

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 7 March 2018 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

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

Present

Councillors Scott Payter-Harris (Vice-Chair)
Jennie Brent
Colin Galloway
Suzy Horton (Standing Deputy)
Lee Hunt
Frank Jonas BEM
Hugh Mason
Gemma New
Steve Pitt

Also in attendance

Councillor Linda Symes

Welcome

The Chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair, Councillor Payter-Harris, 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.

39. Apologies (AI 1)

Apologies for absence were received from Councillor Vernon-Jackson. He was represented by Councillor Suzy Horton.

40. Declaration of Members' Interests (AI 2)

Councillor Lee Hunt advised that both he and his partner were making a deputation on the planning application today. He would therefore leave the room once he had made his deputation and not participate in the discussion.

41. Minutes of the previous meeting - 7 February 2018 (AI 3)

In response to a question from a member, the Assistant Director of City Development said that the planning and licensing teams were working together to create one common HMO database and work was progressing well. There has been a slight delay as the licensing team have migrated all their data onto the Uniform system, which is the same system that the planning, licensing and environmental

health teams' use, but the data needed to be checked and verified. Currently it is only 80% accurate and this needs to be 100% accurate for members of public to rely on that information. This is a priority for the licensing team.

In response to a further question the Assistant Director of City Development said the council offer pre application advice which is open to anyone to ask advice on the likely outcome of a proposal in advance of submitting an application. If planning receive an application, legally this must be registered and consulted upon and they must give them a decision on that application.

RESOLVED that the minutes of the previous meeting held on 7 February be agreed and signed by the chair as a correct record.

42. Update on previous planning applications by the Assistant Director of City Development (AI 4)

The Assistant Director of City Development advised there were no updates on previous planning applications.

She advised that there were two appeal decisions that had been published on Monday that were testing the new HMO SPD. These were applications that were considered prior to the SPD being adopted. In both cases the inspector did not uphold the amendments to the SPD. The Assistant Director of City Development said this may be as they were decided upon in the transition period and therefore is not a true reflection of the robustness of the SPD. The true test of the SPD will be when the planning department receive decisions through that were decided post the SPD being amended. She advised a short report would be prepared for the next planning committee meeting on both these appeals.

In response to questions the Assistant Director of City Development explained that it would be for subsequent inspectors to make a judgement on the weight they give to the two appeal decisions.

43. 17/01916/PAMOD - Modification of legal agreement associated with planning permissions 16/00194/MMA in relation to student occupation obligations (AI 5)

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

Members had no questions on the report and felt that this was a sensible proposal.

RESOLVED the committee agreed to vary the unilateral undertaking to allow students to occupy the same student bedroom for consecutive academic years and retain the requirement for the length of occupancy per academic year to be no more than 51 weeks, and approved the amended Student Intake Management Plan.

PLANNING APPLICATIONS

Deputations are not minuted in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-07Mar2018>

44. 17/02083/FUL - 36-38 Palmerston Road Southsea PO5 3QH (AI 6)

The Planning Officer introduced the report.

The following deputations were heard:

- (a) Mr Allan Smith (objecting to the application)
- (b) Mr Richard Adair (objecting to the application)
- (c) Councillor Lee Hunt (objecting to the application, before he withdrew from the room to take no further part in the discussion of this item)
- (d) Councillor Linda Symes (as ward councillor who made general comments on the application).

Mr Greenwood and Mr Sutton had registered to speak against the application but did not appear as deputations.

Members' Questions

In response to questions the following points were clarified:

- The monitoring of shop frontages is undertaken by the planning team on an annual basis. The council's records indicate that the current proportion of class A1 uses in the primary frontage for Palmerston Road is 78%. This is above the 75% threshold as set out in Policy STC3. If the use class of libraries and banks were included this would still keep above the 75% threshold.
- Although the plant looks substantial officers did not have details of the full scheme as to whether it would be sufficient in terms of loss of amenity. This is why a condition had been added that prior to the installation details of the proposed equipment shall be submitted for approval. If the managers approve the system in terms of its ability to combat odours then it should work adequately well.
- The Assistant Director of City Development was not able to confirm whether there was previously a restaurant just inside Stanley Street. She explained that the current Southsea Town Centre SPD was adopted under the 2006 Local Plan and was adopted as a direct result of the in the 2012 Local Plan. Several other members of the committee recalled that there did used to be a restaurant just inside Stanley Street.
- In the past details of extraction systems have been considered by the Planning Committee as they were in a conservation area or a listed building. In this instance the extraction system does not need further planning permission, just control by way of condition and the Environmental Health officers will agree the design with the applicant to ensure it is appropriate.

- Officers said that the proposed opening hours were in line with the restaurants in the south part of Palmerston Road. The committee could choose to amend the proposed hours though if they wished.
- There is a condition proposed for noise generated by the extraction system and the regulatory services manager said officers had an idea of what the applicant should consider. There is a British Standard and the condition refers to that standard.
- Officers confirmed that the existing shopfront would be set back by 2.2m and tables and chairs would be behind this frontage and would not extend onto the pedestrianised area. The red and blue line plan which accompanies the application makes it clear the applicant does not own any land outside the building. It is not a right of ownership in terms of the title that runs with the shop.
- The applicant would need to apply for an amenity on the highway licence to put tables and chairs on the pavement, this is not a planning matter.
- The committee could make a judgement to add a condition to limit tables and chairs outside to a certain hour but this would need a planning justification.

Members' Comments

Members felt that it would be good to see this unit come to life although felt it was unfortunate to see retail units closing. Members felt that 23:00 was too late for the premises to be vacated and felt this should be changed to 22:00. This would be in line with the existing hours at Tesco Express. Members also raised concern about noise arising from the outside space and it was proposed to further amend condition 3 so that the use of the outdoor seating area be vacated by 21:00. Members were also concerned that the planning officers were yet to receive details about the extraction process.

RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report; with the below amendment to condition 3

a) The premises shall be closed and vacated by the public between the hours of:

- **Sunday to Saturday 22:00 to 08:00 the following day.**

b) The outdoor seating area shall be vacated by the public between the hours of:

- **Sunday to Saturday 21:00 to 08:00 the following day.**

The meeting concluded at 2.05 pm.

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Signed by the Chair of the meeting