

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 10 April 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)
Donna Jones
Steve Pitt
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.

35. Apologies (AI 1)

Apologies for absence had been received from Councillors Judith Smyth, Jo Hooper, Gemma New and Suzy Horton.

36. Declaration of Members' Interests (AI 2)

Councillor Donna Jones did not have pecuniary interests, but declared non- personal and non-prejudicial interests that for 65 Marmion Road she know one of the deputees Mr Sparkes through a professional capacity at the courts, for 84-90 Palmerston Road she also knew the owner of the site in a professional capacity only and for 58 Cromwell Road she was working with the agent Mr Pickup (who was a depute) on a completely different application.

Councillor Claire Udy made a non-pecuniary declaration in that she had worked at Mr Pickwicks (142 Milton Road) over a decade ago; it was reported that this item was withdrawn from the agenda.

37. Minutes of Previous Meetings - 20 February and 6 March 2019 (AI 3)

The minutes of the meeting of 6 March 2019 only had been circulated with the agenda for consideration.

RESOLVED that the minutes of the Planning Committee meeting held on 6 March 2019 be approved as a correct record to be signed by the Chair.

38. Updates on Previous Planning Applications by the Interim Assistant Director for City Development (AI 4)

There were no updates.

Planning Applications

Deputations are not minuted in full but can be viewed as part of the webcast of the meeting here:

<https://livestream.com/accounts/14063785/Planning-10Apr2019/videos/189813280>

39. 19/00259/FUL 63 Bedhampton Road Portsmouth PO2 7JX - Change of use from Dwellinghouse (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwellinghouse) (report item 1) (AI 5)

The Planning Officer introduced the report and drew members' attention to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Deputations were made in support of their application by Gary Seneviratne and Nuria Alcantara, who described their experience in managing HMO properties of a high quality suitable for young professionals.

Members' Comments

There being no questions raised, the need for more work to be done on the database of HMO properties in the north of the city was commented upon to ensure accurate data. It was acknowledged that this application was well below the 10% policy threshold.

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

40. 18/02089/FUL 142 Milton Road Portsmouth PO4 8PN - Construction of a 4 storey residential block to form 12 flats; to include 13 car parking spaces with associated bicycle and refuse storage (following demolition of public house) (report item 2) (AI 6)

The Chair announced that the Assistant Director of City Development had withdrawn this item from the agenda, so this was not considered at this meeting.

- 41. 17/02064/FUL 65 Marmion Road Southsea PO5 2AX - Conversion of all floors of no.65 to form single dwelling house, external alterations to include demolition of single storey extension (former shop front) fronting Marmion Road, reinstatement of ground floor bay window, construction of dormer to west facing roofslope and erection of front boundary wall and piers with new access onto Marmion Road; demolition of single storey structures/workshop to rear; construction of a single storey extension to rear of no.65 and a new detached 1 bedroom single storey dwelling to rear (north) of site (report item 3) (AI 7)**

The Planning Officer introduced the item and referred to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Deputations were made:

- i) Mr Sparkes, whose objections as a nearby resident included the impact of Unit 2 on neighbouring properties due to scale and loss of light and on being out of character in the Conservation Area.
- ii) Mr Bone, as the applicant's agent spoke in support of the application and referred to discussions with officers, submission of the sun study undertaken by an independent company and the cost of development and an improved outlook at the rear as well as previous planning permission.

Members' Questions

Clarification was given on the increased height of Unit 2 over the existing structure, at 0.7m on the boundary and 1.1m the other side.

Members' Comments

Members welcomed the improved streetscene for the main frontage of the scheme and it was acknowledged that there is already a structure at the rear.

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

42. 18/01456/FUL 141 Highland Road Southsea PO4 9EY - Construction of 4-storey building to form 2 dwellinghouses (Class C3) following demolition of existing building (Report item 4) (AI 8)

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

On the understanding that concerns in respect of the party wall will be addressed through the Party Wall Act and the Building Control regime, Councillor Vernon-Jackson has formally withdrawn his objection to the proposal.

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

A deputation was made by Mr Morris, the applicant's agent, in support, regarding the enhancement of the terrace through the design elements and meeting national space standards.

Members' Questions

Clarification was sought on the Highway Engineer's comments regarding the shortfall on parking spaces - it was reported whilst it was not a safety issues at the site there would be more driving around to search for parking, with associated pollution. It was asked if a condition requiring no cars could be imposed, and the legal advice given was that it would not be reasonable to restrict the occupiers' use of the highway and was unenforceable.

Members' Comments

The application was seen to enhance the streetscene and address housing need. Some discussion took place regarding parking provision on site but additional parking spaces could not be imposed on this application.

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

43. 18/02061/FUL 58 Cromwell Road Southsea PO4 9PN - Conversion of existing building to form 4 self-contained flats and construction of 1 dwellinghouse (following demolition) with associated parking and refuse and cycle store, to include installation of boundary fence and relocation of dropped kerb (re-submission of 18/01143/FUL) (report item 5) (AI 9)

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

One representation has been received relating to items 1-6 (inc) from a Southsea resident. It raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and to think to the future and need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

The Chair referred to the issues raised in the briefing immediately prior to committee regarding the new changes to the National Planning Policy Framework.

A deputation was made by Mr Pickup, the applicant's agent, in support of the revised application, who explained the adjustments to the layout on site and change in design such as the sliding sash windows, which had not met with objections from residents or the Highways Engineer.

Members' Comments

There being no questions raised, members welcomed the changes that had been made to meet previous objections and the 5 parking spaces were seen as good provision.

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

- 44. 18/02058/FUL 14 Wisborough Road St Jude Southsea PO5 2RE - Change of use from purposes falling within a C4 (House in Multiple Occupation) to 7 person 7 bedroom House in Multiple Occupation (Sui Generis) (Resubmission of 18/00728/FUL) (Report item 6) (AI 10)**

This item was discussed at the end of the meeting, having no deputations to be heard by the committee.

The Planning Officer presented the item and referred to the Supplementary Matters List which reported:

One further representation has been received relating to items 1-6 (inc) from a Southsea resident. It is attached as an Appendix and raises objection to development of residential dwellings as adding to a problem of an over-population, congestion, health issues, parking and into the future identifies a need for local shops to return.

The Portsmouth Plan acknowledges (para 4.1, p.80) "tight boundaries, numerous physical constraints and no greenfield sites available" but "the city needs to provide more homes to cater for the natural increase in population, a decrease in household

size and to house those on the council's housing register." Policy PCS10 relates to delivery of new housing over the plan period "promoted through conversions, redevelopment of previously developed land and higher densities in defined areas."

Members' Questions

The headroom in bedrooms 5 & 6 were examined and the amount of usable space.

Members' Comments

Members were concerned regarding the suitability of this property to house 7 bedrooms but were also mindful of comments on appeal by the Inspector and the national policy on space standards. They believed that this may be a case where harm caused by the additional occupant and over-intensification could be found in an area which already had a high number of HMOs. As the committee were mindful to consider rejection it was decided that a deferral would allow further legal advice to be sought in case of further appeal.

RESOLVED that consideration of this item be deferred.

- 45. 18/01939/FUL Public House 84-90 Palmerston Road Southsea PO5 3PT - Change of use of upper floors with associated external alterations to form a hotel (Class C1); construction of lift enclosure and pergola with pitched glazed roof and installation of balustrading and acoustic screen associated with the use of the roof at first floor level as a seating terrace (Report item 7) (AI 11)**

The Chair referred to a written deputation by Mr Bilton who had not been able to attend the meeting and this was referred to in the Supplementary Matters List which reported further information from Environmental Health and 4 suggested additional conditions:

Since writing the report the Environmental Health Officer has responded to further information and a revised acoustic report and advised that having modelled the proposal he is satisfied with the mitigation and conclusions. Whilst there will be some impact on the neighbouring residential use there will not be a significant impact on amenity. He has recommended an additional condition requiring detail of the acoustic screen and canopy.

The acoustic report referred to in the report under 'Consultations Environmental Health Noise' and 'other matters' bullet point 2 should be RK2615/17239/Rev3 dated 12.03.2019.

Whilst the exit to the rear of the terrace is labelled a fire exit on the proposed plans for the avoidance of doubt an additional condition is proposed to ensure it is not used for general access and egress by customers.

The Licensing officer has confirmed that the use of the first floor roof as a seating area in association with the ground floor will require a variation of the premises licence.

To further address concerns of occupiers of nearby residential properties regarding noise the 2 additional conditions are proposed: to restrict the playing of amplified

music and to require the doors and windows of the internal seating area on the first floor to be closed between the hours of 9pm and 8am.

The recommendation remains Conditional Permission with four additional conditions relating to details of the materials of the acoustic screen and canopy, prohibiting the use of the fire exit for general access and egress by customers, prohibiting the playing of amplified music on the first floor and requiring the doors and windows of the internal seating area on the first floor to be closed when the terrace is not in use as follows:

5. Details of the materials of the acoustic screen and canopy shall be submitted to and approved by the Local Planning Authority in writing and the development shall be constructed in accordance with the details as approved.

The reason for the condition is:

To mitigate the impact of the development on the amenities of occupiers of surrounding residential properties to comply with policy PCS23 of the Portsmouth Plan.

6. The exit at the rear of the terrace to the fire escape shall only be used as a potential means of escape in an emergency and at no time shall there be publicly available access to or from the premises from Ashby Place.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

7. No recorded or amplified music shall be played in any area on the first floor.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

8. The doors and windows of the first floor seating area shall be closed between the hours of 21.00 and 08.00.

The reason for the condition is:

To protect the amenities of the occupiers of nearby properties from noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan

The following deputations were made:

- i) Mr Ferguson, objecting on behalf of Mr Bilton, not against the hotel development but the roof terrace due to concerns of noise and disturbance generated from it to the detriment of nearby residents and as part of a heritage asset.

- ii) Mr Cairns, objecting regarding overlooking and the noise travelling and not being contained in the building, and against the 2100 hours feeling this too late for the open drinking area due to the impact on residents.
- iii) Mr Sellars the architect on behalf of the applicant in support of their application outlining the parking availability, the currently unused upper areas of the pub and explaining that the roof terrace itself does not need planning consent, just the physical works and 2100 hour closure was also to mitigate noise concerns, and this development would boost tourism.

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Members' Questions

Members were advised that the roof terrace could not be taken out of the application at this stage, but that they should look at the whole application and were able to consider conditions. It was confirmed that the roof terrace could be used as part of the current pub but it was planned to take out some equipment and install the balustrade.

The planning and licensing issues were examined and there would need to be a variation of the existing licence for the use of the upper floors (which was under the auspices of the Licensing Committee and a planning decision would be communicated to the Licensing Manager). The applicant clarified that the bar was downstairs so any drinks would be taken upstairs via the lift/stairs. It was reported that this was not in but was adjacent to a Conservation Area. The Environmental Health Officer had considered the acoustic report and was satisfied that the level of noise generated was unlikely to be significant.

Members' Comments

Members were mindful that the terrace area could be used and currently had no screening, and wished to make the proposal improved by ensuring screening was in place and by requesting that this area only be used once the hotel use was progressing as this would help mitigate any noise concerns. Members also felt that 2100 was too late for the roof terrace use and asked for conditions to reflect a restricted use to 0900 - 2100 hours. (The applicant's agent also reported that there would be CCTV linking to the roof terrace to help with its management.)

There was a brief adjournment to allow officers to consider the wording of additional conditions to reflect the intentions of members, and on reconvening the Legal Adviser suggested that the restriction could be via an obligation so that the roof terrace not be used until such time as the hotel has been brought into use.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director City Development's report with the additional conditions and subject to the satisfactory completion of a unilateral obligation the roof terrace shall not be used until the hotel is brought into use.

The meeting concluded at 3.55 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason