

Planning Committee

MINUTES OF THE MEETING of the Planning Committee held on Wednesday 9 October 2013 at 2.00pm in the executive meeting room, floor 3 of The Guildhall, Portsmouth.

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

Present

Councillor David Fuller (Chair)
Councillors Les Stevens (Vice chair)
Ken Ellcome
John Ferrett
Frank Jonas
Robert New
Darron Phillips
Sandra Stockdale
Gerald Vernon-Jackson (standing deputy for
Councillor Jacqui Hancock)
Rob Wood (Standing deputy for
Councillor Margaret Foster)

Welcome and Fire Procedure

The chair welcomed members of the public and a group of Journalism students from Highbury College to the meeting and explained the Guildhall fire evacuation procedures.

110. Apologies for absence (AI 1)

Apologies for absence were received from Councillors Jacqui Hancock and Margaret Foster. Their standing deputies Councillors Gerald Vernon-Jackson and Rob Wood were in attendance.

111. Members' Interests (AI 2)

Councillor Rob Wood declared a pecuniary interest in planning application number 6 - Fontenoy House, Grand Parade, Portsmouth - in that he is a member of FOOPA (Friends of Old Portsmouth Association), is a resident of Aquitane House, Grand Parade which is opposite the application site and was appearing as a deputation on this item. He agreed to leave the room following his deputation.

Councillor Rob Wood declared that he would be appearing as a deputation on planning application number 5 - Wheel of Fortune Building, Clarence Esplanade, Southsea - so would leave the room after making his deputation on that item and would therefore not take part in the committee debate.

Councillor Sandra Stockdale declared that she was also a member of the Friends of Old Portsmouth Association and would be appearing as a deputation on planning application number 6 - Fontenoy House, Grand Parade, Portsmouth - so would leave the room after making his deputation on that item and would therefore not take part in the committee debate.

Councillor Gerald Vernon-Jackson declared that he had a close social acquaintance with the applicant in planning application number 5 - Wheel of Fortune Building, Clarence Esplanade, Southsea - in that he knows the owners well. In declaring that personal and prejudicial interest he proposed to leave the room during consideration of this item.

112. Minutes of the Planning Committee meeting held on 11 September 2013 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Planning Committee meeting held on 11 September 2013 be agreed as a correct record and signed by the chair.

113. Updates provided by the City Development Manager on previous planning applications (AI 4)

There were no updates.

114. Planning appeal decision at 37 Rugby Road, Portsmouth (AI 5)

RESOLVED that the report be noted.

115. Enforcement appeal decision relating to land rear of 5-7 Spur Road, Cosham (AI 6)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

RESOLVED that the report be noted.

Planning applications

The chair changed the order of business and took planning application number 3 first.

116. 13/00940/FUL - 22 Priorsdean Avenue, Portsmouth - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) (Report item 3)

This application was subject to a site visit on Tuesday 8 October 2013.

Deputations were heard from Mr Rukin and Mr Johnson, objecting to the application, who included the following points in their representations;

- 20 letters of objection have been raised by local residents and a petition;
- Object on the increase of noise and disturbance;
- Impact on parking and highway safety;
- There will be an increase in anti-social behaviour;
- Priorsdean Avenue is substantially different to Margate Road as referred to in the committee report;
- There will be an increase in waste management issues;
- Properties have limited storage for waste as only have small forecourts;
- Do not agree that there will be no increase in vehicles;

- The cycle storage is purely a 'tick box' exercise;
- These properties have small kitchens and bathrooms and are not suitable for HMO use;
- We all ensure the children the safety of our children when they are playing outside;
- There is a real sense of community in Priorsdean Avenue but the dynamics will change if this granted;
- The applicant has not contacted any of the residents. The first time we heard of this application was from the council neighbour notification letter;
- Feel this doesn't bode well for the future;
- Past 9yrs had a family living there with no problems;
- HMOs are at risk of pushing society back;
- Drawings show all rooms with no chimney breasts and a downstairs toilet - all these works show that the city council need to engage with the landlord further;
- This is a quiet residential road and we want it to remain that way.

A deputation was heard from Mr Somerset, the applicant, who included the following points in his representations;

- Don't understand why residents haven't imposed a turning circle to enable turning easier;
- I am an experienced landlord and am accredited with the Portsmouth & District Private Landlords Association;
- The intention is to let the property to nurses and trainee doctors from the local hospital;
- Parking is not an issue and the occupants would be entitled to parking permits the same as any other resident.

A deputation was also heard from Mr Silman representing the Portsmouth & District Private Landlords Association, who spoke in support of the application and included the following points in his representation:

- Our view is that we are wasting time here today;
- Properties which get refused, go to appeal and get through;
- HMOs give that balance and diversity to the community;
- The property is only suitable for professional persons and would not suit students;
- Had 19 groups of professionals this month asking for properties to rent in the city;
- Do need to provide rental accommodation for professional workers in this city.

A deputation was also heard from Baffins ward Councillor Darren Sanders who included the following points in his representations;

- Unique issues with regards to parking in this road;
- This road is close to 5 bus routes;
- Would ask that no parking permits are issued to this property;
- Delighted to hear that the property will be let to trainee doctors and nurses - would ask that this is a condition.

The City Development Manager reminded members that parking permits and the occupancy of a property do not meet the test to condition and are therefore not lawful.

Members' questions

Members sought clarification on permitted development rights, PCS20 and the use of the rooms in the property.

Members' comments

Members felt that the point of the policy is to avoid a concentration of HMOs, students need to live somewhere, anywhere else in the country and this would have come under permitted development rights. Some members did however express their regret at the loss of a 3-bedroom family home.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report.

117. 13/00860/PLAREG - 12 St Johns Road, Portsmouth - Retention of log cabin to rear garden (Report item 1)

Deputations were heard from Mr Norris and Mr Whitworth, objecting to the proposal, who included the following points in their representations;

- This was erected without any consideration to neighbours;
- If they had gone through the planning application process properly the outbuilding would be different;
- This structure has an adverse impact and is in a cramped location;
- Had to be spray painted as the structure is too near to our boundary and there is no safe place to put a ladder up;
- Much is made about the conifers;
- Greatest impact to our property and gives feeling of enclosure;
- Noise and disturbance from the use of the cabin is 5m from us and is also a fire risk;
- We are not just acting for ourselves but future occupiers;
- This is bad planning practice;
- The applicant made a mistake and now the application is here;
- The cabin is too high and large;
- There are 3 objections from local residents and not 2 as stated in the report;
- There are two garages and now with a large green shed next to them;
- Doesn't comply with permitted development;
- The cabin shouldn't have two levels. Why does it need a mezzanine?
- Large log cabin has replace the trees;
- The cabin has an overbearing impact on the street scene and is wholly out of keeping;
- Water run-off is an issue up here;
- Don't think guttering and a water butt will help much;
- This just encourages everyone else to put up large sheds.

A deputation was also heard from Mr O'Docherty, the applicant, who included the following points in his representations;

- This is a hobby room and for the children to have friends round to stay;
- In hindsight would have sited the cabin 2m from the boundary;

- Was badly advised and should have checked to see whether permission was needed;
- When concerns came to light, I painted the cabin green;
- Don't agree with water run-off;
- Prepared to add guttering and water butt;
- Prepared to cut back the conifers so as to prevent fire spread;
- Exaggeration to say that the cabin dwarves the garages;
- Damp in garages should be addressed and is not related to this wooden cabin;
- This is significantly less than the line of conifers previously there;
- Don't believe the cabin spoils the street scene and there will be no issue with noise;
- If the cabin had been situated 5m north then there would have been no need for planning permission.

Members' questions

Members sought clarification on the permitted development rights for such a structure and the width of the garden of 12 St Johns Road.

Members' comments

Members were split in their views in that some members felt that the applicant had gone to some lengths to appease the neighbours and that if the conifers had remained you probably wouldn't have been able to see the cabin from Walberton Avenue. Some members felt that the permitted development rules are set down in terms to prevent any impact on neighbours and that having seen the photographs there is clearly an imposition to the neighbours and a feeling of enclosure, an unacceptable and overbearing impact to neighbouring properties.

RESOLVED that planning permission be refused for the reasons set out below;

118. 13/00864/HOU - 13 Marion Road, Southsea - Construction of single storey side/rear extension (following demolition of existing lean to) (Revised Scheme 12/01321/HOU) (Report item 2)

This was subject to a site visit on Tuesday 8 October 2013.

A deputation was heard from Mr Mills, speaking in support of the application, who included the following points in his representations:

- Support the applicant with this proposal;
- Applicant has made this property their home and have renovated it to a high standard;
- They have reinstated original sash windows;
- Mr and Mrs Fisher work hard with their business in Southsea and are painstakingly restoring the property.

A deputation was also heard from Ms Hirose, the applicants agent, who also spoke in support of the proposal and included the following comments in her representations;

- Propose to create and extend the kitchen area;
- Continue to restore their property;
- Extension deemed to be within planning policies;

- There will be no material impact to residential amenity;
- Inspector did not raise issues of overbearing;
- Design of the glazing and materials has been addressed;
- There has been significant improvement to the design and materials have been carefully chosen;
- There will be no unacceptable harm to residential amenity;
- No policy objections or material considerations.

Deputations were also heard from Eastney & Craneswater ward Councillors Matthew Winnington and Luke Stubbs who included the following points in their representations:

- Welcome modifications to the application which is more in keeping with the character of the area;
- Do not agree with extensions to these properties;
- Large spacious properties in small plots and this does not improve or enhance the conservation area;
- This just fills the gap;
- The bi-fold doors are out of keeping in a conservation area;
- Does close the gap between No.11 and creates a sense of enclosure;
- No precedent established for extensions;
- Rear gardens are very compact with high boundary walls;
- This will have an impact on neighbouring properties and amenities.

The City Development Manager advised the committee that the relationship to the neighbouring property is acceptable and the design and materials have both been addressed.

Members' comments

Members felt that the rear of the property is not really overlooked by anyone and that the properties are big but narrow. There would be a 0.9m gap between the side gable and the boundary wall.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report.

119. 13/00853/FUL - land East of M275, Tipner Lane, Portsmouth - Construction of Park and Ride facility with a single storey passenger waiting building/canopy, together with access, landscaping, boundary treatment and associated works, including maintenance access route, at land to east of M275 (Report item 4)

The City Development Manager reported in the supplementary matters list that the Highways Agency's direction imposes the requirement for a condition to approve precise siting, height and appearance of the padlocked removal bollards, including any railings or other barriers (designed to prevent unauthorised access) across the emergency access in the south eastern corner of the site. Further details had been provided and passed to the HA for comment, who had since confirmed them as acceptable. Delegated authority is sought by officers for amendment to condition 5 (to implement these approved measures or such alternative as may be submitted to and agreed in writing by the local planning authority).

A deputation was heard from Mr Coombe, objecting to the application, who included the following points in his representations;

- High fencing will make it look visually like a prison compound;
- Cannot look across Range Green without seeing the fence;
- This is a windswept area;
- Trying to camouflage with landscaping;
- Haven't consulted with the operators;
- Drivers need a rest room.

Members' questions

Members sought clarification on the landscaping proposed, the fencing and the placing of bollards.

Members' comments

Members felt that this was a much needed facility for the city.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Manager's report and with the amendment to condition 5.

120. 13/00989/FUL - Fontenoy House, Grand Parade, Portsmouth - Construction of single storey extension to roof to form 2 flats to include raising of existing parapet wall, installation of balustrading and extension to existing external fire escape (Re-submission of 13/00536/FUL) (Report item 6)

This application had been called to the committee at the request of Councillor Wood.

This was subject to a site visit on Tuesday 8 October 2013.

The City Development Manager reported in the supplementary matters list that following publication of the agenda, additional objections had been received from the occupiers of 20 neighbouring properties on the same grounds as set out in the committee report. An objection had also been received from the Portsmouth Society on the grounds that the design bears no relation to the recipient building or neighbouring properties and would fail to complement or enhance the street scene.

The application had also been considered by the Portsmouth, Fareham, Gosport & Havant Design Review Panel who re-iterated their support for the principle of an extra storey on this building. The Panel acknowledged the sensitivity of the situation and as in their previous comments in June 2013 suggested that the addition required a greater set back in order to reduce its dominance. It was suggested that despite the changes the design remains heavy. The Panel were of the view that the clerestory eaves contributing to this perceived heaviness and asserted that the windows suggested the roof is floating when it isn't. Overall the Panel felt that their previous comments to a large extent still applied and suggested that the site may benefit from cleaner crispier addition, or the addition of a hovering plane underneath the overhang. The Panel recommended that the proposal was considered acceptable subject to their comments regarding materials and details.

A series of photographs had been provided by Rob Wood in connection with his deputation which had been circulated with the supplementary matters list.

Deputations were heard from Mr Wood, Mr Clapham, Mr Halloran (on behalf of the Friends of Old Portsmouth Association and The Portsmouth Society) and Mr Martin, all objecting to the proposal, who included the following points in their representations;

- Have lived here since 1950's and have seen the area develop;
- Properties are all of one uniform height;
- This development is very alien;
- Believe this to be brash, unsympathetic and not in keeping;
- This is a cheap looking structure and is overbearing on to Grand Parade;
- Do not destroy our cherished character;
- As a leaseholder of Fontenoy House we'll all gain £5k by not having to replace the roof;
- This is a resin fibre boarded proposal. Will this really balance Fontenoy House with Grand Parade?
- We'll be left to deal with the loss of car parking and lack of space;
- Other residents will now want to build up;
- Wrong building, wrong place;
- Doesn't provide any benefit to local residents and only profits the London based property company;
- Fontenoy House is opposite a grade II listed building. This won't balance;
- Old Portsmouth is one of the largest conservation areas in the city;
- This new build will probably have 3 cars rather than 0,
- The applicant missed out Friday/Saturday/Sunday on the parking survey;
- Parking is a big problem;
- This weekend there was no parking available;
- This is a fragile area and we need to conserve the heritage and legacy;
- Need to protect the picturesque view of Old Portsmouth and need to protect it for the future;
- Proposal looks very similar to properties at Gunwharf;
- There are traffic problems on any day and parking is always an issue here.

A deputation was also heard from Mr Adams, representing the architects, who included the following points in his representations;

- **There are some awful buildings in this area;**
- **Didn't surprise me at all to see the objections;**
- **Have worked with the planning officers with regards to the roof structure;**
- **Render is acceptable;**
- **It won't go dirty and will always look pristine;**
- **Accept people are anti-change;**
- **The building does suit and holds well an additional floor;**
- **Terracotta originally but felt it looked too heavy;**
- **Feel this stands on its own and suits it much better.**

A deputation was also heard from Old Portsmouth ward Councillor Sandra Stockdale who included the following points in her representations;

- **Grand Parade is a delightful cobbled area;**
- **30+ residents have voiced their objections;**
- **Will have an impact on traffic and light;**
- **Will put a strain on an already over-used car park.**

Rob Wood left the room immediately after the deputations, following his earlier declaration of interest.

Members' questions

Members sought clarification on public transport links, overlooking, car parking and roof heights.

Members' comments

Members felt that this design was more suited for Gunwharf, it was of poor design, the proposal would have a bad relationship with the adjacent properties, it was overbearing and was out of character and context for the street scene and there was a lack of parking provided in an area of medium accessibility.

RESOLVED that planning permission be refused for the following reasons;

Councillors Gerald Vernon-Jackson and Les Stevens left the meeting at this point.

121. 12/00422/VOC - Wheel of Fortune Building, Clarence Esplanade, Southsea - Application to remove Condition 3 attached to 10/00725/FUL which restricted the use of flats to employees of Billy Manning Ltd (Report item 5)

This application was deferred by the Planning Committee on 18 July 2012 to enable the applicant to submit suitable evidence to show whether an acceptable living environment and potential mitigation for the cumulative harm in this location might prove capable of being achieved.

The City Development Manager reported in the supplementary matters list receipt of an email from Councillor Rob Wood in support of the views expressed by the Public Protection Officer and recommendation for refusal. One further email from the occupier of a property in Grand Parade re-iterating the objection on the grounds that if approved it would set a dangerous precedent to allow residential accommodation to be placed in very close proximity to the noisy hovercraft was also received.

A deputation was heard from Mr Clapham, objecting to the application, who included the following points in his representations;

- Hovercraft noise is akin to being near an airport;
- The hover operates every 20minutes from 0500-2300 hours;
- Residents cannot be in sealed accommodation;
- Will set a precedent and will allow the hovercraft noise to become acceptable.

A deputation was also heard from Mr Norman, the applicant, who included the following points in his representations;

- Only 50% of the building has been completed;
- Intend to lift the restriction due to the recession had to reduce the workforce and the 12 full time staff have their own accommodation;
- Very thoughtful for the residents of Old Portsmouth to be looking out for the occupiers of these flats but this is up to personal choice;
- Funfair is only open until 9pm during the summer months;
- Previously no-one cared who lived in the flats;
- Fun fair no longer a noise issue;
- Environmental Health claim that our assessment was wrong but they claim to work to the same standards – WHO Guideline Values;
- Second floor is unfinished, more like a building site than accommodation.

A deputation was also heard from Old Portsmouth ward Councillor Rob Wood who included the following points in his representations;

- As ward councillor many people complain about the noise from the hovercraft;
- Environmental Health are recognised experts;
- May have employees happy to live there;
- People stay in the hotel but only for one or two nights, they don't stay long;
- Not acceptable for persons to live in this accommodation;
- Hovercraft is a source of noise and harm.

Members' questions

Members sought clarification on where the bedrooms were situated in the flats, whether triple glazing would be used, the noise readings taken by the Public Protection Team, in particular the highest level of noise recording and what that noise was likely to have been.

Members' comments

Members felt that they had to look at the bigger picture in terms of health issues for the occupiers of the flats having repeated disturbed sleep and the fact that employees were more likely to be low skilled and often transient.

RESOLVED that the application be refused for the reasons outlined within the City Development Manager's report.

The meeting concluded at 6.20pm.

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Signed by the chair of the committee
Councillor David Fuller