



Appeal Decision

Site visit made on 13 March 2018

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Tuesday 3rd April 2018.

Appeal Ref: APP/A1720/W/17/3180724

First Floor of No 22 – 27A Stubbington Green, Fareham PO14 2JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London and Cambridge Properties Ltd against the decision of Fareham Borough Council.
 - The application Ref P/17/0405/FP, dated 4 April 2017, was refused by notice dated 22 June 2017.
 - The development proposed is the change of use of first floor from snooker hall (Use Class D2) to form 10 residential flats (6 x 2 bed and 4 x 1 bed) including formation of bin and cycle store areas at ground floor, replacement windows to north and south elevations, installation of new window to east and west elevation, and alterations to existing doors and windows to east elevation to form new entrance to the proposed residential units and entrance to bin store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is a large building to the north of Stubbington Green, and the main parties have described the address in a variety of ways. From the evidence before me, including what I saw at my site visit, the address provided by the appellant most accurately describes the location of the property, and I have referred to that above.

Main Issues

3. The main issues are firstly whether the flats would be provided with sufficient parking space; and secondly whether future occupiers would experience acceptable living conditions, having particular regard to noise, disturbance and odour.

Reasons

Parking

4. Positioned to one side of an area of open space, the proposed flats would be above a parade of shops within Stubbington local centre. In addition to a snooker hall, the first floor is used for a variety of community purposes, including a dojo / sports area, function rooms and a lounge café / bar. The centre of Stubbington has a busy and bustling character and appearance with a wide mix of retail units, services and facilities providing for the day-to-day needs of the community.

5. Although cycle parking would be provided with the scheme, there would be no car parking provision for the proposed flats, and this would be contrary to the Council's Residential Car and Cycle Parking Standards Supplementary Planning Document (2009) (SPD). However, the existing use of the first floor would generate a parking demand that has to be accommodated off-site, and due to the variety of uses occurring within the premises and its long opening hours, this would be both a daily daytime and evening parking requirement.
6. Moreover, future occupiers of the flats would benefit from the proximity of the local services within Stubbington and also from the frequent and regular public transport services that would provide access to larger settlements. The evidence of the appellant also refers to the lower level of car ownership for households in flats compared to that in houses. Having regard to this and that the SPD provides for a lower parking requirement in areas of high accessibility, in this instance a wide range of facilities, services and employment opportunities would be available to future residents. These could be accessed through a variety of means without future occupiers being reliant on private vehicles.
7. I accept future occupiers of the flats may own a car even where there would be a range of sustainable alternatives available. Nevertheless, close to the site are a number of public car parks offering both short and long stay parking, in addition to the unrestricted on-street parking nearby. From what I saw during my mid-morning site visit, there was a high level of parking within the public car parks. Nevertheless, the existing uses of the site would generate a parking requirement, including long-stay, and this would have to be accommodated within the area.
8. Thus, in this instance, the proposal would not unacceptably increase parking pressure nearby. There would be a variety of parking and transport options available for future residents, who would be living in an accessible location. This would accord with the requirements of Policies CS5 and CS17 of the Fareham Core Strategy (2011) (CS) and the SPD. These seek amongst other things, appropriate levels of parking and to encourage journeys by walking, cycling and public transport in accessible locations, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. Occupying the ground floor of the appeal building is a row of commercial units that have service entrances to the rear. Directly above these entrances are first floor bay windows that project away from the face of the building, providing a covered canopy for the uses below. The hardstanding to the rear of the building is used by the occupiers of the units for a variety of purposes, including for the positioning of commercial refuse bins, parking, storage and deliveries.
10. The flats to the rear of the building would be mostly single aspect, relying on the bay windows for light and outlook, and each of these dwellings would have habitable rooms directly above and close to the service areas and entrances of the units below. The principal rooms of the flats, including in some cases the bedrooms, would be directly over and above the parking, bins and storage areas of the ground floor commercial uses, and also very close to the access road serving the car park.

11. The current uses of the ground floor units may not be open late at night, but nevertheless future occupiers of the flats would experience frequent noise and disturbance at close quarters. This would be particularly so as the servicing areas of the commercial units would be directly under the bay windows. As I saw during my site visit, large delivery vehicles park adjacent to the rear of the building, very close to the bay windows. In addition there would be frequent disturbance from the access road and public car park, whilst the storage and use of large commercial bins would also generate noise and nuisance, including the potential of odour.
12. Turning now to the refuse and recycling arrangements for the proposed flats, this would be provided in two internal stores, each of which would be segregated from the residential staircase. The enclosure of these facilities in separate rooms on the ground floor of the building would not unacceptably harm the living conditions of future residents.
13. The appellant considers the scheme has a number of benefits that should be given weight, including the provision of a mix of flats in the first floor of an existing building. Additional dwellings in local centre location would be a benefit of the scheme, but it would be a modest benefit that would not outweigh the harm I have found.
14. Thus, future occupiers of the flats would experience unacceptable living conditions, having particular regard to noise, disturbance and odour, and the development would fail to be the high quality of design sought by CS Policy CS17. Nor would it accord with an objective of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. The Council have referred to a requirement for a commuted payment to provide for mitigation measures for the impact of future occupiers upon the Solent Coastal Special Protection Areas. Local residents have also raised a number of concerns, including the loss of a valued business offering a variety of community facilities. However, as I am dismissing the appeal for other reasons, I have not considered these matters further.
16. Finally, the appellant has raised a number of issues regarding the Council's handling of the application. I appreciate such matters would be of concern but they have to be pursued by other means separate from the appeal process and are not for me to consider with regard to the planning considerations of this case.

Conclusion

17. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR