

LAND ADJACENT TO MAYFLOWER DRIVE SOUTHSEA PO4 8XJ

CONSTRUCTION OF 2NO. GARAGES WITH ASSOCIATED RAILINGS

WEBLINK:

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Application Submitted By:

Mr Wayne Nightingale

On behalf of:

Mr Wayne Nightingale

RDD: 21st April 2022

LDD: 28th November 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is presented to the Planning Committee due to the receipt of 7 objections and 1 in support.
- 1.2 The main considerations within this application are:
 - Design
 - Impact upon residential amenity
 - Impact on highway safety
- 1.3 Site and Surroundings
- 1.4 The application site comprises an area of open hard surfacing at the western end of a garage compound located to the east of Mayflower Drive. The compound currently accommodates 6 flat roofed garages constructed of concrete panels. Mayflower Drive is a cu-de-sac spur off Godwit Road, serving seven houses and two garage courts of six garages each. It has a pedestrian link to a park and children's play area and Milebush Road beyond to the south. It is noted that the link is likely to provide a route to Moorings Way Infant School to the north, from the residential development in Milebush Road and its surrounds to the south.
- 1.5 Residential properties within Mayflower Drive, Godwit Road and Wayfarer Close adjoin this garage site.



Figure 1 - Location Plan

1.6 Proposal

1.7 The application seeks planning permission for the construction of two flat roofed garages (with an overall footprint of 5m x 5.3m) at the western end of an existing garage compound adjacent Mayflower Drive. The garages would be constructed with pre-fabricated concrete sectional wall panels to match the existing garages.

1.8 The application also includes the installation of 1m high metal railings adjacent the back edge of the pavement running south for a distance of 2.2m from the front corner of the westernmost garage (as a measure to ensure good visibility for vehicles leaving the site in the interests of pedestrian safety).

1.9 Relevant Planning History

1.10 The houses and garages within Mayflower Drive were constructed in the 1970's. No subsequent planning history is relevant to this application.

2.0 **POLICY CONTEXT**

2.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

3.0 **CONSULTATIONS**

3.1 Highways Engineer

No objection subject to a condition requiring installation of the railing, prior to the garages being brought into use:

Mayflower Drive is an unclassified residential access road with a dropped crossing access serving the garage compound. The site currently provides two external parking spaces and the effect of this proposal is simply to enclose those. The scale of this development is such that the associated traffic generation would not have a material impact on the operation of the local highway network. The proposal includes a section of fencing adjoining the highway which has the effect of narrowing the access and securing visibility for emerging drivers.

4.0 **REPRESENTATIONS**

4.1 Seven objections and one in support were received and can be summarised as follows:

Objections:

- a) Pedestrian safety - proposal would limit access while further reducing visibility for cars moving in and out of the site. Children regularly access the park as a popular route to nearby local infant school, proposal would be unsafe - railings would cause nuisance and obstruct a right of way in front of the garages.
- b) The land is not 'waste land' and is used constantly as parking for up to 2 cars - not 'now & again' as stated.
- c) Proposed garages may be used as storage with 24 hour noise resulting. As the applicant does not own the land, there may be onward renting and usage.
- d) Potential impact on trees and hedges to the north of the site.
- e) Site ownership query - the land in front of the six garages and the proposed garages is owned by the residents; question how access would be allowed over private land.
- f) Wear & tear/drainage in front of the garages, residents would be jointly liable for repairs but new garage owner would have no legal obligation to contribute.
- g) Potential covenant that stipulates only residents can own the garages.
- h) Concern that 1 Mayflower Drive used on the application form as the site address.

Support:

- a) Great idea, currently just a waste of land.
- b) Questions who will have ownership or would these garages be for purchase?

4.2 Officer Notes with respect to matters raised above:

- Whilst the application form referred to no.1 Mayflower Drive, the site address was amended to more accurately reflect the site's location, prior to publicity of the application.
- Additional publicity was undertaken on 2/9/22 to notify the neighbour at no.1 Mayflower Drive.
- The red line identifying the application site has been extended during the course of the application to include the location of the railings and the access/egress path from the proposed garages to the adopted highway, the ownership certificate has been revised and Notice served on relevant parties.
- Covenants are beyond the remit of the planning application.

5.0 COMMENT

5.1 Design

5.2 Whilst the proposed additional garages would project nearer to Mayflower Drive than the footprint of adjacent properties to the north and south, given the single storey, flat roof nature of the development this is not considered likely to be significantly detrimental to the street scene or the character of the cul-de-sac, particularly as the additional garages would match the dimensions, overall design and materials of the existing garages within this parking court.

5.3 There are trees within the garden of no.85 Godwit Road to the north of the application site. The Tree Officer has commented that if the new garages were to sit on the existing slab, then there would be no impact on the nearby trees. If ground were to be broken and excavated for foundations, an Arboricultural Survey would be required, with any resulting foundation design to be agreed. A condition is attached to account for this possibility.

5.4 Impact on Residential Amenity

5.5 There would be no loss of amenity to those occupying surrounding residential properties given that the existing use of the wider area is already as a domestic garage court.

5.6 The applicant (who lives relatively nearby but not adjacent the garage court) has confirmed the garages would be used for 'an old classic car in one garage and storage in the other, no commercial use.' A condition is recommended to ensure there is no business or commercial use of the garages.

5.6 Impact on Highway safety

5.7 The need for railings was established at the pre-application stage following consultation with the Transport Planning Service in the interests of protecting pedestrian safety when vehicles are exiting the site.

5.8 CIL

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available. The proposed additional floorspace would be 27m² and as such CIL is unlikely to be applicable.

5.9 Human Rights

The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

5.10 Equality Act

Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

5.11 Conclusion

5.12 The proposed development is considered acceptable in design, residential amenity and highway safety terms and as such the proposal accords with policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).

RECOMMENDATION

Conditional Permission

Conditions

Time Limits

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Approved Plans

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan no. TQRQM22228173111186, and Proposed Plans and Elevations (received 31.8.22).

Materials

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing adjoining garages.

Railings

4) The railings hereby permitted shall be finished in black paint and installed in full accordance with the approved details prior to the garages hereby permitted being brought into use. The railings shall remain in situ thereafter.

Use of Garages

5) The domestic garages hereby approved shall not be used for any commercial or industrial purposes.

Trees

6) If the existing ground is to be broken and foundations required, prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of nearby trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) a full specification for the breaking of ground and construction of foundations, including details of the no-dig specification and extent of the affected areas. Details shall include relevant sections.
- d) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) a specification for scaffolding and ground protection within tree protection zones.
- g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

The development thereafter shall be implemented in strict accordance with the approved details.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of pedestrian safety in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interest of the amenities of the area in general and adjoining residential properties in particular in accordance with policy PCS23 of the Portsmouth Plan.
- 6) In the interests of tree protection, in accordance with policy PCS13 of the Portsmouth Plan.

1) PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.