

Agenda item:

Decision maker: Planning Committee

Subject: Planning appeal decision at Petrol Station, Holbrook Road, Portsmouth, PO1 1JP

Report by: Claire Upton-Brown
City Development Manager

Ward affected: Charles Dickens

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal that was allowed.

2. Recommendations

That the report is noted.

3. Background

An application for the variation of a condition was considered by the Planning Committee at its meeting on 07th November 2012 (12/01037/VOC). The application, for the removal of condition 1 attached to planning permission 12/00879/VOC to allow the petrol station to operate for 24 hours daily, was recommended by officers for approval. This was subject to conditions which amongst other things would have restricted the use of a public address system at night. This recommendation was overturned and the application was refused for the following reason: 'In the opinion of the Local Planning Authority the removal of condition 1 attached to planning permission 12/00879/VOC to allow the petrol filling station to operate on a 24 hour basis would have a significant impact on the amenity of the occupiers of the adjoining flats fronting Murefield Road in terms of increased noise and disturbance. The proposal is therefore contrary to the aims and objectives of policy PCS23 of the Portsmouth Plan'.

In allowing the appeal, the Inspector commented that "The appellant has carried out a Noise Impact Assessment (NIA), which concludes that a negligible increase in noise at the nearest residential properties at 1-13 Murefield Road would result; a conclusion that I find convincing in regard to the general operation of the pay at pump facilities". It was however noted that the NIA did

not assess the impact of an existing public address system (PAS) that was required to allow the petrol station to operate on a 24 hour basis. In this respect the Inspector stated "At my site visit, I listened to the PAS which is attached to the shop. At that time, the surrounding roads were busy and the noise of passing traffic was apparent. In addition, the main Asda store was open and fuel was being delivered at the petrol station. Despite this, I found the PAS an intrusive sound, even at its lowest volume. At night when the activity in the locality is likely to be less and the locality generally quieter, the impact of the PAS would be likely to be greater... I find that the PAS would be intrusive and would materially increase noise and disturbance to nearby residents". However, in allowing the appeal the Inspector concluded that "I consider that the impact of the PAS or any replacement system could be controlled by means of an appropriately worded planning condition.

On other matters the Inspector added "Although not referred to in its reason for refusal, the Council has also raised concern regarding the impact of the proposal on anti-social behaviour and crime and the fear of crime, bearing in mind the existing levels of anti-social behaviour in the locality. However, I have limited information to suggest that anti-social behaviour in the locality would increase as a result of this proposal. It would provide some activity and surveillance, which, along with the suggested enhanced CCTV system may help to reduce anti-social behaviour and crime. I am therefore persuaded that the appeal proposal would comply with paragraph 69 of the National Planning Policy Framework, which promotes safe and accessible environments, where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

4. Reason for recommendations

For information to the Planning Committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application 12/01037/VOC	Planning Services
Appeal decision APP/Z1775/A/13/2197531	Planning Services