PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 17 August 2016 at 1.00 pm in the Conference Room A - Civic Offices

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)

Jennie Brent

Yahiya Chowdhury

Ken Ellcome Colin Galloway

Suzy Horton (Standing deputy)

Steve Pitt

Lynne Stagg (Standing deputy) Tom Wood (Standing deputy)

Also in attendance Councillors Matthew Winnington and Luke Stubbs

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.

86. Apologies (Al 1)

Apologies for absence were received from Councillors Gerald Vernon-Jackson and Hugh Mason. Standing deputies Councillors Suzy Horton and Lynne Stagg were in attendance.

87. Declaration of Members' Interests (Al 2)

Councillor Yahiya Chowdhury declared a prejudicial interest in planning application 16/00975/FUL - 8 Fearon Road, Portsmouth. He agreed to leave the room during discussion of this item.

Councillor Suzy Horton declared a non-prejudicial interest in planning application 16/00885/FUL - 12-40 Isambard Brunel Road, Portsmouth as she is an employee of the University of Portsmouth.

88. Minutes of previous meetings - 6 July (special) & 20 July 2016 (Al 3)

RESOLVED that the minutes of the meetings held on 6 and 20 July 2016 be approved and signed by the Chair as correct records.

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

The Assistant Director of Culture and City Development updated the committee on planning application 16/00142 - Number One, 8 Surrey Street, Portsmouth in that officers were asked to reassess the necessity of removing the zebra crossing and consult with the chair and vice-chair. The zebra crossing is not an appropriate design, the most appropriate being a raised platform which would operate the same as the Stanhope Road arm to the roundabout which works well.

90. Planning appeal decision relating to 1 North End Avenue, Portsmouth (Al 5)

RESOLVED that the Inspectors Report and findings against the Council leading to an award of costs be noted.

91. Planning appeal decision relating to 26 Merton Road, Portsmouth (Al 6)

RESOLVED that the Inspectors Report and findings against the Council leading to the award of costs be noted.

92. Reliance on Council's Geographical Information System - 194-196 Fratton Road, Portsmouth (Al 7)

The Assistant Director of Culture and City Development explained that the application had been deferred from the July Planning Committee meeting to enable the planning officer to undertake land survey necessary to clarify the precise distance from the subject property to the flats at No.179-183 Fratton Road. The agent for the application had demonstrated that the proposed development is within 50 metres of No.179-183 Fratton Road and this cannot be refuted. The Council relies on its own GIS system which is the basis for assessing HMO applications. The planning officers do not undertake measurements in the field as they are not land surveyors and those sections of the Council that regularly survey land would defer to the applicant's expert source.

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

15/01944/FUL - permission in February 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).

Deputations

A deputation was heard from Mr Stubbings, the applicant/agent, who included the following points in his representation:

- At the last meeting in July this was recommended to refuse based on the imbalance of HMOs in the area.
- Discrepancy of the number of properties within the 50m radius.
- Survey undertaken by the applicant is appended to the report.
- There are 80 properties if the block of flats is included.
- Officers declined to do the survey despite your request.
- There is not an imbalance and this application is within the 10% threshold.
- Property has been vacant for some time.
- The HMO will accommodate students.

Members' questions

Members sought clarification on the differing 50m radius results and the methods used to reach the results.

Members' comments

Members were happy to accept the survey results from the applicant due to the variable distance being so close and the fact that officers could not dispute the results.

RESOLVED that conditional permission be granted.

PLANNING APPLICATIONS

93. 16/00724/FUL - 51 Hudson Road, Southsea, PO5 1HB - Change of use from house in multiple occupation (Class C4) to house in multiple occupation for up to 7 people (sui generis) (Al 8)

The planning officer introduced the report.

Deputations

A deputation was heard from Mr James Oliver, the applicant/agent, who included the following points in his representation:

- The property was purchased in February 2016 and has been substantially refurbished.
- All rooms are over the standard occupancy size.
- Do have an HMO licence.
- HMOs do not cause problems if they are properly managed.

Members' questions

Members asked if there is a point where the cumulative effect can be considered in terms of the number of additional people to an area. In response the Assistant Director of Culture and City Development explained that the number of occupants is controlled through the licensing powers and that the reason for the policy is to create mixed and balanced communities.

RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the

conditions outlined within the report and subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas. Delegated authority was also granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to above has not been secured within two weeks of the date of the resolution.

94. 16/00975/FUL - 8 Fearon Road, Portsmouth, PO2 0NJ - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (AI 9)

This application had been referred to the Planning Committee at the request of Councillor Harris.

Councillor Chowdhury left the room during discussion of this item following his earlier declaration of interest.

The planning officer introduced the report and referred to the supplementary matters list which reported that in addition to 26 letters of objection reported within the committee report, a further three letters of representation have been received from local residents in objection to the proposal. Their concerns can be summarised as follows: (a) parking: (b) family orientated character of the area; and (c) noise and disturbance and anti-social behaviour. Written deputations have also been received and were attached to the list. All of the matters raised within the representations have been addressed within the main report.

On page 8 of the committee report the 'count' data is reported as 2 HMOs out of the 63 properties. This should read 2 HMOs out of 63 properties within a 50m radius. The resultant HMO percentage would therefore be 4.83% and not 4.76% as reported.

Deputations

A deputation was heard from Mr Colin Sarling, the applicant, who included the following points in his representation:

- Policy PCS20 restricts HMOs in an area when it reaches a certain threshold.
- The threshold is currently under 5%.
- Will use a management property company to manage the occupants.
- The property has been well kitted out so target is working professionals and not students.
- Transport is within walking distance.
- Will provide a cycle shed at the rear of the garden, access from the alleyway so bikes do not need to be brought in through the property.

A deputation was also heard from Councillor Harris who included the following points in his representation:

- Objecting on behalf of local residents.
- There is a GP surgery at the end of Fearon Road which creates a lot of parking issues.
- Residents are fed up.

- There is also a bus stop on Stubbington Avenue which takes away more on-street parking.
- Should consider the number of objections from local residents.
- This affects residents' quality of life.
- This property should remain as a family home.

Members' comments

Members felt that the applicant has the expertise to manage the property and that as there were no HMOs in the street and only 4.83% within the 50m radius, there were no reasons to refuse the application.

RESOLVED that conditional permission be granted subject to the conditions outlined within the report.

95. 16/01098/FUL - 6 Western Terrace, Portsmouth, PO2 8JX - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (Al 10)

The planning officer introduced the report and brought to members attention the supplementary matters list which reported that on page 11 of the committee report the 'count' date is reported as is 1 HMO out of the 55 properties. Please note that this should read 1 HMO out of 54 properties within a 50m radius. The resultant HMO percentage would therefore be 3.70% and not 3.64% as reported.

Deputations

A deputation was heard from Mr Chris Broyd, the agent, who included the following points in his representation:

- There is a growing need for houses for sharing.
- The local authority needs to add all types of housing including affordable.
- There is a 10% tipping unbalance in a community. This is 3.70%.
- Client understands the neighbours concerns.
- A management agency will be managing the property.
- The client has an impeccable record with his other properties.

Deputations were also heard from Ms Wren and Mr Staley, both residents of Western Terrace who included the following points in their representations:

- 148 residents signed the petition. The report lists 6 objectors which is incorrect.
- This will make a bad situation much worse. You need a car to get around.
- Providing cycle storage isn't the answer.
- Short term renters have different priorities.
- We all look out for each other on the Terrace and we will lose that sense of security we have.
- Concerned about the loft being converted into another bedroom.
- With no landlord present concerned that the property will get wrecked.
- This property is unsuitable as an HMO.
- Western Terrace is a hidden gem and all neighbours pull together.
- 6 occupants in one property is not suitable for the Terrace.
- This is a small home with parking out front.
- Have an autistic child and neighbours all know him and look out for him.
- Urge you to think about the existing residents.

- We do need affordable housing but for a family and not 6 single people.
- The occupants will not look after our surroundings or our neighbours.

Members' questions

Members queried the number of signatures on the petition. In response, the planning officer clarified that only the front page of the petition had been noted and therefore accepted that could be over 140 signatures.

Members' comments

Members felt that a number of working young professionals, such as nurses would be attracted to a property like this in a nice area. Members sympathised with the residents' concerns and suggested that the residents strengthen the community and welcome the new occupants to The Terrace.

RESOLVED that conditional permission be granted subject to the conditions outlined within the report.

96. 16/00933/CS3 - 231 Highbury Grove, Cosham, Portsmouth - Construction of extension onto existing single storey rear extension (Al 11)

The planning officer reported in the supplementary matters list that the objector who had made a deputation request had withdrawn their request and no longer wished to speak. The application had therefore been withdrawn from the agenda.

97. 16/00840/FUL - Site of Former Savoy Court & Savoy Buildings, South Parade, Southsea - Construction of replacement boundary wall to rear of numbers 20-34 Alhambra Road (Al 12)

The planning officer introduced the report.

Deputations

A deputation was heard from Mr Alex Child, the agent who included the following points in his representation:

- Comprehensive report from the planning officer.
- Old wall needed to come down as structurally it was unsafe.
- New wall will look better and will be structurally safe.

A deputation was also heard from Mr O'Driscoll, a resident of Freestone Road who included the following points in his representation:

- How can the developer build a wall which is owned by myself?
- Met with the developer who has offered a compensation package so they know they're in the wrong.
- Not building the wall to the existing height.
- Builders have run roughshod.

Members' questions

Members sought clarification on the height of the original wall in comparison to the wall height seeking permission.

Members' comments

Members felt that the proposed wall was of an insufficient height to provide residents with the protection of overlooking and noted that residents wanted a wall height of 4.5m to protect their privacy.

RESOLVED that the application be deferred so as to enable further clarification with the applicant regarding the height of the proposed wall.

98. 16/00917/FUL - 116-118 Clarendon Road, Southsea, PO4 0SE - Change of use from hotel (Class C1) to 25 bedroom house in multiple occupation (Sui Generis) with associated cycle and refuse storage (Al 13)

This item had been referred to the Planning Committee at the request of Councillor Winnington.

The planning officer introduced the report.

Deputations

A deputation was heard from Mr Simon Hill on behalf of PLC Architects, the agent, who included the following points in his representation:

- Significant misinterpretation being bandied about. The change of use is in accordance with local policy.
- Currently short term occupancy.
- Letting agency would like to stay away from the hostel use and wish for the occupants of the building to integrate with the community.
- Significant amount of monies has been spent on the refurbishment.
- The change of use allows tenants to remain for longer.
- Looking to attract students and working professionals.
- Will have regular inspections and management of the property.
- Other buildings managed by the agency have no record of anti-social behaviour.
- Some internal remodelling is required but not any external works.
- Weekly rubbish collection contract with Biffa.
- Target age group are 25% of population of the city.

Deputations were also heard from Councillors Matthew Winnington and Jennie Brent. Councillor Winnington included the following points in his representation:

- Shouldn't be looking at HMO with 25 people in one building.
- Building should be converted into flats.
- Had planning permission for a hotel/guesthouse.
- Constantly told we need hotels in the city so it should either remain as a hotel or be converted into flats.
- Occupants are not students or working professionals.
- Going to lose one parking space which will have a huge impact.
- Cannot conceive 25 occupants in one building.
- The HMO is not needed or appropriate for the area.

Councillor Jennie Brent included the following points in her presentation:

- Previous use was the focus for trouble.
- Largest house of people living together.
- Cut price proposal.

- Cheap bin store.
- Nuisance value does count.
- Is it really fair to impose this scheme on the local residents?

Members' questions

Members sought clarification on the HMO data count and the number of cookers/fridges which would be provided.

Members' comments

Members were concerned that with 25 occupants, some of whom will have cars, that there will additional pressure on parking and that this would be the largest HMO in the city. Members also felt that this would have an impact on residential amenity in the area and that the management of the property would be critical in protecting local residents. Members also had concerns regarding the refuse and cycle storage.

RESOLVED that planning permission be refused for the following reasons:

Simon to complete.

99. 16/00731/FUL - Land at the rear of 244-248 Southampton Road, Portsmouth, PO6 4QD - Construction of 10 semi-detached and terraced two and two-and-a half storey dwellings with associated parking and landscaping (accessed from Neelands Grove) (Al 14)

The planning officer introduced the report.

Deputations

A deputation was heard from Mr Wilkes, the agent who included the following points in his representation:

- In a sub stainable location in the rear gardens of Southampton Road properties.
- Are slow worms present which will be translocated to an adjacent site.
- Proposal is a mix of housing type including two affordable properties.
- Site accessed from Neelands Grove.
- No risk of flooding.
- Provision of allotments on the site is not feasible.

A deputation was also heard from Ms Heather Elson, a resident of Sullivan Close who included the following points in her representation:

- Main objection is the access.
- Corner of Portsdown Road is tight and large HGVs always mount the pavement to turn.
- Noise and dust from the development.
- Question the height of the properties backing on to the railway line. Believe that these properties should be two-storey.
- Will also block sunlight in to the rear gardens.
- Lack of play area so will encourage children to play in the close. Noise from this.
- Will there be street lighting?
- Access to Neelands Grove is a major issue.
- Not accessible through Sullivan Close either.
- This is just garden grabbing for more housing.

• New development will create more traffic problems in the area.

Members' questions

Members sought clarification on the size of the properties and the number of car parking spaces being provided. The planning officer responded by saying that during the lifetime of the development the proposed dwellings have been amended to meet the minimum bedroom and overall size standards and that there will be 18 car parking spaces provided.

Members' comments

Members were encouraged to see that the Head of Community Housing was looking into the provision of disabled accommodation and requested that this be pursued with the developer.

RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the conditions outlined within the report and subject to the prior completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to secure affordable housing and SPA mitigation. Delegated authority was also granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within six weeks of the date of the resolution.

100. 16/00885/FUL - 12-40 Isambard Brunel Road, Portsmouth, PO1 2DR - Construction of a part 8 & 10 storey building to the east and part 9, 10 & 13 storey building to the west of 'Margaret Rule Hall' for a Halls of Residence (Class C1) for students containing 484 study/bedrooms and communal facilities, to include 704sqm of commercial floorspace (for use within Class A1, A2, A3 or B1) on part of the ground floor, with associated landscaping and cycle parking, after the demolition of existing buildings (AI 15)

The planning officer introduced the report and referred members to the supplementary matters list which reported that a further letter of objection had been received from the University of Portsmouth reiterating concerns with the impact on residents of Margaret Rule Halls and Greetham Street schemes and the type of student accommodation that "...we believe there is no evidence of a requirement for additional student accommodation at higher rental levels." The site is identified as a development opportunity in the City Centre Masterplan SPD. Implementation of any planning permission for the site's redevelopment inevitably brings some inconvenience and disruption to surrounding properties. As the owners of the most affected neighbouring occupiers it is in UNITE's interest to minimise such impact, as far as practicable. Any grant of planning permission for a Halls of Residence does not control whether a higher or lower level of specification and subsequent rental levels is provided; this would be similar to proposals for an hotel - any grant of planning permission has no direct control of whether the standard of accommodation is offered at a budget or higher quality end of the market.

In the consultation responses, the Council's Drainage Team requested details of how the site is proposed to be drained. Following submission and its review, the Drainage Team advise that the outline drainage design appears suitable for the development.

Page 65 of the committee report also refers to concern by Environmental Health that a 486kW output CHP unit may impact on local air requiring AQ assessment. The proposed CHP plant has changed and is now substantially smaller, with a thermal input of 147kW (natural gas) and electrical and thermal outputs of 50kW and 95kW respectively. The applicants consider AQ assessment should not be required and unlikely to give rise to a significant effect; EH accept this.

Page 69 of the committee report lists, at 1 to 7, the planning obligations considered necessary to make the application acceptable. There is also a requirement for the applicant to make a financial contribution for Traffic Regulation Order(s) prior to removal of an existing subway and closure of the existing bus lane on Isambard Brunel Road including alternative crossing arrangements and relocation of bus stops (prior to erection of the site construction compound).

UNITE request that the trigger for relevant 'pre-commencement' conditions (no's 3, 8, 11, 14, 18 and 21) be reworded to exclude demolition i.e. to read "No development (except demolition) shall take place until..." Given the tight delivery timescale before the start of the new academic year in Autumn 2018, this request is considered reasonable to allow removal of the existing buildings but still prohibit construction until details are finalised pursuant to these conditions.

The BREEAM re-assessment confirms that the primary component of this scheme, the halls of residence of 12,081sqm, targets an 'Excellent' rating to accord with Policy PCS15 and the relevant SPD. The committee report also identifies that the secondary component of 704sqm of ground floor commercial units would achieve a rating of 'Very Good', recognising that this falls short of meeting the requirements of policy PCS15 but still represents the highest rating feasible for a building shell (before tenant fit out). An additional BREEAM condition is therefore requested for the different rating of 'Very Good' for the ground floor commercial units (separate from condition 18, now intended to cover the halls of residence only).

Deputations

A deputation was heard from Mr Fishlock, the applicant, who included the following points in his representation:

- UNITE provide beds/homes for thousands of students and work closely in partnership with education authorities.
- Have been in Portsmouth since 2001 and provide 2200 beds within our four properties all with Portsmouth University.
- Been through a long consultation period and negotiations.
- Premises will be managed 24hr.
- Will also improve facilities for Margaret Rule Hall.
- Provision of accommodation alleviates pressure on housing in Portsmouth.
- All year groups live in our properties not just first year students.
- Provide some studio flats.
- Always worked well with Portsmouth University.

A deputation was also heard from Bernie Topham, from the University of Portsmouth who included the following points in her representation:

• Proposal for accommodation does not meet requirements of University and will have an impact on residents in Margaret Rule Hall.

- Have just entered into an agreement with UNITE regarding other properties.
- Any accommodation should be based on our advice.
- Safety of occupants of Margaret Rule Hall during construction.
- Students are opting for cheaper accommodation.
- We'll end up with an access of higher rental level accommodation.
- This proposal does not meet students' current needs.
- Concerned about the unsafe walkway and the control over the entrance to Margaret Rule Hall.
- An alternative access route needs to be identified.
- If permission is to be granted would ask for additional conditions relating to construction should not commence until access has been agreed with the University and ground floor entrance is controlled.
- Wish to protect the amenity of our students.
- Uncontrolled commercial uses.

A deputation was also heard from Councillor Luke Stubbs who included the following points in his representation:

- Station Square is changing.
- Frees up accommodation that would otherwise be occupied by students for families.
- Provides construction jobs.
- Creates a real feeling of growth.
- Environment in the immediate area will be more pedestrian friendly.
- Commercial use will create jobs.
- This is about providing options for students.
- Council does not set rent rates, hotel rates etc..
- Financial benefits to the council.
- If the application is refused the council will have to reduce its capital spending.
- This is a good quality design.
- This is a two year construction period.

Members' questions

Members asked what provision is being made for the move in/move out weekends, the safety of the walkway, availability of car parking and loading/unloading bays.

Members' comments

Members were disappointed to hear that UNITE and the University have not been able to work together on this proposal. They felt it was an excellent development which would bring life to a rather drab part of the City.

RESOLVED that delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the conditions outlined within the report and subject to the prior completion of a contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued. Delegated authority was also granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary and to refuse planning permission if the

contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) has not been completed within one month of the date of the resolution, and once the applicant has secured a legal interest in the land, delegated authority be granted to the Assistant Director of Culture and City Development to complete legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 278 Highways Act 1980 with principal terms as outlined in the committee report and such additional items as the Assistant Director of Culture and City Development considers reasonable and necessary having regard to material considerations at the time the planning permission was issued.

101. Exclusion of the press and public (Al 16)

The legal advisor reported that the developer had agreed to open up the information contained within the exempt appendix attached to 15/02010/PAMOD - request to modify legal agreement attached to planning permission 12/01382/FUL relating to land at 249 Fratton Road, Portsmouth and therefore members proceeded to discuss the matter in full in open session.

102. 15/02010/PAMOD - Request to modify legal agreement attached to planning permission 12/01382/FUL relating to land at 249 Fratton Road, Portsmouth (AI 17)

The Assistant Director of Culture and City Development introduced the report and circulated the appendix, as referred to in minute 101/2016 to members. Members were given an opportunity to read the report and were reminded that attached to the supplementary matters list was a written deputation which had been received from a local resident.

Deputations

Deputations were heard from Katy Harris and Raj Laly, on behalf of the applicant JCL Ltd who included the following points in their representation:

- JCL Ltd have been investing in Portsmouth since 2001.
- The site was purchased at a high price in 2008.
- Early 2015 JCL Ltd spoke to housing associations regarding the sale of the affordable housing element of the development.
- One housing association offered £135k for all three units of affordable housing but this has since been withdrawn.
- In November 2015 JCL Ltd were offered £750k for the sale of the whole site.
- Would have been more beneficial to have more units on the site but permission wasn't granted.
- Felt it was our duty to go ahead with the build.
- Viability study high-lighted that we're on a shortfall.
- Will continue to do more housing projects in the city but very difficult to go ahead with the current setting.
- Costs were tight from the start but created the building in essence because the sight was an eyesore.

A deputation was also heard from Mr Jerry Brown who included the following points in his representation:

- Not had an opportunity to fully read and digest the contents of the report which was circulated at the meeting.
- The public should have been given more information on the reason for the recommendation.
- Are members truly confident about the viability assessment.
- Cannot see that anything has significantly changed since.
- A full document of 'then and now' should have been provided to members.
- Any profit now or in the future should come to the council.
- The scheme has been built and people already live there.
- There needs to be some sort of acceptance as this is the builders risk when they buy and develop property.

Members' questions

Members sought clarification on the building costs and what the additional costs relate to. Members queried why they were considering provisional figures when the property was purchased and the build is now complete.

Members' comments

Members felt that in business there are peaks and troughs and that the company should absorb the loss of this development. Members suggested that the affordable housing be rented out over a period of time so at least some of the loss could be recouped and then the company could try to sell the properties. Members were very concerned that there is a need for housing and it would be unacceptable to leave properties vacant or have them illegally occupied.

RESOLVED that subject to the agreement of the applicant, three of the flats to be rented at 20% below the market value with a view to re-assess the development viability in September 2018.

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Signed by t	he Chair of the mee	tina	
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Councillor F	Frank Jonas		
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The meeting concluded at 6.25 pm.