

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held remotely on Tuesday, 27 April 2021 at 2.00 pm.

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### Present

Councillors David Fuller (Chair)  
Judith Smyth (Vice-Chair)  
Chris Attwell  
Lee Hunt  
Donna Jones  
Terry Norton  
Lynne Stagg  
Luke Stubbs  
Claire Udy

### Welcome

The chair welcomed everyone to the meeting and introductions were made.

#### 38. Apologies (AI 1)

Apologies for absence were received from Councillor Matthew Atkins.

#### 39. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

#### 40. Minutes from the previous meeting - 30 March 2021 (AI 3)

**RESOLVED that the minutes of the Planning Committee held on 30 March 2021 be approved as a correct record.**

#### 41. Update on previous applications. (AI 4)

The Head of Development Management advised that the council had received an advert consent appeal for an illuminated digital LED screen at the junction of Derby Road and Stamshaw Road. It has also received appeals against prior approval: two were for householders and four were full applications. Members requested him to email them details of the decisions for one appeal that had been allowed and one that had been dismissed.

#### 42. 18/02093/FUL - 17 Merton Road. (AI 5)

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

Submission from the Applicant

The Applicant sent an email yesterday to 'Planning and Committee Officers', noting the application is too large for a single family and that smaller and more affordable flats will bring more benefits for 'the sociality'.

Typo

Paragraph 6.3, last line: the word 'permission' should be 'presumption'.

Mitigation of effects on the Special Protection Areas

Nitrates: The Officer Report notes that Natural England's response to an Appropriate Assessment is awaited, and that remains the case. As such, the level of mitigation is not yet settled, it is likely to be low or indeed it could be zero, given the existing lawful use of the property. Rather than delay decision yet further to another Committee meeting, it is proposed to defer the decision on the final outcome of this matter for the Assistant Director's authority.

Recreational Bird Disturbance: Recommendation I requires mitigation to be secured via the legal agreement, but the Bird Aware payment has in fact already been made, so this element should be deleted from the Recommendation.

Both the above are addressed in the amended Recommendation in the adjacent column.

Parking

A Planning Officer has visited the application area on three recent evenings (8-9pm), to ascertain actual on-street parking availability (Tuesday 20th April, Sunday 25th, Monday 26th).

The site is within Parking Permit Zone MD, with permits necessary between 4.30 - 6.30pm. Merton Road and Nelson Road have been assessed as they intersect.

The western half of Merton Road has had 9 - 12 spaces available.

The western half of Nelson Road has had 16 - 24 spaces available.

The eastern half of Merton Road has had 3 - 12 spaces available.

The eastern half of Nelson Road has had 1 space available.

Given the good level of available on-street parking near the application site, there is no proposal to change the Recommendation to support the application.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to either (a) satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation

Or (b) Agreement from Natural England that no nitrate mitigation is required.

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

**RECOMMENDATION III** - Subject to Recommendation I, that delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

Members' Questions

There were no questions from members.

Members' Comments

Members felt the building did not look very well maintained and that the proposal would improve it. Keeping the front wall is more beneficial than removing it to provide parking spaces.

**RESOLVED to grant conditional planning permission as set out in the Officer's Committee report and SMAT.**

**43. 21/00037/FUL - Hovercraft Terminal, Southsea (AI 6)**

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

Representations:

*One email received from the Southsea Clarence Esplanade Pier Company Ltd, requesting to make a deputation to the planning committee.*

Highway Engineer comments:

*This site forms a part of a transport interchange. It is well served by a high frequency bus service and is adjacent to both the Esplanade and Clarence Pier off street public car parks. However in the medium term the availability of public parking in close proximity to the site will be significantly reduced to facilitate the construction of the sea defence works when the Clarence Pier car park will be closed. During that period it is anticipated that the demand for parking will exceed the space available although this has been accepted as a necessary impact to allow the improvement of the sea defences.*

*The temporary accommodation proposed is only intended to operate for a 5-7 year period after which it would revert to the existing arrangement. During that period it would accommodate between 6 and 10 full time members of staff relocated from the existing offices at Merlin Quay. It is explained that 4 to 6 staff would routinely be in attendance at the office.*

*Whilst I am satisfied that the addition trip generation would be unlikely to have a material impact on the operation of the local highway network, no additional or alternative parking provision is proposed to accommodate the likely staff parking demand. This will arise when there is limited if any opportunity to accommodate that off site within a reasonable walking distance given the likely parking displacement during the closure of the Clarence Pier car park.*

*The Transport Statement seeks to establish the accessibility of the site by active modes of travel although in so doing it draws from the outdated IHT guidance 'Providing for Journeys on Foot' which suggests that maximum walking distances to school of up to 2000m are acceptable. This significantly overstates the accessibility of the site when compared with the current CIHT guidance 'Planning for Walking' which recommends 800m walking districts.' As a consequence this section of the TS should be given little weight.*

*In summary this proposal would increase the demand for on-street parking during the period when the demand for parking will exceed the capacity available. This will make it more inconvenient for people to find a place to park and result in vehicles driving around the area hunting for a parking space with the consequent implications for air quality / pollution which you should give due weight to in your determination of the application.*

*The Officer's report already addresses these matters.*

Written deputations were read out as part of the officer presentation from:

- Jill Norman, Southsea Clarence Esplanade Pier Co Ltd
- Griffon Hoverwork, agent

Deputations are not included in the minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-27apr2021>

### Members' Questions

In response to questions from members, officers explained that:

- It is unclear why the Southsea Clarence Esplanade Pier Co Ltd mentioned a three-year period for the building rather than five years; it may be because it would bring forward a permanent proposal more quickly. The five-year period is one of the conditions set by the Local Planning Authority.
- The issue of grit blasting the funfair's buildings cannot be considered as part of the application as it has no relation to the running of the hovercraft or the size and frequency of hovercrafts. A condition would not be justified.
- The applicants have not submitted a travel to work plan. They have said the area is well served by public transport and staff are encouraged to travel sustainably. A plan would not normally be required for a development of this size.
- Although the Solent is subject to longshore drift which can lead to erosion there has been no investigation into the effect of moving beach material such as shingle. Mitigation for the loss of an area of vegetated shingle near the proposed building has been agreed with the County Ecologist.
- Work on the sea defences, for which permission has already been granted, will not affect the proposed development. The council is the freeholder of the land and Asset Management deal with leaseholders. The question of compensation arising from the sea defences work is not a matter for consideration.

### Members' Comments

- Members felt the proposal would develop Portsmouth's maritime industries and create local jobs. Griffon Hoverwork are a global company and manufacture hovercrafts that are used in South America, including on the Amazon to tackle drug traffic.
- The issue with the funfair's buildings is an ongoing matter that both parties need to discuss.
- The proposed building is temporary and is not dissimilar to Griffon Hoverwork's building in Ryde.
- Travel to work is a city-wide issue and matters such as expensive train travel need resolving.

**RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.**

#### **44. 21/00001 - James Callaghan Drive (AI 7)**

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

*Change to the wording of recommendation:*

*From Prior approval not required*

*To Prior approval required and granted*

*Further consideration of pedestrian and cyclists' safety on James Callaghan Drive:*

- *Manual for Streets suggests people would be willing to walk 800m to access services and facilities, that meet their daily needs. The application site is in excess of 2 miles' walk from the nearest facilities, which exceeds planning guidelines.*

*This suggests residents of the proposed development would be unlikely to access the site by foot.*

- *Also, consideration is given to the number or proportion of residents likely to access the site on foot or cycle. A key starting point is the level of occupation of existing and proposed developments, which are approximately 147 employees and approximately 65 residents respectively. It is reasonable to conclude that there is unlikely to be any significant increase in high safety implications given these numbers and how occupiers would seek to exit and access the site via James Callaghan Drive.*
- *The site is not connected to or near [including to south of the site] any Public Right of Way.*
- *The level of vehicular trips generated by the proposed development (as stated in the report) is unlikely be higher than the existing, thus unlikely to result in highway safety issue in itself. The Local Highway Authority has no data of on incidents as a result of exit and egress from the existing approved site access or occupiers of the site along the section of James Callaghan Drive. Data provided is in respect of incidents in the entire stretch of James Callaghan Drive which is as follows:*
  - *over the last 5 years (2016-2020) there have been 5 incidents on this stretch of road (not including the junctions at either end) which involved 10 vehicles and resulted in 3 serious injury casualties and 3 slight injury casualties (all of which required hospital attention);*
  - *The LHA does not have records of near misses or incidents which did not result in personal injury.*
- *The data indicates that on average in the last 5 years, one serious incident took place on the entire stretch of the road. Therefore, officers conclude that James Callaghan Drive is not a dangerous road for pedestrians or cyclists and the safety of the residents of the proposed development wishing to enter or leave the site on foot or cycle would not be put at risk.*

*In light of all the information set out above, the recommendation of the Local Planning Authority remains unchanged.*

Peter Hayward, Island Highways & Transport consultants, was also present for this item.

#### Members' Questions

In response to questions from members, officers explained that:

- There are parts of the road that have lay-bys which were shown on the plan. There is not capacity for a cycle lane or pedestrian footpath on James Callaghan Drive. The question is whether this provision would be proportionate to the development and the Planning Officer did not think this would be proportionate.
- The Highways Officer said that there is physical space to create a cycle way or footway segregated from the carriageway, but there is not the opportunity to tie it into anywhere.
- With regard to safety, there are footpaths on the south side although these are not public rights of way. He would expect an increase of 30% in pedestrian movement from this residential use compared to the historic office use.
- The Highways Officer reported that in the last five years there have been five incidents; however, the site has not been operating since the mid-1990s. This was along the length of James Callaghan Drive between the roundabouts at

either end. None of the incidents related to vehicles moving on or off the highway and were indicative of excessive speed on the road. He was concerned with the increase in pedestrian and cycle movement given there is no alternative facility for these users.

- From 2012 there were three fatalities and two serious injuries. One of the fatalities was at the junction of the site when it was in operation. The planning officers had a differing view as the incidents had not related to pedestrians crossing the road or cyclists, but driver error.
- The speed limit on this road is 40 miles per hour for the main stretch.
- There are a number of links that pedestrians can use coming down from Paulsgrove which were pointed out on the map. It was highly probable there would be people walking along James Callaghan Drive from the site access to access any of these footpaths to the south.
- The proposed development is within Winchester City Council's area and they will be considering the planning application. If members were minded to grant this prior approval, this does not mean that Winchester City Council have to approve the planning application.
- The land contamination on the site is known to Winchester City Council and they will consider and impose any relevant conditions.
- The Local Planning Authority could attach a S106 agreement to the application but this would need to be considered further to see if this was proportionate.
- The right turn lane heading west currently exists and there are chevron markings to stop overtaking across the front of that junction. The Highways Officer had no concerns on traffic emerging from that junction as the visibility splays are good. The only concern was for cyclists and pedestrians walking alongside that road and the likelihood of them crossing to access the space to the south.
- The site is clearly not accessible but this is not a reason for refusal. The Highways Officer felt that the impact on the capacity of network was a material consideration and that it was not safe for pedestrians. There would be a likely 30% increase in pedestrians and he considered that is material and a reason for refusal.
- Sustainability of the site cannot be considered as this is not a planning application. The legislation narrows the aspects that can be considered.
- One of the conditions for unlocking the principle for General Permitted Development is that the prior approval grant is given.
- The Legal Advisor said that there is a conflict of credible officer opinion here on the issue of highway safety and the committee is entitled to pick between the two views. Members could refuse prior approval if they are so minded. The committee could apply conditions; however, in terms of imposing a footway by condition this would not be proportionate.

#### Members' Comments

- Some members wished to support the officer recommendation that prior approval is required and granted, taking into account all of the concerns raised today. It was hoped that Winchester City Council would also take these issues into account when considering the planning application for the building which falls in their area.
- Members felt that there may be a case for reinstating the right turn and adding a condition and noted that the roads were dangerous but felt that this could be alleviated with signage.

- Other members felt that the evidence from the Highways Officer on the number of incidents was key and this application would not safeguard pedestrians and cyclists.

**RESOLVED to overturn the officers' recommendation that prior approval is required and granted for the following reasons:**

**Prior approval is required and refused due to a likely 30% increase in vulnerable road users resulting in a consequent unacceptable highways safety risk to those users in connection with the proposed development's lack of a safe and suitable access, contrary to paragraphs 108 and 109 of the National Planning Policy Framework.**

Councillor Fuller thanked officers for their support over the past year and members for their contributions. He thanked Councillor Smyth for being Deputy Chair and chairing meetings where necessary. He wished everyone health and happiness.

The meeting concluded at 4.20 pm.

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Signed by the Chair of the meeting  
Councillor David Fuller