

Tree Officer

The supporting arboricultural evidence is comprehensive and acceptable insofar as it relates to the proposed car deck but it does not address the construction of the eastern staircase and I would need to see a solution in terms of avoiding potential damage to the roots or an alternative siting of the staircase.

Environmental Health Manager

Within the constraints of this type of application, it is considered that there is insufficient environmental grounds upon which to conclude that the development ought to be undertaken elsewhere. On this basis, I have no objection to the proposals.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 26

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary: Three letters of objection were received, two as summarised below.

(a) New will obstruct views out of windows. *see section 7*

(b) When the car park shuts for the 14 week period for the works it will exacerbate on street parking issues in the surround roads and will impact the town centre. *Capacity studies have shown that there are spaces with the other town centre car parks and the car park adjacent to platform 2 will remain open during the construction period.*

(c) Will cause nuisance with anti social behaviour by providing somewhere for people to hide out. *This is not a material planning consideration for this application*

(d) Working hours to just after 4pm are unreasonable - *The working hours proposed are in accordance with general site working and Environmental Health requirements.*

(e) May cause air quality problems. *Environmental Health have concluded that the application is unlikely to materially affect local air quality.*

The third objection has been submitted on behalf of Havant Area Disability Action Group. Network rail have provided comments to address some of the issues raised and these are included as italics at the end of each point. The planning officer's consideration on the matter of injury to amenity are considered within section 7 of this report.

1. Building Controls (Part M) require ramped access no steeper than 1:12 - no such provision exists.. *All disabled parking spaces will be on the ground floor. The station currently has eight blue badge spaces and our surveys show that on average only 2 - 4 are used at any one time. However recognising that demand for such spaces may grow, we propose to mark out an additional four blue badge spaces (bringing the total up to 12) with the opportunity to*

mark out more if it becomes obvious that the demand warrants this. Eight of these will be located under the proposed car park deck. All 12 of these spaces will be located at grade and as close to the station entrance as possible. The upper floor will be designed in line with the Approved Code of Practice for Access for ambulant disabled people. The proposal will be a betterment on the existing situation.

2. The Core Strategy, which as a local policy, has priority over ALL OTHER planning regulations according to the NPPF, includes a strategy for High Quality Design, CS16, paragraph (4) which states: "4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all;". This construction fails that requirement.

The Core Strategy is not a relevant consideration as the works are permitted by virtue of Part 18 of the GPDO, on the basis that prior approval is first obtained.

3. Given that highway changes and closures are required, there has been no consultation with our group, as the recognised local disability group, as mandated under the DfT's "Manual for the Streets". *There is no requirement to undertake consultation under part 18 of the GPDO. Manual for Streets guidance is 'limited to residential and other lightly trafficked streets' and is not relevant to the design of a private car park*

4. The Borough Design Guide, more specifically the appendix for the area in which this car park will be constructed, imposes specific requirements based on the current design and particular nature of the style and construction of local properties. A Car Park would not be in keeping with this policy. *The design and external appearance reflects that of a modern, functional, car park and is not considered to 'injure the amenity of the neighbourhood, which is one of two points for consideration under Condition A2 of Part 18. It should be noted that the principle of development has already been established as part of the Order.*

5. The Borough Design Guide, which supplements CS16 mentioned above, makes very clear statements on the importance of community involvement, and recent changes in the National planning framework further emphasise this. Given the assumption of automatic approval, based on legislation from 1845 which would NEVER even pass minimum requirements for modern legislation, this requirement has been failed. *The GPDO derives from Parliamentary level and specifies in Part 18 how development is to be permitted when authorised by a local or Private Act of Parliament. Community involvement is not stipulated as a condition within the Order.*

6. The most recent national planning model emphasises and places primary importance on local plans and related documents over and above any other legislation. We would submit, therefore, that in ignoring local plans, the 1845 Act which predicates this has no bearing. *The GPDO derives from Parliamentary level and specifies in Part 18 how development is to be permitted when authorised by a local or Private Act of Parliament.*

7. The 2015 Act, quoted in the accompanying letter, states:

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that-

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

With respect to the above, I submit:

7a. There are many other local railway stations in far greater need of (some or more) parking than Havant. Indeed a recent parking review exercise for Havant did not highlight any requirement for increased parking. This construction is simply being performed to satisfy a larger regional requirement for additional spaces.

This is not a relevant consideration in light of the two possible reasons for refusal.

7b. The construction would not be in fitting with the nature of the local area (according to binding local policy documents) *The design and external appearance reflects that of a modern, functional, car park and is not considered to 'injure the amenity of the neighbourhood*

7c. With respect to the amenity, there is no provision for access to the upper deck for disabled people. This is discrimination under the Equality Act (2010) and is thus illegal, and as a railway company, I believe encompassed by the PSED, is also illegal under those legal requirements.

I therefore OBJECT to the development based on its design, its illegal lack of accessibility, the relevance of 1845 legislation as applied, as well as the 2015 legislation. Permission should NEVER be assumed, and it is wholly against current Government Policy, as enshrined in current planning law, the Equality Act, the Localism Bill and many other pieces of legislation, for a quasi governmental company to simply declare its intent to build something. *Disabled provision is provided on the ground floor and will provide a betterment on the existing disabled parking situation at the station.*

PLANNING OFFICER: According to legislation, I have provided numerous valid items of material consideration which must be properly weighed before making an arbitrary decision. According to current planning rules, LOCAL POLICIES over-ride all other planning-related legislation and rules. *This is not a planning application. The GPDO specifically highlights that the Prior Approval cannot be refused unless the appropriate authority is satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification so as to avoid such injury.*

7 Planning Considerations

7.1 A general planning permission exists for the development proposed by virtue of the provisions of Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015. The Development Control Practice resource states : "In effect, Class A provides only an outline permission, as prior approval is required for detailed plans and specifications for any building or infrastructure. Prior approval can only be refused on the grounds of injury to amenity or better siting being possible."

As such the criteria for consideration of this proposal as set out in the GPDO are considered to be solely concerned with the following factors:

(i) Impact upon the amenities of the neighbourhood, trees and residential amenity

7.2 The proposed car deck will occupy much of the existing site and as such will be prominent in views from the surrounding highway network and residential areas. A functional and visually permeable design has been proposed which minimises the bulk of the structure, however it is still the case that it will contrast markedly with the residential development surrounding the site on its northern, eastern and western sides. In other respects, however, the proposal will replace existing car parking provision and will sit adjacent to the existing train track, associated railway buildings and high fencing - the car park acting as a transition between the residential areas and the railway land to the south. Whilst it would have been preferable for the extent of coverage of the deck to be set further off the Eastern Road frontage to mitigate the visual impact of the deck on the streetscenes of both Eastern Road and Elm Park Road, having regard to the wording of the GPDO it is not considered that this modification in design could have still secured the size of car park applied for without a further storey of decking being required - which itself would have further implications for the amenity of the neighbourhood.

It is therefore concluded that whilst the proposal will form a prominent and somewhat jarring feature in the streetscenes surrounding the site, these impacts are localised (given the single deck proposed) and could not reasonably be modified to achieve the same scale of car park without further implications for amenity. There are not therefore considered to be any sustainable grounds for refusal of prior approval on grounds of the impact on the amenity of the neighbourhood.

7.3 The Council's Tree Officer is satisfied with the submitted arboricultural report in respect of the construction of the car parking deck. However, he has raised concerns that the external staircase as proposed to the west of the car park deck has not been addressed within the submitted report. This has been raised with the applicant and they have advised that they consider that the staircase can be constructed without harm to the adjacent TPO trees. However, this has not been evidenced within a tree report and the TPO trees are of such value to the visual amenity of the area that it is considered that their loss would cause substantial injury to the visual amenity of the area. As such, the scheme would not accord with the requirements of condition A.2 of Part 18 and therefore it is considered justified to condition that an updated tree report is submitted and approved in writing by the LPA prior to commencement of the construction of the staircase.

7.4 It is considered that the scale of the car park deck will be considerable and will impact

the visual amenity of the surrounding dwellings to some degree. However, the view from the surrounding dwellings is already over a car park and associated railway works and fencing. The case officer had initial concerns that the effective increase in the height of the parking area would cause headlights to directly shine into the surrounding dwellings. However the applicant has advised the screening as shown on the elevation plans will be above headlight levels and will prevent unacceptable levels of light spill accordingly.

8 Conclusion

- 8.1 The prior approval application has been considered in accordance with the requirements and conditions of Part 18 of the Town and Country Planning (General Permitted Development) Order 2015. It is considered that the car parking deck accords with condition A.2 in that it cannot reasonably be carried out elsewhere on the land or be capable of modification to avoid harm to the amenities of the neighbourhood. However, it must be demonstrated, through the submission of an updated tree report, that the staircase to the west of the car park deck would not cause harm to the adjacent trees.

9 RECOMMENDATION:

That the Head of Planning be authorised to for application APP/16/00205 subject to the following conditions:

- 1 No development shall take place with regard to the construction and installation of the staircase to the east of the car deck, as shown on submitted Ground Floor Position Plan, until an updated Arboricultural Impact Assessment and Method Statement have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing trees and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan prepared by Martin Dobson Associates dated 17 February 2016 ref E02
Email from Harry Watkin dated 17 March 2016 stating that the steel stair case would not be constructed as a free standing structure
Summary of works document received 19 February 2016
Covering letter dated 19 February 2016
Proposed Upper Level Plan drwg.no 0102 received 19 February 2016
Proposed Ground Level Plan drwg.no 0101 received 19 February 2016
Proposed Sections drwg.no 200 received 19 February 2016
Proposed Elevations received 19 February 2016

Reason: - To ensure provision of a satisfactory development.