

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 12 October 2022 at 10.30 am in the Council Chamber, the Guildhall, Portsmouth

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

Present

Councillors	Judith Smyth (Chair) Darren Sanders Russell Simpson John Smith Linda Symes Ian Holder Dave Ashmore Gerald Vernon-Jackson
-------------	---

Welcome

The Chair welcomed members of the public and members to the meeting. The Committee agreed with the Chair's suggestion of considering all agenda items with deputations before those without.

The applications were considered in the following order but for ease of reference the minutes will be kept in the original order:

- Agenda Item 1 - Ex St Michael's Lodge
- Agenda item 6 - 262 Chichester Road
- Agenda item 7 - 260 Laburnum Grove
- Agenda item 4 - 17 Craneswater Park
- Agenda item 5 - Lakeside Business Park
- Agenda item 3 - McDonald's Restaurant
- Agenda item 2 - Land at Flathouse Quay

Guildhall, Fire Procedure

The Chair explained to all present the procedures for the meeting and the fire evacuation procedures including where to assemble and how to evacuate the building.

148. Apologies (AI 1)

Apologies for absence were received from Councillor Chris Attwell - Councillor Ian Holder attended as deputy.

Apologies received from Councillor George Fielding.

Apologies received from Councillor Hugh Mason - Councillor Dave Ashmore attended as deputy.

149. Declaration of Members' Interests (AI 2)

Councillor Judith Smyth declared a personal but non-prejudicial, non-financial interest in the application for agenda item 2 (Land at Flathouse Quay) as she is one of Portsmouth City Council's representatives on the Port Advisory Board.

Councillor Darren Sanders declared a personal but non-prejudicial interest in agenda items 9 (262 Chichester Road) & 10 (260 Laburnum Grove) as he lives in a House of Multiple Occupation (HMO).

In addition, Councillor Darren Sanders sought advice from the Planning Solicitor, in relation to agenda item 4 (Ex-St Michael's Lodge) due to being the Cabinet Member responsible for the Housing Revenue account, which he believed owns a ransom strip nearby. If the application were to be agreed, this Housing Revenue account would benefit financially. The Planning Solicitor advised that, under the Code of Conduct, this was not a personal or prejudicial interest as it came under his function as a Cabinet Member rather than any personal capacity. Councillor Sanders confirmed that this position as Cabinet Member would not affect his view of the application and there was no pre-determination or bias.

Councillor Gerald Vernon-Jackson declared a personal interest in agenda item 4 (ex-St Michael's Lodge) as he owned one of the flats on Flint Street. He advised he would be giving a deputation on this item (as a member of the public, not as a member of the Planning Committee) and would then leave the meeting. He also declared that, as Cabinet Member for the Port and part of the decision-making board, he would not take part in agenda item 5 (Land at Flathouse Quay).

Councillor Ashmore advised he would need to leave the meeting at 1:30pm. He sought advice on agenda item 8 (Lakeside Business Park) as he had been the Cabinet Member for Environment and had declared support previously for the item. He considered he had previously given statements that would give a reasonable person possessed of all the facts the impression that he had a pre-determined position on the application, so was advised that he should absent himself for that item.

Councillor Ian Holder advised he would need to leave the meeting at 1:00pm.

150. Minutes of previous meeting held on 28 September 2022 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 28 September 2022 be agreed as a correct record.

The Supplementary Matters report and all deputations can be viewed on the Council's website at:

[Agenda for Planning Committee on Wednesday, 12th October, 2022, 10.30 am Portsmouth City Council](#)

151. 20/01493/FUL - Ex St Michael's Lodge, bounded by Silver Street, Stone Street & Gold Street, Southsea PO5 3BN

Construction of 18 dwellings (12 houses and 6 flats) with associated landscaping and parking with vehicular access from Diamond Street.

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations

2 deputations were made by Councillor Gerald Vernon-Jackson: one on behalf of Councillor Chris Attwell and one on his own behalf - both objecting.

Stuart Bone (agent) gave a deputation in favour of the application and claimed that a planning permission had been commenced on the land.

Councillor Gerald Vernon-Jackson left the meeting at 11:04.

Member's questions

In response to questions, officers clarified that:

- Despite the report detailing the relationship between each and every surrounding block to the development, it is not possible, in the absence of formal technical reports to state exactly how long or deep a shadow may be cast on surrounding properties. Such a report was not requested as the effects are considered to be minor and immaterial.
- The only outside amenity the warehouse conversion has is a second-floor terrace and the development is highly unlikely to cause any material loss of privacy to this terrace.
- The development is for three storey houses opposite three storey flats which was considered acceptable.
- The existing property on Gold Street has a secondary window to the kitchen facing the new development. The main window is at the rear of the property facing north. The secondary window would lose some light and there would be a loss of outlook, but as it is a secondary window the officer considered it would be difficult to resist the development next door. In addition, within the wider area, the properties have the same typology and there are others with secondary windows facing another property. Therefore, the officer considered it would not be appropriate to withhold consent.
- The parking bays on Diamond Street would need to be removed in order to gain access to the new site - this would require separate consent in agreement with the Highways Department. The new site provides a good level of parking. The officer noted that the Highways Department have not recommended withholding permission or amending the application in any way in respect to the Diamond Street parking.
- What may be an extant building permission on the same site was for a four-storey care home. As this was implemented correctly and lawfully at the time it could be progressed at any time in the future and a Planning Inspector or local planning authority would take that into account.

- Diamond Street was chosen as the entrance to the development, as the other streets have on-street parking on one side which would affect the manoeuvrability of cars entering and would impact the amount of on street parking. There is a parcel of land that would be used to get to the site as an extension of Diamond Street. The officer considered that there would be space in the surrounding area to accommodate the loss of the 3 parking bays. The officer noted the development has more parking than might be expected for a sustainable location in a city centre location. The officer considered it would not be possible to place a restriction on occupiers of the new development applying for parking permits for the surrounding on street parking.
- In relation to the nursery's use of Diamond Street for their fire drill/fire emergency escape, they would need to make alternative arrangements. The forecourts of the garage blocks close by could be used or nearby pavements. The officer advised that, in his opinion, this was not a reason to withhold planning permission.
- The application site's current 'green space' is not available to local residents as it is fenced off.

Member's comments

- The affordable housing within the development is to be welcomed.
- The development had been well thought out, and the development of a brownfield site is to be commended.
- It was considered that the Diamond Street entrance could be busy as it would not be known who would purchase the new properties.
- The loss of parking bays is an issue, but some members considered there was not a difficulty in the area with parking.
- The development is keeping the main trees and maintaining the planting.
- The development mirrors the look of the existing buildings and blends in with existing houses.
- It was considered that the development on the southwest corner was too close to the existing block causing an issue to the secondary window outlook and light.

There was a discussion about deferring the application to allow for possible amendment, refusing or approving with advice given regarding this by the Planning Solicitor and the Planning Officer on what matters need to be considered in the decision.

The planning officer's advice was that it is the committee's decision but with appropriate publicity that would inform neighbours of any proposed changes the applicant might wish to make, the matter could be deferred, and the application amended, should the Applicant wish to do so. For refusal, clarity is needed on exactly what the reasons would be for this.

Officers advised that in response to the agent's deputation, officers took the view that former permission (10/00939/FUL) should be considered as an extant permission. This was for a four-storey care home across the central and southern portion of the site. The Northern area of the site was for parking and

the southern elevation, facing Gold Street, was approximately a couple of metres further away from the existing flats than the current proposal - so more or less in the same position with a slightly larger gap but taller, this would still impact the secondary window. The officer re-iterated his advice to the committee that, in his professional opinion planning consent should not be withheld.

A motion to defer the item was defeated. A motion to grant planning permission in accordance with the officer's recommendation was also defeated.

Members commented that they were concerned about the impact of the proposed access on the safety of those using the nursery, particularly in relation to fire-drills and emergency evacuations. This is an additional adopted reason for refusal to the 2 reasons originally proposed and seconded.

A motion to defer the item for further consideration of accommodating nursery fire-drills and emergency evacuations as well as other changes to the scheme was defeated.

Officers gave advice on policy justification for the third reason for refusal relating to nursery fire-drills and emergency evacuations.

A motion to refuse the application for 3 reasons was successful.

RESOLVED to refuse the application, contrary to the officer recommendation for the following reasons:

- a) **By virtue of the proximity of the proposed development to the eastern-most gable elevation and the secondary side facing windows of 4 - 20 Flint Street, the proposal would have an unacceptable impact on the light received by, and outlook from, these windows contrary to the objectives of Policy PCS23 of the Portsmouth Local Plan (2012) and paragraph 130 of the NPPF.**
- b) **The proposed vehicular access on Diamond Street would, by reason of its proximity to the fire exit door to the St Jude's Church Nursery, have an unacceptable impact on the safety and amenity of the nursery children and staff contrary to the objectives of Policy PCS23 of the Portsmouth City Local Plan (2012) and Paragraph 130 of the NPPF.**
- c) **The proposed vehicular access would result in the loss of three on-street parking spaces on Diamond Street that would exacerbate parking congestion elsewhere in the area and so have a harmful impact on the operation and freeflow of the local highway network contrary to the Policy PCS17 of the Portsmouth City Local Plan (2012) and section 9 of the NPPF.**

152. 22/00255/FUL - Land at Flathouse Quay, Circular Road, Portsmouth
Installation of concrete batching plant.

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

Cllr Vernon-Jackson left for this item.

Member's questions

In response to questions, officers clarified that:

- Environmental Services recommended the operating hours be restricted to 7:00am - 11:00pm daily. In their assessment, they considered the contextual noise from the road network that separates the port from the residential properties and the activities of the port itself throughout the day.

Member's Comments

- Members considered this a good example of investment in the city and should be welcomed.

RESOLVED that the application be approved as per the officer recommendation.

153. 22/00964/FUL - McDonalds Restaurant, Portsmouth Road PO6 2SW

External alterations to include extension of dining area and installation of 'Fast Forward' booth; extension to roof line; replacement glazing, cladding and new access door; reconfiguration of drive-thru land, patio, kerb lines and parking bays; relocation and extension of cycle racks and associated works.

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

Member's questions

In response to questions, officers clarified that:

- The zebra crossing on the site would remain.
- The bins are not within the control of the planning application, but it was considered that they would probably remain in place.
- There was no data on how many extra cars per hour may use the site. This was not considered to be a fundamental change, rather the planned changes are to remove the odd blockage.
- The replacement tree would be chosen about appropriate advice as to the correct specimen in terms of location, size and species.

RESOLVED that the application be approved as per the officer recommendation and the amended development description as per the Supplementary Matters Report.

154. 21/01540/HOU - 17 Craneswater Park, Southsea, PO4 0NX

Construction of 2 storey front extension, part single/part 2 storey rear extension and roof alterations including raising the ridge height.

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

Matthew Pickup (Agent/applicant) gave a deputation.

Member's questions

In response to questions, officers clarified that:

- An element of the property at the front would be demolished and rebuilt with the elements on the plan. The back is an extension.
- The most recent planning refusal was for a three-storey dwelling and was of a different approach to the current less extensive approach. The refused applications were ones that affected 19 Craneswater Park and/or the effect on the conservation area in terms of design and scale. The current application is an entirely different scheme and is development on the eastern side of the property.

RESOLVED that the application be approved as per the officer recommendation and with the two extra conditions as per the Supplementary Matters Report.

155. 22/00487/FUL - Lakeside Business Park, Western Road, Portsmouth

Installation of solar power canopy structures over existing car park bays and roof mounted solar panels to buildings 1000, 2000, 3000, 4000 and 5000. Reconfiguration of main north car park to provide additional parking bays.

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

Laura Black (agent) gave a deputation.

Cllr Ashmore left for this item.

Member's questions

In response to questions, officers clarified that:

- IBM occupies one of the buildings on the site.

Member's comments

- The application is an example of how the authority is taking the climate emergency seriously by installing solar panels on sites it owns. It will help reduce carbon emissions and reduce costs.

RESOLVED that the application be approved, subject to the Press Notice and the extra condition as per the Supplementary Matters report.

156. 22/01075/FUL - 262 Chichester Road, Portsmouth PO2 0AU

Change of use from dwelling house (Class C3) to dwelling house (Class C3) or house in multiple occupation (Class C4).

The Acting Head of Development Management, PCC Regeneration presented the report.

Simon Hill (for applicant) gave a deputation.

Member's questions

In response to questions, officers clarified that:

- It was unknown how many people currently lived in the property but noted that it was a family size dwelling.
- The number of similar properties in the area that were subdivided into flats was not known but the officer confirmed that attempts are made to ascertain this, principally through checking planning history and Post Office address records. There was no clear figure for the whole street.
- Officers believed the HMO database to be accurate.
- There may or may not be an inaccuracy in the design and access statement concerning a highways/parking statement, but the assessment of the local planning authority and committee is what is important.

Member's comments

- The property meets all space standards, and it is sensible to work with applicants who wish to provide quality properties.

RESOLVED that the application be approved as per the officer recommendation.

157. 22/01109/FUL - 260 Laburnum Grove, Portsmouth PO2 0EX

Change of use from dwelling house (Class C3) to house in multiple occupations for seven persons (Sui Generis)

The Acting Head of Development Management, PCC Regeneration presented the report and drew attention to the additional information in the Supplementary Matters report.

C Wells (agent) gave a deputation.

Member's questions

In response to questions, officers clarified that:

- The extension work is taking place under permitted development for a Class C3 or Class C4 property but that for an approved Sui Generis HMO, the property must first be used as extended under permitted development as C3 or C4 before a Sui Generis HMO occupation can commence (because Sui Generis HMOs do not benefit from permitted development rights for extensions).
- The height of the bedroom ceilings on the top floor meet the space standards.

RESOLVED that the application be approved as per the officer recommendation.

The meeting concluded at 1:32pm.

Signed by the Chair of the meeting
Councillor Judith Smyth