

Agenda item:

Decision maker: Planning Committee

Subject: Planning appeal decision relating to 151 Fawcett Road & 3 Heyward Road, Southsea

Report by: Claire Upton-Brown, City Development Manager

Ward affected: Central Southsea

Key decision (over £250k):

1. Purpose of report

To advise the Committee of the outcome of the appeal, which was dismissed.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered by the Planning Committee at its meeting on 17th July 2013. The application, for the construction of a part 3/4 storey building to form a student halls of residence (within Class C1) comprising 41 study/bedrooms and a doctors surgery and pharmacy to the ground floor and part of the basement, was recommended by Officers for conditional permission. This recommendation was overturned and planning permission was refused with the reasons for refusal relating to the inappropriate scale and appearance of the proposal being out of character with the area and that the proposal making inadequate provision for the parking of cars and cycles.

The Inspector noted that the "site occupies a relatively prominent location at the junction of Fawcett Road and Heyward Road and is in an area where the predominant residential character comprises mainly two storey terraced properties. Fawcett Road does include larger buildings and Heyward Road is dominated by the Grade II Listed Church of the Holy Spirit". The Inspector took the view that the proposal "would provide a feature corner building and its overall height would relate well to surrounding properties" and "by setting back the top floor and stepping down the ends next to adjacent houses and flats, the proposal would respect the scale of its surroundings". The Inspector concluded on the matter of scale and design that the proposal "would relate well to

neighbouring properties and would complement the prevailing development in the area".

When considering the issue of car parking the Inspector noted the accessibility of the site to public transport and the existing restrictions on on-street parking in the vicinity of the site. The Inspector also commented that "the area seems popular with students and I understand from the evidence that students are discouraged from bringing cars into the City but continue to do so despite University policy and good transport links" and noted that "the implementation of MB Zone in roads to the north of the site in November 2011 has resulted in the displacement of unrestricted parking into adjacent streets including Heyward Road". The Inspector recognised the specialist form of residential accommodation proposed and opined that "if the accommodation was restricted to students only I consider this would be likely to minimise the parking impact of the development as far as practicable" and that "without such a restriction a more balanced relationship of accommodation to the provision of on-site parking would be expected to meet the transport needs of future occupants". In light of this the Inspector took the view that the "delivery of the restriction to students only and a car-free development is crucial to the scheme". The appellant included a legal agreement as part of their submissions that sought to restrict the occupation of the building by way of a planning obligation, to students on a recognised full-time course of study. This legal agreement was not completed by all of the owners of the land and as such would be unenforceable. As such the Inspector considered it should be given "little or no weight". On the issue of car parking the Inspector concluded that in the absence of a "deliverable restriction to use the appeal property as student accommodation the proposed development makes insufficient provision for parking of vehicles".

The Inspector considered that the provision of cycle storage at the rate of one space per room is acceptable.

The appeal was dismissed.

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. 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 file 13/00518/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/14/2204266	Planning Services