

Please ask for:

Lisa Young

Direct dial:

(023) 9254 5651

Fax:

(023) 9254 5587

E-mail:

lisa.young@gosport.gov.uk

27 February 2012

S U M M O N S

MEETING: Regulatory Board
DATE: 6 March 2012
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

Please note: Site visits have been arranged for 10.00am at 12 Carisbrooke Road, Gosport and 10.45am at 14 Russell Road, Lee-on-the-Solent on the morning of this meeting.

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Carter CR) (ex officio)
Chairman of the P and O Board (Councillor Hook) (ex officio)

Councillor Philpott (Chairman)
Councillor Ronayne (Vice Chairman)

Councillor Allen	Councillor Hylands
Councillor Mrs Bailey	Councillor Langdon
Councillor Beavis	Councillor Scard
Councillor Geddes	Councillor Smith
Councillor Henshaw	Councillor Wright

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm being activated, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

Legal Democratic and Planning Services: Linda Edwards – Borough Solicitor
Switchboard Telephone Number: **(023) 9258 4242**
Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a member of the Board wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

Recommended
Minute Format

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 12 JANUARY 2012

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 2 March 2012. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 2 March 2012).

6. K1713/3 - COUNTY CONSULTATION – REGULATION 3 – ERECTION OF SINGLE STOREY EDUCATION CENTRE (as amplified by information received 31.01.12)

PART II
Contact Officer:
Ian Humble
Ext 5604

This planning consultation has been received from Hampshire County Council and is for the erection of a single storey building for use by the Quayside Education Centre at Woodcot County Primary School, Tukes Avenue, Gosport.

Hampshire County Council is the applicant and Local Planning Authority for determining the planning application. Gosport Borough Council has been consulted as part of the application process as the proposal is located in this Borough.

Regulatory Board
6 March 2012

PART II
Contact Officer:
Debbie Gore
Ext 5455

7. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –33/1)*

8. ANY OTHER ITEMS

*- which by reason of special circumstances the Chairman
determines should be considered as a matter of urgency.*

AGENDA ITEM NO. 6

Board/Committee:	Regulatory Board
Date of Meeting:	6 March 2012
Title:	K1713/3 – COUNTY CONSULATION – REGULATION 3 – ERECTION OF SINGLE STOREY EDUCATION CENTRE (as amplified by information received 31.01.12)
Author:	Borough Solicitor
Status:	FOR DECISION

Purpose

This planning consultation has been received from Hampshire County Council and is for the erection of a single storey building for use by the Quayside Education Centre at Woodcot County Primary School, Tukes Avenue, Gosport.

Hampshire County Council is the applicant and Local Planning Authority for determining the planning application. Gosport Borough Council has been consulted as part of the application process as the proposal is located in this Borough.

Recommendation RAISE NO OBJECTION

subject to the following conditions;

1. The new vehicle access shall be provided in accordance with the approved plans before the development hereby permitted is first brought into use and thereafter retained.

Reason - In the interests of highway safety, and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

2. The new vehicle access shall not be used until the existing accesses to the site have been closed in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of highway safety, and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

3. The development hereby permitted shall not be first occupied until the areas shown on the approved plan for the parking and turning of vehicles have been made available, surfaced and marked out in

accordance with details submitted to and approved, in writing, by the Local Planning Authority and these areas shall be retained for that purpose at all times.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

4. The trees and hedges on the site which are shown to be retained (Drawing Number; P9200-A-106 Rev A) shall be protected during building operations by strict compliance with BS5837:2005 - Trees in Relation to Construction.

Reason - To ensure the enhancement of the development by the retention of natural features, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

5. The acoustic barrier shown on plan P9200-A-106 Rev A shall be provided before the development hereby permitted is first brought into use and thereafter retained.

Reason - In the interests of residential amenity, and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

6. Before the development hereby permitted is first brought into use bicycle storage facilities shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that adequate bicycle storage is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

7. Before the development hereby permitted is first brought into use facilities for the storage of refuse for removal from the premises, including a bin collection area, shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of amenity, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. Before the development hereby permitted is first brought into use, details of the proposed Travel Plan, including a method for its implementation and on-going management, monitoring and review, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason – To encourage sustainable alternatives to the private motor vehicle and in the interests of highway and pedestrian safety, and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local

Plan Review.

9. The Multi Use Games Area (MUGA) shall not be used, other than during term time between the hours of 08.00 and 16.00, on Monday to Fridays only, and at no time whatsoever on Saturdays, Sundays, Bank Holidays or during school holidays.

Reason - In the interests of residential amenity, and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

10. No percussive piling or works with heavy machinery (for example pneumatic drills, excavators and dumper trucks) shall occur within the waterfowl over-wintering period (1 October – 31 March inclusive).

Reason – In the interests of nature conservation and to comply with Planning Policy Statement 9 (PPS9) and Policy R/OS13 of the Gosport Borough Local Plan Review.

1.0 Background

- 1.1 Woodcot County Primary School is located on the eastern side of Tukes Avenue, within the Urban Area Boundary, as defined on the Proposals Map of the Gosport Borough Local Plan Review. The principal school building is part single storey, part two storey and is constructed from red brick. Vehicular entry/egress is via a single access point positioned approximately mid-way along the site frontage. There are hard surfaced play areas on the northern and eastern sides of the school building as well as an open air swimming pool. There is a large area of green space in the south eastern corner of the site and the school campus is well screened by well established lines of mature and semi-mature trees. Immediately to the south of the application site is the Kent Road Family Centre.
- 1.2 The highway at the front of the site is the subject of a 30 mile per hour (mph) speed restriction. Parking restrictions apply on the eastern side of the road, immediately in front of the application site. It is served by services 85 and 86 and G1 of First Bus Group. Services 85 and 86 run between Bridgemary, Brockhurst, the Town and Fareham. Service G1 is a circular route around the Bridgemary area. The nearest bus stop is approximately 100 metres from the application site. The surrounding area is characterised, for the most part, by two storey residential properties.
- 1.3 Quayside Education Centre currently operate from 2no. separate sites in Fareham and at St. Vincent College, Gosport. Hampshire County Council has identified a need to amalgamate the two centres and the application site has been chosen as it is considered to best

serve the Centre's intended catchment area. This centre would provide purpose built educational facilities for up to 48no. pupils (aged 11-16) who have been excluded from school or whom are considered too emotionally vulnerable to attend mainstream education. Additional information has been provided to clarify the operating times of the Education Centre and the existing school and the landscape proposals for the site.

2.0 Relevant Planning History

- 2.1 K1713 - erection of County junior school - No Objection Raised – 25.09. 53
K1713/1 - County Consultation - Regulation 3 - recladding to north, south, east and west elevations - No Objection Raised - 26.06.02
K1713/2 - County Consultation - Regulation 3 - erection of canopy to south east elevation of school building - No Objection Raised - 20.05.08

3.0 The Proposal

- 3.1 The proposed building would be sited to the north of the existing school building, on land currently comprising a hard surfaced play area. It would be arranged as a quadrangle, enclosing a central landscaped courtyard. The building has been designed with a series of mono-pitched roofs and would be clad in facing brickwork with large areas of glazing provided in order to maximise the amount of natural light available to classrooms and to utilise views of the proposed courtyard and boundary vegetation. Internally, the education centre would comprise a number of classrooms/teaching areas, a common room and a dining area. The building would have an internal floorspace of approximately 1050 square metres.
- 3.2 The new building would be sited 2.8 metres from the existing school and would be set back 15 metres from Tukes Avenue. It would be enclosed on three sides by a mix of existing semi mature trees. The trees have not been maintained in recent years and it is, therefore, proposed to thin the trees by 40-50% in order to encourage the healthy future growth of individual specimens. An existing 1.5 -2 metre high Laurel hedge which fronts part of Tukes Avenue and Laphorn Close would be retained and allowed to grow in order to increase the privacy of pupils and residential occupiers. The construction of the education centre would require the removal of a number of trees. To compensate for this loss, it is proposed to plant a number of replacement specimens. The trees to be retained would be protected, where necessary, in accordance with BS5837:2005.

- 3.3 In order to make best use of space, pedestrian and vehicle routes into and around the site would be reconfigured, providing a one-way system whereby vehicles would enter and exit the site via separate access points. A new pedestrian entrance, positioned at the northern end of the site, would provide access into the education centre. The existing pedestrian access to the existing primary school would be relocated to the southern end of the site.
- 3.4 The proposal would increase the number of car parking spaces at the site to 40no. including 2no. disabled access spaces positioned near to the entrances of the existing school and the proposed Education Centre. The spaces would be available for use by both establishments. In addition, 2no. spaces for dropping-off/collecting children would be provided adjacent to the entrance to the Education Centre. The proposed Education Centre would be served by 6no. secure bicycle parking spaces, positioned adjacent to the entrance, while the existing school would be provided with 12no. secure spaces. The application indicates that the Education Centre would implement a Travel Plan, designed to promote sustainable travel patterns, with a designated member of staff assigned to promote its targets and monitor its success. New bin storage facilities are shown adjacent to the entrance to the site.
- 3.5 The proposed education centre would employ 21no. full time staff and 9no. part time staff. The proposal would not affect the staffing arrangements at Woodcot County Primary School, which would remain at 14no. full time and 37no. part time employees. It is proposed that the start and finish times for the Education Centre and Primary School are staggered to reduce congestion and segregate pupils of different age groups. The Education Centre classes would operate between 8.15am and end at 2.30pm. Woodcot Primary School classes begin at 8.45am and end at 3.15pm. Pupils at the Education Centre would be educated in small groups (6-8 in number), with a high staff to pupil ratio. Staff are likely to occupy the building after the core teaching hours, but within standard/expected office hours. No general community uses are proposed.
- 3.6 It is also proposed to create a Multi Use Games Area (MUGA), positioned to the east of the proposed education centre and sited 10 metres from the rear boundaries of the properties in Laphorn Close. The MUGA would occupy land that currently comprises part of the school's playing field. It would be available for use by both the proposed education centre and the existing primary school. In order to protect the amenities of neighbouring occupiers, it is proposed to partly enclose the MUGA with acoustic fencing. The MUGA would not be used outside of normal school hours and would not, therefore, be

floodlit. A further area of hard surfacing is proposed immediately to the south of the existing school, in order to compensate for the loss of the existing play area at the northern end of the site and to comply with current standards for educational facilities. The plans show that the land to the rear of the proposed Education Centre would be separated from the existing school by acoustic fencing.

- 3.7 The application is supported by a Tree Survey and information on the proposed security measures for the building, drainage, treatment and disposal of foul and surface water and ecological conservation.

4.0 Planning Policy

- 4.1 The following policies are relevant to the consideration of this consultation;

National Planning Policy

Planning Policy Statement 9 (PPS9)

Biodiversity and Geological Conservation

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/CF1

New or Improved Community and Health Facilities

R/T2

New Development

R/T3

Internal Layout of Sites

R/T11

Access and Parking

R/OS4

Protection of Existing Open Space

R/OS13

Protection of Habitats Supporting Protected Species

R/ENV10

Noise Pollution

5.0 Summary of Consultation Responses

Natural England

No objection subject to a condition to control the timing of percussive piling or works with heavy machinery in order to avoid disturbance to over-wintering birds.

Building Control

No objection.

Crime Prevention & Design

Update to be provided.

Environmental Health

Update to be provided

Local Highway Authority

The existing road has traffic calming features which are effective at reducing traffic speeds. The visibility at the proposed entrance meets the required standards for a 30mph road. Although there are trees in the highway verge, these have a minimal interference with visibility. The proposed entrance will improve the swept paths for vehicles entering the site. The proposed one-way system is appropriate and delivery areas are shown. The proposed car parking provision is acceptable, particularly as there is a well serviced bus stop within 100 metres of the site. Some pupils are also likely to be dropped off by taxi. Cycle parking is also shown. A workplace Travel Plan is suggested to promote other modes of transport ie, cycling, walking and buses and this could be controlled by condition.

6.0 Public Response

- 6.1 The publicity for this proposal has been undertaken by Hampshire County Council.

7.0 Planning Issues

- 7.1 Information submitted with the application clarifies that there are no issues regarding ecology or archaeology and the Borough Council's Landscape Officer has confirmed that, on the basis of the submitted tree survey, the landscape proposals are acceptable. A condition could be attached to control the timings of construction works to avoid disturbance to over wintering birds and to ensure that the trees to be retained are protected in accordance with the British Standards. The main planning issues for Gosport Borough Council to consider in this case, therefore, are the acceptability of the proposal in land use terms, the acceptability of the design and the impact of the development on the visual amenity of the locality, the amenities of adjacent occupiers, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and refuse collection.
- 7.2 The site is located within the Urban Area Boundary where the principle of this type of development is acceptable and the use of the

site for educational purposes is already established. The development will enhance an existing educational establishment, will safeguard jobs and will serve members of the local community. It will amalgamate two existing facilities and will provide a purpose built centre for its pupils. The site has been specifically chosen as, geographically, it is considered to best serve its intended catchment area. Although the provision of the MUGA will result in the loss of an area of green space, it would provide a purpose built recreational facility for prospective and existing pupils by way of replacement. The site is also well serviced by other areas of open space, which will remain readily accessible to the pupils of Woodcot County Primary School and on balance, therefore, the marginal loss of green space and replacement with a new play facility is considered acceptable and an enhancement in qualitative terms. Under the circumstances, the proposal is considered acceptable in land use terms, in accordance with Policies R/DP1, R/CF1 and R/OS4 of the Gosport Borough Local Plan Review.

- 7.3 The proposed building has an innovative design. It is of limited height and will be set back a significant distance from the road frontage. In light of this, its siting relative to the existing school building and the fact it will be well screened by mature and semi mature trees, the development will not create an incongruous feature in the streetscene, or harm the visual amenity of the locality. Due to its siting at the rear of the proposed building, the proposed MUGA will not be readily visible from public view. The MUGA and new hard surfaced play area are considered to be appropriate within the context of this school site and it is not considered that they would detract from the character or appearance of the locality, in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review.
- 7.4 Due to its design and siting relative to the adjacent residential properties, the proposed building will not harm the amenities of neighbouring occupiers in terms of loss of light, outlook or privacy. The MUGA will not be floodlit and the proposal is unlikely, therefore, to harm residential amenity with regard to light pollution. The MUGA will replace a grass area that is already used by children during lunchtimes/breaks and its use, therefore, is unlikely to increase disturbance to adjacent occupiers, particularly as it will be enclosed by acoustic fencing. To protect future residential amenity, it is considered appropriate to request that Hampshire County Council attach conditions restricting the use of the MUGA to 08.00-16.00, Mondays-Fridays, during term time only, and the submission of details relating to the implementation and retention of the proposed acoustic fencing.

- 7.5 The provision of a new education centre is likely to increase the amount of activity at the site and the number of trips (both vehicular and pedestrian) to and from the premises. The majority of the activity, however, (ie, vehicle movements, dropping off, collecting etc) will be concentrated at the front of the site and it is unlikely, therefore, that the development would harm the amenity of neighbouring residents in terms of noise disturbance, particularly as pupils will only attend the education centre during normal school hours. The new hard surface play area is positioned over 60 metres from the nearest residential property, and its use would not result in a harmful level of disturbance to adjacent occupiers. In light of paragraphs 7.4 and 7.5, the proposed development is considered to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.
- 7.6 The Local Highway Authority has confirmed that the proposal will provide safe and convenient entry and egress and, taking into account the staggered arrival and departure times, it is not considered that the development will significantly alter local traffic conditions or contribute to harmful levels of congestion in the local highway network. Given the staffing arrangements, 40no. spaces is considered an adequate provision to meet the likely demand for car parking at the site and it is, therefore, unlikely that the proposal will result in significant overspill parking in the local highway network to the detriment of local amenity and/or highway and pedestrian safety. The existing parking restrictions at the front of the site will help to prevent inappropriate parking and facilitate the continued free flow of traffic along Tukes Avenue. Facilities are shown for the parking of bicycles which will encourage sustainable travel alternatives to the use of private motor vehicle. Given their demographic, it is likely that a number of pupils will arrive at the site on bicycle, by foot, or on public transport, further reducing the requirement for car parking at the site. Notwithstanding this, it is considered appropriate to request a condition controlling the implementation of the proposed Workplace Travel Plan in order to promote, encourage and monitor sustainable travel patterns. An appropriate area of space has been allocated for the parking of delivery and refuse collection vehicles and facilities are shown for the storage of refuse. Subject to the above condition, and a condition controlling the implementation and future retention of the proposed car and bicycle parking facilities, the development is considered acceptable in terms of highway and pedestrian safety, in accordance with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
- 7.7 For the above reasons, and having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004

and all other material considerations, the proposed development is considered acceptable in land use terms. It has an acceptable design and will not harm the visual amenity of the locality, the amenities of neighbouring occupiers, the interests of nature conservation, local traffic conditions or highway and pedestrian safety. Appropriate provision has been made for vehicle and bicycle parking and refuse storage and collection. The development, therefore, complies with Planning Policy Statement 9 (PPS9) and Policies R/DP1, R/CF1, R/T2, R/T3, R/T11, R/OS4, R/OS13 and R/ENV10 of the Gosport Borough Local Plan Review.

Financial Services comments:	<i>N/A</i>
Legal Services comments:	<i>Included in the report</i>
Service Improvement Plan implications:	<i>N/A</i>
Corporate Plan:	<i>N/A</i>
Risk Assessment:	<i>N/A</i>
Background papers:	<i>Plans and Documents in Respect of Planning Application K1713/3</i>
Appendices/Enclosures:	<i>Location Plan</i>
Report author/ Lead Officer:	<i>Ian Humble, Senior Planning Officer,. Ext: 5604</i>

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

6th March 2012

ITEMS WITH RECOMMENDATIONS

1. Copies of drawings and accompanying planning applications referred to in this schedule will be made available for inspection by Members from 5.00 pm immediately prior to the meeting. Unless otherwise advised, these plans will be displayed in the room in which the Regulatory Board is to be held.
2. The number of objections and representations indicated in the schedule are correct at the time the recommendations were formulated. Should any representations be made after this date, these will be notified to the Regulatory Board during the officer presentation.
3. Copies of all representations received from the public will be made available for inspection by Members in the same way as drawings will be made available, referred to in Note 1 above.
4. An index of planning applications within this schedule can be found overleaf, together with a summary of each recommendation.

INDEX				
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03-07	K17981	14 Russell Road Lee-On-The-Solent Hampshire PO13 9HP	Grant Permission
02.	08-11	K17994/1	12 Carisbrooke Road Gosport Hampshire PO13 0HH	Grant Permission
03.	12-17	K17874/2	Land To Rear Of 84 Priory Road Gosport Hampshire PO12 4LG	Refuse
04.	18-30	K464/3	91 Oval Gardens Gosport Hampshire PO12 2RD	Grant Outline Consent
05.	31-33	K7886/15	Raglan Court Gordon Road Gosport Hampshire PO12 3PT	Refuse

ITEM NUMBER: 01.
APPLICATION NUMBER: K17981
APPLICANT: Mr G Brennan
DATE REGISTERED: 29.06.2011

ERECTION OF TWO STOREY SIDE/REAR EXTENTION AND RETENTION OF DETACHED GARAGE (as amended by plans received 29.09.2011 and amplified by badger survey received 21.09.2011 and method statement received 28.11.2011)
14 Russell Road Lee-On-The-Solent Hampshire PO13 9HP

The Site and the proposal

This application was considered by the Regulatory Board on 12 January 2012 when Members resolved to defer it for a site visit. The information submitted during the deputation process has raised some additional issues relating to access and egress pathways and shrub cover for the badgers which have been considered by Hampshire County Council's Ecology Section and comments are included in this report.

The application property is a semi-detached two storey dwelling of brick construction under a hipped, tiled roof. The house is located within an established residential area on the eastern side of Russell Road. The site is approximately 37 metres long and approximately 20 metres wide at the rear, tapering to approximately 11 metres wide at the front, and is bounded by a 1.8 metre high fence and a number of mature trees and hedges. The house is set back from the highway to the west by approximately 5.8 metres and is set off the northern boundary by a minimum of 5 metres. To the rear of the garden is a badger sett. The garden has areas that are overgrown with brambles, particularly the northern and eastern sections, and there is an existing detached garage located to the north east of the dwelling and a shed alongside. To the rear of the shed, adjacent to the northern boundary, and set back from the highway by approximately 19 metres, is a second garage that was completed in October 2011. This garage is 5.35 metres deep and 3.9 metres wide. It has a pitched roof with an overall height of 2.8 metres.

The adjacent house to the north, number 14a, is a detached dwelling set at an angle to the application property and is positioned a minimum of 13 metres away. It has a detached garage located adjacent to the common boundary. The adjoining property to the south, number 12, has a two storey side/rear extension on the south eastern corner of the dwelling. The extension projects approximately 3 metres from the rear elevation and is set off the boundary with the application site by approximately 3.2 metres. The first floor of the extension overhangs the ground floor and it has a window in each of the rear and side elevations. To the east of the site is Lee Recreation Ground.

It is proposed to demolish the older of the two garages and erect a two storey side/rear extension on the north eastern corner of the dwelling. The extension would be set back from the front elevation by 2 metres and would project 3 metres beyond the side elevation. It would extend 3.8 metres beyond the rear elevation and would have a hipped roof 7.8 metres high, which would be 0.8 metres lower than the ridge of the original dwelling. It would be constructed using matching materials and would have a ground floor window and high level obscure glazed window in the south western elevation, a ground floor window and two first floor windows in the south eastern elevation, a window in each of the two stories of the north western elevation and a pedestrian door in the north eastern elevation.

The application also proposes to retain the second garage that has recently been constructed adjacent to the northern boundary.

The application is supported by a Badger Survey and a Method Statement which sets out how the excavation works will be carried out and supervised to protect the badgers and the sett and also the methods to be used to encourage foraging and provide supplementary feeding during the works and for a time after completion.

Relevant Planning History

Nil

Relevant Policies

Planning Policy Statement 9: Biodiversity and Geological Conservation

Gosport Borough Local Plan Review, 2006:

R/OS13

Protection of Habitats Supporting Protected Species

R/DP1

General Standards of Development within the Urban Area

R/T11

Access and Parking

Consultations

Environment Agency (Hants & IOW)	No objection.
Local Highway Authority	No objection. The proposed extension and detached garage are located off Russell Road which is a suburban road with a wide carriageway, and a footway on both sides. The existing access is to be utilised and adequate visibility splays are already available.
Natural England	Referred to standing advice. No objection provided conditions are attached relating to approval of mitigation measures for the protection of badgers.
HCC Ecology	On the basis of the information available at this time, subject to the imposition of appropriate conditions requiring adherence to the submitted Method Statement and the securing of access provision at the front and rear of the site and details of the on-site additional protected foraging areas and controls over the timing of the works, it is considered that the impact on protected species has been properly assessed and evaluated and the proposals include appropriate measures to protect and mitigate any impact on the badgers and deal with any unexpected impacts should these be encountered.

Response to Public Advertisement

1 petition of objection containing 58 signatures.

20 letters of objection

Issues raised:-

- previous applications were refused on account of badgers and previous pre-application advice precluded development on site
- unsatisfactory consultation by the Local Planning Authority

- question veracity of Badger Survey
- applicant used ecology report without permission and content contravenes Data Protection Act
- works contravene Badger Act 1992
- badger licence required
- application contains errors relating to trees on the site and an inaccurate site plan
- effect on property's value
- loss of privacy, light & outlook
- impact on parking provision in area
- impact on badger's habitat
- impact on wider ecology
- damage to neighbouring gardens by badgers
- number of badgers that use the sett has declined, not increased
- a site visit by members should be undertaken and decision deferred

13 letters of support

Issues raised:-

- impact on badgers can be mitigated by the imposition of a Planning Condition
- applicants are following guidance of badger specialists, and works would be carried out under supervision of experts
- increased activity is an indication of sett being in good condition
- neighbours ought to take preventative measures against badger activity
- badger activity has neither increased nor decreased recently
- applicants are dealing with badgers in a sympathetic manner

Principal Issues

1. There have been no other applications for planning permission on the site and there has only been one instance of pre-application advice, which was not provided to the objector and did not preclude development. It advised that adequate consideration must be given to the badgers to ensure that they are unaffected by the proposal or, that appropriate mitigation measures be implemented to safeguard their future. Natural England and Hampshire County Council's Ecology Section were consulted during the determination of the application, in accordance with the Local Planning Authorities procedures and statutory obligations and the submitted ecology reports have been produced by a badger expert, whose professional credentials are to the satisfaction of Hampshire County Council's Senior Ecologist. The initial ecology report was commissioned by a third party and its use by the applicant is a private matter between himself and the other interested parties. The report does disclose the name and address of who commissioned the survey. However, the content of the report is concerned with badger activity on the application site and does not contain other personal data. There was no reason for the Local Planning Authority to believe that the applicant had submitted this supporting document without consent. As soon as it was brought to the Council's attention the document was removed from the website. This report was superseded by a further report commissioned by the applicants and it was upon the information contained in this later report, and other supporting documentation, that the Officer's recommendation is based. Whether an offence has taken place in contravention of the Badger Act 1992 is a matter for the police and Badger Licences are administered by Natural England. The site visit establishes position of trees on site and the submitted detailed elevations clarify scale of development. Issues of future property values are not a material planning consideration. The main issues in this case, therefore, are the acceptability of the design of the extension and garage, their impact on the visual amenity of the locality and the amenities of the occupiers of the adjoining dwellings, highway and pedestrian safety and the impact upon habitats that support Protected Species.

2. The proposed extension has been designed with a hipped roof which is compatible with the design of the main roof. The extension would be subservient to the main dwelling, built using matching materials and is of a compatible and acceptable design. The adjoining property to the south, number 12 Russell Road, has a similar addition, and as such, the proposed extension is in keeping with the area. The garage has a simple design and its height, scale and form is consistent with what would be expected of a detached garage. It is set back from the highway and is acceptable in design terms in this location and does not have a detrimental impact on the visual

amenity of the locality. Under the circumstances, the development will not have a harmful impact on the appearance of the dwelling or the visual amenity of the locality and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. Having regard to the position and height of the garage adjacent to the boundary, it will have no harmful impact on the amenities of any of the occupiers of the neighbouring dwellings. With regard to the extension, given the orientation of and separation distances between the properties, the extension would have no impact on the occupiers of the adjacent dwelling to the north. The relationship between number 12 and the application property is such that given the use of obscure glazing in the first floor window facing that property, the development would not have a harmful impact on the occupiers of that property in terms of loss of privacy. Furthermore, the hipped roof of the proposed extension helps to reduce its overall mass, and taking into consideration the orientation of the properties and the depth of the extension, the proposal would not appear unduly oppressive or overbearing to the neighbouring residents. The gardens are east facing and, as such, any resultant loss of light from the proposed extension would be minimal and would not create an unacceptable living environment for the occupiers of the neighbouring properties. Under the circumstances, the proposed development is acceptable and would not have a harmful impact on the living conditions of the adjacent occupiers and, as such, complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The access to and from the site is adequate and there has been no reduction in the number of available parking spaces. The location of the garage is such that the doors can be opened without them overhanging or obstructing the public highway. As such, the development is not detrimental to highway or pedestrian safety, in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

5. Whilst the erection of the new garage may have impacted upon the badger sett, Hampshire County Council's Senior Ecologist has advised that the badgers may have excavated new tunnels under the garage in response, and, as such, its removal could cause further harm. The position of the extension is of a sufficient distance away from the sett to not have a direct adverse impact on the badgers' habitat. It has been suggested that the perceived increased badger activity in the wider area may be a consequence of habitat changes in the locality. The Method Statement recommends a number of measures to protect the badgers during and after the works and preserve and enhance the badger's habitat. These measures include supervision of the works by a qualified ecologist, supervised excavation of the trenches by hand and supplementary planting within a protected foraging area in the rear garden. This approach is supported by Hampshire County Council's Senior Ecologist. To secure the implementation of these measures and address the issues raised in the depositions to the Regulatory Board relating to badger access routes and the means of protecting the sett entrances and associated areas of habitat, it is proposed to impose planning conditions to require adherence to the submitted Method Statement and the submission, approval and implementation of appropriate access provision and on-site protected foraging areas and the timing of the works. For the above reasons, the proposal would not impact harmfully upon any protected species and, therefore, accords with PPS9 and Policy R/OS13 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development is acceptable in this location. It is acceptable in design terms, will not have a harmful impact on the amenities of the occupiers of the neighbouring properties or highway and pedestrian safety or protected species and, as such, complies with PPS9 and Policies R/DP1, R/T11 and R/OS13 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

240/372/1, 240/372/2, 240/372/3, 240/372/4, 240/372/5, 240/372/6, 240/372/7 and 240/372/8

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The materials to be used in the extension shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Site clearance and preparation, excavation of foundation trenches and construction of the extension up to damp course level shall only take place between 1st July and 30th November. These works shall be carried out in accordance with the supervision, management of spoil piles, contingency planning and monitoring specified in the Regarding Badgers (November 2011) Method Statement hereby approved.

Reason - To protect the ecological interests of the site and to comply with Policies R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

5. Prior to the commencement of works relating to the two storey extension, hereby approved, details of the measures to secure badger access between the sett and the front garden of the property and from the rear of the property to the adjacent recreation ground, and details (including plans) of the areas to be fenced off around the sett entrances and the associated areas of habitat to be created and retained, shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the measures retained thereafter.

Reason - To protect the ecological interests of the site and to comply with Policies R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: K17994/1
APPLICANT: Mr Paul Farrugia
DATE REGISTERED: 20.09.2011

RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF FRONT AND REAR EXTENSIONS, THE INSERTION OF FIVE ROOF LIGHTS IN NORTHERN ROOFSLOPE AND ERECTION OF BOUNDARY WALL

12 Carisbrooke Road Gosport Hampshire PO13 0HH

The Site and the proposal

This application was considered by the Regulatory Board on 12 January 2012 when Members resolved to defer it for a site visit.

The application site is located on the eastern side of Carisbrooke Road and contains a detached bungalow with a pitched roof. The site is approximately 45 metres long and 12 metres wide and bounded by a fence on the southern boundary that is 2 metres high. There is a large, detached outbuilding to the rear of the site that has a mono-pitched roof approximately 3m high and is 8.5 metres deep and 11 metres wide. The site slopes from the northwest to the southeast and backs onto a public footpath with an intervening strip of 3-4 metre high mature planting. The dwellings to the east and west are positioned in excess of 35 metres away. The property to the north, number 14 Carisbrooke Road, is set off the common boundary by 5-6 metres and has a similarly sized rear garden with a detached outbuilding adjacent to the boundary with the application site. This property has a window in the gable facing the application site that serves accommodation in the roof space.

The property to the south, number 10, is located on the corner of Carisbrooke Road and Long Drive. This property has a shallow pitched roof that is approximately 2.5 metres lower than the roof of the application property. The principal elevation is to the southwest and it has garden areas on three sides. It is set off the boundary with the application property by approximately 0.9 metres and is set back from the front elevation by approximately 4 metres. This property has a large outbuilding in the rear garden and has previously been enlarged to the front and rear and the northern elevation contains three obscure glazed windows that serve bathrooms and a fourth window that serves a kitchen/diner. The kitchen/diner also receives light from a window in the rear elevation and a conservatory which is positioned in the south east corner of the property. There is a section of fencing adjacent to the windows in the northern elevation that consists of 1.6 metre high wooden panels with a 0.4 metre high trellis above that is covered with semi-translucent plastic.

It is proposed to erect front and rear extensions to the dwelling and insert five roof lights in the northern roofslope. This applicant also proposes the retention of and further works to erect a boundary wall, which has been substantially completed. The front extension would be 1.2 metres deep and would cover the full width of the property with a matching eaves and overall height. It would have a front facing bay window and entrance door with a canopy over. The rear extension would project 5.9 metres and would be set in from the side elevations, and down from the top of the existing roof, by 0.4 metres. It would have a window and a set of double doors in the rear elevation and a window in the gable serving a bedroom in the roof space, and a single window in the north eastern side elevation. The extension would increase the footprint of dwelling, however, an approximately 12.5 metre deep rear garden would be retained.

The extension would be set off the southern boundary by 2.4 metres and there would be a gap of 3.3 metres between the opposing elevations of the extension and number 10 to the south. The eaves of the extension would be approximately 0.1-0.2 metres higher than the eaves of number 10. Similarly, the ridge of the extension would be approximately 2.1 metres higher than the overall height of this neighbouring property. This higher roof section would be visible from Long Drive and the southern section of Carisbrooke Road.

The boundary wall is 20.9 metres long and rises in height from 1 metre adjacent to the highway to 1.7 metres towards the rear of the garden. The wall has a maximum height of 2.4 metres within the curtilage of the application property, given the differing ground levels. It is constructed of facebrick and has 10 piers with metal railings in between for the first four sections and brick infill for the remainder of the wall.

Relevant Planning History

K17994 - retention of and further works to erect a single storey outbuilding and access steps – permitted 28.09.2011

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

Consultations

Nil

Response to Public Advertisement

1 letter of objection

Issues raised:-

- application description is incorrect, the extensions are two storey, not single storey
- relevant planning history is incorrect
- kitchen is a habitable room as it is combined with the dining room
- rear extension would be overbearing
- loss of light
- loss of outlook
- concerns over comments made by Members during Regulatory Board meeting

Principal Issues

1. The application was described and publicised as being for single storey front and rear extensions with 5no roof lights in the roofslope and the erection of the boundary wall, which is in line with conventional planning terminology. Applications are considered on the basis of all the submitted plans and documents and the individual site characteristics. The plans are of adequate detail to show the proposal and relationship between the properties and, in conjunction with the site visit, is sufficient to enable the application to be determined. Notwithstanding the above, in the interests of clarity, the application description has been amended to remove reference to the single storey scale of the extensions, however, the plans remain unchanged and show a rear extension 6.6 metres high with accommodation in the roof and has previously been reported to the Regulatory Board as such. There is no legal definition of 'storey' and the definition referred to by the objector relates to the definition in the Building Regulations. The relevant planning history section of the report has been updated to include details of the outbuilding approved at number 12 Carisbrooke Road. The report has also been amended to clarify the relationship between the proposals and the kitchen and dining room of Number 10. There is no 'right to light' under planning legislation, however, the impact on the amenities of adjacent occupiers in terms of outlook, privacy and loss of light is a material planning consideration. An assessment of the character of the area has been undertaken, which include the scale of the extensions on neighbouring properties and the location of outbuildings within the application site. During their site visit, Members will be able to view the wider character of the area and note the type and form of any extensions in the locality. The main issues in this case, therefore, are the acceptability of the design of the extensions and the wall and the impact on the visual amenity of the locality and the amenities of the occupiers of the adjoining dwellings in terms of loss of light, outlook and privacy.

2. The proposed extensions have been designed with a pitched roof which is compatible with the design of the main roof. Whilst visible from Long Drive and the southern section of Carisbrooke Road, the rear extension would be subservient to the main dwelling and the additions would be built using matching materials and will, therefore, be visually acceptable. Although the front extension would project beyond the line of the adjacent houses on the road and would be an additional feature in the streetscene, it would only project 1.2 metres which is not considered to be excessive given the established character of the area. The boundary wall is of an acceptable design and is not of an excessive height given the topography of the site. The proposals will, therefore, not have a detrimental impact on the appearance of the dwelling, or the character and visual amenity of the locality. The development is therefore acceptable and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The erection of the wall on the north eastern boundary has had no impact on the amenities of the neighbours to the east, west and south and, given its height, does not impact harmfully on the amenities of the occupiers of number 14 to the north. Similarly, given the orientation of and separation distances between the properties, the proposed extensions would have no impact on the occupiers of the adjacent dwellings to the north, east and west in terms of loss of light or outlook.

4. Having regard to the orientation of the properties and the position of the garage within the curtilage of number 14, and subject to the imposition of a condition requiring the details of the design and method of fixing of the two windows serving the bedroom to be approved by the Local Planning Authority to prevent unacceptable overlooking between the application property and the existing window in the gable of number 14, there would be no harmful impact on the occupiers of that property in terms of loss of privacy.

5. With regard to the neighbouring property to the south, number 10 Carisbrooke Road, the front extension would have no harmful impact, and having regard to the scale of the proposals and relationship between the properties, and given the absence of additional windows facing that property, the development would not significantly increase the propensity to overlook the neighbouring dwelling over and above that which currently exists. Furthermore, the pitched roof of the rear extension helps to reduce its overall mass and given the location of the existing outbuilding at the rear of the garden, the height of the existing boundary treatments and the fact that the three affected windows in the flank elevation of the adjacent property are obscure glazed and serve non-habitable rooms and the extension would not project in front of the kitchen/diner window, the proposals would not appear unduly oppressive or overbearing to the neighbouring residents or result in an unacceptable loss of outlook. In addition, these windows are north facing and, as such, light is already limited to the rooms on that side of the dwelling, particularly given the position and scale of the existing application property and intervening boundary treatments, which also could, in any event, be replaced with a 2 metre solid means of enclosure under Permitted Development legislation. The light available to the kitchen/dining room window would be unaffected by the proposals and these rooms also receive light from a further window in the south eastern elevation and from the conservatory, neither of which would be affected by the proposals. For these reasons, whilst the proposed extension would result in some loss of light to the obscure glazed bathroom windows, overall this would not create an unacceptable living environment for the occupiers of the neighbouring property. The proposed development, therefore, is acceptable and would not have a harmful impact on the living conditions of the adjacent occupiers in terms of loss of light, outlook or privacy and, as such, complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is acceptable in design terms and will not have a harmful impact on the amenities of the area or the occupiers of the neighbouring properties and, as such, complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

10-772-201 A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Before the first occupation of the extensions hereby permitted, details of the north east facing windows in the roofslope, outlined in red on the approved plan, shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

Reason - To preserve the amenity of the adjacent property, and to comply with Policy RDP/1 of the Gosport Borough Local Plan.

ITEM NUMBER: 03.
APPLICATION NUMBER: K17874/2
APPLICANT: Mr Darren Bowers
DATE REGISTERED: 15.08.2011

ERECTION OF TWO-STOREY BUILDING TO FORM 4NO.TWO BEDROOM FLATS WITH ASSOCIATED GARAGING, CAR PARKING, REFUSE AND CYCLE STORAGE FOLLOWING DEMOLITION OF EXISTING SQUASH COURT AND GARAGES (CONSERVATION AREA) (as amended by plans received 20.02.12)
Land To Rear Of 84 Priory Road Gosport Hampshire PO12 4LG

The Site and the proposal

This application was considered by the Regulatory Board on 12 January 2012 where Members resolved to defer it for further negotiations over the proposed external materials.

The application site is located on the southern side of Priory Road, within Hardway Conservation Area and is also located within 500 metres of the Portsmouth Harbour SPA, Ramsar site and SSSI. The site forms part of the former garden of number 84 Priory Road. It extends along the side and rear boundaries of number 86 Priory Road, and along the rear garden boundaries of 40-50 St. Thomas's Road, although all but number 40 are separated from the site by a private footpath. It shares a boundary to the east with number 82 Priory Road, and to the south east corner onto the gardens of the properties in Chapel Street. There is an existing flat roofed building in the southwest corner of the site, which was formerly a squash court accessed from Priory Road via a tarmac drive. This is a substantial single storey building, being 6.2 metres high and having a footprint of 94 square metres. A single storey block of 4 garages is located towards the southeast corner running along the rear boundaries of the St Thomas's Road properties. The building is of prefabricated construction and is 2.6 metres high and has a footprint of 52 square metres. The remainder of the land consists predominantly of hard surfacing and has an unkempt appearance, with a mix of fencing and trees to the boundaries.

The site is surrounded by two-storey buildings, forming part of a larger residential block, including properties in Priory Road, St Thomas's Road and Chapel Street and these follow a traditional street pattern. The Hardway Conservation Area largely extends to the north and east of the site, but does extend southward, although it excludes the properties in St Thomas's Road on the application site's southern boundary. The Conservation Area consists of a mix of property types and a varied street pattern. Number 84 is a semi-detached property sited 16 metres back from the highway and to the west of the existing access road. The side elevation of 84 contains two first floor windows, one of which is obscure glazed. The property has a recently added conservatory/orangery to the rear, with its rear garden enclosed by a 1.8 metre high fence. On the northern boundary (adjacent to Priory Road) is a brick wall which is curved at the access point. Number 82 Priory Road is attached to 84 and its rear garden extends the full extent of the application site. Number 86 is a two-storey detached property with an open yard to its eastern boundary. A hipped roof bungalow (78a Priory Road) has been constructed to the rear of numbers 78 and 80 Priory Road. The properties to the east in Chapel Street and to the south in St Thomas's Road are principally two-storey terraced and semi-detached dwellings with one and two storey rear additions/projecting elements. There are parking restrictions on both sides of Priory Road in the vicinity of the application site.

The proposal is to demolish the garages and former squash courts, previously granted Conservation Area Consent, and erect a two-storey detached building to form 4 flats. The building would be two-storeys high. It would have dual pitched roofs with a flat element linking the two roofs creating a recessed glazed element to the front elevation. The external materials would be timber style boarding, with a brick plinth and slate roof tiles. No windows are proposed at first floor level in the side elevations, however, 5 roof lights are proposed on each side elevation. At first floor level Juliet balconies are proposed on the rear elevation (south), with windows on the front. The flats within the building would be laid out in a similar manner with the bedrooms to the front and living/kitchen areas to the rear.

An area of communal amenity space would be provided to the south side of the flats. The existing access onto Priory Road would be retained to service the existing and proposed properties. 6 car parking spaces are to be provided; with 3 alongside the access road and 3 between the rear boundary of number 84 and the new building. A single communal refuse and cycle store is shown to the front of the flats and adjacent to the rear boundary of number 84.

Following the Regulatory Board the applicant has submitted amended plans showing the ground floor as red brick and the first floor as horizontal timber cladding. They have also indicated that their client is prepared to consider alternatives and have submitted visualisations of these for information. A change to the parallel car parking spaces along the driveway has also been indicated and these have been increased to 6 metres in length to improve their accessibility.

Relevant Planning History

K6840/1 - Block of 4No. garages - Permitted 20.11.70

K6840/3 - O/L - Squash court in rear garden - Permitted 25.07.78

K6840/3D - Squash court - Permitted 05.09.78

K12110/1 - Conversion of existing dwellings into 6 no. Two bed and 2 no. One bed flats and erection of 4 no. Three bed terraced dwellings and 2 no. Four bed detached dwellings (Conservation Area) - Refused 14.02.08

K6840/6 - Felling of 11no. Conifer trees (Conservation Area) - Raise No Objection 18.02.10

K17874/1 - Demolition of existing squash court and garage building - Permitted 14.12.10

K17874 - Erection of two-storey building to form 3no. two bedroom flats with associated garaging, car parking, refuse and cycle storage following demolition of existing squash court and garages (Conservation Area) - Withdrawn 22.12.10

K6840/7 - Felling of 2no groups of bay trees (Conservation Area) - Raise No Objection 22.06.11

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/BH1

Development in Conservation Areas

R/H4

Housing Densities

R/OS8

Recreational Space for New Residential Developments

R/OS13

Protection of Habitats Supporting Protected Species

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

Consultations

The Gosport Society	No objection.
Defence Estates	No objection.
Building Control	The proposed building would slightly exceed the 45 metre Fire Brigade travel distance.
Local Highway Authority	No objection. The number of car parking

spaces proposed is sufficient. A financial contribution towards transport infrastructure should be sought. Long stay cycle storage is acceptable, however, short stay spaces should also be sought. Conditions in respect of the turning area and cycle and parking provision should be imposed on any permission. The access for this development would not be considered a junction, as it is a vehicle crossing for 5 dwellings and the visibility is acceptable. There is sufficient space for the parallel parking bays to be lengthened, or the total number of spaces could be reduced to 5.

Streetscene (Waste & Cleansing)

Adequate storage is indicated to accommodate required provision. Collection would be from Priory Road frontage.

HCC Ecology

The report is considered to accurately describe the ecological status of the site. Suitable measures have been recommended within the report to prevent or mitigate any impacts on those species. Provided all of the proposed mitigations measures are adhered to, there should be no significant impacts.

Response to Public Advertisement

5 letters of objection

Issues raised:-

- overdevelopment
- trees removed prior to planning being agreed
- loss of privacy, including to garden areas
- development works will result in congestion
- noise and pollution
- policy restricted previous development to single storey
- single detached house would be more appropriate
- appearance is inappropriate for the area
- applicant has driven off wildlife in the last 3 years
- pathway through to St Thomas's Road has been blocked up
- Gosport has too many houses which cannot be adequately supported
- loss of garden
- letters of support are not from directly affected properties
- site notice was removed.
- by reason of its design it would fail to preserve the character and appearance of the Hardway Conservation Area
- access and visibility would be sub-standard
- the parallel parking bays along the boundary with 84 Priory Road would be sub-standard

14 letters of support

Issues raised:-

- would result in an environmental improvement of this neglected land
- it is not much larger than the original squash court
- there are too many empty and derelict properties in Priory Road this would be beneficial

Principal Issues

1. In granting Conservation Area Consent for their demolition, it has been accepted that the existing garages and squash court building have no special architectural merit, nor do they contribute positively to the character and appearance of the Conservation Area. With regard to the issues relating to works being undertaken prior to the application submitted, these do not require planning permission and no evidence of protected species being present on the site has been provided. Should any such matters be apparent they should be reported to the police to investigate. The pathway adjacent to the St Thomas's Road properties falls outside of the application site and any issues relating to it are a private legal matter. Therefore the main issues in this case are whether the proposed development would be an appropriate use, be detrimental to the visual amenities of the locality, be an acceptable design solution in this location preserving, or enhancing the character and appearance of the Hardway Conservation Area, have a detrimental impact on the amenities of occupiers of adjoining properties, make adequate provision for car parking or impact unacceptability on protected species.
2. Within PPS3 the key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been developed. In revising PPS3 in 2010, the definition of 'Previously Developed Land' (PDL) was amended to remove the inclusion of private residential gardens; however, neither PPS3 nor the Policies within the Gosport Borough Local Plan Review require all development to be on PDL. The key tests remain as to whether the proposal complies with national and local policy, the overall aim of which is to prevent harmful development in inappropriate locations.
3. The site is located within the Urban Area Boundary and within a predominantly residential area where further residential development may be acceptable. The proposal would result in a density of approximately 50 dwellings per hectare which is at the high end of the range of 30 to 50 dwellings set out within Policy R/H4 of the Gosport Borough Local Plan Review. The character of the area consists of a mix of houses, varying in designs, ages, plot sizes and the size of rear gardens. In this case, the existence of the squash court, being a substantial structure, and the bungalow at number 78a Priory Road built within a rear garden location, have established a variation in the general character and the sub-division of the plot is not considered unacceptable in principle. Whilst the principle of development on this site may therefore be acceptable any proposals must be of an appropriate scale, layout and design, in line with Local Plan Policy and National Guidance contained within PPS1 and PPS3.
4. The character of the Hardway Conservation Area is mixed and includes other examples of development to the rear of the street frontage, notably 112 Priory Road, however, that property is in a part of the Conservation Area where the street pattern is significantly different to the application site. Having regard to the varied nature of the Conservation Area, the proposed design and the proposed demolition of the unsightly garage block and squash court, the development, as proposed, would preserve the character and appearance of the Hardway Conservation Area.
5. The proposal has been assessed in the context of the existing buildings on the site and whilst the existing squash court is large for a garden building, its footprint and massing are substantially less than the building proposed. The only other rear garden development within this block is the bungalow at 78a Priory Road. Being a single storey building, its overall scale and massing results in a more subservient structure, more akin to a large garage or other outbuilding, that would not be unusual within a rear garden. Whilst the general design and revised materials proposed are considered appropriate, the proposed building being 13 metres wide across its frontage and two-storeys high would result in an excessively large building of significant mass to the rear of, and visible from the established street frontage and adjacent residential properties. Having regard to the character of this particular residential block, within which this site is located, the introduction of a building of this scale, massing and siting would result in an incongruous form of development, which would be out of keeping with the established pattern of development and detrimental to the visual amenities of the area, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review and the guidance within Planning Policy Statement 3. The Conservation Officer has indicated that there is a

tradition of weatherboarding in Gosport, notably within Ferrol Road, and the submitted proposal of half weatherboarding/half brick is therefore appropriate in conservation and design terms. The other visualisations submitted for information are not considered to be appropriate alternatives to the original scheme, with the solid construction materials adding to the overall bulk and massing of the building and the detailing, such as the soldier course, adding to the building's utilitarian appearance.

6. The existing squash court, by reason of its location, close to the boundary with the properties within St Thomas's Road, and height, does have an impact on the occupiers of these neighbouring properties. Due to it being located to the north and not containing any windows, this impact is largely restricted to outlook. Its demolition would therefore provide an improved outlook for these properties, in particular numbers 48, 50 and 50a St Thomas's Road, being those with the closest rear boundaries. The scale and mass of the proposed building and its siting within close proximity to the boundaries with numbers 82, 84 and 86 Priory Road, would however, result in an overly dominant building adjacent to their rear gardens where a building of that scale would not normally be expected. The resultant building would be overbearing and dominate the outlook from the properties and gardens to the detriment of their use and contrary to Policy R/DP1 of the Gosport Borough Local Plan.

7. The proposed building would introduce clear glazed windows/Juliet balconies on the first floors of the north and south elevations. Whilst this would introduce an opportunity for intervisibility between the proposed flats and existing properties, in view of the separation distance between buildings, of a minimum of 19 metres to existing single storey elements and 21 metres between two-storey elements, the proposals would not result in harmful loss of privacy. The siting of the building would provide separation of 19 metres between the side of the proposed building and the rear of the properties within Chapel Street. Due to the orientation, separation distances and proposed layout, the proposal would not have a detrimental impact in terms of loss of light to occupiers of any neighbouring properties.

8. The proposals provide adequate pedestrian, vehicle access and visibility via the shared driveway and there is sufficient space for manoeuvring of vehicles on site to enable them to leave in a forward gear. The Residential Parking Supplementary Advice Note on Policy R/T11 indicates that within the Hardway Ward the average car ownership is 1.22, with 32% of properties having 2 vehicles. The level of parking proposed would equate to 1.5 spaces per property and, having regard to the guidance, this level is considered to be appropriate. The parallel parking spaces have been altered to meet the 6m length requirement and this would be secured by condition on any approval. The level of hard surfacing and parking would be reduced compared to the former use of the site and overall the vehicle movements along the driveway would not be detrimental in terms of noise, pollution, disturbance or highway safety. The proposed cycle parking and refuse storage and collection would be sufficient for the proposed flats. The proposal would therefore be in accordance with Policy R/DP1 and R/T11 in this respect.

9. Issues have been raised in the representations in respect of the use of the site by wildlife and the fact that works undertaken by the applicant on the site, to date, have possibly resulted in the displacement of a variety of species. An ecological survey has been submitted with the application and concludes that the proposals would not have an impact on badgers, reptiles, birds, or noteworthy vegetation and flora and, subject to a condition relating to the recommendations within the report being implemented, to include the timing of works to trees and vegetation, and monitoring for any bat activity when works are being undertaken, there would be no significant impacts on ecological interests in compliance with Policy R/OS13 of the Gosport Borough Local Plan Review.

10. With regard to other issues raised in the representations, the trees removed prior to the application being submitted were not considered worthy of protection by Tree Preservation Orders by the Local Planning Authority under notification references K.6480/6 and K.6480/7. A condition could be imposed on any acceptable scheme to ensure replacement landscaping provides an appropriate setting for any new building.

11. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/ or improvement of outdoor playing space and/or transport and highway improvements, in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal would be unacceptable in this respect.

12. Comments have been made regarding the publicity given to the proposal. This application was advertised by way of press and site notices dated 23.08.11 and individual letters were sent to those properties adjoining the site in accordance with the Council's adopted procedure. A site notice was erected in Priory Road and, although it was removed, a replacement notice was subsequently erected.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal would, having regard to its scale, massing and siting, result in an incongruous form of development which would be out of keeping with the established pattern of development and detrimental to the visual amenities of the area, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review and Planning Policy Statement 3.

2. The resultant building, by reason of its scale, massing and proximity to the neighbouring boundaries, would be overbearing and dominate the outlook from the adjacent residential properties and gardens to the detriment of their use, contrary to Policy R/DP1 of the Gosport Borough Local Plan.

ITEM NUMBER: 04.
APPLICATION NUMBER: K464/3
APPLICANT: Mr C. Caswell
DATE REGISTERED: 25.07.2011

OUTLINE APPLICATION - DEMOLITION OF EXISTING DWELLING AND ERECTION OF RESIDENTIAL CARE HOME (12NO. RESIDENTS) (as amended by plans received 13.09.11 and 31.10.11 and amplified by supporting information received 23.08.11 and Transport Statement received 31.10.11)
91 Oval Gardens Gosport Hampshire PO12 2RD

The Site and the proposal

The application site is approximately 0.08 hectares in area and comprises the land currently occupied by 91 Oval Gardens. The site is located within an established residential area, within the Urban Area Boundary and the Safeguarded Area for the aerodrome in Lee-on-the-Solent, as defined on the Proposals Map of the Gosport Borough Local Plan Review. It is sited within 400 metre of the Queen's Parade Neighbourhood Shopping Centre, just over 400 metres from the Bury Cross Neighbourhood Shopping Centre and less than 150 metres from Privett Park Recreation Ground. The site is located towards the northern end of Oval Gardens, approximately 50 metres from the junction with Privett Road (B3333) and opposite the fork in the road that bifurcates Oval Gardens into 2no. separate streets. Privett Road forms part of the route followed by two 'First' bus services (numbers 34 and 72), which travel both east, towards the Town Centre, and west, towards Lee-on-the-Solent. The bus stop for westbound services is located within 150 metres of the application site, with the complementary eastbound bus stop located within 80 metres of the site. The bus stops are served by up to 31no. buses a day, operating between 6.14am and 7.57pm.

The site currently contains a detached, five bedroom bungalow. The bungalow has a red tiled pitched roof, with the ridge tile orientated north-south. It has been constructed from red brick, with pebble dash render and has 2no. bay windows on the front elevation. At its furthest point, the bungalow is set back over 15 metres from the road. Notwithstanding this, due to the bend in the road, the front elevation of the bungalow is set forward of the adjacent properties to the south by approximately 8 metres. As a consequence, the southern elevation of the property is readily visible when approaching the site from the south. The front of the site comprises a combination of soft and hard landscaping, set behind a low front boundary wall. The hard surfacing is used for the parking of up to 3no. vehicles and is accessed via 2no. dropped kerbs at the front of the site, providing separate points of entry and egress. A driveway at the side of the dwelling provides access to a single detached garage, sited beyond the rear elevation of the property, on the southern side of the plot, adjacent to the shared boundary with number 90 Oval Gardens. The rear garden is approximately 25 metres long and is, for the most part, laid to lawn. The southern side of the garden is bordered by boundary walls which range in height from approximately 1.8 - 2.2 metres. The northern boundary comprises a 1.2 metre high wall, complemented by trees, shrubs and hedging. The rear boundary comprises a 1.8 metre high wooden fence with trellising, together with shrubs and planting.

The area is characterised by residential properties, predominantly from the inter war era. Although there are a mix of dwelling types in the locality, two storey, hipped roof, semi-detached properties predominate. The majority of the properties have been constructed from red brick, with pebble dash rendering and slate or concrete roof tiles. Most of the dwellings have ground floor, or double, tile hung, bay windows. Many of the properties have off-road parking in the form of side driveways, some of which provide access to side/rear garages. The speed limit in Oval Gardens is 30 miles per hour (mph) and there are no parking restrictions.

Immediately to the north of the application are the rear gardens of numbers 107, 109, 111, 113 and 115 Privett Road. With the exception of numbers 107 and 115, which are bungalows/chalet bungalows, they are all two storey dwellings, set on rectangular plots and orientated perpendicularly to the application site. Numbers 109 and 115 have conservatories on their rear elevations. There is

separation distance of approximately 20 metres between the windowed rear elevations of these dwellings and the northern boundary of the application site. There is a large, hipped roof, single storey, one bedroom annexe extension on the rear elevation of number 107 Privett Road. The annexe, which was approved in 2010, under reference K10279/1, is 5.5 metres long and is separated from the application site by a driveway, serving the double garage of the property to which it relates.

The property immediately to the south, number 90 Oval Gardens, is a detached two storey dwelling. It has a pitched roof, orientated north-south, and set to a height of approximately 6.8 metres. It has twin double bay windows on the front elevation and a large, flat roof, two storey extension on the rear elevation. The extension contains 1no. ground floor bathroom window and 1no. first floor window in the northern elevation, facing onto the application site. There is a flat roof side garage on the southern elevation of the property, which increases the overall width of house to approximately 13.5 metres. The property has an extant planning permission (reference K7444/2) for the erection of a two storey flat roof side extension on the northern elevation of the property. The extension would contain no windows in the side elevation facing onto the application site.

Further to the south, numbers 88 and 89 Oval Gardens, are a pair of two storey, hipped roof, semi-detached dwellings with front bay windows. Number 87, to the south of these dwellings, is a detached, pitched roof property. To the east and south east of the application site, and on the opposite side of Oval Gardens, numbers 32-35 Oval Gardens are detached and semi detached bungalows. To the south of these dwellings are pairs of two storey dwellings with front bay windows. To the west of the application site, and approximately 25 metres from the rear boundary, are the two storey rear elevations of the semi detached properties fronting Charlesbury Avenue.

Many of the properties in Oval Gardens and the adjacent Privett Road have side and/or rear extensions. To the south of the application site, numbers 43, 75 and 82 all have two storey side extensions, which have increased the overall width of these pairs of semi detached dwellings to approximately 14 metres.

The site of number 91 Oval Gardens was recently the subject of Outline planning application K464/2, which was for the demolition of number 91 and the erection of an 18no. bedroom residential care home. The application included a 10 metre deep section of the rear garden of number 111 Privett Road and sought approval of means of access, appearance, layout and scale. This application was considered at the Regulatory Board on 18 January 2011. Members refused to grant Outline planning permission on the grounds that the proposed development, by reason of its siting, massing, depth and contrived plot layout, was too large and bulky and would result in an undesirable form of development that would be out of keeping with the established pattern of development in the locality and thereby detrimental to the character of the area. The proposed building, by reason of its setting, excessive scale, mass height, width, unbroken ridgeline, design features of the façade, proximity to site boundaries and limited opportunity for landscaping was also considered to have a contrived design of poor quality, which would form an incongruous feature in the streetscene and be significantly harmful to the appearance of the area. The development, by reason of the cramped site arrangements, limited useable on-site amenity space and poor outlook from a number of the bedrooms (due to the use of obscure glazing to habitable rooms) was considered to provide a poor quality of residential amenity for prospective occupiers. In light of this, the significant erosion of garden land, and the fact the applicant did not make adequate provision for improvements to transport infrastructure, services or facilities, nor a contribution towards the making of a TRO, the proposal was considered unacceptable and contrary to Planning Policy Statement 3 (PPS3) and Policies R/DP1, R/DP3, R/T4 and R/H8 of the Gosport Borough Local Plan Review.

The proposal refused under K464/2 comprised a three storey building, with a Mansard style roof, set to a height of approximately 8.4 metres. The building was shown to have a footprint of 512 square metres. The front of the building was 12 metres wide, increasing to 14.5 metres in width as the property stepped back from the road frontage. The main three storey element of the building was shown to be 16.5 metres deep, with further single storey element at the rear, providing a total depth of over 27 metres. The front elevation was shown to be set 3 metres behind the original front

elevation of the dwelling it was replacing. The plans showed that prospective residents would have access to 310 square metres of shared amenity space, split into two separate areas, positioned at the rear of the building and on the land formerly comprising part of the rear garden of 111 Privett Road.

The front elevation had a symmetrical design with 1 metre deep, flat roof, double square bay windows positioned either side of a central flat roof porch. The plans showed the provision of 3no. dormer windows on the front of the mansard roof, with further dormers proposed in the side and rear elevations. The day-to-day management of the care home, as well as general maintenance/repairs and deliveries to the site was to be carried out by the applicant, who was residing at 111 Privett Road. The development would have generated 1no. full time job and 2no. part time employment opportunities.

This latest application seeks to overcome the previous reasons for refusal and is for Outline planning permission for the demolition of 91 Oval Gardens and the associated detached garage (combined floor area of 270 square metres) and the erection of a residential care home for 12no. residents. The applicant has indicated that the care home is likely to be occupied by persons with dementia. Approval is sought for means of access, appearance, layout and scale. Landscaping is not being considered.

The application site comprises the land occupied by 91 Oval Gardens only. Unlike refused application K464/2, it does not, therefore, include part of the rear garden of number 111 Privett Road. 4no. of the bedrooms would be positioned on the ground floor, together with a communal dining and living area, kitchen, wheel chair accessible bathroom/WC and a manager's office. The remaining 8no. bedrooms would be located on the first floor. An internal lift would provide wheelchair access from ground to first floor. The 12no. bedrooms would all have en-suite facilities.

The proposed care home has been designed with a hipped roof. It would be two stories high, a storey lower than the building refused under application K464/2. There would be no accommodation in the roofspace and the latest proposal, therefore, includes no dormer extensions. The eaves of the roof would be set to a height of 4.9 metres, 0.9 metres lower than the eaves height of the refused application K464/2 and lower than the eaves height of the adjacent property, number 90 Oval Gardens. The ridge would be set to a height of 6.8 metres, 1.5 metres lower than the ridge height of the building refused under application K464/2. The ridge would be 0.5 metres lower than the ridge height of the next door property, number 90, and more than 1.5 metres lower than the ridge of the semi-detached properties to the south, numbers 88-89 Oval Gardens. The proposed care home would be 12.6 metres wide, 1.6 metres wider than the bungalow that it would be replacing and 2.3 metres narrower than the central aspect of the three storey care home refused under application K464/2.

The main two storey aspect of the building would be 14.2 metres deep, with a P-shaped single storey projection on the rear elevation. The proposed care home would have an overall depth of 19.9 metres, approximately 7 metres less than that which was considered unacceptable under refused under application K464/2.

The proposed development would increase the built footprint at the site by approximately 66%, from 270 square metres to 408 square metres. The overall built footprint of the development would be approximately 260 square metres less than that which was proposed under refused planning application K464/2.

At its furthest point, the front elevation of the proposed care home would be set back over 20 metres from the back edge of the highway, 4 metres behind the existing front elevation of the bungalow which is to be demolished. The front elevation of the building would project 4.6 metres beyond the front elevation of the adjacent property, number 90. The northern elevation of the proposed care home would be sited 1.5 metres from the northern boundary, a set in of an additional 0.9 metres when compared to refused planning application K464/2. There would be a separation distance of over 22 metres between the proposed side elevation and the opposing rear elevations of the properties fronting Privett Road. The southern elevation would be sited 1.9 metres from the

shared boundary with number 90 Oval Gardens with a separation distance of 2.9 metres between the opposing side elevations. The main two storey aspect of the proposed care home would not extend beyond the two storey rear elevation of number 90. The single storey element at the rear of the care home would set in from the shared boundary with number 90 by 6 metres. It would extend 5.9 metres beyond the rear elevation of number 90. There would be a separation distance of over 40 metres between the two storey rear elevation of the proposed care home and the two storey rear elevations of the properties to the west, in Charlesbury Avenue.

The front elevation of the proposed care home would have a symmetrical design with 2no. pitched roof canopies and 2no. tile hung, double bay windows. The front roof canopies would extend 1.2 metres beyond the principal elevation and would have an overall height of 3.9 metres. The canopies would be set above 2no. doors, one of which would provide the principal access into the building. The second canopy would project above a false door, which has been included in an attempt to achieve a balance/symmetry to the front elevation.

The care home would contain windows in all elevations. All of the bedrooms would be served by clear glazed windows. Obscure glazing would be restricted to the bathroom windows and a first floor window in the northern elevation, which would serve a staircase. 8no. of the 12no. bedrooms would have windows facing onto either the front or rear of the site. The remaining 4no. bedrooms (2no. ground floor and 2no. first floor), would be served by windows in the southern elevation. The care home would be constructed from a red/brown brick with plain brown roof tiles and white UPVC, sash style windows with stone heads and cills. A projecting string course would wrap around the building between the ground and first floor.

Prospective residents would have access to 342 square metres of communal amenity space, which would be provided solely at the rear of the building. The garden would be accessed externally via 2no. side pathways, or internally, via the living room and dining areas. The amenity space would be enclosed by 1.8 metre high wooden fencing/trellising.

Parking at the site would comprise 6no. spaces (including 2no. disabled spaces) together with a designated turning area. The spaces would be located at the front of the site and would be accessed via a single point of entry/egress, sited centrally within the front boundary. The proposed access would require the provision of a new dropped kerb and the removal 3no. small trees. The 2no. existing dropped kerbs at the front of the site would be blocked up. The plans show that the parking area could include areas of soft landscaping.

Facilities for the storage of refuse, mobility scooters (with charging facilities) and the parking of bicycles would be provided at the rear of the building, adjacent to the shared boundary with number 90 Oval Gardens. A designated bin collection area would be provided at the front of the site.

The proposed development would generate 1no. full time, and 2no. part time jobs. The applicant has indicated that he would continue to reside at 111 Privett Road and that, together with his wife, he would be responsible for the up-keep and day-to-day maintenance requirements of the care home and its garden. Deliveries to the site would be made by the applicant and would take place once a week, Monday-Friday. Deliveries would not be made at weekends. A professionally qualified manager would be responsible for the day-to-day care of the residents. The applicant has indicated that visitation hours would be restricted to between 4.30pm – 7.30pm. Other than in the case of an unforeseen emergency, visits by medical professionals would take place during normal working hours.

The originally submitted plans showed the provision of a single canopy on the front elevation. Amended plans have been submitted, however, introducing a second canopy over a false door in order to provide symmetry to the front elevation. Amended plans were also submitted introducing single ground and first floor windows in the southern elevation, in order to add articulation to the side elevation, where it is most publicly visible. The plans also replaced 2no. low level string courses with a single string course positioned between the ground and first floors.

Under the originally submitted plans, it was proposed to provide 2no. separate points of entry and egress. In the interests of highway and pedestrian safety, and to achieve additional on-site parking, amended plans have been submitted showing a single point of entry/egress. The revised access arrangement increased the proposed parking provision at the site from 4no. to 7no. spaces.

The application is supported by a Transport Statement which identifies and assesses highway issues.

Relevant Planning History

K464/2 - outline application - demolition of existing dwelling and erection of residential care home (18no. residents) - refused 25.01.11

K7444/2 - application at number 90 Oval Gardens for the erection of two storey rear/side extension and single storey rear/side extension - permitted 02.06. 10

Relevant Policies

Planning Policy Statement 3: Housing

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/H8

Accommodation for the elderly

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/ENV9

Safeguarded Areas

R/ENV10

Noise Pollution

Consultations

Building Control	No objection.
Environmental Health	No objection.
Local Highway Authority	No objection. 6no. car parking spaces is an appropriate provision. The proposed access, layout and manoeuvring space are acceptable. The proposed use is not expected to significantly increase the overall traffic flows in Oval Gardens. It is, however, recommended that the applicant enter into a Section 106 agreement relating to the payment of a commuted sum towards a Traffic Regulation Order (TRO). The TRO would be used to implement parking restrictions at the front of the site, to prevent obstructions to the proposed access and to maintain an appropriate level of intervisibility between vehicles exiting the site and all other users of the public highway. As the proposal will increase the number of multi

	modal trips to and from the site, the applicant should also enter into a legal agreement under Section 106 relating to the payment of a commuted sum towards improvements to off-site transport infrastructure.
Streetscene (Parks & Horticulture)	No objection.
Crime Prevention & Design	No objection. Since vehicular and pedestrian access to the site will only be achieved via Oval Gardens and habitable room windows will continue to afford a high standard of informal supervision, no special measures are considered necessary for the prevention of crime or anti social behaviour.
National Care Standards Commission	No objection.

Response to Public Advertisement

26 letters of support

Issues raised:-

- the revised design overcomes the reasons for refusal attached to planning application K464/2
- there is a local need for care homes
- the proposal would provide modern facilities and equipment for prospective occupiers
- careful consideration has been given to the design of the care home to ensure it meets the needs of the prospective occupiers
- the development has a tasteful design that is in keeping with the surrounding properties
- the development will be good for local employment
- the development provides an appropriate level of on-site parking
- the height of the proposed development is similar to other buildings in the locality
- the proposal would be a great asset to elderly people in Gosport
- the development provides a well sized garden
- the provision of double yellow lines would overcome any potential parking problems
- the Borough would benefit from the construction work associated with the proposed development
- the proposal would benefit local businesses

49 letters of objection received

Issues raised:-

- the applicant did not consult with residents prior to the submission of the planning application
- the majority of the letters of support are from people who are not local to the application site
- the views of people who would be directly affected by the development should be given more weight than those to whom the development would have no impact
- questions the accuracy of the information contained within the Design and Access Statement
- the application is for the financial gain of the applicant and no consideration has been given to the amenity of neighbouring occupiers
- questions the credentials of the applicant
- there are alternative sites within the Borough that would be more suitable for this proposal
- 1no. full time and 2no. part time staff appears to be an unrealistic provision
- the proposed development would put an undesirable strain on the existing sewage system
- the development would reduce the value of neighbouring properties
- the proposed development would result in disturbance to adjacent occupiers during

construction

- construction vehicles could block the highway
- if the development is approved, residents should be entitled to a Council Tax rebate
- the solar panels referred to in the Design and Access Statement are not shown on the drawings
- residents would not have access to a bath
- questions whether consideration has been given to the requirement for emergency exits
- the roof could be altered at a later date to provide additional residential accommodation
- the building could be used as a hostel or to provide a different type of care
- the development could be linked to number 111 Privett Road by means of a footway, which would be detrimental to adjacent residents
- the application should be supported by an Ecological Survey
- consideration has not been given to the variation in ground levels between the application site and the properties to the west in Charlesbury Avenue
- the site is not suitable for a care home
- the proposal would result in the loss of a much needed residential property
- there is no requirement for additional care home facilities in Gosport
- the revisions to the design do not overcome the previous reasons for refusal attached to planning application K464/2
- the development constitutes 'garden grabbing'
- the development is too large and overbearing
- the proposal represents an overdevelopment of the plot, where two storey residential dwellings predominate
- the mass of the building is uncharacteristic of the locality
- the proposed development would have a detrimental impact on the appearance of the streetscene
- the proposed development does not enhance the area
- questions whether adequate amenity space is provided
- the side alleyways will be dark and will require lighting
- questions whether adequate refuse storage facilities have been provided
- the provision of high boundary treatments around the perimeter of the rear garden would be out of character and would provide an unsatisfactory living environment for prospective occupiers
- the rooms will provide an unsatisfactory living environment for prospective occupiers
- there is limited communal space internally and this could be problematic for wheelchair users
- the development would overlook adjacent properties
- the development will increase instances of noise disturbance and disruption to adjacent occupiers
- problems with cooking smells
- the development will increase the light levels at the site
- the proposed parking provision is inadequate, which will result in parking and traffic problems in the adjoining highway network
- visitors to Privett Park already park in Oval Gardens
- Oval Gardens is already over used by vehicular traffic and is used as a 'rat-run' between Privett Road and Bury Hall Lane and the proposed development will intensify this problem
- the access and turning arrangements are not suitable for delivery vehicles which will be detrimental to highway and pedestrian safety
- the provision of parking restrictions (ie, yellow lines) will reduce the availability of on-street parking
- the site is located on a bend
- questions whether the need to accommodate mobility scooters has been taken into account

Principal Issues

1. Although the government encourages applicant's to undertake consultation with local residents prior to the submission of an application for planning permission, this is not a legislative requirement. This application has been advertised by the Local Planning Authority for public comment by way of site notices and letters to neighbouring properties. In accordance with the legislation contained within the Development Management Procedure (England) Order 2010, all letters of representation received in response to the Council's public consultation are taken into account and appropriate weight is given to the relevant planning considerations raised in the determination of the planning application. The submission of a Design and Access Statement is a statutory requirement for planning applications of this type. Planning applications are assessed on the basis of the submitted plans and a site visit to check accuracy and make a balanced, unbiased planning judgment based on the relevant national and local policies. The intentions and/or credentials of the developer, or their possible future aspirations for the site, are not relevant planning considerations. Affect on property values and Council Tax banding/rebates are not planning considerations. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 does not prescribe a minimum staff: patient ratio and the levels/quality of care provided at the care home and the internal facilities are matters to be considered by the Care Quality Commission. A certain level of disturbance is inevitable during the construction period, but if it becomes excessive, the matter can be dealt with through the Environmental Health legislation. If construction vehicles block the public highway, the matter should be referred to the local police. Although the provision of renewable energy technologies is encouraged, it is not a legislative requirement. The requirement for emergency exits, means of escape, Fire Regulations and the disposal of waste water would be dealt with through Building Regulations. Future alterations to the roof, the provision of a link extension to number 111 Privett Road, and the use of 111 Privett Road as a care home, would all require planning permission. Any applications received would be publicly advertised and would be considered on their individual merits. There is no evidence to suggest that the site supports habitats containing protected species and there is no requirement, therefore, to submit an Ecological Survey.

2. The application site is located within the Urban Area Boundary where the principle of this type of residential development is acceptable, provided that the details of the application accord with the relevant local and national policies. The main issues to consider in this case, therefore, are whether the site is suitable for a 12no. bedroom care home, the acceptability of the design of the development and its impact on the character and visual amenity of the locality and the amenities of adjoining and prospective occupiers and the adequacy of access, parking and servicing arrangements and the provision for cycle parking, refuse storage and collection, amenity space and highway infrastructure improvements.

3. According to Hampshire County Council's 'Long Term Population Projection', Gosport Borough Council's population of persons aged over 65 years is projected to increase by 44.1% between 2006 and 2026, with the population of persons aged over 85 years projected to increase by 94% over the same period. Similarly, according to statistics prepared by 'Projecting Older People Population Information' (POPPI), the number of persons over 65 years with dementia is likely to increase by 101.5%. The Hampshire Primary Care Trust and Hampshire County Council have, in partnership with the Alzheimer's Society, produced the 'Joint Hampshire Commissioning Strategy for Older People's Mental Health 2008-2013'. This document identifies a high level of need for the continued provision of care homes in Gosport, particularly those that cater for persons with dementia.

4. Whilst it is evident from the above that there will be a continued need to provide care facilities within the Borough, and that the proposed development would help to contribute to this provision, any positive benefits must be considered against the potential negative impacts of the development, having particular regard to the character and visual amenity of the locality, the amenity of residential occupiers, local traffic conditions and highway and safety.

5. In accordance with Planning Policy Statement 3 (PPS3), the key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been

developed. In revising PPS3 in 2010, the definition of 'Previously Developed Land' (PDL) was amended to exclude private residential gardens. Notwithstanding this, however, neither PPS3 nor the policies within the Gosport Borough Local Plan Review require all development to be on PDL. The key tests remain as to whether the proposal complies with national and local policy, the overall aim of which is to prevent harmful development in inappropriate locations, having regard to the merits of each individual case.

6. The proposed development would increase the built footprint at the site by 66%. Notwithstanding this, as the site is larger than adjacent plots, the total area of land covered by buildings, when considered as a percentage of the overall site area, would be comparable to neighbouring plots and would not, therefore, be uncharacteristic of the area. Like the vast majority of other residential properties in the locality, the proposed building will occupy a rectangular plot and will have a frontage with a road, thereby reflecting the established pattern of development in the locality. The development will provide prospective residents with 342 square metres of useable amenity space, which exceeds the guideline figures set out within Appendix B of the Gosport Borough Local Plan Review. The amenity space will be positioned solely at the rear of the building, to reflect the established pattern of development in the locality, and will provide an attractive and useable area of space for prospective occupiers. The garden can be accessed safely and conveniently via the main living area and 2no. level access paths. The site is also well located in relation to parks and public open spaces. Prospective residents will also be within walking distance of 2no. bus stops which are well serviced by east and westbound services towards the Town Centre and Lee-on-the-Solent and within walking distance of 2no. Neighbourhood Shopping Centres where there are numerous local services and facilities. The internal layout has been designed to avoid the use of obscure glazing to habitable rooms, which was considered unacceptable under refused planning application K464/2. Each bedroom will be served by at least one clear glazed window and this will help to ensure an acceptable outlook and internal living environment for prospective occupiers.

7. Careful consideration has been given to the design of the proposed care home in order to achieve a building of domestic character. The provision of double bay windows and projecting front canopies reflects the residential appearance of the two storey semi-detached properties found elsewhere in Oval Gardens. The use of a hipped roof not only reduces the overall mass of the building, and thereby its prominence in the streetscene, but it is also reflective of numerous other semi-detached properties in Oval Gardens. The proposed eaves and ridge heights are set lower than the neighbouring properties and the roof will not, therefore, create a jarring or over dominant feature in the streetscene when compared to the adjacent built form. At 12.6 metres, the width of the building is comparable to the existing pairs of semi detached properties in Oval Gardens, particularly those with two storey side extensions. Likewise, the depth of the main storey aspect of the building is comparable to other residential dwellings in the locality, particularly those fronting Privett Road. The proposed building sits comfortably within its plot and a suitable visual gap will be retained between the side boundaries, so as to avoid a terracing affect in the streetscene, even if number 90 was to implement extant planning permission K7444/2. The building will be set back on the plot and this will reduce its prominence in the streetscene, particularly when approaching from the south. The provision of 2no. windows in the eastern end of the southern elevation will help to break up the mass of this part of the side elevation, and will ensure that it does not create a stark or discordant feature in the streetscene. The use of sash style windows, tile hanging, projecting string courses and pitched front canopies will add an appropriate level of articulation to the principle elevation and will help to reinforce the domestic appearance of the building. Whilst the loss of existing vegetation is always regrettable, the trees and shrubs to be removed are insignificant specimens that do not make a significant contribution to the character and appearance of the locality and the Council's Arboricultural Officer has confirmed that none of the plants are worthy of retention or formal protection. Notwithstanding this, the plans show that replacement planting can be accommodated at the front of property and along the side boundaries, where it will be most publicly visible, and this will compensate for the loss of existing vegetation, whilst also enhancing the overall appearance of the development. Frontage parking is evident elsewhere within Oval Gardens, including immediately to the south of the application site and on the opposite side of the road. It is not, therefore, considered that the continued use of the front of the site for the parking of vehicles will harm the character of the area. The proposed fencing at the rear of the site is similar to boundary treatments found elsewhere in the locality and as it will not be easily visible from public

view, is appropriate in this location. In the interests of safety and security, bollard lighting is proposed at the front of the site, the details of which, including levels of illumination, can be controlled by condition.

8. In light of the above, the proposed development, by reason of its appropriate design, height, width, overall massing, siting, layout and elevational detailing will not harm the character of the area, the appearance of the streetscene, or the visual amenity of the locality. The proposed development will not appear bulky or oppressive and is appropriate in this residential location. The development is not considered to represent an overdevelopment of the plot and is acceptable within the context of PPS3 and Policies R/DP1 and R/H8 of the Gosport Borough Local Plan Review.

9. The proposed first floor windows in the rear elevation will not significantly increase the propensity to overlook neighbouring properties over and above that which exists from existing first floor windows within the vicinity of the site. Although 2no. windows are proposed in the southern (side) elevation, due to the acute angle of these windows relative to the windows in the front and side elevation of number 90, they will not result in an unacceptable level of mutual overlooking. The proposed building will be set in from the application boundaries and set further back into the plot than the bungalow it is replacing. Although the front elevation will be sited forward of the principal elevation of number 90, due to the separation distances involved, it will not result in an unacceptable loss of outlook from the front windows. Due to the orientation of the proposed and existing properties, the development will not have an unacceptable impact on the amenities of the occupiers of number 90, or residents on the eastern side of Oval Gardens, with regard to loss of light. The separation distance between the rear elevation of the proposed building and the rear elevations of the properties to the west, in Charlesbury Avenue, significantly exceeds the guideline separation distance of 21 metres between opposing habitable room windows, as set out within Appendix B of the Gosport Borough Local Plan Review. Under the circumstances, and notwithstanding the variation in ground levels, the proposal will not result in an unacceptable loss of light, outlook or privacy to the occupiers of these neighbouring properties. The provision of a hipped roof will reduce the overall mass of the building. In light of this, and as there will be a separation distance of over 22 metres between the side elevation of the proposed care home and the two storey rear elevations of the properties fronting Privett Road, it is not considered that the development will result in an unacceptable loss of light to these properties, including the most private areas of their rear garden. Under the circumstances, the proposed development complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

10. Whilst the proposed development is likely to increase the number of vehicle and pedestrian movements at the front of the site, the applicant has indicated that, other than in the case of an emergency, medical professionals would visit the site during normal working hours. Food deliveries will take place once a week on Monday-Fridays only, when the majority of adjacent residents are likely to be at work, and such an arrangement is not considered atypical of a conventional dwellinghouse. Although residents are likely to be visited by relatives and friends, it is improbable that all visitations will take place at the same time. Similarly, it is unlikely that the rear garden will be used by all the residents and/or staff simultaneously. The rear garden will be well screened by 1.8 metre high wooden fencing and the plans show there is space to accommodate additional soft landscaping and this will help to reduce the potential for noise disturbance. Notwithstanding this, the level of activity in the rear garden is likely to be commensurate to that which would be expected from a typical pair of semi detached dwellings. The majority of visitors arriving at the site by car will do so from Privett Road and as such, will only have to travel a short distance (approximately 50 metres) along Oval Gardens before reaching their destination, passing only 3no. residential properties. For the vast majority of residents in Oval Gardens, therefore, it is unlikely that there will be any obvious or perceived increase in vehicular or pedestrian movements associated with the proposed development. The southern side of the site currently provides access to a garage and the use of the proposed refuse, cycle and mobility scooter storage facilities adjacent to the southern boundary is unlikely, therefore, to result in additional or unacceptable level of disturbance to the occupiers of number 90. Under the circumstances, it is not considered that the increased activity associated with the proposed development will result in unacceptable harm to the living environment of neighbouring occupiers, in accordance with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review. In the interests of preserving the future amenity of

neighbouring occupiers, and in order to ensure the Council is able to control the future use of the site, it is, proposed to attach a condition to prevent the building being used for any other purpose than as a care home.

11. The provision of 6no. car parking spaces is considered acceptable and it is unlikely that the development will result in significant overspill parking in the local highway network. Notwithstanding this, in the unlikely event that all on-site spaces are occupied at one time, it is considered that Oval Gardens could accommodate some additional on-street vehicular parking, without harming highway or pedestrian safety. The comings and goings associated with the proposed development are unlikely to have a significant affect on local traffic conditions and will not result in congestion in the local highway network. At 6 metres, the width of the proposed access is sufficient to provide safe and convenient entry and egress, including, if required, by larger delivery vehicles. Adequate manoeuvring space is available at the front of the site and the car parking layout is, therefore, acceptable. Notwithstanding the above, in order to ensure that adequate intervisibility is retained between vehicles exiting the site and all other users of the public highway and to prevent inappropriate parking at the front of the site which may block the access, the applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the funding of a Traffic Regulation Order (TRO). The TRO will be used to implement road markings in order to restrict parking immediately outside, and slightly to the north of, the application site. Due to the bend in the road and the presence of two existing vehicle driveways at 91 Oval Gardens, and a further access driveway and an electricity substation immediately to the north of the application site, it is unusual for vehicles to park within the immediate vicinity of the site at present. In practice, therefore, the provision of a TRO will not result in the displacement of any existing on-street parking in Oval Gardens or contribute to increased parking problems and/or congestion in the local highway network. Adequate facilities are shown for bicycle parking and refuse storage and provision is also shown for the parking/charging of mobility scooters. Under the circumstances, and in light of the above, the proposed development will not harm highway or pedestrian safety and, therefore, complies with Policies R/DP3, R/T4 and R/T11 of the Gosport Borough Local Plan Review.

12. The height of the building falls outside of the consultation requirements relating to the Safeguarded Area for the aerodrome at Lee-on-the-Solent. The development, therefore, complies with Policy R/ENV9 of the Gosport Borough Local Plan Review.

13. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards improvements to transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

RECOMMENDATION: Grant Outline Consent

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards transport infrastructure, services and facilities.
2. The payment of a commuted sum towards the funding of a Traffic Regulation Order

Reason(s) for granting permission:

1. The proposed development is acceptable in land use terms. It has an acceptable design and layout and will not harm the character or visual amenity of the locality, the amenities of existing residents, local traffic conditions or highway or pedestrian safety. The site has good links to public transport and the development will provide an acceptable living environment for prospective occupiers. Appropriate provisions have been made for access, vehicular, bicycle and mobility scooter parking, refuse storage and collection, highway and infrastructure improvements and the implementation of road markings at the front of the site. The development, therefore, complies with Planning Policy Statement 3 (PPS3) and Policies R/DP1, R/DP3, R/H8, R/T4, R/T11, R/ENV9 and R/ENV10 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted must be begun either before the expiration of three years from the date of the grant of this outline permission, or the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved whichever is the later date.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of this outline planning permission.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Details relating to the proposed landscaping for the site, hereinafter called "the reserved matters", shall be submitted to and approved, in writing, by the Local Planning Authority before the development hereby permitted is commenced.

Reason - Such details have yet to be submitted, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

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

06, 07A, 09F, 10B and 11A,

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

5. No development above slab level shall take place until samples of all external facing and roofing materials have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure that the external appearance of the buildings is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. No development above slab level shall take place until full details of all boundary treatments, gates and external lighting fixtures, including details of lux levels, have been submitted to and approved, in writing, by the Local Planning Authority. The boundary treatments, gates and external lighting fixtures shall be constructed in accordance with the approved details before the development is first occupied and thereafter retained.

Reason - In the interests of amenity, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

7. Before the development, hereby permitted, is first brought into use, the new vehicle access shall be provided in accordance with approved plan reference 09F and retained thereafter and the existing accesses to the site shall be closed in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of highway safety, and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

8. Before the development, hereby permitted, is first brought into use, the areas shown on the approved plan for the parking and turning of vehicles shall have been made available, surfaced and marked out in accordance with details submitted to and approved, in writing, by the Local Planning Authority and these areas shall be retained for that purpose at all times.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

9. Before the development, hereby permitted, is first brought into use, facilities for the storage of mobility scooters shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

10. The approved bicycle parking facilities shown on plan 07A, dated 13 September 2011, shall be provided and thereafter retained before the building hereby permitted is first occupied.

Reason - To ensure adequate bicycle parking facilities are provided and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

11. The approved refuse storage facilities shown on plan 07A, dated 13 September 2011, shall be provided and thereafter retained before the building hereby permitted is first occupied.

Reason - To ensure adequate refuse storage facilities are provided and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

12. The building hereby approved shall be used as a care home and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To control the use of the site, parking, traffic conditions and to preserve the future amenity of residential occupiers, and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 05.
APPLICATION NUMBER: K7886/15
APPLICANT: Mrs Pearl Comrie
DATE REGISTERED: 12.12.2011

FELLING OF 1NO. LIME TREE (TPO.G120) AND PLANTING OF 1NO. REPLACEMENT CHERRY TREE
Raglan Court Gordon Road Gosport Hampshire PO12 3PT

The Site and the proposal

The Lime tree, the subject of this application, is located in the north eastern corner of the Raglan Court development, adjacent to the boundary railings, and within the Bury Road Conservation Area. The tree is approximately 10 metres high and is clearly visible from both Gordon Road and Bury Road. Many of the branches overhang the adjacent pavement and a telephone wire passes through the canopy of the tree.

In July 2011, the Local Planning Authority received a notification to fell the Lime tree from the management company of Raglan Court. The works were considered necessary as the tree was considered to be a nuisance because of falling leaves and debris and a visual obstruction for vehicles exiting the site. The notification was considered under reference K7886/14. The Local Planning Authority considered the tree to be a significant, mature and healthy specimen, which makes a positive contribution to the character and appearance of the Bury Road Conservation Area and the visual amenity of the locality. Whilst Members expressed sympathy with the concerns raised by the applicant, in accordance with Section 197 of the Town and Country Planning Act, the Board considered it appropriate to protect the tree and control any further works to it by making a Tree Preservation Order (TPO G.120). The TPO was confirmed, without modification, on 25 November 2011.

This planning application is to fell the Lime tree and to plant a replacement flowering Cherry tree in the south eastern corner of the site, adjacent to a row of Sycamore trees. The management company considers the felling to be necessary on the grounds that it will improve visibility for vehicles exiting the site, avoid the need to clear leaves and debris from the driveway (which are considered hazardous to residents), increase light to Raglan Court and to avoid damage to, and interference with, the adjacent telephone line.

Relevant Planning History

K7886/14 - felling of lime tree (Conservation Area) - objection raised 19.08.11
TPO G.120 - 1no. Lime tree - confirmed 25.11.11

Relevant Policies

Gosport Borough Local Plan Review, 2006:
R/DP1
General Standards of Development within the Urban Area

Consultations

The Gosport Society

Raise objection.

The large Lime tree is a prominent feature in the streetscene and can be clearly seen from Gordon Road and Bury Road.

The tree appears to be a healthy and mature specimen which makes a significant

contribution to the Bury Road Conservation Area. It should not, therefore, be felled. Felling the tree would cause harm to the character and appearance of the area.

Regular maintenance and the clearing of leaves in the driveway would overcome some of the reasons given for felling the tree. In the event that the Local Planning Authority grants permission to fell the tree, a native tree, such as an Oak, would be a more appropriate replacement than the proposed Cherry.

Streetscene (Parks & Horticulture)

Raise objection. The tree the subject of this application is a live and healthy specimen with good vigour and form.

Problems arising from seasonal fall and the requirement to clear leaves are not sufficient reasons to fell this tree. The Council clean the highway/footways on a weekly basis. If there is a particular problem with seasonal debris within Raglan Court itself, the management company could implement a regime to clear fallen leaves.

Notwithstanding the above, given the age, species and position of the tree, the seasonal fall is unlikely to be excessive, or unacceptable.

Appropriate crown pruning and thinning would increase the amount of light to adjacent properties. The removal of selective branches would help to prevent interference with the adjacent telephone wire, without harming the shape and stature of the tree.

Lime trees are native to Britain. Replacing this tree with a flowering, non-native Cherry tree is unacceptable.

The reasons put forward for felling the tree can be overcome through appropriate pruning and crown thinning and the implementation of an appropriate management regime to collect fallen leaves.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- the tree should not be felled
- the tree has never caused incident or accident
- basal growth can be removed to ensure appropriate levels of visibility for drivers exiting the site

Principal Issues

1. The tree does not prevent safe and convenient entry and egress into/out of Raglan Court and any epicormic growth at the base of the trunk can be removed without the requirement for planning consent. Potential problems incurred as a result of fallen leaves/debris can be easily overcome through regular clearing of the driveway, at the discretion of the management company, and this is not considered adequate justification for the felling of a healthy, mature tree that makes a significant positive to the visual amenity of the locality and the character of the Bury Road Conservation Area. The Lime tree is one of 2no. trees on the eastern boundary. The application tree alone is not, therefore, responsible for contributing to loss of light to adjacent occupiers, who would have been aware of the presence of the tree at the time of purchase. Notwithstanding this, appropriate crown cleaning/thinning would help to increase the amount of light available to the windows in the eastern elevation, and the proposal to fell the tree is, therefore, considered an excessive and unnecessary course of management. If branches are interfering with the adjacent telephone line, the applicant could submit an application to remove the offending individual limbs and this is likely to be adequate to overcome any potential problems without harming the health, shape, form or amenity value of the tree. In considering the above, and as the tree is not dead, dying, or imminently dangerous, there are no extenuating circumstances to suggest that the tree should be removed without due regard to the usual requirements of the Town and Country Planning (Trees) Regulations, 1999, as amplified by the ODPM Guidelines - Tree Preservation Orders: a guide to the law and good practice. Under the circumstances, therefore, the main issues to consider in the determination of this application are the acceptability of the proposed works in terms of the impact on the health and amenity value of the tree, with particular reference to its contribution to the character and appearance of the Bury Road Conservation Area.

2. The tree is a large, mature and healthy specimen, which is clearly visible from both Gordon Road and Bury Road. It has good form and vigour and is a prominent feature in the streetscene, particularly when viewed from Gordon Road. Felling the tree would, therefore, detract from the visual amenity of the locality and have a significantly harmful impact on the character and appearance of the Bury Road Conservation Area. The problems identified by the applicant can be easily overcome through appropriate and sympathetic tree management strategies which would preserve the form, shape, vigour and health of the tree. The felling of the tree is, therefore, considered excessive and unnecessary. The provision of a flowering Cherry tree, which is a smaller, non-native species, would not adequately compensate for the loss of such a large, healthy and significant native specimen and the proposal is, therefore, considered contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The Lime tree is a large, healthy and mature native specimen with good form and vigour and is clearly visible from both Gordon Road and Bury Road. The tree is a prominent feature in the streetscene and it makes a significant positive contribution to the visual amenity of the locality. Its removal would, therefore, have a significant harmful impact on the character and appearance of the Bury Road Conservation Area and the wider amenities of the area. The problems identified by the applicant can be overcome through appropriate and sympathetic tree management and the felling of the tree is, therefore, considered excessive, unnecessary and unacceptable. The provision of a replacement, non-native, flowering Cherry tree, would not adequately compensate for the loss of this large, healthy and significant native specimen and the proposal is, therefore, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.