

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 3 May 2017 at 1.00 pm in the Conference Room A, Floor 2 of the Civic Offices

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

Present

Councillors Frank Jonas (Chair)
Jennie Brent
Ken Ellcome
Colin Galloway
Lee Hunt
Steve Pitt
Darren Sanders (Standing Deputy)

Also in attendance:

Councillor M Winnington

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.

45. Apologies (AI 1)

Apologies for absence had been received from Councillor Scott Harris as Vice-Chair, Councillor Yahiya Chowdhury (and his standing deputy Councillor Morgan), Councillor Hugh Mason (who was represented by standing deputy Councillor Sanders) and Councillor Suzy Horton.

46. Declaration of Members' Interests (AI 2)

Councillor Galloway knew a depute for 57 Eastern Parade (report item 6) but this was not a personal or prejudicial interest.

Councillor Sanders would not participate in report item 3 for 27 Fawcett Road, having taken legal advice on the perception of having been spoken to by the applicants but not the objectors.

Councillor Pitt had also spoken to the applicant regarding report item 3 for 27 Fawcett Road but had been clear to them that he could not offer them an opinion and would approach the item with an open mind.

47. Minutes of Previous Meeting - 5 April 2017 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 5 April 2017 be approved as a correct record to be signed by the Chair.

48. Updates on previous planning applications by the Assistant Director of Culture & City Development (AI 4)

There were no updates.

49. 16/01973/HOU - 75 Bryher Island Portsmouth PO6 4UF - Construction of two-storey extension to side elevation, single-storey extension to rear elevation and extended balcony (Report Item 1) (AI 5)

(The order of business was varied so that items without deputations were taken later in the meeting. Councillor Hunt had left the meeting when this item was discussed.)

Members' Questions

The number of bedrooms to be provided was queried and confirmed as staying at 5. This had been referred to committee at the request of Councillor Gemma New following representations made by the residents' management company but no reasons had been given by Councillor New.

Members' Comments

There were no further comments.

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

50. 17/00069/FUL - 27 Victoria Road North, Southsea PO5 1PL - 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 2) (AI 6)

The following deputations were made, which are summarised:

- i) Ms H Taylor objected on behalf of local residents in the St. Thomas area, whose points included:
 - The attractive Victorian property should continue to be a family house and students were not giving balance to the community
 - There was intent to use the C4 use and be basement may also be developed under permitted development rights
 - Protection of the community was hoped for and it was unfortunate that the report on the result of review of the HMO SPD policy had been delayed
- ii) Mr M Willoughby's points of objection included:
 - He did not believe that the 10% threshold rules had been applied properly with not all of the HMOs within the radius being counted; in

February residents had highlighted 8 properties for further investigation but were told that some had been removed from the database or had expiring licences

- iii) Mr May-Clingo spoke as the applicant, in support of his application, whose points included:
- He had looked at properties in the vicinity and was aware that some of the registered HMOs were kept in better condition by the landlords than the privately occupied properties.
 - Low cost rented accommodation did not always require more parking
 - It was hard to sell this large property as a single residence, and this part of the road had many flats accessible for those on lower wages, not just for students.

Members' Questions

In response to the questions raised on the counting of HMOs in the vicinity attention was drawn to the table showing the checks on database and licences and that there was a difference between HMOs in planning and private sector housing terms. The leaving of a 7th bedroom empty/as a study was queried and whether it would be large enough for double occupancy (which was confirmed). The Assistant Director of Culture & City Development stressed that this was not a sui generis but a C4 use being applied for within this application and it should be considered on this basis. With regard to the review of the SPD on HMOs she reported that a report was due to go to the next Planning, Regeneration & Economic Development portfolio meeting in the new municipal year, to seek a 6 week consultation before a further report was brought back for adoption/amendment of the policy.

Bruce Lomax, as Private Sector Housing Manager, explained the Housing Act S257 criteria for a HMO properties for which self-contained flats had less than two-thirds owner-occupiers, and he further explained the licensing programme brought in by PCC in 2013 for which the council only licence those properties in which all the units are being let out by the landlord. Some of the properties identified by the residents had historic use as HMOs and could be served an Article 4 Direction to become lawful. The planning officers would check the evidence available to them.

Members' Comments

Members hoped that the revised SPD dealing with HMOs would clearly explain the differences between planning and private sector legislative regimes and definitions of HMOs. It was requested that those neighbourhood groups who had made representations on these issues were consulted on the document.

In considering this application the balance between changing the nature of a community (whilst awaiting the updated SPD) and providing more affordable accommodation was discussed. Members were also aware of the Planning Inspectorate's views on HMOs. They had to judge the application as before them based on current policy and it was reported that the application had been submitted in January so the applicant would be able to appeal on the grounds of non-determination if a decision was deferred.

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

51. 17/00131/FUL - 27 Fawcett Road, Southsea PO4 0BZ - Change of use of ground floor from retail (Class A1) to massage salon (Sui Generis) (Report item 3) (AI 7)

(Councillor Sanders had made an earlier declaration of interest and withdrew from the room for this item.)

The City Development Manager reported that the report (page 13 regarding representations) should be amended to reflect that the three ward councillors had not objected but had asked for this to be determined by the committee.

Also the Supplementary Matters List reported three additional representations have been received objecting to the proposal on the grounds of:

- "1. Council has given little consideration to the location of the massage parlour located opposite a school which is completely inappropriate;*
- 2. Impact on established residents;*
- 3. Applicant has visited properties uninvited and council has advised to contact police as they are funded to deal with these issues;*
- 4. Can authority divorce itself from the impact such process can have on people (public comments);*
- 5. Council has stated that assumptions cited in objections are not proven re evidence which shows that massage parlours are notoriously known for conducting business (supported by national evidence) which is not in line with their designated intent but council accepted applicants view that the transport and parking will not be affected;*
- 6. Issues which have an evidence base have not been given the same considerations as issues (use of Fratton Train Station and bus routes) as issues that have not got an evidence base and the additional demand for car parking and pressures this will place on existing occupiers;*
- 7. Council has accepted a best case scenario not worse case or middle ground;*
- 8. Decisions have been made on assumptions;*
- 9. Opening hours not acceptable to current residents or Prior School and will result in noise and disturbance to residents;*
- 10. Objections from Priory School have been dismissed by Council;*
- 11. Question validity and objectivity of the assessment and grant of planning permission;*
- 12. Request Chief Executive to confirm who is responsible for decision making, the independent scrutiny of decisions and process by which the equity of the decision making can be challenged or assured;*
- 13. Register comments as formal complaint and investigate accordingly;*
- 14. Under FOI request similar cases providing assurances and evidence, fairness and robustness of decisions and full evidence of impact analysis;*
- 15. Support requested in raising profile of objection and ensuring the council had followed due process in granting the application, ensuring equal consideration to all concerns raised and that the application is not progressed based on the strength of evidence of risk;*
- 16. Concerned such an application can be granted against the strength of objection and evidence presented to the council;*
- 17. Ask recipient of this email to object to this for the safety of residents and pupils;*
- 18. LPA has a duty in respect of section 66 of the Town and County Planning Act for architectural preservation and any building within the site of a grade II listed building.*

The presence of a massage salon painted red does not fit with the architectural presentations within a grade II residency;

19. No evidence to suggest there is a need for such services and impact on human rights, privacy and residential amenity; and,

20. Massage salon not in keeping with ethos of road."

The following deputations were made, which are summarised:

- i) Mr P Ball, objected as a local resident whose points included:
 - There were parking problems already in the area and there was no evidence that public transport would be used by those visiting the premises
 - The design was not suitable when near a Grade II listed building
 - Residential amenity of residents and nature of the road
 - Location unsuitable opposite the school and safety of children concerns
 - Querying the nature of the service, qualifications of staff and if there was a need for medical massages
 - Site notices had been removed

- ii) Mr A Lewis spoke as the applicant in support of his application, whose points included:
 - The general tone of the objections were not appropriate to the application
 - The listed building referred to had PVC window frames
 - The application had the support of officers as outlined in the report

Members' Questions

It was asked if the applicant had requested a site visit and it was reported that this request had not been received by the City Development Manager. In response to questions regarding the use, it was reported the Local Planning Authority could not consider or control potential behaviour within the premises but should consider the land use. How the business would be advertised was raised; there may be the need for advertising consent. The consultation period, consultees and use of site notices were also examined.

Members' Comments

Members did not believe that this was the appropriate location for the business opposite a large school and it was out of keeping with the surrounding area, which was mainly residential. The members had hoped to hear more from the applicant regarding how the business would be run and advertised.

RESOLVED that the application be refused for the following reason:

In the absence of more detailed understanding of the nature of the business, the use of the ground floor as a massage parlour would be likely to have a significant impact on neighbouring residential properties and Priory School in terms of increased noise and disturbance, comings and goings, the visual appearance of the development that would therefore represent an inappropriate land use in this location. The proposal would therefore be contrary to the principles of good design and the

protection of residential amenity as outlined in the National Planning Policy Framework and PCS23 of the Portsmouth Plan.

52. 17/00159/FUL - 26 Jersey Road, Portsmouth PO2 7PY - Change of use from residential dwelling (Class C3) to purposes falling within class C4 (house in multiple occupation) or Class C3 (dwelling house) (report item 4) (AI 8)

The City Development Manager's Supplementary Matters List reported that: *"On page 17 of the committee report under the Parking Standards SPD section, it has been reported that 'Powerscourt Road and the surrounding roads are difficult to park at peak times'. This should be 'Jersey Road and the surrounding roads are difficult to park at peak times' (although the property is in close proximity to Powerscourt Road)."*

A deputation was made by Mrs Chamberlain (accompanied by Ms Clark) to object to the application, whose points included:

- This would change the nature of this small road of family properties
- The property would be suitable for first time buyers and single mature persons
- The pressure a HMO would create on local services and infrastructure (with the local doctors surgery closing)
- The parking standards were not being met (with reliance on public transport links) and there was pressure on parking in the area
- Residents did not believe that the database of HMOs in the area had been thoroughly checked, with at least 2 others being used as HMOs in Jersey Road
- There would be additional noise and disruption caused by this use to the inconvenience of existing residents

Members' Questions

The change in numbers of bedrooms was queried; this would change from 3 to a 4 bedroom property, to be occupied between 3-6 adults. It was asked if/why the parking standards had been ignored: the City Development Manager reported that the SPD related to new developments and had not been ignored; instead there was a comparison of the proposed use to use by a family. Further questions were raised regarding the layout of rooms and how the application had been brought forward.

Members' Comments

Members were concerned by the small size of the rooms and the layout giving no additional facilities for communal use for the amenity of the occupiers and the suitability of the property for this conversion.

RESOLVED that permission be refused for the following reason:

In the opinion of the Local Planning Authority, the proposed change of use of the dwelling (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) would, as a result of the proposed layout of the ground and first floors in relation to the shared communal areas; fail to provide an adequate standard of living accommodation for future occupiers as they would be exposed to unacceptable and elevated levels of noise and disturbance, representing a poor form of development that would be contrary to the principles of protection of

residential amenity as outlined in the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

53. 17/00178/FUL - 103 Manners Road, Southsea PO4 0BD - Change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis) (Report item 5) (AI 9)

(This item had been deferred from the previous committee meeting.)

A deputation was made by Mr Lonsborough, the applicant in support of his application whose points included:

- He had invested in the property and had rearranged the kitchen layout
- All the necessary licences were in place
- It would be used by 6 paramedic students

Members' Questions

It was asked if any changes had been made to the application since it had previously been deferred? The City Development Manager reported that there had not been changes but the reconfiguration of the bathroom had been discussed but this would be a major undertaking and the existing facilities were seen to be acceptable.

Members' Comments

Whilst some further information had been provided, the size of accommodation and provision of communal facilities were still of concern. There was further discussion regarding the HMO SPD review and the desire to see the outcome of this to help guide the committee members in such decisions.

RESOLVED that permission be refused for the following reason:

In the opinion of the Local Planning Authority, the proposed change of use of the building to a House in Multiple Occupation (Sui Generis) would, as a result of the proposed layout, quality and size of its communal facilities (kitchen, living and sanitary facilities), fail to provide an adequate standard of living accommodation for future occupiers representing an over intensive use of the building. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

54. 17/00181/HOU - 57 Eastern Parade, Southsea PO4 9RE - Construction of new roof extension, including front gable with balcony, dormers to east roof slope, gable to north elevation and alterations to chimneys. Construction of basement/lightwells and part single/part two-storey side extension to east elevation to include balcony to first floor; external alterations to doors and windows, including replacement bay to south elevation; glazed entrance canopy; new entrance gates up to 1.75m high & 0.3m high trellis above existing walls; raised decking to form terrace; replacement garden shed and formation of dropped kerb access onto Selsey Avenue (amended scheme to 16/01447/HOU) (Report item 6) (AI 10)

A site visit had been undertaken by some members of the committee on the preceding day.

The City Development Manager's Supplementary Matters List reported on further representation:

"In addition to the 40 letters of objection within the committee report, a further three letters of representation have been received from local residents regarding the amended drawings to the northern elevation. Their concerns can be summarised as follows: a) loss of privacy b) loss of outlook c) unsympathetic to Conservation Area."

Councillor Stubbs' representation was appended to the Supplementary Matters List in which he apologised for not being able to attend the meeting and set out his comments:

"I would however like to make one key observation in respect of the 57 Eastern Parade application. The buildings along that stretch of road are very substantial, but they step downwards towards its eastern end, with the final few houses being of roughly comparable size and being of a scale consistent with the surrounding properties in Selsey Avenue, Marine Court and St. George's Road. This is good design practice in any location and particularly so in a sensitive area. This consideration is perhaps not immediately obvious, but it is an important one and it should be the determining factor in assessing the application before you."

The following deputations were made, in summary:

- i) Mr P Barker, objecting, whose points included:
 - This should be treated as a new build as the building was being expanded in all directions, with major changes to its footprint and design
 - The bulk of the building for the plot size, reducing privacy and outlook for neighbours
 - It would be out of character with the adjacent buildings in size and the modern glass fronted design was out of keeping with the Conservation Area and did not match the existing building
 - It would result in removal of a parking space and problems would be caused by the entrance in Selsey Avenue

- ii) Mr P Smith, objecting, whose points included:
 - Concern with the process as with so much being changed it was hard to see this as an extension when it was more like a new build
 - The impact caused by the layout to Selsey Avenue
 - The bulky building would impact on 3 roads being a corner property
 - The gabled roof design was unlike other nearby properties
 - The design for such a prominent building did not preserve or enhance the street-scene of the Conservation Area or the adjoining ones.

- iii) Mr M Duck read out a deputation on behalf of his sister, the applicant, in support of the application, whose points included:
 - The reasons behind the conversion of the house which had become too much for the elderly occupiers (her parents) and was in need of major maintenance and upgrading of facilities
 - The previous design had been withdrawn and there would not be demolition of the existing structure

- The parking would be improved in the area with the new layout and the gate on St. George's Road was being removed.
- iv) Councillor M Winnington then spoke as a ward councillor, whose points included:
- The need for a development of a property to preserve or enhance a Conservation Area, and this was detrimental to the one it was within and was on the cusp of two other Conservation Areas, being one of the most prominent buildings in Eastern Parade, being on a corner plot
 - It had been evident at the site visit that this property would be much closer to the road than nearby properties
 - The house could be repaired without this amount of work taking place, and this was against guidance of extensions not overpowering the original property
 - It could set a precedent in the Conservation Area(s)
 - He agreed with Cllr Stubbs' comments on the roofline and was concerned by the raising of the wall

Members' Questions

The access arrangements were clarified; the access was being widened. The Assistant Director of Culture & City Development reported that covenant issues and loss of view were not planning considerations although general amenity for neighbours could be considered, including loss of privacy. The classification as an extension to the existing building was also examined and it was not a new build as the existing structure was not being demolished. The possible attachment of conditions suggested by the Highways Engineer was also raised.

Members' Comments

Members were concerned about the distances to the boundaries and impact on neighbouring properties and the street-scene and roofline and the design for such a prominent site at the Seafront and within a Conservation Area, which was adjacent to other Conservation Areas.

RESOLVED that permission be refused for the following reason:

The proposed extension, due to its excessive height and bulk in a prominent corner location, would overpower the recipient building and would not respect the design and appearance of surrounding properties. The extension would therefore fail to preserve or enhance the character and appearance of the Craneswater and Eastern Parade Conservation Area, and the setting of the Seafront and Eastney Barracks Conservation Areas. The proposal is therefore contrary to the principles of good design as stated in the NPPF and Policy PCS23 of the Portsmouth Plan.

- 55. 17/00381/FUL - 169 Queens Road, Fratton, Portsmouth PO2 7LU - Change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 7 person 7 bedroom house in multiple occupation (Sui Generis) (Report Item 7) (AI 11)**

(The order of business was varied so that items without deputations were taken later in the meeting. Councillor Hunt had left the meeting when this item was discussed.)

The City Development Manager's report was corrected to refer to bedroom no.1 and not bedroom no.7 being in the roofspace. The Supplementary Matters List reported on a *correction to paragraph detailing internal living conditions on page 34 of the Committee Report which should read:*

"In terms of internal living conditions, the property currently comprises a plant room at ground and second floor level and a communal w/c and shower at second floor level (containing a shower, w/c and wash basin). In addition, bedrooms 1, 3, 4, 6 and 7 would benefit from en-suite bathrooms. At ground floor level a communal lounge and kitchen would have a floor area of approximately 25sq.m. with access to cooking and preparation facilities. Overall it is considered that the internal facilities at the premises are sufficient to meet the demands from the intended number of occupants and would provide an acceptable standard of living conditions for future occupiers."

There were therefore the following Corrections to Recommendations to include reference to SPA mitigation, which should read:

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission 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.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

Members' Questions

Questions were asked of the Private Sector Housing Manager regarding whether bedroom no.1 was suitable for single person use, which was confirmed and regarding the layout and sizes of the sanitation rooms for which he confirmed that further information on the safe layout of the shower-rooms was being sought. The level of shared communal and cooking facilities was also raised.

Members' Comments

The room sizes were seen to be adequate and there was a satisfactory level of communal space.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the City Development Manager's report, as amended by the Supplementary Matters List.

- 56. 17/00392/FUL - 26 Manners Road, Southsea PO4 0BB - Change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 7 bedroom 7 person house in multiple occupation (Sui Generis) (Report item 8) (AI 12)**

A deputation was made by Mr Broyd as the applicant's agent in support of the application, whose points included:

- He had worked with the officers regarding this application and oversaw all of the applicant's HMO properties which had passed the licensing regime and this application exceeded the required standards
- He listed the works taking place to the property to provide communal and sanitation facilities, with replacement plumbing and safety works, opaque windows for privacy
- There would be cycle storage provision in the garage
- The application was for 7 persons rather than up to 9 which could be accommodated to ensure the tenants' safety and comfort in good sized bedrooms and the layout also meant that the property could be used by a family again in the future

(Councillor Sanders had been out of the room during part of the presentation/ deputation and would not therefore participate in this item or vote on it.)

Members' Questions

Further clarification on the shared facilities was sought, especially regarding the shared kitchen/diner space; it was reported that whilst this space was slightly smaller than desired officers felt this was compensated for by the extra size given to the individual bedrooms.

Members' Comments

Whilst members were disappointed that there was not a large space given for communal cooking and eating, there was some compensation in that individual room sizes were of a better size

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

At the conclusion of the meeting Councillor Frank Jonas, as Chair, thanked the officers for their support and the members for their attendance and participation during this municipal year. He also wished Councillor Ellcome well as it was his last meeting of the Planning Committee before becoming Lord Mayor of Portsmouth.

The meeting concluded at 4.45 pm.

.....
Signed by the Chair of the meeting
Councillor Frank Jonas