ward Councillor Aiden Gray who included the following points in his representations:

- Have been working very closely with residents who feel that that there was not sufficient consultation taken particularly in relation to the size and footprint of the building.
- This is a fantastic architectural and stunning building.
- There will be a loss of light and amenity to No.18.
- The proposal is overbearing and the building is too big for this area.
- The carcass of the building could be re-used and made fit for modern purpose.
- With regards to the bats, I have seen a number of bats in the evenings and would ask the committee to defer for a re-assessment.
- This development will have an impact on an already over stretched sewer system.

- The development will have more residents who may not have their own cars but they will have visitors.
- The area deserves better.

Councillor Gray left the room after giving his deputation.

The senior ecologist from Hampshire County Council further explained the process and guidance used when undertaking a bat survey.

#### Members' questions

Members sought clarification as to whether permission would be needed to demolish the building and asked why it wasn't a listed building. Permission was not needed prior to demolition and members were informed that buildings are valued in their surrounding landscape. The conclusion for this building is that it is not listed and there is no reason why demolition cannot occur.

Members asked whether there are bats or not. In response members were advised that based on the likelihood that there will be a breach of the regulations, it is unlikely. There is no evidence to say that the bat came from the building and nothing to say that the bat won't go there to roost. We are suggesting pre-demolition checks just to ascertain whether a bat has started to roost. Work must stop if evidence of bats is found.

Members also questioned what consultation if any had taken place with residents and whether the council officers had seen the covenant. Members were advised that the issue of whether there is a covenant present or not was not a planning matter. There is no requirement for developers to involve the community but it is good practice for any developer to speak and engage with neighbours and residents.

Members raised the issue of car parking and whether a condition could be added, were permission to be granted, restricting the age of the residents occupying the development.

#### Members' comments

Members on the whole did not want to see the current beautiful building demolished and encouraged the re-use of the current building. Members felt that the new proposal was overbearing and not in keeping with the character of the area and street-scene.

**RESOLVED that planning permission be refused for the following reason: The proposed building would, by virtue of its increased scale and footprint, result in a reduction in the sense of openness on a prominent corner plot and would thereby be out-of-keeping with the area and would have an overbearing impact in relation to the street scene. The proposal would therefore be contrary to the objectives of policy PCS23 of the Portsmouth Plan.**

86. **DA: 15/00544/FUL: 1 Plymouth Street Southsea PO5 4HW - Conversion and extension of former public house (Class A4) to sixteen bedroom house in multiple occupation (sui generis) (report item 2) (AI 6)**

Councillor Aiden Gray was back in the chair for the remainder of the meeting.

This application had been brought to the committee at the request of ward Councillor Paul Godier.

A deputation was heard from ward Councillor Paul Godier who included the following points in his representations:

- With 16 units parking will be a problem. Previous use as a pub, people used to walk so parking was never an issue.
- Could be potentially over 30 car users.
- Concerned about the tenants who may live there.
- This is a family area.
- The area has been beautified with the hub and improvements with the school.
- Concerned about the potential of social problems. There are elderly, vulnerable residents living in Ladywood House who rarely leave their properties.
- Policy PSC16 refers to community benefit - do not believe there is any benefit to the community with this development.

#### Members' questions

Members questioned the number of parking permits allocated to the development, the number of bathrooms per floor and the 'open space' for the occupiers of the development. The development is entitled to two parking permits under the parking scheme. With regards to the number of bathrooms, there are two on the ground floor and one bath and one shower on the second floor. The yard area to the rear of the property is the amenity space for the occupiers.

#### Members' comments

Members felt that the proposal was an over-development with 16 units, it is inappropriate for the area, particularly with the lack of cooking and bathing facilities it was unlikely to be for student use and the lack of parking provision.

**RESOLVED that planning permission be refused for the following reason:**

- 1. In the opinion of the Local Planning Authority, the proposed use of the building as extended would amount to an over-intensive development of the site and provide a poor quality of accommodation for future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.**
- 2. In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).**

- 87. DA: 15/00895/FUL: 1 North End Avenue Portsmouth PO2 9EA - Change of use from builders store to mot station and repair garage and installation of replacement roof covering and re-cladding to part of front elevation (amended scheme) (report item 3) (AI 7)**

The Assistant Director of Culture and City Development reported in the supplementary matters list that the following comments had been received from the Highway Engineer:

Whilst on-street parking in the vicinity is unrestricted, it is severely congested due to the predominantly terraced housing without off-road parking facilities. A proposed parking scheme was rejected by residents within 3 years ago as the majority of vehicles are associated with residents but the width of the housing frontages allows for 1 space per household. Vehicles associated with vehicle repair/MOT garages can cause frustration for local residents, with vehicles left in the residential roads on a regular basis, reducing parking availability. However, considering the unrestricted parking in the vicinity of the site an objection on highway grounds cannot be sustained and therefore no objection is raised.

A further objection had been received on the grounds that the applicants existing garage in Wadham Road causes parking problems and is noisy.

Deputations were heard from Mr Farah, Mr Hoard and Mr Knight, all objecting to the proposal, who included the following points in their representations:

- This is the third time the applicant has sought to change the use of the building. The first was withdrawn and the second was refused.
- This proposal has produced 32 objections from residents.
- A repair centre will impact on local residents.
- The noise will have an impact. This proposal brings an additional 60 hours of noise.
- The proposal will generate additional traffic.
- There is an issue of personal safety to pedestrians on the thoroughfare.
- Nearest home is 12 inches away.
- There is a major risk of fire and explosion from this use.
- There is no talk of improvement for local residents from what is there already.
- Residents' objections have not been addressed.
- The proposal does not offer economic or social benefit to residents.
- The corrugated roof and plastic curtain will not delight or enhance the area.
- The proposal is on a 2-way road with vehicles crossing.
- I live next door to the site and have done for 30 years.
- It has always been used as a store. Vehicles would arrive to drop off/pick up items from the store maybe twice a day. Sometimes noise could be heard from items being thrown into the van or into the store.
- The noise associated with a repair garage and MOT testing station is going to be far greater.

A deputation was also heard from the applicants' agent, Mr Tutton who included the following points in his representations:

- The building stands back 2m from the footpath.
- There are obscure glazed windows on the east elevation which are mainly broken.
- The previous application for the change of use was refused for one reason. Rather than appeal the decision the applicant decided to address the reason for refusal.
- The asbestos roof will be replaced.

- There will be plastic cladding on the front and plastic windows to replace the broken ones.
- A heavy plastic curtain will be fixed across the entrance to curtail noise.
- Highly unlikely that these works will have an adverse impact on local residents.
- This will provide an alternative commercial use for these premises.

#### Members' questions

Members sought clarification on the term 'sui generis', the noise and fumes from an MOT testing station, the number of parking permits a garage is entitled to in a residential area, the opening hours and whether there was to be an extraction fan system to be installed. The term 'sui generis' in planning law refers to something which doesn't fall within any use class. A noise assessment has been undertaken and based on that report and the proposed works as offered by the applicant, officers do not feel that there will be any demonstrable harm. Vehicles are tested/run for between 30 seconds to 1.30 so fumes are minimal. It was noted that the garage opening hours were from 0800 to 1800 hours daily. It was also noted that garages are entitled to eight parking permits for vehicles.

#### Members' comments

Members felt that this proposal would have an impact on local residents particularly with the revving of engines in a small confined space creating noise and disturbance. The parking of vehicles in residential roads will also have an impact on residential amenity. Councillor New supported the application. He felt that with the acoustic noise treatment there would not be a noise impact to residents. He was supportive of the applicant running a small business employing local people and felt he had done well to address the previous reasons for refusal.

**RESOLVED that planning permission be refused for the following reason:  
The proposed use of the building would, by reason of the noise and disturbance associated with it, be likely to give rise to an unacceptable loss of residential amenity to the detriment of the occupiers of neighbouring properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.**

The meeting concluded at 7.15 pm.

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Signed by the Chair of the meeting  
Councillor Aiden Gray