

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 July 2016 at 1.00 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 Frank Jonas (Chair)
Scott Harris (Vice-Chair)
Yahiya Chowdhury
Ken Ellcome
Lee Hunt
Suzy Horton
Steve Hastings
Hugh Mason
Steve Pitt

Also in attendance - Councillors Ben Dowling, Luke Stubbs and Linda Symes

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.

74. Apologies (AI 1)

Apologies for absence were received from Councillor Jennie Brent (represented by Councillor Steve Hastings), Councillor Gerald Vernon-Jackson (represented by Councillor Suzy Horton) and Councillor Galloway.

75. Declaration of Members' Interests (AI 2)

Councillors Ellcome, Chowdhury, Pitt and Harris each declared that they had received phone calls from a communications company in relation to planning application number 2 - Vacant Land, Southampton Road. All of the councillors who had received these calls had advised the company that it was inappropriate for them to discuss the application. The Deputy City Solicitor advised members that the Planning Code of Conduct states that conversations with lobbying groups need to be properly managed and directed through officers.

Councillor Suzy Horton declared a non-prejudicial interest in planning application number 1 as she is an employee of the University of Portsmouth.

76. Minutes of the previous Planning Committee meeting - 22 June 2016 (AI 3)

RESOLVED that the minutes of the meeting held on 22 June 2016 were agreed as a correct record and signed by the Chair accordingly.

77. Updates on Previous Planning Applications by the Assistant Director of Culture & City Development (AI 4)

The Assistant Director of Culture and City Development advised that a report on the Housing and Planning Bill would be considered by the August Planning Committee, subject to the size of the agenda.

Councillor Hugh Mason referred to the planning appeal at 26 Merton Road which was upheld, and asked the Assistant Director of Culture and City Development for an update on costs. She advised that officers were working through costs and the other party will also put across their costs. These will be discussed between the parties and an agreement will be reached about the final costs.

78. 16/00142/FUL - Number One 8 Surrey Street Portsmouth (AI 5)

The Assistant Director of Culture & City Development introduced the application and reported in the supplementary matters list that recommendation I seeks to secure planning obligations by S106 Planning Agreement and includes off-site highway improvement works at '7' listed a-d. The Highways Authority advise, firstly, that works for 'build out contribution junction Surrey Street' are not considered necessary to make the development acceptable and, secondly, that the other off-site highway improvement works at '7' marked a, c & d should be secured by S278 Highways Agreement (rather than S106 Planning Agreement). The planning obligation for off-site highway improvement works should be secured by condition:

"No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the line, level and layout of highways works and its means of construction and surface water drainage for:

- (a) the removal of the zebra crossing on Station Street and replacement with a platform and tactile paving replicating the crossing points on the other approach roads to the adjacent roundabout;
- (b) the reinstatement of full height kerbing and footway crossings at the site perimeter onto Station Street and Surrey Street; and,
- (c) provision of six echelon car parking spaces onto the site frontage to Station Street.

The highway works (a)-(c) shall be laid out and constructed in accordance with the approved details and the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development."

Reason: In the interests of maintaining a safe and efficient highway network, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

Public Sector Housing has provided some detailed comments on other regulatory matters that PCC may need to consider if any subsequent licensing is required.

The applicant has provided a Waste Management Strategy (WMS) for servicing the proposed development and requests that it brought to the attention of the Planning Committee. The WMS is attached at Appendix 1.

Following this the Assistant Director of Culture and City Development advised that Recommendation I has been amended, by deleting the requirement for off-site highway improvement works at '7' listed a-d to be secured by S106 Planning Agreement and substitution of the works marked a, c & d to be secured by S278 Highways Agreement through a planning condition.

Deputations were then heard whose points are summarised:

Cllr Luke Stubbs speaking in support of the application whose points included:

- The view of the Cabinet is that concentrating student development in the central area around the station square is a good thing for the layout of the city.
- The proposal will lessen pressure for housing elsewhere in the city.
- There are already a number of hotels planned for the city so a hotel is not needed for this site.
- Visuals for the proposal look great.
- It will help to support city centre.
- Refuse storage - would be sensible if only come to collect waste once a week.

Members' Questions

In response to questions, the following points were clarified:

- With regard to the proposal to remove the zebra crossing, the highways officer advised that Station Street is heavily trafficked and the traffic flow is constantly interrupted by the zebra crossing. The additional influx of students in this area would make this worse. The proposed raised platform would operate the same as the Stanhope Road arm which works well.
- The room sizes exceed the minimum requirements set out in the SPD and follows the national code of standards.
- There is an individual cooking space in each studio or 'twodio'
- Building Control would insist on sprinklers across the building to comply with building regulations. The applicant confirmed that for their similar schemes in Reading, Bristol and Coventry they have worked closely with the building control teams to ensure that the safety standards are met and all buildings have sprinklers.
- The proposal has two lifts in addition to the main stairwell.
- There are no car parking spaces provided for the development as this will be a car free development.
- A TRO could be added to restrict parking along Surrey Street which would be through a separate consulting process however following this it may not be implemented.
- With regard to halls of residence freeing up student homes in the city for families, officers advised that 6 student pods is equal to 1 dwelling. It would be the owners' decision whether to keep their property as a HMO or revert back to a single dwelling.

Members' Comments

Members generally felt that this proposal would benefit the city although thought that two lifts were not sufficient for the size of the building. There was also concern about the highways network and it was suggested that a TRO on Surrey Street be implemented to restrict parking. Concerns were raised about the proposal to remove the zebra crossing and it was suggested that some of the S106 money be retained to be used for a crossing if required. The Committee asked officers to reassess the necessity of removing the zebra crossing and this is communicated back to the Chair and Vice Chair of the Committee.

DECISION:

That Delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

- 1 A provision to secure the accommodation for University of Portsmouth students (or those on an equivalent full-time course) during their period of study and not use the halls of residence for any other purpose than as residential accommodation for a student during their period of study;**
- 2 To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to the Assistant Director of Culture and City Development upon request;**
- 3. At all times other than University of Portsmouth Academic Terms not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;**
- 4 Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution before development commences;**
- 5 The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people) before development commences;**
- 6 Prepare, implement and monitor a Travel Plan: with submission of contact details of the Travel Plan Coordinator and identification of interim targets upon first use of the Halls of Residence to be submitted and agreed in writing by the Local Planning Authority, baseline travel survey to be undertaken within 6 months of first use of the Halls of Residence, and submission of the Travel Plan within 12 months of first use of the Halls of Residence to be submitted and agreed in writing by the Local Planning Authority (for assessment/monitoring of achievement of the targets) and thereafter monitored in accordance with surveys in years 3 and 5 (with monitoring fee of to cover a 5 year period, payable upon submission of the details of the Travel Plan Coordinator/interim targets when the Halls of Residence is first brought into use);**
- 7 The following off-site highway improvements work**
 - a. Raised table contribution - Station Street**
 - b. Build-out contribution junction Surrey Street**
 - c. Works to the site perimeter and**
 - d. Provision of six echelon parking spaces onto Station Street; and**
- 8 The payment of a Project Management Fee upon implementation of planning permission.**

(2) That delegated authority be granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary.

(3) That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

79. 15/02075/FUL - Vacant Land Southampton Road (South Side) Portsmouth (AI 6)

The Assistant Director of Culture and City Development introduced the report and reported in the supplementary matters list that condition 3 identifies 'approved drawing numbers' and requires minor modification to include 10062-PP-040-Rev C and Design & Access statement- Rev B. Subject to updates to planning conditions, the recommendation remains unchanged.

The Committee were also informed that the wording of condition 10 needed to be amended on the basis that unit 3 shall not be subdivided below 465sqm gross internal and only then when no mezzanine floor is provided.

Deputations were then heard whose points are summarised.

Mr Paul Brailsford, Agent whose points included:

- The scheme will attract national retailers and create 100-120 full time jobs.
- This is a large format retail warehouse scheme that would not fit into the city centre.
- The proposal is for a high quality development.
- The employment and skills plan will ensure that jobs are targeted at local people.
- No outstanding technical issues.

Members' questions

In response to questions the following points were clarified:

- The footpath on the site is un-adopted Portsmouth City Council land.
- DPDS concluded that the Freeths impact figures were likely to be overestimates and suggested that a more realistic impact figure for Cosham is 5%.

Members' comments

Some members were particularly concerned with the adverse impact this development would have on Cosham, North End and Fratton retail centres as it is frequently reported that local traders are struggling. Members' also felt that there was not enough evidence to back up the impact figures provided by DPDS and said that even a 5% impact could have a very real impact on a business. Members' commented however that the extra jobs for local residents would be welcomed.

RESOLVED

Delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion

of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

- 1 The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people) before development commences;
- 2 Prepare, implement and monitor a (staff) Travel Plan: with submission of contact details of the Travel Plan Coordinator, baseline travel survey to be undertaken within 6 months of first use of the development, Travel Plan to be submitted to and approved in writing by the Local Planning Authority within 12 months of first use (for assessment/monitoring of achievement of the targets) and thereafter monitored in accordance with surveys in years 3 and 5, with monitoring fee of £5500 to cover a 5-year period, payable upon submission of the Travel Plan;
- 3 Off-site highway improvement work as a £1000 contribution to reapply white lining within Compass Road, to be payable upon implementation of planning permission;
- 4 Dedication of land to permit the widening of the cycleway footpath on Southampton Road and to include the land where the bus stop currently sits, upon implementation of planning permission; and
- 5 The payment of a Project Management Fee upon implementation of planning permission.

(2) That delegated authority be granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary.

(3) That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the Section 106 agreement has not been completed within three months of the date of the resolution.

80. 16/00731/FUL - Land At The Rear Of 244-248 Southampton Road Portsmouth (AI 7)

This application was withdrawn following publication of the agenda, and will be considered at a future meeting.

81. 16/00839/FUL - 11 Malvern Road Southsea PO5 2LZ (AI 8)

The Assistant Director of Culture and City Development introduced the report and reported from the Supplementary Matters List that in addition to the 13 letters of representation previously reported, 1 further letter of representation has been received in objection to the proposal.

All of the points raised are addressed within the Planning Committee report and the officer's recommendation remains unchanged.

Deputations were then heard whose points are summarised.

Mrs Nicola Milburn, objecting on behalf of the local residents, whose points included:

- Property has been operating illegally as a HMO for the last 18 months and has covertly been converted for 11 people to reside in.

- New ownership since February 2014 and now impossible to say how many people are living there as there are always new faces.
- There have been numerous occasions where residents have reported their concerns to the council but it has failed to take action. Residents are concerned with how the council deals with reporting incidents, as there are various different departments all dealing with similar issues and a lack of communication between them.
- Numerous occasions when armed police have raided the property which is incredibly unsettling for residents and families living nearby.
- Already 29 HMO's in the nearby area.
- Will cause an imbalance in community.

Mrs Clare Royston, objecting as a local resident. She read out a letter on behalf of Daniel Sutton owner of the Mercer Group who has a boutique hotel in the road. His points included:

- Increase in disturbance from the residents living in the property e.g. - shouting, verbal abuse, frequent noise which is not acceptable in this area.
- Will have a detrimental impact on the hotel business and tourism in Southsea as customers will not want to return.

Dr Barrie Dekker, objecting as a local resident whose points included:

- Safety fears for his children using the local park at night and does not feel safe in the area - there have been muggings, cars broken into etc.
- Residents constantly have loud arguments about drugs, cash etc. meaning that the neighbouring families cannot enjoy time in their garden without being disturbed.

Councillor Linda Symes, objecting as ward councillor, whose points included:

- Urge the committee to refuse this application.
- Drug deals involving the residents in the property are the norm.
- The landlord's HMO licenses for previous properties have been revoked.
- Tourism in area will be impacted as people will not want to return.

John Pike, Agent, whose points included:

- The property has not been a single dwelling house since the 1950's.
- The proposal conforms to the council's HMO policy.
- Proposed garage design would enhance the street scene.

Members' Questions

In response to questions the following points were clarified:

- The premises have been used unlawfully in planning terms however this is not an offence. The Council has clear evidence the property has been operating as a HMO for a number of years.
- The council's planning department endeavours that if they receive a complaint from a member of the public, they will speak to other teams within the council to investigate this and decide who is best placed to deal with this. However there is significant room for improvement and officers will take the feedback from the deputees to see how they can actively establish an enforcement forum. Enforcement is the last resort and sometimes it is not expedient to take enforcement action.

- The size of the proposed rooms are acceptable for a HMO licence to be granted.
- The parking standards SPD is relevant in terms of a new development. The expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would be two off-road spaces. However officers are required to look at existing use and whether the proposal would cause additional harm and it is felt that in planning terms this does not exist.
- There are different initiatives to find out whether properties are operating as HMO's. Planning officers will ask if councillors are aware of HMO's and if these are reported they are always investigated. It is a dynamic situation however and officers rely on information brought to them by members.
- Site visits to suspected properties operating as HMO's take place and if there is no answer a card is left asking that they contact the council and if there is no response they are subsequently written to. Officers also talk to neighbours and liaise with other council departments to establish how many people are registered at a property. The process is as thorough and comprehensive as it can be given the resources available.
- The garage, it is 0.7 m higher than the next door garage as the roof pitches are slightly different, but the size would be comparable to other garages along the road.

Members' Comments

Members were very concerned to hear the problems that the neighbours are experiencing with the current residents and that it is operating unlawfully as a HMO. They also felt that these issues could remain even with a change to the management of the property. Members were concerned about the damage this property could have to the neighbouring hotels and community. It was pointed out by members however that there are HMO's in the city with young professionals sharing a house that work very well and fit in well with the surrounding communities.

RESOLVED that the application be refused for the following reasons:

- (1) In the opinion of the Local Planning Authority, the continued use of the building as a House in Multiple Occupation would, by reason of the level of activity and anti-social behaviour associated with it, be likely to have an adverse impact on the viability of the operation of neighbouring hotels to the detriment of the economic growth and needs of the city. The proposal is therefore contrary to the aims and objectives of paragraphs 17 and 19 of the National Planning Policy Framework.**
- (2) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).**

82. 16/00649/FUL - 194-196 Fratton Road Portsmouth PO1 5HD (AI 9)

The Assistant Director of Culture and City Development introduced the report and reported from the supplementary matters list that the planning history of the site includes two further relevant applications not referred to in the agenda:

15/01944/FUL - permission in Feb 2016 for conversion of existing maisonette to upper floors and rear of ground floor retail unit to form two maisonettes and a flat and construction of single storey rear extension and provision of associated cycle/refuse stores.

16/00574/FUL - current application for conversion of existing maisonette to upper floors and rear of ground floor retail unit to form two maisonettes and a flat and construction of single storey rear extension and provision of associated cycle/refuse stores (amended scheme 15/01944/FUL).

A deputation was then heard from Mr Gwyn Stubbings, Agent, whose points included:

- The application will be properly managed by a recognised management agency.
- There have been no objections on parking grounds.
- Advice received from the planning officers was inconsistent with regard to PCS20 and the number of HMO's within a 50m radius and a number of dwellings were omitted from the initial count data.
- 179-184 Fratton Road should be included within the count data.

Members' questions

In response to questions the following points were clarified:

- Officers' use a GIS system using ordnance survey data, to measure the 50m radius and calculate the number of HMO's within the radius of the application.
- Officers' have not physically been out to measure the distance as it would not be possible as it would mean measuring across a main road.
- It was the opinion of officers' that 179-184 Fratton Road should not be included in the count data as the radius does not touch the building.
- Officers' advised that they do not have radio telemetry equipment available to measure distances.

Members' comments

Members' felt that as the accuracy of the GIS data is fundamental to the outcome of the application, the application should be deferred. This would allow officers to commission an accurate measurement of the 50m radius.

RESOLVED that the application be deferred to allow officers to commission an accurate measurement of the 50m radius.

83. 16/00797/FUL - 170 Station Road Portsmouth PO6 1PU (AI 10)

The Assistant Director of Culture and City Development introduced the report.

Deputations were then heard whose points are summarised:

Mr J Lee, objecting as a local resident living next door to the proposal, whose points included:

- The properties along Station Road are pre-fabricated buildings with thin walls between them. This application if approved has the potential to increase noise to his property.
- If there are 6 residents residing in the property there is a potential that they could all have visitors at the same time causing a significant increase in noise.
- This is a family based area and the proposal is not in keeping with the area.
- The proposal will exacerbate existing parking issues.
- Increased fire risks.
- Should remain as a family home.

Mr Gleadle, objecting, whose points included:

- Increased safety issues from traffic.
- Description of area provided by applicant is misleading - the plots are not large.
- There is one road through the development on a blind bend and there are already has been a number of near misses. Cars also often park along road meaning that oncoming traffic cannot be seen and delivery vans often mount the kerb. If this application is approved there would be an increase in cars making these issues worse.
- Concerns about the potential residents living in the property and the potential for social issues to occur.

Mr Oliver, Agent, whose points included:

- The property would be furnished to a high standard and they would hope it would attract young professionals due to its location, who would be good neighbours.
- The property market is changing with a large proportion of people renting for longer as many young people cannot afford houses into they are in their 30's.

Members' questions

In response to questions the following points were clarified:

- The accepted view is that HMO's should not give rise to additional noise compared to a single dwelling.

Members' comments

Members' understood the concerns of Mr Lee about the increase in noise and agreed that a condition to ensure that soundproofing between 170 and 172 Station Road be installed. Members also informed Mr Lee and Mr Gleadle that if they or other properties along station Road experience disturbance, they can report this to their local ward councillors who can take up the issues with officers.

RESOLVED that conditional permission be granted subject to the conditions outlined in the Assistant Director of Culture & City Development's report and the following additional conditions:

a) The use as a HMO hereby permitted shall not commence until the flank wall of the property with number 172 Station Road has been insulated to prevent the transmission of noise in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority.

b) The noise insulation measures shall thereafter be retained.

Reason: To protect the residential amenities of the occupiers of the adjoining property having regard to the nature of the construction of the properties in accordance with policy PCS23 of the Portsmouth Plan.

84. 16/00775/FUL - 289 Milton Road Portsmouth PO4 8PG (AI 11)

The Assistant Director of Culture and City Development introduced the report and reported from the supplementary matters list that a potential house in multiple occupation within the search area was identified by Cllr Dowling at 2 Milton Park Avenue. This property has been since been investigated and it has been confirmed to be a Class C3 dwellinghouse (comprising a family house with 1 lodger).

A deputation was then heard from Councillor Ben Dowling, ward councillor who read out an objection letter on behalf of Mr & Mrs Whitely, local residents who were objecting to the proposal. Their points included:

- Lived in the area since 2003 and this proposal would be detrimental to the area.
- Serious concerns that the proposed HMO would have on their home life.
- Noise and anti-social behaviour issues with previous residents of the property.
- Concerns about the impact on parking in the area.
- Already increased traffic due to the development at St Mary's hospital and will soon be more traffic with the Kingston prison development.

Members' questions

In response to a question, officers confirmed that the room sizes meet the standards for HMO's.

Members' comments

Members' said that if there were any issues caused by the property changing to a HMO that concerns could be reported through their local ward councillor.

RESOLVED that conditional permission be granted subject to the conditions outlined in the Assistant Director of Culture & City Development's report.

85. 16/00577/PLAREG - 19 Hilltop Crescent Portsmouth PO6 1BB (AI 12)

The report was introduced by the Assistant Director of Culture and City Development.

A deputation was then heard from Mr Malin, Agent, whose points included:

- The development is not out of keeping with the character of the area.
- Planting would be standard all year round planting which would screen the wall.
- Another garage at no. 11 that is larger and more visually obtrusive.

Members' questions

In response to questions the following points were clarified:

- The proposed height of the garage is 2.5m

- With regard to the planning permission granted for the garage at no. 11, officers advised that this was granted over 10 years ago when there was less importance given to good design, and in hindsight this was not a good design. There is now greater importance on good design and officers consider this proposal is not adequate.

Members' comments

Some committee members' felt that the proposed garage would not have a detrimental impact on the street scene and were happy to approve the application subject to a condition to ensure a satisfactory finish to the development with the materials and planting used.

RESOLVED that conditional permission be granted subject to the conditions outlined below:

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan; Block Plan; and M14099-801 Rev.E.

Reason: To ensure the development is implemented in accordance with the permission granted.

3) a) No works pursuant to this permission shall be carried out until the external facing materials to be used for the garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented using the materials approved pursuant to part a) of this condition.

Reason: To ensure a satisfactory finish to the development in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

4) a) The garage hereby permitted shall (unless otherwise agreed in writing by the Local Planning Authority) not be brought into use until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The approved landscaping scheme shall be fully implemented in the first planting and seeding seasons following the substantial completion of the garage.

c) Any trees or plants which, within a period of five years from the date of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory finish to the development in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

The meeting concluded at 5.40 pm.

Signed by the Chair of the meeting
Councillor Frank Jonas