

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 3 September 2014 at 5.00 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 Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
David Fuller
Colin Galloway
Stephen Hastings
Robert New (Standing Deputy)
Lee Mason
Les Stevens
Sandra Stockdale
Gerald Vernon-Jackson

Welcome

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

Guildhall, Fire Procedure

The chair, Councillor Gray, 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)

These had been received from Councillor Ken Ellcome, who was represented by Councillor Robert New as his standing deputy.

94. Declaration of Members' Interests (AI 2)

Councillor New declared a personal, non-pecuniary interest on planning application item 11 as two of his close friends work for Remarkable.

Councillor Vernon-Jackson advised with regard to planning application item 5, that he had been in extensive conversations with the some of the neighbours about this application. He therefore made the decision to leave the room when this application was discussed.

Councillor Jonas advised with regard to planning application item 5, that his Grandson has recently signed to Pickwick Football Club. He therefore made the decision to leave the room when this application was discussed

95. Minutes of Previous Meeting held on 6 August 2014 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the meeting of the Planning Committee held on 6 August 2014 were agreed and should be signed by the chair as a correct record.

96. Updates Provided by the City Development Manager on Previous Planning Applications (AI 4)

There were no updates.

Planning Applications

The chair asked that the order of items to be considered be varied due to the number of people wishing to make a deputation on planning application item 6, 149 Albert Road, therefore this item was taken first. It was also agreed to move those items with no deputation requests to the end of the agenda.

97. 14/00854/FUL - 149 Albert Road, Southsea (AI 6)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager's supplementary matters report explained that 46 additional representations including those from Councillors Andrewes, Hunt, Adair and Winnington, had been received objecting to the proposals on the grounds outlined in the report.

A petition with 50 signatures opposing the proposals has been submitted by the Albert Road Traders Association.

29 additional representations, the majority in a standard form, have been received in support of the proposals requesting that the application be considered on its individual merits rather than moral objections.

An on-line petition objecting to the proposals, instigated by Cllr Andrewes, had collected 320 signatures, a copy was attached as an Appendix to the list. A further six have since signed the petition as at 4:30pm today.

The following deputations were heard:

Ms Dracke, attending to represent the Solent Feminist Network whose points included

- The vast majority of local residents are against this application.
- A lap dancing club is not appropriate for Albert Road.
- Lap dancing clubs promote the wrong message that women's' bodies can be sold.

- It would intimidate some women and girls and may create a fear of going near that part of Albert Road, particularly at night.
- The proposed location is in close proximity to two schools which is not appropriate.

Ms Dillon, attending to represent Aurora New Dawn Ltd whose points included

- Fully endorses the Council's Sex Establishment Policy and the council's preliminary conclusion that there is no place within Portsmouth in which it would be appropriate to licence a sex establishment.
- A woman's body is not a commodity to be bought and sold.
- Albert Road is used by families therefore inappropriate use for area.
- The club owners provide escorts for the dancers to their vehicles at the end of the night, highlighting there is a risk of attack.
- The proposed site is located next to Wedgewood Rooms, who have under 18's nights therefore wholly inappropriate for them to be near this activity.
- It would be contrary to licensing policy.

Ms Catlow, attending to represent the Albert Road traders whose points included

- Local traders fear being 'leered' at by the customers of the club.
- Worries that the traders will have to pay for policing of the area due to potential increase of antisocial behaviour.
- Albert Road contains a diverse mix of shops bringing added interest to the city and a lap dancing club would spoil this.

A deputation was made by Mr Weymes, the applicant's agent whose points included:

- The Council's Environmental Health Officer had received no reports of noise for the applicant's other two clubs located in the city. There was no reason why the environmental impact of the club in its new location would be greater.
- He was convinced that the management style will ensure that noise complaints would be minimal.
- The property was formerly occupied by Southsea Conservative Club and has never been used for retail use.

A deputation was also heard from adjacent ward Councillor Michael Andrewes who included the following points in his representations:

- Concern that if the proposal is accepted this will change the nature of Albert Road and would set a precedent for other clubs wanting to move to the area.
- Important to keep a mix of shops on Albert Road.
- Concern on the effect of the club on the two nearby schools for example homework clubs and parents evening which may be going ahead whilst the club is open.
- Detrimental effect on the Wedgewood Rooms next door.
- Albert Road traders, residents and ward councillors do not want this to be approved.

A deputation was also heard from adjacent ward Councillor Matthew Winnington who included the following points in his representations:

- This application should be treated as an individual planning application and should not be viewed as the moving of a business from one part of Southsea to another as the SEV licence is non transferrable.
- The city took a decision to allow no further lap dancing clubs in the city.
- The applicant has asked for a later license than the Wedgewood Rooms, which would add to the noise levels and mean there would be noise later into the night.
- Proposed entrance to the club is near to the residential areas of Beatrice Road and Harold Road.
- Surprised there have been no highways objections. Elegance nightclub has lots of taxi traffic and if this were approved the increase in traffic would cause issues as the club is near to the Albert Road/Waverley Road traffic lights, opposite a bus stop and adjacent to the Wedgewood Rooms who frequently have cars stopped outside with people dropping off equipment.
- This application is not in the right location, will have a negative impact on residents and will be contrary to the council's PCS23 policy.

A deputation was also heard from the Cabinet member for Planning, Regeneration and Economic Development, Councillor Luke Stubbs, who included the following points in his representations:

- Parking is an issue at the club's current location and this would be a concern if the club relocated to Albert Road.
- Very little noise at the existing club.
- The city centre would be the best location for the club.

A deputation was also heard from ward councillor Lee Hunt, who included comments from Councillor Margaret Adair. He included the following points in the representations:

- Increased cars parking near the club will cause disruption.
- PCS8 is an excellent policy which serves Albert Road well. It is therefore vital to comply with this policy.
- If approved it would harm the reputation of the area.
- Next door to a new upmarket bridal shop, the owners of which are against this application.
- Out of keeping with the area and inappropriate.
- Important to grow the retail side of Albert Road.
- Only one letter of support received.

Members' Questions

In response to a question regarding what grounds the committee could refuse the application on, the City Development Manager advised that where recommendations are made in her name they should be regarded as sufficiently robust to withstand an appeal. Officers ensure that they are satisfied they can defend the decision made. PCS8 is a robust policy under which to refuse this application, if the committee were

mind to do so. In answer to a question regarding the use of the existing club, if permission were granted and the club relocated, the Senior Solicitor (Planning) advised that officers could not extinguish the use of the club's existing premises without it having any new use (there could not be a "vacant" use). She added that the offer that the existing premises in the City Centre would close was not relevant to the decision on the application, which had to be decided on its own merits. The move of business premises that was proposed was not something the committee should give any weight to when making their decision.

Members' Comments

Members agreed that this type of business is highly inappropriate for this location. Albert Road has a unique mix of shops which needs to be preserved.

RESOLVED that permission be refused for the reasons set out in the City Development Manager's report.

98. 14/00706/FUL - Pitches Alexandra Park Northern Parade Portsmouth (AI 5)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

Councillors Frank Jonas and Gerald Vernon-Jackson withdrew from the room due to their declarations of interest.

The City Development Manager reported that since publication of the Planning Committee reports, 25 letters of representation had been received in support of the proposal on the following grounds: (a) The proposal would be to the benefit of the local community; (b) The proposal would support the largest community football club within the city; (c) The proposal would provide important recreational facilities for young people; and (d) The proposal would benefit the bid to become the City of Football.

In addition, it has been brought to the attention of the Local Planning Authority that members of the public were unable to register their support for this application online. It is known that there have been technical issues with the online registration system over the past few dates and measures have been put in place to rectify this issue. Unfortunately it is not known how many people were unable to make representations on this application during this period of unavailability.

A deputation was heard from Mrs Lovell, objecting to the application, who included the following points in her representation

- This is the wrong development in the wrong place.
- Acknowledgement that there is a need for the football club to find an alternative venue.
- Procedural concerns were raised that the supporting comments were submitted past the deadline, yet still considered. Also that the planning application was not advertised enough and the posters omitted the proposal for a portable toilet.
- Concerns that the condition of the pitch will deteriorate.

- The area of the pitch the application relates to often becomes waterlogged in the winter.
- Concerns how the lorries will be able to access the portable toilet to empty this, particularly when the ground is soft.
- Suggestion that the proposal could be located on the overflow car park which would not have an effect on the SSSI.
- The temporary storage containers may attract vandalism as the area is poorly lit.

A deputation was heard from Mr Gibson MBE, objecting to the application, who included the following points in his representation

- Aware of the importance of sport and sympathetic that the club have been displaced and need to find a new venue.
- Concerns raised on the design and overbearing appearance of the proposal.
- This is the worst possible location in the park for this proposal as this is the most used part of the park. There are two other sides of the park where this would be better suited.
- Concerns over the smell of the portable toilet.

A deputation was heard also from Mr Scott who spoke on behalf of the applicant and raised the following points in his representation

- The area was chosen as it is convenient for the car park, easy to reach and suits their need.
- Acknowledged that it is not ideal to have a portable toilet on the site, however there was no other toilets nearby they were able to use.
- Their permanent solution is to use part of the stadium and would seek permission from the Council to refurbish the toilets just inside the stadium.
- Aware of the flooding issue and if approved they will look to improve the drainage on the site which will benefit local residents using the park.
- He advised he would arrange to meet with residents to discuss their concerns.

A deputation was heard also from Ms Knight who spoke on behalf of the applicant and raised the following points in her representation

- The site previously used by the club at the Roko fitness club, had also suffered from waterlogging. The club had spent a large amount of money developing the site so it was fit for football.
- The storage containers had been sited at Roko for three years and there had never been an issue with vandalism.
- Pickwick football club will help towards tackling the issue of child obesity, which is prevalent in the city.

With regard to the reference made in one of the deputations to the neighbourhood consultations, the City Development Manager advised that the council's policy is to notify neighbours in the immediate location of the site by letter. The green planning application posters contain the basic information of the proposal and should encourage people to either look online or call into the offices to view the details of the application. It is lawful for the committee to consider letters of representation

which have been received up to the start of the meeting.

The City Development Manager reminded the committee to look at the planning merits of the case and not simply the number of letters from residents.

Members' Questions

No questions were raised.

Members' Comments

Members' agreed that it was vital to support the club and wished it every success. It was agreed that there were better places in the park for this proposal due to the issue of waterlogging.

RESOLVED that conditional temporary permission be granted subject to the conditions outlined in the City Development Manager's report.

99. 14/00661/VOC - 54th Portsmouth Scout HQ, Paignton Avenue, Portsmouth (A18)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported that The East Solent Coastal Partnership had commented on the proposal as follows:-

The site is shown to be within the Flood Zone 3 of the Environment Agency's Flood Maps. The site lies within the Portsea Island North flood cell as identified in the Portsea Island Coastal Defence Strategy. This area is covered by the Interim Position between Portsmouth City Council and the Environment Agency for the provision of flood defences in this cell. This agreement assumes that the flood risk management infrastructure will be provided to at least the 1:200 year standard of protection by the time that it is required.

Mr Penfold, Group Scout Leader at the 54th Scout Group, made a deputation and included the following points in his representation

- The Scout Group had done a great deal of work recently improving the premises including a new floor and unisex toilets.
- He had met with neighbours who had all said they had no objections to the increase in the number of children but had some concerns on the safety of the pre-school children when arriving and leaving the premises.
- There is a private walkway and if parents used this route this would resolve the concerns.
- Allowing 12 extra children would not mean there would be 12 extra cars and lot of children walk there with their parents.
- The Scout Group want to ensure the safety of the children.

Councillor Sanders, made a deputation as ward councillor and included the following points in his representation

- He had spoken to local residents and reported that everyone spoken to had agreed that there is an issue with the access to the premises; however

nobody wanted to stop the pre-school from being allowed to increase the number of children.

- There is an issue with parents parking in front of resident's garages to drop off their children and also people parking overnight in this area and this issue needs to be addressed. The pre-school will write to parents to ask them not to park in front of garages.
- He suggested that double yellow lines be painted on the roadside of the garages to stop parking here and also a mirror be placed on the bend of the access road to increased visibility for drivers.

The City Development Manager advised the committee that if members considered that it was necessary to refuse the application unless the suggested conditions put forward by Councillor Sanders were imposed, that the application would need to be deferred to examine whether such a scheme could be agreed, as it is not possible to grant an application subject to these being put in place when they had not been considered fully.

Members' Questions

Members asked whether the entrance way was wide enough to place bollards to create a separate walkway alongside the road. Officers advised that there would not be sufficient space for bollards as this would restrict access for residents wishing to access their garage with their car.

With regard to the ownership of the drive, officers advised that the road was not an adopted highway. The Council had an interest but as the Planning Committee is not responsible for the decisions of the Council as highway authority, it was not within the powers of the Planning Committee to consider or to decide whether or not to put double yellow lines in the location. Officers advised there was nothing to stop the two parties discussing putting measures in place to stop people parking in front of the garages.

Members' Comments

Members agreed they would like to see improvements to the access of the premises and suggested that the Council and those with ownership and interest in the land should work together to seek a solution to this.

RESOLVED that conditional permission be granted subject to the conditions set out in the City Development Manager's report.

100. 14/00875/FUL - 47 Eastern Parade, Southsea (AI 7)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager introduced the report.

Mr Knight made a deputation as the applicant's agent and raised the following points in his representation

- The property had previously been divided into three flats and the proposal was to create five high quality flats.
- There is space for cars around the property and unrestricted on street parking available.

- An area had been identified to use for bin storage.

Councillor Stubbs made a deputation as ward councillor and raised the following points in his representation

- The property had a lot of character which it was important to preserve.
- He had no objections to the sub division of the property.
- Some of the neighbours had raised concerns about parking provision; however the applicant proposed to have parking at the front of the property which was out of keeping in a conservation area.

Members' Questions

Members asked whether the front was completely paved as there was concern regarding the run off pressure on drains. It was confirmed that approximately 90% of the front would be paved. Members' agreed that an additional condition should be included that a permeable membrane be used. Members sought clarification that the windows and doors would be a like for like replacement, which officers confirmed.

RESOLVED that the application be granted conditional permission subject to the conditions set out in the City Development Manager's report and an additional condition relating to surfacing of the parking area.

101. 14/00771/FUL - Land at Dugald, Drummond Street/Greetham Street, Portsmouth (AI 11)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that having regard to the provision of policy PCS19 in respect of the provision of affordable housing and minimum space standards, the provision of policy PCS17 and the Parking Standards and Transport Assessments SPD, and the terms of the proposed Section 111 agreement (to secure the planning obligations) in this particular case, it is considered that a planning condition to restrict occupation of the 836 study bedrooms in the Halls of Residence to 'temporary residential accommodation for a student during his or her period of study' (unless otherwise agreed in writing with by the Local Planning Authority), is necessary to make the development acceptable in planning terms and would be both directly related to the development and be fairly and reasonably related in scale to the development.

Mr Bhogal of Unite Group plc made a deputation. He was joined by Mr Cooley of Cooley Architects, Mr Ford of WSP Group and Mr Roe of CgMs Consulting who were present to answer any questions. Mr Bhogal made the following points in his deputation:

- The Unite Group provide high quality, secure accommodation for accommodation for 41,000 students within the UK.
- Detailed pre application discussions had taken place prior to submitting the proposal.
- The site is currently underused and is ideal due to its proximity to the university campus and to transport links.
- The layout of the student rooms had been agreed by Portsmouth University.
- If approved this would enhance the local economy.

- The building would be highly sustainable with a BREEAM standard of excellent.

Councillor Stubbs made a deputation as Cabinet Member for Planning, Regeneration and Economic Development. He made the following points in his representation:

- Portsmouth City Council should support the University of Portsmouth as one of the major employers in the city.
- There is a housing shortage in the south east and creating 836 additional bedrooms for students would free up properties for the private rented sector.
- Most first year students would choose to live in halls of residence. Therefore more halls of residence are needed in the city to provide enough rooms to offer all first years a place in halls to allow the university to compete against other universities.
- The proposed location is ideal for a tall building and it is not too near a residential area.
- Only one objection from the public that referred to competition to private landlords, but that is not a planning consideration.

Prior to members debating the application, the City Development Manager reminded members that they needed to set aside any consideration of Council's ownership of the site, and members should only consider the planning merits of the case.

Members' Questions

Members' raised concerns over the number of cycle spaces the applicant had proposed compared to the number of students living in the halls. Officers advised that for the building to have enough cycle spaces the proposal would have to be significantly altered. Officers felt that the ratio of spaces to the number of students is sufficient. Officers advised that Unite were considering a cycle hire scheme to alleviate this issue.

A question was also raised about evacuation plans due to the height of the building. Officers advised that this was not a planning consideration, but would be a matter for control through building regulations. Hampshire Fire and Rescue had not objected to the application. There would be a sprinkler system in place. Members also queried the soundproofing arrangements for the ground floor student accommodation that would be adjacent to the storage containers. Officers advised that there were different levels of glazing and the Head of Environmental Health had not objected to the application. The applicant confirmed that the halls of residence would be for students in all years. In response to a question about the development being car free, the City Development Manager informed members that the University encouraged students not to bring their cars, however they could not enforce this.

Members' Comments

Members' felt the proposed location was ideal for student accommodation due to its central location and proximity to the University. In addition, the scheme would bring additional jobs and have a positive economic impact. There was a mix of views on the proposed design of the building; some felt this was a

superior design whereas others had concerns that the building was not in keeping with the Portsmouth master plan. In addition concern was raised that other buildings in the city with a similar type of cladding had begun to look tired shortly after the buildings had been completed.

RESOLVED

(1) That delegated authority was granted to the City Development Manager to grant Conditional Permission subject to the prior completion of a contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued;

(2) - Delegated authority was granted to the City Development Manager to add / amend conditions where necessary;

(3) - Delegated authority was granted to the City Development Manager to refuse planning permission if the contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) has not been completed within one month of the date of the resolution, and

(4) - Once the applicant has secured a legal interest in the land, delegated authority be granted to the City Development Manager to complete legal agreements pursuant to Section 106 of the Town & Country Planning Act 1990 and Section 278 Highways Act 1980 with principal terms as outlined in the report and such additional items as the City Development Manager considered reasonable and necessary having regard to material considerations at the time the planning permission was issued.

102. 14/00711/HOU - 14 Dene Hollow, Portsmouth (AI 9)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported that since the committee report was published, one further representation had been received. This claims that the main objection to this application amongst a number of residents of Dene Hollow is based on the potential for any future occupiers of this property to have children. This representation argues that this is not a valid planning reason upon which to base an objection.

Members' Questions

In response to a question on why this was a resubmission, officers explained that the previous application had been described incorrectly therefore could not be determined.

Members' Comments

No comments were raised.

RESOLVED that permission be granted subject to the conditions outlined in the City Development Manager's report.

103. 14/00837/FUL - 22-30 Fratton Road, Portsmouth (AI 10)

(TAKE IN REPORT FROM THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that as set out in the report the planning agent acting for the applicant has indicated a willingness to make the required contributions to mitigate the significant effect on the Solent Special Protection Areas which would result from the development. However no mechanism for the securing of the mitigation has been suggested or agreed. Accordingly it is considered appropriate that a second recommendation be added to allow the application to be refused in a timely manner if the mitigation is not secured in a reasonable timescale.

Members' Questions

No questions were raised

Members' Comments

No comments were raised.

RESOLVED that:

(1) Delegated authority be granted to the City Development Manager to grant conditional planning permission subject to securing of an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD.

(2) Delegated authority be granted to the City Development Manager to refuse planning permission if mitigation measures in connection with the Solent Special Protection Areas SPD are not secured within one month of the resolution.

The meeting concluded at 8.10 pm.

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Signed by the Chair of the meeting
Councillor Aiden Gray