

City of Portsmouth MEMBERS' INFORMATION SERVICE

NO 31

DATE: FRIDAY 5 AUGUST 2016

The Members' Information Service produced in the Community & Communication Directorate has been prepared in three parts -

Part 1 - Decisions by the Cabinet and individual Cabinet Members, subject to Councillors' right to have the matter called in for scrutiny.

Part 2 - Proposals from Managers which they would like to implement subject to Councillors' right to have the matter referred to the relevant Cabinet Member or Regulatory Committee; and

Part 3 - Items of general information and news.

Part 1 - Decisions by the Cabinet

The following decisions have been taken by the Cabinet (or individual Cabinet Members), and will be implemented unless the call-in procedure is activated. Rule 15 of the Policy and Review Panels Procedure Rules requires a call-in notice to be signed by any 5 members of the Council. The call-in request must be made to democratic@portsmouthcc.gov.uk and must be received by not later than 5 pm on the date shown in the item.

If you want to know more about a proposal, please contact the officer indicated. You can also see the report on the Council's web site at www.portsmouth.gov.uk

N.B. THERE ARE NO PART 1 ITEMS THIS WEEK

Part 2 - Proposals from Managers for Implementation

The following proposals have been brought forward. The Managers indicated will exercise their powers to approve the proposal unless a Councillor requests the item be referred for decision to the relevant Cabinet Member or Regulatory Committee. **Your request must be made to democratic@portsmouthcc.gov.uk and must be received by not later than 5 pm on Friday 12 August 2016.**

An email or handwritten letter will suffice.

If you want to know more about a proposal, please contact the Officer indicated.

COMMITTEE: PLANNING

FRIDAY 5 AUGUST 2016

	WARD	SUBJECT AND PROPOSAL	OFFICER CONTACT
1	St Thomas	<p>Provisional tree preservation order at 35 Pembroke Road (16/00001/TPO)</p> <p>Proposal: As the Local Planning Authority (LPA) and Arboricultural Officer consider that the tree in question is still worthy of a TPO, it is recommended that the Order is confirmed.</p> <p><u>Background</u></p> <p>On the 5th July 2016 the Council made a provisional tree preservation order (TPO) for a beech tree located in the rear garden of 35 Pembroke Road which is a dwelling owned by the Ministry of Defence.</p> <p>The order lasts provisionally for 6 months and was made because this tree is considered to have high amenity value and worthy of TPO protection. It is considered to positively contribute to the character and appearance of the 'Old Portsmouth' Conservation Area and to the wider area.</p> <p>The tree is causing damage to a boundary wall and decking area from root pressure at No.10 St Nicholas's Street, the occupier of which has objected to the confirmation of the order. Concern has also been relating to loss of light and leaf fall causing the decking area to be slippery. The MOD's sub-contractor has advised an intention to re-build this wall with lintels to bridge the roots of the tree. This would result in the wall being straightened and would alleviate pressure on both the decking area and wall, thus mitigating any future issues. There is no 'right to light'.</p> <p>/Cont'd ...</p>	<p>Nicholas Smith Planning Officer (Development Management) Tel: 9284 1995</p>

	WARD	SUBJECT AND PROPOSAL	OFFICER CONTACT
		<p>In accordance with the Tree Regulations, after making the order there is a requirement to give anyone affected by the order at least 3 weeks in which to comment. The period for comments expired on 02.08.2016. The local planning authority is also required to provide a copy of the TPO that was hand delivered and three site notices were displayed. We have subsequently received the comments referred to above objecting to the confirmation of the Order. As it is considered that the impact of the tree on the boundary wall and decking area can be resolved, this issue is not considered to be a justification for not confirming the Order. Whilst the tree may cause some loss of light, it is considered that as part of an established management cycle this would not have a significant impact on residential amenity.</p>	

PLANNING APPLICATIONS TO BE DETERMINED BY CITY DEVELOPMENT MANAGER

The City Development Manager will exercise her powers to determine the following applications in accordance with the proposed decision for each application unless a Councillor requests the application be referred for decision to Committee.

Your request should be made to the **Assistant Director of Culture & City Development** by telephoning **the validation team (023 9283 4826 or 023 9283 4339 answerphone)** and must be received not later than **5pm on Friday 12 August 2016**. You can also make contact by letter or by e-mail to planningreps@portsmouthcc.gov.uk. If you wish to know more about a particular application, please contact the Case Officer indicated.

Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Case Officer Proposed Decision
2	16/00416/FUL Cosham	Lakeside North Harbour Western Road Cosham Formation of access road, including junction onto Western Road, spine road improvements, associated infrastructure and replacement car parking provision	<p>The Portsmouth Society raise objection to this application on the grounds of: (a) no justification for this additional access onto Western Road when there is access less than 1/2 a mile away; (b) this access point is more dangerous than the existing one emerging directly onto an unrestricted (70 mph) highway; (c) if there has to be access at this point then the road speed limit should be reduced to 50 mph and then the junction could be simplified and reduced in size to cause less problems to pedestrians and cyclists who have to cross the new access point.</p> <p>The highways implications of a new left in/left out junction/access road represent the key determining issue. A transport assessment and safety audit has been submitted in support of this proposal. The Highways Authority comment that the junction as designed would be appropriate once the reduction in speed limit to 50mph, which is proposed on Western Road, has been implemented. Any permission requires a 'Grampian' type condition preventing the access being brought into use until such time that the proposed 50mph speed restriction has been implemented. The proposal does not include any expansion of the existing approved development on this site and must be considered in isolation from any future expansion of development on the site. As a consequence this proposal will not generate additional traffic directly rather will tend to redistribute traffic from the existing access provision. Further, it should not be inferred that this proposed access will be sufficient to accommodate any increase in traffic generation associated with expansion of development on the site, which will be considered on its merits as and when planning applications are submitted for such expansion at which time issues associated with the accessibility of the site and opportunities for sustainable travel will be considered. The Highways Authority raises no objection.</p> <p style="text-align: right;">/Cont'd ...</p>	<p style="text-align: center;">Alan Banting</p> <p style="text-align: center;">Tel: 023 9283 4324</p> <p style="text-align: center;">Conditional Permission</p>

Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Case Officer Proposed Decision
3	16/00688/ADV St Thomas	Shop 69 Castle Road Southsea Display of internally illuminated hanging sign to front elevation	<p>The principle of an additional access onto Western Road in this location was previously accepted as part of an extant outline permission ref 08/02342/OUT for the site, in October 2010.</p> <p>One objection has been raised by a neighbouring occupier stating that the proposed signage have a negative effect on the "charm" and "ambience" of the area.</p> <p>The proposed projecting signage would measure approx. 0.55m in width, 0.7m in height and 0.15m in depth. The maximum projection of this sign to the front elevation would be approx. 1m. The sign would be constructed from metal and plastic with a black text on a white background.</p> <p>The design and projection of the proposed sign is considered to be appropriate in relation to the context of the "Castle Road Conservation Area and the local centre.</p>	<p>Niall McAteer</p> <p>Tel: 023 9268 8882</p>
4	16/00946/FUL St Jude	Flat 2 57 Marmion 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)	<p>Five representations have been received objecting on the ground of: a) The works have already been carried out; b) Incorrect labelling on the plans; c) No shared space for future occupiers to use other than kitchen and bathroom; d) There is already limited parking and further residents will exacerbate this and lead to further congestion; e) The application certificate is wrong; f) Potential increase in disruptive behaviour; g) There is no storage space for bikes; h) Increased refuse; i) Increased fire risk and safety concerns for other occupiers; and, j) Reduced living standards if the HMO is poorly managed.</p> <p>The applicant seeks a planning permission that will enable the use of the property to interchange between a Class C3 dwellinghouse and a Class 4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently a dwellinghouse (Class C3). Having regard to the aims and objectives of policy PCS20 and the Houses in Multiple Occupation (HMOs) SPD that seek to support mixed and balanced communities, the use of the property as a HMO would not result in an imbalance of such uses, falling below the 10% threshold (at 3.61% if permission was granted). There is limited street parking that is further restricted by residents permit schemes. The constraints of the site are such that bicycle storage cannot be provided but the property is within a short walk of high frequency bus routes.</p>	<p>Nicholas Smith</p> <p>Tel: 023 9284 1995</p> <p>Conditional Permission</p>

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Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Case Officer Proposed Decision
5	16/01006/HOU Eastney & Craneswater	Abbeville 26 Nettlecombe Avenue Southsea Construction of a single storey outbuilding using existing unauthorised structure walls	<p>It is considered that the level of occupation generally associated with the use of any given property as a HMO (C4) is not materially different to the use of a property as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. On that basis, it is considered that the grounds of objections could not be sustained.</p> <p>There is separate legislation to address issues with statutory noise nuisance and fire safety is not a material planning consideration. Other matters raised relate to request for sound proofing that would not be a reasonable planning condition.</p> <p>Two letters of representation have been received from the occupiers of the adjoining properties to the west. One raises objections on the following grounds: (a) Outlook is affected by the current unlawful outbuilding; (b) Appeal states that the current unlawful outbuilding should be removed; and (c) This proposal would set a precedent if the building is retained in a modified form encouraging development without the benefit of planning permission. The second highlights that significantly reducing the height of the existing unlawful outbuilding would be positive, although expresses surprise that a similar structure as that proposed could be constructed as permitted development within a Conservation Area.</p> <p>Planning permission is sought to modify an existing unlawful outbuilding by removing its existing pitched roof and replacing it with a flat roof measuring 2.5 metres at its maximum height. The building's existing footprint and external walls would remain unchanged. The applicant has recently established through a certificate of proposed lawful development (16/00278/CPL), that an outbuilding of an identical scale and design could be built without the express permission of the Local Planning Authority (i.e permitted development) if the existing unlawful outbuilding was removed in its entirety to comply with an Enforcement Notice at the site.</p> <p>The current planning application is only necessary as the applicant seeks to incorporate the existing walls of the unlawful outbuilding. Therefore, on the basis that an identical structure could be built as permitted development if the applicant first removed the existing structure, it is considered that an objection on design, impact on heritage assets or the amenity of adjoining occupiers could not be sustained. It is not considered that such a decision would encourage development without the benefit of planning permission.</p>	<p>Gary Christie</p> <p>Tel: 023 9268 8592</p> <p>Conditional Permission</p>

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Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Case Officer Proposed Decision
6	16/01087/PLAR EG Baffins	55 Baffins Road Portsmouth PO3 6BE Retrospective application for alterations to existing garage to include increase in height	<p>One objection was received on the basis that retaining the existing garage extension would be visually inappropriate in terms of its materials for the occupiers of 113 Milton Road. Due to the close knit layout of these properties, the rear curtilage of 55 Baffin's Road shares a boundary with 113 Milton Road. The existing garage has been increased in height by approx. 600mm and has been faced with masonry block.</p> <p>The design and appearance of the resulting structure is not aesthetically pleasing, however this can be controlled by the LPA by imposing a condition to face with matching brickwork. This would make the development acceptable and capable of support.</p>	<p>Niall McAteer</p> <p>Tel: 023 9268 8882</p>
7	16/01088/PLAR EG Drayton & Farlington	25 Kinross Crescent Portsmouth PO6 2NP Retrospective application for the construction of a detached outbuilding to rear of property to be used as a part time beauty salon (sui generis)	<p>Seven representations have been received objecting on the grounds of: a) the operation of the business will increase vehicular traffic at end of garden; b) the increased 'comings and goings' will increase the disturbance from objectors own dogs barking; c) there is no parking in the surrounding area and the provided spaces are too small and will cause an obstruction; d) disturb peace and quiet currently experienced by occupiers of neighbouring properties; e) change character of area and set precedent for other small business start-ups; f) invasion of privacy for those accessing the site by foot; and, g) cost of maintenance of driveway would increase if more vehicles use it.</p> <p>10 comments have also been received in support of this application relating to the dedicated parking spaces in the area have not caused a parking issue, the building is in keeping with neighbouring properties, as treatments are not back to back this would prevent unnecessary noise and disturbance and residents should be supporting a local business.</p> <p>Given the size of the outbuilding, its location within the site and the availability of dedicated parking, it is considered that the its use for business purposes is acceptable in principle. As there is an existing access road to the rear of these properties which benefit from long gardens with garages at the rear, it is considered that the limited operating hours and days, which could be controlled by condition, has not had a significant impact on residential amenity nor has it resulted in increased parking pressure in the local area as there is dedicated off-road parking available for customers. The Highways Engineer is satisfied these spaces are of an appropriate size. The outbuilding, which if used for domestic purposes would not require permission, is not considered to have changed the character of the area.</p>	<p>Nicholas Smith</p> <p>Tel: 023 9284 1995</p> <p>Conditional Permission</p>

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Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Case Officer Proposed Decision
8	16/01120/FUL Hilsea	<p>71 Stubbington Avenue Portsmouth PO2 0HZ</p> <p>Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)</p>	<p>The loss of property value is not a planning consideration and any additional damage to the means of access to the rear would be a private legal matter.</p> <p>9 letters of objection has been received from local residents objecting on the following grounds: a) family area-not suitable for HMO b) parking c) noise and disturbance d) change character of area</p> <p>The applicant seeks planning permission that will enable the use of the property to interchange between a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or bathroom. The lawful use of the property is currently Class C3 (dwellinghouse). Having regard to the aims and objectives of policy PSC20 and the Houses in Multiple Occupation (HMOs) SPD that seek to support mixed and balanced communities, the use of the property as a HMO would not result in an imbalance of such uses, falling below the 10% threshold (3.9% if permission was granted). It is considered that the level of occupation generally associated with the use of any given property as a HMO (C4) is not materially different to the use of a property as a Class C3 dwelling house occupied by either a single family or other groups living as a single household. On the basis and given that there is not a significant concentration of HMOs within the surrounding area, it is considered that there will be no significant impact in terms of noise and disturbance, refuse, parking and the impact on the character of the area.</p>	<p>Katherine Alger</p> <p>Tel: 023 9284 1470</p> <p>Conditional Permission</p>

Part 3 - Information and News Items

FRIDAY 5 AUGUST 2016

	WARD		OFFICER CONTACT
9	Paulsgrove	<p>Special Traffic & Transportation Cabinet Decision Meeting - Wednesday 10th August at 9am in Conference Room A, Floor 2 of the Civic Offices</p> <p>Councillor Fleming, as the Cabinet Member for Traffic & Transportation, will be considering one item at this meeting:</p> <ul style="list-style-type: none"> • TRO 28 2016 Abbeydore Road - to consider the responses to the public consultation on proposals under Traffic Regulation Order 28 2016: Abbeydore Road. Ward Councillors and residents had requested a solution to address the parking issues encountered in Abbeydore Road. 	<p>Joanne Wildsmith Local Democracy Officer Tel: 9283 4057</p>
10	Milton	<p>Flats 1 & 2 199c Highland Road Southsea PO4 9EZ Appeal Ref: 15/02019/CPE Appeal Lodged: 3 June 2016 Appeal Start Date: 21 July 2016</p> <p>An appeal has been lodged against the refusal to issue a certificate of lawful development for the existing use of former maisonette (known as) 199c Highland Road as two residential flats (within Class C3) (re-submission of 15/01076/CPE)</p> <p>A Public Inquiry will be held to determine this appeal, date and time as yet are unknown.</p>	<p>Simon Barnett Planning Service Tel: 9284 1281</p>

LICENSING ACT 2003 – APPLICATIONS RECEIVED BY THE LICENSING AUTHORITY

The Licensing Authority has received the following applications in accordance with the Licensing Act 2003. The table below outlines the premises location, a brief description of the application and the closing date by which responsible authorities or other persons may make representations.

Members should be aware that representations may only be made on the grounds of one or more of the licensing objectives. These are: “the prevention of crime and disorder”, “the prevention of public nuisance”, “public safety” and “the protection of children from harm”. Any representation must be in writing and should, where possible, include evidence to support the licensing objectives. Representations should not be frivolous or vexatious.

If you have any queries relating to any of the applications outlined below, please contact the Licensing Section,
Telephone number: 023 9283 4607 or email: Licensing@portsmouthcc.gov.uk.

Item No	Ward	Licence No:	Premises Name and Address	Brief description of application:	Closing date for representations:
11	Cosham	16/03726/ LAPREM	Cosham Social Club 14-16 Wayte Street Portsmouth PO6 3BS	Application for premises licence: Sale of alcohol, Monday to Sunday from 11:00 until 23:30 and regulated entertainment, Monday to Sunday from 12:00 until 23:59	31 August 2016