

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 26 November 2014 at 5pm 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)  
Ken Ellcome  
David Fuller  
Colin Galloway  
Stephen Hastings  
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, explained the fire procedures including where to assemble and how to evacuate the building in case of a fire.

### **128. Apologies (AI 1)**

Councillor Lee Mason sent his apologies.

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

Councillor David Fuller declared the following personal non-prejudicial interests: Item 9: he knows Mr Clasby who is objecting to the application and Item 11: he has a loyalty card for this premises.

Councillor Les Stevens declared a personal, non-prejudicial interest: item 11 he was chair of the licensing panel that determined this premises licence. Although he was advised by the Senior Solicitor (Planning) that he was not barred from dealing with the matter, he decided to abstain for that item.

Councillor Gerald Vernon-Jackson declared a personal, non-prejudicial interest in item 10: he had a meeting with Darren Brewer (who is not listed as connected with this item) who is a member of another political party.

### **130. Minutes of the Previous Meeting Held on 29 October 2014 (AI 3)**

**RESOLVED** that the minutes of the Planning Committee held on 29 October 2014 be approved as a correct record and signed by the Chair.

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

The City Development Manager advised that she had no formal updates for the committee.

**132. Appeal decision at 22 Inglis Road Southsea (AI 5)**

The City Development Manager introduced the report and in response to a question, explained that £250 in costs were awarded against the council.

**RESOLVED that the report be noted.**

**133. 14/00903/HOU 63 Stanley Avenue, Portsmouth - Construction of single storey rear extension. (AI 6)**

The City Development Manager introduced the report.

Councillor Darren Sanders included the following points in his deputation:

- He was concerned that a precedent could be set for this type of extension.
- This structure extends further than the common length and would result in loss of sunlight into the neighbour's conservatory.

Members' Questions.

In response to questions, the City Development Manager explained that loss of light is a material consideration for the committee and a precedent would only be set for identical applications.

Members' Comments.

No comments were made.

**RESOLVED**

**14/00903/HOU 63 Stanley Avenue, Portsmouth - Construction of a single storey rear extension was granted permission subject to the conditions set out in the City Development Manager's report.**

**134. 14/01138/HOU 47 Waverley Road, Southsea - Construction of a part three- / part four-storey extension incorporating a roof terrace. (AI 7)**

The City Development Manager introduced the report and advised that in accordance with the supplementary matters list one further representation had been submitted by Councillor Matthew Winnington in support of the proposal on grounds referred to in the officer's report. Councillor Terry Hall had tendered her apologies for being unable to attend the meeting and had submitted a written deputation.

In his deputation, Mr Green included the following points:

- His neighbour's proposed extension would block light to the windows on that side.
- The roof terrace could be used for parties and litter could fall into his property where the cars are parked.
- A recent valuation suggested that this extension would reduce the value of his property by £50,000.

- His property could be sold as a guest house with the owner accommodation on the lowest level.

Mr Chafie handed round some slides and included the following points in his deputation:

- More space is required to enable the three generations to live comfortably together.
- There is a mixture of houses in the road.
- The plans meet the Building Research Establishment guidelines.

Dr Murray included the following points in her deputation:

- She read out an email she had received from an estate agent regarding the extension who said that they were impressed as it would provide uplift to the area to attract more families and increase property values.

Councillor Luke Stubbs included the following points in his deputation:

- All planning decisions involve balancing the benefits and disadvantages for all concerned.
- Waverley Road is down at the heel and suffers from anti-social behaviour and other problems.
- This would give the road a lift and allow for a mixed income profile.
- The investment would be welcomed as the property will be well-maintained.

#### Members' Questions.

The City Development Manager explained that the BRE document was not designed to assist with determining planning applications. The application should be considered in the context of the development plan policy.

Members sought clarification regarding outlook, loss of light and the height of walls.

#### Members' Comments.

Members discussed the design, the outlook from the neighbouring properties windows and the possibility of the house being subdivided in the future.

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

#### **135. 14/01280/PLAREG 46 Drayton Lane, Portsmouth - Construction of a single storey rear extension, underground garage to rear and new entrance to garage, stairs and planters to front of dwelling. (AI 8)**

The City Development Manager introduced the report.

Mr Clarke included the following points in his deputation:

- He expressed concern regarding the drive and the outlook on the road.
- This drive slopes downwards rather than upwards like the others in the street.
- The planters are only on the north side of the frontage. The greenery is well above the top of the driveway slab and there is no foliage on the wall next to his garden. This detracts from the rural aspect of the lane.

Mr Bagshaw included the following points in his deputation:

- More off-road parking might be required.
- An over ground garage would be intrusive and overbearing if viewed from number 44.
- He can see this drive from his front door and cannot see how it would be visually intrusive.
- He admires the plan.
- He was not asked to make this deputation.

Members' Questions.

Members were informed that flooding risk is a building control matter. The Building Control Inspector is happy that these plans comply with the regulations.

Members' Comments.

Members discussed the potential risk of flooding, residents digging out grass bank to park unlawfully and the fact that the work commenced before planning permission had been requested.

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

**136. 14/01182/FUL 37 Tamworth Road, Portsmouth - Change of use of residential garage to a dental laboratory (resubmission of 14/00646/FUL). (AI 9)**

The City Development Manager introduced the report.

Mr Newton included the following points in his deputation:

- No council officers came to my property (72 Stride Avenue) to discuss this application.
- He visited the dental workshop in Arundel Street and found it to be noisy due to hammering of metal moulds, dusty and he observed that full protective clothing was worn.
- He was concerned that the business in Tamworth Road would take on emergency work in the evenings and the weekend.
- This premises has the potential to be very large.
- Children walk past on the way to school, college and the park.

Mr Clasby included the following points in his deputation:

- His premises backs onto this property and the garage is 3.5m from his property. The gap between 35 and 37 is considerable. The prevailing wind blows into his garden.
- A laboratory is defined as a premises where experiments are carried out for the production of chemicals or drugs. This application must be classed as a workshop not a laboratory.
- The workshop he was responsible for in the dockyard was noisy, dusty, smelly and everyone wore eye protection and masks. It had a big ventilation system.
- All the residents in the road are retired and use their gardens and conservatories all year round.

Mr Oliver included the following points in his deputation:

- There had been no objections from the residents of Tamworth Road.

- The application was refused because more information was required from Environmental Health.
- There will be no hammers.
- The equipment will be small.
- There will be a small gas tank for the bunsen burners.
- There will be a smell similar to nail varnish for approximately ten minutes per day which will be extracted by fans that face towards the applicant's house.
- Planning permission was requested because work is required to bring it up to standard and a member of staff would be recruited.
- The applicant's wife would use her own car to collect and deliver goods.
- There will be occasional visits from customers.
- Although the Arundel Street premises has residential properties on both sides and above, the Environmental Health Officer told him that no complaints had been made in the four to six years it had been operating.
- The government encourages small businesses and the message needs to be sent that small businesses are welcome.

Councillor Darren Sanders included the following points in his deputation:

- The applicant had been kicked out of the Victory Business Centre.
- The Kirpal Road Industrial Estate is 150 yards away from the premises and has spare vacancies. Support should be offered to assist with moving the business there as it would be more appropriate.
- As the application was refused three months ago, there should be a significant change before it is re-submitted. This is not the case.
- Tamsworth Road is one of quietest in the ward. Arundel Street has a lot of background noise. It is significantly different in terms of location.

#### Members' Questions.

In response to questions, the City Development Manager explained that:

- Planning permission would not be required if there was no use of an extractor fan and no staff employed as the business would be considered to be incidental or ancillary to the main use of the dwelling house.
- Each application is looked at on a case by case basis depending on the level of activity. For example, car repair businesses might be acceptable unless all the customers drove there which could change the impact on the area.
- All five owners of the adjoining properties were notified of the application and five objections were received but these were not all from these residents.
- The council is not actively encouraging businesses run from home.
- If this application were to be granted, there is nothing to prevent more staff being recruited subject to space limitations as it evolves.
- The council is not in a position to control what tools are used as it would have permission for B1 use (light industrial use not inappropriate for a residential area).
- The previous application was determined by officers using delegated authority. It was refused due to lack of sufficient information.

The Environmental Health Manager explained that he had visited both premises and considers it highly unlikely that the use will have any detrimental impact.

#### Members' Comments.

Members discussed the need for consistency in decision-making. They noted that it is very difficult to establish what constitutes a statutory nuisance because there is a high threshold for this.

**RESOLVED that the application be refused.**

**137. 14/01164/FUL Site of Former Cinema, 80 High Street, Portsmouth - Construction of part five/ part six and five storey buildings comprising 46 flats and commercial units (class A1, A2, A3 & D1) fronting High Street with associated landscaping, parking and cycle/ refuse storage. (AI 10)**

The City Development Manager introduced the report.

Mr Waterfield included the following points in his deputation:

- He is the Development Manager at First Wessex.
- It is currently a brownfield, derelict site.
- A subsidy of £1m had been secured. He reminded the committee that for every £1 spent on construction, £1.80 is spent down the supply chain, so there will be a £13m benefit to Portsmouth.
- The development would include affordable rental accommodation for 36 families who cannot afford private housing.

#### Members' Questions.

In response to questions, the City Development Manager explained that:

- Although the access road to the rear of the development is owned by the council it is not maintained by the tax payer. A number of properties have access to it. No concerns regarding visibility have been raised.
- Mitigation payments of £8,000 would be paid for bird disturbance and £5,000 towards the cost of a pedestrian crossing. The latter is said to be a quarter of the installation costs which include the crossing, dropped kerbs and illuminated poles. The Supplementary Planning Document sets out how contributions are calculated. These payments would be in addition to CIL and other section 106 contributions.
- There would not be any dedicated service areas for the small retail units. This may cause some issues but is not unusual. The Highways Department has not raised any issues.
- The council would have nomination rights.

#### Members' Comments.

Members expressed concern that the contribution towards the cost of a pedestrian crossing is insufficient but noted that this was not a matter for consideration at this meeting.

Members also noted that if permission were to be granted, use of the access road could not be denied.

**RESOLVED that:**

- 1. Delegated authority be granted to the City Development Manager to grant conditional planning permission subject to the applicant first entering into a legal agreement pursuant to S106 to secure:**

- 14 units of affordable housing;
- a financial contribution of £7912 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- a financial contribution of £5000 towards the implementation of a pedestrian crossing at the junction of High Street and Vectis Way; and
- the preparation and implementation of an Employment and Skills plan to cover the construction phase and future occupiers of the commercial units.

2. Delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution pursuant to recommendation I.

138. 14/01225/VOC Blue Cobra, 87 London Road, Portsmouth- Application to vary condition 5 of planning permission A\*10547/AB to extend the opening hours of restaurant to remain open to patrons from 07:00 hours to midnight (Sunday to Thursday) and from 07:00 hours to 01:00 hours on Friday and Saturday for a temporary period of 1 year (re-submission of 14/00582/VOC). (AI 11)

The City Development Manager introduced the report.

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

**DECISION that the application be granted temporary permission subject to the conditions set out in the City Development Manager's report.**

The meeting concluded at 7:45pm.

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Signed by the Chair of the meeting  
Councillor Aiden Gray