

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 1 October 2014 at 5.00 pm in the Executive Meeting Room - 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  
Les Stevens  
Sandra Stockdale  
Darren Sanders (Standing Deputy)

Also in attendance  
Councillors Matthew Winnington and Luke Stubbs

### **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.

### **104. Apologies for absence (AI 1)**

These had been received from Councillor Gerald Vernon-Jackson (who was represented by Standing Deputy Councillor Darren Sanders), Councillor Lee Mason and Councillor Ken Ellcome.

### **105. Declaration of Members' Interests (AI 2)**

Councillor David Fuller declared that he worked next door to 93 Havant Road (application 4) so felt this was prejudicial so would leave the room for this item. For Cornwall Road car park (application 5) he would not be taking part during the discussion and would withdraw as he felt unable to keep an open mind on this application.

Councillor Darren Sanders declared that he had spoken to both the developer and opponents of 93 Havant Road (application 4) regarding the previous application, and he had a friend who worked for McCarthy & Stone but he had not discussed this with him and this was not a pecuniary or prejudicial interest.

**106. Minutes of Previous Meeting - 3 September 2014 (AI 3)**

RESOLVED that the minutes of the Planning Committee held on 3 September be approved as a correct record and signed by the Chair.

**107. Updates provided by the City Development Manager on previous planning applications (AI 4)**

There were no updates on previous planning applications that were not covered by separate items on the agenda.

**108. 14/01156/PAMOD - Request to modify legal agreement attached to planning permission 11/00409/FUL relating to land at 100 Copnor Road (AI 5)**

RESOLVED: the modification of the legal agreement to vary the tenure of the affordable housing to affordable rent from low cost shared ownership was approved.

**109. Appeal decision at 44A Craneswater Park, Southsea (Information Item) (AI 6)**

RESOLVED that the report be noted.

**110. Appeal decisions relating to 287 New Road (Information item) (AI 7)**

RESOLVED that the report be noted.

**111. Section 106 Monitoring Charging (AI 8)**

RESOLVED: the Planning Committee noted and approved the proposed charging scheme.

**112. 14/00506/FUL - Store r/o 85-87 Castle Road Southsea - Conversion to form single dwelling (report item 1) (AI 9)**

The City Development Manager's Supplementary Matters List reported that Condition 2 as set on the agenda does not include the submitted drawings which should be added, and therefore wished to amend Condition 2 to include the following drawings: 1401/E/01; 1401/P/10; 1401/P/12 Rev.A; 1401/P/14; 1401/P/20 Rev.A.

A deputation was due to be made by Mr McDermott, on behalf of the applicant, in support of the application, but as there were no deputations of objection he withdrew his request to speak.

Members' Questions & Comments

Members asked about the parking provision with one space being provided by the off street garage for this constrained site. An explanation was given of the special nature implications and the SPA mitigation of this to help protect wildlife in the wider PUSH and Chichester area. The provision of a roof terrace for the amenity space was also queried and it was reported that the balustrading would help minimise overlooking. It was asked if applications for parking permits for occupiers of the development could be prevented - the Senior Solicitor (Planning) explained that

recent case law resolved that there could not be restrictions placed on future occupiers to prevent them making applications for parking permits in the usual way.

RESOLVED conditional permission was granted, subject to the conditions outlined in the City Development Manager's report, as updated in the Supplementary Matters List (amending condition 2).

**113. 14/00591/FUL - 21 Allens Road Southsea - Change of use from dwelling house (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (Dwelling House) (Report Item 2) (AI 10)**

The City Development Manager's Supplementary Matters List reported that the applicant has submitted the following comments in support of their application:

'There are only 2 HMOs registered in Allens road number 1 and 16. The house in question is not a student property neither is it for DSS or LHA, it is for working professionals who hold positions at various companies that contribute immensely to Portsmouth's economy. A house of young professionals is not detrimental to street. Comments regarding "students party all night" are incorrect and misinformed. Regarding the parking issue we ensured that the housemates did not all drive and will continue that policy.'

A further submission from the applicant in support of their application was attached as an appendix to the Supplementary Matters List which set out their proposed management arrangements for the property.

Further representations have also been received from the occupiers of a number of properties in Allens Road suggesting the wording of the SPD should be amended. This matter is being looked at by Councillors and Officers as a separate issue to the planning application.

This item had been deferred from the committee meeting held on 6 August to allow further identification of any HMO properties.

A deputation was made by Mr Edwards of Allens Road, objecting to the proposal, whose points included:

- He was grateful to the committee for their previous deferral so that other HMOs could be investigated, and whilst these had not been discovered within the 50m radius approval would mean 6 HMOs in Allens Road, which was near the higher concentration of HMO properties in Waverley Road
- This would be against the council's own policy to retain "mixed and balanced communities" as there would be an imbalance within this short road towards HMOs and it would drive families out of the area.
- He asked that in future smaller roads such as this could have a separate criteria to retain the community spirit.

Councillor Matthew Winnington appeared as a ward councillor objecting to the proposal whose points included:

- He felt the current HMO policy was in need of review as had been previously suggested via the Planning, Regeneration & Economic Development (PRED) portfolio, as the 50m radius did not work for roads like this.
- He referred to the recent Planning Inspector's decision for 34 Playfair Road where PCC's HMO policy had been disregarded in connection with an appeal.
- The committee should look at the whole area and turn down this application as it is inappropriate for the area, and if the application was agreed he suggested that further applications on HMOs should not be decided on until there was a full review of the policy.

Councillor Luke Stubbs, Cabinet Member for Planning, Regeneration & Economic Development's points included:

- The review of the HMO policy had not been undertaken by the previous Administration and he was already being lobbied by landlords who wanted more HMOs in larger roads.
- There was a need for clear rules so that these were not ambiguous when considered by Planning Inspectors - it would be hard to explain why some roads were treated differently, therefore a change in policy would not be straightforward.
- There should be reference to requiring details of the location of bin stores (as for the cycle stores) which should be covered stores.

In response to the policy issues raised the City Development Manager advised members to consider the application before them; a review and revision of policy would be for the PRED portfolio to decide upon separately, and it was not for the committee to disregard the current policy and SPD as these are material considerations. The Inspector's decision which had been referred to in respect of Playfair Road, would be reported back to committee.

#### Members' Questions

It was asked if a condition could be placed on a permission to require compliance with fire regulations to ensure safety in this 3 storey property being used as a HMO; in response the City Development Manager reported that where there is separate legislation (covering Building Regulations and the licensing of HMOs) a condition cannot be attached, however these would be dealt with by other PCC departments who would be asked to look at this. It was also asked if the SPD had to be adhered to; the members were advised by the City Development Manager to give significant weight to their adopted policy. The Planning Solicitor further commented that if the SPD setting out the 50m radius for measuring HMO properties was not given sufficient weight this would undermine the Council's case in an appeal by a developer as it would show inconsistency.

#### Members' Comments

Members were sympathetic to the objectors in Allens Road but were mindful of the need to consider and give appropriate weight to the existing policy (SPD). They would wish to add a condition requiring details of the covered bin stores and add an informative to request that the building complies with fire regulations. It was suggested that the Chair write to the Cabinet Member for PRED, Cllr Stubbs, to request a review of the policy measuring the density of HMOs via the 50m radius.

The Senior Solicitor (Planning) clarified the different responsibilities of the Planning Committee as the regulatory body which determined planning applications and that of the Cabinet Member for PRED whose functions included consideration of planning

policy. Councillor Stubbs confirmed he would be happy to receive a letter from the Chair of the Planning Committee and Councillor Gray confirmed that he would write on behalf of the Planning Committee to request a review of the SPD.

RESOLVED that conditional planning permission be granted, subject to the conditions outlined within the City Development Manager's report, with the additional condition requesting details of the bin stores to be submitted, and with the informative requested by the committee relating to fire safety.

(The order of business was varied and Councillor Fuller left the meeting at 6.07pm so he was not present for the consideration of planning applications 5, 4 or 3 which were taken in that order.)

**114. 14/00918/ADV - 107 Havant Road Portsmouth - Display of 2.44m high hoarding adverts to boundary of site and display of 2 non-illuminated 5.8m high pole mounted stack board signs fronting Havant Road (Re-submission of 14/00473/ADV) (Report item 3) (AI 11)**

The City Development Manager's Supplementary Matters List reported that an amended plan had been received (10\_DRAY\_S02 Revision B) which removes all advertising from the hoarding fronting Carmarthen Avenue and adds a trim along the top edge to disguise the stepped look of the proposed hoardings.

The City Development Manager's Supplementary Matters List had attached to it the objections from Councillor Ellcome who felt that the developers had not worked closely with the local residents and had erected the hoarding at the site without consent and whilst he recognised the need for the site to be fenced off to ensure safety he asked that members ensure the conditions set out by the City Development Manager are adhered to.

The City Development Manager's recommendation included a condition requiring the hoardings to be removed no later than 3 years from the date of consent or from the completion of the development, whichever is the sooner.

Members' Questions

In response to a question it was reiterated that the adverts would not now be appearing on Carmarthen Avenue.

Members Comment

Members requested an informative be added to ask that the conditions were adhered to ensure the removal of the hoardings within the required timescale.

RESOLVED that conditional consent be granted, subject to the condition set out in the City Development Manager's report.

**115. 14/01097/ADV - 93 Havant Road Drayton Portsmouth - Display of 3 non-illuminated 2.4m high hoardings, 4 non-illuminated flag poles and 1 non-illuminated monolith stackboard (Report Item 4) (AI 12)**

(Councillor Fuller was not present for this item for which he had earlier made a declaration of interest.)

The City Development Manager's Supplementary Matters List had attached to it the objections from Councillor Ellcome who felt that the developers had not worked closely with the local residents and had erected the hoarding at the site without consent and whilst he recognised the need for the site to be fenced off to ensure safety he asked that members ensure the conditions set out by the City Development Manager are adhered to.

A deputation was made by Mr Geddes, the applicant's agent, in support of the application, and he explained the timescale required for the building, marketing and selling of the apartments: for an anticipated 58 week construction period, sales would be taking place from mid-November 2015; it was usual for 1 retirement unit a month to be sold, so with these processes it could take up to four and a half years to complete.

The City Development Manager's recommendation included a condition for the hoardings to be removed no later than 3 years from the date of consent or from the completion of the development, whichever is the sooner.

#### Members Comment

Members requested an informative be added to ask that the conditions were adhered to ensure the removal of the hoardings within the required timescale.

RESOLVED that conditional consent be granted, subject to the condition set out in the City Development Manager's report.

#### **116. 14/00963/FUL - Car Park Cornwall Road Portsmouth - Change of use of existing car park to car sales (Sui Generis) to include installation of a portable cabin office (Report Item 5) (AI 13)**

The City Development Manager's Supplementary Matters List reported that an objection has been received from a local resident on the grounds that the proposed change of use would be of no benefit to the area and would result in an increased demand for parking and increase pollution to the detriment of the area.

A deputation was made by Mr Ashmore, a local resident objecting to the proposal, whose points included:

- This was not in keeping with the area
- This would encourage a creep of commercial use and it could become a mini-industrial site whereas there are vacant units nearby that would be more suitable
- There were concerns by residents of noise and environmental pollution
- There would be demand for parking by those working there
- This would affect property prices and not bring economic benefit to the local area

Councillor Stubbs spoke as Cabinet Member for Planning, Regeneration & Economic Development to support the application for the land leased by the City Council and

which would bring economic benefit to the council, which needed to generate income.

Members' Questions

The parking for workers at the nearby industrial units was queried and it was asked if the condition would be robust enough to restrict activity to car sales only and not allow repairs of vehicles; it was reported that the parking needs of other businesses were not relevant to this application and that repairs work would require a separate planning application as this application was restricted to sales.

There were no further comments.

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

The meeting concluded at 6.35 pm.

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Signed by the Chair of the meeting  
Councillor Aiden Gray