

## **PLANNING COMMITTEE**

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 9 November 2022 at 10.30am 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)  
Robert New  
Darren Sanders (left at 3pm).  
Russell Simpson  
John Smith  
Linda Symes  
Gerald Vernon-Jackson CBE (left at 1:30pm)  
Ian Holder (left at 1pm)

### **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:

22/00524/PLAREG Kenarth, Court Lane, PO6 2LG.  
21/00491/FUL - City Life Church, 85 Tangier Road PO3 6HU  
22/01032/FUL - Royal Beach Hotel (East Wing) 1 St Helen's Parade PO4 0RN  
22/01155/FUL - 48 Wallington Road PO2 0HB  
22/00533/FUL - Land adjacent to Mayflower Drive, Po4 8XJ  
22/01254/CS3 184A Northern Parade & 1 Phoenix Square PO2 9LU  
22/01035/FUL - 296 Laburnum Grove PO2 0EX  
22/01110/HOU - 296 Laburnum Gove PO2 0EX  
22/00877/FUL - 36 Harley Road PO2 9HU  
22/00975/FUL - 17 Paddington Road PO2 0DU

### **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.

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

Apologies were received from Councillors Chris Attwell, George Fielding and Hugh Mason. Councillor Ian Holder deputised for Councillor Mason.

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

Agenda Item 5 - Councillor Darren Sanders informed the committee that he would give a deputation as a Ward Councillor for this item and would leave.

Agenda Item 8 - Councillor Darren Sanders informed the committee that as this application had been brought by the Housing Department and he is the Cabinet

Member for Housing & Preventing Homelessness, there could be the potential appearance of bias and he would therefore leave for that item.

**160. Minutes of previous meeting held on 12 October 2022 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 12 October 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, 9th November, 2022, 10.30 am Portsmouth City Council](#)

**161. 22/00524/PLAREG - Kenarth, Court Lane, Portsmouth, PO6 2LG (AI 4)**

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

Deputations.

Andy Cole - objecting to the application.

Samantha Moore - in support of the application.

Leah Benford, the applicant

Councillor Simon Bosher - objecting to the application.

Members' Questions.

In response to questions, officers clarified that:

- It would not be possible/practicable for planning officers to verify the number of children at the premises.
- Whether or not the house deeds permit a business to be run at the property is a legal matter *and* not a planning consideration.
- The business runs until 4:30pm. Noise can occur at any time during the day. If retrospective planning permission were to be granted, the business could operate all day as registered. Ofsted regulates the operating hours that are permitted.
- Government guidance states that conditions must not prevent the business to function in a reasonable manner.

The applicant explained that for most of the day there are no more than 18 children present, but sometimes for an hour or two there may be more. The children do not go out into the garden until after lunch. They have free access for one and a half to two hours a day. Air conditioning has been installed so that the windows do not need to be open.

Members' Comments

- It is not easy to have a business operating in a residential area.
- More people must work so there is a need for day care.
- There is a shortage of childcare in the city.
- The impact on neighbours must be considered.
- A refusal for a nurse at another site in the past by this committee was overturned by the Planning Inspector.
- Insulation has been fitted but more could be done to soundproof the premises.

Officers advised that Ofsted allows for 25 children to be at the premises and it would be unreasonable for a limit of 18 to be imposed under a planning condition.

The legal officer advised that members that the test to be applied for conditions is:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Limiting the number of children in the garden to 6 at a time would not be necessary reasonable and would be difficult to enforce.

Limiting the hours of the use of the garden for a maximum of two hours at a time, with a one-hour break would also be unreasonable and difficult to enforce.

It would not be reasonable and difficult to enforce to require the windows and doors to be closed when the business is operating.

A motion to grant permission with the following condition was defeated:

- The number of children at the nursery at any time be limited to 18.
- Use of garden for a maximum of two hours at a time, with a one-hour break
- The windows and doors must be closed when the business is operating.

Then Members voted on a motion to move the officer's recommendation.

**RESOLVED that conditional permission be granted as per the officer's recommendation.**

**162. 21/00491/FUL - City Life Church, 85 Tangier Road, Portsmouth, PO3 6HU (AI 5)**

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations.

*Objecting*

John Williams

Ian White

Stephen Evans

Leonie Oliver

Councillor Darren Sanders

Members' Questions.

In response to members' questions, officers clarified the following points:

- A traffic survey was carried out in January 2021 by the applicant during lockdown and 37 parking spaces were noted. It was opined that when the extension would be completed, not under Covid lockdown conditions, more people would be out and about, and so more parking spaces would be available.

- The officer visited the site on a Sunday morning and noted the available parking spaces in 9 to 11 roads both half an hour before the church service and during. He found 59 spaces before and 77 during the service.  
*Tangier Road* - 1 and 0.  
*Lynton Grove* - 2 and 2.  
*Idsworth Road* - 1 and 2.  
*Westover Road* - 18 and 27.  
*Chesterfield Road* - 13 and 14.  
Other roads had some spaces. He felt that the expansion of the church would not fill the streets with cars. He saw a steady stream of people arriving on foot. He did not see any traffic congestion.
- The café must run as ancillary to the place of worship.

#### Members' Comments.

- There would be a significant impact on parking for local residents.
- Losing the grass at the front would have a negative environmental impact.
- The design of the wall on the western side is poor; it would simply be a huge blank wall.
- Neighbours would be overlooked.

In response to issues raised in the deputations, the Development Management Lead explained that:

- He did not think the noise from the amplified music would not increase significantly with more attendees. The Environmental Health service could advise neighbours on any noise issues they have.
- The possible selling of the site is not a planning matter.
- If permission were to be granted, he would be happy to attach a condition stating how the construction period is to be managed to expand on the management plans that the Highways Authority would carry out as a matter of course.

He added that

- The design would be a matter of subjectivity whether anyone likes the design or scale.
- The issue of overlooking is remedied with perforated bricks and obscure glazing.
- He feels that it would be an interesting architectural effect on the western elevation and the council would have full control over the details and quality.

#### **RESOLVED that the application be refused for the following reasons:**

- **Impact on parking.**
- **The proposed wall on the western elevation, being a blank 2 storey wall is of poor design contrary to PCS23.**
- **Overlooking of neighbouring properties on Linton Grove contrary to policy PCS23.**

#### **163. 22/01032/FUL - Royal Beach Hotel (East Wing), 1 St Helens Parade, Southsea, PO4 0RN (AI 6)**

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations.

David Blackford in support of the application.

Stuart Bone, the agent stated that he had nothing to add.

Members' Questions.

In response to members' questions, the Development Management Lead clarified the following points:

- The Designing Out Crime Commissioner has not been asked about the proposed condition 14. Officers are quite clear that they have achieved what was requested.
- The developer stated that the original plans were not feasible and this application has therefore been amended.
- Five flats do not meet the space standards; in the previous application it was seven by approximately 7m<sup>2</sup> each. Officers did not ask the applicant to enlarge the rooms because the work would require structural change to this old building.
- It is in an attractive location.

Members' Comments.

- The application is significantly better in terms of layout and the roof design and lightens the load on services and parking.
- It is supported by residents.

**RESOLVED that the application be granted conditional planning permission as per the officer's recommendation subject to legal agreement with the deleted condition set out in the supplementary matters report.**

Councillor Ian Holder left the Council Chamber and Councillor Robert New arrived and confirmed that he had no declarations of interest.

**164. 22/00533/FUL - Land Adjacent To Mayflower Drive, Southsea, PO4 8XJ (AI 7)**

The Development Management Lead presented the report.

There were no deputations.

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

**RESOLVED that conditional permission be granted as per the officer's recommendations.**

**165. 22/01254/CS3 - 184A Northern Parade & 1 Phoenix Square, Portsmouth, PO2 9LU (AI 8)**

The Development Management Lead presented the report.

There were no deputations.

Members' Questions.

In response to questions, the Development Management Lead explained that

- There will be less hard landscaping
- The areas marked in green on the plans will be for grass and there will be a consequent improvement in terms of the environment and drainage.
- The recycling bins will be relocated.

Members' Comments.

It is essential that the recycling facilities be relocated locally.

**RESOLVED that the application be granted with an additional condition that recycling facilities be re-provided in the local area, and subject to legal agreement.**

**166. 22/01035/FUL - 296 Laburnum Grove, Portsmouth, PO2 0EX (AI 9)**

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations.

Simon Hill, applicant.

Members' Questions.

In response to questions, the Development Management Lead clarified the following points:

- A condition could be attached to ensure that sound installation is installed. This would be written by the planning officers. The applicant has stated that he would be happy to install that, if required.
- The plans in front of members are here for determination. If approved, the applicant could at a later stage, submit an application for a non-material minor amendment. Officers would determine whether it is limited in extent and beneficial.
- The committee can accept different configurations of communal space. In this case, the applicant could add the size of the lounge to the size of the kitchen-diner to give a good standard of living space and this could be dealt with in the normal way.

Members' Comments.

- They were pleased with the standard of the application and that the impact on the neighbours would be considered.
- The committee would welcome any way in which the communal space could be reconfigured to meet the council's standards.
- A note could be added to explain that particular care and attention must be paid to minimise the impact of the work on the neighbours.

**RESOLVED that the permission be granted and a condition regarding sound insulation and an advisory note for the applicant to liaise with both the neighbour to see what mitigation could reasonably be achieved to minimise the impact of the works on the neighbours be attached as set out in the SMAT.**

**167. 22/01110/HOU - 296 Laburnum Grove, Portsmouth, PO2 0EX (AI 10)**

The Development Management Head presented the report.

Deputations.

Simon Hill, the applicant.

Members' Questions.

In response to questions from members, the Development Management Head clarified that cycle storage could be put in the front forecourt.

In response to a question from members, the applicant explained that there is an omission on the plans, there is no canopy over the alleyway.

Members' Comments.

It is essential that the disruption to the neighbours be minimised.

**RESOLVED that conditional permission be granted with an addition condition relating to sound insulation and an advisory note for the applicant to liaise with both the neighbour to see what mitigation could reasonably be achieved to minimise the impact of the development on the neighbours be attached as set out in the SMAT.**

**168. 22/00877/FUL - 36 Hartley Road, Portsmouth, PO2 9HU (AI 11)**

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations.

Mr R Cunningham, objecting to the application.

Simon Hill, the applicant.

Councillor Scott Payter-Harris, objecting to the application.

Members' Questions.

In response to questions from members, the Development Management Lead clarified the following points:

- The ground floor bathroom is an inner room because it is accessible only from the bedroom and has no windows.
- This house has quite a large forecourt and could have the bicycle storage there; this is a common arrangement in the city.
- More than one regime can come into play for one application and have clear separate roles. It is not the role of planning to consider fire safety issues.
- The plans have been amended since the Private Sector Housing Department have looked at them.

Members' Comments.

- Parking is a big issue in this road.
- These are some of the more unspoilt roads in the city.
- It is concerning that a private sector housing inspection has yet to be carried out.

The applicant stated that he had withdrawn the appeal for non-determination. He confirmed that there are 2 doors between the kitchen and bedroom 6.

The Development Management Lead explained that the council had not received confirmation of the withdrawal by the Inspectorate.

Councillor Payter-Harris questioned the fact that the committee permitted the applicant to participate in the meeting.

The Legal Advisor explained that the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The applicant had confirmed he has building control regulations consent but this is not relevant to the determination of this planning application. Once an appeal has been submitted, the applicant receives a series of letters confirming that it has been received, that it has been validated and the start date. The applicant can withdraw the appeal at any stage of the process, If the committee resolves that it would have granted the application, the applicant could withdraw the appeal and the committee's decision enacted this is a matter for the applicant.

The Development Management Head informed the committee that the French doors had been added during the process of the application.

The committee noted that there is an exit from the kitchen into the garden without going through room six marked clearly on the plan. The resident in room 6 can exit through the French windows and there are 2 doors between the kitchen and bedroom 6.

**RESOLVED that in the event that the Local Planning Authority still had or still may have, the opportunity to determine the application, it would have resolved to refuse the application due to inadequate safe amenity space for the occupier of bedroom six contrary to building regulations.**

**169. 22/00975/FUL - 17 Paddington Road, Portsmouth, PO2 0DU (AI 12)**

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

There were no deputations.

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

**RESOLVED that in the event that the local planning authority still had or still may have the opportunity to determine the planning application it would have resolved to approve the application, subject to the conditions set out in the officer's report.**



**170. 22/01155/FUL - 48 Wallington Road, Portsmouth, PO2 0HB (AI 13)**

Councillor Robert New joined the meeting and stated that he had no interests to declare.

The Development Management Lead presented the report and drew attention to the additional information in the Supplementary Matters report.

Deputations.

Simon Hill, applicant.

Councillor Robert New read out a deputation on behalf of Councillor Benedict Swann in objection to the application and took no further part in this item.

Members' Questions.

In response to questions, the Development Management Lead explained that:

- He had no reports of any HMOs within a 50m radius of this premises.
- He did not see any reason to refuse this application.
- He did not attend the meeting that Councillors had with the Chief Planning Officer of England where the policies regarding HMOs was discussed and he could not recall the feedback from it.
- Having a combined kitchen and living area meant that there was no need for a second communal room. The space standards were met.
- The usable space in the top floor bedroom measures 10m<sup>2</sup>. This does not include the area where the ceiling is low.
- Parliament decides on planning legislation.

Members' Comments.

- Portsmouth City Council has the strictest policies possible on HMO applications in the area.
- There are fewer than 10% of HMOs in the area.

**RESOLVED that the condition planning permission be granted as per the officer's recommendations.**

The meeting concluded at 3:20pm

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Signed by the Chair of the meeting  
Councillor Judith Smyth