

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 9 October 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)
Matthew Atkins
Lee Hunt
Donna Jones
Terry Norton
Luke Stubbs
Claire Udy
Gerald Vernon-Jackson CBE (Standing Deputy)

Also in attendance

Councillor Robert New

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.

83. Apologies for absence (AI 1)

These had been received from Councillors Steve Pitt (who was represented by Standing Deputy Councillor Gerald Vernon-Jackson) and Suzy Horton.

84. Declaration of Members' Interests (AI 2)

Councillor Claire Udy declared that she had a prejudicial interest in the Rodney Road item and would therefore leave the meeting at this point, and the Chair varied the order of the agenda to accommodate this.

Councillor Matthew Atkins wished to clarify that whilst he had previously made declarations of interest regarding Stubbington Avenue, this was no longer a pecuniary interest for him.

During discussion of Rodney Road, reference was made to Portsmouth Football Club, at which point Councillor Donna Jones made a pecuniary declaration of interest and withdrew from the meeting.

85. Minutes of the previous meeting held 11 September 2019 (AI 3)

It was reported that Councillor Frank Jonas wished it to be recorded that he had also been present at the previous meeting.

Subject to that addition it was:

RESOLVED that the minutes of the Planning Committee held on 11 September 2019 be approved as a correct record to be signed by the Chair.

Under Matters Arising, regarding minute 72 relating to Mayfield School, it was reported that the correct remediation works were expected for the site, and the Development Management Lead needed to know the extent of works required.

86. Updates on previous planning applications (AI 4)

None.

87. Updates on nitrates (AI 5)

This item was discussed at the end of the meeting when the Assistant Director Planning & Economic Growth reported on the progress of the Mitigation Strategy, continued discussions with Natural England and work on the financial implications. There was also ongoing work with adjacent councils and through the Partnership for South Hants. The Assistant Director hoped that the documentation would be completed in weeks so that that delayed applications can start to come forward to committee at the end of November and some backlogged applications will be granted under delegated powers.

Members were concerned regarding the issue of developer viability challenges as there is the need to provide affordable housing. The cost of mitigation measures and possible charges to developers needs to be known. Questions were raised on the resource implication for officers dealing with this backlog, which was being reviewed by Ian Maguire as Assistant Director. On current calculations he estimated that the Mitigation Strategy would cover 2-3 years of delivery on applications. Work was also taking place to ensure that the emerging Local Plan (for which there may be slippage in its timetable) reflected the nitrates issues.

The verbal update was noted.

88. 19/00510/FUL - Land to rear of 76 Vernon Road Portsmouth PO3 5DS - Construction of seven garages and one storage building (following demolition of existing outbuildings) and the construction of a fence (Report item 1) (AI 6)

The presenting planning officer drew members' attention to the Supplementary Matters list which reported on additional representation:

Four additional representations have been received following the publication of the committee report, raising the following concerns:

a) *Use and condition of the access;*

- b) *Noise and disturbance;*
- c) *Ecological impacts of the scheme; and*
- d) *The use of the garages.*

The majority of these points have been addressed within the Committee Report, with the exception being the possible ecological impacts of the proposal. Following this, the LPAs Ecological Consultant was contacted. While they consider the risks of the scheme to be fairly low, a precautionary approach has been taken and an extra condition is now proposed. This would require a Preliminary Ecological Appraisal to be completed prior to clearing of the site, and consideration of incorporating bird and/or bat boxes within the development.

The recommendation remained unchanged but with an additional condition on ecological matters:

Condition:

Prior to the commencement of development, a Preliminary Ecological Appraisal shall be submitted to and approved in writing by the LPA. The Appraisal shall inform any mitigation measures necessary. The development hereby permitted shall not be first brought into use until an Ecological Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved and maintained on the site as approved during the lifetime of the development.

Reason: To maintain and protect biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

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

<https://livestream.com/accounts/14063785/Planning-09Oct2019>

- i) Mr Cox spoke to object to the proposal on behalf of his mother in Glenthorne Road and felt that there had not been full engagement with local residents; their concerns include the use of the garages, access to them, light pollution and security issues. He quoted DEFRA guidance on orchards.
- ii) Councillor Robert New spoke as a ward councillor to support the concerned residents regarding access to the site along a privately owned route, it was overbearing, the garages should not be sublet and there could be anti-social behaviour. He raised the status of the land which had previously been a community orchard, with the land falling into disrepair.

Members' Questions

In response to questions raised by members the following was clarified by planning and legal officers:

- The County Ecologist was consulted. There was no formal planning designation of this land as an orchard or for the similar unkept land to the south (which was not part of the application site) but given this new

information about a DEFRA designation it would be prudent to fully examine the matter before determining the application.

- There were no Tree Preservation Orders on this land which had been taken into the curtilage of no76 Vernon Road.
- Biodiversity, lighting and domestic use were addressed by conditions.
- The renting of garages could only be for domestic use and domestic vehicles.
- Access to the site would be a private matter, with the consent of the land owner required, and was not a consideration for the committee.
- On the subject of visual amenity, demonstrable harm would need to be shown, and there were other outbuildings in the vicinity.

Members' Comments

Members were concerned that the full extent of the possible orchard designation was not known and the associated biodiversity impact and therefore favoured a deferral for further information to be sought.

RESOLVED that consideration of this application be deferred for further information to be provided.

89. **19/00716/FUL - Site 10 Rodney Road Southsea PO4 8SY - Change of use from retail (Class A1) to a hot food takeaway (Class A5); external alterations to include installation of extraction and ventilation equipment (Report item 2) (AI 7)**

Councillor Udy withdrew from the meeting due to her declaration of interest, and Councillor Jones also withdrew when mention was made of Portsmouth FC and declared an interest.

The presenting planning officer referred to the Supplementary Matters list which reported on additional representation:

"One additional representation has been received following the publication of the committee report, raising the following concerns:

- a) Contrary to Policy PCS11;*
- b) Impact upon the amenity of the surrounding occupiers caused by extended opening hours;*
- c) Increased traffic;*
- d) Lack of on-site parking;*
- e) Impact upon the Designated Heritage Asset 'Milton Cemetery';*
- f) Inappropriate use within the area;*
- g) Anti-social behaviour;*
- f) Erosion of historic character of nearby Edwardian streets;*
- g) Proliferation of fast-food takeaways leading to poor health; and*
- h) Waste.*

The majority of these points have been addressed within the Committee Report, with the exception being the impact upon Milton Cemetery. Given that the proposal includes limited external alterations and is located a significant distance from the

listed 'Milton Cemetery Gates' it is not considered that the proposal would have any impact upon the designated heritage asset."

The officer recommendation remained unchanged.

Deputations were heard from:

- i) Mr Leroy, as a local resident, wished to object on the grounds that the government recommend that takeaways should not be within a 5 minute walk of a school, and that councillors were seeking to stop leasing of council property to new fast food outlets.
- ii) Mr Sykes appeared as the applicant's agent in support of the application, which had not received objections from the statutory consultees and would bring investment to the site. He addressed the residential amenity concerns, regarding control of odours and plant use during operating hours. This site already benefited from A1 use without restrictions. There had been no policies officially adopted to restrict outlets on health grounds.

Members' Questions

In response to members' questions officers clarified the following points:

- Access arrangements - the gate would be removed and access would be via Alverstone Road with exit via Rodney Road, reusing the previous access route for this business site and the Highways Engineer had not raised an objection.
- There is a separate application regarding residential use of the upper floor, and this was not part of this application.
- Whilst there had been a proposal to have a pilot area for reducing takeaway outlets near Arundel Court school (approved by the Health and Wellbeing Board) to address childhood obesity, this was not covered by national guidance. Further evidence would need to be gathered in conjunction with Public Health regarding a "proliferation"; this site was not near other fast food outlets, being on the edge of an industrial estate.
- There were 4 spaces for the motorbike drivers and there would be additional drivers using their own cars.
- A full traffic assessment was not required due to the size of this application site.

Members' Comments

There was some concern that there would be U turns on a busy highway by customers near a major junction but customers should drive in a legal manner and other routes were available to get to southern destinations in the city. If permission were to be granted there should be additional/amended conditions to address amenity concerns of neighbouring residents, such as the use of electric mopeds and waste collections not to be at unsociable hours. It was noted that the fast food operating hours would not coincide with school hours. Members asked to be kept abreast of any developments in policy regarding addressing health objectives, which may also form part of the emerging Local Plan.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director's report, with the additional/amended conditions:

Amended Condition 4:

Deliveries (incoming) and collections of refuse or recycling to and from the site shall only take place between 0730 hours and 1100 hours.

Reason: To protect the amenities of the occupiers or nearby properties in accordance with Policy PCS23 of the Portsmouth Plan.

Additional Condition 7:

Any deliveries dispatched to customers from the site that are undertaken by motorcycle or moped shall be restricted to the use of electric vehicles only. For the avoidance of doubt this restriction does not apply to motorcars.

Reason: To protect the amenities of the occupiers or nearby properties in accordance with Policy PCS23 of the Portsmouth Plan.

90. 19/01143/FUL - 110 Stubbington Avenue Portsmouth PO2 0JG - Change of use from residential (Class C3) to mixed residential (Class C3) and house in multiple occupancy (Class C4) (Report item 3) (AI 8)

The presenting planning officer drew members' attention to the Supplementary Matters list which reported:

"One additional representation received following publication of the committee report, raising the following concerns:

- a) Noise*
- b) Unbalanced community"*

The concerns raised had already been addressed in the Committee Report, so the officer's recommendation remained unchanged.

Members' Questions

Members examined the plans and layout of the communal space and toilet provision.

Members' Comments

Members noted that the applicant had responded to the committee's previous requests and had addressed their concerns.

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

The meeting concluded at 3.40 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason