

*Please ask for:*

Lisa Young

*Direct dial:*

(023) 9254 5651

*Fax:*

(023) 9254 5587

*E-mail:*

[lisa.young@gosport.gov.uk](mailto:lisa.young@gosport.gov.uk)

9 October 2012

## **S U M M O N S**

**MEETING:** Regulatory Board  
**DATE:** 17 October 2012  
**TIME:** 6pm  
**PLACE:** Council Chamber  
**Democratic Services contact:** Lisa Young

LINDA EDWARDS  
BOROUGH SOLICITOR

---

### **MEMBERS OF THE BOARD**

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

Councillor Ronayne(Chairman)  
Councillor Carter CR (Vice Chairman)

Councillor Ms Ballard	Councillor Henshaw
Councillor Beavis	Councillor Mrs Hook
Councillor Ms Diffey	Councillor Jessop
Councillor Farr	Councillor Langdon
Councillor Gill	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](http://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 reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting*

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 25 SEPTEMBER 2012

*To Follow*

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 Monday, 15 October 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 Monday, 15 October 2012).*

6. TREE PRESERVATION ORDER G.125 – TREES AT 154 FAREHAM ROAD, GOSPORT

*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.125 where an objection has been received.*

PART II  
Contact Officer:  
Hilary Hudson  
Ext 5611

7. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1 –36 /1 )*

PART II  
Contact Officer:  
Debbie Gore  
Ext 5455

8. ANY OTHER ITEMS

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

**Agenda item no. 6**

<b>Board/Committee:</b>	<b>REGULATORY BOARD</b>
<b>Date of meeting:</b>	<b>17 OCTOBER 2012</b>
<b>Title:</b>	<b>TREE PRESERVATION ORDER G.125 – TREES AT 154 FAREHAM ROAD, GOSPORT</b>
<b>Author:</b>	<b>HEAD OF DEVELOPMENT CONTROL</b>
<b>Status:</b>	<b>FOR DECISION</b>

**Purpose**

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.125 where an objection has been received.

**Recommendation**

That, in accordance with the provisions of Section 199 of the Town and Country Planning Act 1990 and despite a letter of objection, the Board confirm Tree Preservation Order No G.125 with the amendments set out in paragraph 2.3 relating to 27 individual trees and two groups of trees at 154 Fareham Road, Gosport.

**1. Background**

- 1.1 The Tree Preservation Order G.125 dated 11 July 2012 relating to 27 individual trees and two groups of trees at 154 Fareham Road, Gosport has been made as a provisional order.
- 1.2 The Order has been made because in the opinion of the Head of Development Control the trees, as a collective landscape screen, make a significant positive contribution to the character and appearance of the local environment.
- 1.3 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 28 days to submit that objection for consideration by the Council.

**2. Report**

- 2.1 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.

- 2.2 If no objection had been received in respect of the Order it could have been confirmed under powers delegated to the Borough Solicitor but representations have been received from the owner of the site objecting to the making of the Order on the following grounds:
- (a) Trees 11-13 are in poor condition
  - (b) T14 is out of character with the area
  - (c) T15 is out of character and in poor condition
  - (d) T16 is a holly in shrub form and shouldn't be included
  - (e) T19 has a vertical trunk split
  - (f) T27 is swamped by adjacent Limes and there is no future or potential for replanting
  - (g) G1 and G2 are ridiculous ornamental clumps standing where a long lived forest species tree is required
  - (h) A tree planting scheme is being prepared for the site and the Local Planning Authority may wish to consider deleting these trees from the Order and including the new planting proposals in their stead.
  - (i) There is no objection to the making of the Order in respect of trees T1-7, T9, T10, T17 &18, T20-26 and there is no objection in respect of T8 but it is noted as being a Lime and not a Horse Chestnut.
  - (j) It is noted that a number of the trees are inaccurately plotted on the TPO plans and the Local Planning Authority is welcome to use the owner's plans, prepared from a topographical survey of the site, to correct the plans for the Order.
- 2.3 In light of these representations and discussions with the owner's arboricultural consultants and the Council's own Tree and Landscape Officer, a revised plan has been produced for the Order plotting the location of the trees more accurately. Copies of the revised plan have been sent to the owner of the site. In addition one correction is proposed to the Schedule of trees – the tree marked on the plan as T8 is wrongly identified as a Horse Chestnut tree in the original Schedule, but is actually a Lime tree.
- 2.4 Whilst some of the trees wouldn't be worthy of individual protection, due to their species, type and current condition, collectively they form part of the existing landscape screen. The Holly at T16 is considered a tree for the purposes of the Order by virtue of its size. It is considered that the Local Planning Authority should control their removal and suitable replacement in the event that they fail or are proposed to be removed. There is no planting scheme currently submitted formally for consideration and therefore it is considered that all trees should remain subject to the Order.
- 2.5 Members may decline to confirm the Order or they may confirm the Order with or without modification. The proposal before Members is for the TPO to be confirmed with the modification of the correction of the tree identified as T8 from a Horse Chestnut to a Lime tree in the Schedule to the Order and the substitution of a more accurate plan showing the location of the trees.

### **3. Risk Assessment**

- 3.1 The trees may be in danger of being removed if the Order is not confirmed and the Local Planning Authority can only require replacement of the trees if the TPO is confirmed.

<b>Financial implications:</b>	None
<b>Legal implications:</b>	As set out in the report
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan</b>	None
<b>Risk Assessment</b>	See paragraph 3.1
<b>Background papers:</b>	Tree Preservation Order G.125
<b>Appendices/Enclosures:</b>	None
<b>Report author/Lead Officer:</b>	Hilary Hudson, Solicitor 023 9254 5611

**SCHEDULE  
SPECIFICATION OF TREES**

**Article 3**

**Trees specified individually**

(encircled in black on the map)

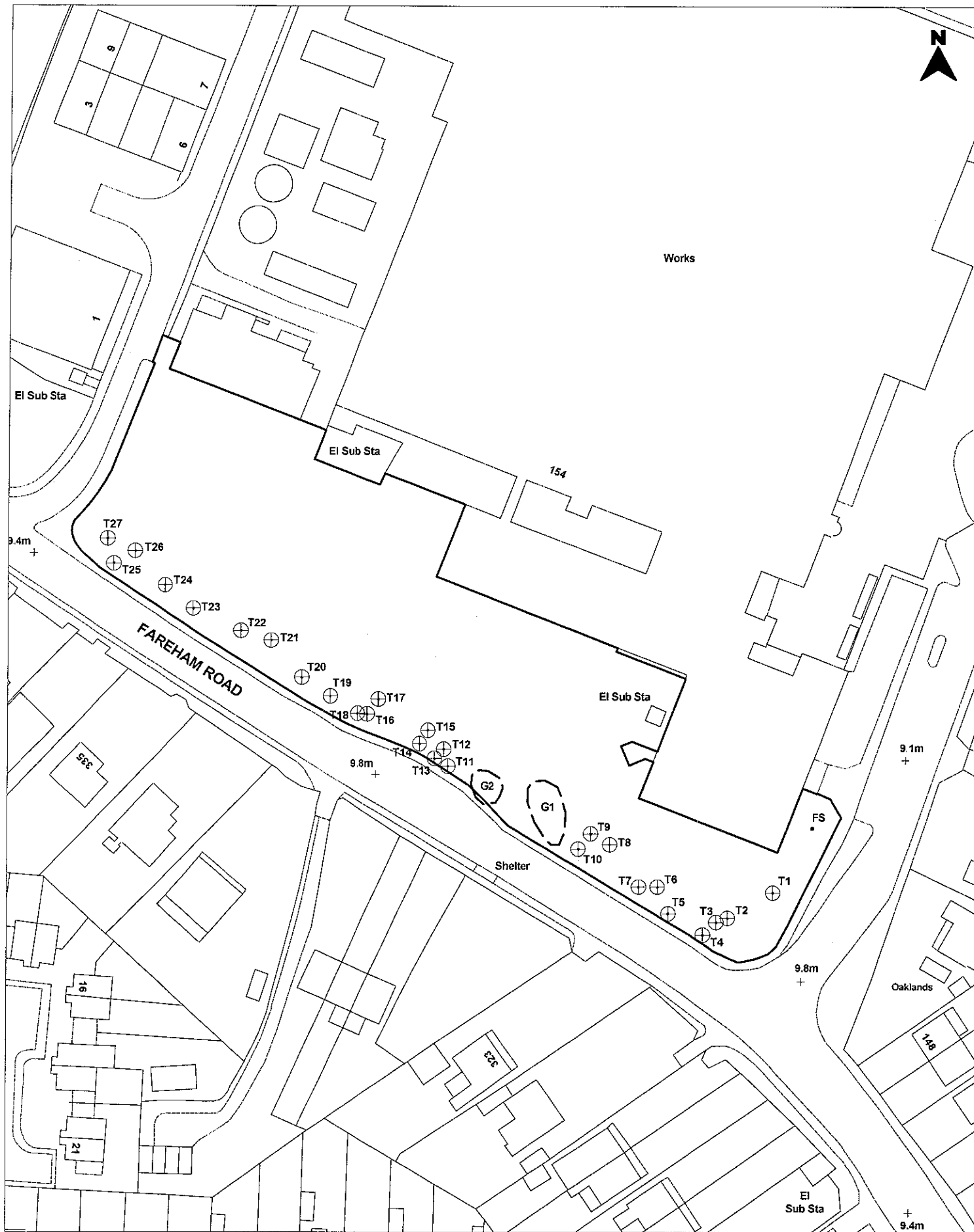
<i>Reference on map</i>	<i>Description</i>
T1	Willow
T2	Lime
T3	Oak
T4	Oak
T5	Oak (with saddle union)
T6	Horse Chestnut
T7	Oak
<b>T8</b>	<b>Lime</b>
T9	Horse Chestnut
T10	Horse Chestnut
T11	Horse Chestnut
T12	Horse Chestnut
T13	Horse Chestnut
T14	Macrocarpa
T15	Pine
T16	Holly
T17	Horse Chestnut
T18	Oak
T19	Horse Chestnut
T20	Horse Chestnut
T21	Oak
T22	Oak
T23	Oak
T24	Oak
T25	Lime
T26	Lime
T27	Pine



### **Groups of trees**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>
G1	Five Maple and Cordyline trees
G2	Five Purple Plum trees



**GOSPORT**  
BOROUGH COUNCIL

**DEVELOPMENT  
CONTROL**

TOWN HALL, HIGH STREET  
GOSPORT, HANTS  
PO12 1EB

**TREE PRESERVATION ORDER G.125**  
**154 FAREHAM ROAD**  
**GOSPORT**

MAP REFERENCE : SU5804SW  
SCALE : 1:1000  
DATE : 25/07/2012

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the  
Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes  
Crown Copyright and may lead to prosecution or civil proceedings Gosport Borough Council 100019624 2012

## **GOSPORT BOROUGH COUNCIL – REGULATORY BOARD**

**17th October 2012**

### **ITEMS WITH RECOMMENDATIONS**

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

INDEX					
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>		<u>Recommendation</u>
01.	03-06	K18091	9 The Haven Gosport Hampshire PO12 2BD		Grant Permission
02.	07-18	K18093	Land At Junction Of Westland Drive And Magister Drive Lee-On- The-Solent Hampshire		Grant Outline Consent
03.	19-22	K5562/4	107 Elson Road Gosport Hampshire PO12 4AA		Refuse
04.	23-27	K4605/6	69 Bury Road Gosport Hampshire PO12 3PL		Grant Permission
05.	28-34	K12345/76	154 Fareham Road Gosport Hampshire PO13 0AS		Grant Permission
06.	35-36	K18087	48 Grange Crescent Gosport Hampshire PO12 3DU		Refuse

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: K18091**  
**APPLICANT: Mr Lewis Mansfield**  
**DATE REGISTERED: 23.05.2012**

**DEMOLITION OF GARAGE AND ERECTION OF PART SINGLE AND PART TWO STOREY SIDE/REAR EXTENSION (as amended by plans received 02.07.2012 and 11.07.2012 and amplified by letter received 26.07.2012)**  
**9 The Haven Gosport Hampshire PO12 2BD**

### ***The Site and the proposal***

This application was considered by the Regulatory Board on 25 September 2012 when Members resolved to defer it for a site visit.

The application property is the northern half of a pair of semi-detached two storey dwellings located at the terminus of The Haven cul-de-sac, backing onto the Haslar Lake tidal inlet. The area is characterised by semi-detached properties of similar ages, design and scale, and a number of properties have been extended to the rear in the past. The application property is finished in white render and has a hipped, tiled roof. It has a 2.2m deep single storey rear extension adjacent to the south eastern boundary and a 3.4m deep conservatory alongside. The site is generally triangular in shape and is approximately 5.5m wide at the front. It is 20m deep along the southern side boundary and approximately 40m deep on the northern side boundary. It is bounded by 1.8m high fencing. There is a detached single garage adjacent to the north western boundary.

The adjoining property to the south, number 10 The Haven, has a two storey rear extension that projects approximately 2.8m beyond the rear of the original dwelling. It has a hipped roof and is set in from the north western boundary at first floor level by approximately 1m. It has a centrally placed first floor bedroom window in the rear north east facing elevation and a door and two windows at ground floor level that serve the kitchen. The rear garden of this property is approximately 8m deep and contains semi mature planting along the boundaries.

The adjacent property to the north west, number 8 The Haven, is positioned at an approximate 70° angle to the application property and the front elevation is set a minimum of 4m away. It has a flat roofed, two storey, extension on the elevation facing the application site that is set back from the front elevation of the property. There are also single storey, flat roofed, extensions that project in excess of 5m beyond the rear elevation. There are two ground floor windows and a single obscure glazed first floor window in the eastern elevation of this extension facing onto the application site that serves a bathroom. The southern elevation also contains a pedestrian door. This property similarly has a detached single garage alongside the common boundary, adjacent to the garage on the application site.

It was originally proposed to erect a two storey side/rear extension following the demolition of the garage and the existing rear extension and conservatory. It would have been 5.2m deep and 10m wide, projecting 5m beyond the side elevation of the original dwelling. However, to address concerns raised regarding the scale of this extension, amended plans have now been received which show a rear extension that would also wrap around the side elevation, with a 1.8m wide and 2.3m deep single storey element forward of this on the north western elevation. The two storey section would extend 3.9m beyond the rear of the original dwelling, projecting 0.9m beyond the rear elevation of the adjoining property. It would be 7.5m wide at the rear, extending 2.5m beyond the north western side elevation. The two storey element would be set back from the front elevation by 5.3m and the single storey section by 3m. The single storey section would contain the main access door to the dwelling and would similarly have a hipped roof. There would be a set of folding doors in the rear elevation of the two storey element with two first floor bedroom windows over, a ground floor window in the side (north western) elevation serving a utility room and a window in the first floor front (south western) elevation serving a bedroom. There would be an additional bedroom created as a result of the proposal. The extension would be constructed using matching materials.

The application is supported by a planning statement.

### ***Relevant Planning History***

Nil

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/T11

Access and Parking

R/DP1

General Standards of Development within the Urban Area

### ***Consultations***

Local Highway Authority

No objection. The applicant is proposing no alteration to, or additional provision for, car parking. The applicant should ensure that sufficient parking provision is made to avoid any parking with the carriageway on The Haven.

### ***Response to Public Advertisement***

6 letters of objection (to original plans)

Issues raised:-

- dust, noise and traffic/parking disturbance during works
- not all neighbours were notified of development
- given scale of extension, the properties could be subdivided at a later date
- loss of view
- loss of light
- loss of outlook
- extension is too large for property
- extension would result in terracing effect
- extension is out of character with the area
- access and parking issues in locality

6 letters of objection (to amended plans)

Issues raised:-

- approval would set a precedent for other extensions
- plans are inaccurate and unclear
- dust, noise and traffic/parking disturbance during works
- not all neighbours were notified of development
- given scale of extension, the properties could be subdivided at a later date
- loss of view
- loss of light
- loss of outlook
- extension is too large for property
- extension would result in terracing effect
- extension is out of character with the area
- access and parking issues in locality

1 letter of support (to amended plans)

Issues raised:-

- proposal includes measures to reduce amount of disturbance during works
- off street parking will be provided

### ***Principal Issues***

1. A degree of disturbance during building works is inevitable, however, any statutory noise or dust nuisance would be dealt with under Environmental Health legislation and should the public highway be obstructed during works, this would be a matter for the Police. The application has been advertised by the Local Planning Authority for public comment by way of letters sent to neighbouring properties within 5m of the application site, in accordance with the Council's Statement of Community Involvement. The application forms and submitted plans are of adequate detail and the plans show the relationships between the properties, and, in conjunction with the site visit, are sufficient to enable the application to be determined. The subdivision of the property in the future would require a further application for planning permission and all planning applications are considered on their own merits. There is no right to a view in planning legislation. The main issues in this case, therefore, are the acceptability of the design of the extension and the impact on the visual amenity of the locality, the amenities of the occupiers of the neighbouring dwellings and highway and pedestrian safety in the locality.

2. There are other examples of two storey rear extensions in The Haven and the adjacent property to the northwest, number 8, has an existing two storey side extension. As such, the development would not be out of character with the area. The proposed extension has a subservient design, is set back from the front elevation of the property and would be constructed using matching materials. Furthermore, the property occupies a relatively substantial plot and given the scale of the existing dwelling, the extension is of appropriate size and a sufficient amount of garden area would be retained to the rear. The hipped roof would match that of the original dwelling and given the size, position and design of the extension and the orientation of the properties, the extension would not be readily visible from The Haven or Little Anglesey Road to the north, beyond Stoke Lake. A gap in excess of 4m would also be retained between the application property and number 8, and in conjunction with the orientation of the properties, the proposal would not result in a terracing effect. Under the circumstances, the development would not have a harmful impact on the appearance of the dwelling, or the character and visual amenity of the locality and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The proposed extension would only project 0.9m beyond the two storey rear extension on the adjoining property to the south. Therefore, given the orientation of the properties, in conjunction with the location and scale of the proposed extension, there would be no adverse impact upon the amenities of the occupiers of that property. Furthermore, having regard to the position of the windows and the orientation of and separation distances between the application property and the neighbouring property to the northwest, number 8, the extension would not harmfully increase the propensity to overlook this property, and would not have a harmful impact in terms of loss of light or outlook, particularly given that the opposing first floor window of that property is obscure glazed and serves a bathroom. Having regard to the above, the proposal would not have a harmful impact on the amenities of the occupiers of the neighbouring dwellings and would comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The access to and from the site remains unchanged. Despite the loss of the garage, sufficient parking provision is available on the site and a condition is proposed to ensure that sufficient parking remains available within the curtilage of the dwelling once the development is completed. As such, the proposal complies with Policy R/T11 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 proposed development 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 or highway and pedestrian safety and, as such, complies with Policies R/DP1 and R/T11 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:

Sheet 1 of 12 Issue 02, Sheet 2 of 12 Issue 02, Sheet 3 of 12 Issue 02, Sheet 4 of 12 Issue 02, Sheet 5 of 12 Issue 02, Sheet 6 of 12 Issue 02, Sheet 7 of 12 Issue 02, Sheet 8 of 12 Issue 02, Sheet 9 of 12 Issue 02, Sheet 10 of 12 Issue 02, Sheet 11 of 12 Issue 02 and Sheet 12 of 12 Issue 02

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. No development above slab level shall take place until two car parking spaces have been provided within the curtilage of the site and subsequently retained and kept available solely for that purpose, in accordance with the details that have first been submitted to and approved, in writing, by the Planning Authority.

Reason - To ensure adequate car parking provision within the site and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.



**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: K18093**  
**APPLICANT: Mr Simon Barrett**  
**DATE REGISTERED: 15.05.2012**

**OUTLINE APPLICATION - ERECTION OF 13NO. TWO STOREY DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND NEW ACCESSES FROM WESTLAND DRIVE AND MAGISTER DRIVE AND PROVISION OF OPEN SPACE (as amended by letter dated 04.07.12, plans received 04.07.12, 07.09.12 and 27.09.12 and Road Safety Audit received 07.09.12)**

**Land At Junction Of Westland Drive And Magister Drive Lee-On-The-Solent Hampshire**

### ***The Site and the proposal***

The site, the subject of this application, is a 0.4 hectare plot of land located within the Cherque Farm residential estate and within the Urban Area Boundary and the Safeguarded Area for the Aerodrome at Lee-on-the-Solent, as defined on the Proposals Map of the Gosport Borough Local Plan Review. Cherque Farm is characterised, for the most part, by 2 and 2.5 storey properties set on rectangular plots, with rear gardens in the region of 10-15 metres long. There are, however, examples of dwellings occupying corner plots that have smaller, irregularly shaped gardens. Many of the dwellings are set back from the road in order to provide frontage parking. There is variety of detached, semi-detached and terraced dwellings. Speed restrictions apply throughout the Cherque Farm estate, mainly comprising speed cushions and raised highway tables.

The application site is currently enclosed by wire mesh fencing with wooden fencing along the southern boundary. The roads comprising Magister Drive and Westland Drive border the site on its eastern and western sides respectively. The northern side of the site is bordered by the short length of highway that extends west-east, linking Westland Drive to Magister Drive. The site is allocated for Shopping and Commercial use on the Proposals Map of the Gosport Borough Local Plan Review.

The properties immediately to the south of the site are 2 and 2.5 stories high. They have been constructed from red brick, with a variety of red, brown and grey tiled, pitched roofs. Number 24 Magister Drive, is a two storey dwelling, sited adjacent to the south eastern corner of the application site. The rear garden of the property runs parallel with the southern boundary. There is a separation distance of approximately 1 metre between the windowless, side elevation of the property and the southern boundary of the application site. It has a pitched roof garage in the rear garden, sited on the shared boundary with the application site, beyond which is a long, hipped roof, car port, which serves the residential properties further south, in Seafire Road. The rear boundaries of numbers 25 Westland Drive and 16 and 18 Seafire Road also adjoin the southern boundary of the application site, towards its south western corner. These 2 and 2.5 storey dwellings have first floor windows in their rear elevations, facing onto the application site. There is a separation distance of approximately 13 metres between the rear elevations of these dwellings and the southern boundary of the application site.

To the north of the site, and on the opposite side of Westland Drive, are numbers 2-10 (evens) Westland Drive. These properties, which have been constructed from a combination of buff and red brick, all have first floor windows in their southern elevations, facing onto the application site. To the west of the application site are the rows of two storey terraced dwellings, numbers 40-48 (evens) and 48-56 (evens) Westland Drive. The ridge tiles of numbers 40-46 (evens) are orientated parallel with the road, while the ridge tiles of numbers 48-56 are orientated perpendicularly to the highway.

The re-development of Cherque Farm was brought forward through a series of 'Reserved Matters' applications, pursuant to the original Outline planning permission reference K15000/1, which was granted consent in 1999. The Outline consent granted planning permission for the comprehensive redevelopment of Cherque Farm and the erection of 1050 dwellings, with ancillary development, open space, landscaping and a road linking Broom Way with Privett Road.

Under the Outline planning permission reference K15000/1, the area of land immediately to the south of the application site comprised an Urban Park. In 2004, however, planning permission was granted under reference K16750 for a major redesign of part of the southern end of the Cherque Farm estate (Phases 6 and 7), including the land immediately to the south of the application site. The amendments included a revision to the internal road system, the siting of a cross-site cycleway/footpath, the position of house plots and the type/design of the dwellinghouses. The revisions also permitted the erection of residential properties on the land designated as an Urban Park under Outline planning permission reference K15000/1. These properties now form part of Magister Drive and Seafire Road. The loss of the Urban Park was considered acceptable, on balance, as the revised layout, permitted by planning permission reference K16750, provided additional areas of open space and landscaping, Local Areas of Play (LAPs) and Locally Equipped Areas of Play (LEAPs) overall, when compared to the proposals approved under the original Outline planning permission reference K15000/1. A second Urban Park, located further north, opposite the junction between Megson Drive and David Newberry Drive has, however, been provided, in accordance with the original Master Plan for the Cherque Farm re-development area.

Under Outline planning permission reference K15000/1, the land, the subject of this planning application, was allocated as one of 2no. reserved shopping sites for the Cherque Farm estate and included a 0.01 hectare, square-shaped, Local Area of Play (LAP) in its north western corner. Although Outline planning permission reference K15000/1 identified 2no. sites as potential shopping sites, it was always acknowledged that market forces would likely dictate that only 1no. of the sites would actually be developed for commercial use, as recognised by Policy R/S1 ('Shopping and Commercial Allocations') of the Gosport Borough Local Plan Review. As a consequence, the principle of residential development was established as an acceptable alternative for whichever of the sites remained undeveloped, to reduce the likelihood of it being left redundant indefinitely. The northernmost of the sites, to the east of Twyford Drive, was brought forward in 2005, in accordance with planning permission reference K16930. The land, the subject of this planning application has, however, never been developed and remains vacant.

This planning application is for the re-development of the vacant 0.4 hectare site and the erection of 13no. dwellings with associated access, parking, amenity space and a Local Area of Play (LAP). The application is in Outline form with approval sought for layout and means of access only. Appearance, scale and landscaping are not being considered at this stage. The application is, however, supported by a plan showing indicative building height parameters for the proposed dwellings.

The applicant has submitted amended plans to address initial concerns raised by the Local Planning Authority regarding the siting, layout and access arrangements for the proposed dwellings. Originally, it was proposed to site 1no. dwelling in the north eastern corner of the site, hard up against the northern boundary. After concern was raised regarding the likely prominence of this property and its potential impact on the appearance of the streetscene, the applicant reduced the number of dwellings proposed on the eastern side of the site from 6no. to 5no. and, as a consequence, the overall number of properties proposed from 14no. to 13no. The reduction in dwelling numbers resulted in an amendment to the access and parking arrangements of the proposed dwellings on the eastern side of the site, in an attempt to create a more uniform parking layout comprising parallel bays at the front of each dwelling. The revised layout included a reduction to the footprint of a car port, proposed in the south east corner of the site, and a reduction in the overall number of car parking spaces, from 34no. to 31no. to reflect the reduction in proposed dwelling numbers.

The plans originally submitted for consideration showed a LAP in the south eastern corner of the site, adjacent to the side elevation of number 24 Magister Drive. The LAP had an irregular, elongated shape which, the Local Planning Authority considered, would be likely to reduce its potential use. The amended plans, therefore, proposed that the LAP be re-sited to the north eastern corner of the site, away from neighbouring properties, in the space where it had originally been proposed to site a dwelling. The additional space available in the north eastern corner has resulted

in the shape of the LAP being reconfigured, in an attempt to increase the area of usable/functional space.

The revised plans show that the proposed 13no. dwellings would be arranged in 3no. distinct groups, positioned on the northern, eastern and western sides of the site, fronting onto their respective highways.

It is proposed to erect 5no. four bedroom, detached properties on the eastern side of the site. The dwellings would be 6.5 metres wide and 12.5 metres long. The space in front of the dwellings would be used to provide vehicular access and car parking. Each of the 5no. detached dwellings would be served by 3no. car parking spaces. The 2no. northernmost properties would have their own private accesses from Magister Drive, the closest of which would be sited over 10 metres from the junction between Magister Drive and Westland Drive. The 3no. detached properties further south would share a 6 metre wide access, onto a shared driveway. The access would be sited over 30 metres from the junction between Magister Drive and Westland Drive, to the north, and approximately 20 metres from the junction between Magister Drive and Corsair Close, to the south. 4no. of the 5no. detached dwellings would also have 3 metre wide side driveways, which would provide access to a rear garage. The driveways themselves would provide space to park at least 1no. further vehicle. A car port is proposed at the front of the southernmost of the detached dwellings, for use by the occupiers of this property. It would be sited approximately 3.5 metres from the windowless northern elevation of number 24 Magister Drive, to the south. There would be a separation distance of over 20 metres between the front elevation of the southernmost proposed dwelling and the rear elevation of number 24 Magister Drive. Given the siting of the dwellings, the front and rear elevations of the properties would not be directly opposing.

On the northern side of the site, and towards the north western corner, it is proposed to erect a terrace of 4no. three bedroom properties. The plans show that the 2no. end of the terrace properties would project forward of the 2no. mid terrace properties by 1 metre. The dwellings would be set back from the highway by over 8 metres. They would be 6.5 metres wide and 9.5 metres long and would occupy rectangular plots. The properties would each have 2no. car parking spaces, positioned at the front of the dwelling and accessed from Westland Drive. The westernmost driveway would be sited approximately 6 metres from the bend in the road, where Westland Drive turns east towards Magister Drive. The side elevation of the westernmost property in the terrace would be set in from the highway by 3 metres. The plans show that the space between the dwelling and the highway could be utilised to provide a soft landscape strip.

On the western side of the site and towards the south west corner, it is proposed to erect 2no. pairs of three bedroom, semi detached properties. The properties would be approximately 7 metres wide and 9 metres long. They would be set on rectangular plots, orientated perpendicularly to the terrace proposed on the northern side of the site. There would be a separation distance of approximately 13 metres between the side elevation of the northernmost of the proposed semi-detached properties and the rear elevations of the proposed terraced dwellings. The rear gardens would back onto the rear gardens of the detached dwellings proposed on the eastern side of the site. There would be a separation distance of over 25 metres between the opposing rear elevations. The side elevation of the southernmost property would be sited over 13 metres from the rear elevations of the existing dwellings to the south. The plans show that each dwelling would be provided with 2no. car parking spaces, positioned at the front of the property and accessed from Westland Drive. The spaces would be sited over 30 metres from the bend in the road to the north and approximately 30 metres from the junction between Westland Drive and Seafire Road, to the south.

The plans show that each dwelling would be provided with its own private rear garden. The gardens measure between 10.5 metres and 17.5 metres in length. Indicative areas of soft landscaping are shown at the front of the dwellings. The indicative building height parameters, which have been submitted for information only, show that the proposed 5no. detached dwellings on the eastern side of the site would not exceed 10.5 metres in height and that the proposed terraced and semi-detached dwellings would not exceed 9.3 metres in height.

The proposed Local Area of Play (LAP) would measure approximately 28 metres x 10 metres and would be sited in the north eastern corner of the site, adjacent to the junction between Magister Drive and Westland Drive.

The application is supported by a Transport Statement which analyses the likely car parking requirements for the development and the likely impact of the proposal on local traffic characteristics. Additional plans have been submitted showing tracking details and carry distances for refuse collection operatives. The application has also been supported by a Road Safety Audit. An amended plan has been submitted that proposes the removal of 2no. existing speed cushions on the section of Westland Drive that runs south-north along the western boundary of the application site. The removal of the speed cushions is considered necessary to prevent vehicles having to 'bump up' over the traffic calming features when entering and exiting the 2no. of the proposed semi detached properties. An existing raised traffic table, to the south of the site and away from the proposed accesses, would be retained.

### ***Relevant Planning History***

K15000/1 - Outline planning application for the erection of 1050 dwellings with ancillary development, open space and landscaping and the construction of a road linking Broom Way to Privett Road - permitted 18.08.99

K15000/3 - Details Pursuant application to K15000/1 for the erection of 1050 dwellings with associated access roads, car parking and open space - permitted 10.11.00

K16750 - Details Pursuant to K15000/1 for the erection of 222no. dwellings, to include internal roads, footpaths, cycleways and areas for play (phases 6 and 7) - permitted 03.11.04

K16930 - erection of two storey neighbourhood shopping centre comprising 6 units with 14 residential flats above - permitted 24.06.05

### ***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/S1

Shopping and Commercial Allocations

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/ENV4

Treatment of Foul Sewage and Disposal of Surface Water

R/ENV5

Contaminated Land

R/ENV9

Safeguarded Areas

R/OS8

Recreational Space for New Residential Developments

### ***Consultations***

Local Highway Authority

No objection. The proposed car parking provision is acceptable. The proposed visibility splays are acceptable. Vehicles will be able to access the driveways safely and conveniently. The removal of the 2no.

existing speed cushions on Westland Drive will negate the need for vehicles to 'bump over' the cushions which, although not unsafe, would have implications for highway maintenance. As this section of Westland Drive is not a through road and there is an existing raised table immediately to the south of the site, the removal of these traffic calming features will not result in unacceptably high vehicle speeds, or harm highway and pedestrian safety. The applicant should note that the proposed access arrangements will require the relocation of an existing street lighting column. A Transport Contribution will be required to take account of the additional multi modal trips generated by the proposed development.

HCC Education Office	No objection. Based on current information, there is no requirement for the applicant to pay a commuted sum towards improvements to education facilities.
Building Control	No objection. The applicant will need to make an application under the Building Regulations.
Environmental Health	No objection subject to details being submitted showing foundation design and the implications of the geotextile membrane.
Housing - Operational & Energy	No objection.
Housing - Strategic	No objection.
Streetscene Leisure & Play	Update to be provided.
Streetscene Waste & Cleansing	No objection.
Crime Prevention & Design	No objection. Consideration should be given to gating the proposed rear accesses. Appropriate lighting should be provided.

### ***Response to Public Advertisement***

39no. letters of objection to original plans  
Issues raised:-

- the proposal will have a negative impact on property values
- concerned about the safety of children during the construction period
- questions whether the development intends to include covenants restricting car parking on grass verges
- the development should not encroach onto/over adjoining land
- the development should not increase the likelihood of flooding to adjacent properties
- a recent survey of local residents concluded that 51% of people would like the land to be landscaped; 17% developed for housing and 15% for allotments
- the land should be used to provide additional green space or an Urban Park, which was

originally proposed under previous consents

- the proposal differs from what was originally envisaged for this plot of land
- the application site should be grassed or used as a car park, or allotments
- there is no demand for additional housing in Lee-on-the-Solent
- questions whether there are any proposals to build new schools in Lee-on-the-Solent
- the provision of additional housing will add to the demand for school places in Lee-on-the-Solent which are already over-subscribed
- questions whether all the properties have side access
- the properties should be re-orientated to optimise the opportunity for solar gain and the installation of solar panels
- the boundary treatment separating the application site from the existing properties to the south should be constructed from brick
- the provision of car ports at the front of the properties is out of keeping of the area
- the dwellings on the eastern side of the site have been set back too far relative to the existing properties on the eastern side of Magister Drive
- the LAP should be retained in the north-western corner, where it was originally intended to be
- there is no need for an additional LAP as there is an existing LEAP to the south of the site
- the development will be detrimental to air quality, noise levels and the environment
- the development would overlook adjacent properties
- the development would result in a loss of privacy to adjacent occupiers
- the development will result in a loss of light to adjacent properties
- the proposed development would add to existing parking problems in Cherque Farm
- the Council should conduct parking surveys prior to any permission being granted
- concerned about access for emergency vehicles due to the prevalence of on-street car parking

12no. letters of objection to amended plans and additional information

Additional issues raised:-

- the plans do not overcome previous objections
- the plans are not materially different from the originally submitted plans
- questions whether the vacant site has been marketed adequately for its intended commercial use
- the re-siting of dwelling A5 will result in overlooking of number 24 Magister Drive
- no more housing should be permitted
- more shops are needed
- the proposal will increase traffic congestion and result in parking on the adjacent roads, restricting access
- the Council should remove the excessive number of speed humps along Magister Drive
- the Council should implement double yellow lines along Magister Drive
- the Council should implement a School crossing along Magister Drive
- recent measures to reduce on-road and verge parking in David Newberry Drive have not prevented people parking in the road in Magister Drive

### ***Principal Issues***

1. The impact of development on property values, the safety of children during the construction period and restrictive covenants are not material planning considerations in the determination of this planning application. The plans show that the proposed dwellings would be sited wholly within the boundaries of the defined application site. The site is not located within a Flood Zone and the provision of appropriate drainage will be controlled by planning conditions and the requirements of the Building Regulations. The design and height of boundary treatments and the provision of renewable energy sources will be considered as part of any subsequent Reserved Matters application(s). Hampshire County Council has confirmed that there is no requirement for the applicant to pay a commuted sum towards additional education provision. It is recognised that, in accordance with Outline planning permission reference K15000/1, the land to the south of the application site was allocated as an Urban Park. The loss of the Urban Park was, however,

subsequently considered and approved under planning permission K16750 and there is no requirement for the applicant to re-provide this facility as part of this latest planning application. The Local Planning Authority does not control what prospective occupiers are advised by developers at the time of purchase and the applicant is not responsible for addressing existing parking problems in the Cherque Farm estate.

2. In approving Outline planning permission K15000/1, it was always recognised that only 1no. of the 2no. reserved shopping sites would be developed for commercial use and this is recognised under Policy R/S1 of the Gosport Borough Local Plan Review. Furthermore, in approving Outline planning application K15000/1, the principle of residential development was established as an appropriate alternative for whichever site remained undeveloped. The acceptability of the principle of residential development at the application site is, therefore, established. Since the consideration of the above planning applications, the Government has published the National Planning Policy Framework (NPPF). The NPPF states that decision takers may continue to give full weight to relevant policies adopted since 2004. The Gosport Borough Local Plan Review was adopted in 2006 and together with the NPPF, its Saved Policies are, therefore, a material consideration in the determination of this planning application. The overall aim of the Local Plan Policies is to prevent harmful development in inappropriate locations, having regard to the merits of each individual case. The main issues in this case, therefore, are the acceptability of the proposed layout and access in terms of its impact on residential density, the character and appearance of the area, the amenities of neighbouring occupiers, highway and pedestrian safety, the adequacy of car parking arrangements, whether due regard has been given to issues of contamination and whether appropriate provisions can be made for bicycle parking, refuse storage and collection, amenity space and highway infrastructure improvements.

3. The proposed development would provide a residential density of approximately 32 dwellings per hectare (dph), which is within the guideline density range of 30-50 dph, as set out within Policy R/H4 of the Gosport Borough Local Plan Review and is reflective of the established pattern of development in the locality. The immediate locality is characterised by a variety of detached, semi detached and terraced dwellings and the proposed mix of dwelling types is, therefore, appropriate in this location. Each of the proposed dwellings would front a highway and occupy a rectangular plot, which is reflective of the established pattern of development in Cherque Farm. Similarly, the plans show that each dwelling would have its own private garden, positioned at the rear of the property which is also characteristic of the area. The size of the gardens will be commensurate with neighbouring plots and will exceed the guideline dimensions set out in Appendix B of the Gosport Borough Local Plan Review.

4. The plans show that the larger, detached dwellings, will be located on the eastern side of the site, where they would be sited adjacent to, and opposite, the existing detached dwellings in Magister Drive, thereby, helping to achieve continuity along this section of the road. The indicative building height parameters demonstrate that the dwellings could be designed so as to avoid creating over prominent, over bearing, or incongruous features in the streetscene. Although the detached dwellings would be set further back into their plots than at adjacent sites, the staggered layout is typical of the area and would allow meaningful areas of soft landscaping to be provided at the front of the properties, enhancing the overall appearance of the development and reducing the perception of the built mass on the western side of Magister Drive. The plans show that the proposed detached dwellings will sit comfortably within their plots to reflect the spacious layouts evident elsewhere in locality, particularly on the eastern side of Magister Drive. The proposed car port is shown to have a limited footprint and it will be set back from the road. There are other front car ports and detached garages in the locality, including immediately to the north, at numbers 5 and 7 Magister Drive, and the proposed layout is, therefore, acceptable.

5. The amended plans show that the northernmost of the proposed detached properties, on the eastern side of the site, will be sited approximately 12 metres further south than was shown on the originally submitted drawings, thereby overcoming the Local Planning Authority's previous concerns regarding the likely prominence of this dwelling in the streetscene. Siting the proposed LAP in the resultant space will not only help to ensure that this prominent corner plot remains absent of buildings, but will also enhance the overall appearance of the development, particularly when

travelling south along Magister Drive. The position of the LAP will help to ensure that an appropriate level of visibility is retained at the junction between Westland Drive and Magister Drive and the final details of boundary treatments and soft landscaping will be controlled through the subsequent Reserved Matters application(s). The LAP has been sited away from the side elevation and rear garden of number 24 Magister Drive, where it would have received little sunlight and where its use could have caused an unacceptable level of disturbance to the occupiers of this dwelling. The LAP will now be set away from the nearest residential properties helping, not only, to preserve the amenities of neighbouring and prospective occupiers, but also ensuring that the play area receives increased levels of sunlight. The revised, rectangular shape, of the LAP, maximises the functionality and usability of the space and at approximately 0.03 hectares, it significantly exceeds the size of the LAP that was proposed under the original application, and the size of the LAP that was approved for this area under Outline planning permission reference K15000/1.

6. The proposed terrace and semi-detached properties will be sited on the northern and western sides of the site, where smaller dwellings predominate. The dwellings would be set back from the road, which is reflective of the established pattern of development in Cherque Farm, while the staggered layout of the terraced properties will help to add articulation to this row of dwellings. The plans show that adequate space can be made available at the side of the proposed terrace to create a 3 metre wide soft landscaping strip, which will help to enhance the overall appearance of the development.

7. Frontage parking is evident throughout the Cherque Farm estate and the proposed parking arrangements will not, therefore, harm the character of the area. In addition to parking, the plans show that there is adequate space at the front of the properties to provide meaningful areas of soft landscaping which would help to reduce the extent of hard surfacing, enhancing the overall appearance of the development. Each of the 13no. dwellings will have independent access to its rear garden and the plans show that adequate space can be made available for long stay and visitor bicycle parking and for the storage of refuse bins. There is adequate space at the front of each property for refuse bins to be placed out, adjacent to the highway, on collection days and the carry distances are acceptable.

8. Based on the indicative building height parameters, the separation distances between the opposing elevations of both the proposed and existing dwellings would exceed the guideline separations distances outlined within Appendix B of the Gosport Borough Local Plan Review. In light of this, given the orientation of the dwellings and the position of the existing windows, the 13no. dwellings can be designed so as not to harm the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. The proposed car parking spaces will be sited a sufficient distance away from the adjacent dwellings to ensure that their use does not harm the amenities of neighbouring occupiers in terms of noise disturbance.

9. In light of the above, and based on the indicative building heights provided, the proposed layout is acceptable. The plans show that 13no. dwellings, together with a 0.03 hectare (approx) LAP can be accommodated on this site without harming the character or appearance of the area, the visual amenity of the locality, or the amenities of neighbouring occupiers, in accordance with the National Planning Policy Framework and Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.

10. Given its size, it is not anticipated that the proposed LAP will generate its own requirement for car parking. The comings and goings associated with the provision of 13no. dwellings is unlikely to have a significant affect on local traffic conditions or result in congestion in the local highway network, particularly when it is considered that the site was originally allocated for commercial use. According to census information, car ownership within the Lee East ward averages 1.18 cars per household. The proposed development provides the proposed three bedroom properties with 2no. car parking spaces and the proposed four bedroom properties with 3no. car parking spaces. 4no. out of the 5no. proposed four bedroom dwellings will also have side driveways which provide additional space to park at least 1no. further vehicle. The provision of 31no. car parking spaces for 13no. dwellings (2.4 spaces per unit) is, therefore, considered acceptable and it is unlikely that the development will result in significant overspill parking in the local highway network to the detriment



of highway safety. Under the circumstances, it is not necessary to implement parking restrictions on the adjacent highways.

11. The proposed spaces are of adequate width to allow safe entry and egress and where shared access is proposed, the plans show that adequate manoeuvring space will be available to allow vehicles to pass, and turn, safely and conveniently. The siting of the proposed car port is such that its use will not interfere with the safe use of the adjacent car parking spaces. Due to the configuration of the roads and the presence of existing traffic calming features within the vicinity of the site, vehicle speeds in the locality are reduced. Notwithstanding this, careful consideration has been given to the siting of the proposed accesses to ensure that their use does not interfere with, or compromise, the continued safe use of the existing accesses and junctions. The plans show that 2no. existing speed cushions on Westland Drive will be removed in order to prevent vehicles having to pass over these highway features when entering/exiting the driveways of 2no. of the proposed semi detached dwellings. As this section of Westland Drive is not a through road and there is an existing raised highway table immediately to the south, the Local Highway Authority has confirmed that the removal of these traffic calming features will not result in unacceptably high traffic speeds, or harm highway and pedestrian safety. A condition is proposed which will prevent the 2no. affected driveways and car parking spaces being used until such a time that the speed cushions have been removed, in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The proposed LAP can be accessed safely and conveniently by the existing level access footpaths/pavements. It is proposed to include an informative on the decision notice relating to the relocation of an existing street lighting column and the requirement to obtain the necessary consents/licenses from Hampshire County Council. Under the circumstances, and subject to the above conditions and informative, the proposed means of access and parking arrangements for the proposed 13no. dwellings and LAP are acceptable. The development will not harm highway or pedestrian safety and it, therefore, complies with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

12. As the Cherque Farm redevelopment area was formerly used for gravel extraction and subsequently for the tipping of hard material to restore the land, matters relating to land remediation were considered by both the County Council, as the appropriate planning authority for minerals and waste matters, and by the Borough Council as part of Outline planning permission reference K15000/1. A remediation report for the whole of the Cherque Farm site, including the land the subject of this application, was submitted as a supplementary document to the submission of Reserved Matters application K15000/3. The remediation strategy for the site required the excavation of the existing surface material followed by the installation of a 300mm thick granular venting blanket sandwiched between two layers of geotextile fabric and topped with a nominal 1.8 metre thick compacted clay capping. The supervision and certification of the works was undertaken by ENSR International Limited, on behalf of the applicant, and to the satisfaction of the County Council and Borough Council. Contamination at the site has, therefore, been addressed through the approval of this remediation report. Notwithstanding this, a condition is proposed requiring that should contamination not previously found to be present at the site be identified, then no further development shall be permitted to take place, until such a time that a method statement, outlining the methods for dealing with the contaminated land and its subsequent remediation, has been submitted to and approved, in writing, by the Local Planning Authority. In order to protect the ongoing function of the geotextile membrane, installed as part of the approved remediation strategy, it is also proposed to attach a condition requiring details of the foundation design and servicing facilities, including the method by which any alterations to the membrane will be carried out and made good, to the satisfaction of the Local Planning Authority, to be submitted to and approved, in writing, by the Local Planning Authority, prior to the commencement of development. Subject to the above conditions, the development complies with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

13. For this type of development it is appropriate to require an assessment to be carried out into the potential for disposing waste water by means of a sustainable drainage system (SuDS) in accordance with the principles of sustainable drainage systems set out in the National Planning Policy Framework and Policy R/ENV4 and of the Gosport Borough Local Plan Review. It is, therefore, proposed to control this matter by condition.

14. Based on the indicative building heights, the proposed development falls outside of the consultation requirements for the aerodrome in Lee-on-Solent. The development, therefore, complies with the National Planning Policy Statement and Policy R/ENV9 of the Gosport Borough Local Plan Review.

15. 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 would be unacceptable in this respect.

### **RECOMMENDATION: Grant Outline Consent**

Subject to Section 106 agreement relating to

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

### **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 land use terms. It has an acceptable residential density and layout and can be designed so as not to have a harmful impact on the character or visual amenity of the area or the amenities of existing or prospective occupiers. The proposed development can provide safe and convenient access and an adequate level of car parking. It will not, therefore, harm local traffic conditions or highway and pedestrian safety. Adequate provisions can be made for land contamination and the development falls outside of the consultation requirements for the Aerodrome at Lee-on-the-Solent. Adequate provision will be made for open space, transport infrastructure, bicycle parking and refuse storage and collection. As such, the proposal complies with the National Planning Policy Framework and Policies R/DP1, R/DP3, R/H4, R/T4, R/T11, R/S1, R/OS8, R/ENV4, R/ENV5 and R/ENV9 of the Gosport Borough Local Plan Review.

### **Subject to the following condition(s):-**

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

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

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

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

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

Reason - Such details have yet to be submitted, and to comply with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

4. No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles of sustainable drainage systems identified in the

National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- (i) Provide information about the design 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; and
- (ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
- (iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be carried out, maintained and managed in accordance with the approved details. Reason - In the interests of the safety and amenity of future occupants, to prevent pollution of the water environment and to reduce the risk of erosion, flooding and ecological damage in compliance with the National Planning Policy Framework and Policies R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review.

5. The car parking spaces for dwellings C3 and C4, shown on approved plan 028.0022.100, shall not be used until the off-site highway works, comprising the removal of the 2no. speed cushions on Westland Drive, have been carried out, in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of highway safety, and to provide satisfactory vehicular access to the site, and to comply with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

6. Before the development hereby permitted is first brought into use details of a management plan for the future maintenance and upkeep of the LAP shown on plan 5781/D103 revision B shall be submitted to and approved, in writing, by the Local Planning Authority. The LAP shall be provided before occupation of the first dwelling and thereafter retained.

Reason - Such details have yet to be submitted and in the interests of the future visual amenity of the locality and to comply with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

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

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

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

Reason - In order to protect the amenities of the area, and to comply with the National Planning Policy Framework and Policy R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

9. Details of the areas for the parking and turning of vehicles including surfacing materials shall be submitted to and agreed, in writing, before works above slab level of commenced. The parking areas shall be provided in accordance with the approved details before occupation of the first dwelling and retained thereafter.

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

10. If during development contamination not previously identified is not found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from, the Local Planning Authority, a Method Statement detailing how the unsuspected contamination may be dealt with.

---

Reason - In order to ensure health and safety of prospective and existing occupiers and to comply with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

11. No development shall commence until a scheme for the method of working and construction, including the design of foundations and services and the method by which any alterations to the existing geotextile membrane shall be made good, has been 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 - In order to ensure health and safety of prospective and existing occupiers and to comply with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: K5562/4**  
**APPLICANT: Mr Abdurrahim Ciftci**  
**DATE REGISTERED: 14.06.2012**

**CHANGE OF USE FROM SHOP (USE CLASS A1) TO TAKEAWAY (USE CLASS A5)  
AND INSTALLATION OF SHOP FRONT**  
**107 Elson Road Gosport Hampshire PO12 4AA**

***The Site and the proposal***

The application property is a vacant shop located on the southern side of Elson Road, within the Elson Road Neighbourhood Shopping Centre. The application property was formally the western half of a pair of semi-detached dwellings that now consist of a vacant Class A1 unit, the subject of this application, and an adjoining Class A5 Fish and Chip Shop. Both units have flats over. There is a two storey residential dwelling with flat over to the west that is separated from the application property by approximately 3.75m. To the south of the site is the Elson County Infant School. There is on-street car parking available for general use in the immediate vicinity of the Centre and a parking bay in front of the application property.

The Centre comprises 11 units; 5 Class A1 shopping uses (3 of these, including the application site, are currently vacant), 5 Class A5 uses and 1 other non-shopping use (The Jack in the House PH, which is also vacant). The proportion of non-shopping uses in the centre currently is 55%.

Planning permission was recently granted at 113-117 Elson Road (reference K.18018/1) for the erection of 1No. retail unit (Class A1), 1no. hot food takeaway (Class A5) and 6No. one bedroom flats. Additionally, planning consent was also recently granted at 111 Elson Road (The Jack in the House PH) for alterations to the building to facilitate a permitted change to a Class A1 Convenience Store (reference K.5690/3).

The applicant currently occupies number 117 Elson Road, however, new premises are required as that site is proposed to be redeveloped under planning permission reference K18018/1. The applicant has confirmed that the application property has been vacant for more than 5 years and that the owner of the property has marketed the premises without success.

The proposal is to change the use of the premises from a shop (Class A1) to a hot food takeaway (Class A5) and install an extraction flue on the rear elevation and a replacement shopfront. The shopfront would be constructed of aluminium and would contain double glazed display windows. The main entrance door would be moved from the centre of the unit to the western side. Details of the proposed ventilation/filtration system and refuse storage/collection arrangements have been provided. The opening times proposed are 1.00pm to 11.00pm, 7 days a week.

***Relevant Planning History***

107 Elson Road  
K5562 - change of use from private dwelling to shop - permitted 27.09.66

Jack In The Bush, 111 Elson Road  
K5690/3 - demolition of existing side and rear extensions and erection of single storey rear extension, alterations to existing first floor windows and installation of shop front - permitted 29.09.11

113-117 Elson Road  
K18018 - Outline application - demolition of No.s 113-117 and erection of two/three storey building with rooms in the roof to provide 1no. retail unit (Class A1), 1no. hot food takeaway (Class A5) and 6no. one bedroom flats with associated access, car and bicycle parking and refuse storage - permitted 23.03.12

K18018/1 - Details pursuant to K18018 - demolition of No.s 113-117 and erection of two/three storey building with rooms in the roof to provide 1 no. retail unit (Class A1), 1no. hot food takeaway (Class A5) and 6 no. one bedroom flats with associated access, car and bicycle parking and refuse storage - landscaping - permitted 30.04.12

### **Relevant Policies**

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/S4

Local and Neighbourhood Centres

R/S9

Shopping and Commercial Facades

R/T11

Access and Parking

R/ENV10

Noise Pollution

R/ENV12

Air Quality

### **Consultations**

Environmental Health

No objection. The extraction system appears to be suitable and sufficient for this type of premises.

Local Highway Authority

No objection. The footprint of the building is not proposed to be altered and the parking requirements would remain the same following the change of use. There are on-street parking facilities within Elson Road, immediately adjacent to the property. It should be noted, however, that there is a parking restriction in place on the parking bays within Elson Road, of which the applicant should be made aware with regard to staff parking and parking of delivery vehicles.

### **Response to Public Advertisement**

7 letters of objection

Issues raised:-

- traffic problems in locality
- residential use should be considered
- noise disturbance and smells
- damage to neighbouring properties, obstructed access and littering in the area
- proposal would harm other businesses in locality
- too many takeaways in the area

### **Principal Issues**

1. The site is located within a designated Neighbourhood Shopping Centre and there are adjacent residential uses along both sides of Elson Road. All applications are considered on their own merits and on the basis of the plans submitted by the applicant. Should private property be damaged, this would be a matter for the Police. The main issues in this case, therefore, are the acceptability of the design of the shopfront, the impact on the visual amenities of the area, the impact upon the

amenities of the neighbouring occupiers and the effect of the proposal on the retail function of the Shopping Centre.

2. The simple design of the aluminium shopfront would sit within the existing opening and relate well to the design of the building. The amount of glazing across the front would not be reduced, ensuring the unit will benefit from the same amount of active frontage as currently exists and it would, therefore, continue to contribute to the streetscene. It will improve the overall appearance of the building and will not harm the visual amenity or character of the locality, in accordance with Policies R/DP1, R/DP9 and the guidance contained within Appendix I of the Gosport Borough Local Plan Review.

3. The proposed refuse disposal provision is acceptable and the existing parking arrangements are to remain unchanged and the proposed use would not generate any additional parking requirements over and above the existing. Should the access to the neighbouring property be obstructed, this would be a matter for the Police. The Council's Environmental Health Section has confirmed that the proposed extraction unit is acceptable and the proposed flue would be sited on the eastern side of the rear elevation, discharging above the eaves of the roof. Whilst the proposed Class A5 use may result in a different pattern of activity, depending on opening times, overall it is unlikely to generate significant additional activity and disturbance over and above that generated by an unrestricted, authorised Class A1 retail use. Should it be considered that there is a statutory noise nuisance within the locality, this matter can be dealt with under Environmental Health legislation. The adjacent Class A5 uses in the centre are well established and there is a dustbin immediately in front of the application property. Therefore, having regard to the above, and given the relationship between the application site, the existing Class A5 uses and neighbouring residential properties, the proposed use would not be significantly harmful to the amenities of occupiers of the neighbouring occupiers. As such, the proposal complies with Policies R/DP1, R/T11, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

4. Policy R/S4 of the Gosport Borough Local Plan Review allows for change of use proposals at ground floor level, unless they either individually, or in combination, significantly reduce the vitality or viability of the centre or result in more than 40% of the commercial units within the retail area being non Class A1 uses. In terms of the amount of retail frontage, the Class A5 uses in this Centre already exceed this threshold (being 55%). Whilst the existing vacant premises do little to enhance the vitality and viability of the centre, and the applicant has indicated a difficulty in securing a Class A1 use, the timing of the implementation of planning permission references K.5690/3, K18018 and K18018/1 is not within the control of the Local Planning Authority. The cumulative effect of the current proposal on the basis of the current mix of uses would, therefore, result in a significant increase in the proportion of non-shopping uses (to 64%) which it is considered would compromise the retail function of the Centre.

5. Although the 40% threshold had already been exceeded when consent was granted at 113-117 Elson Road (reference K.18018/1), that proposal comprised a significant amount of Class A1 floorspace, generating the opportunity to secure a positive benefit for the local community by enhancing the current retail offer in the locality. In that instance, it was considered that the merits of the proposal and the opportunity to provide significant benefit to local residents outweighed the breach of the threshold in the Policy.

6. Whilst the future implementation of the permission for 113-117 Elson Road and the proposed permitted change to Class A1 at the Jack in the Bush PH would have a positive effect on the retail function of the Centre in Policy terms, the Local Planning Authority cannot control the timing of the implementation of these developments and it would not be reasonable, nor practical to grant a temporary consent for the proposed use until such time as these planning permissions are implemented. Therefore, this application must be considered on the basis that the proposal would result in an additional Class A5 use, which would, on balance, harm the vitality and viability of the centre and detract from its ability to serve the needs of the Borough's residents, contrary to Policy R/S4 of the Gosport Borough Local Plan Review.

---

**RECOMMENDATION: Refuse**

**For the following reason(s):-**

1. The proposal, in combination with the existing A5 uses, would exacerbate the existing imbalance between shopping and non-shopping outlets and would be detrimental to the retail function of the shopping centre. As such, the proposal would be harm the vitality and viability of the Elson Road Neighbourhood Shopping Centre and would detract from its ability to serve the needs of the Borough's residents, contrary to Policy R/S4 of the Gosport Borough Local Plan Review.



**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: K4605/6**  
**APPLICANT: Mr Mark Read**  
**DATE REGISTERED: 12.07.2012**

**CONVERSION OF DOCTORS SURGERY (USE CLASS D1) TO PROVIDE 1 NO. FOUR BEDROOM DWELLING (USE CLASS C3) (CONSERVATION AREA) (as amplified by plans received 20.09.2012)**  
**69 Bury Road Gosport Hampshire PO12 3PL**

### ***The Site and the proposal***

The application site is located on the southern side of Bury Road on the corner with The Paddock, within the Bury Road Conservation Area. The detached, two storey building is constructed from tan brick under a pitched, tiled roof. The property previously housed the Bury Road Surgery which was recently relocated to the Gosport War Memorial Hospital.

The site is approximately 27m deep and approximately 19m wide with the application property being centrally located within the site. To the front is a vehicular access from Bury Road with a parking area with sufficient space to park three cars, to the west there is an additional access from The Paddock that leads to a marked out parking area containing six parking spaces. To the rear of the site is an approximately 9.5m deep grassed garden area. There are two cycle hoops to the front of the building. The site is generally open to the north and west and is bounded by a 1.6m high fence and mature hedging to the south and east.

There are dwellings located immediately to the east and south of the site with the adjacent property to the east, number 67, being positioned approximately 2.5m away. This property has two ground floor windows and a door in the opposing elevation. The flank elevation of number 1 The Paddock has no openings.

It is proposed to convert the property into a single dwellinghouse (Class C3) containing four bedrooms. There are no external alterations proposed.

### ***Relevant Planning History***

K4493 - change of use of ground floor to doctors' surgery - permitted 27.09.63

K4605 - alterations & installation of dormer window and erection of external staircase to form doctors' surgery & self-contained flat - permitted 20.01.64

K4605/1 - change of the use of flat to form interrogation rooms in connection with a doctors' surgery - refused 26.01.83

K4605/5 - change of use of 1st floor from residential to doctors' surgery (Class D1) and single storey front and rear and 1st floor front extensions - permitted 08.02.90

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/BH1

Development in Conservation Areas

R/T11

Access and Parking

R/DP3

Provision of Infrastructure, Services and Facilities

R/T4  
Off-site Transport Infrastructure  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/OS8  
Recreational Space for New Residential Developments  
R/CF2  
Protection of Existing Health and Community Facilities

### ***Consultations***

The Gosport Society	No objection
Streetscene Waste & Cleansing	No objection. There is adequate storage space provided for the requisite number of bins as well as an appropriate kerbside collection area.
HCC Ecology	<p>The holes in the rear garden are likely to have been made by badgers foraging for earthworms in the lawn. Earthworms form a major part of a badger's diet, so these sorts of holes are a common sight in areas where badgers roam. There are a number of badger clans (family groups) in Gosport, and given the urban nature of the area, they often forage in residential gardens, flowerbeds etc. Badgers can roam several kilometres from their setts, so evidence of foraging is not a particular indication that there is a sett nearby (while you would generally find foraging signs near a sett, you wouldn't necessarily find a sett near foraging signs). There does not seem to be much scope for a badger sett that close to the existing building and even if there was a badger sett close to the application site, the development itself would not have an adverse impact to badgers, as it does not require any earthworks that might potentially damage a sett.</p>
Local Highway Authority	No objection. The number of parking space is acceptable and the existing access is sufficient for continued use following completion of the works. The proposed change of use from a Doctors Surgery to a four bedroom dwelling would not attract a transport contribution.

### ***Response to Public Advertisement***

Nil

### ***Principal Issues***

1. The site is located within the Urban Area where the principle of residential development is acceptable, provided that the details accord with the relevant National Planning Policies and the

relevant policies of the Gosport Borough Local Plan Review. The previous use as a Doctors Surgery ceased in April 2012 but this facility has relocated, therefore, the proposal does not conflict with Policy R/CF2 of the Gosport Borough Local Plan Review. The main issues in this case, therefore, are the acceptability of the development in terms of its impact on the character and visual amenity of the locality, whether the proposal preserves or enhances the character and appearance of the Conservation Area, the impact on the amenities of adjoining and prospective occupiers, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and collection, open space and highway infrastructure improvements and the impact upon habitats that support Protected Species.

2. The development will bring a vacant building back into use on a site where the provision of a residential dwelling is appropriate and previously existed. Residents would be within easy walking distance of the Stoke Road Principal and District Shopping Centre where there are numerous local shops, services and links to public transport. Prospective occupiers would have access to appropriate areas of private amenity space which would be supplemented by a ready access to a number of local parks and recreational facilities in the locality. Under the circumstances, the proposed development is acceptable in land use terms and complies with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The application property is an existing building and there are no external changes to the building proposed, therefore, there will be no harmful impact on the amenities of the occupiers of neighbouring dwellings in terms of loss of light or outlook. The easternmost first floor windows would serve a bathroom, therefore, given the orientation of the properties there would no harmful loss of privacy to the occupiers of number 67 and as the opposing elevation of number 1 The Paddock has no openings, the revised internal layout will not have a harmful impact in terms of loss of privacy. In addition, the parking areas are located to the front and on the western side of the site, away from neighbouring properties, and the comings and goings associated with a four bedroom dwellinghouse are likely to be less overall than those associated with the previous use of the site as a Doctors Surgery. The proposal is unlikely, therefore, to result in an unacceptable level of disturbance to adjacent occupiers, or be detrimental to the character of the area. As such, the proposal is acceptable in terms of its impact upon the amenities of the occupiers of neighbouring dwellings and would preserve the character and appearance of the Bury Road Conservation Area, in compliance with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

4. The accesses to and from the site remain unchanged. The existing site contains a total of nine parking spaces. The applicant proposes to retain three spaces on site. The provision of three parking spaces within the site is sufficient to meet the requirements of a residential property in this location. At this stage, however, the applicant is unclear as to whether these spaces will be located in the parking area to the north (accessed from Bury Road) or to the north side of the parking area to the west (accessed from The Paddock). Both existing access points are established and are acceptable in highway safety terms and the provision of three parking spaces can be achieved in either one, or by dividing the parking provision across the two areas identified. The retention of either, or both, of the parking areas is acceptable in highway safety and amenity terms. It is, therefore, considered reasonable to allow some flexibility, through a condition to secure the details of the parking arrangements on site. The provision of three spaces means that the development is unlikely to result in significant overspill parking in the local road network, to the detriment of local amenity and highway safety, particularly as the site is close to good public transport links and public car parks. There are existing short stay cycle hoops on the site and provision has been made for the storage and collection of refuse bins and for long stay bicycle parking, the details of which can be controlled by condition. Subject to the above conditions, the proposed development is acceptable and will not harm the interests of highway or pedestrian safety. It therefore accords with Policies R/DP1, R/BH1 and R/T11 of the Gosport Borough Local Plan Review.

5. The number of multi modal trips associated with the proposed four bedroom dwellinghouse is likely to be less than the total number of trips associated with the previous use of the site as a Doctors Surgery. Under the circumstances, there is no requirement to pay a commuted sum towards improvements to highway and transport infrastructure, in accordance with Policy R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

6. The Borough Council expects that all new residential developments will provide for additional outdoor playing space to meet the needs of prospective residents. For this development it would be neither desirable nor practical to make provision on the site. The Borough Council, therefore, requires a contribution towards the provision and/or improvement of outdoor playing space through the payment of a commuted sum in order that appropriate facilities can be provided elsewhere in the locality to be secured through a legal agreement. 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, in accordance with Policy R/OS8 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

7. Evidence of Badger Activity was noted during the Officers site visit. However, Hampshire County Council's Ecology Section has advised that the proposal would not impact harmfully upon habitats that support Protected Species and the proposal, therefore, accords with Policy R/OS13 of the Gosport Borough Local Plan Review.

### **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.

### **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. The change of use to a dwellinghouse is acceptable in land use terms. The development will not harm the character of the area and will preserve the character and appearance of the Conservation Area. It will not harm the visual amenity of the locality, the amenities of existing or prospective residents, or highway and pedestrian safety or protected species and adequate provision has been made for access, car parking, refuse storage and collection, short stay bicycle parking and open space and adequate space is available on the site for long stay bicycle parking. The development, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/DP3, R/BH1, R/T4, R/T11, R/CF2, R/OS8 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:

Plan A, Plan B, Plan C, Plan D, Plan E, Plan F and Plan G

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. Before the use hereby permitted is first occupied, three parking spaces shall be provided within the areas marked red on the approved plan, in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The approved parking spaces shall be retained thereafter.

Reason - To ensure adequate car parking provision within the site and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

---

4. The existing short stay cycle hoops shown on Plan C, hereby approved, shall be retained and kept available solely for that purpose, unless otherwise agreed, in writing, by the Local Planning Authority.

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

5. The development hereby permitted shall not be first occupied until refuse and long stay cycle storage facilities have been provided in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The approved facilities shall be retained thereafter.

Reason - In order to ensure that adequate cycle storage is provided, to protect the amenities of the area and to ensure that adequate refuse storage is provided and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: K12345/76**  
**APPLICANT: Mr Harry Hutchinson**  
**DATE REGISTERED: 23.03.2012**

**USE OF LAND AND BUILDINGS FOR FLEXIBLE CLASS B1(b) and (c), B2 AND B8 USE WITH ANCILLARY B1(a) AND ALTERATIONS TO EXISTING CAR PARKING AND ACCESS FROM LEDERLE LANE (as amplified by information received 29.03.12, 03.08.12 and letter dated 11.09.12)**  
**154 Fareham Road Gosport Hampshire PO13 0AS**

### ***The Site and the proposal***

The application site is located within an Existing Employment Area on the north eastern side of Fareham Road between Barwell Lane and Lederle Lane. It is 4.65ha in overall area but originally formed part of the Cyanamid factory site which occupied a much larger area, extending from Fareham Road all the way to the Fareham Creek tidal inlet in the north and to the north west towards Fareham Reach. Over time a number of the industrial buildings associated with the former factory have been demolished and some have been replaced under separate planning permissions, including Apex House immediately to the north of the application site, Selden Masts site beyond this and the two storey industrial units located along the western side of Barwell Lane.

The application site is currently enclosed by metal fencing along Barwell Lane and Lederle Lane and the northern boundary and hoardings have been erected along Fareham Road, turning 90 degrees into the site at the two road junctions. In the south east corner is a five storey, flat roof, brick and cladded, ancillary office building. To the north west of this is a two storey brick building and to the rear is the main, single storey factory building which is principally of brick construction and has various openings into adjacent yard areas. There are ancillary one and two storey plant and machinery buildings along the Barwell Lane frontage. At the northern end of the main building is a raised area of hardstand and beyond this a surfaced and marked out car park for 277 cars, the subject of planning permission K12345/62. The car park is approximately 1.3 metres above the level of the adjoining highway. Lighting columns are located around the perimeter and there is landscape planting along the Barwell Lane and northern boundary of the car park, although this has failed in places and has not been well-maintained. There is a grassed area in the north eastern corner of the site with a row of trees extending along Lederle Lane ending at the northernmost of the two gated entrances into the site. There is an established landscape screen comprising trees and shrubs and a grassed area fronting onto Fareham Road. The applicant has recently removed some of the existing planting. In response, the Local Planning Authority has made a Tree Preservation Order to protect and retain control over the remaining 27 individual and 2no groups of trees.

To the east of the site is an open grassed area used by Fleetlands Football Club which is designated an Existing Open Space and Site of Importance for Nature Conservation in the Gosport Borough Local Plan Review. On the eastern side of Lederle Lane to the south east of the site are two residential properties. There are further residential dwellings along the southern side of Fareham Road, opposite the site, and also in both directions along Fareham Road. Fareham Creek is designated a SSSI, Special Protection Area and Ramsar Site due to its importance for nature conservation, principally in respect of overwintering birds. Apex House is a two storey, essentially metal clad, building located adjacent to the northern boundary of the site with its own parking area. There are no windows in the southern elevation looking onto the application site. There are first floor windows in the flank elevations of the industrial units in Barwell Lane which face onto the application site. These units have self contained parking to the front forecourt areas. Barwell Lane currently accommodates one way traffic travelling north from Fareham Road. Lederle Lane, with its associated traffic light controlled junction, accommodates two way traffic.

The proposal is to use the existing land and buildings for flexible Class B1(b) research and development, Class B1(c) light industry, Class B2 general industry and B8 storage and distribution,

with ancillary Class B1 (a) offices, together with alterations to the existing car parking provision and the existing northern access from Lederle Lane. A total of 250 car parking spaces are proposed to the north, east and west side of the main factory building with open storage identified for the existing parking area at the northern end of the site and possibly also the area to the south of the retained factory building. Four long loading/parking bays and four long waiting/parking bays are also proposed and the radii at the northernmost junction into the site from Lederle Lane is to be amended to 10m for ease of vehicle movement. The existing southern access from Lederle Lane is not proposed to be altered and there are to be no changes to pedestrian access or internal vehicle or pedestrian circulation. There is potential for additional employment development on the application site but this would be by separate future application for planning permission. No changes are proposed to the existing traffic circulation around the site via Lederle and Barwell Lanes, although these Lanes are in private ownership and are not publicly highway so rights of use over them fall outside of the control of the applicant.

The applicants are seeking maximum flexibility in terms of the mix of uses to assist with the letting of the existing building and land for employment uses and respond to changing tenant requirements. As the planning unit and uses within have changed significantly over time, the position in respect of the existing lawful use is also unclear. There is no indication at this stage of the likely resulting mix between the different Class B uses. The net internal footprint of the main building which is to be retained on the application site is 11850 square meters. The applicant has also notified the Council of the intention to demolish all of the buildings within the application site, under reference KD13, noting at this stage that only the five storey office building and ancillary buildings are to be demolished. It is not proposed to demolish the main factory building at this stage but this will be reviewed dependent on the needs of potential future occupiers.

The applicant has provided supporting information to explain the future intentions for the site and set out the marketing that has been undertaken, to date. The office building has been vacant for more than one year and the other buildings for approximately three. The applicant has advised that the site was the subject of a full open marketing campaign including marketing boards, national advertising, online advertising and mailshots from May 2011 until the site was sold to Oceanic Estates in April 2012. The marketing agents were retained by the applicant as letting/selling agents and revised marketing is underway. During the marketing period the number of enquiries from industrial occupiers for the site appears to have been very limited reflecting local and regional market trends. The application description has also been amended to more closely reflect the full nature of the proposals.

### ***Relevant Planning History***

154 Fareham Road

K12345/62 - construction of staff car park (as amplified by letter dated 09.08.00 and amended by plan received 10.08.00) - permitted 11.10.00 subject to conditions relating to provision and retention of landscape planting

Tree Preservation Order G125 - 27no and 2no groups of trees - made 11.07.12

154 Fareham Road (excluding current application site)

K12345/68 - retention of existing works and further works to change the use and subdivide the existing planning unit into multiple undefined planning units for industrial use (Class B1 and B2) and storage and distribution (Class B8) uses (as amended by plans received 18.06.02, 20.06.02 and 05.08.02) - permitted 01.04.04 subject to conditions to control the mix of uses, access and circulation into and around the internal road system, parking provision, landscape planting, drainage and open storage

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking  
R/OS11  
Protection of Areas of National Nature Conservation Importance  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/DP1  
General Standards of Development within the Urban Area  
R/DP3  
Provision of Infrastructure, Services and Facilities  
R/EMP5  
Extension of Existing Employment Uses and Redevelopment of Redundant Employment Sites  
R/EMP7  
Low Employment Generating Uses  
R/ENV2  
River and Groundwater Protection  
R/ENV10  
Noise Pollution  
R/ENV12  
Air Quality  
R/T3  
Internal Layout of Sites  
R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water

### ***Consultations***

Building Control	No objection. Building Regulation approval may be required.
Economic Prosperity	No objection.
Environmental Health	No objection. Site not indicated on records as being potentially contaminated.
Local Highway Authority	No objection. No change to Lederle Lane or Barwell Lane junctions. Vehicle size entering the site will be restricted by those existing junctions. The amendments to the radii at the northern entrance to the application site from Lederle Lane will ease manoeuvring for larger vehicles.

### ***Response to Public Advertisement***

6 letters of objection received

Issues raised:

- applicant has removed trees to ensure the development is visible from the A32
- hours of operation should be restricted
- eastern boundary should be landscaped
- eastern elevation of any building facing Lederle Lane should not contain windows
- existing vibration, exhaust fumes and noise from vehicles using Lederle Lane
- smells and noise
- no footpath on Lederle Lane
- size of vehicles using Lederle Lane
- the development should be accessed from Lederle Lane only
- access should be from Barwell Lane or from another part of the A32
- heavy lorries should not be able to use Barwell Lane
- what will replace the office buildings, no information on potential uses



- request assurance that no units will be used for animal testing
- Lederle Lane and Barwell Lane are private roads and consent from the management company is required to use them

For procedural reasons the application was publicly readvertised on 2 October, expiring 23 October 2012. At the time of publication no further letters of representation have been received.

### ***Principal Issues***

1. The site falls within an Existing Employment Area as defined under the Gosport Borough Local Plan Review and, historically, the full range of Class B uses have operated at the site, therefore the principle of industrial use is established. The site is more than 200 metres away from Fareham Creek and given the previous use of the site and the existing industrial uses operating within the surrounding area, the proposal will not have a harmful impact on the interests of nature conservation in accordance with Policies R/OS11 and R/OS13. Any new buildings or new windows in existing buildings requiring planning permission would be considered on their individual merits. The Local Planning Authority is not able to control the individual businesses operating at an employment site provided they fall within the approved Class(es) of Use. The use of Lederle and/or Barwell Lane is a private legal matter outside of the control of the Local Planning Authority and, save for the minor proposed change to the existing access from Lederle Lane into the site, no changes to the access and circulation arrangements for the site or wider estate are proposed as part of this development. The main issues in this case are whether the proposed flexible mix of uses is acceptable in this location and the associated impacts on the visual amenity of the area, the amenities of the occupiers of nearby residential properties, highway safety and whether appropriate measures are in place to control potential pollution.

2. Policy R/EMP7 seeks to prevent low employment generating uses on Existing Employment Sites which are generally warehousing, distribution and open storage falling within Class B8. The Council would normally expect 40% provision of B1 and B2 employment uses where redevelopment or reuse is proposed. This proposal for flexible use will not guarantee 40% non B8 use, however, the importance of job creation in the Borough is acknowledged, along with the location of this site in the northern part of the Borough which is likely to be more attractive to B8 uses. The number of the jobs provided on the site has reduced significantly over the last 10 years and the site now stands vacant despite having been actively marketed. It is apparent that the desired 40% mix had a negative effect in terms of the results from the marketing undertaken. The National Planning Policy Framework states that where there is no reasonable prospect of a site being used for the allocated employment use applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land use to support sustainable communities. Although the proposal may result in a higher proportion of B8 Use than is normally desired, it would assist in the site, which has been vacant for over a year, being brought back into economic use. It is also worth noting that there is an established mix of existing Class B1 and B2 uses operating in the wider estate. Accordingly, in this instance, and given the location of the site close to the strategic road network, it is considered that the proposal is an acceptable use for the site in compliance with Policy R/ENV7.

3. The applicant has recently removed some of the existing trees and shrubbery to the Fareham Road frontage. A number of trees remain and they provide an important landscape screen which enhances the appearance of the site in this prominent location. The trees also provide natural habitat. A Tree Preservation Order (TPO) has been made, subject to amendment, and is proposed to be confirmed to protect the remaining trees along the site frontage and so that the Local Planning Authority is able to require their replacement in the event that they fail or are proposed to be removed in the future. The applicant is not proposing any replacement planting as part of this application, however, in addition to the TPO, it is proposed to attach conditions to the planning permission to require the retention of the trees along the Lederle Lane frontage in the interests of the visual appearance of the area and to enhance existing habitat in accordance with Policy R/DP1 of the Gosport Borough Local Plan.

4. The principle of open storage on this employment site along with some employment related activity in the open is acceptable, however, it is recognised that this could have a detrimental visual impact and generate noise. In order to protect the amenities of the area, it is therefore proposed to attach a condition requiring details of the location and height of such storage and uses and the proposed boundary treatment and landscape planting for the relative areas to be submitted and agreed in writing with the Local Planning Authority. The height of any individual buildings coming forward under separate application, along with their design and any associated landscape planting will be assessed on their own, individual, merits.

5. Whilst there are residential properties nearby, this is an Existing Employment Site and the uses within currently operate without restriction in terms of hours of operation. In considering this and given the previous use of the application site for industrial purposes, it is considered that the proposed use is unlikely to generate significant additional noise or disturbance or have a harmful impact on air pollution. Balanced against the floorspace associated with the previous uses and buildings and that no new floorspace is proposed under the proposal, and taking into account the demolition of the office and ancillary buildings, and the proposed open storage use, the proposals would result in a significant reduction in the number of overall vehicle movements, from 3623 to 2145 daily trips. Given that the proposal will not generate a net increase in additional trips, a contribution towards highway infrastructure services and facilities is not required. The proposals therefore comply with Policies R/DP1, R/DP3, R/T4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan.

6. The proposed change to the existing northern access into the site from Lederle Lane to allow ease of vehicle movement is minor and acceptable. No change is proposed to the existing main access from Lederle Lane into the site or the circulation around the site. Any vehicles entering the estate along Barwell Lane would need to negotiate the roundabout at the north west corner of the site and travel east and then southwards along Lederle Lane so this manoeuvre is less likely than continuing to access the site from Lederle Lane. It is possible that proposals will come forward to use the open areas at the northern and southern ends of the site for open storage. The number of car parking spaces proposed on the submitted plan meets the maximum standards, however, some of the land on which the parking is proposed is currently occupied by buildings. To ensure that adequate car parking is retained for the site at all times, it is proposed to attach conditions to the permission requiring the parking to the north and east of the existing main building to be provided before the development is brought into use and the parking on the western side of the site to be provided and brought into use before any development or use takes place on the existing open areas. Conditions are also proposed to secure adequate long and short stay cycle parking and refuse storage provision. Subject to the above conditions, the proposals comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

7. No new buildings requiring foundations are proposed as part of this application and the site is not noted as being potentially contaminated. The proposed car parking would require various shallow groundworks to be undertaken and therefore it is proposed to attach a condition to deal with details of surface water drainage and any contaminants not previously identified being found during these works. Subject to these conditions the proposals comply with Policies R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

**RECOMMENDATION: subject to the expiry of the application publicity on 23 October 2012 - 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. The mix of uses is acceptable in this Existing Employment Area and the proposal will not have a detrimental impact on the visual appearance of the area, the amenities of the occupiers of nearby residential properties, highway safety or the interests of nature conservation and appropriate measures are in place to control surface water drainage and pollution. As such, the development

complies with Policies R/DP1, R/DP3, R/EMP5, R/EMP7, R/ENV2, R/ENV4, R/ENV10, R/ENV12, R/T3, R/T4, R/T11, R/OS11 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 plan:

969-CU-01

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 open storage or industrial use outside of existing buildings shall take place on the site until details of the individual areas to be used, the Class of industrial use to be carried out, the maximum storage heights within these areas and the proposed means of enclosure, and a scheme for landscape planting for those respective areas, have been submitted to and agreed, in writing, with the Local Planning Authority. No open storage or industrial use outside of existing buildings shall take place on the site until the agreed means of enclosure and landscape planting for each respective area has been carried out.

Reason - In the interests of the amenities of the area and to comply with Policy R/DP1 of the Gosport Borough Local Plan.

4. No existing landscape planting within the area hatched green on the approved plan shall be removed without the prior consent in writing of the Local Planning Authority.

Reason - In the interests of visual amenity and retention of existing habitat in accordance with Policy R/DP1 of the Gosport Borough Local Plan.

5. Any landscape planting carried out pursuant to condition 3 which fails, is 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.

6. Details of the proposed surfacing materials and method of drainage for the new car parking areas hereby approved, shall be submitted to and approved, in writing, by the Local Planning Authority before works on this part of the development are commenced. If contamination is identified during these works, all works shall cease until appropriate pollution prevention measures, have been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out as approved.

Reason - In the interests of the safety and amenity of future occupants and to prevent pollution of the water environment and to comply with Policies R/DP1, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

7. The car parking spaces hatched black on the approved plan located to the north and east of the existing building shall be provided before the development, hereby permitted, is first brought into use and shall be retained thereafter.

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

8. No use or development shall take place on the areas hatched blue on the approved plan until the car parking spaces hatched red have been surfaced, marked out and made available for use. Those spaces shall be retained for that purpose thereafter.

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

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

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

10. Facilities for the storage of refuse for removal from the premises shall be provided in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority before the development is first brought into use and thereafter retained.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 06.**  
**APPLICATION NUMBER: K18087**  
**APPLICANT: Mrs Mavis Hiseman**  
**DATE REGISTERED: 10.05.2012**

**RETENTION OF REAR CONSERVATORY/POOL ENCLOSURE**  
**48 Grange Crescent Gosport Hampshire PO12 3DU**

***The Site and the proposal***

The application property is located on the west side of Grange Crescent and consists of a mid terraced property within a terrace of 8 houses. There is a rear service road to the west of the property providing vehicular and pedestrian access to the existing garage at the rear. There is an existing lean-to extension attached to the rear of the property which is approximately 5 metres wide and 3 metres deep. The area is characterised by similar property types, many of which have lean to extensions, similar to that at the application property, along with garages and sheds within their rear gardens. The rear gardens in the locality, excluding outbuildings and extensions are of a fairly consistent length, being approximately 23 metres long. Number 50, to the south of the application site, is separated by a 2 metre high boundary fence and has a lean-to conservatory, approximately 2 metres deep. Number 46 to the north has a 1.5 metre high boundary fence and a flat roofed extension, approximately 3 metres deep. The properties within Virginia Park Road, which are a predominantly terraced but include semi-detached houses, are located to the west and beyond the rear service road.

This application is for the retention of an existing conservatory (pool enclosure) that was constructed earlier this year. The conservatory has primarily been erected as an enclosure for a hydrotherapy pool, which the applicant indicates helps with a medical condition. The pool already existed in the garden prior to the erection of the conservatory. The conservatory extends beyond the existing lean-to extension by 8.1 metres, and is predominantly 4.1 metres wide, although it tapers to 2 metres wide at the western end, and steps in adjacent to the house where there is an access door. The conservatory has a 3.2 metre high ridge and 2.2 metre high eaves. The roof over sails the existing lean-to roof and due to the difference in height has been in-filled with UPVC panelling. It is sited on the boundary with number 46 and approximately 1 metre from the boundary with number 50. The materials of the structure are white UPVC opaque walls on the north elevation with the remaining elevations and roof being glazed. The combined length of the lean-to extension and the conservatory is 11 metres and results in a separation distance of 4.5 metres between it and the existing garage.

***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:  
- window in roof opening towards the garden of number 46

- obstructing views
- privacy/overlooking, uncomfortable to look out as the conservatory has a glass roof
- the eaves of the conservatory are much higher than the fence line
- the conservatory takes up most of the length of the garden
- the size/scale of the building
- loss of sunlight in garden and daylight in the kitchen of number 46
- the design and materials are undesirable
- the conservatory will have a negative impact upon the objector's disabled son who benefits from sensory play in the garden

### ***Principal Issues***

1. Whilst the Local Planning Authority understands that there are personal circumstances in this case, the principle role of the planning system is to operate in the public interest rather than protect the personal circumstances and needs of specific individuals. The main issues in this case are therefore whether there would be an unacceptable impact on the amenities of the adjoining occupiers, or upon the character and appearance of the area.

2. The conservatory is a single storey structure, and having opaque panels to the northern boundary with number 46 and being set off the boundary with number 50, and separated by the existing fence, does not have a detrimental impact on the neighbouring occupiers in terms of loss of privacy. The clear glazed roofing materials and opening window on the northern roof slope are common with this type of structure and the views from upstairs windows of the pool are no different to those that would have existed before the conservatory was erected over it. Similarly, any noise generated within the conservatory would be comparable to that that could be generated within an open garden. Therefore the proposal does not have a harmful impact on the adjoining occupiers in terms of privacy in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The eaves are a typical height for this type of structure, however, the conservatory is clearly apparent from within the garden of number 46, to the north, due to the lower fence height and the overall length of the conservatory, in combination with the existing lean-to extension, on this northern side. Having regard to its combined length and its height, the limited gap between it and the existing garage and the orientation of the properties, the conservatory has a detrimental impact on both neighbouring properties. It has an overbearing and overshadowing impact, which is harmful to the enjoyment of their private amenity spaces, particularly on the occupiers of no.46 Grange Crescent, being situated to the north. The proposal is therefore contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Whilst UPVC conservatories of this style are characteristic of a residential area, and the structure in its overall design is similar to many others in the wider area, its combined depth from the rear elevation is not typical. There are no other examples of structures of this depth and height within the vicinity and having regard to the significant proportion of garden the conservatory and garage cover, it is considered to be an uncharacteristic and inappropriate form of development, which is out of keeping with the more open appearance of the surrounding gardens. Similarly its roof design at the junction with the existing pitched roof has been poorly designed with the ridge standing proud and being in filled with UPVC panelling. Whilst the needs of the applicant are noted, overall the conservatory appears as a dominating structure, out of keeping with the character of the area is an inappropriate addition to the dwelling and causes harm to the amenities of the area contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Refuse**

#### **For the following reason(s):-**

1. The conservatory, by reason of its excessive length, height and cumulative garden coverage is an over dominant structure, having a harmful overbearing and overshadowing impact on the adjoining occupiers, out of keeping with the character of the area and as such is an inappropriate addition to the dwelling, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.