

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 29 August 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 Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Ken Ellcome
Donna Jones
Steve Pitt
Lynne Stagg
Luke Stubbs
Claire Udy
Jeanette Smith (Standing Deputy)

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.

93. Apologies (AI 1)

Apologies for absence were received from Councillor Suzy Horton (who was represented by standing deputy Councillor Jeanette Smith).

Councillor Luke Stubbs advised that he would need to leave the meeting at 4pm as he had another meeting to attend.

94. Declaration of Members' Interests (AI 2)

Councillor Donna Jones declared a pecuniary interest in agenda items 10 and 11 relating to the D-Day Museum as a Trustee of the National Museum of the Royal Navy. Councillor Jones also declared an interest in agenda item 13 - as previous Leader she had worked extensively with developers around viability testing. She would therefore leave the meeting for these items.

Councillor Claire Udy declared an interest in agenda item 13 in that before she was a councillor she had campaigned on viability assessments, this was not a prejudicial interest.

Councillor Steve Pitt advised that he would be making a deputation on planning applications 10 and 11 relating to the D-Day Museum as Cabinet Member for Culture, Leisure and Sport and would therefore leave the room following his deputation and not take part in any discussion on this item.

95. Minutes of the previous meeting held on 25 July 2018 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 25 July 2018 be agreed as a correct record and signed by the Chair.

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

The Assistant Director of City Development advised that there were no updates for the committee.

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-29Aug2018>

97. 18/00280/PLANREG - 2 Raglan House 4 Clarence Parade Southsea (AI 5)

The Planning Officer introduced the report. The Chair reminded the panel that although this was a retrospective application, the committee should deal with this application as if it were a new application.

The following deputations were heard:

- (a) Mrs Margaret Patta (objecting)
- (b) Ms Juliette Scott (supporting)
- (c) Mr Rule (on behalf of the applicant)

Members' Questions

In response to questions the following points were clarified:

- The application was retrospective and Building Control had not seen the application and were not consulted.
- Building Control consider that if this were a like for like staircase it would not need an application to Building Control however if the design was to change this would require an application.
- Building Control has confirmed that neither staircase would strictly comply with building regulations due to the relationship with existing windows.
- The staircase is secondary access for flat 2 and not a fire escape.

Members' Comments

Members felt that this was not a straightforward application as there is an impingement to someone else's property however there were no material grounds to refuse the application based on the relevant policy PCS 23. It was felt that the new staircase was a better design although members noted that there was an impact on the owner of the basement flat due to the proximity of the staircase to her window.

The Chair added that he hoped that the applicant and the residents in the neighbouring properties could reach an amicable solution to the issues raised in the deputations.

RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.

98. 18/00791/FUL - 83 High Street Cosham Portsmouth (AI 6)

The Planning Officer introduced the report.

The following deputations were heard:

- (a) Mrs T Hayward (objecting on behalf of herself and other residents)
- (b) Miss Laura Grimason (Agent)

Members' Questions

In response to questions the following matters were clarified:

- The parking restrictions relate to the white zig zag lines to the front of the property.
- The Environmental Health team have received very little information about the extraction system from the applicant. There is a condition in place to ensure that a full description of the extraction system is submitted to planning to enable to environmental health officer to determine whether this is suitable for this location.
- Following residents' objections regarding noise from mopeds the planning officer emailed the EHO who was of opinion that with the hours of operation vehicle movements are unlikely to significantly raise the daytime or night time noise level. He also noted there are no outdoor amenity areas likely to be affected as these are located to the rear of dwellings in Dorking Crescent.
- Noise in relation to traffic is measured as an average over a period of time which does not take into account individual peaks. It is anticipated that there will be very little increase in noise level as there will be intermittent use of the mopeds.
- Highways have requested a condition stating that all deliveries will operate from the rear of the property. The issue of having mopeds making deliveries from the front of the property will be the impact of the mopeds leaving the site into the traffic flow and there would also be a highways safety if there was a large number of mopeds leaving the site at the same time.
- If the committee felt that stipulating that the gate be closed at a certain time would overcome concerns about noise they could add this as a condition.

Members' Comments

Members felt that concerns around transport to and from the site was a significant issue. One member suggested a deferral of the application to allow for a full noise

assessment to be undertaken. It was proposed that condition 5 be amended so that after 9pm deliveries operate from the front of the property when the traffic will be quieter which would help to alleviate noise concerns to the residents living to the rear of the premises.

RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report with an amendment to condition 4 as follows:

4) No deliveries (supplying both customers and the commercial unit) shall be carried out outside of the hours of 07:30 and 21:00 daily from the rear of the property.

99. 18/00973/PLANREG - 444 London Road Hilsea Portsmouth (AI 8)

The Chair advised he would be taking this item before item 3 today.

The planning officer introduced the report and reported from the supplementary matters list that Cllr. Frank Jonas was to have made a deputation today but apologises that he cannot be at the meeting, but is of the opinion that the installed extraction system blocks the light/views of the upper floor residents of the building and requests that the item be deferred until a satisfactory solution can be found between the two parties.

An additional representation has been received from the occupier of the second floor flat furthermore, comments have also been received from another adjoining occupier objecting to the development on the grounds that the proposal would have an impact on the value of his property.

The applicant has provided a response to the points raised in this representation. The freeholder of the property has also provided a response to the points raised in support of the planning application (full copies attached to the supplementary matters list)

Since publication of the Committee report, further comments have been received from the City Councils Environmental Health Officer in regards to the installed extraction system. The comments indicate that a high level discharge has been achieved and is now relatively happy in terms of odour control. Furthermore, the Officer has carried out some background noise measurements, and has indicated that the noise from the outlet of the system should not have a significant impact upon neighbouring residential properties. This recommendation is based on the limited opening hours of the premises and the pre-cast concrete floor which separates the ground floor unit from the flats above. The officer recommends some safeguarding conditions to ensure that the use does not have an adverse impact on neighbouring amenity.

In light of these comments, the recommendation remains unchanged; however additional planning conditions have been suggested should the application be capable of support:

1. No deliveries shall be received at the premises outside of 11:00 hours to 21:00 hours.

2. (a) Notwithstanding the information submitted, prior to the commencement of the use hereby permitted, a detailed maintenance programme in line with manufacturers recommendations relating to noise and odour control associated with the kitchen extraction equipment permitted and installed at the site shall be submitted to the Local Planning Authority for approval in writing; and
(b) The kitchen extraction system shall thereafter be permanently retained and maintained in accordance with the maintenance programme approved pursuant to part (a) of this condition.

3. The fixed plant and machinery hereby approved and installed shall comply with British Standard BS4142 and the noise from the operation of the kitchen extraction system shall not exceed 40dB(A) 1 metre from the façade of any residential property at all times.

4. Prior to the commencement of the use hereby permitted, the ducting serving the kitchen extraction system shall be isolated from the structure of the building using anti vibration mounts installed in accordance with details submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained.

(full copies of all the above comments/responses were appended to the supplementary matters list)

The following deputations were heard:

- (a) Mr Hamma (applicant)
- (b) Mr Bob Levin (Freeholder)

Members' Questions

In response to questions the following matters were clarified:

- The applicant had submitted a pre application a number of months ago. The officer had not given consent for the works but advised that the principle was acceptable and would need to satisfy highways and environmental concerns.
- The view from the window at the neighbouring property is now impeded by the extraction system.

Members' Comments

Members felt that the Council needed to be realistic as the demand for retail is not what it was. Members could see no compelling argument to refuse the application although noted there would be an impact on light to the neighbouring property. Members were concerned with the number of retrospective applications coming through and that by approving these this gives out the wrong message to be giving to people.

RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.

100. 18/00899/HOU - 7 Jubilee Terrace Southsea PO5 3AS (AI 7)

The planning officer introduced the report.

The following deputations were heard:

- (a) Ms Blackwell (objecting)
- (b) Jalilo Joudani (applicant)

Members' Questions

In response to questions the following matters were clarified:

- Within C4 use class up to 6 people can occupy the building without the need for a further permission. There is a need to consider the accommodation that is being created and to think about the appearance of the extension within the conservation area and whether the two additional bedrooms are acceptable extensions to provide HMO accommodation rather than family accommodation.
- In a conservation area a single story rear extension can be built without planning permission as long as it does not exceed 3m in depth and 3m in height. As this application is in a conservation area it restricts extensions to a roof which is why there is a need for planning permission.
- Conservation guidelines say the Council will discourage dormers to the front of a property however there are already two dormers that have been granted permission in previous years. The committee were advised that they need to look at the character of the conservation area and features that already exist in the conservation area.
- The other two dormers along the terrace were granted permission before the area became a conservation area.
- The planning officer did not have the size of the rooms to hand but confirmed all comply with the 7.5msq requirement.
- The planning officers do not feel another dormer window would detract from the character of the conservation area but this was for the committee to determine.
- There is a block of flats with a bland elevation with one small side window. With the position of the first floor windows and the setback of the dormer it was not felt there would be significant overlooking.
- Officers have worked very hard with the applicant to ensure the front dormer matches as closely as possible with the other dormers along the terrace to ensure continuity.
- Planning permission for C4 to C3/C4 use was granted in December 2017. C4 use is for 3-6 unrelated people living in a property. This application would have 6 people so would be within C4. C4 puts a limit to the number of residents not the number of bedrooms.

Members' Comments

The reason this is in a conservation area is due to there being two cream rendered buildings in the vicinity, one being Jubilee House that has a box dormer on top of the property. It was felt that there were no grounds for refusal.

RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.

101. 18/00991/FUL - 69 Wadham Road Portsmouth PO2 9ED (AI 9)

The planning officer introduced the report and reported from the supplementary matters list that one additional representation was received following publication of the committee report, raising the following concerns:

- a) Lack of family homes and social housing;
- b) Increase on parking pressure;
- c) Electrification of the car industry will require that sufficient parking is provided in residential areas to allow for charging of vehicles;
- d) No justification for these conversions from the perspective of meeting a growing demand for housing;
- e) There is a noticeable increase in the number of failures of the sewage system in Wadham Road over the last 5 years. This can be correlated to the increase in illegal HMOs and flat conversions;
- f) HMOs lead to an increased pressure on services.

This application was deferred from the Planning Committee on 25 July 2018. The reason for deferral was to allow for further investigation of the HMO density within a 50m radius of the site. Following the deferral, the LPA has checked HMO licensing, planning history and council tax records of the 73 properties within the 50m radius of the site. In addition, further site visits were also carried out. As of a result of the further investigation the LPA have identified the following:

Possible unauthorised HMOs

58 Gladys Avenue: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants. A site visit identified the property was in use as an HMO. Planning Enforcement Team are currently investigating.

60 Gladys Avenue: No licensing history. A site visit identified the property was in use as an HMO. Planning Enforcement are currently investigation.

75 Wadham Road: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 3 occupants (under description it states 'This property is a HMO'. A site visit identified this property as an HMO. Owner has confirmed it is a 5 bed HMO and planning enforcement are currently investigating.
Authorised HMOs

64 North End Road is a known HMO. Planning permission was granted in October 2016 for 'Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)', under planning reference no. 16/01407/FUL. In addition, the property has a HMO License.

Based on the above findings, the LPA considers that there are three (3) additional HMOs (58 & 60 Gladys Avenue & 75 Wadham Road) which were not included in the

initial data capture. It is not known if the identified properties are authorised HMOs or unauthorised and as such the Enforcement Team are investigating the matter. Therefore, based on information held by the City Council and the above findings, of the 73 properties within a 50 metre radius of the application site, four (4) are considered to be in use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 6.84%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

It is considered that the occupation of the property as a Class C4 HMO would not be materially different to that of a large family dwellinghouse and would not therefore have a significant impact with regard to noise and/or disturbance. There is also separate legislation to address issues with noise and disturbance and anti-social behaviour.

The recommendation for this item remains unchanged.

The planning officer added that she had received an email from Councillor Payter-Harris this morning asking to investigate some further properties where it was believed they are operating as HMOs. The planning officer advised that site visits had been conducted to all properties within the 50m radius and checks had been made with licensing, the planning history and council tax records. The planning officer advised that numbers 58 and 60 Gladys Avenue and 75 Wadham Road were confirmed as HMOs and the planning enforcement team are investigating these. 64 North End Road is an authorised HMO. 74 Gladys Avenue was discounted as a HMO as the owner confirmed that both flats were not operating as HMOs. This therefore takes the total to 5 HMOs within a 50m radius if 69 Wadham Road is included, which takes the percentage to 6.84% which is below the 10% threshold.

There were no deputations for this item.

Members' Questions

In response to questions the following matters were clarified:

- The application for 37 Wadham Road that was approved at the last meeting is outside of the 50m radius.

Members' Comments

Members commented that the further investigation of the potential HMOs raised by Councillor Payter-Harris had been helpful. Members noted that as the application falls under the 10% threshold there were no grounds to refuse the application.

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

102. 8/01131/FUL - D-Day Museum Clarence Esplanade Southsea PO5 3ST (AI 10)

(Councillor Jones left the meeting at this point due to her earlier declared interests)
(Councillor Stubbs left the meeting at this point as indicated at the start he would need to leave the meeting early to attend another meeting)
(Councillor Pitt left the meeting to make a deputation on this application)

The Chair advised that agenda items 10 and 11 would be considered together. The planning officer introduced the report.

Councillor Pitt made a deputation as Cabinet Member for Culture, Leisure and Sport. He advised that Nick Hewitt of the National Museum of the Royal Navy and Giles Pritchard from Pritchard Architecture were present in the gallery if members had any technical questions.

Councillor Pitt withdrew from the meeting following his deputation.

Members' Questions

In response to questions the following matters were clarified:

- The relationship of the scale mass to the historic walk was shown on the plans. The planning officer explained that the roof is a wave form as the vessel is bigger at one end. There is little scope to alter the scale of the weatherproof canopy. It is designed this way to minimise the impact but at its maximum height it is 13.2m it will have some presence on Southsea Common.
- The basin is for maintenance only which will be beneath the vessel.
- The new entrance at the western end is to allow for uninterrupted pedestrian access between the D-Day Story and the LCT. The section of wall to be removed is 10m. On the east side there is a gradient walkway to get to the entrance level of the vessel in front of the LCT.
- With regard to the trees surviving once they are moved the arboricultural officer explained that the 12 memorial trees were originally planted in the shelter of the existing wall. The relocation of the trees on the Common will mean the trees will be more exposed to wind. The trees will be excavated with a large chunk of root plate missing and without adequate anchoring they may have an issue with the winter gales, which is why they may need to be moved somewhere else. Until greater clarity of the process it is not easy to comment on how successful the relocation will be.
- Tree planting season is ideally November to March. Preparation would need to take place this winter and need to allow next years growing to establish roots so it would likely be next autumn to relocate the trees. The architect Mr Pritchard said the plan was to get the LCT on site by November next year. The Chair commented that this would mean a potential issue of timing.
- Safeguarding of the trees involves fencing and ground protection so that no works take place around the trees.
- It was not known if the memorial stone with plaque would be relocated with the trees. The final location of the memorial trees would need to be decided before a condition could be added on this.
- There is a planning condition proposed that no development shall take place until it a method statement for the translocation of the 8 Holm Oak trees has been submitted and approved. It is anticipated that any trees that do not survive will be replaced by the largest possible species of Holm Oak.

Mr Pritchard the architect and Mr Hewitt of the NMRN were invited to the table to answer members' questions about the design of the structure and advised the following:

- When they developed the wave structure for the canopy it originally had 65 structural members. As they developed the design it was felt that it was forming a wall as a backdrop so this was changed to columns of 12. They were keen to reference horizontal lines to relate to the wall and the canopy to relate to ship.
- The height of columns is the same throughout, the wave structure appears higher as it is at an angle.
- With regard to the maintenance of the ship the team will need to continue to intervene to stop corrosion. NMRN conservation team will inspect the ship regularly using the maintenance pit. The bottom will be opened up to allow it to dry out which will allow inspection of the holes to monitor corrosion and will allow for air flow.
- With regards to drainage a number of trial holes were put in to look at ground water levels.

Members' Comments

Members were very supportive of the proposal and noted that it was important to have the landing craft tank on display to keep D-Day alive for future generations. Members felt that having the LCT outside the D-Day Museum would be a great way to do this and honour what D-Day stands for. It was felt that was not another suitable location for the tank. Members also commented that flexibility must be allowed in terms of the location of the trees and this could be agreed with the arboricultural officer and the applicant. It was important to show the support of the council's planning committee for this project.

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

103. 18/01132/LBC - D-Day Museum Clarence Esplanade Southsea PO5 3ST (AI 11)

Agenda items 10 and 11 were considered together and the debate can be read at minute number 102.

RESOLVED that conditional consent be granted, subject to the conditions outlined in the Assistant Director of City Development's report.

104. Exclusion of Press and Public (AI 12)

The Chair advised that he intended to keep the meeting in open session for the discussion of this item, however advised that if members had any questions relating to matters of finance which are not in the public domain a resolution would need to be passed to go into exempt session. Members of the committee were in agreement with this proposal.

105. 16/02047/PAMOD- Request to modify legal agreements attached to planning permissions 10/01247/FUL and 08/01941/FUL, being land adjacent to Queens Hotel Clarence Parade and Osborne Southsea - appeal against non-determination (AI 13)

The Assistant Director of City Development introduced the report and explained that this report related to an application to vary two legal agreements associated with the two permissions in 2008 and 2010. The issue is around viability and on both applications the applicant sought to demonstrate that it was no longer viable to deliver the level of affordable housing identified in the Section 106 agreements. The Council received advice from the District Valuer who advised there was some ability to make for a financial contribution on the second Section 106 agreement, but the first had no viability.

This was due to be considered by the planning committee in January however the committee was not able to make a decision on the application as the night before committee the applicant advised they had appealed to the Planning Inspectorate to appeal for non-determination. The committee indicated previously that officers should get a second view on the viability assessment once confirmation had been received that it was a valid appeal. Several weeks ago the Council was notified that the appeal had been received by the Planning Inspectorate and was valid. Officers instructed a second consultant who confirmed last Thursday that in his view the sales values that had been used in the viability assessment were less than representative of Southsea and in his opinion there was more viability in the proposal and the Council did have a case.

The Assistant Director advised that she was asking the planning committee to confirm what decision would have made had they been in a position to make a decision on the applications and to confirm whether they wish the LPA to defend the appeal against non-determination and say the viability assessment is not correct, or whether the committee does not want her to defend the appeal on behalf of the council and to accept the original viability assessment that was submitted.

Mr Cal Corkery made a deputation.

Members' Questions

In response to questions the following matters were clarified:

- The new consultant looked at viability assessments that were previously submitted. With regard to the second opinion the consultant advised the sales values within Southsea would give a much higher sales value than the ones in the viability assessment.
- The advice from the second consultant is that there is more viability in the project than the viability assessment allows.
- It was for the Planning Inspector to look at the two legal agreements and the form they take and then to reach a conclusion as to the level of viability that exists and therefore the level of affordable housing that should be provided in the scheme or by a contribution.

- If the Council go forward with appeal there is a risk around the robustness of evidence. In terms of an award of costs officers feel there is something to sensibly put forward to argue the appeal.
- Both sides will present evidence to an inspector at the hearing and members of the public can attend the hearing and the inspector will challenge those questions and assumptions to inform his decision.

Members' Comments

The Chair put forward a proposal to decline to enter a deed of variation for both applications and to state to the inspector that this would have been the committee's decision based upon their belief that there is potential for a higher contribution to be made on the basis of current values based on the. Members supported this proposal and felt that the council should stick with the council's policies and push for the highest possible contribution as there is very little affordable social housing in this ward in particular.

RESOLVED The committee indicated that for the purposes of the appeal their position would be to decline to enter into a deed of variation for both planning applications and state to the inspector that this would have been the committee's decision based upon their belief that there is potential for a much higher contribution to be made on the basis of current values based on the advice of the consultants.

The meeting concluded at 5.17 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason