

PLANNING COMMITTEE

3 JUNE 2015

**5 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property*, and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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ROKO HEALTH & FITNESS CLUB COPNOR ROAD PORTSMOUTH PO3 5EW

CONSTRUCTION OF UP TO 3 METRE HIGH FENCING WITH 5 METRE HIGH NETTING ABOVE TO ENCLOSE 2 ADDITIONAL FOOTBALL PITCHES ON LAND TO THE EAST OF ROKO/PORTSMOUTH FC TRAINING GROUND; SITING OF 2 STORAGE CONTAINERS AND WATER STORAGE TANK

Application Submitted By:

Pdp Architecture Llp
FAO Mr Mike Saunders

On behalf of:

Portsmouth Community Football Club
FAO Mr Mark Catlin

RDD: 21st November 2014

LDD: 5th February 2015

This application was considered by the Planning Committee at its meeting on 11th February and was deferred to allow issues associated with restricting access to the (Council owned land) by the public be resolved.

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed works are acceptable given the designation of the site as protected open space, whether the proposals are acceptable in design terms and whether they would affect the amenities of neighbouring properties. Other issues to consider relate to parking and flooding.
The Site

The application site comprises a rectangular parcel of land with an area of approximately 1.5 hectares located between ROKO and the railway line to the north of Devon Road. The site is owned by the City Council and currently forms part of 'Rugby Camp'. The site is designated as 'protected open space' and is located in Flood Zone 3.

The Proposal

This application, submitted by Portsmouth Football Club (PCFC), seeks planning permission for the construction of 3 metre high fencing with 5 metre high ball catch netting above to enclose 2 additional football pitches to be used by the football club's academy and for the siting of 2 storage containers and a water storage tank.

Planning History

The most relevant elements of the planning history of the wider site is permission 09/01374/FUL (granted in February 2010) for the construction of a footpath and cycleway to link Devon Road to Hilsea Railway Station including the provisions of cycle storage adjacent to Hilsea Station, and a series of recent planning permissions for the installation of fencing and buildings at ROKO to facilitate its use as the training ground for PCFC.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS23 (Design and Conservation),

CONSULTATIONS

Highways Engineer

No objection

Environmental Health

No objection

Sport England

Object as proposed fencing would prejudice the use of the cricket pitches to the north by encroaching on the outfield. Sport England suggest the proposed fencing be moved southward to enable the use of the cricket pitches to be maintained. As the existing pitches are well used a Community Use Agreement should be put in place formalise the availability of the pitches for community sporting uses.

In further comment, Sport England has approved re-siting of the fence line that was proposed in response to their first comment.

Contaminated Land Team

Recommends informative relating to possible discovery of unexpected materials

REPRESENTATIONS

Objections have been received from the occupiers of 29 (mainly) local residents on the following grounds:

- a) loss of open space contrary to PCS13 and Council's Open Space Strategy
- b) loss of public access to land for dog walking and informal sport
- c) no need for fencing
- d) visual impact of proposed storage containers and water tank from neighbouring houses
- e) impact on other sports pitches
- f) increased risk to users of footpath from enclosure by fencing
- g) existing path subject to flooding
- h) increased noise and disturbance from use of pitches
- i) increased use of ROKO access
- j) impact on Human Rights of community denied access to 'public land'
- k) discrimination against those unable to play football
- l) unclear drawings and application not accompanied by sufficient information

Nine representations in support of the application have also been received.

COMMENT

This application was deferred by the Planning Committee at its meeting on 11th February to allow issues associated with restricting access to the (Council owned land) by the public be resolved.

The leasing of the Council owned land to PCFC is a separate matter for decision making by the Cabinet Member for Planning, Regeneration and Economic Development. Such consideration is required by the Council's constitution to be undertaken separately from the consideration of this planning application which is for the construction of fencing and associated operational development and not for any material change in use of the land comprising development which is regulated by the Council as local planning authority.

For information only, the Council's Corporate Assets Team advertised their intention to lease the land on the Members Information Service in August 2014 and received no comments. In order to

proceed with the disposal, the intention will need to be advertised for two consecutive weeks in The News (as required by Section 2A of the Local Government Act). Any responses that are received to the advertisement for the intended disposal will need to be considered and if required the matter referred to the relevant Cabinet Member for their consideration. The determination of this planning application would not fetter the discretion of the Council as landowner as to whether the land should be leased to PCFC.

The Planning Application

The main issues to be considered in the determination of this application are whether the proposed works are acceptable given the designation of the site as protected open space, whether the proposals are acceptable in design terms and whether they would affect the amenities of neighbouring properties. Other issues to consider relate to parking and flooding.

Principle of Development

As an area of Protected Open Space the application site is an integral part of the City's Green Infrastructure and contributes positively towards greening the built environment. Policy PCS13 recognises the importance of green infrastructure and seeks to protect it by establishing a presumption against any development involving the net loss of open space unless there are wider public benefits that outweigh the harm of any such loss. Policy PCS13 does not require protected open space to be publicly accessible. To be considered as green infrastructure land does not have to be publicly accessible because open space itself (whether or not accessible to the public) can provide visual interest and a sense of openness. The Council has adopted a Parks and Open Spaces Strategy the purpose of which is to consider how Portsmouth's open spaces are planned, managed, protected, designed, and maintained. The Strategy is not a planning policy document but seeks to establish a framework for the management of Portsmouth's open spaces in order to meet the objectives of the Portsmouth Plan. It is a material consideration to be taken into account in determining a relevant planning application.

The proposed enclosure of the existing pitches would not result in development comprising a material change of use of the land (they will still be used as sports pitches) and would not result in a loss of the land from the City's network of green infrastructure. As such the proposal does not conflict with Policy PCS13 of the Portsmouth Plan. However, the current application must be considered by the Planning Committee because the erection of fencing of the height applied for is an operational development requiring planning permission.

Sport England initially raised an objection to the proposed enclosure as the northern section of fencing would prejudice the use of the existing cricket pitches encroaching on the outfield such that the minimum size requirement recommended by the England and Wales Cricket Board would not be met. In response to this objection amended plans have been received relocating the fence to enable an appropriate degree of separation from the fence and the cricket pitches. A further consultation response has been received from Sport England confirming the amended plan which proposes re-siting the fence line overcomes their objection relating to the effect on the usability of the cricket pitches to the north. Sport England have also requested that as the existing pitches are well used for sporting purposes, a Community Use Agreement should be put in place formalise the continued availability of the pitches for community sporting uses and recommend that a condition be imposed to secure a Community Use Agreement for the pitches to be enclosed by the fencing the subject of this application. The applicant has confirmed their willingness to enter into a Community Use Agreement.

Design

The proposed fencing would be sited around the existing pitches to enclose them and be colour treated in blue. The proposed storage containers and water tank would be located to the rear of numbers 81-85 Wesley Grove. The proposed structures would be single storey in scale but would be visible from upper floor windows of neighbouring properties and from the footpath

leading from Devon Road to Hilsea Railway Station. Whilst the proposals would be somewhat utilitarian in their appearance, it is considered that their visual impact would not be so harmful to the visual amenities of the area to justify a refusal on design grounds.

Amenity

The proposed fencing/netting would be located 25 metres from the rear boundaries of neighbouring properties in Wesley Grove and perpendicular to the frontages of houses at the northern end of Devon Road. It is considered that, having regard to the relative positioning of the proposed fencing to neighbouring properties, the proposal would not result in any significant harm to the residential amenities of the occupiers of neighbouring properties principally in terms of outlook nor from the act of enclosure resulting in a localised concentration of noise and disturbance during training sessions. Furthermore it is considered that the proposed storage containers and water tank, by reason of their modest scale, would not have any significant effect on the living conditions of the occupiers of neighbouring properties.

Access & Parking

The shared use of the ROKO site by PCFC will inevitably result in an increased demand for parking, however the existing car park is under used during the day and sufficient capacity is considered to be available to serve any additional demand. Furthermore it is considered that the proposal would not lead to such an intensification in the use of the access onto Copnor Road that it would be likely to prejudice the safety or convenience of highway users.

Flooding

Whilst the site may be located within Flood Zone 3, it is considered that the proposals would not give rise to any significant risk to life or property from flooding.

Other matters raised in representations

The proposed fencing would be located alongside the footpath/cycle way leading from Devon Road to Hilsea Railway Station but would not impinge upon users of it. Whilst the enclosure of the existing pitches would narrow the width of the corridor in which users of the route would travel for a distance of approximately 150 metres, the route is lined by streetlights and the proposed fencing would allow clear views through it. Accordingly it is considered that the proposal would not be likely to result have a significant impact on the safety of users of the footpath/cycle way.

The proposed enclosure of the existing pitches would not result in a material change of use of the land. The decision to lease the land to PCFC in respect of the asset management responsibilities of the Council, which would result in it no longer being publicly accessible, is not material to the determination of this planning application which should be considered on its planning merits as set out above.

It is considered that the proposed works to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely fanciful, or concerned with risk of future interference. In addition, the Council is given responsibility for determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function, the rights protected by the ECHR may be subject to derogation where it is lawful in a democratic society, and necessary in the public interest. Even where an individual victim could make a valid assertion that a particular right had been interfered with to his or her specific detriment, it is possible for an authority to be justified if a decision has been taken having regard to such

interference, and balancing the public interest. The permitting of the enclosure of the pitches and consequential barring of unrestricted public access would not amount to an interference with the human rights of any individual or group who may previously have had unrestricted access to the land. Furthermore a positive decision to permit the application would not amount to discrimination against non-football players, and would not amount to a breach of the Equalities Act.

The level of information submitted with the application is sufficient to enable the application to be considered and determined.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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: 27956-PD700; 27956-PD702; Rev.B and 27956-PD703.
- 3) No part of the development hereby permitted shall be commenced (unless otherwise agreed in writing by the Local Planning Authority) until a Community Use Agreement, to secure effective community use of the existing pitches, has been agreed with the Local Planning Authority. The Community Use Agreement shall include (but not be limited to) details of any pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The provisions of the Community Use Agreement shall apply until such a time as the existing pitches are no longer enclosed by the fencing hereby permitted.

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) To secure the retention of community access to the existing pitches in the interests of the continued promotion of sporting activities and the health benefits thereof in accordance with Policies PCS13 and PCS14 of the Portsmouth Plan.

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.

DARBY HOUSE SKYE CLOSE PORTSMOUTH PO6 3LU**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS IN RESPECT OF THE APPEARANCE, SCALE AND LANDSCAPING RELATING TO THE CONSTRUCTION OF 8 DWELLINGS WITH ASSOCIATED CAR PARKING APPROVED UNDER OUTLINE APPLICATION 13/00553/OUT****Application Submitted By:**

Crayfern Homes Ltd

On behalf of:

Crayfern Homes Ltd

FAO Mr Ian Wood

RDD: 19th March 2015**LDD:** 18th May 2015**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the scale and appearance of the proposed houses would relate appropriately to the wider context of the site and whether the proposed landscaping scheme is appropriate to the site in the context of the loss of protected trees.

The Site

The application site comprises the curtilage of Darby House, a vacant substantial two-storey detached building, its associated car park and an adjacent single storey office building. The Council is the freehold owner of the site, however the applicant has a leasehold interest in the land. Adjacent to the site is a Council owned and operated children's home. The site is located on a relatively prominent corner plot within 'The Heights Estate' with frontages to both Orkney Road and Skye Close.

The Proposal

This application seeks the approval of the reserved matters of appearance, scale and landscaping in respect of outline permission 13/00553/OUT for the construction of 8 dwellings. The submission relates to the construction of eight detached two-storey dwellings comprising seven 4-bed and one 3-bed properties each with a garage and driveway parking for two cars.

Planning History

Outline planning permission for the construction of eight detached dwellings with the principle of development, layout and access being established was granted in March 2015 following a resolution to grant permission by the Planning Committee in July 2013.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

CONSULTATIONS

Leisure/Arb Officer

Advises submitted tree information acceptable and capable of support

Landscape Group

Advise amended landscaping scheme is capable of approval

Highways Engineer

The proposed level of on-site parking and cycle provision would meet the requirements of the occupiers of the proposed development and minimise the likelihood of overspill parking. The parking layout is considered to be satisfactory. The garages are adequate to accommodate cycle parking.

REPRESENTATIONS

Objections have been received from the occupiers of three properties in The Heights Estate and comments have been received from the Chair of Heights Residents Association raising the following points:

- a three bed dwelling would be out of keeping with the estate;
- the proposed two parking spaces being tandem and not side by side;
- the relocation of on-street parking bays on the grounds it would impact on ability to access and egress own drives and to the impact and safety of proposed new access onto Orkney Road.

The representations also offer support for the overall scheme and notes that the design of the proposed dwellings will match the estate and the proposed landscaping looks excellent. Concerns rose in regard to the maintenance of land and trees outside of the application site.

COMMENT

The principle of development has been established by the outline permission together with the siting of the dwellings and the access thereto. This application seeks approval of the reserved matters relating to the appearance and scale of the dwellings and the landscaping of the site.

The determining issues are therefore whether the scale and appearance of the proposed houses would relate appropriately to the wider context of the site and whether the proposed landscaping scheme is appropriate to the site in the context of the loss of protected trees.

The issues raised by local residents in terms of the siting of the accesses to the proposed dwellings were considered as part of the outline application.

Scale

'The Heights' estate comprises two-storey detached dwellings arranged in groups served by short culs-de-sac off the main spine estate road. There a variety of house-types, some with integral garages and some with attached or detached garages, and which have a common palette of external facing materials including buff and red facing brickwork, painted render and tile hanging. The previously permitted layout reflects the general pattern of housing in Skye Close and Orkney Road such that the proposed two-storey scale would complement the general character of the estate. The proposed scale and permitted layout of the proposal would together result in a development that would not adversely affect the living conditions of the occupiers of neighbouring properties. It is also considered that the spatial arrangement of the development would offer an acceptable standard of living environment for its future occupiers.

Appearance

In design terms the applicant has adopted a traditional approach with a palette of materials that reflects the appearance of the remainder of the estate. The architectural detailing would include

projecting spayed and other features offering articulation and interest to the proposed dwellings. Architecturally, the proposed houses are considered to be of sufficient quality to merit support.

Landscaping

The proposed development would result in the loss of a number of protected trees which are recognised to be of a poor quality and not worthy of retention at the expense of redevelopment. An Arboricultural Method Statement has been submitted setting out protection measures which if followed should mean there would be no risk to trees located outside the site that are to be retained. The replacement planting scheme compensates for the loss of those trees identified for removal and is considered appropriate for the site in number and species while shrub beds would further soften the proposed development.

Each dwelling would be provided with a garage and two, tandem, off-street parking spaces on a driveway to the front of them. The proposed access points to each dwelling would accord with the outline permission.

It is therefore considered that the proposed housing scheme would represent an appropriate form of development and would complement the remainder of the 'The Heights' estate. Furthermore, the proposed development would have an acceptable relationship with neighbouring adjoining properties, thereby providing satisfactory living conditions for existing local residents.

RECOMMENDATION Approve

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

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City Development Manager
26th May 2015