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04 January 2012

S U M M O N S

MEETING: Regulatory Board
DATE: 12 January 2012
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

Please note: A site visit has been arranged for 10.30am at Land to the Rear of 84 Priory Road, Gosport 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 22 NOVEMBER 2011

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 Tuesday, 10 January 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 Tuesday, 10 January 2012).

6. K17660/2 – VARIATION OF CONDITION PLANNING APPLICATION FOR THE REDEVELOPMENT OF HOLBROOK RECREATION CENTRE AT FOREST WAY GOSPORT

PART II
Contact Officer:
Debbie Gore
Ext 5455

To consider planning application K17660/2, submitted by DC Leisure Management, for the variation of conditions 14 (approved plans) and 35 (phasing) of planning application K17660/1 to allow minor alterations to the proposals and phasing of the scheme approved under planning permission K17660/1 relating to the demolition of the existing leisure centre and erection of a replacement leisure centre including swimming pool, sports hall, health and fitness suites, and all weather 5 a-side/7a-side synthetic turf pitches, erection of new hotel and pub/restaurant (including ancillary residential unit), associated access, car parking, servicing

Regulatory Board
12 January 2012

and landscaping (as amended by Ecology report received 17.06.11, plans and information received 21.06.11, Aboricultural Impact Assessment received 22.06.11, Energy Strategy report received 24.06.11, additional STP plans received 24.06.11, Badger Management Measures received 29.06.11 and amended plans received 01.07.11).

7. TREE PRESERVATION ORDER G. 122 – OAK TREE AT 36 CHESTER CRESCENT AND 18 LANCASTER CLOSE, LEE-ON-THE-SOLENT

PART II
Contact Officer:
Hilary Hudson
Ext 5611

The purpose of the report is to request the Board to consider whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.122.

8. REPORTS OF THE BOROUGH SOLICITOR

PART II
Contact Officer:
Debbie Gore
Ext 5455

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –20/1)*

9. 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:	12 January 2012
Title:	K17660/2 – Variation of Condition Planning Application for the Redevelopment of Holbrook Recreation Centre at Forest Way Gosport
Author:	Borough Solicitor
Status:	FOR DECISION

Purpose

To consider planning application K17660/2, submitted by DC Leisure Management, for the variation of conditions 14 (approved plans) and 35 (phasing) of planning application K17660/1 to allow minor alterations to the proposals and phasing of the scheme approved under planning permission K17660/1 relating to the demolition of the existing leisure centre and erection of a replacement leisure centre including swimming pool, sports hall, health and fitness suites, and all weather 5 a-side/7a-side synthetic turf pitches, erection of new hotel and pub/restaurant (including ancillary residential unit), associated access, car parking, servicing and landscaping (as amended by Ecology report received 17.06.11, plans and information received 21.06.11, Aboricultural Impact Assessment received 22.06.11, Energy Strategy report received 24.06.11, additional STP plans received 24.06.11, Badger Management Measures received 29.06.11 and amended plans received 01.07.11).

Recommendation

Subject to the outcome of the public advertisement the application be approved for the following reasons:

- i) 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, will secure the provision of enhanced sports and leisure facilities for the community without adversely impacting on the environment of the site or the wider area or the amenities of occupiers of neighbouring residential properties. The proposal reflects the government's wider social, environmental and economic objectives relating to the provision of sustainable communities and provides opportunities to enhance biodiversity and landscaping within the site. As such, the development complies with the national policies, regional policies and the policies of the Gosport Borough Local Plan Review as set out in Section 4 of the report.

subject to

- a) the conditions set out in Appendix A of this report; and

b) delegate authority to the Head of Development Control to consider any representations received in response to the public advertisement and determine the application.

1 Background

- 1.1 The application site is relatively flat and is situated on the west side of Fareham Road (A32) and to the south of Forest Way. The site is approximately 5 hectares and is occupied by the existing Leisure Centre, an ice rink, an equipped children's playing park, and associated car parking, landscaping, informal open space and 2 adult sized grass football pitches. The site is owned by the Borough Council. The Holbrook residential estate lies to the north and to the south is the northernmost Huhtamaki industrial building, which is separated from the application site by a metal palisade fence. Along the western boundary is an existing cycle/footpath that joins with Forest Way, the subject of planning permission for Phase 1 of the Bus Rapid Transit route. Beyond is a line of mature trees and shrubbery and the residential properties in Turner Avenue. There is mature landscaping and grass bunding along the eastern boundary of the site which largely screens the buildings and car parking areas from the A32. Access to the leisure centre and ice rink is from Forest Way and servicing runs parallel to Fareham Road. There is a bus stop immediately east of the site along with a pedestrian crossing over Fareham Road adjacent to this. A cycle route also runs along the A32 adjacent to the site.
- 1.2 The existing Leisure Centre comprises a 3100 square metre red brick building with profiled metal roof and contains a 25 metre swimming pool and 12 metre learner pool, three squash courts, fitness, sauna suite, plus associated activity and playgroup rooms and changing facilities. It was built in three phases, opening in 1976 with the main wet facilities, followed in 1981 with squash and dry changing facilities and finally, in 1983, with the fitness suite and outdoor changing facilities. The ice rink opened in 1989. All current facilities are served by 123 shared car parking spaces and 25 cycle spaces.
- 1.3 Outline planning permission, reference K17660, was granted on 19.10.09 for the erection of a replacement Leisure Centre, including swimming pool, health and fitness suites, sports hall, crèche and all-weather sports pitches together with new hotel, restaurant and shop and associated car parking, servicing and landscaping. Detailed planning permission was granted by the Regulatory Board on 21.07.11 reference K17660/1 ('the approved scheme').
- 1.4 The approved scheme comprises the construction of a replacement Leisure Centre to be sited to the west of the existing centre covering a ground area of approximately 3300 square metres and being a maximum of 13m in height. The building is to be contemporary in its appearance having a flat roof with mixture of render and composite

clad panels to the exterior. Feature colour and glazed panels would be included on the elevations to provide visual interest. The facilities, spread over two floors, comprise the following:

- a 25m x 13m six lane swimming pool
- a 12m x 8m teaching pool
- wet health suite including sauna, steam room and showers
- a 18m x 33m x 7.6m high 4 court sports hall (designed to Sport England standards)
- 70 station fitness suite
- studio
- creche/soft play area
- reception, vending area, seating/spectator area, toilets, wet and dry changing, cleaning stores, refuse store, circulation, etc.
- associated hard and soft landscaping including a pedestrian boulevard through the centre of the site.

- 1.5 An all weather STP is also approved to the south west corner of the site measuring 100m x 60m and to be made up of 1 no. 7 a-side pitch and 8 no. 5 a-side pitches. The pitches would be surrounded by twin wire rebound panels measuring 1.2m in height, with green mesh wire fencing extending another 2.4m beyond that (total height 3.6m) and 18 no. floodlighting columns 8m high. Two mini soccer pitches, measuring approximately 46m x 28m, are to be marked out on the grass to the west of the new Leisure Centre building.
- 1.6 Under the approved scheme the existing equipped children's playing park is to be relocated and refitted approximately 30m further west of its current position on new surfacing and would be surrounded by a 1.2m high metal fence. Access to the play area would be rotated west to face away from the access road.
- 1.7 A four storey, 64 bed hotel was also approved to be located to the east side of the site running parallel to Fareham Road. The main entrance is to be located on the north west side of the building with ancillary plant and linen storage on the east side and fire exits on the north and south. The hotel would be 12.5m high, 40m long and approximately 15m wide. This building has a flat roof and clean, simple appearance with brick work at ground floor level and a rendered exterior to the floors above.
- 1.8 A 180 cover pub/restaurant is to be situated north west of the hotel and would contain an ancillary 3 bedroom managers' flat at first floor level. The main access is to be on the north side of the building with a service area to the south. A garden area was to be situated to the west side, and an outdoor terrace to the north east. The highest part of the roof would be approximately 10.5m high and the building would be 32m long and 25m wide. A sub-station and bin store would be located to the east. This building would be more traditional in appearance having a mix of pitches to the roof to accommodate the

first floor residential accommodation. Bay windows would be used at ground floor to reinforce the traditional appearance.

- 1.9 Development on site is to be phased with the new Leisure Centre being constructed during the first phase and the hotel and pub following.
- 1.10 The proposal is designed around a leisure park theme with the buildings being positioned around a central boulevard, the central link of pedestrian accesses to the site and the car, coach and cycle parking. The buildings would be positioned around this central public space with green spaces extending beyond to the boundaries of the site. This would provide a visual green barrier. The Leisure Centre itself would be positioned towards the centre of the site and would be the central focal point.
- 1.11 The approved hours of opening for the respective elements are as follows:
- Leisure Centre: 0630 - 2300 7 days a week (floodlights being turned off at 2230 with the STP's not being used past this time)
Pub/restaurant: 0700 - 0000 Monday to Thursday and 0700 - 0100 Friday to Sunday (including Bank Holidays)
Hotel: 24hrs a day, 7 days a week
- Across the various elements of the site the employment generation would be 55 full time equivalents.
- 1.12 The access to the site would be re-sited approximately 40m further west with the existing access being closed. 267 unallocated car parking spaces would be provided on site, including 18 disabled spaces. 1 coach parking space and 2 coach drop-off points. Pedestrian and cycle routes would link to the site from the north, east and west. The existing ice rink and sub station were to be retained in situ.
- 1.13 A number of minor changes are proposed to the approved plans together with amendments to the phasing which are to be considered under this current application.

2 Relevant Planning History

- 2.1 K8471 - outline application - covered swimming pool - permitted 15.01.74
K8471/1 - indoor swimming pool complex - permitted 23.04.75
K8471/3 - Regulation 4 application - erection of 4 squash courts, offices and changing facilities - permitted 29.01.80
K8471/5 - Regulation 4 application - erection of single storey extension to accommodate changing and ancillary facilities - permitted 26.10.83

K8471/6 - Regulation 4 application - erection of single storey extension to accommodate amended changing rooms facilities - permitted 20.01.87

K8471/7 - erection of ice skating rink and car parking - permitted 20.02.89

K13523/5 - Regulation 3 - application internal alterations to convert squash court to play area/lounge permitted 14.01.98

K17660 - Regulation 3 - Outline - Erection of replacement Leisure Centre, including swimming pool, health and fitness suites, sports hall, creche and all-weather sports pitches together with new hotel, restaurant and shop and associated car parking, servicing, and landscaping (as amplified by further indicative drawings received 14.09.09) - permitted 19.10.09

K17660/1 – Demolition of existing Leisure Centre, erection of replacement Leisure Centre including swimming pool, sports hall, health and fitness suites, and all-weather 5 a-side/7 a-side synthetic turf pitches, erection of new hotel, and pub restaurant (including ancillary, residential unit) associated access, car parking, servicing and landscaping (as amended by updated Ecology report received 17.06.11, additional plans and information received 21.06.11, amended Aboricultural Impact Assessment received 22.06.11, Energy Strategy report received 24.06.11, additional STP plans received 24.06.11, Badger Management Measures received 29.06.11, amended plans received 01.07.11, Stage 2 Bat Survey received 19.07.11) – permitted 22.07.11

3 The Proposal

- 3.1 Minor alterations to the appearance of the Leisure Centre are being sought. These include an overall reduction in height of the main roof from 10.4m to 9.6m together with glazing proportions reduced to compliment the appearance of the reduced building height. A decrease in the area of plant on the roof, alterations to the position and arrangement of the coloured accent panels on the south elevation and amendments to the access arrangements to the vending area, which includes the consolidation of two pairs of doors to one pair, are also proposed.
- 3.2 Alterations to the hotel are also proposed to accommodate a different operator. The general scale and massing of the hotel will remain as approved, however, the appearance of the elevations will differ. A red brick is now proposed as compared to the blue brick previously approved. The arrangements of glazing on all elevations will differ in detail, however, the fundamental position of these design features will remain as previously approved. A fascia above the main entrance will be retained and will cover a larger area than that previously approved. The window detailing beneath this will be revised to accommodate a revised entrance lobby arrangement. Alterations to the internal room format to provide more variety of bedroom types means that a central part of the west elevation will extend half a

metre beyond the main building. This detail will provide some articulation to this elevation. A separate plant room and yard are proposed to the north and south elevations respectively. A reduction in the number of bedrooms from 64 to 63 is also accommodated within these amendments.

- 3.3 The yard now proposed will provide storage for bins associated with the hotel. In addition, servicing connections can be accommodated within the existing sub-station to the west side of the existing ice rink. As such, there is no longer a requirement for a separate bin store/sub station to the north side of the hotel and this has been removed from the scheme. A service vehicle drop off point to the west side of the hotel is to be provided and the radius of the kerb to the south side of the pub/restaurant is to be increased. Minor revisions to the pedestrian footways around the hotel are also proposed.
- 3.4 A number of alterations to the pub/restaurant are also proposed. These include the removal of an outdoor terrace area to the north east corner of the building and the provision of an outdoor pergola to the west side of the pub/restaurant. The south west corner of the pub garden is to be fenced off to provide a secure play area. Minor alterations to the elevations are also proposed. These include an increase in the width of the chimney breast on the west elevation, amendments to the position of the entrance canopy and corresponding windows together with replacement of a door with a window on the north elevation.
- 3.5 The phasing has been amended to complete the STP ahead of the completion of the Leisure Centre and to complete the parking and access roads ahead of the completion of the hotel and pub/restaurant.
- 3.6 The application is accompanied by a Design and Access Statement, a Planning Statement, a Phase 1 Habitat Survey, a Phase 1 External Bat Inspection Survey, a Stage 2 Bat Survey, a Transport Assessment, Outline Travel Plans for the respective uses, a Flood Risk Assessment, an Archaeological Assessment, a Site Investigation, an Arboricultural Impact Assessment, an Air Quality Assessment, a Flood Risk Assessment, a Noise Assessment, an External Lighting Assessment, a Ventilation and Extraction report, a Site Waste Management Plan, an Energy Strategy Report and Badger Management measures.

4 Planning Policy

- 4.1 The principal aim underlying national planning guidance is to provide sustainable and socially cohesive communities that are adaptive to climate change. Overarching planning policy on sustainable development through the planning system is contained within PPS1 which sets out expectations regarding access to jobs, health,

education, sports, leisure and community facilities and open space. Advice relating to economic development is contained within PPS4 which sets out guidance on the appropriateness of sites for uses, and PPG13 addresses transport matters. Specific advice relating to archaeology, biodiversity, open space and recreation, renewable energy, pollution control, noise, and flood risk is contained in PPS5, PPS9, PPG17, PPS22, PPS23, PPG24, and PPS25.

PPS1 (Delivering Sustainable Development)
PPS4 (Planning for Sustainable Economic Growth)
PPS5 (Planning for the Historic Environment)
PPS9 (Biodiversity and Geological Conservation)
PPG13 (Transport)
PPG17 (Planning for Open Space, Sport and Recreation)
PPS22 (Renewable Energy)
PPS23 (Planning and Pollution Control)
PPG24 (Planning and Noise)
PPS25 (Development and Flood Risk)

- 4.2 The Gosport Borough Local Plan Review was adopted in May 2006. Strategic Statement 7 of the Local Plan Review aims to ensure that new leisure and community facilities are provided in locations that are easily accessible to the local community. One of the Council's Strategic Priorities is the provision of improved leisure facilities with increased usage. The following Local Plan Review Policies are relevant to the consideration of this application.

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/T2
New Development
R/T3
Internal Layout of Sites
R/T4
Off-site Transport Infrastructure
R/T9
Cycleways and Footpaths
R/T10
Traffic Management
R/T11
Access and Parking
R/OS4
Protection of Existing Open Space
R/OS5
New Open Space Provision
R/CF8
Provision of Built Leisure Facilities

R/CF9
Recreation and Leisure Allocations
R/CF10
Protection of Existing Built Leisure Facilities
R/CF11
Improvement or Development of Tourist Accommodation and
Conference Facilities
R/OS13
Protection of Habitats Supporting Protected Species
R/OS14
Biodiversity Action Plans
R/ENV2
River and Groundwater Protection
R/ENV4
Treatment of Foul Sewage and Disposal of Surface Water
R/ENV5
Contaminated Land
R/ENV10
Noise Pollution
R/ENV11
Minimising Light Pollution
R/ENV12
Air Quality
R/ENV14
Energy Conservation
R/ENV15
Renewable Energy
R/BH8
Archaeology and Ancient Monuments

5.0 Summary of Consultation Responses

Natural England

No objection subject to conditions imposed on the previous consent (K.17660/1) being applied to this current application.

Environment Agency (Hants & IOW)

No objection.

Southern Water

No objection.

HCC Ecology

No objection. The phasing shows the construction of the new leisure centre prior to demolition of the existing centre meaning that, provided a condition requiring the provision of a bat roost in the new leisure centre, there would be no length of time when there was a lack of provision of a bat roost on site.

HCC Landscape, Planning & Heritage

No objection.

HCC Lighting

Update to be provided.

Building Control

No objection.

Property Services

No objection.

Economic Prosperity

No objection.

Environmental Health

A condition relating to noise attenuation to the plant room should be imposed on any permission.

Streetscene (Parks & Horticulture)

A condition relating to tree protection should be imposed on any permission.

Streetscene (Waste & Cleansing)

The ancillary dwelling would require 1 x 240 litre domestic bin, and 1 x 240 litre recycling wheeled bin. Adequate storage in the enclosed yard shown with refuse to be collected on an alternate weekly basis. All other waste would require a commercial collection which GBC does not provide. Bin storage sites/stores for hotel, pub/restaurant and leisure centre identified.

Highway Authority

Update to be provided.

Crime Prevention & Design

Update to be provided.

Sport England South East

Update to be provided.

6.0 Public Response

- 6.1 The publicity period expires on 17.01.11. No response had been received to date. An update will be provided to Members during the Regulatory Board meeting.

7.0 Planning Issues

- 7.1 Matters relating to Open Space, the provision of a leisure facility, tourist accommodation and a pub/restaurant on the site, the principle

of the quantum of the development on the site, the form, overall layout, design principles, overall impact on the neighbouring properties, transport and highway issues, trees, ecology and protected species, flooding, archaeology, land contamination, noise, air quality, energy conservation and renewables have all been considered under planning permission K.17660/1. As such, the only issues for consideration under this application are the impact of the alterations to the design of the leisure centre, hotel and pub/restaurant, the minor changes to the footpath and servicing layout, the impact on nearby neighbours from the additional plant room, and the impact of the amendments to the phasing.

- 7.2 The proposed alterations to the leisure centre, including the reduction in height, will not impact harmfully on its overall, contemporary appearance. The arrangement of materials has been amended to accommodate the reduction which ensures the building will remain visually in proportion. The reduction in the area of plant on the roof represent a visual improvement and consolidation of necessary, ancillary plant. The Leisure Centre will retain its central, visual presence on the site.
- 7.3 The glazed design features on the hotel will be retained, albeit in a different format to that previously approved. Nevertheless, the building is considered appropriate to this location. Similarly, the alterations to the pub/restaurant and variances to the ancillary features such as the pergola, footpath layout and servicing will not significantly impact the appearance of the buildings either individually or collectively.
- 7.4 The loss of the separate bin store/sub station will visually open up the space between the hotel and pub restaurant. The replacement of this facility with dedicated yard and plant room at the hotel are visually acceptable. Both will be, physically, and visually, minor additions to the hotel building and will not impact harmfully on its appearance. A condition relating to the attenuation of noise from the plant room has been added to ensure that any impacts on nearby residential properties can be appropriately managed. The Head of Environmental Health is satisfied with this approach.
- 7.5 The amendments to the phasing allow the STP and car parking areas to be completed earlier in the construction process on site and ensures there will be no overlap between the construction works relating to the car parking and works relating to the construction of the hotel and pub/restaurant. This positively contributes to consolidating the varying construction processes across the site.
- 7.6 Overall, the proposals are minor and do not fundamentally alter the scheme approved under planning permission K17660/1. Save for conditions 14 and 35, which are being varied to accommodate the proposed changes and new condition 37 , all other conditions

attached to planning permission K.17660/1 are to be re-imposed together. For the above reasons the proposals are acceptable and accord with the relevant national and regional policies and the policies of the Gosport Borough Local Plan Review, as set out in Section 4 of the report.

Financial Services comments:	
Legal Services comments:	Contained in report
Service Improvement Plan implications:	The planning application is a part of the delivery of a key project
Corporate Plan:	The planning application is a part of the delivery of a key project
Risk Assessment:	Low risk
Background papers:	<p>Applications and supporting documents in respect of K17660 K17660/1 and K17660/2.</p> <p>Reports to the Regulatory Board on 06.10.09 – Outline Planning Application K17660</p> <p>Report to the Regulatory Board on 21.07.11 – Detailed Planning Application K17660/1</p>
Appendices/Enclosures:	<ul style="list-style-type: none"> • Appendix 'A' Recommended conditions • Appendix 'B' Site location plan
Report author/ Lead Officer:	Miss R Gray, Principal Planner. Ext: 5328

Appendix A: Recommended conditions.

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. Details, including samples, of all external facing and roofing materials, and hard landscaping works, including boundary treatments and lighting, to be used in the construction of individual phases (as identified on phasing plan no. 6090 PL042 Rev D) shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level within each relevant phase are commenced. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with PPS1 and Policy R/DP1 of the Gosport Borough Local Plan Review.

3. Details, including a planting scheme, showing species, numbers, densities, heights, and a future maintenance scheme, of the soft landscaping to be carried out in the individual phases (as identified on plan no. 6090 PL042 Rev D), including any details of measures required in the laying out of the Trim Trail, shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level in Phase 2 have commenced. The approved landscaping scheme for each phase shall be fully completed before buildings within each related phase are first brought into use, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of amenity and the appearance of the locality, and to comply with PPS1, PPS9 and Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Any trees or plants, agreed by condition 3, which die, are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed, in writing, with the Local Planning Authority) during the next planting season.

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

5. Before development is commenced, a scheme to dispose of foul and surface water sewerage disposal shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include

(i) a timetable for its implementation having regard to the construction phasing plan (as identified on plan no. 6090 PL042 Rev D).

(ii) a management and maintenance plan for the lifetime of development.

The scheme shall be carried out and thereafter managed and maintained in accordance with the approved details and timetable.

Reason: To ensure that there is adequate provision for foul drainage from the site and to comply with PPS23, PPS25, and Policies R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

6. Before development is commenced, measures to protect existing public sewers, including a timetable for the measures to be carried out, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the agreed details and timetable.

Reason - To protect existing services from the development and to comply with PPS1, PPS23, PPS25, and Policies R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

7. Before development of the pub/restaurant is above slab level details of a scheme to intercept grease in the drainage serving the food preparation and dish-washing areas shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of regular emptying and disposal of grease by a registered contractor. The approved scheme shall be carried out before the pub/restaurant is brought into use and retained in full working order at all times thereafter.

Reason - To protect existing services from the development and to comply with PPS23, PPS25, and Policies R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

8. Before development is commenced, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:

(i) Information about the design of storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

(ii) A timetable for its implementation.

(iii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

The approved scheme shall thereafter be carried out in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, and to comply with PPS1, PPS9, PPS23, PPS25, and R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review

9. Each demolition and construction phase of the development, as identified on plan no. 6090 PL042 Rev D, shall not be commenced until hoardings have been erected around the part of the site to be demolished or constructed within that phase, in accordance with details submitted to and approved, in writing, by the Local Planning Authority. Such details shall include measures to be incorporated into the design of the hoardings to reduce the impact of noise, dust and vibration on nearby properties. The hoarding shall be retained throughout the demolition and construction of the phase to which they relate.
Reason - In the interests of the amenity of the area and to comply with PPS1, PPS23 and Policy R/DP1 of the Gosport Borough Local Plan Review.

10. Each demolition and construction phase of the development, as identified on plan no. 6090 PL042 Rev D, shall not be commenced until a scheme for the construction of the site compound for that phase has been submitted to and approved, in writing, by the Local Planning Authority. Such a scheme shall include the location of the compound and any buildings within it, the height, design and method of construction of all means of enclosure, and the height and design including details of fenestration of any portable building, provision to be made for parking of employees vehicles, the location of plant storage, and provision for waste storage and disposal. The compound shall be constructed in accordance with the approved details before demolition or construction related to that phase is commenced and shall be retained as approved until the development within each phase of demolition and construction has been completed unless otherwise agreed, in writing, with the Local Planning Authority.
Reason - In the interests of the amenity of the area and to comply with PPS1, PPS23 and Policies R/DP1, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

11. Before development of the pub/restaurant proceeds above slab level, details of the ventilation and extraction system to be installed, including measures to minimise noise from the system, shall be submitted to and approved, in writing, by the Local Planning Authority. The pub/restaurant shall not be open to the public until the ventilation/extraction system approved under this condition has been installed. The approved system shall at all times thereafter be retained in the approved condition.
Reason - To protect the amenities of nearby residential properties and to comply with PPS1, PPS23 and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

12. In the event that contamination not previously identified is found when carrying out the development hereby approved, an investigation, a risk assessment and mitigation study shall be undertaken and submitted to and approved, in writing, by the Local Planning Authority. A verification report that demonstrates that the remediation has been carried out in accordance with the approved scheme shall be submitted to and approved, in writing, by the Local Planning Authority before the development is first brought into use unless otherwise agreed by the Local Planning Authority.

Reason - To ensure that risks from contamination for future users of the land and neighbouring land, and controlled waters, property and ecological systems are minimised and in the interests of the safety of construction workers, occupiers of adjacent land and off site receptors, and to comply with PPS1, PPS23, and R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

13. Before development is commenced, details of an archaeological monitoring and recording action watching brief 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 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure any features of archaeological interest are preserved and to comply with PPS1, PPS5 and R/DP1 and R/BH8 of the Gosport Borough Local Plan Review.

14. The site shall be developed strictly in accordance with phasing plan no. 6090 PL042 Rev D submitted on 14.12.11 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the provision of sports facilities is maintained in the Borough, adequate car parking is retained on site at all times, safe access to the site is retained at all times and the amenity of nearby residential properties is retained and to comply with PPS1, PPG13, PPG17 and Policies R/DP1, R/CF8, R/CF9, R/CF10, R/T2, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

15. Before works relating to the construction of the new access to Forest Way are commenced full details shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure adequate access to and from the site in the interests of highway safety and to comply with PPS1, PPG13 and R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

16. The hotel and pub/restaurant shall not be brought into use until the proposed access, shown on plan no. 6090 PL015B Rev F submitted on 14.12.11, has been constructed in accordance with the details approved under condition 15 and made available for use.

Reason - To ensure the provision of sports facilities is maintained in the Borough, adequate car parking is retained on site at all times, safe access to the site is retained at all times and the amenity of nearby residential properties is retained and to comply with PPS1, PPG13, PPG17 and Policies R/DP1, R/CF8, R/CF9, R/CF10, R/T2, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

17. The hotel and pub/restaurant shall not be brought into use until the existing site entrance, shown on plan no. 6090 PL015B Rev F submitted on 14.12.11, has been closed.

Reason – In the interests of highway safety and to comply with PPS1, PPG13 and R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

18. Before development is commenced, a Construction Traffic Management Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The Construction Traffic Management Plan shall include, in particular, details of lorry routing, contractors parking and turning, measures to prevent mud and spoil from being deposited on the highway and the construction programme. Thereafter, the approved Construction Traffic Management Plan shall be carried out for the duration of construction on site.
Reason - To preserve the amenity of the area, to preserve highway safety and to comply with PPS1, PPG13 and Policies R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

19. The areas shown on the approved plan for the parking of vehicles and cycles shall have been surfaced, marked out, and made available for use within two months from the date of opening to the public of the hotel or pub/restaurant, whichever is the later, unless otherwise agreed, in writing, by the Local Planning Authority. These areas shall be retained for that purpose at all times.

Reason – In the interests of highway safety and to ensure adequate car parking, loading and unloading facilities are provided and retained, and to comply with PPS1, PPG13 and Policies R/DP1, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

20. Before development above slab level of Phase 3 is commenced, a car park management plan shall be submitted to and approved, in writing, by the Local Planning Authority. At all times thereafter the car park shall be managed in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure appropriate use of the on site car parking provision and discourage parking on the adjoining highway in the interests of highway safety and the amenity of nearby residential properties and to comply with PPS1, PPG13 and Policies R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

21. A scheme for the provision of car parking during construction works relating to each phase shall be submitted to and approved, in writing, by the Local Planning Authority before each phase is commenced. The approved car parking details shall be complied with at all times.

Reason - To ensure adequate use of the on site car parking provision and discourage parking on the adjoining highway in the interests of the amenity of nearby residential properties and to comply with PPS1, PPG13 and Policies R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

22. The pub/restaurant and hotel shall not be brought into use until arrangements submitted to and approved, in writing, by the Local Planning Authority have been put in place to secure a contribution towards Transport Infrastructure, Services and Facilities in compliance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

Reason - To ensure a contribution is made towards Transport Infrastructure, Services and Facilities in compliance with PPS1, PPG13 and Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

23. Before buildings in each phase are brought into use, full detailed Travel Plans including, in particular, details of the appointment of the Green Travel Plan Coordinator relating to the operation of the uses within that phase have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the approved Travel Plans shall be carried out in full unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To reduce the impact of the development on the surrounding highway network, maximise sustainable modes of transport and to comply with PPS1, PPG13 and Policies R/DP1, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

24. The development hereby permitted shall not be open for use outside the following hours unless otherwise agreed, in writing, by the Local Planning Authority:

Leisure Centre: 0630 - 2300 7 days a week

STP: 0630 – 2230 7 days a week

Pub/restaurant: 0700 - 0000 Monday to Thursday, and 0700 - 0100 Friday to Sunday (including Bank Holidays)

Hotel: 24hrs a day, 7 days a week

Reason - To ensure the site can viably function along with preserving the amenities of the occupiers of the neighbouring properties and to comply with PPS1, PPG24 and Policies R/DP1, R/ENV10 and R/ENV11 of the Gosport Borough Local Plan Review.

25. The development shall be carried out in accordance with the Badger Management Measures submitted on 14.12.11.

Reason – In the interests of a protected species and to comply with PPS1, PPS9 and Policies R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

26. The trees and hedges on the site which are to be retained shall be protected during building operations by strict compliance with BS5837:2005 - Trees in Relation to Construction and in compliance with the details set out in the Arboricultural Impact Assessment submitted on 14.12.11. The tree protection measures shall be approved in situ by a representative from the Local Planning Authority prior to commencement of development of Phase 1 and thereafter retained as agreed for the duration of development on site. Any tree protection measures that become unstable or otherwise during construction works shall be reinstated as previously agreed immediately.

Reason - To ensure the enhancement of the development by the retention of natural features, and to comply with PPS1, PPS9 and Policy R/DP1 of the Gosport Borough Local Plan Review.

27. Percussive piling works shall not be carried out between 1 October and 1 March unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To avoid disturbance to over-wintering birds in the interests of nature conservation and biodiversity and to comply with PPS1, PPS9 and Policies R/OS13 and R/OS14 of the Gosport Borough Local Plan Review.

28. The pub/restaurant premises shall be used for and for no other purpose other than as a mixed use pub/restaurant (including any other purpose within Class A3/A4 of the Schedule to the Town and Country Planning (Use Classes Order) 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To ensure the amenity of the area is preserved and to comply with PPS1 and R/DP1 of the Gosport Borough Local Plan Review.

29. The occupation of the flat at first floor level within the pub/restaurant shall be limited to a person solely or mainly employed or last employed in the pub/restaurant, or a widow or widower of such a person, or any resident dependants.

Reason - To protect the amenities of the area and to comply with PPS1 and R/DP1 of the Gosport Borough Local Plan Review.

30. The STP shall not be brought into use until the kickboards have been constructed in accordance with details provided on 14.12.11 and the kickboards shall be retained at all times thereafter.

Reason - To preserve the amenity of nearby residential properties and to comply with PPS1, PPG24 and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

31. The STP shall not be brought into use until the floodlights have been implemented in accordance with the approved specification and the floodlights shall be retained in that condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason – To preserve the amenity of nearby residential properties and to comply with PPS1, PPS23, and Policies R/DP1 and R/ENV11 of the Gosport Borough Local Plan Review.

32. The floodlights around the STP shown on plan no. 5519/GA/01 Rev A shall not be operated beyond 2230 on any day unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the amenity of neighbouring residential properties and to comply with PPS1, PPS23 and Policies R/DP1 and R/ENV11 of the Gosport Borough Local Plan Review.

33. Development shall not commence until a scheme to secure the provision of 2 adult, grass football pitches, and improvements to drainage at Brookers Field football pitch, including a timetable for implementation of both, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include an improvement and maintenance programme and a technical specification of the pitches. The scheme shall be carried out in accordance with the approved details.

Reason – To ensure adequate provision of adult, grass football pitches in the Borough in the interests of community amenity and to comply with PPG17 and Policies R/DP1 and R/OS4 of the Gosport Borough Local Plan Review.

34. The Leisure Centre shall not be brought into use until a management plan for community use of the STP has been submitted to and approved, in writing, by the Local Planning Authority. The management plan shall include details of pricing policy, hours of use, access for the community, management arrangements and mechanism for review. The approved management plan shall be implemented in accordance with the agreed details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason – To ensure satisfactory access to sports and recreational facilities in the Borough and to comply with PPG17 and Policies R/DP1 and R/OS4 of the Gosport Borough Local Plan Review.

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

6090 PL015B Rev F
6090 PL025 Rev D
6090 PL026 Rev E
6090 PL027 Rev G
6090 PL028 Rev D
6090 PL030 Rev F
6090 PL031 Rev F
6090 PL032 Rev A
6090 PL036 Rev C
6090 PL042 Rev D
5519/GA/01 Rev A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with PPS1 and Policy R/DP1 of the Gosport Borough Local Plan Review.

36. Before development is commenced, a detailed strategy, including a timetable for implementation of each of the measures, addressing the following matters shall be submitted to and approved, in writing, by the Local Planning Authority:

a. Measures to mitigate impacts to the bat roost, identified in the Stage 2 Bat Survey, resulting from the demolition of the existing Leisure Centre building; and

b. Measures to mitigate impacts to the bat foraging and commuting habitat, as identified in the Stage 2 Bat Survey, along the western site boundary, and the replacement bat roost, resulting from the proposed external lighting and floodlighting on the site.

The approved strategy shall thereafter be fully carried out in accordance with the agreed details and timetable, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the preservation of a protected species and to comply with PPS1, PPS9 and Policies R/DP1, R/OS13 and R/OS14 of the Gosport Borough Local Plan Review.

37. Before development of the hotel commences details of measures to attenuate noise from the plant room shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the hotel shall be completed in accordance with the agreed details and those measures shall be retained at all times thereafter.

Reason – To ensure the amenities of nearby residential properties are preserved to comply with PPS1, PPG24 and R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

Agenda Item no.7

Board/Committee:	REGULATORY BOARD
Date of meeting:	12 JANUARY 2011
Title:	TREE PRESERVATION ORDER G.122 – OAK TREE AT 36 CHESTER CRESCENT AND 18 LANCASTER CLOSE, LEE-ON-THE-SOLENT
Author:	BOROUGH SOLICITOR AND HEAD OF DEVELOPMENT CONTROL
Status:	FOR DECISION

Purpose

The purpose of the report is to request the Board consider whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.122, where objections have been received.

Recommendation

That, in accordance with the provisions of Section 199 of the Town and Country Planning Act 1990 and despite letters of objection, the Board confirm Tree Preservation Order No G.122 relating to a mature Oak tree at 36 Chester Crescent and 18 Lancaster Close, Lee-on-the-Solent.

1. Background

- 1.1 The Tree Preservation Order G.122, dated 24 October 2011, relating to a mature Oak tree on the shared rear boundary between 36 Chester Crescent and 18 Lancaster Close, Lee-on-the-Solent, has been made as a provisional Order.

2. Report

- 2.2 The Order has been made because, in the opinion of the Head of Development Control, the tree makes a significant positive contribution to the character and appearance of the local environment.
- 2.3 Notice of making of the Order has been served, as required by the Regulations, on the owners of the land concerned. Any person wishing to object to the Order had a period of one month to submit that objection for consideration by the Council.
- 2.4 The Regulations provide that if a Tree Preservation Order is to continue in effect, it must be confirmed by the Authority within a period of six months from the date on which the Order is made, and after consideration of any objection received.

2.5 The Borough Solicitor has delegated authority to confirm the Order provided that no objections have been received. In this case, a total of three letters of objection have been received, two from the occupiers of 18 Lancaster Close and one from the occupiers of 20 Lancaster Close. The letters object to the making of the Order on the following grounds:

- (a) the tree contravenes the property deeds attached to 18 Lancaster Close
- (b) the imposition of a Tree Preservation Order may impact on any future sale of 18 Lancaster Close
- (c) the tree should be replaced by an ever-green species to avoid the smell of rotting vegetation
- (d) the tree consumes a large volume of ground water
- (e) concern about the financial cost of future maintenance
- (f) questions who must accept responsibility for the future maintenance of the tree, which is complicated by the fact it straddles two property boundaries
- (g) the tree causes excessive shading of the rear garden of 18 Lancaster Close which prevents vegetables and flowers being grown. The growing of flowers would help to increase the bee and butterfly population
- (h) the roots of the tree may undermine the pipes and foundations of 18 Lancaster Close
- (i) the tree dominates the rear garden of 18 Lancaster Close, which is exacerbated by varying land levels
- (j) there is danger from falling branches
- (k) the tree, by reason of its low level branches, is preventing a shed being erected at the southern end of the rear garden of 18 Lancaster Close
- (l) the tree should be felled
- (m) crowning the tree would encourage re-growth, resulting in an increased requirement for future maintenance

In addition to the above, one letter of support has been received from the occupiers of 38 Chester Crescent. The letter supports the confirmation of the Order on the following grounds

- (a) the tree is an important environmental asset
- (b) the tree should not be felled on the basis that it is an inconvenience to its owners, who were aware of its presence at the time they purchased the property
- (c) the tree can be managed without the need for it to be felled
- (d) the tree is particularly old and should not be felled

2.6 The content of property deeds, future property sales, the smell of rotting vegetation, the tree's consumption of groundwater and the matter of who is responsible for the future maintenance of the tree cannot be controlled through the planning legislation and are, rather, private legal matters between the interested parties.

- 2.7 Through the planning legislation, there is no absolute 'right to light' and this is not a material planning consideration when assessing whether a tree is worthy of a Tree Preservation Order.
- 2.8 In the absence of a structural report, the Local Planning Authority is unable to comment on issues relating to possible damage to adjacent property. Nevertheless, should it subsequently be demonstrated that the tree is damaging property, and that its removal is the only practical solution, confirmation of the Order would enable the Local Planning Authority to require an appropriate replacement tree to be planted in an appropriate location, near to the original site.
- 2.9 The Council's Tree and Landscape Officer has confirmed that the Oak tree, the subject of TPO G.122, is a healthy specimen, which does not pose imminent danger to people or property. Notwithstanding this, the confirmation of a Tree Preservation Order does not preclude the submission of future planning applications for appropriate maintenance works, which would be determined by the Local Planning Authority on their individual merits, against the relevant Policy of the Gosport Borough Local Plan Review, in the light of the amenity value of the tree, the reasons put forward for the application, and any other material planning considerations. Indeed, since the making of TPO G.122, the occupiers of 18 Lancaster Close have had a planning application approved, under reference K18014, for a crown clean, 15% crown reduction and crown lift to 4 metres to the mature Oak Tree the subject of this Tree Preservation Order. The Local Planning Authority considered that the crown lift and crown clean would help to remove any rubbing/crossing branches, thereby helping to improve the overall form, shape and amenity value of the tree. The Local Planning Authority considered the work to constitute appropriate tree management which would help to promote healthy future growth. Although not relevant to the Board's decision as to whether to confirm the Tree Preservation Order, the approved works will also allow the occupiers of 18 Lancaster Close to erect a garden shed in their rear garden and increase the amount of daylight reaching the rear lawn.
- 2.10 In accordance with Section 198(6) of the Town and Country Planning Act, 1990, if, in the future, branches or limbs are considered by the Local Planning Authority to be dead, dying or dangerous, they may be removed without the requirement for planning consent.
- 2.11 The Oak tree is a significant, mature and healthy specimen, which, in the opinion of the Local Planning Authority, makes a positive contribution to the character of the locality. The crown of the tree is readily visible from Chester Crescent, Lancaster Close and Pennine Way. For these reasons, when the Council were advised that the tree may be at risk, it was, therefore, considered appropriate, in accordance with Section 197 of the Town and Country Planning Act, to formally protect the tree by making a Tree Preservation Order.

2.12 Confirmation of the Tree Preservation Order would enable to the Local Planning Authority to control future works to the tree, in the interests of its future health and amenity value. The tree is therefore considered worthy of a Tree Preservation Order.

2.13 Members may decline to confirm the Order or they may confirm the Order with or without modification.

3. Risk Assessment

3.1 The tree may be in danger of being removed if the Order is not confirmed.

Financial implications:	None
Legal implications:	As set out in the report
Service Improvement Plan implications:	None
Corporate Plan	None
Risk Assessment	See paragraph 3.1
Background papers:	Tree Preservation Order G.122
Appendices/Enclosures:	None
Report author/Lead Officer:	Ms Hilary Hudson, Solicitor 023 9254 5611

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

12th January 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.

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02.	08-11	K17981	14 Russell Road Lee-On-The- Solent Hampshire PO13 9HP	Grant Permission
03.	12-14	K17994/1	12 Carisbrooke Road Gosport Hampshire PO13 0HH	Grant Permission
04.	15-20	K2576/6	38-40 High Street Lee-On-The- Solent Hampshire PO13 9BZ	Grant Permission

ITEM NUMBER: 01.
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)

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 22 November 2011 where Members resolved to defer it for a site visit.

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.

Relevant Planning History

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

K6840/3 - Outline - 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 are 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.
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

4 letters of objection

Issues raised:-

- overdevelopment
- trees removed prior to planning being agreed
- loss of privacy
- 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.

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 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.

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 and vehicle access 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 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 Order by the Local Planning Authority under notification references K.6480/6 and K.6840/7. A condition would 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: 02.
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

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 storey 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.

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	<p>The new garage is within 10m of the closest sett entrance, with the rear of the garage only 5m away. If this was not already built, its construction would be likely to damage the sett and would likely require a licence. However, it is suspected that any damage has already occurred. It is possible that the badgers may have simply excavated new tunnels under it anyway, as they can go deep.</p> <p>With regard to the extension, the ecology consultant maintains that this will not need a license as it would not result in damage to the sett. This may be the case, but a precautionary approach is recommended. All preparatory work for the extension (ground clearance and foundation trench excavation) must be carried out with a consultant in attendance and the trenches for the rear part of the extension should be dug by hand, at least until the supervising ecologist is confident that they won't damage any tunnels. The ecologist should also clearly mark out an exclusion zone to prevent any accidental storage or plant movements onto the area where the sett is located.</p>

Response to Public Advertisement

9 letters of objection

Issues raised:-

- loss of privacy, light & outlook

- impact on parking provision in area
- effect on property value
- impact on badgers' habitat
- impact on wider ecology
- damage to neighbouring gardens by badgers
- works contravene Badger Act 1992
- badger licence required
- question veracity of Badger Survey

1 letter of support

Issues raised:-

- impact on badgers can be mitigated by the imposition of a Planning Condition

Principal Issues

1. Impact on future property values is not a material planning consideration. Any previous offence in contravention of the Badger Act 1992 is a matter for the Wildlife Officer at Hampshire Constabulary, and is not a material planning consideration, and Badger Licences are administered by Natural England. 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 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, it has 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 harmful 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. The proposed development is therefore acceptable and 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 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 an 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 and the ecology report recommends a number of measures to protect the badgers during the works and to enhance the badger's habitat, including supervision of the works by a qualified ecologist, excavation of the trenches by hand and planting of fruit trees in the rear garden. This approach is supported by Hampshire County Council's Senior Ecologist and it is proposed to attach a condition to require adherence to the submitted scheme of mitigation. The proposal 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. The development shall be carried out in accordance with the Method Statement submitted on 28 November 2011.

Reason - In the interests of a protected species and to comply with Policies R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
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

The application site is located on the eastern side of Carisbrooke Road and contains a detached bungalow with a pitched roof. 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 site is approximately 45 metres long and 12 metres wide and bounded by an approximately 1.8 metre high fence on the southern boundary. 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. 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 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 the kitchen. The kitchen also receives light from a window in the rear elevation and a conservatory which is positioned in the south east corner of the property.

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 extensions would be constructed using matching materials.

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 4 sections and brick infill for the remainder of the wall.

Relevant Planning History

Nil

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
- rear extension would be overbearing
- loss of light
- loss of outlook

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 factually correct. 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, this 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 single storey front extension and a single storey rear extension with accommodation in the roof. The main issues in this case 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.

2. The proposed extensions have been designed with a pitched roof which is compatible with the design of the main roof. 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. 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. 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 height of the existing boundary treatments and the fact that the windows in the flank elevation of the adjacent property are to non-habitable rooms, 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. The kitchen of number 10 also receives light from a further window in the rear, 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, this would not create an unacceptable living environment for the occupier 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 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: 04.
APPLICATION NUMBER: K2576/6
APPLICANT: Mr Martin Ashworth
DATE REGISTERED: 29.07.2011

**DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 2.5 STOREY BUILDING
COMPRISING 8NO. TWO BEDROOM FLATS WITH ASSOCIATED PARKING, CYCLE
AND REFUSE STORAGE FACILITIES**

38-40 High Street Lee-On-The-Solent Hampshire PO13 9BZ

The Site and the proposal

The application site is a corner plot located on the north eastern side of the High Street, adjacent to the junction with Russell Road. The site currently comprises the land occupied by numbers 38 and 40 High Street and is located within the Urban Area Boundary, approximately 100 metres from the Lee-on-the-Solent District Shopping Centre and within the Safeguarded Area for the aerodrome at Lee-on-the-Solent. The site has a rectangular shape and is approximately 0.8 hectares in area.

Numbers 38 and 40 are both two storey hipped roof, detached dwellings, set on rectangular plots, with rear gardens approximately 20 metres long. Both properties have lawned front gardens, both of which are enclosed by low front boundary walls. Number 40 has a short front drive, which provides sufficient space to park a single vehicle. The north western boundary, enclosing the rear garden of number 40 comprises a masonry wall with close boarded fencing, set to a height of approximately 1.4 metres. The rear boundaries of both numbers 38 and 40 comprise masonry walls with inset wooden panels, set to a height of 1.8 metres. Beyond the rear boundary, there is a service road, which is an adopted Right of Way.

The front elevation of the adjacent property to the south east, number 36 (which is also a two storey, pitched roof, detached dwelling), is set back approximately 5 metres behind the front elevation of number 38. The property is set in approximately 1 metre from the shared boundary with the application site. It contains a single, first floor, obscure glazed window in the side elevation facing the application site. To the rear of the site, and beyond the rear service road, is number 2 Russell Road, a detached, pitched roof bungalow. The dwelling is orientated perpendicularly to the application site and contains windows in its south western elevation. There is also a single rooflight in the south western roofslope. Within the immediate vicinity of the application site there are 3no. purpose built flatted developments. Hometyde House, Homeryde House and Robinson Court are all between three and four stories and have been built with a variety of hipped, pitched and Mansard roof forms. The remainder of the properties in the locality comprise a variety of designs and vary in height and appearance. Some of the properties, including number 39 (directly opposite the application site), have frontage parking. There are single yellow lines on the south western side of the High Street. Double yellow lines extend around the bend of the junction between the High Street and Russell Road and prohibit parking at the front of number 40 and for approximately the first 20 metres of the south eastern side of Russell Road. There is a bus stop within 50 metres of the site.

Planning permission K2576/5 was granted by the Regulatory Board in January 2008 for the demolition of numbers 38 and 40 High Street and the erection of a replacement 2.5 storey building to provide 8no. two bedroom flats. The consent has now expired. This latest application is for the same development as that approved under planning permission K2576/5.

It is, again, proposed to demolish numbers 38 and 40 High Street and erect a 2.5 storey replacement building comprising 8no. flats, with a ground floor area of 230 square metres. The building, again, has a hipped roof, with projecting pitched roof gables and double bay windows on all but the south eastern elevation. The ridge of the roof will be set to a height of 8.6 metres, approximately 0.35 metres higher than the existing ridge of number 38 and 1.35 metres higher than the ridge of the neighbouring property, number 36. There will be 2no. pitched roof dormers in the front and rear roof slopes, together with a total of 8no. rooflights. The building will contain windows in all elevations. The south eastern elevation, fronting number 36, would include a total of 6no.

windows (3no. ground floor and 3no. first floor). 4no. of the windows, serving en suite bathrooms, would be obscure glazed. The 2no. remaining windows, positioned centrally within the side elevation and serving bedrooms, would have clear glazing. The building would be constructed from contrasting red brick and render with tile hanging to the bay windows.

Like planning permission K2576/5, the proposed building would, again, have an overall width of 19.4 metres and the front elevation would be set back approximately 6 metres from the public highway. The proposed building would be sited 1 metre from the south eastern boundary, 1.2 metres from the north western boundary and 15 metres from the rear boundary. There would be a separation distance of 2.45 metres between the south eastern elevation of the building and the opposing side elevation of number 36 and over 20 metres between the rear elevation and the opposing side elevation of number 2 Russell Road.

The proposed parking arrangements are unchanged from those approved under planning permission K2576/5. The development would be served by a total of 10no. spaces. As with planning permission K2576/5, 4no. of the spaces would be positioned at the front of the building, accessed via a High Street. The proposed access would require an existing dropped kerb to be widened. Like planning permission K2576/5, the remaining 6no. spaces would be provided at the rear of the site, together with facilities for long stay and visitor bicycle parking and refuse storage. Access to the rear parking area would be afforded from Russell Road, via a new dropped kerb. A pedestrian path would link the front of the site to the rear. The amenity space for prospective occupiers would be provided by way of grassed areas at the front and rear of the site, comprising a total area of approximately 115 square metres, complemented by planting beds. The plans show that the pathways and parking areas would be illuminated by low level bollard lights. The rear of the site would be bordered by a new 1.8 metre wall. The front and north western sides of the site would be enclosed by a 0.6 metre high brick wall. The shared boundary with number 36 would be retained.

The Hampshire Biodiversity Information Centre has indicated that the site is located within 50 metres of Sea Pearlwort and See-Holly, which are both protected plant species.

Relevant Planning History

K2576/2 - demolition of existing dwelling and erection of 2.5 storey building comprising 3no. two bedroom and 2no. two bedroom flats with associated parking, cycle and refuse facilities - withdrawn 07.12.06

K2576/3 - demolition of existing dwelling and erection of 2.5 storey building comprising 3no. two bedroom and 2no. three bedroom flats with associated parking, cycle and refuse facilities - permitted 06.02. 07

K2576/4 - demolition of existing dwellings and erection of a 2.5 storey building comprising 8no.two bedroom and 1no.one bed flats with associated parking, cycle and refuse facilities - withdrawn 17.10. 07

K2576/5 - demolition of existing dwelling and erection of 2.5 storey building comprising 8no.two bedroom flats with associated parking, cycle and refuse facilities - permitted 21.01.2008

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/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments
R/OS13
Protection of Habitats Supporting Protected Species

Consultations

Building Control	No objection.
Local Highway Authority	No objection. The proposed accesses are acceptable. Inappropriate on-street parking is restricted by existing double yellow lines. Suitable facilities are shown for long and short stay bicycle parking. Transport Contributions are required to account for the additional multi modal trips to and from the site.
Streetscene (Waste & Cleansing)	No objection. Adequate facilities are shown for the storage and collection of refuse.
Crime Prevention & Design	No objection. The developer is, however, encouraged to build to 'Secured by Design' standards. It is suggested that all ground floor (and easily accessible) windows have laminated glass with a minimum thickness of 64mm.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- loss of privacy
- development may harm the means of escape for the occupiers of number 36 High Street
- the proposal may prevent the occupiers of 36 High Street from extending their property in the future
- the headlights of vehicles using the proposed car parking spaces at the front of the site will disturb the occupiers of 36 High Street
- vehicles reversing out of the car parking spaces will be harmful to highway safety

Principal Issues

1. Planning applications are considered on their individual merits and against the relevant local and national policies, nevertheless, there is no reason to believe that the proposed development would prevent future developments at number 36. The proposed development, including its design, form, scale, massing and density, and the impact on biodiversity, the character and appearance of the area, the visual amenity of the locality, the amenity of adjacent and prospective occupiers, the car and bicycle parking provision, vehicular access, highway safety and facilities for the storage and collection of refuse, were all considered acceptable under planning permission K2576/5. There are other flatted developments in the locality and the proposed development would sit comfortably within its context in the High Street, where there is a notable transition from commercial to residential properties. The proposed residential density is characteristic of adjacent plots and is appropriate in this location, where prospective residents would have ready access to Lee-on-the-Solent High Street, with its numerous local shops and services. Since the grant of planning permission K2576/5, however, the Government has amended the definition of Previously Developed Land (PDL), as set out with Appendix B of Planning Policy Statement 3 (PPS3), and this latest development must, therefore, be considered within the revised context of this national planning legislation.

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 PDL was amended to exclude 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, having regard to the merits of each individual case.
3. Although the proposed development will increase the overall built footprint at the site, as the combined 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 harmful to the character 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 proposed development would provide residents with 2no. areas of useable amenity space. Although the lawns are small, they will be supplemented by the nearby foreshore and public parks and open spaces, all of which are within easy walking distance of the application site. They are also comparable in size to the gardens at the nearby flatted developments.
4. As with planning permission K2576/5, the proposed development, by reason of its design, scale, layout and massing will not create a discordant feature in the streetscene. The ridge height would be comparable to number 36 High Street and lower than a number of other flatted developments in the locality. The proposed boundary treatments are similar to many others in the locality and are appropriate on this corner plot. The appearance of the proposal development will be enhanced by the provision of soft landscaping and as such, the proposed development will not harm the character or visual amenity of the locality.
5. Under the circumstances, the proposed development is considered acceptable within the context of the revised PPS3 and Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
6. The design of the proposed building, including the fenestration details and the separation distances between the proposed and existing dwellings, are unchanged from that which was considered acceptable under planning permission K2576/5. It is reaffirmed that the proposed development will not have an unacceptable impact on the amenities of adjacent occupiers in terms of loss of light, outlook or privacy. There is already a driveway at the front of number 38, and under the circumstances, it is not considered that car headlights or noise associated with the use of the proposed 4no. car parking spaces at the front of the site, will cause undue disturbance to the occupiers at number 36. As such, the development complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
7. The provision of 10no. car parking spaces remains appropriate to meet the demands for visitor and resident car parking, particularly given the District Centre location with its good links to public transport and the development is unlikely, therefore, to result in overspill parking in the local road network, to the detriment of local amenity and/or highway and pedestrian safety. The proposed access arrangements will provide safe and convenient entry and egress and the existing parking restrictions within the vicinity of the site will prevent inappropriate on-street parking, so as to maintain a suitable degree of intervisibility between vehicles exiting the site and all other users of the public highway. The proposed development, again, provides appropriate facilities for the parking of bicycles and the storage and collection of refuse. Under the circumstances, the development will not harm highway and/or pedestrian safety and complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
8. There is no evidence of protected plant species at the site and the height of the proposed building falls outside of the consultation requirements for the aerodrome in Lee-on-Solent. The development therefore complies with Planning Policy Statement 9 and R/ENV9 of the Gosport Borough Local Plan Review.

9. 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 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 is unacceptable.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards transport infrastructure, services and facilities.

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, biodiversity, 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 a pleasant living environment for prospective occupiers. Appropriate provisions have been made for access, vehicular and bicycle parking, refuse storage, refuse collection, open space and highway infrastructure improvements. The proposal will not impact on the Safeguarded Area for the aerodrome at Lee-on-the-Solent. The development, therefore, complies with Planning Policy Statement 3 (PPS3), Planning Policy Statement 9 (PPS9) and Policies R/DP1, RDP3, R/H4, R/T4, R/T11 and R/ENV9 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:

111/P/82.01 Rev A1, 111/P/82.02 Rev A1 and 111/P/82.03 Rev A1

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. 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.

4. No development above slab level shall take place until full details of all boundary treatments, including any gate, have been submitted to and approved, in writing, by the Local Planning Authority. The boundary treatments 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.

5. The new accesses shall be provided in accordance with approved plan 111/P/82.01, dated 29 July 2011, before the development hereby permitted is first occupied and thereafter retained and maintained.

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

6. The existing accesses to the site shall be closed and abandoned immediately after completion of the new access.

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

7. 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.

8. No development above slab level shall take place until full details of the hard and soft landscaping works have been submitted to, and approved by, the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials, external lighting, a planting plan for the amenity areas including details of soft landscaping and implementation programme.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policies R/DP1 and R/DP6 of the Gosport Borough Local Plan Review.

9. The soft landscaping scheme approved pursuant to condition 8 shall be completed within the next planting season following first occupation of the development, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policies R/DP1 and R/DP6 of the Gosport Borough Local Plan Review.

10. The approved bicycle parking facilities shown on plan 111/P/82.01, dated 29 July 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 111/P/82.01, dated 29 July 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.