

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 9 January 2019 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)
Judith Smyth (Vice-Chair)
Jo Hooper
Suzy Horton
Donna Jones
Gemma New
Lynne Stagg
Luke Stubbs
Claire Udy

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.

136. Apologies

Apologies were received from Councillor Steve Pitt. Councillor Jeanette Smith was in attendance as a substitute.

137. Declaration of Members' Interests

There were no declarations of interest.

138. Minutes of the Previous Meeting - 12 December 2018

RESOLVED that the minutes of the Planning Committee held on 12 December 2018 be agreed as a correct record to be signed by the Chair.

139. Updates on previous planning applications by the Assistant Director of City Development

There were no matters for the Assistant Director of City Development to report.

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-09Jan2019>

140. 18/00967/FUL 137 Gladys Avenue Portsmouth PO2 9BD - Change of use from purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House) to an 8 bedroom house in Multiple Occupation (sui generis)

That this item was included on the Agenda in error, and had been dealt with under the Officer Scheme of Delegation.

The Committee acknowledged that conditional permission had been granted, subject to the conditions set out in the report by the Assistant Director of City Development.

141. 18/01672/HOU 25 Portsdown Avenue Portsmouth PO6 1EJ

A deputation was made by Mrs Wise in objection of the development. A deputation was then made by Mr Riggs as the applicant in support of the application.

Members' Questions

The following points were raised for clarification:

- That the application would have been dealt with under the scheme of delegation if there had been no objection.
- That the issue concerning shadowing by the proposed was not a material planning condition.
- That, based on the current plans, most of the increase to the property would be at the front, so that the effect on the light to the neighbouring property would not be over burdensome.

RESOLVED that conditional permission be granted, subject to the conditions set out in the report by the Assistant Director of City Development.

142. 18/01685/FUL 163 POWERSCOURT ROAD PORTSMOUTH PO2 7JQ Change of use from Dwelling House (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House)

A deputation was made by Mr Kukuza as the applicant in support of the development.

The Assistant Director of City Development's Supplementary Matters report contained the following information:

Following publication of the Committee report, one of the objectors has written again, because they are unable to attend to address the Planning Committee in person as they had wished. The objector raises the same points already set out in the Committee report, and makes some further comments as follows:

- (a) Up to ten people have been living in the property since it was purchased by the Applicant in May 2018, including in the loft space. What inspections will be carried out, and what assurances are there that there will be no more than five residents?*
- (b) The rear corrugated roof offers little sound insulation;*
- (c) The shared side/rear access has been blocked by residents of this property, this and other anti-social behaviour has been reported to the landlord (and Police) with no effect;*
- (d) There is at least one other HMO in the area, has the Council carried out an adequate survey?*

The points can be addressed as follows:

- (a) The Landlord will need to ensure the property is occupied lawfully, which can be checked by the Local Authority should the neighbour maintain that it is not being done so;*
- (b) The physical fabric of the building appears to be unchanged from the Class C3 dwellinghouse use, it will need to comply with the Building Regulations irrespective;*
- (c) Anti-social behaviour does not necessarily follow with a particular use class and indeed government policy is that there ought not to be any material difference in occupation of a Class C3 dwellinghouse and a Class C4 small HMO;*
- (d) The Local Planning Authority primarily relies on the three data sets of planning records, licensing and council tax, but will consider further representations from local residents. In this instance, there would need to be six other HMOs within the 50m radius for the 10% policy threshold to be exceeded, and there is no indication that is the case.*

The Assistant Director of City Development's recommendation remained unchanged.

Members' Questions

In response to members' questions the following issues were clarified:

- That the application should be looked at in the total context of the property. The oversized bedrooms and generous living accommodation mitigated the use of the existing small bathroom.

- That the property would not be able to accommodate more than six people. Had the applicant chosen to, the largest bedroom could have included an en-suite bathroom.

RESOLVED that conditional permission be granted, subject to the conditions set out in the report by the Assistant Director of City Development.

143. 18/01762/FUL SITE 10, AERIAL BUSINESS COMMUNICATIONS RODNEY ROAD SOUTHSEA PO4 8SY - Change of use from Retail (CLASS A1) to Coffee Bar (Class A3) with outdoor seating area and associated refuse and cycle stores

A deputation was made by Mr Leroy on behalf of those who had signed a petition against the proposal, and the additional two hundred objectors, many of whom lived in Summerson Lodge and were concerned about extra noise and traffic around an already busy junction.

The Assistant Director of City Development's Supplementary Matters report contained the following information:

Councillor Vernon-Jackson objected last autumn to the now-withdrawn application for a change of use at the adjacent premises, for a hot food takeaway (18/01649/FUL). Councillor Vernon-Jackson has submitted the same concerns for this current café application, the comments are summarised as follows:

- Loss of amenity to Summerson Lodge residents from extra late night car movements, the extra noise and the extra smell.*
- If permission is granted for this unit then the other half of the unit would in effect be allowed to open as a takeaway as well, as the planning precedent has been established. This would be even worse for local residents amenities.*
- May cause significant traffic problems at one of the city's busiest junctions. There is no turn available from Rodney Road into this unit and traffic leaving this site will have to turn around on Rodney Rd to get to the lights which then won't allow them to turn right onto Milton Rd. This will then force them to use the Euston Rd rat run.*
- PSC14 says the city council is wanting to improve the health of residents and reduce Obesity, an extra take away pizza premise is the opposite.*

The points can be addressed as follows:

- Condition 3 restricts the café to daytime use only;*
- I do not consider approval of the café application would set a precedent for a somewhat different proposal for a takeaway use next door, which would likely have different hours proposed, and different noise and odour matters to address;*
- The Transportation Department raises no objection to the proposals on highway safety matters, including the access/circulation points raised;*

(d) *PCS14 does not discuss restricting the number or type of food outlets. It is not considered this matter would constitute a reason for refusal that could be successfully defended in the event of an appeal.*

Environmental Health requested a second condition (that has not been published, in error), to address the control of odour, that condition should now be attached as follows:

'No cooking process other than the preparation of hot beverages: toasting of bread; or the heating of food in microwave oven, or domestic cooking devices shall be undertaken within the Class A3 premises unless a suitable kitchen extraction ventilation system has been installed in accordance with a scheme submitted to and approved by the local Planning Authority through a formal planning application.

Reason: *To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.*

Lastly, for completeness, it should be noted that a recent application for 'Prior Approval' of the use of the first floor offices as residential accommodation was refused (ref. 18/00015/PACOU), because the application was submitted against the wrong part of the Permitted Development Regulations, and due to parking concerns.

Members' Questions

Arising from members' questions the following matters were clarified:

- That the application would generate fewer trips than a class A1 development in the same place.
- That it was a polluted junction, and there were concerns for the users of the coffee terrace.
- That there were no objections from the Highway and Transportation Department, and that it was for the Committee to decide whether it wanted to take into consideration the traffic issues that had been raised.

RESOLVED that conditional permission be granted, subject to the conditions set out in the report by the Assistant Director of City Development.

The meeting concluded at 2.20 pm.

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Signed by the Chair of the meeting
Councillor Hugh Mason