

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 30 May 2018 at 1.00 pm in the 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 Hugh Mason (Chair)
James Fleming
Suzy Horton
Donna Jones
Steve Pitt
Lynne Stagg
Luke Stubbs
Claire Udy
Frank Jonas (standing deputy)

Also in attendance

Councillor Steve Wemyss

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

60. Apologies (AI 1)

Apologies for absence had been received from Councillors Judith Smyth (Vice-Chair) and Ken Ellcome (who was represented by standing deputy Cllr Jonas).

61. Declaration of Members' Interests (AI 2)

Councillor Frank Jonas declared a prejudicial interest in the application relating to 83 Tangier Road so would be leaving the room and not participating in this item.

Councillor Luke Stubbs declared a prejudicial interest in the applications relating to 29b South Parade as the property was near where he lives and the applicant is the freeholder of where he lives; he would therefore withdraw for these items. With regard to 83 Tangier Road he explained that he did not believe he had a prejudicial interest as the applicant was only a vague acquaintance (having met them for a few minutes only in the past).

Councillor Hugh Mason, as Chair, had made a statement in the press regarding 140-144 Kingston Road, but had remained neutral in his stance so would be participating.

Councillor Donna Jones confirmed that the applicant for 83 Tangier Road was a close relative so declared a pecuniary interest and would be leaving the room for that item.

Councillor James Fleming knew the applicant for 83 Tangier Road so would be leaving the room for that item.

Kieran Laven, Planning Solicitor, made the following statements regarding Code of Conduct:

For the application relating to land adjacent to 83 Tangier Road he advised that Michael Lawther, City Solicitor and Monitoring Officer, confirmed that this application was being made by a close relative of a Member and he confirmed in accordance with para 5.11 of the Council's 'Code for Members and Officers in Respect of Planning Matters' that as far as the Monitoring Officer was aware this planning application had been processed normally.

And that for the applications relating to 29b South Parade, Michael Lawther, City Solicitor and Monitoring Officer, confirmed that this application had been submitted through an agent who also acts as a planning officer for the City Council and he confirmed in accordance with para 5.11 of the Council's 'Code for Members and Officers in Respect of Planning Matters' that as far as the Monitoring Officer was aware this planning application had been processed normally.

62. Minutes of the previous meeting held on 23 April 2018 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 23 April 2018 be agreed as a correct record and signed by the Chair.

63. Planning Appeal Decisions - May 2018 (AI 4)

The Assistant Director, City Development, presented her information report and drew members' attention in particular to the outcomes of the appeals regarding 167/169 London Road and Cornerstone House, London Road.

RESOLVED that the individual inspectors' decisions be noted.

64. Hampshire Fire and Rescue Authority Position Statement for Planning and Legislation (AI 5)

No formal report had been circulated, but the Assistant Director of City Development referred to minute 55 from the previous minutes in which she had given a verbal update on the position following the Grenfell Tower fire. She confirmed that a response letter had now been received from the Hampshire Fire and Rescue Service, which the Chair asked be circulated to members of the committee. The letter invited the Planning Authority to consult Hants Fire and Rescue Service on future planning applications; the Chair asked that this be brought back to the next committee meeting.

65. Updates on previous planning applications by the Assistant Director of Culture and City Development (AI 6)

There were no updates given.

Planning Applications

Deputations are not minuted in full. These are usually recorded as part of the web-cast of this meeting which can be viewed here, however due to technical problems the start of this meeting was not broadcasted:

<https://livestream.com/accounts/14063785/Planning-30May2018/videos/175607174>

66. 17/02188/FUL - 46A Lealand Road Portsmouth PO6 1LZ - Construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) (Amended scheme to 15/01671/FUL) (report item 1) (AI 7)

(Councillor Fleming was not present for this item.)

The presenting officer referred to the following supplementary information:

Two additional representations received from local residents, objecting on the following grounds:

- a) the developers have only dealt with the drainage on their site;
- b) increased risk of flooding to neighbouring properties;
- c) concern about who would be responsible if flooding to other properties took place following development;
- d) not convinced that flood risk issues have been resolved;
- e) design out of keeping with surroundings
- f) two storey bulk adjacent to boundary would impact on neighbours;
- g) noise and disturbance from cars at southern end of site;
- h) unsuitable access.

The officer's recommendation remained unchanged.

Deputations were made, whose points are summarised:

- i) Mr L Roberts handed in photographs and his objections included:
 - The scale and density of development for the size of the site
 - It would be an eyesore, not in keeping with the area with materials that did not match
 - Loss of privacy and light to neighbouring properties and gardens
 - It would be overbearing, only 1m away from boundaries
 - The developer had not reduced the density so it should be refused

- This added to the problems in an area already at high risk of flooding so would mean insurance problems for existing residents
 - There would be added pressure on emergency services
- ii) Ms M Parvin also objected, whose points included:
- Concern that water would disperse from the raised level to gardens to the North, causing flooding to her property and others, against common law principles
 - It was an ugly over-development of the site
- iii) Mrs R Harding the applicant's agent, spoke in support, whose points included:
- She referred to the history of the application and the previous ruling by the Inspector which had looked at drainage, ruling against PCC's engineer, and the scheme could not be expected to solve the wider flooding issues in the area
 - The impact on Nos 1 & 3 had been considered by the applicant and changing the layout could make the situation worse for neighbouring properties and reduce parking, therefore the original scheme was being returned to, after working closely with the planning officers to improve the scheme
 - If there was a refusal this would be ignoring the Inspector's decision, which would have consequences for a future appeal
- iv) Councillor Steve Wemyss spoke as a ward councillor, whose objections and concerns included:
- Whilst there had been an improvement the changes were not significant and the development was still on a large scale, with the bulk imposing an unacceptable sense of enclosure to properties in South Road and Lealand Road
 - He had written to the Planning Inspectorate/Environment Agency regarding flooding and it had been indicated to him that if there was sufficient evidence flooding could be a reason for refusal
 - The Inspector's decision had been based on errors in the original application
 - Fixing the broken sewer could actually exacerbate the flooding problem and PCC's own drainage engineer had not supported the scheme

Members' Questions

Members questions included:

- The extent of abnormal weather patterns being taken into account - it was reported that the applicant had taken this into account patterns over the last 100 years and felt that the application would deal with surface water
- The whereabouts of the correspondence referred to by Councillor Wemyss - the Planning Officer had not seen this letter from the Environment Agency so it was not referred to in the report

- Had Hampshire Fire & Rescue Service been consulted? It was reported that a letter had been received from the Fire Service regarding the new process which was to be implemented.
- Could the application make the flooding in the area worse? The committee was advised that they needed to consider if the drainage strategy was acceptable for the application site. The drainage engineer confirmed that there would be storage facility and there should not be more water from the new development. He had not received the extra information which would not be available until June.
- How would the condition 6a be undertaken and maintained? It was reported that the Planning Authority would liaise with the relevant consultees, and that enforcement powers are available.
- Due to the previous appeal decision would including flooding risk grounds of refusal be permissible? It was reported that this could open the authority to the award of costs and there was the possibility of an appeal on the grounds of non-determination if the extra information on flooding in the wider area was waited for.

Members' Comments

Members were mindful of the size and design of the development and the site being in an area of flood risk, however they were also constrained by the previous appeal decision and comments of the Inspector. This meant that the only matter that could be considered relevant (that would not leave the authority open to the challenge of costs) would be the relationship to other properties, which the applicant had looked at.

(An amendment to refuse on the grounds of PCS 12, 21 and 23 was lost.)

RESOLVED that conditional permission be granted, subject to receipt of a completed Unilateral Undertaking to secure the Solent Special Protection Area mitigation, and subject to the conditions outlined in the Assistant Director of City Development's report.

- 67. 17/01284/FUL - 140-144 Kingston Road Portsmouth PO2 7PD - part demolition of former bingo hall and conversion to form retail unit (class A1/A2) and 10 dwellinghouses; conversion/extension of outbuilding to form dwellinghouse; provision of associated refuse/bicycle stores and car parking with access from St Stephens Road via undercroft at No.37 following removal of street tree and pavement build-out (report item 2) (AI 8)**

The presenting officer drew members' attention to the supplementary matters that following publication of the Planning Committee reports, one further letter of objection had been received relating to the loss of the leisure and entertainment facility at the site. Whilst no evidence had been provided to demonstrate that alternative leisure and entertainment uses have been explored for the site, it is noted that the former bingo hall has been vacant for a number of years. Although the loss of the venue is disappointing, it is acknowledged that such uses are finding market conditions more challenging and the proposal represents a suitable alternative viable

use for the building. The Assistant Director City Development's recommendation remained unchanged.

There were no deputations for this item.

Members' Questions

Members asked for some time to look at the detailed plans which were circulated, before asking for clarification on the exact layout of units. With regard to the matter of affordability and viability the future plans to further split the site for another house or convert the retail unit were raised; it was reported that the Local Planning Authority would consider if any attempt was made by a developer to avoid affordable housing provision and would also seek evidence of marketing the retail element to find an occupant. It was confirmed that there was no on or off site contribution relating to affordable housing, due to the demolition and conversion costs. The level of cycle storage provision (and access routes to it) was examined and it was confirmed that the amended drawings showed more than adequate provision.

Members' Comments

Members welcomed the positive development to retain the frontage of the existing building. The main concern was the affordable housing due to the viability statement.

RESOLVED that conditional permission be granted in the following terms:

- 1) That delegated authority be granted to the Assistant Director of Regeneration to grant conditional permission subject to the prior completion of an agreement pursuant to Section 106 Town & Country Planning Act 1990 to secure the planning obligations (as set out in the report, Recommendation 1)**
- 2) That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.**

68. 17/02172/FUL - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 3) (AI 9)

Councillor Stubbs withdrew from the room for the discussion of the two associated items, in accordance with his earlier declaration of interest (minute 61 refers to the member and officer Code of Conduct declarations for these items).

The presenting officer drew members' attention to the Supplementary Matters report which stated:

"Please note that there is an error on page 49 of the Committee Report, under the heading 'Access and parking'. The proposed 3-bedroom flat would require 2 parking spaces, rather than 3." The officer's recommendation remained unchanged.

There were no deputations for this item.

Members' Questions

The height and relationship with adjacent buildings were examined; it was noted that there are some 5 storey buildings to the East. The extended height was 3.2m. It was asked if the Portsmouth Society had withdrawn their objection and it was reported that this was the case after there had been an amendment to the design. The assessment of loss of light and privacy was questioned; it was reported that the letters of representation had been from properties to the East regarding their outlook, but the roof extension was set back to help reduce the impact.

Members' Comments

There were no additional comments.

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

- 69. 17/02173/LBC - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 4) (AI 10)**

Councillor Stubbs withdrew from the room for the discussion of the two associated items, in accordance with his earlier declaration of interest (minute 61 refers to the member and officer Code of Conduct declarations for these items).

There were no deputations for this item and the presentation was made in conjunction with the associated previous item.

RESOLVED that conditional Listed Buildings Consent be granted, subject to the conditions listed in the report.

- 70. 18/00193/FUL - Land Adjacent To 83 Tangier Road Portsmouth - Construction of new dwellinghouse and parking space to rear with extended vehicular access onto Lynton Grove (report item 5) (AI 11)**

Councillors Donna Jones, Frank Jonas and James Fleming withdrew from the room in accordance with their earlier declarations of interest (minute 61 refers). The Chair explained that this has come to committee for determination due to the applicant being a close relative of Councillor Jones.

There were no deputations for this item.

The presenting officer referred to the information in the Supplementary Matters report which stated:

"In reply to the final paragraph of the Environment Agency consultation response, PCC has the following Plans in place to deal with an emergency in the event of flooding in the City:

- PCC Flood Response Plan - detailing the council specific response to a flooding event

- PCC Emergency Response Plan - detailing the generic council command and control arrangements for emergency response, including flooding and evacuation
- PCC Rest Centre Plan - detailing the provision of welfare support to evacuated residents and communities
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part One - detailing the generic emergency responders arrangements for dealing with a flooding event
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Two - providing a summary profile of flooding in each Lead Local Flood Authority area, including Portsmouth
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Three - operational plans detailing flooding in each EA flood warning area of Portsmouth, specifically relevant to this location is the one for Copnor, Baffins, Milton, Eastney and Craneswater (these plans cover all of Portsmouth).

The following is the consultation response from the Eastern Solent Coastal Partnership which was received after publication of the Committee Agenda:

Thank you for your consultation on the above application, I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development, subject to the FRA being complied with fully.

The site is shown to lie within the Environment Agency's Flood Zone 3, and is therefore considered to be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3mAOD, increasing to a predicted 4.4mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by D84 Architects, which sufficiently outlines how flood risk at the site will be mitigated. As stated within the FRA, all sleeping accommodation is to be set on the first floor of the property, above the predicted design tide level of 4.4mAOD. Therefore, occupants of the property could be provided with safe internal refuge during an extreme tidal flood event.

In addition, a number of flood resistance and resilience measures have been proposed to be incorporated into the detailed design of the development; including a sealed ground floor entrance, the raising of utility meters, switches and sockets, and the fitting of non-return valves to all new drainage.

The ESCP would also advise occupants of the property to prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, and for all occupants to sign up to the Government's Flood Warning Service to ensure that adequate warning is received prior to an extreme tidal flood event.

North Portsea island Flood and Coastal Erosion Risk management Scheme:
The ESCP on behalf of Portsmouth City Council are currently constructing the next generation of coastal flood defences around North Portsea Island, with Phase 3

Tipner Lake currently underway. Phase 4 of the scheme, Kendalls Wharf to Milton Common may be of direct benefit to this proposed development. Once complete, the defences will offer a 1:500 year standard of protection, and will significantly reduce the risk of coastal flooding around North Portsea Island." The officer's recommendation remained unchanged.

Members' Questions

The design of the canopy over the front door was questioned; it was reported that this was slightly squarer but the materials were sympathetic to the other canopies in the vicinity.

Members' Comments

Members requested an additional condition to ensure that the canopy reflected the design and materials of others in the terrace.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the report with an additional condition:

Notwithstanding the submitted details shown on the approved plans, prior to the commencement of the development hereby permitted, details of the proposed canopy roof to the front elevation, including materials, shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details.

71. Dates and times of future meetings (AI 12)

It was agreed that the meetings in 2018 be Wednesdays starting at 1pm on the following dates:

20th June (not 27th)
25th July
29th August (not 22nd)
19th September
17th October
14th November
12th December

(Dates for 2019 have yet to be confirmed.)

The meeting concluded at 3.20 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason