

STAMSHAW AND TIPNER LEISURE CENTRE, 69 WILSON ROAD, PORTSMOUTH, PO2 8LE

INSTALLATION OF 3NO. UPVC OPENING WINDOWS WITH DOUBLE GLAZING AND SECURITY SCREENS TO EAST AND WEST ELEVATIONS TO CREATE VENTILATION TO SPORTS HALL

22/01129/FUL | INSTALLATION OF 3NO. UPVC OPENING WINDOWS WITH DOUBLE GLAZING AND SECURITY SCREENS TO EAST AND WEST ELEVATIONS TO CREATE VENTILATION TO SPORTS HALL | STAMSHAW AND TIPNER LEISURE CENTRE 69 WILSON ROAD PORTSMOUTH PO2 8LE

Application Submitted By:

Mr Martyn Collins
Portsmouth City Council

On behalf of:

Portsmouth City Council

RDD: 15th August 2022

LDD: 10th October 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee due to the application being a PCC application and a Formal Complaint having been made to the Council from a local resident.

1.2 The main considerations are:

- Principle of development;
- Design and impact on the character of the area;
- Impact on neighbouring residential amenity;
- Highways;
- Community Infrastructure Levy; and
- Human Rights and the Public Sector Equality Duty.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises the Stamshaw and Tipner Leisure Centre (Use Class F2) located on the western side of Wilson Road. The Centre is open from 7am to 9.30pm Monday to Friday and from 7am to 11pm on Saturdays and Sundays.

2.2 The single storey Centre has a car park and pre-school to its northern side and is surrounded by the residential properties in Gruneisen Road to the north; Wilson Road to the east; Newcomen Road to the east and south; and Western Terrace to the west. The site consists of buildings extending from Newcomen Road at its south end, to Wilson Road to the north-east. The building fronting Newcomen Road has its side elevations facing west and east, to nos. 102-108, and 96 Newcomen Road respectively. Both elevations are separated from the neighbours by a north-south passageway, at 1.29m and 1.4m wide respectively. Both neighbours have boundary wall/fence at 2.3m and 2.03m tall respectively. Members of the public, and users of the premises, use these passageways.

- 2.3 The Centre is not within a conservation area and there are no listed buildings within proximity of the site.

3.0 POLICY CONTEXT

- 3.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).
- 3.2 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 3.3 The relevant policies within the Portsmouth Plan include:
- PCS23 - Design and Conservation
- 3.4 In addition to the above policies, the aims and objectives of the National Planning Policy Framework (2023) are relevant.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The planning history most relevant to the determination of this application includes:
- A*10758/AA - planning permission granted in March 1998 for the construction of a retaining wall/ramp/steps and balustrade to entrance fronting Newcomen Road.

5.0 PROPOSAL

- 5.1 The proposal seeks retrospective planning permission for the installation of three UPVC top-hung windows with double glazing and metal mesh security screens to the eastern and western elevations (two windows on the eastern elevation and one window on the western elevation) to create ventilation to the existing sports hall / leisure centre as shown in **Figure 1** and **Figure 2** below.

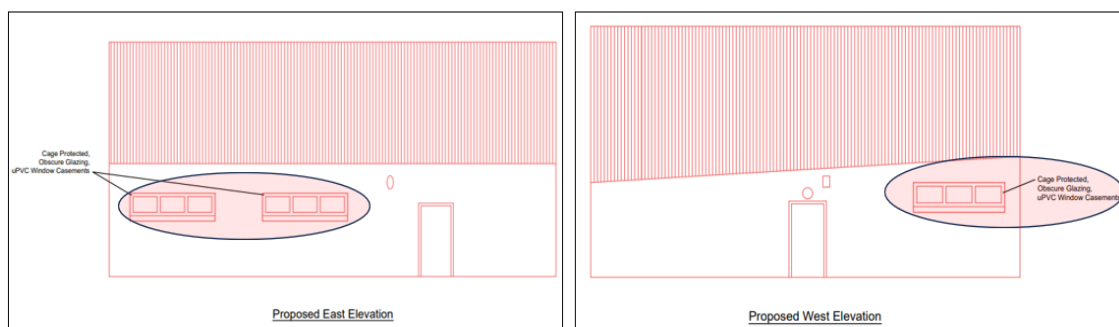


Figure 1 - Eastern and Western Elevations as built (Drawing Nos. 03/202207/TN - East Elevation - Sports Hall and 03/202207/TN - West Elevation - Sports Hall).



Figure 2 - Photographs of two Eastern Elevation windows with security screens as taken from a neighbouring property in Newcomen Road.

COMMENT

6.0 CONSULTATIONS

6.1 The following consultation responses have been received:

PCC Regulatory Services - No objection to the proposal. Regulatory Services' database shows that there have been no recent complaints about the noise from the Leisure Centre. The last complaint was made in 2017 and no statutory noise nuisance was witnessed. Regulatory Services do not wish to raise any objections to the installation of the window casements.

7.0 REPRESENTATIONS

7.1 A Site Notice was displayed 18th August on 2022 and Neighbour letters were sent on 15th August 2022. The public consultation period formally ended on 12th September 2022.

7.2 In response, one objection has been received from a neighbouring property in Newcomen Road raising the following concerns:

- Loss of privacy;
- If windows are for ventilation, they should be frosted;
- Increase in noise and disturbance. Already too much noise when fire door propped open for parties and other activities;
- The Council should have known that planning permission was required;
- Loss of property value.

7.3 The objection also raises concern that security cameras installed at the site have not been included in the retrospective application. Officer response: The cameras installed do not require formal planning permission, being permitted development under Class F (closed circuit television cameras) of The Town and Country Planning (General Permitted Development) (England) Order 2015, and have not therefore been included as part of this retrospective application.

8.0 PLANNING CONSIDERATIONS / COMMENT

Principle of the development

8.1 The principle of making external alterations to the existing leisure centre building is considered to be acceptable and would not conflict with national or local plan policy.

Design and impact on the character of the area

- 8.2 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and of an appropriate scale, layout, appearance and materials in relation to the particular context in which it is set.
- 8.3 The installed UPVC windows and white metal mesh security screens sit comfortably with the existing sports hall building and neighbouring properties respecting the character and appearance of the surrounding area.
- 8.4 As such, the proposal is in accordance with Policy PCS23 of the Portsmouth Plan.

Impact on neighbouring residential Amenity

- 8.5 Policy PCS23 of the Portsmouth Plan requires that the development protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The windows are separated from the two neighbours by the two side passageways, a limited distance but which nevertheless means any overlooking is harder to achieve into the neighbours' gardens and ground floor windows. The leisure centre windows have all been installed at a high level thereby making it difficult for internal users of the centre and staff to look out. They are also top-hung, which also inhibits looking out of any window. This ensures that no undue overlooking or loss of privacy to neighbouring residential properties occurs. Views into the neighbours' first floor windows would be at such a tight and difficult angle that no material loss of privacy could occur. It is noted that there is already a degree of lack of privacy to neighbours' windows due to the public passageways running either side of the application site, it is not considered the proposals would much affect that situation.

- 8.6 Similarly, given there has been no increase in the height of the building or extension closer to the boundaries of neighbouring residential properties and the overall number of users and use of the building remains unchanged, the proposal does not have any adverse impact on outlook, sunlight/daylight or noise and disturbance to warrant the refusal of this application. The Council's Regulatory Services section have fully considered the potential for an increase in noise and disturbance on the neighbouring boundaries as a result of the installation of the windows and are satisfied that no undue harm would occur.
- 8.7 The proposal therefore has no adverse impact on the amenities of any neighbouring residential properties and does not result in any undue loss of privacy or increase in noise and disturbance over and above the existing situation.
- 8.8 As such, the proposal is in accordance with Policy PCS23 of the Portsmouth Plan. For completeness, the objector noted that the windows are not obscurely-glazed, although the application submission states they are. It is confirmed that the windows are not frosted, and your officer does not consider they need to be, as overlooking is so unlikely. Also, the Applicant stated the windows were casement, when in fact they are top-hung. Both these matters have been reflected in a corrected Development Description, provided at the top of this report.

Highways and parking

- 8.9 Given there has been no increase in the floorspace of the leisure centre and no alterations have been made to the existing car parking or vehicular access

arrangements, the proposal does not result in any increase in on-street parking demand or any undue impact on the public highway.

Community Infrastructure Levy (CIL)

- 8.10 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

Human Rights and the Public Sector Equality Duty (PSED)

- 8.11 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.
- 8.12 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 do not. 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.

9.0 CONCLUSION AND PLANNING BALANCE

- 9.1 The proposal is considered acceptable and would accord with the aims and objectives of policy PCS23 of the Portsmouth Plan and the policies in the NPPF more broadly.

10.0 RECOMMENDATION

Grant planning permission

Conditions

Approved Plans:

- 1) 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: 02/202207/TN - Location Plan; 02/202207/TN - West Elevation - Sports Hall and 02/202207/TN - East Elevation - Sports Hall Amendments: 1 - 15/-08/2022. (albeit that obscure glazing is not required).

Reason: To ensure the development is implemented in accordance with the permission granted.